

EVALUERINGSVERSLAG Ingevolge Artikels 56, 65 & 66 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning (PK 264/2015, 30 Julie 2015)
AANSOEK: VERGUNNINGSGEBRUIK: CRÉCHE: ERF 53, MONTAGU

Verwysingsnammerr	15/4/8/5	Aansoekdatum	19/09/2024	Verslagdatum:	05/05/2025
Keerderdatum vir kommentaar / Laaste kommentaar of inligting ontvang					02/01/2025
DEEL A: SKRYWER BESONDERHEDE					
Naam	Jack van Zyl				
Postitel	Senior Stadsbeplanner				
SACPLAN registrasienommerr	A/1170/2000				
DEEL B: BESONDERHEDE VAN EIENDOM					
Eiendomsbeskrywing (volgens Titelakte)	Erf 53				
Fisiese adres	Van Riebeeckstraat 20		Dorp	Montagu	
Huidige sonering	Enkelresidensiële sone I	Grootte	2156m ²	Is daar bestaande geboue op die eiendom?	JA NEE
Toepaslike soneringskema	Langeberg Munisipaliteit Geïntegreerde Soneringskema, 2018				
Huidige grondgebruik	Woonhuis en tweede wooneenheid			Titelaktenommer en -datum	T62615/2021
Enige beperkende titelvoorwaardes van toepassing?	NEE	Indien JA, lys voorwaarde nommer(s)			
Enige 3de party voorwaardes van toepassing?	NEE	Indien JA, beskryf.			

Enige ongemagtigde grondgebruik / bouwerk?	JA	NEE	Indien JA, verduidelik
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DEEL C: BESKRYWING VAN AANSOEK

Aansoek ingevolge Artikel 15 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning, 2015 vir 'n vergunningsgebruik vir 'n Crèche op Erf 53, Montagu.

DEEL D: AGTERGROND & OPSOMMING VAN AANSOEKER SE MOTIVERING

Erf 53 is geleë op die hoek van Kerkstraat en Van Riebeeckstraat in Montagu-Suid. Die erf is 2156m² groot en word beslaan deur 'n woonhuis, tweede woning en twee losstaande buitegeboue van ±50m² elk, naamlik 'n motorfdak en waskamer. Die waskamer is omskep en word gebruik as bewaarskool vir 6 voorskoolse kinders, wat onder die primêre gebruiksreg van 'n woonhuis uitgeoefen word. Die woonhuis (±160m² vloeroppervlakte) is onlangs opgerig, nadat die oorspronklike rondawel-tipe woonhuis (±133m² binne vloerarea) in Maart 2024 as 'n vergunningsgebruik vir 'n Tweede woning goedgekeur is.

Die deel van die erf met die tweede woning, bewaarskool en afdak op en die deel met die woonhuis op is van mekaar geskei met 'n 1.5m hoë latte-heining. Die erf is omhein met 'n 1.8m hoë maasdraadheining.

Die perseel verkry tans motortoegang vanaf Van Riebeeckstraat, maar 'n tweede toegang vanaf Kerkstraat word beplan vir die nuwe woonhuis. Daar word drie nuwe oop parkeerplekke op dié deel van die erf voorgestel om die woonhuis te bedien.

Die voorstel is om die tweede woning (rondawel) in sy geheel te gebruik vir 'n crèche vir 'n maksimum van 20 voorskoolse kinders (in 2 klasse) en bestaande uit 2 klaskamers, badkamers, kombuis en binnenshuise speel- en eetarea. Die huidige bewaarskool sal dan weer as buitegebou / waskamer gebruik word vir die woonhuis. 'n Omheinde buite-speelarea van ongeveer 370m² word vir die crèche op die noord-oostelike (straat) hoek van die erf voorgestel. Die bestaande toegang na die woonhuis, bewaarskool en motorafdak sal vir die crèche gebruik word. Daar word ook 3 nuwe parkeerplekke vir die crèche op die perseel voorgestel, net binne die Van Riebeeckstraat-ingang.

Die voorgestelde terreinplan word aangeheg in Bylae 1.

Die aansoeker motiveer die voorstel aan die hand van die volgende (volledige motiveringsverslag aangeheg in Bylae 2):

- Voldoen aan die beginsels van SPLUMA en LUPA:
 - Ruimtelike geregtigheid: Crèches spreek groot plaaslike behoefte vir voorskoolse kindersorg in die area aan.
 - Ruimtelike volhoubaarheid en doeltreffendheid: Maak doeltreffend gebruik van bestaande gebou en groot erfoppervlakte. Front op aangrensende strate, met min impak op woonbuurt. Gebou is minstens 20m weg van elke gemeenskaplike erfgrens. Buitespeel sal beperk word tot 'n afgebakende area voor die gebou, wat privaatheid van buur-eiendom sal verseker.
 - Ruimtelike veerkragtigheid (resilience): Sal nie bydra tot degradering van omgewing of die karakter van die woonbuurt negatief beïnvloed nie, omdat dit binne 'n bestaande struktuur op 'n groot erf bedryf sal word, met aparte toegang en beweegareas. Sal volhoubare inkomste aan eienaars bied en ondersteuning gee aan werkende ouers wat 'n behoefte aan kindersorgdiens het.
- Perseel geniet goeie toegang, synde geleë op die hoek van twee hoof versamel- en verspreidingsroetes in Montagu.
- Naby aan bestaande gemeenskapsfasiliteite, soos hoërskool en hospitaal.
- Gebruik en voorkoms van eiendom sal inpas by die lae digtheid residensiële karakter en gemeenskapsfasiliteite suid van Van Riebeeckstraat en kleinhoewes noord van Van Riebeeckstraat. Die karakter sal onveranderd bly as gevolg van die klein skaal van die onderneming.

- Bedryfsure sal soortgelyk wees aan normale besigheidsure, naamlik 7:30 tot 16:30 en buitemuurse aktiwiteite sal beperk word tot die aangewese speelarea.
- Sal bestuur word deur die eienaar, 'n professionele onderwyser, wat op die perseel sal woon. Slegs 2 addisionele personeel sal aangestel word, naamlik nog 'n onderwyser en assistent.
- Die fisiese eienskappe van die perseel bied optimale potensiaal vir 'n crèche wat minimale impak op die omliggende residensiële omgewing sal hê, naamlik:
 - Groot erf
 - Op hoek van twee hoofroetes
 - Toeganklik
 - Aparte ingange vir woonhuis en crèche kan voorsien word
 - Veilige en praktiese voertuig- en voetgangerbeweging
 - Speelarea verwyderd van aanliggende residensiële erwe
 - Woonhuis skerm creche van erf 903 langsaa af
 - Plantegroei bied klank- en visuele buffers langs straat- en gemeenskaplike grense
- Geen addisionele munisipale dienste benodig
- Crèche voldoen aan riglyne vir ECD fasiliteite ten opsigte van vereiste ruimte per kind.

DEEL E: OPSOMMING VAN OPENBARE DEELNAME

Word openbare deelname ingevolge Artikels 45- 49 van die verordening vereis? **JA** **NEE**

Waar deelname vereis word, noem manier van advertering, **Pers** **Kennisgewings** **Wyksraadslede** **Ander**

DEEL F: OPSOMMING VAN KOMMENTAAR ONTVANG GEDURENDE OPENBARE DEELNAME (indien van toepassing)

Die volgende besware is ontvang (sien ligging van beswaarmakers op onderstaande stallietfoto) en word vervolgens opgesom. Die volledige beswaarbriewe word aangeheg in Bylae 3:

Beswaar 1: PG Fischer, Kerkstraat 1A, Erf 3819 en 28 ander (verteenwoordig 16 eiendomme), ingesluit 4 persone (3 eiendomme) wat Besware 2, 3 en 4 hieronder ingedien het.

1. Potensiële negatiewe impak op eiendomswaardes

Eiendomme naby die crèche sal minder aantreklik wees vir voornemende kopers (wat volgens Aktekantoor statistiek hoofsaaklik ouer persone / afgetredenes is) as gevolg van die verwante toename in geraas, verkeer en parkeerprobleme. Dit sal vraag laat afneem, met 'n gevolglike daling in markwaarde van eiendomme.

Die munisipaliteit het 'n wetlike verpligting om deur sy besluite die sosiale en ekonomiese welsyn van inwoners te bevorder en te beskerm. Dit sluit die beskerming van eiendomswaardes in. Verwysings word gemaak na die Grondwet, Munisipale Stelselwet, SPLUMA, en die LIZS in dié verband.

2. Sonering

Goedkeuring van crèche sal presedent skep en die weg baan vir verdere sake-ondernemings in die area, wat die rustige residensiële karakter van die woonbuurt sal verander na 'n kommersiële of semi-kommersiële karakter (ook tot nadeel van eiendomswaardes). Inwoners voel dat die buurt se residensiële integriteit behou en beskerm moet word, deur geen besighede toe te laat nie.

3. Toename in geraasvlakke

Geraas wat veroorsaak word deur klein kinders wat buite speel vir lang tye van die dag (anders as by skole waar daar korter ure en minder buitenspeeltyd is), sal steurend wees vir die omliggende inwoners (hoofsaaklik afgetredenes), self moontlik tot nadeel van hul geestes- en fisieke gesondheid.

Sekere tipiese standaarde vir geraasvlakke van verskillende gebruike word aangehaal en tot die slotsom gekom dat die crèche se geraasvlak waarskynlik die betrokke omgewingsgeraasvlak ("ambient noise") ver sal oorskry. Dit kan dus volgens die bepalinge oor geraas in die Omgewingsbestuurswet as steurende geraas beskou word.

4. Toename in verkeer

Die verwagte toename in verkeer as gevolg van die crèche kan 'n reeks negatiewe gevolge op die residensiële woonbuurt hê, byvoorbeeld geraasbesoedeling, onveiligheid vir voetgangers en fietsryers; lugbesoedeling; afname in eiendomswaardes; sekuriteitsrisiko; toename in misdaad; inbraak op privaatheid, blokkering van toegang vir noodvoertuie.

5. ECD voldoening en permit

Die geskiktheid van die perseel vir 'n ECD kan nie beoordeel word sonder 'n ECD permit van Dept Maatskaplike Ontwikkeling wat bevestig dat aan veiligheids-, gesondheids-, kindersorg-ratio -, en opvoedkundige standaarde voldoen word nie. Daarsonder het aangrensende eienaars nie 'n regverdige geleentheid gehad om kommentaar te lewer nie.

Dit mag dalk ook nodig wees om die uitleg, ontwerp of gebruik van die rondawel te wysig om aan die permitvereistes te voldoen, wat weer die regte en belange van omliggende eienaars kan benadeel.

6. Addisionele faktore om te oorweeg

[Nota: sommige van die faktore wat onder dié hofie in die beswaar bespreek word, is reeds in die voorafgaande punte ingesluit en word nie weer hier opgesom nie.]

- Die creche se vermoë om die addisionele vaste afval wat genereer word (bv babadoeke en kos-afval) op gepaste wyse weg te doen, wat kan lei tot omgewingsagteruitgang, reuke, en potensiële onhigiëniese toestande.
- Ontwrigting van sosiale waarde, harmonie en samehorigheid van die gemeenskap as gevolg van die uitbreiding van die tweede woning en aansoek vir 'n creche, wat spanning tuesen die aansoekers en die bestaande inwoners veroorsaak het.
- Creche sal inbreuk maak op omliggende inwoners se grondwetlike reg om hulle eiendom te gebruik en te geniet.
- Afname in eiendomswaardes sal tot nadeel van die munisipaliteit se belastinginkomste wees.
- Daar is regsprecedente vir die afkeuring van kommersiële gebruike in residensiële sones om die inwoners se kwaliteit van lewe en genieting van hul eiendom te beskerm.
- Aansoekers se doel is om finansiële te baat uit die creche, tot finansiële nadeel van al die omliggende inwoners.

Beswaar 2: PA Swart, Van Riebeeckstraat 9, Erf 75

Die beswaarmaker voer aan dat die munisipaliteit die oprigting van 'n tweede woning van 160m² toegelaat het sonder die nodige aansoekproses (vir afwyking van die soneringskema wat net 60m² vloeroppervlakte toelaat) en geleentheid vir geaffekteerde grondeienaars om kommentaar te lewer daarop nie. Hy beweer die tweede woning is opgerig met voorbedagte rade en dat die munisipaliteit met die aansoeker geheul het in dié verband, wat volgens hom die vernaamste rede is waarom die aansoek vir die crèche nie vir goedkeuring oorweeg moet word nie. Die volgende spesifieke redes vir beswaar word uitgelig:

1. ECD fasiliteit permit

ECD permit is nog nie uitgereik nie. Dié permit – nie die uitlegplan by die grondgebruiksaansoek nie - sal die operasionele - en fisiese vereistes vir die crèche spesifiseer en dus die gebruik van die rondawel gebou bepaal. Die uitleg van die crèche kan nog

(volgens die permitvereistes) verander word, wat die regte van aangrensende eienaars kan geaffekteer sonder dat hulle die geleentheid vir kommentaar gehad het. Die aansoek moet dus nie oorweeg word voordat die korrekte vereistes om 'n crèche te bedryf nie eers verkry is nie.

