


FILE NO: <b>EL 1746SB</b>	TR A Theart (Ch Olivier)		Willem Beukes Grysbok Crescent Sandbaai 20 January 2015 8 pages
SCAN NO: <b>46</b>			
COLLABORATOR NO: <b>706448</b>			

Director of Infrastructure and Planning  
Overstrand Municipality

**RE. OBJECTION TO:** Consent of Land use and Timetable Changes for erf 1746, Sandbaai.

Dear Mr. Muller and whom it may concern,

I object to the proposed timetable changes and object to the Land use of erf 1746 for a large-scale Early Childhood Development centre (ECD): i.e.; a crèche/infant section, a pre-primary school and after-school Daycare all being conducted from the same premises.  
For the following reasons:

1. ONE-SIDED TIMETABLE:

- The proposed timetable and motivational report clauses are written in a way that will allow the school to have children outside doing various outdoor activities, whenever they wish.
- There has been no attempt to adhere to the original timetable the school supplied, a condition of their current approval. Even after warning letters from the council to the school (21 May 2014) for them to comply, have they failed to do so.
- In their letter dated 29 March 2012 they state the school closes at 5pm. A condition of their approval is that adhere to the business hours they stipulated yet they are operating till after 5:30 pm every day.  
At the end of last year, before school holidays and on an arbitrary Thursday, the children were outside making noise till 8pm; only once I called law enforcement did it stop.  
What is stopping them from starting even earlier or closing even later in the future?
- Based on their track record, the children are outside at every possible moment and it is thus fair to expect them outside for the full 10½ hours daily, 5 days a week and including school holidays.  
Currently I struggle to be productive from my home during the 1½ hours in the morning and the hours in the afternoon when the children are out. How am I expected to function from my home when this is to become louder for longer?
- The purpose of a pre-primary school is to prepare the children for primary school. A primary school has only 2 breaks of no more than 1 hour each. How are these children going to adapt to such a change and when do they learn to study indoors?
- Part of the ECD requirement is that the outside and inside activities are to be managed so that noise levels will only be generated at specific times. This new timetable proposal is not in keeping with this requirement, it is written in a way that allows them to be outside at any part of the day.
- Unlike other schools, this one does not close during school holidays; this means the neighbours never get a break from the noise. This noise is also intensified during these holiday times as all the children (pre-school and daycare together) are there for the whole day and no formal schooling occurs.

2. NOISE POLLUTION PROBLEM:

- The noise that the children make when outside is not being controlled effectively and the volumes are unacceptably high. Mr. Muller has been on my premises and heard

TP 21 JAN 2015

the noise; I have also played a recording to Mr. Muller and Ms. van der Stoep during a meeting to demonstrate what we are dealing with.

- The noise generated currently by the 100 children will be doubled in volume when allowed to double to 200 children.  
There is no mention in the application of more teachers or any other ways to limit their noise.
- No appropriate treatment or screening of the boundaries has been done to minimize the noise impact. The claim that the placement of the Wendy houses creates a buffer and minimizes the noise factor is untrue.
- Although the school is aware of the noise complaints, no attempt has been made to lower the levels. On the contrary, a school bell is now rung throughout the day, a trampoline installed and a jumping castle is erected at times, all these are noise-generating activities. Equipment is not maintained to eliminate noise (swings). This is a business that shows no intent to consider the impact their noise has on their neighbours.
- The "fire drill" being conducted is an event when all the children rush out the classes together and scream "hooray", this is not the training for an orderly exit in the event of a fire that it is meant to be. All the neighbours came out their houses to see what the noise was about!
- Is this school even complying with the applicable Noise Control Regulations as well as our governmental by-laws relating to streets, public places and the prevention of noise nuisances?
- Erf 1746 accommodates both a "superette" and a pre-school, both have high levels of noise for an area that is primary residential.

The "superette's" noise begins at about 4am with a loud alarm going off when the shop is opened. Anytime from 6am one can expect to hear the trucks and their reversing alerts when deliveries are done for the shop. Throughout the day and until 9pm the customers arrive and depart with noise (car radios, racing motors, slamming doors, etc). The noise ends around 9:30 pm when the loud alarm is reset and the shop locked. This kind of noise in these hours should not be tolerated in a residential suburb. This is one businesses noise from this erf; most of it can be eliminated with simple solutions and consideration for the neighbours.