2. Gebrek aan op- en aflaai fasiliteit sal verkeersopeenhoping vermeerder en onveilige verkeerstoestande veroorsaak

- Geen op-perseel fasiliteit voorsien of prakties moontlik
- Parkering sal is straat wees voor die perseel en oorkant die pad voor die beswaarmaker se eiendom
- Verkeersopeenhoping tydens piektye
- Onveilige toestande vir kinders en ander padgebruikers

3. Landbou-/plaasgrond

- Area rondom rivier – spesifiek ook beswaarmaker se eiendom – is landbougebied wat uniek aan Montagu is
- Enige versteuring deur verhoogde menslike aktiwiteit in die area sal 'n negatiewe impak op die area hê.
- Area moet beskerm word teen sodanige versteurings en die huidige rustigheid moet behou en beskerm word.

4. Geraasvlakke

- Geraasvlak van 20 kleuters sal nie versoenbaar wees met die stil en rustige karakter van die buurt – veral die eiendomme rondom die rivier.
- Beswaarmaker het sy eiendom doelbewus gekoop om in dié stil omgewing te woon en 'n geraas van kinders heel dag lank sal heeltemal onaanvaarbaar wees.

5. Eiendomswaardes

- Teenwoordigheid van crèche sal eiendomswaardes in omgewing benadeel
- Beswaarmaker sal ook potensiële inkomste uit die verhuring van 'n selfsorg gaste-eenheid verloor, omdat dit regoor die crèche geleë is en niemand dit sal wil huur weens die geraas en versteurings van die crèche nie.

6. Erfenis

- Die kothuis op beswaarmaker se eiendom is gelys as erfenisperseel
- Straat voor die kothuis (oorkant creche) sal vir op- en aflaai van kinders gebruik word, wat skade en aansienlike versteuring vir die kothuis sal veroorsaak.
- Verkeerstekens om parkering voor die kothuis te verhoed, sal esteties onaanvaarbaar wees.
- Bewaring van die erfenisperseel moet in oorweging geneem word

7. Presedent vir toekomstige aansoeke in die area

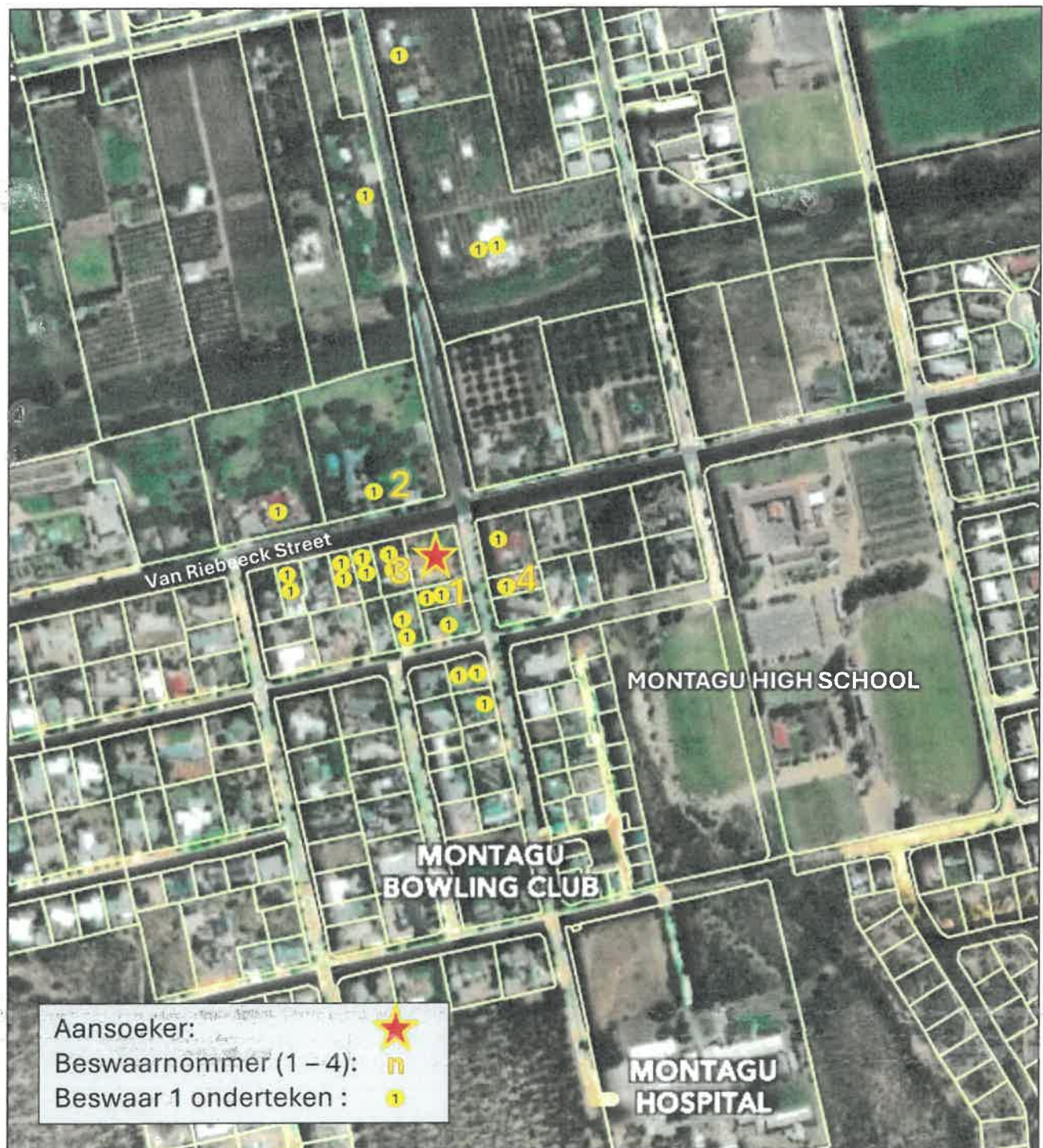
- Daar is nie besigheidspersone in Montagu -Suid nie
- Toestaan van aansoek sal deur oopmaak vir soortgelyke aansoeke, wat 'n aansienlike negatiewe impak op Van Riebeeckstraat sal hê.

Beswaar 3: G Muir en A Muir, Van Riebeeckstraat 18, Erf 52 (restant)

1. Applicant property is in a residential area. Increased number of children to 20 will result in increased noise, traffic and parking problems
2. Negative impact on property values, especially properties that share a common boundary with the applicant erf.
3. Level of noise will impact enjoyment of property, especially the use of outside areas.
4. Statement that there is a demand for the facility and that it will provide a livelihood for the owners is one-sided and could be equally applied to other types of facilities and businesses.

Beswaar 4: M & K Taute, Kerkstraat 8A, Erf 1634

Het aanvanklik aangedui dat hulle geen beswaar het nie, maar later dat hulle die vorige instemming terugtrek, nadat hulle gesprekke met ander inwoners gehad het. Hulle is geleentheid gegee om 'n gemotiveerde beswaar in te dien, maar het nie reageer nie. M Taute het wel Beswaar 1 onderteken



Die **aansoeker se reaksie op die besware** word aangeheg in Bylae 4 en vervolgens kortliks opgesom:

Tweede woning aansoek was nie met voorbedagte rade gedoen om die crèche te ontwikkel nie. Crèche voorstel is gevolg van 'n lang waglys by die huidige dagsorg en versoeke van ouers om die dagsorg uit te brei.

ECD permit kan eers na goedkeuring van die vergunningsgebruik verkry word.

Besware wil indruk skep dat Montagu net 'n woonplek vir afgetredenes is, sonder jong gesinne en klein kinders. Tog het die dorp 'n aktiewe en vooruitstrewende laer en hoër skool, met laasgenoemde wat ook in Montagu-Suid geleë is. Die akkuraatheid en toepaslikheid van die statistiek wat die beswaarmakers verskaf, word ook bevraagteken.

Alhoewel daar dele van Montagu-Suid is wat as stil residensiële woonbuurte beskou kan word, is Van Riebeeckstraat die hoof versamelroete vir verkeer in Montagu-Suid, ingesluit na- en van die hoërskool en hospitaal en word dié straat ook as alternatiewe deуроete deur die dorp gebruik. In beginsel is dié tipe roete ideaal vir die vestiging van ondersteunende nie-residensiële gebruike in 'n residensiële area.

Van Riebeeckstraat is die fisiese grens tussen die kleinhowes langs die rivier en Montagu-Suid. Die area suid van die straat bestaan uit 'n residensiële woonbuurt met 'n verskeidenheid van erfgrottes (beide enkelresidensiële en groepbehuising), sowel as die hoërskool (met 543 leerders) en hospitaal. Beide laasgenoemde gebruike het veel groter impak op die woonbuurt as 'n crèche met 20 kinders.

Die aansoeker haal persone aan wat die crèche ondersteun op grond van die behoefte daaraan in die betrokke omgewing en die bydrae wat dit tot die handhawing van 'n lewenskragtige gemeenskap kan maak.

Gebrek aan kindersorgeriewe in die dorp kan lei daartoe dat jonger gesinne kies om in ander dorpe te werk en te woon waar sulke geriewe wel beskikbaar is. Dit kan lei tot agteruitgang van die skole in die dorp, asook ekonomiese aktiwiteit in die algemeen.

Die aansoek sal nie 'n presedent vir vestiging van besighede skep nie, omdat dit nie 'n hersonering is nie, maar slegs 'n vergunningsgebruik, waarvoor wel in die soneringskema voorsiening gemaak word aanvullend tot residensiële gebruike. Die crèche as vergunningsgebruik is 'n klein skaal fasiliteit, waarvoor daar nie persele gereserveer word in die dorp nie.

Verkeersimpak sal laag wees as gevolg van die volgende:

- Ingang is 45m vanaf stopteken, waar verkeer se spoed afneem, maar wat ver genoeg van die kruising af is om veilige in- en uigang van die perseel te verseker.
- Addisionele verkeer wat die crèche opwek, sal beperk wees tot sekere tye en sal ook oorvleuel met die verkeersvloei nae n van die hoërskool.
- Daar is voldoende ruimte vir parkering en vir motors om op die perseel om te draai

Geraas sal aanvaarbaar wees en beperk word as gevolg van die volgende:

- Slegs een groot erf oorkant Van Riebeeckstraat, met woonhuis sowat 80m weg en tuin aan die agterkant (Noord) van die huis.
- Bestaande verkeer in Van Riebeeckstraat sal meer geraasimpak op die gaste in die kothuis op erf 75 hê as wat die crèche sal hê.
- Die crèche sal toe wees oor naweke, wanneer die potensiële besetting van die gaste-kothuis waarskynlik die hoogste sal wees.
- Kinders sal slegs beperkte tye buite speel, met beperkte impak (fokus van crèche sal op kreatiewe en lae impak aktiwiteite wees)
- Speelarea word met struik van Van Riebeeck en Kerkstrate afgeskerm, terwyl die geboue op die perseel dit verder afskerm van die direk aanliggende persele.

As gevolg van lae impak op omgewing, sal die crèche nie 'n negatiewe impak op eiendomswaardes hê nie.

DEEL G: OPSOMMING VAN KOMMENTAAR VANAF STAATINSTELLINGS EN/OF MUNISIPALE DEPARTEMENTE (indien van toepassing)

Elektriese Ingenieursdienste

No objection subject to the following conditions:

1. The erf has an existing 60A single phase prepaid electrical connection
2. Currently no additional electrical capacity is available for the erf
3. Should electrical capacity become available and the applicant requires an upgrade or enlargement of the connection, the bulk services - and connection costs will apply.
4. All alternative electrical installations (UPS, Solar PV, LV standby generator) to obtain written permission pre-installation
5. Local and national legislation prohibits supply to be taken across erf boundaries

Siviele Ingenieursdienste

Geen beswaar, onderhewig aan die volgende:

1. Die bestaande water en rioolaansluitings moet gebruik word
2. Op- en aflaafasiliteit vir die crèche moet op die terrein voorsien word. 'n Uitlegplan wat die voertuigbeweging na – en op die terrein aandui, moet voorsien word vir goedkeuring.

Boubeheer

No objection. The following apply:

1. Any new structures or changes to existing structures must undergo thorough inspections to ensure compliance with structural integrity and safety requirements.
2. Proposed changes must align with the accessibility requirements outlined in the National Building Regulations, ensuring equitable access for all as necessary.
3. Fire safety measures and systems must meet or exceed the standards set by the National Building Regulations to ensure the safety of occupants.
4. Before any commencement of Building work, alterations to existing buildings and/or usage change of existing buildings, Building plans must be submitted to and approved by Langeberg Municipality's Building Control Department prior to construction as applicable.2

The above includes both proposed new building work and "as-built" building work and where the **use of buildings are changed**. Any future developments or alterations must fully adhere to all aspects of the National Building Regulations and approval of this application may not be deemed to be an exemption thereof.

Brand- en rampbestuur

Geen kommentaar ontvang

Verkeersdienste

Geen kommentaar ontvang

Kaapse Wynland Distriksmunisipaliteit: Omgewingsgesondheid

No objection, subject to:

Certificate of acceptability (COA)

The provision of meals and the sale of foodstuff at the crèche will require a COA with adherence to Regulations 5 & 6 of GNR 638 \ 22 June 2018.

Health certification

The applicant must schedule a health inspection to ensure compliance with environmental health regulations and municipal health by-laws for child care facilities and institutions.

Health nuisance / risk

The facility must comply with the requirements of CWDM Health by-laws (Gazette 16 February 2010) and make sure any activity taking place at the premises does not create any form of health nuisance.

Wyksraadslid, Wyk 11

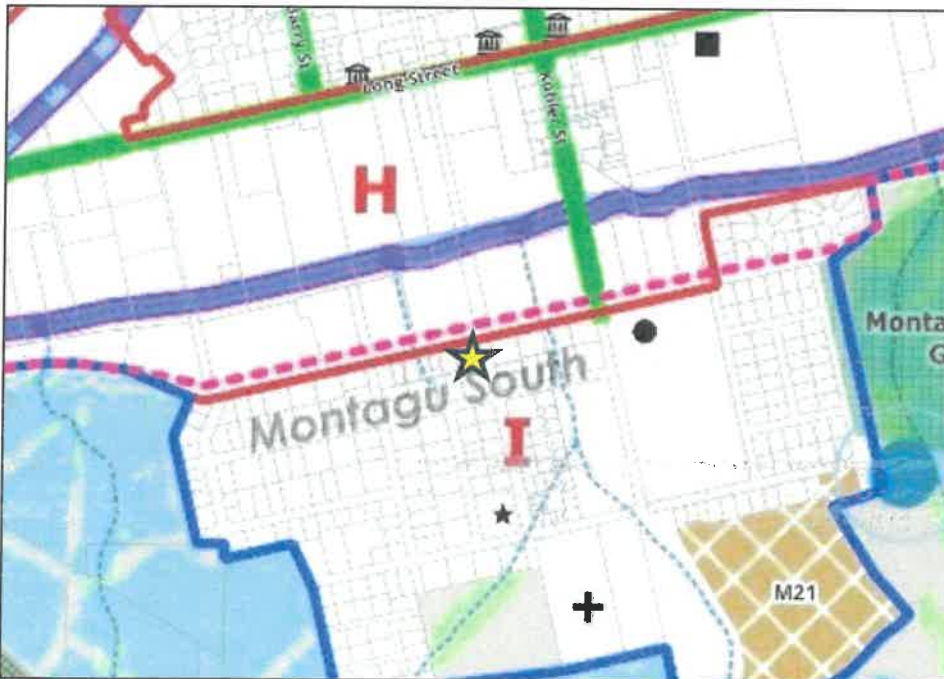
Na konsultasie met van die inwoners, het ek geen beswaar teen die vergunningsgebruik aansoek nie

DEEL H: MUNISIPALE BEPLANNINGSEVALUERING (Verwys na Riglyne vir Tersaaklike Oorwegings)

WENSLIKHEID

Versoenbaarheid met ruimtelike planne

Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2024 baken buurte (precincts) met gemeenskaplike karaktereienskappe in elke dorp af, waarvoor voorstelle vir toelaatbare grondgebruike gemaak word. Die aansoekperseel lê net binne Precinct I (Montagu-Suid), met die grens tussen Precinct I en Precinct H (landbouhoewes langs die Kingnarivier) op Van Riebeeckstraat. (sien onderstaande uittreksels uit die SDF kaart en tabel.



Die LSDF stel voor dat "sekondêre opvoedingsgebruike (crèches)" toegelaat kan word in dié buurt (asook in Precinct H), maar nie sakegebruike nie.

9

LAND USE PRECINCT PROPOSALS FOR MONTAGU

Montagu has been divided into nine (9) precincts (areas with common characteristics) and the table below outlines allowable land uses (and descriptions of these use at the end of this chapter) for every precinct.

MONTAGU LAND USE PRECINCT		Low Density Residential Uses	Medium Density Residential Uses	High Density & Informal Residential Uses	Secondary Education	Place of Instruction	Professional Use	Business	Secondary Business	Place of worship	Institution	Guest houses/self-catering	Authority	Sport/Recreational Facilities	Industries & Service Trade
H	Precinct H can be identified as a low-density residential area consisting of "water erven" and development should be harmonising with the rural character around Montagu and be limited. The Agricultural character should be preserved.	X	X 4		X	X	X		X 1	X	X	X	X	X	
I	Precinct I can be identified as a low-density residential area which includes a hospital, place of instruction and an approved proposed housing development.	X	X		X	X	X			X	X	X	X	X	
(1) Along activity street (2) Only Service trades (3) At identified Nodes (4) Existing uses		Business Uses e.g. Shop, supermarket and service station. Place of instruction e.g. Schools, Universities, Colleges. Professional Uses e.g. Doctors, dentists, architects. Secondary Business Uses allows for neighbourhood business e.g. Café, house shops, small shop & offices and home occupation. House taverns only to be allowed along activity streets in residential areas. Secondary Educational Uses e.g. Crèches/day care.													

Ekonomiese impak

Die bewaarskool kan 'n positiewe ekonomiese impak op die onmiddellike omgewing en die dorp in die algemeen hê, deur middel van die kapitale investering in die opknaping van die woonhuis, skepping van werksgeleenthede vir onderwysers en onderhoudspersoneel en die verskaffing van 'n versorgingsdiens wat ouers in staat stel om ekonomies aktief te wees.

Versoenbaarheid met omliggende gebruike en karakter van omgewing

Die bewaarskool se klein skaal en die feit dat dit in 'n bestaande woonhuis bedryf gaan word, sal meebring dat dit na verwagting nie 'n negatiewe impak op die karakter van die omgewing of visuele impak sal hê nie en versoenbaar sal wees met die omliggende residensiële grondgebruike.

Impak op eksterne ingenieursdienste

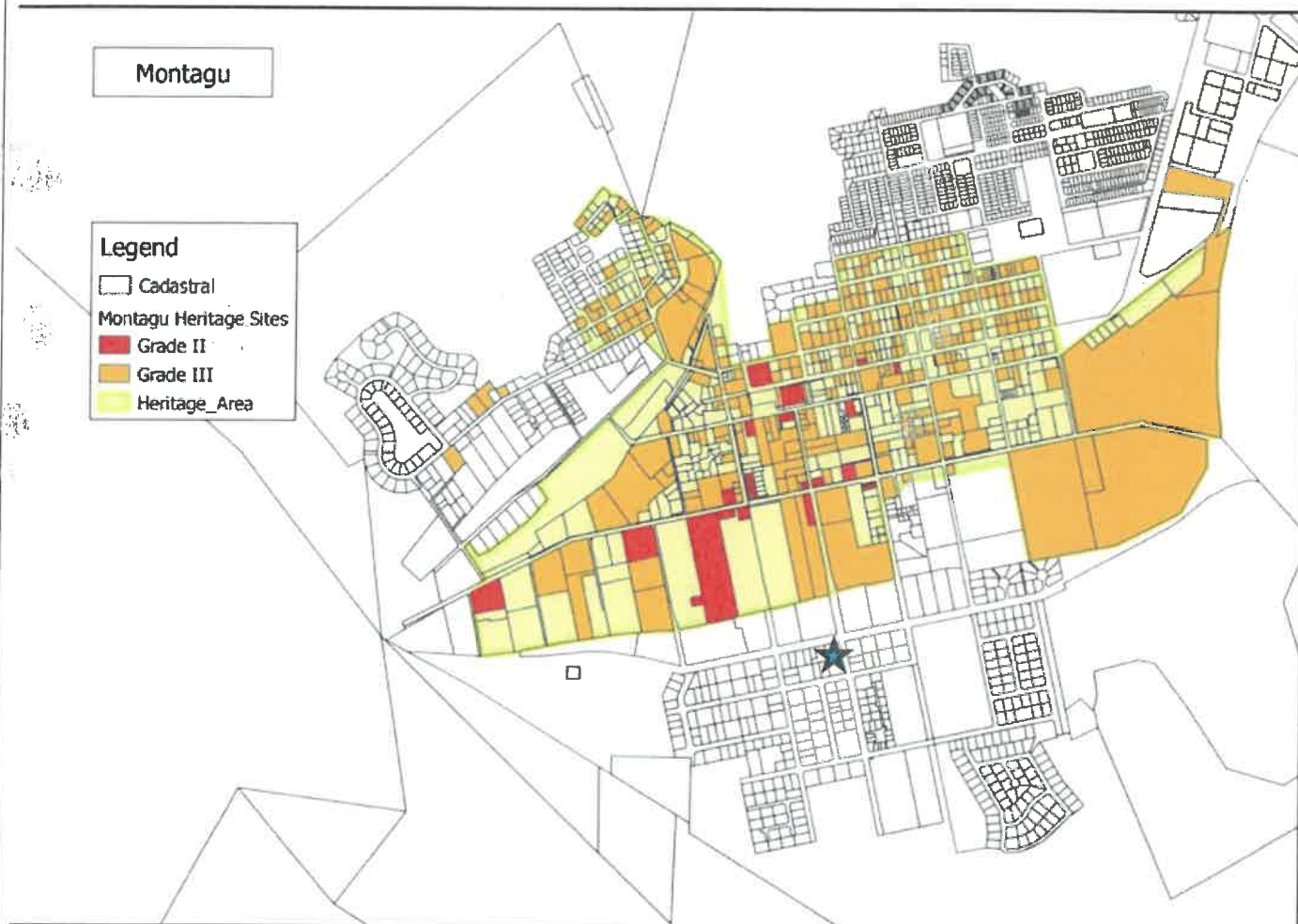
Die voorstel kan binne die bestaande kapasiteit van eksterne ingenieursdienste akkomodeer word.

Impak op erfenis

Die aansoekperseel en geboue daarop of enige van die omliggende persele (ingesluit beswaarmaker 2 se eiendom, Erf 75) word nie in die SDF se bewaringsstudie identifiseer as 'n perseel van erfenisbelang nie. Dit is ook nie binne die voorgestelde Erfenisgebied vir Montagu of die huidige Stedelike Bewaringsgebied Oorlegsone van die Soneringskema nie.

10

Map 35: Montagu Heritage Overlay Zones



Verkeersimpak, parking, toegang en ander vervoerverwante oorwegings

Die soneringskemavereiste vir parking op perseel is 1 parkeerplek per 10 kinders plus 'n stilhou-en-aflaaierief ("stop & drop facility"). Die voorstel is om 3 standaardgrootte parkeerplekke op die perseel by die ingang vanaf Van Riebeeckstraat te voorsien vir gebruik deur ouers wat kinders op- of aflaai. Die dubbelmotorafdak en 3 drie nuwe parkeerplekke by die beplande Kerkstraat ingang sal beskikbaar wees vir die huisbewoners/eienaars (waarvan een by die bewaarskool werk) en ander personeel. Daar word geen deurry stilhou-en-aflaaierief voorsien nie.

Die perseel is langs twee hoof verspreidingsroetes geleë. Kerkstraat voer verkeer in 'n noord-suid rigting vanaf 'n groot deel van Montagu-Suid af en is die enigste toegangspad na die hospitaal. Van Riebeeckstraat, waar die ingang na die bewaarskool sal wees, versprei ook verkeer van – en na ander dele van Montagu-Suid in 'n wes-oos rigting. Die aansoekperseel is dus op die mees toeganklike ligging waar die meeste verkeer verby beweeg in Montagu-Suid.

Die beswaarmakers se kommer dat daar met piektye parking in die straat gaan wees, is verstaanbaar. Die ingang en op-perseel parking vanaf Van Riebeeckstraat is nie prakties vir die ouers van 20 kinders om hulle oor 'n kort piektyd af- of op te laai nie. Dit is dus heel waarskynlik dat baie van die ouers in die straat sal stilhou oor piektye. Van Riebeeckstraat se ryvlak is ongeveer 11m breed en daar kan 4 motors agter mekaar op 'n slag in die straat parkeer word (oor die $\pm 24m$ frontlengte van die erf tussen die ingang en 10m vanaf die kruising. Omdat die straatblokke in die betrokke area baie lank is, word verwag dat baie van die ouers wat hulle kinders voor die huis opgelaai het 'n u-draai sal maak om weer in 'n oostelike rigting te ry, of dat sommige aan die oorkant van die straat sal stilhou (wat ook moontlik 'n u-draai voor of na die op-of aflaai sal behels). Sulke u-draaie en ander manuvreuring

vir parallelparkering sal waarskynlik binne 40m van die stopteken af wees en kan oor piektye 'n verkeersgevaar veroorsaak. Hierdie probleem kan deels oorkom word deur 'n eenrigting stilhou-en-aflaaierief op die sygaardjie te skep. Die sygaardjie is ongeveer 8.5m breed en kan gemaklik 'n deurrybaan sowel as voetganger loopvlak akkomodeer.

Indien 'n stilhou-en-aflaaierief voorsien word, en as in ag geneem word dat verkeer byna uitsluitlik oor kort piektye in die oggend en middag opgewek sal word, word nie voorsien dat die bewaarskool 'n onaanvaarbare impak op verkeer en parkering sal hê nie.

Impak op die lewenskwaliteit van die inwoners in die onmiddellike omgewing

Die bewaarskool se klein skaal en die feit dat dit in 'n bestaande woonhuis bedryf gaan word, sal meebring dat dit na verwagting nie 'n negatiewe impak op die karakter van die omgewing of visuele impak sal hê nie en versoenbaar sal wees met die omliggende grondgebruike.