The pre-school noise begins currently around 7am with the general noise of teachers and children arriving. (This new timetable will allow the children to be left outside to play till 8:30 or 9am, day dependant). By 10:30am the children are outside and are allowed to make noise till 12pm. As a neighbour this means I need to conduct any business from home before 10:30 am, after this I must leave or tolerate the noise for 1½ hours. I have a quiet period over lunchtime but by 3pm all the children are out and making noise again till 5:30 pm, every day and including school holidays. How can this be tolerated in a residential area with an erf that shares its borders with residential properties? How do they expect us to tolerate the noise when it becomes louder for longer?

### 3. INADEQUATE SIZE:

- An ECD requirement is that a 1.5 sq m indoor play area per child be provided. For 200 pupils this would mean a 300 sq m indoor play area is required. The **total indoor** area that the pre primary occupies is about 272 sq m. This is not enough space for the indoor **play** area alone that is required, an area not including the other required areas like; food preparation area, eating area, sleeping areas, sick bay, baby washing facilities, separate toilet facilities for the teachers, toddlers and pupils and the staff facilities. This property is not big enough for the amount of

children it wishes to accommodate, is it even the correct size for the current amount of children? 100 children would need a play area of 150 sq m.

- The ECD requires that the indoor and outdoor play areas for the infants (0-24), children (2-6 years) and aftercare must be **separated** from each other. This is not being done and teacher supervision is inadequate when the children are outside. The bigger children are bullying the smaller children adding to the high noise levels.
- The ECD requires 1 toilet for every 20 children (low level for 2-6 years), which makes 10 toilets for pupils, not including the adult's toilets. It is not made clear the current total amount of toilet facilities and if they comply.

#### 4. UNSUITABLE PREMISES:

- Erf 1746 shares its boundary walls with 6 properties. 5 are residential (1 is a plot for residential purposes waiting for development) and only 1 business. See page 8 for reference diagram.
- Erf 1746 accommodates both a "superette" and the pre-primary school. Both attract high levels of traffic (especially at peak times) and both generate high levels of noise.
- The other businesses in this area consist of: a Hair salon, Coffee shop, Optometrist, Offices, Estate agents, EMR base and computer shop. Most of these businesses are established along Main Road. None generate high levels of noise. None attract high levels of traffic. They all conduct business at acceptable hours for a residential area. The other businesses in Sandbaal that are noise generating or have high levels of traffic operate in the industrial area or by the R43 road. (See the map on page 7 as reference).
- The superette and the school are operating from the same erf. The superette sells alcohol from the premises during the hours the school is open. This should be an issue. Undesirables hang around this erf drinking and hide behind the walls of the school. The walls are low enough for the pupils to climb over.
- The proposed parking lot is positioned outside my bedroom windows. No one on my property will be able to sleep later than 7am every morning and including school holidays. Even if sick, on leave from work, a pensioner, etc. This is a residential area. It is also unclear if there is going to be an entrance to the property from the parking area, if so where will it be and will the noise generated by a gate be considered?
- The inclusion of a parking lot is of no real benefit to the children who are already in a confined space with no space for further development. What guarantee is there that this will not become an area that they play in? The children have been seen playing in their current parking lot at times? The 272 m sq total interior area is smaller than the parking lot of 450 sq m, this does not seem right! Extending the parking lot does not mean extra space for the children to play or learn in, they will have 200 children in a space that currently cannot accommodate 100 children comfortably.
- Most of the classroom areas are located in wood Wendy Houses; this is not in keeping with the standard of the other businesses in Sandbaal and not an ideal place to be teaching children in. This proposal is not compatible with the existing built character of the area as stated in their motivation report (28 November 2014).

#### 5. LOCATION:

- Contrary to their claims, there is property available in Sandbaal that has been zoned and earmarked for such institutional development. (See photo 1 on page 6 for reference). This property shares its borders with community-orientated establishments, not residential dwellings. No one will develop this property for which it was intended while there is another school in such close proximity. A new space can be designed in a

way that meets all the necessary requirements for a school and in a way that minimizes the noise factor. The erf is also 2500 sq m, far larger than the 1297 sq m they currently occupy so there can be room for further growth.