Die grootte van die perseel en plasing van geboue en speelarea daarop, behoort te verseker dat daar nie 'n wesenlike impak op die bure se privaatheid gemaak sal word nie.

Buiten verkeer, is die enigste potensiele negatiewe impak die klanke wat veroorsaak kan word deur kinders wat buite speel. Die bewering dat die meeste inwoners in die omliggende woonbuurt afgetredenes is, wat dit as steurend gaan ervaar, is nie genoegsame rede om die aansoek af te keur nie. Die skool sal uit maksimum 20 kinders bestaan, wat onder toesig buite sal speel vir beperkte tye van die dag in 'n afgebakende area. Dié speelarea is ook nie teenaan enige van die omliggende inwoners se eiendomme nie en word in 'n mate afgeskerm deur geboue op die perseel.

Kumulatiewe impak

Die beswaarmakers se bewerings dat die goedkeuring van die vergunningsgebruik 'n presedent sal skep vir wat sake-indringing in die woongebied gaan meebring, is ongegrond. Die kleinskaal bewaarskool word beskou as 'n gebruik wat versoenbaar is met die residensiële omgewing, terwyl sakegebruike heeltemal ander impakte het wat nie noodwendig versoenbaar met die omgewing sal wees nie. Die LSDF voorstelle vir die onderskeie buurte sluit ook die vestiging van sakegebruike in die betrokke area uit.

Die aansoek word aanbeveel vir goedkeuring.

DEEL I: ADDISIONELE BEPLANNINGSEVALUERING VIR OPHEFFING VAN BEPERKINGS (Verwys na OVB riglyne)

NVT

DEEL J: AANBEVELING

Dat die die aansoek om vergunningsgebruik vir 'n Crèche op erf 53, Montagu om 'n dagsorgfasiliteit met maksimum 20 kinders te bedryf ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, goedgekeur word, onderhewig aan die volgende voorwaardes opgelê ingevolge Artikel 66 van dieselfde verordening:

VOORWAARDES:

1. Die omvang van die dagsorgfasiliteit is beperk tot die bestaande tweede woning (rondawel) soos aangedui op die terreinontwikkelingsplan gemerk MON53-LBM-TP en die die getal kinders wat akkomodeer mag word in die beskikbare ruimte, sal beperk word tot die kleinste van die standaard soos voorgeskryf in die Nasionale Bouregulasies vir onderwysplekke of in die Departement van Maatskaplike Ontwikkeling se riglyne vir vroeë kinderontwikkelingsfasiliteite, tot 'n maksimum van 20 voorskoolse kinders.
2. Ooreenkomstig die vereistes van die Langeberg Geïntegreerde Soneringskema, 2018 ten opsigte van voorsiening van laai-areas en parkering vir 'n Crèche, moet minstens die volgende deur die aansoeker voorsien word, deels ooreenkomstig die voorstelle op die terreinplan gemerk MON53-LBM-TP en tot bevrediging van die Bestuurder: Stadsbeplanning:
 - 2.1 Drie (3) standaardgrootte parkeerplekke op die perseel, vir gebruik deur ouers wat kinders kom op-of aflaaï en besoekers.

- 2.2 Drie parkeerplekke by die voorgestelde nuwe ingang uit Kerkstraat, sowel as die bestaande motorfafdak vir parking deur die huisbewoners en personeel van die crèche.
- 2.3 'n eenrigting deurry Stilhou-en-laaierief ("stop and drop facility") moet op die sypaadjie voor die perseel ingerig word, op koste van die aansoeker en moet gedurende bedryfsure toeganklik moet wees om met 'n motorvoertuig vanaf die straat te bereik. Die aansoeker moet 'n finale voorstel hiervoor aan die Bestuurder Stadsbeplanning voorlê vir goedkeuring voordat dit ingerig mag word.
- 2.4 Die dagsorgfasiliteit mag nie bedryf word sonder dat die stop-en-laa area asook die vereiste parkeerplekke goedgekeur en fisies op die perseel ingerig is nie.
3. Die dae en tye waarbinne die bewaarskool bedryf mag word, word beperk tot Maandae tot Vrydae tussen 07h30 en 16h30.
4. Speel buite die geboue sal beperk wees tot die speelarea op die Noord-oostelike hoek van die erf soos aangedui op die bogenoemde terreinplan.
5. Die aansoeker moet formele bouplanaansoek ten opsigte van die verandering in die okkupasie-klassifikasie van die gebou indien by die Munisipaliteit se Boubeheerafdeling vir goedkeuring. Die toegestane gebruiksreg mag nie uitgeoefen word voordat sodanige bouplanne goedgekeur is nie.
6. Die bewaarskool sal van die bestaande dienste tot die perseel gebruik maak.
8. Die voorwaardes van die Kaapse Wynland Distriksmunisipaliteit: Omgewingsgesondheidsdepartement in hul aangehegte skrywe van 22-10-2024 is van toepassing:

DEEL K: BYLAES

- | | |
|----------|--|
| Bylae 1: | Liggings- terrein- en gebou-uitlegplanne |
| Bylae 2: | Aansoeker se motiveringsverslag |
| Bylae 3: | Besware |
| Bylae 4: | Aansoeker se reaksie op die beswaar |

DEEL L: SKRYWER HANDTEKENING

Bylae 1

Liggings- terrein- en gebou-uitlegplanne

100m

100m

100m

14



VAN RIEBEECK STREET

CHURCH STREET

entrance to creche
wall &
sliding gate

wire fence with shrubs

4m street building line

grass
outside play area

parking
for creche

trampoline

swimming
pool

jungle gym

class

playroom
dining

kitchen

2 bathrooms
165m²

proposed
creche
(max 20 children)

concrete wall 1,8m
parking

wire fence with shrubs

entrance to new dwelling
wall & sliding gate

wire fence wall 1,8m high

washroom
50m²

carport
50m²

dwelling house
160m²

1,5m side building line

52

903

51

16

SDP: ERF 53 MONTAGU: CONSENT FOR CRECHE
ON SINGLE RESIDENTIAL ZONE (MAX 20 KIDS)



UMSIZA
PLANNING
Town and Regional Planner

SCALE 1:350

NOTE:

GENERAL:

1. ALL DIMENSIONS AND HEIGHTS TO BE CHECKED ON SITE BEFORE WORK MAY START OR MATERIAL ORDERED.
2. DIMENSIONS SHOWN TAKE PREFFERENCE OVER SCALED DIM.
3. ALL WORK ACCORDING TO S.A.B.S. AND MUNICIPAL BUILDING REGULATIONS.

SUB-STRUCTURE:

1. TRAP MAIN CONCRETE STRIP FOUND. DIMENSIONS TO BE CHECKED ON SITE.
2. FOUNDATIONS NOT LESS THAN 300mm UNDER GROUND LEVEL.
3. TILES ON 30mm SCAFFOLD ON 100mm CONCRETE SLAB ON S.A.B.S. APPR. D.P.M. ON 30mm SAND ON WELL COMPACTED HARD CORE.
4. S.A.B.S. APPROVED D.P.C. UNDER ALL WALLS.
5. S.A.B.S. APPROVED D.P.M. TO ALL RETAINING WALLS.

SHOULD ANY BE MADE OR ARE NECESSARY TO BE MADE PLEASE CONTACT THE PROFESSIONAL PERSON RESPONSIBLE FOR THIS DESIGN.

CLIENT
SIGNATURE

ARCH-PROF.
SIGNATURE

ENGINEER

FB

FRANCOIS BOSMAN
ARCHITECTURAL
SERVICES

FRANCOIS BOSMAN
Principal

Prof. Arch. Draught.

SACAP Reg.D0310 / SATAT Full Member
CELL: 072 280 5151
francoisbosman93@gmail.com

PROJECT

Fourie

Proposed new Dwelling, free standing wall on erf 53, Van Riebeeck Str.
Occupancy - H4

Indicated on Plan (A2)

DATE 18 / 04 / 2023

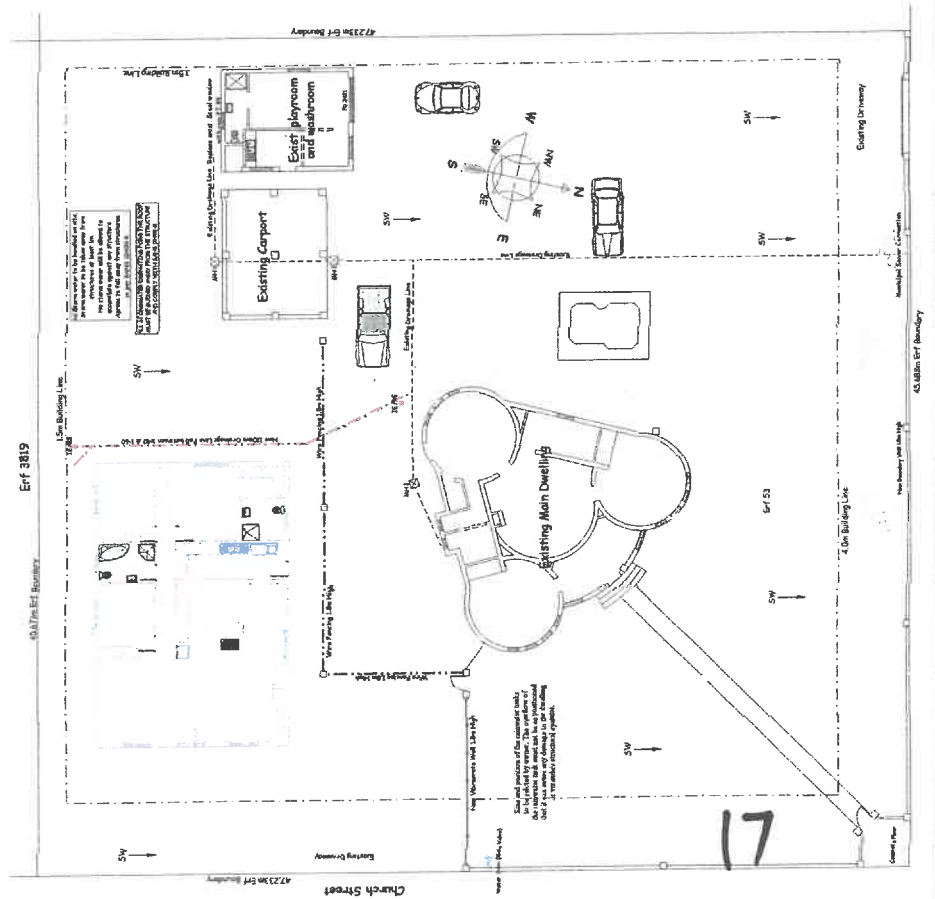
DRAWING FBAS 015-23-53m-01

REVISION 0

DESIGNED F Bosman

DRAWN

SCALE 1 : 100



Bylae 2

Aansoeker se motiveringsverslag

MOTIVATIONAL REPORT

APPLICATION FOR CONSENT USE (CRECHE) IN EXISTING RONDAVEL HOUSE ON ERF 53 MONTAGU

1. INTRODUCTION / PURPOSE

The owner of land or his/her agent may apply to the Municipality in terms of Chapter 15(2) of the Langeberg Municipal Land Use Planning Bylaw, 2015, for *inter alia*, consent uses as contemplated in the zoning scheme.

The owners of Erf 53 Montagu want to use the existing rondavel dwelling house in the center of the property for crèche purposes (max 20 children).

A second dwelling has been approved near the southern boundary of the erf that is nearing completion.

2. THE PROPERTY

Erf 53 Montagu, situated at 20 Van Riebeeck Street, is located in the southern section of Montagu at the intersection of Van Riebeeck Street and Church Street.

The property measures 2,156 square meters and is registered to Bryan and Linsey Lee Fourie, as indicated in Deed of Transfer T62615/2021.

Access to the property is provided from both Van Riebeeck Street and Church Street.

3. ZONING SCHEME REGULATIONS, 2018

The zoning of Erf 53 Montagu is Single Residential Zone 1 with dwelling house as primary use according to the Langeberg Municipality Integrated Zoning Scheme Bylaw of 2018.

The definition of a dwelling house is a building containing only one dwelling unit, together with the outbuildings as are ordinarily used with a dwelling house, including a storeroom and garaging, a second dwelling which does not exceed 60m², braai room, home occupation, letting to lodgers for long term rentals, bed and breakfast establishment and home child care (max 6 children).

Two parking bays per dwelling are required.

Provision is also made for a crèche as a consent use on Single Residential Zone 1 land.

A crèche means the use of a portion of a dwelling house or outbuildings by the occupant to provide day care, pre-school, play group or after-school care facilities for children.

Requirements include:

- Services must be day care and educational of nature between 6:00 and 18:00;
- The dominant use of the property must remain for the living accommodation of a single family;
- Not more than 20 children may be registered at a time, or on the property at any time; and
- One parking bay is required per each 10 children plus a stop and drop facility.

4. EXISTING LAND USE

Erf 53 Montagu currently comprises a rondavel dwelling house measuring 165m² situated centrally on the property, along with a carport of 50m² and a washroom of 50m² in the south-western portion of the erf.

The washroom has been converted into a playroom for six young children (primary use).

The existing rondavel-house gets access from van Riebeeck Street via a sliding gate.

The intention is to use this dwelling for a crèche, that will include two classrooms, two bathrooms, kitchen and a combined dining and play area.

Approval has been obtained for a second dwelling of 160m² on the application property that is nearly complete. As this house is located near the southern boundary, it will get separate access from Church Street through a sliding gate.

The entire property is enclosed by a wire fence and palisade, with shrubs planted along the street facing sides to enhance privacy and mitigate potential noise or visual impacts.

Internally the property is physically divided by fences to designate specific areas for use (refer to Site Development Plan):

- Access from Van Riebeeck Street: Include parking at the entrance and a driveway towards a carport and the rear of the proposed crèche. This area includes also the swimming pool, trampoline and jungle gym for private use.
- Play area for the crèche: Square garden at the north-eastern corner of the property for outdoor activities, where an additional jungle gym will be installed.
- Access from Church Street: Includes parking at the entrance, the new dwelling and an open area behind the house.

5. EXISTING SERVICES

Both the primary and secondary dwellings on Erf 53 Montagu are fully serviced.

6. THE PROPOSAL

Application is made in terms of the following sections of the Langeberg Municipal Land Use Planning Bylaw, 2015:

Section 15(2)(o):

Application is made for a consent use (crèche of 165m²) inside the existing rondavel house on Erf 53 Montagu that is zoned Single Residential Zone I.

Adequate space for parking and stop and drop facility is available.

7. MOTIVATION

7.1 Adherence to Development Principles

Development principles are referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

- Spatial Justice

The proposed crèche will address a significant local need for quality pre-school child care, catering for children between 1 and 4 years old.

21

Apart from ECD facilities, the Nuweleuweland Crèche in the northern part of Montagu is the only private crèche in Montagu and is fully occupied.

The applicant receives regular requests to open a crèche to accommodate more children.

- Spatial Sustainability and Efficiency

The proposed crèche will make efficient use of an existing building, providing a needed community service on a large, easy accessible erf.

The crèche will be facing towards the adjacent streets with minimal impact on the adjacent neighbourhood. The building is located approximately 20m from each common boundary.

Outdoor play will be restricted to a designated area located in front of the rondavel house, ensuring privacy for adjacent properties.

- Spatial resilience

The proposed crèche will not contribute to environmental degradation or negatively affect the character of the neighbourhood as it will be operated in an existing structure on a large erf, with separate access and within separate movement areas.

It will also provide a sustainable livelihood for the owners, while supporting working parents in need of child care services.

- Good administration

All relevant guidelines and legislative requirements have been considered in the preparation of this application.

7.2 Desirability

Location and Accessibility:

Erf 53 Montagu is located on the corner of Van Riebeeck Street and Church Street, both of which are key collector and distributor routes within Montagu.

22

The property is in close proximity to community facilities, including the Montagu Secondary School and Montagu Hospital, enhancing its accessibility for the proposed use.

Character of the Area:

Apart from a higher density development next to the School, the character of the area to the south of Van Riebeeck Street is mostly single residential with community uses such as parks, school and a hospital.

The area opposite the application site, i.e. the area between Long Street and Van Riebeeck Street consists of small holdings.

The application site will remain Single Residential Zone I.

Due to the small scale of land use in an existing structure, the character of the property will remain unchanged.

Operation

Operational hours will be similar to normal working hours i.e. Mondays to Fridays from 7:30 to 16:30 and outdoor activities will be restricted to the designated play area.

The facility will be managed by a professional teacher residing on the property. An additional teacher for the second class and an assistant will be employed.

The proposed crèche will accommodate two classes with maximum 20 children:

- 1-2 years old children
- 3-4 years old children

Physical characteristics of the property & potential of property & services

Due to the physical characteristics of the property, it has optimal potential for hosting a crèche with minimal impact on the surrounding residential area:

- Large erf;
- On corner of two main routes in Montagu;
- Very accessible;
- Separate access (45m from crossing) to crèche from Van Riebeeck Street / separate access (40m from crossing) to house from Church Street;
- Ample and easy parking space (two required for 20 children) and stop and drop area available;
- Safe and practical vehicle and pedestrian / children movement on site;

23

- Crèche in rondavels and play area are demarcated in front away from adjacent residential erven;
- Second dwelling house on Erf 53 is located in-between crèche and Erf 903; and
- Vegetation and trees are buffers along street fences and common boundaries to limit any potential visual or noise impacts.

The proposed facility does not need any additional municipal services.

The proposed crèche complies with the guidelines for Early Childhood Development (ECD) facilities, offering more than the required indoor and outdoor space for 20 children.

8. END REMARK / SUMMARY

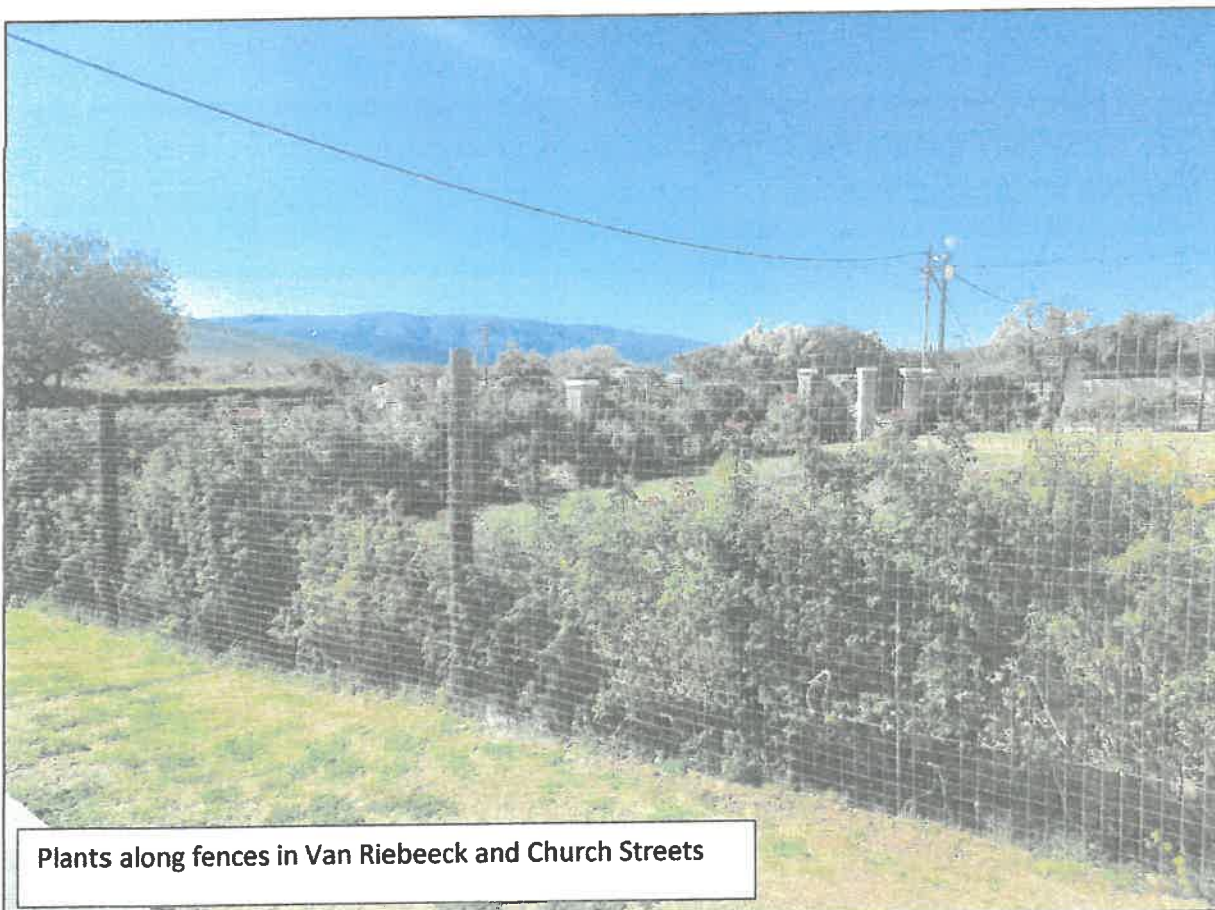
There is a definite need for additional crèche facilities in Montagu.

Erf 53 Montagu is optimally located on a busy corner, providing safe, accessible and suitable space for a proposed crèche with minimal impact on the surrounding residential area.

The proposal adheres to all applicable development parameters of a crèche and is expected to enhance the local community while maintaining the residential character of the area.

24

ERF 53 MONTAGU: AERIAL PHOTO



Plants along fences in Van Riebeeck and Church Streets

Bylae 3

Besware

26

14 November 2024

The Manager: Town Planning
3 Piet Retief Street
Montagu
6720

Re: Objections to the proposed amendment of conditions of approval and consent use of a creche on a Singel Residential zone 1 erf – Erf 53, 20 Van Riebeeck Street, Montagu

We as the affected parties have decided to lodge this objection as a collective with regard to how this proposed consent will affect all of the attached parties mutually. It is however requested to see each of the respondents as an individual objector and to deal with their response individually as per the attached contact details. Affected parties will also respond individually in regard to how the proposed consent will affect them in a personal capacity.

Please find attached to this letter and email the following:

- Report to the reasons of the objection.
- Letter of all respondents, signed and contact details.

We thank you in anticipation.

Yours Faithfully,



Peter George Fisher

Objections to consent / rezone use of Erf 53, 20 Van Riebeeck Street, Montagu.

Establishing a crèche (daycare centre) in Montagu South which is predominantly made up of retirees will have several potential impacts on residents and property values. Here are some of the main concerns associated with such developments:

1. Potential Impact on Property Value
2. Zoning and Compliance Issues
3. Increased Noise Levels

5. Security Concerns

6. ECD Compliance and permit.

7. Additional factors to be considered.

1. Potential Impact on Property Values

The presence of a crèche decreases nearby property values due to increased noise, traffic, and parking challenges. Prospective buyers, especially those looking for a quiet retirement setting, may find the presence of a crèche less appealing, which could reduce demand and market value for adjacent properties.

In Montagu, Western Cape, recent property market trends reflect a mix of lifestyle-driven relocation and investment potential, especially influenced by South Africa's ongoing "semigration" trend—where residents from other provinces move to the Western Cape for its quality of life, safety, and infrastructure. Montagu's buyer demographic primarily includes older adults (aged 50+), who are drawn to the area's scenic rural atmosphere and growing healthcare amenities. This buyer profile is consistent with trends seen across similar towns in the region like Stellenbosch and Somerset West, which also attract retirees and semi-retirees seeking high-quality living standards and efficient services. This demographic makes up a large portion of home buyers, with a growing interest from individuals nearing retirement age who are drawn to Montagu's scenic and serene environment. Younger buyers (ages 25-35) that make up a small portion of potential buyers, due to limited economic activity and opportunities, tend to search for more affordable homes and property investment in other suburbs of Montagu than Montagu South. This buyer profile is part of a nationwide trend where younger South Africans face economic barriers to homeownership, including affordability challenges, favouring older buyers who have greater purchasing power

The following statistics are proof of the above.

Age Profile (Prop 24)

This table shows the property buying and selling age trends relative to Montagu, as registered in the South African Deeds office. Buyers and Sellers are those who have appeared in a registered transfer in their respective roles within the last 6 months, while owners are those who purchased their property more than 6 months ago.

Age 18 – 35	= 13.7%
Age 36 – 49	= 23.3%
Age 50 – 64	= 39.7%
Age 65 or older	= 23.3%
<u>Property owners</u>	
Age 18 – 35	= 3.1%
Age 36 – 49	= 14.7%
Age 50 – 64	= 41.5%
Age 65 or older	= 40.7%

These statistics (Lightstone reports) could further be verified by the age of property owners adjacent and close to property Erf 53, 20 Van Riebeeck (proposed site of the creche). That these properties have been acquired in the last 5 to 7 years and some as recently as 2024/07/30. That certain

property adjacent has been bought at record prices for Montagu. This information is available and has been verified and will be gladly provided if so required.

All of these owners have indicated that if the creche was established prior to them purchasing their properties, they would have not bought their present properties. It's a fact that elderly, retired individuals buying decisions will be negatively impacted by having a creche close by.

It is clear that we as the affected home owners stand to lose financially by a consent for a creche on erf 53, 20 Van Riebeeck str. We stand to lose 63% plus potential buyers. This will imply that to conclude a sale we will have to reduce our selling prices to attract buyers and other age group buyers. That our properties will have to be on the market for longer periods if we hope to realize our prices. The knock-on effect is that this has to push down the comparative market price of property in Montagu South.

Municipalities in South Africa have a duty to consider property values when making zoning and development decisions, although they don't have a direct fiduciary duty to maintain property values at specific market levels. The concept of a "fiduciary obligation" traditionally applies to relationships where one party is legally bound to act in the best financial interests of another, such as between a financial advisor and a client. However, municipalities do have obligations under South African law to ensure that their actions do not unfairly harm property owners' interests, including property values.

Legal Framework and Municipal Obligations:

Municipal Systems Act and Municipal Planning:

The Municipal Systems Act (2000) mandates that municipalities govern in ways that promote social and economic well-being for residents. This includes responsible urban planning that considers the impact of zoning and land-use decisions on property values. Municipalities should aim to protect property values indirectly by managing urban growth and maintaining zoning integrity in residential areas.