- The parking area shared by the school and superette along Long Street is already problematic. The parking lot entrance space is too close to the stop street (see photo 2 on page 6 for reference). This causes problems with the already high amount of traffic entering and leaving the property at one of the busiest intersections in Sandbaai. This parking lot is also the one favored by most trucks doing deliveries to the shop. The parents will continue to favor this parking lot, as it is closer to the schools entrance than the new proposed lot.
- This school does have a negative impact on the value of the neighbouring properties. The actions of this school infringes on our right to enjoyment of our properties. My house has become a place I must escape from when the children are outside, every day.  
In my house, no one can: Sleep in after 7am, even on holidays.  
: Work nights, it is impossible to sleep here during the day.  
: Study during the day, you cannot focus with this noise.  
: Recover in peace and quiet when ill.  
: Enjoy retirement on a property neighbouring this school!  
What value is a home with a problem like this?
- Having a school sharing boundaries with residential properties comes with complications other than noise.
  - Children throw stones and cause damage to the surrounding properties and cars passing by. Bored and unsupervised children.
  - Children jump over the walls into neighbouring properties. Bored and unsupervised children (See photos 5 and 6 on page 6 for reference).
  - Balls, toys and rubbish from the school are constantly littering the neighbouring properties.

#### 6. BUSINESS ETHICS

- "Paddakoor Academy" began operating in January 2012, before the correct procedures were followed and the correct approvals received. The zoning restrictions were only changed in 26 September 2013, until then they were knowingly operating illegally. The council had a court date scheduled for 27 September 2013 with the school regarding this matter; this approval letter arrived the day before!
- The owners of the erf 1746 had full knowledge that it was incorrectly zoned for a school before letting the portion of the property to the new school "Paddakoor Academy". The previous school "Kidz Academy" moved most of their children and teachers to the Curro School once they had been informed of the incorrect zoning; it was not just a name change as implied in the application.
- This school does not respond favorably to the councils requests and have shown no regard for the rules, yet they have made every attempt possible to change the rules to best suit them. This is demonstrated in the track record they have created:
- Since the school has been operating they have failed to adhere to the conditions of their approval, both regarding the timetable hours and the hours that they are open for business. 3 years of disregard yet there are still no consequences.
- When I purchased my property in Sandbaai, all that there was at the back of the shop was a small room with a few babies and no signage to indicate it being a school. Once the school became bigger and the noise levels increased, I began complaining about the noise (including signatures of 6 other residents, 4 March 2011) and questioning the legality of a school operating from this property (26 July 2011).
- As a homeowner I came to the council with this noise problem that effects me daily, I have gone through all the right processes yet it has continued for more than 6 years.

This school has been afforded every opportunity to become more compliant yet nothing has been done to address the original noise complaint.  
 If it were not an issue that negatively affected me daily I would not spend so much time and energy against it, 6 years of following the right processes, writing letters and making calls is wasting my time and those of the council members involved!  
 In a system that should be transparent, free and fair to all parties:  
 Why did I receive an intimidating phone call directly from the schools owner?  
 Why have articles about this matter been stopped from going to the press?  
 Why is their teacher posting bad comments about us on social media? "The neighbours in Grysbok single that make their jobs harder"?  
 Why do I have to install thick and laminated windows for their sound and stones?  
 Why do I have to run water-features to try drowning out their sounds?  
 Although this problem affects me daily and on a personal level I have tried to keep my correspondence as factual as possible yet I am constantly being attacked on a personal level (See letter from the school, 29 March 2012).

#### 7. RECOMMENDATION:

Please consider the following when evaluating the application for the school:

This is not in keeping with our constitution; section 28(2): "that the child's "best interests" are of paramount importance in every matter concerning the child."

It is far less work for the teachers to let the children play outside all day than it is to try teaching them!

It is more cost effective to squeeze children into an inadequately sized property that is for rent, rather than to develop a property with the correct requirements. I understand the high demand for such an establishment; the need will only increase with population growth and this property has no room for growth. More parking does not mean more space for children, yet they wish to double the amount of children. The wellbeing of the children is not being considered.

Please make this school move to a property that is more suited for the purpose.

This issue has continued for long enough, the school is in denial of the noise it makes and has made no mention of any ways it intends to control noise in the future, especially with the intended doubling of learners.

If this is allowed to continue what precedent are you setting for other businesses and schools not only in Sandbaai but the whole Overberg region?

Such a decision must not be made on financials alone, let us encourage good community development and an ethic that considers those around us.

Please re-consider the approval for erf 1748 for purposes of running a school (baby care, preschool and daycare), as I do not believe this property is best suited for such a business.

Your assistance and some closure with this matter will be greatly appreciated.

Kind regards



Willem Beukes

082 765 1095



1. Photo of property available with correct zoning in Sandbaai



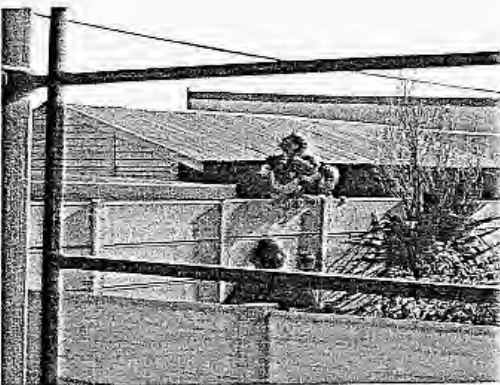
2. Photo of parking lot entrance which is problematic.



3. Photo of businesses along Main Road



4. Photo of Long Street, no other businesses just residential properties.



5 and 6. Photos of children climbing over the walls and onto neighbouring properties.

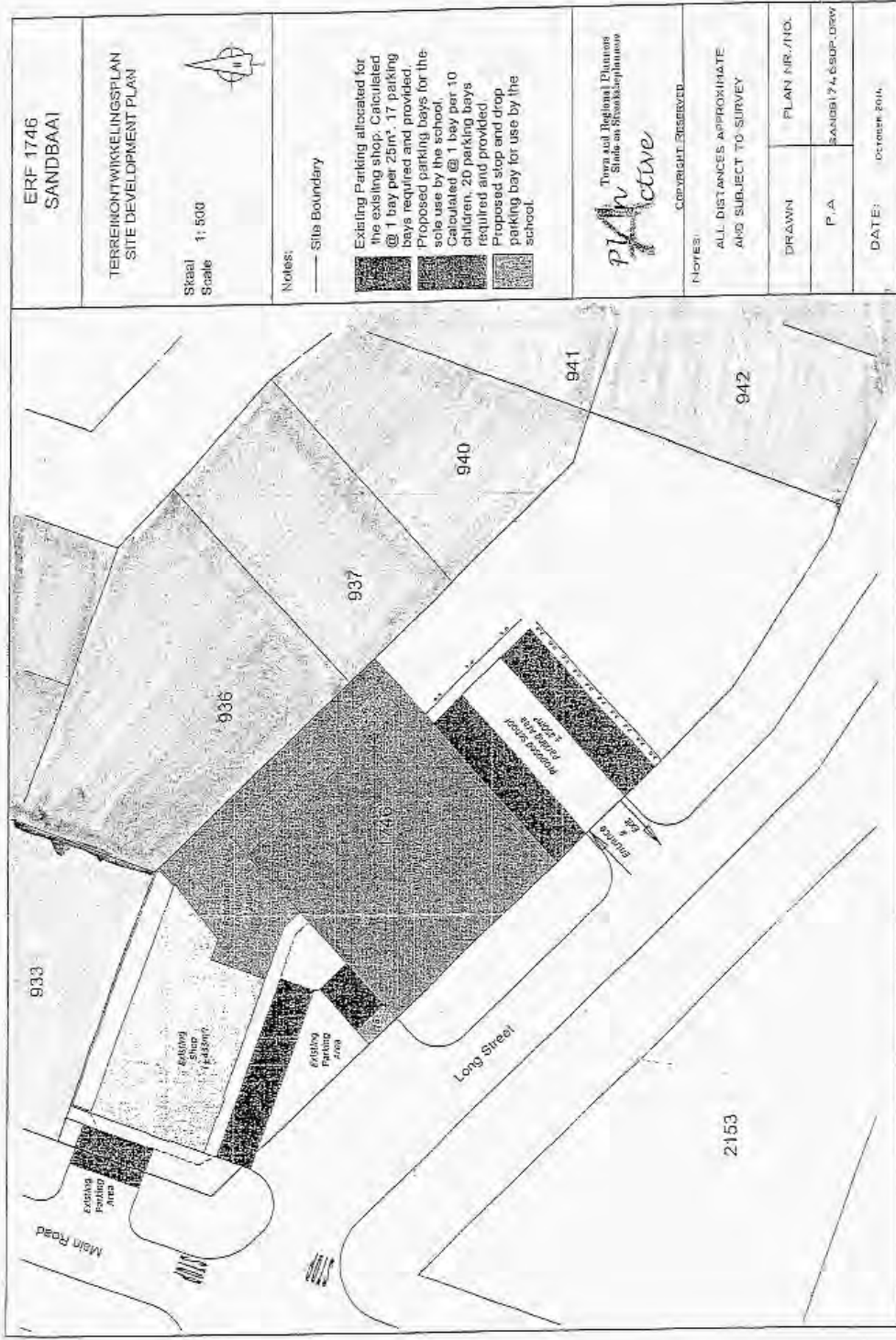
 = other businesses  = Residential Properties