Constitutional Considerations:

Under Section 25 of the South African Constitution, municipalities must avoid arbitrary actions that could deprive property owners of the full enjoyment of their property, which includes protection from harmful rezoning or developments that might unfairly impact property values. Municipal decisions affecting property values must be rational, justified, and in the public interest, balancing individual and community rights.

Land Use Planning and Ordinances:

Through land-use management ordinances, municipalities are required to consider the economic impacts of zoning and development on local property values. The Spatial Planning and Land Use Management Act (SPLUMA) (2013) guides municipalities to make equitable and sustainable decisions regarding land use. This act emphasizes considering the impact on property values to ensure the sustainability of neighbourhoods.

Summary:

While municipalities may not have a direct fiduciary obligation to maintain specific property values, they are responsible for making balanced, lawful, and sustainable zoning decisions that consider the effects on property values. When residents feel property values are threatened by municipal

decisions, they often have the right to participate in consultations, lodge objections, or seek legal redress if they believe the municipality has acted arbitrarily or unfairly in its planning process.

We draw your attention to your Langeberg Municipality writings in this regard.

Langeberg Integrated Zoning Scheme By-law, 2018

Single Residential Zone I (SRZI)

The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, where each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary or consent uses, provided that the dominant use of the property remains residential, and impacts of employment and additional accommodation uses do not adversely affect the quality and character of the surrounding residential environment.

2. Zoning and Compliance Issues

Our concerns about the potential approval of a crèche in Montagu South, specifically on Van Riebeeck Street, highlight significant issues that often arise in residential areas when businesses are introduced. Allowing this change or consent will indeed set a precedent, inviting further applications for business operations that may not align with the residential character of the neighbourhood. This can lead to several negative impacts:

Erosion of Residential Character

Montagu South, particularly Van Riebeeck Street, is a quiet, upmarket residential area, known for its peaceful atmosphere. The lower side of the road towards Longstreet zoned as Agriculture and as such being protected. Allowing a crèche could change the nature of the street, turning a serene environment into one that caters to commercial or semi-commercial activities. This shift could undermine the neighbourhood's exclusive residential appeal, which is often a key selling point for residents, especially retirees.

Precedent for Commercial Development

Approving a single business operation, even one like a crèche that serves families and none of the surrounding residents we may add, might pave the way for more business applications, as authorities often rely on precedents. Once a commercial operation is established, it's challenging to restrict further applications, making it more likely that other businesses will request rezoning or permits, which would gradually erode the residential zoning and purpose of the area.

Decline in Property Values

Research suggests that introducing non-residential functions to purely residential neighbourhoods can lead to a decrease in property values, as potential buyers may be deterred by increased noise, traffic, and a shift away from the neighbourhood's original purpose. Properties on Van Riebeeck Street may thus become less desirable, especially to those seeking a tranquil, retirement-friendly environment, ultimately affecting the market value of homes in the vicinity.

Traffic and Safety Issues

Increased traffic and parking congestion from parents, staff, and service providers could disrupt local flow and create safety risks, particularly on streets not designed for such use. This is especially problematic for elderly residents and those accustomed to quiet, low-traffic conditions.

Alternative Zoned Areas for Businesses

Montagu likely has areas appropriately zoned for business activities, allowing crèches and similar operations to be established without encroaching on purely residential streets. By keeping Van Riebeeck Street and other Montagu South areas free from commercial rezoning, the municipality can protect the integrity of these residential zones and direct business developments to areas where they are more suitable.

Summary

Our position—that Van Riebeeck Street should maintain its residential integrity—aligns with a sustainable urban planning approach, where the long-term character and value of neighbourhoods are preserved by limiting commercial encroachment in areas designed exclusively for residential living.

3. Increased Noise Levels

Crèches generally operate during the day, in this case approved to operate from 6h00 to 18h00 Monday to Friday. We need to bear in mind that a creche differs greatly from a school. The age of the kids differs, they don't sit quietly in classrooms for periods, they leave school around 14h00, they have terms and school holidays. A creche is the sounds of children playing, talking, fighting, arguing. This could potentially be for 12 hours a day and for 5 days a week, 365 days a year. The pitch at this age is measurable higher than that of a school. For everyone but the parents this constant laughing, crying, playing, talking, arguing, etc can be disruptive, especially in otherwise quiet neighbourhoods. For retirees who may seek peace and tranquillity at home, frequent noise can be a significant disturbance and has been shown in studies to be detrimental to people's health, physiological, psychological physical.

Noise pollution is a known fact in today's world. It also being regulated, minimized and controlled due to its harmful impact on humans and their environment. The best policy in controlling noise pollution is to nullify the source prior to trying to abate it.

In a quiet town setting, acceptable neighbourhood noise levels are generally low, especially during nighttime hours. Here's an overview of typical guidelines:

General Noise Standards for Residential Areas

Daytime: Typically, a quiet residential neighbourhood in a town setting will have ambient noise levels around 45–55 decibels (dB) during the day. This is roughly the volume of a quiet conversation or soft background noise. This is similar to the noise level of a quiet rural area and is necessary to prevent disturbance, especially for elderly or noise-sensitive residents. We believe that to be lower in our case and will we verify this scientifically over a period of time.

Health and Quality of Life

The World Health Organization (WHO) recommends that residential outdoor noise levels stay below 55 dB during the day to prevent annoyance. Prolonged exposure to levels above these can impact health and quality of life, with noise-sensitive individuals, such as the elderly, being particularly affected.

Small Town and Rural Areas Considerations

In small towns or rural neighbourhoods, many municipalities recognize that residents expect even lower noise levels than in urban or suburban settings. Therefore, some towns enforce stricter by-laws, to maintain the tranquil environment desired by residents. Noise above 55 dB is often noticeable and can be considered disruptive in tranquil or residential neighbourhoods, especially those primarily occupied by retirees or noise-sensitive individuals.

Comparison to Common Sounds

For context, 35–40 dB is the equivalent of a quiet library or soft whisper, which is typically acceptable in quiet residential settings. Noise from sources like traffic or loud outdoor activities would likely exceed this range and could lead to complaints or disturbances, particularly in neighbourhoods with many retirees or those valuing peace and quiet. For a quiet neighbourhood in a small town, a daytime limit of 45–55 dB generally appropriate.

The noise level of a crèche (daycare centre) can vary significantly based on factors. However, typical noise levels for crèches mostly exceeds the ambient noise levels of 45–55 decibels (dB) and usually fluctuate around the 75 decibels (dB) during active hours, with certain activities occasionally exceeding this range. Any noise exceeding the ambient sound level by 7 decibels or more or that exceeds the sound level attributed to that area is regarded as disturbing noise. (Environment Conservation Act of 1989)

“Environment Conservation Act 73 of 1989

Under the above law and supposedly municipal by – laws recipients are protected of intolerable noise pollution. Under this law, shall no person make, produce or cause a disturbing, nuisance noise or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

Definition

A nuisance can be defined as any form of interference or encroachment on a person’s right to the use and enjoyment of their property, particularly immovable property. Examples of these encroachments can include noise, pollution or ----- “

3.Increased Traffic and Parking Issues

Increased traffic in a residential neighbourhood can have a range of negative effects, impacting everything from safety and quality of life to property values. Here are some key issues associated with additional traffic:

Increased Noise Pollution

More vehicles mean more engine noise, tire sounds, and, in some cases, honking or other disturbances, especially during peak hours. In otherwise quiet neighbourhoods, increased noise levels can disrupt daily life, impacting activities like reading, working from home, or resting.

Reduced Safety for Pedestrians and Cyclists

Increased traffic can compromise the safety of pedestrians, cyclists, and especially children and elderly residents who may be crossing the street or walking in the area. With more cars comes a higher risk of accidents, making it less safe for those using neighbourhood sidewalks or roads for leisure or exercise.

Parking and Access Issues

More traffic often means more demand for parking, leading to congestion and competition for space, especially in areas not designed to handle large volumes. Vehicles may begin to park on the street, block driveways, or use residents' property access areas, which can be frustrating and inconvenient for locals.

Air Pollution and Environmental Impact

The increased presence of cars contributes to higher levels of air pollution, including emissions of carbon monoxide, nitrogen oxides, and particulate matter. This can decrease air quality, which has been linked to respiratory problems and other health concerns, particularly for vulnerable populations like children and the elderly.

Decreased Property Values

Studies have shown that neighbourhoods with lower traffic tend to have higher property values, as buyers often seek quiet, low-traffic environments. Increased traffic can deter prospective buyers, which can result in a decrease in demand and ultimately lower property values in areas affected by congestion and noise.

Quality of Life and Community Cohesion

A peaceful neighbourhood atmosphere can be significantly disrupted by high volumes of traffic. The increased flow of vehicles can detract from the sense of community and discourage outdoor activities or social interaction among neighbours. Over time, this can lead to a feeling of isolation or frustration among residents. In areas like Montagu South, where residents might prioritize tranquillity, additional traffic from businesses or facilities like a crèche could be especially disruptive.

Security Concerns

Increased traffic and movement within a residential neighbourhood can lead to several security concerns, especially when a previously low-traffic area becomes busier. Here are some of the main security issues associated with additional traffic:

Higher Risk of Crime

A higher volume of vehicles and foot traffic can attract criminal activities such as theft, vandalism, and break-ins. When there is more movement in and out of an area, it becomes harder for residents to identify unfamiliar individuals, making it easier for potential criminals to blend in and observe properties unnoticed. Studies show that neighbourhoods with more through-traffic tend to have slightly higher crime rates due to easier access and exit routes for offenders.

Reduced Situational Awareness

With increased movement, it becomes challenging for residents and neighbourhood watch programs to monitor unusual behaviour. Constant vehicle movement can obscure suspicious activity, reducing residents' ability to detect threats. This is particularly concerning in quiet neighbourhoods where residents are used to recognizing each other and identifying strangers more easily.

Strain on Security Resources

Increased traffic can lead to a demand for more security measures, such as surveillance cameras, neighbourhood patrols, and even additional lighting. For small communities or areas with limited budgets, this can be challenging to implement and maintain. If the neighbourhood needs more security personnel or monitoring technology, it can strain local resources and disrupt the community's overall budget and priorities.

Privacy Concerns

More vehicles and people passing through increase the likelihood of surveillance by outsiders. Residents may feel their privacy is compromised, especially if strangers frequently enter and observe the area. This can discourage residents from outdoor activities or social gatherings, which affects the sense of security and community cohesion.

Potential for Accidental Trespassing

With more cars and people, there is a higher chance of accidental trespassing or intrusion onto private property, especially if parking spaces are scarce. Individuals may park too close to driveways or enter private paths mistakenly, which can lead to discomfort or altercations between residents and outsiders.

Increased Vulnerability for Elderly Residents

In neighbourhoods with a high proportion of elderly residents, additional traffic can be especially worrying. These individuals may feel more vulnerable and less able to respond to potential security threats posed by increased unfamiliar movement. This can lead to heightened anxiety and a decreased sense of personal safety.

6.ECD Compliance and permit.

In reviewing the current application for the establishment of an Early Childhood Development (ECD) facility within the "rondavel" structure, it is noted that no ECD Facility Permit has been provided as part of the application materials. The absence of this permit indicates that the applicant has not yet fulfilled the registration requirements as stipulated under the Children's Act (No. 38 of 2005) and applicable provincial regulations governing ECD facilities. The operation of an ECD facility is contingent upon the applicant obtaining the appropriate permit from the Department of Social Development (DSD). This permit involves compliance with various criteria related to safety, health, child care ratios, and educational standards, which are fundamental to assessing the suitability of the premises for ECD purposes.

Further, the permit criteria may necessitate alterations to the layout, design, or use of the "rondavel" beyond what is shown in the initial layout plan submitted. Such modifications could significantly affect the rights and interests of neighbouring property owners, as these changes could impact safety, privacy, and noise levels. Without the complete permit criteria, adjoining landowners have not had a fair opportunity to review, comment on, or object to the proposed use of the building as a crèche.

In light of the absence of the required ECD Facility Permit, it is respectfully requested that the application be deferred until such time as the applicant has obtained and submitted the necessary permit. This would allow the reviewing authority and affected parties the opportunity to assess the application in its complete and correct form, ensuring compliance with all legal and regulatory standards before approval.

7. Additional factors to be considered.

Violation of Zoning and Land Use Regulations

Incompatible zoning and consent: If Montagu South's zoning is strictly residential, establishing a crèche must require consent, which could set a precedent for other commercial activities to seek similar approvals. Such exceptions undermine the integrity of zoning regulations designed to preserve the character of residential neighbourhoods.

Precedent for Future Applications: By allowing a crèche, the municipality risks creating a precedent for future commercial developments in the area, which could lead to cumulative negative impacts on the neighbourhood.

In South Africa, property owners in designated heritage or conservation areas like Montagu have an obligation to maintain the aesthetic integrity of their properties. This is particularly relevant for historically or culturally significant towns, where the local municipality, along with heritage conservation authorities, enforces guidelines aimed at preserving the area's unique character and architectural style. This is not just of importance in designated heritage zones, but also for Montagu in a whole.

Environmental and Ecological Impact

Increased Pollution: More traffic brings an increase in exhaust emissions, which can affect air quality and contribute to pollution in an area meant to be quiet and clean.