<p>ERF 1746 SANDBAAI</p>	
<p>LIGGINGSPAN LOCALITY MAP</p>	
<p>Skaal NTS Scale</p>	
<p>Die Terrain The Site</p>	
<p>Plan Town and Regional Planning Stads- en Streeklêpmanne Active</p>	
<p>NOTES: ALL DISTANCES APPROXIMATE AND SUBJECT TO SURVEY</p>	
<p>Copyright Reserved</p>	
DRAWN	PLAN NR./NO.
P.A.	SANDB1746L.DRW
DATE:	OCTOBER 2014

☐ = Residential Properties

☐ = other Businesses



TP - A Theart  
(H Olivier)



C. Myburgh  
8 Grysbok Single  
Sandbaai

29-01-2015

Aan Mnr Muller

Uitbreidings Erf 1746: Sandbaai

Met betrekking tot bogenoemde uitbreidings:

Ek huur 'n huis by Mev. M.Karg, erf no. 940, en sy het toestemming gegee dat ek mag reageer op bogenoemde.

Ek het kom aftree op Sandbaai en onder aftree verstaan ek 'n rustige lewe, nie 'n geskree en gegil van kinders nie.

Hoekom moet hierdie Plek van Onderrig juis in 'n woongebied wees? Is daar dan geen ander plek nie?

Die fasiliteite tans vir hierdie skool is volgens my maar min. Waar gaan die "nuwe" 100 kinders geakkommodeer word? Daar word aansoek gedoen vir parkeerplek, gaan die kinders op die parkeerterrein speel? Word daar nog toilette voorsien?

Volgens die rooster gaan die kinders meeste van die tyd buite wees. Daar is skaars ordentlike toesig soos dit tans is, so ek kan my voorstel watter lawaai ons gaan hê van kinders wat buite speel en gil soos hulle lus het en nie stilgemaak word nie.

Dit is, om die minste te sê, onregverdig teenoor die kinders sowel as die omliggende inwoners en doen 'n beroep op die Raad om werklik ons as inwoners se belange op die hart te dra en die regte besluit te neem.

Baie dankie

Caroline Myburgh

FILE NO:	EL 1746SB
SCAN NO:	12
COLLABORATOR NO:	710029

TP 28-01-15

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ANNEXURE D 10/10

TP - A Theart  
(M. Olivier)  
Loretta Gillion - Erf 1746, H/v Lang en Hoofstraat, Sandbaai

**From:** "Deon Beukes" <cttdeon@mweb.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 20/01/2015 05:24 PM  
**Subject:** Erf 1746, H/v Lang en Hoofstraat, Sandbaai



Voorgestelde Vergunningsgebruik: Plan Active namens Sobrey Property Investments cc