Waste Management: Crèches generate waste, including diapers and food waste, which requires appropriate disposal. Is the neighbourhood's infrastructure equipped to handle the additional waste, this could lead to environmental degradation, odours, and potentially unsanitary conditions.

Compliance with Health and Safety Regulations

Health and Safety of Residents: Crèches are required to comply with stringent health and safety standards, particularly when it comes to hygiene, childproofing, and safety precautions. Introducing such an operation next to residential homes may pose a health risk to neighbouring residents if there is an increase in traffic accidents, waste, and noise exposure.

Emergency Access Concerns: Increased traffic can hinder emergency response times, potentially endangering both residents and crèche attendees. In areas with elderly residents, easy access for emergency services is critical, and additional congestion could put lives at risk.

Lack of Community Cohesion

Social Cohesion and Resident Well-being: The social value, harmony and community cohesion in the neighbourhood has been disrupted by the expansion of a second dwelling and the application of a creche by the applicants. This has created tension between the applicants and existing residents, especially since everyone strongly oppose the establishment.

Legal Rights to Enjoyment of Property

Interference with Property Enjoyment: Section 25 of the South African Constitution protects individuals' rights to the enjoyment and use of their property. The increase noise, increased foot and vehicle traffic, and potential safety concerns constitutes an infringement on us as residents' rights to peaceful enjoyment of their properties. This right has been upheld in some cases where excessive noise or traffic impacted residents' quality of life.

Economic Concerns for the Municipality

Risk of Reduced Property Values and Tax Base: The definitely declining property values due to the establishment of a crèche in this residential area will negatively impact the municipality's tax revenue. Property values generally correlate with municipal tax income, and a decrease in demand or value due to new commercial activity could affect the tax base. Prior and if need be, after evaluations will be done on affected properties, to establish the decline in value and relevant adjustments that need to be done by the municipality in this regard.

Legal Precedent

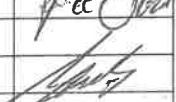
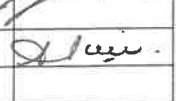
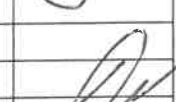
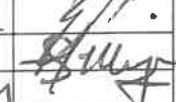
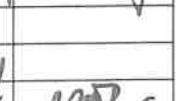
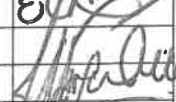
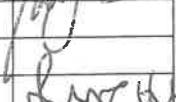
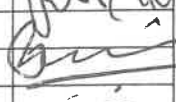
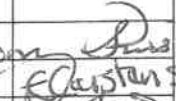
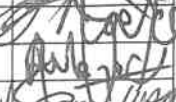
Similar Cases and Rulings: There are several legal cases where courts have favoured residents' rights to quiet enjoyment of property over commercial interests in residential areas. These cases strengthen our position by showing a legal precedent for rejecting commercial establishments in residential zones due to the impacts on quality of life and property enjoyment.

Financial gains / losses

The applicants are applying for consent with the objective of gaining financially from the establishment of the creche. Its not done under a company 21, non - profit business entity. This is at the financial determine of all adjacent property owners. We find this unacceptable.

**Respondents to the – Objections to the proposed consent of a creche Erf 53,
20 Van Riebeeck Street, Montagu**

The names, addresses, locality, contact details and signature is given below.

No	Name	Address	Contact Details	Signature
1	Peter Fisher	1A Kerk Str	peter.fisher@expsouthafrica.co.za 067 405 6551	
2	Anchen Fisher	1A Kerk Str	anchen@aidamontagu.co.za 076 301 9859	
3	Piet Swart	9 Van Riebeeck Str	PietS@Citadel.co.za 082 569 9450	
4	Grant Muir	18 Van Riebeeck Str	083 23 22 841	
5	ANNE SWIR	18 Van Riebeeck	083 412 74 92 grantmuir1@gmail.com	
6	MORNE TAUKE	8A KERK STR	083643 3886 MORNE.TAUKE@gmail.com	
7	JANE ST FUNK	18A VAN RIEBEECK	0833033087 janes@bidauto.co.za	
8	DANNY DANIELSEN	18A VAN RIEBEECK	0832862951 1974dannorm@gmail.com	
9	Heinrich Meyer	42 Lang Street	0720798237 meyerhein@yahoo.com	
10	L.J. Du Plessis	VAN RIEBEECK 7	0833272339 Louis123duplessis@gmail.com	
11	ETIE ALLEN	3A CHURCH STR	082-783-6608 allenetie@gmail.com	
12	Jeffrey Stenhouse	24 Hofmeyer St	0825945062 jeff@stenhouse.co.za	
13	Isabel Wagon	24 Hofmeyer St	0825682011 isabel@healthmon.co.za	
14	Tertius Prins	15 Hofmeyer St	0834405774 tprins15@gmail.com	
15	Sanette Prins	15 Hofmeyerstr.	084 608 2261	
16	Elize Carstens	16A Van Riebeeck St.	spring1976@gmail.com elsje@r62mail.co.za	
17	Johan Carstens	16A Van Riebeeck St	jco360on62.co.za	
18	Koos Saayman	14A Van Riebeeck	anchorage@lando.co.za	
19	G. Erasmus	11A Van Riebeeck	"	
20	Coetsee	22 Van Riebeeck	coetsee17@gmail.com	
21	J. Meyer	Olive Stone Farm	johannmeyer161@gmail.com	
22	Wanda Meyer	Olive Stone Farm Kerk Str. Montagu	wmeyer9@gmail.com	
23	M. Brits	Kerkstr Montagu	brits@cybersmart.co.za	
29	Johan Grouws	1B Church Str	johng@aidamontagu.co.za	

5 November 2024

For Attention:

The Manager: Town Planning
3 Piet Retief Street
Montagu
6720

Your letter dated 15 October 2024 has reference.

PROPOSED CONSENT USE: ERF 53, 20 VAN RIEBEECK STREET

Dear Sir

I acknowledge receipt of your letter dated 15 October 2024.

In the first instance, it would appear that this project has been **pre – meditated**, with the owner requesting, and it been approved, to erect an enlarged **second dwelling** on the property, without submitting the required land use application for deviation from the zoning scheme. A second dwelling of only 60 m² is allowable in terms of the zoning conditions applicable for a Single Residential Zone I. The Langeberg Municipality approved the construction of a 160 m² building. No attempt was made to protect the rights of affected landowners, by inviting the comments of affected landowners through a deviation application from the zoning schemes process. This could be construed that the Langeberg Municipality is in coercion with applicant's current application. This pre-mediated action and concurrent actions taken by the Langeberg Municipality and the owner can and should be the primary reason not to consider this application for approval. I therefore object to my rights as property owner be infringed in this regard. I also demand that the construction of this involved building be terminated, pending the lodging and approval of the applicable land use deviations.

I hereby also present the following additional written motivations whereby I strongly object to the **"application for consent use (crèche) in existing rondavel house on erf 53, Montagu"**. The factual motivations for my objections are as follows:

1. ECD Facility Permit

For the operation of a crèche an ECD Facility Permit must be issued by the Provincial Government. The conditions of operations and the physical requirements of the facility to be used as a crèche are specified by the permit. No such permit has been attached to the application. The assumption is therefore that the application for the ECD Facility Permit has not been concluded. The utilization of the "rondavel" building as a crèche is dependent on the criteria set by the permit and not the layout plan submitted with the application. Changes to the layout of the crèche could therefore occur which can affect the rights of adjoining landowners, without granting them the opportunity to comment or object. In the light of the absence of this criteria, the application should be deferred, to first obtain the applicable and correct criteria required to operate a crèche from the involved premises.

2. Pick-up and drop off facilities will increase traffic congestion and unsafe road conditions

There are no proper drop-off and pick-up facilities for toddlers on the property where the proposed crèche will be operated from. The application making reference to it that ample on-site parking and a drop off facility have been provided on the submitted site plan. This is not true. The vacant space available on the site plan, can also not accommodate a drop off facility,

because of space limitations (vehicles will not be able to turn around on the premises). No entrance and exit for vehicles have also been provided, to create a drive through drop off facility. The result will therefore be that drop off will occur in the street opposite the direct access point to the crèche (located on the corner of Church and Van Riebeeck Streets). This will cause traffic congestion and unsafe off-loading / pick-up of toddlers at the facility.

This omission in planning could pose an increased risk for the safety of the children and will create, at opening and closing times a traffic congestion.

I will in any event demand that a proper traffic congestion and safety study be completed. I would also like to receive a copy of such a report and would like the opportunity to comment.

It needs to be recognized that certain critical situations normally result in traffic, mainly heavy vehicles, be diverted from Long Street to van Riebeeck Street.

It stands to reason that in this entire application, the safety of children should be paramount, in addition to recognizing the ambience of the properties as explained above.

In addition, this property is opposite my property and hence access to my own property will become difficult and not without disturbances with an additional risk of accidents.

I thus cannot see how the excessive increase in traffic will be dealt with, if the required parking and drop off facilities cannot be accommodate on site. This is a residential street and should be kept as such, and not adding 40 additional vehicles on a daily basis to our street.

3. Agricultural/ Farm-Land

The area around the river (my property in particular) is basically considered to be agricultural/ farm-land and very unique to Montagu as well as the whole of the country. Any disturbance caused by introducing significant additional human activity around the area will undoubtedly have a negative impact on the area. I demand that the area should be protected against the very nature of such disturbances, and that the current tranquility be protected and maintained.

4. Noise levels

As already mentioned, Montagu South (specifically the properties around the river) are deemed to be quiet with lots of birds and animals in the area that also utilizes the area for breeding purposes. This is one of the main benefits of my property and the area. The noise levels of 20 toddlers will simply not fit in with the current state of the neighborhood and will directly have a negative impact on my property as well as surrounding properties by disturbing the peace.

I purchased this beautiful property in a quiet location to enjoy post my corporate career (I am currently 57 years of age). I did not purchase a property opposite a crèche to listen to screaming children all day long.

The increase in noise levels will be totally unacceptable.

5. Value of property

I have recently acquired my property at substantial price. I was informed that the transaction was concluded at the highest price for a residential property in Montagu to date. I can therefore not approve of a crèche being operated from my direct neighbor property, that will have such a

significant negative impact, not only on my own property value, but also those homeowners close to the applicant's property.

The previous owner of my property earned market related rental income from the established cottage on my property. Although I have not yet decided whether I will also be renting this out, should the applicant's request to open a crèche be successful, then that will be impossible to do due to the disturbance and noise levels as no one will want to rent a place in a perceived quiet Montagu with beautiful views, with a noisy crèche opposite it. Thus, resulting in me not being able to earn any market related rental income.

6. Heritage site

To add to above regarding the lack of appropriate pick-up and drop off facilities, the applicant's driveway is right opposite the cottage on my property which is listed as a heritage site. I am very concerned that the area in front of my cottage will be used as over flow for when parents are dropping off and fetching the children. This might cause damage and significant disturbance to the cottage. It will also not make sense to add road signs etc. on the side of the property (my cottage) to remind people not to park there, as this will be esthetically un-appalling. I strongly feel that the preservation of this heritage site should also be taken into consideration and should be preserved and protected for future generations.

7. Precedents for future applications in the area

Montagu South is a fairly quiet and upmarket neighborhood and has not been developed to entertain any business operations. By approving this application, the door is then opened for similar type of requests in the area. This would not be sustainable or appropriate and residential values would be destroyed and have a significant negative impact on van Riebeeck Street. Surely there are already correctly zoned streets/ areas in Montagu suitable for such businesses. Van Riebeeck Street is not and should not be one of them.

Considering my above raised objections, I cannot be party to any approval of a request for a crèche in Van Riebeeck Street and is shocked and highly disappointed that this is being considered.

I request that you consider my objections in a serious light to avoid any negative outcomes. In addition, I believe there are adequate designated areas and properties in the town of Montagu where a successful crèche could be operated from without disturbing residential areas.

I wish to place on record that I am writing this letter with a specific caveat that all my rights are reserved and that I may take further actions if deemed necessary.

Yours faithfully



PA Swart

Cell phone number: 082 569 9450

Email address: piets@citadel.co.za

Owner: 9 Van Riebeeck Street, Montagu

Mr and Mrs G Muir
No 18 Van Riebeeck Street
Montagu
6720

30 October 2024

The Manager: Town Planning
3 Piet Retief Street
Montagu
6720

Dear Sir,

Re: Objection to the Proposed consent use for a Creche on a Single Residential Zone 1 – Erf 53 Montagu

We, Mr and Mrs G Muir of No 18 Van Riebeeck Steet Montagu, wish to strongly object to the above-mentioned proposed consent use for a Creche on or at No 20 Van Riebeeck Street, Montagu for the following reasons:

1. The property is located within a residential suburb in Montagu South. The increased number of children, from 6 to 20, all under the age of four, is going to result in increases in a number of areas:
 - a. Increased noise – which is inevitable, whether it is laughter or tears, playful or otherwise.
 - b. Increased number of motor vehicles during pick up and drop off times in particular – estimated to be at least 12 to 15 additional vehicles – clearly number of children per family dependent, making the access and egress to our adjacent property at No 18 more difficult, and reducing the visibility of other vehicles traveling West along Van Riebeeck Street from the 4 way stop street at the intersection of Church Street.
 - c. Whilst the two parking bays may well suffice in terms of legislation, it is almost inevitable that there will be insufficient parking for staff, parents, other service providers etc, and the homeowners. This will result in parking on both Van Riebeeck Street as well as the pavement, which as stated above, will result in reduced visibility for other road users.
2. In our opinion, the proposed change in use of ERF 53 will have a negative impact on property values in the proximity of No 20, and in particular, on those properties that share a common boundary with No 20, which we at No 18 do.

3. As we use our outside areas, both the Northern and Southern aspects of our property extensively, during both the winter for sunshine and warmth, and during the summer for shade, fairly extensively for meals, the level of noise from twenty children will be a cause of frustration and irritation.
4. The comments made by Umsiza Planning in the proposal, that the proposed cheche will provide a livelihood for the owner and that there is a demand for such a facility, is one sided, and could well be applied to an application for a frail care center where working parents seek care for their elderly relatives, a laundry or ready meal service where working parents order a service / product in order to make their busy working lives easier, whilst the owners of the said businesses are provided a livelihood. Further, any such applications would also be objected to in the strongest way possible.
5. Lastly, when the owner of No 20 originally requested our approval for the second dwelling on Erf 53, he was not entirely honest regarding his intention iro the change in use of the property nor regarding his intention to open a creche.

Please acknowledge receipt of this objection.

Regards



Mr G Muir
grantmuir1@gmail.com
083 232 2841



Mrs A Muir
grantmuir1@gmail.com
083 412 7292

"Beswmer" 4.

Myrna Staal

From: Jack van Zyl
Sent: Thursday, 24 October 2024 14:32
To: Morné Taute
Cc: Myrna Staal
Subject: RE: PROPOSED CONSENT USE - ERF 53 MONTAGU

Good day Morné and Kamin

From your mail below, it is understood that you do have an objection to the proposed consent use. In order for us to take your objection into account properly, can you please provide us with the reasons for objecting.

Note that the relevant by-law (Langeberg Municipal Land Use Planning Bylaw 2015) prescribes that comments / objections on applications "must state the following: (a) the name of the person concerned; (b) the address or contact details at which the person or body concerned will receive notice or service of documents; (c) the interest of the person in the application; and (d) the reason for the comments" and that "the reasons for any comment must be set out in sufficient detail in order to— (a) indicate the facts and circumstances that explain the comments; (b) where relevant, demonstrate the undesirable effect the application will have if approved; (c) where relevant, demonstrate any aspect of the application that is not considered consistent with applicable policy; and (d) enable the applicant to respond to the comments."

Please provide us with the reasons for your objection within 14 days from this message (before 7 November 2024).

Regards

Jack van Zyl
Professional Planner (A1170/2000)
Senior Town Planner
Langeberg Municipality



023 614 8000
jvzyl@langeberg.gov.za

From: Morné Taute <morne.taute@gmail.com>
Sent: Monday, 21 October 2024 11:00
To: Myrna Staal <mstaal@langeberg.gov.za>
Cc: Langeberg Municipality <admin@langeberg.gov.za>; Kamin Taute <ktaute@gmail.com>
Subject: Re: PROPOSED CONSENT USE - ERF 53 MONTAGU

Good day Myrna

I have had a meeting with our neighbours, and we hereby retract our approval of this application.

Regards
Morné & Kamin Taute

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Beswmer met Matthew Pearson
Attorney op 7/11/2024. Hy
vretenskap Tantes om beswmer
te maak. Skieting datum
vir beswmer is 18 November 2024

Bylae 4

Aansoeker se reaksie op die beswaar

45

2 January 2025

Municipal Manager
Langeberg Municipality
Private Bag X 2
ASHTON
6715

For attention: Jack van Zyl

ERF 53 MONTAGU: APPLICATION FOR CONSENT USE (crèche): REPLY TO OBJECTIONS RECEIVED

The three objections and petition received applicable to the proposed crèche on Erf 53 Montagu refer.

The following objections were received, relevance comments in summary:

Mr and Mrs Muir, 18 Riebeeck Street / Erf 52 Montagu

- Increased noise of children;
- Increased traffic during pick up and drop off times in particular, impact on access to No 18 and reducing visibility of vehicles travelling westwards from the 4 way stop;
- Two parking bays insufficient and will lead to parking in street with reduced visibility to other road users;
- Negative impact on values of abutting properties;
- Use northern and southern outside areas – level of noise from 20 children will cause irritation;
- Motivation for livelihood of owners is one sided;
- Intention of second dwelling not honest.

PA Swart, 9 van Riebeeck Street / Erf 75 Montagu

- No consent application including public participation lodged for second dwelling in terms of Langeberg Municipal Land Use Planning Bylaw;
- No ECD facility permit attached to application, the utilization of the rondavel as a crèche is dependent on the criteria set by the permit and not the layout plan submitted with the application;
- No proper drop-off and pick up facilities on the property – no space for turn around on premises or no drive through – this will result in dangerous drop off on corner of Van

Riebeeck and Church Street and will cause congestion and impact negative on access to Erf 75. This is a residential street and should not be adding 40 additional vehicles per day;

- Additional human activity adjacent on agricultural land will impact negatively on unique character of area;
- Noise levels of 20 children will have negative impact on adjacent agricultural character;
- Negative impact on value of adjacent properties. Will not be able to rent out cottage on Erf 75 due to disturbance and noise levels;
- Cottage on Erf 75 is a heritage site. Driveway to proposed crèche is opposite cottage and may cause damage and disturbance to the cottage;
- Montagu South is a fairly quiet and an upmarket neighbourhood and has not been developed to entertain any business operations. This application will create a precedent for such land uses and decrease the value of van Riebeeck Street and the area; and
- Believe there are adequate designated areas in Montagu where a crèche could be operated without disturbing residential areas.

Peter George Fisher, with 29 Respondents

- Objection consists of one common letter with a petition page of 29 respondents.
- Property values:
 - Montagu South is mainly made up of retirees - potential negative impact on property value of Montagu with mostly elder residents;
 - The municipality has an obligation to conserve property values; and
 - Reduced property values will cause lower property taxes.
- Zoning Issues:
 - Van Riebeeck Street is a quiet upmarket residential area – crèche could change nature of street, especially in this portion;
 - Will create precedent for other commercial uses;
 - Decline in property values due to impacts;
 - Increased traffic and parking congestion will have negative impacts on elderly residents; and
 - Other more suitable areas for crèche, not in Montagu South.
- Noise pollution caused by small children during weekdays and more vehicles.
- More traffic can compromise safety, parking and access issues and can lower property values and quality of life, also higher risk of crime, less privacy and increased vulnerability for elderly residents.
- No ECD Compliance Permit.

Combined / general comments on the above are as follows:

- The intention of enlarging the current playschool (primary use in SRI) was not an option during the former application for the second dwelling on the property and therefore no neighbour was misinformed or asked for support under false pretences.
The operation of an airbnb was considered.
The current application for crèche (enlargement of play group from 6 to 20) emanated from a very long waiting list and numerous requests over the past year from parents in Montagu to "foster" their children.
- We are of the opinion that the petition was launched based on the above-mentioned prejudice that negatively influenced the respondents.
- An ECD permit will be obtained after land use approval. Such a permit is subject to land use approval.
- From the objections it sounds like Montagu is a retired dormitory town with no small children. Yet the town has an active and prosperous primary and secondary school, of which the last mentioned is indeed located in Montagu South.

The statistics provided are one-sided - Many younger people and households do not buy and sell houses and will not be accounted for in the statistics provided. The statistics also show a 10% difference (growth?) for the group 18 - 35 years between the past (older than 6 months) data and the latest data.

Why is Montagu Secondary School located adjacent to Van Riebeeck Street and in Montagu South that is a quiet neighbourhood only for elderly?

A Secondary School has a much larger noise and traffic impact with more children and more hours and much more extracurricular activities and sports events after hours and during weekends.

Even Montagu Hospital is located in this suburb of Montagu.

Although parts of Montagu South can be regarded as a quiet residential area, Van Riebeeck Street is the main collector/distributor of traffic to and from Montagu South (i.e. also the Secondary School and Hospital) and is also used as a throughway by many travellers that want to avoid the town's traffic.

Such busier roads are regarded the most desirable locations for alternative supported land uses within a residential community.

Owners buying property directly adjacent to this road will have to accommodate these impacts.

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Van Riebeeck Street is the physical boundary between the small holdings and Montagu South. South of Van Riebeeck Street is a residential suburb consisting of a variety size residential erven (single residential as well as group houses) as well as the Secondary School (543 learners according to internet) and sport fields and the Montagu Hospital. Both the non-residential uses have much larger impacts on this neighbourhood than a crèche for 20 children.

- The letters attached show the large demand for pre-school facilities in Montagu:
 - Esmari van Heerden, Du Toit Street Montagu & Nurse on Wheels: *The lack of sufficient local childcare options in Montagu presents a significant challenge for many families, especially working parents. The limited availability of day care facilities forces families to rely on care far from home or take time off work to handle childcare needs – situations that are not sustainable in the long term. The introduction of a small, play-based day care would fill a vital gap in our community, offering much-needed childcare close to home. I believe that a well-organized, small scale day care would have minimal impact on the neighbourhood. The focus is on creative and low-impact learning activities which would not generate excessive noise or disturbance. I fact, it could help maintain the peaceful environment of the suburb and will have a positive impact on the community, particular for families that are struggling to find quality childcare. It will contribute to a stronger more vibrant community.*
 - Michelle Glover in Brink Street, Montagu South: The specific focus on autistic learners will address a huge need in the community and making the community a model for inclusivity and forward-thinking education.
 - Ann Naudé in Cogmans Close, Montagu South: A crèche will support families with young children that will help ensure that the town remains a vibrant place for future generation.
 - Tania & Lawrence in Brink Street: Applicant will provide high-quality childcare services that is a growing demand in the area. It will be a valuable asset to the neighbourhood.
 - Danielle Keller Occupational Therapist, Montagu: Strong support for the proposed play-based crèche in Montagu as it provides a holistic approach to learning that encourage young children to develop critical skills in a nurturing and engaging environment. It will be an invaluable asset to the community.
- In today's financial climate, the lack of adequate crèches in Montagu may force parents to seek work and reside in other towns. With limited young children, the number of children in the schools will become less and may deteriorate that may have a damaging economic impact on the remainder of the town.

For healthy economic growth, it is important to have a mixed community with people from all ages, and more specifically a large youth.

- The application will not create a precedent, as this is not a change in land use (no rezoning).

The IZS makes provision for contemplated uses that can be regarded as acceptable in certain zones, subject to desirability. These land uses are called consent uses, and that is only what is applied for.

Due to the small scale, a crèche is a consent use and needed community facility in Single Residential Zone I / residential neighbourhoods.

Therefore, there are no other demarcated sites in Montagu for a crèche as the objectors have stated.

Erf 53 will remain Single Residential I and therefore no precedents for commercial use can be created.

- Montagu South cannot be reserved to accommodate only elderly people, especially not with the Secondary School within walking distance.

The location of the proposed crèche is optimal:

- Adjacent to the main collector/distributor within a residential area, therefore very accessible and with low impact on traffic flow.
- Located on corner of two main streets with separate entrances to crèche and dwelling house.
- Entrance/exit is located 45m from stop street that slows down traffic speeds, and provides a safe distance for entering/exiting the application site.
- Located opposite only one very large small holding on Erf 75 with dwelling house (80m from proposed playground of crèche) and garden facing northwards away from crèche.

[This has much less impact than a location amidst many smaller erven.]

- Although Erf 75 is the highest priced property in Montagu, the proposed crèche will not lower its value as it is located on the other side of Van Riebeeck Street (physical barrier).
- Cottage on Erf 75 is located very close to Van Riebeeck Street – the noise from the traffic passing by will have more impacts on possible guests than the crèche opposite the street. Additional traffic generated by the crèche will be limited to certain hours and will overlap with the traffic flow of the school.

If the cottage will be used for tourist accommodation in future, it will be temporary and mainly over the weekends when the crèche is closed.

- Children will play outside only during limited periods of the day with limited impact. [Refer to comments by nurse Esmari van Heerden that confirmed that the focus of the day care is on creative and low-impact learning activities.] The demarcated play area is enclosed by shrubs next to Van Riebeeck Street and Church Street, as well as internally as a barrier towards Erf 52. This area is also bounded by the rondavel and two street reserves.
- The large extent of Erf 53 and square form can accommodate a dwelling house and crèche that can operate separately in two different buildings and with two separate entrances. It provides adequate space for parking (4 available at entrance plus another two in existing carport), reversing on the site to prevent any reversing in street) as well as open/play areas. [Adequate space for Owner and other employees to park at the dwelling house, using the entrance in Church Street.]

Summary

The importance of providing this much needed small-scale play-based crèche for the sustainable and growing economic well-being of Montagu has been emphasized above.

It will be an enlargement of an existing successful facility of 6 children to 20 children and will still be a small scale establishment with low impact learning activities.

Due to the optimal location of the erf, the size and form, as well as the natural buffers, it will have a very small impact on the surrounding community.

We are confident that the broader community will support this facility once all the relevant facts have been clearly presented.

Your favourable consideration will be highly appreciated.

Yours faithfully



Anna-Christa Redelinghuys
Pr.Pln A/1076/1998

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