Beste Menere

In verband met bogenoemde aansoek, wil ons as Sandbaai Belastingbetalersvereniging net die volgende noem:

1. Daar is in die verlede al deur 'n inwoner, mnr W Beukes, wonende op erf 937, wat grens aan die Paddakoor Akademie, beswaar gemaak oor die geraas wat die kinders maak gedurende speelye, asook dat hulle op grensmure klim en oor die algemeen 'n oorlas van hulself maak. Toesig is opgeknip, maar dieselfde situasies speel hom van tyd tot tyd af.
2. Die feit dat die Akademie nou hul leerders met 100% wil vermeerder, sal veroorsaak dat daar meer geraas sal wees en aangesien die perseel dieselfde grote gaan bly, kan dit potensieel probleme veroorsaak.
3. Nog 'n residensiële erf ( erf 936) – huidig onbeboud, grens ook direk aan die skool.
4. Aan die ander kant is daar 'n groot behoefte in die gemeenskap na die geriewe wat die skool bied.
5. Om aan almal se behoeftes te voorsien, stel ons die volgende voor:
  - a) Indien die vergunningsgebruik goedgekeur word, moet daar baie streng toesig gehou word oor die leerders om te sorg dat hulle hulle nie wangedra en reëls oortree nie.
  - b) Ons stel voor dat daar 'n hoë muur aan die agterkant van die klaskamers, aangrensend aan die residensiële erwe, gebou word wat sal verhoed dat leerders daarop klim, en dat dit geraas van die inwoners sal weghou, en ook om hul privaatheid te waarborg.
  - c) Van die owerhede se kant moet daar ook gereelde inspeksies gehou word om te sorg dat die skool by die reëls hou.

In beginsel is ons ten gunste van die aansoek, mits daar ook na die belange van aangrensende inwoners gekyk word.

Vriendelike groete

**Deon Beukes**  
**Voorsitter : Sandbaai Belastingbetalersvereniging**  
**Chairman: Sandbaai Ratepayers Association**  
[sandbaairates@gmail.com](mailto:sandbaairates@gmail.com)

Cell : [082 5548781](tel:0825548781)  
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Email : [deon.beukes@mweb.co.za](mailto:deon.beukes@mweb.co.za)

FILE NO:	E2.1746-SB
SCAN NO:	44
COLLABORATOR NO:	706423

TP

20 JAN 2015

07:58:52 AM

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TP- A Theart  
(H Olivier)

TOWN & REGIONAL PLANNERS  
STADS & STREEKSBEPLANNERS

Plan  
ctive

Town and Regional Planners  
Stads-en Streeksbeplanners

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Our reference: PA14043

23 February 2015

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

For Attention: Ms. H van der Stoep

Sir,

FILE NO:	62 1746 SB
SCAN NO:	
COLLABORATOR NO:	758669

**COMMENTS ON THE OBJECTIONS: ERF 1746 SANDBAAI: PROPOSED CONSENT USE**

Your letter dated 3 February 2015 with enclosed objections from the Sandbaai Ratepayers Association, W. Beukes and C. Myburgh refers.

Firstly we would like to bring to the attention of the objectors that **this application is not to increase the number of learners attending Paddakoor Academy or to extend the school.**

It is the intention of the owner of erf 1746 Sandbaai to change the departure approval for the Paddakoor Academy to a consent use for the following reasons:

- The land use of place of instruction is now provided for in the new Overstrand Municipality Zoning Scheme under the property's current zoning as a consent use;
- To amend the school's timetable.

With reference to the above we request that the following statements made by the objectors should be ignored as per the reasons stated above:

- The school will increase in number of learners.
- The school will be expanded.

Divine Inspiration Trading 329 (Pty) Ltd, trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

75-10-2015

We enclose a copy of the comments on the objections from Paddakoor Academy that relates to all school matters as Addendum A. Our comments on the objections related to all Town Planning matters are as follows:

- Erf 1746 Sandbaai has always been a business property with established business rights and was create with the original Sandbaai layout to have a function as a business node (convenience hub) for the township. Any person that purchased land adjoining Erf 1746 Sandbaai knew what land use rights were in place for Erf 1746 Sandbaai. Business related objections can therefore not be taken into consideration when this application is evaluated.
- With the previous application that was submitted and approved we contacted Mr. W. Beukes to discuss his objections in order to see if mitigating measures could be put in place by our client that could address his concerns. Matters that were brought up by Mr. W. Beukes and his team were relating to legislation pertaining to the management of the school and made false accusations to our client for not abiding to these rules. Proof was furnished that the school was and is still operating legally with all relevant approvals in place. Our client is in favour of having a reasonable discussion with the objectors to discuss reasonable mitigating measures that would be acceptable to all parties.
- This application as stated above is to change the existing departure approval for the school to a consent use and to amend the school's time table. No additional rights will be obtained other than what was approved for as a departure. The operating hours and the manner in which the superette is managed have no relevance to the application for Paddakoor Academy and cannot be used in evaluating our application. The number of traffic generated by the superette also has no relevance to the school.
- It is mentioned that Erf 1746 Sandbaai is not a suitable premises for business purposes and a school due to the fact that it borders onto 5 residential erven. As mentioned above, Erf 1746 Sandbaai has always been a business premises and is a landmark in Sandbaai. Surrounding erven, especially along Main Road from Erf 1746 Sandbaai in a northern direction have changed their land use from residential to some form of low intensity business uses. It should be noted that most of the land use changes from residential to business uses were done by means of a departure or is accommodated as a home occupation. The types of business uses granted are businesses that are compatible with residential land uses because it is outside the actual Sandbaai business node that was

created with the layout of Sandbaai and cannot be compared with the existing established business zoning of Erf 1746 Sandbaai.

- Erf 1746 Sandbaai accommodates the Sandbaai Superette and the Paddakoor Academy formerly also known as Kidz Academy that was established in 2004. The school has never encountered any so called unwanted elements wandering around the school grounds as stated in the objections.
- The layout of the site development plan has not changed with this application for consent use. The site plan remains as it was approved including the parking area. The parking area was designed to conform to the parking requirements as determined in the Overstrand Municipality Zoning Scheme.

Without any additional parking bays the site plan could not have been previously approved and it should also be kept in mind that Erf 1746 Sandbaai is only partially developed and can be further developed in terms of the current zoning and associated land uses. Should the owner decide to further develop Erf 1746 Sandbaai it would also require that more parking bays be provided at any location on site.

Primary development rights under the existing zoning are shops, flats and offices. It should be noted that the definition for a shop also makes provision for a retail concern where goods which are sold are manufactured and repaired provided that the floor space does not exceed 50% of the floor space of the shop. Utilising the site to manufacture or repair goods that are sold as a current primary right will have a greater impact on the abutting erven than the existing school and will have to be taken into account.

- The prefabricated classrooms were built by Kidz Academy and were taken over by Paddakoor Academy. These classrooms were part of the previously approved site development plan and the construction thereof was not an objection raised by Mr. Beukes at the time. The classrooms are well maintained and suitable for the use.
- The existing parking layout in front of the superette was used to design the approved parking layout for the superette and the school with the previous application. The approved site development plan was circulated to the Overstrand Municipality Engineering Department. If there were any safety issues at the time they would not have approved the site development plan and parking layout.

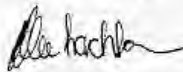
- Paddakoor Academy continued to lease the property and continued to use it for educational purposes that were established on the property in 2004 by Kids Academy as stated above. Once the land owner and Kids Academy got informed that the land use of an educational facility is not in line with the current zoning Plan Active was appointed to rectify the matter. An application was lodged for a departure and a removal of restrictive title deed conditions. During the course of the application Paddakoor Academy replaced Kids Academy and subsequently an approval was obtained from the Department of Environmental Affairs and Development Planning. It cannot be ignored that the property was illegally used in the past for educational purposes, but it should be noted that it was done unintentionally and once the owner of the property was made aware of it an application was lodged to change the land use and an approval was obtained.

With reference to our comments above on the objections it should be noted that Erf 1746 Sandbaai is a business site that is an asset to the residents of Sandbaai. It is not a site that was rezoned to make provision for business related uses but it was planned that way with the design of Sandbaai. All surrounding neighbours of Erf 1746 Sandbaai knew what the property rights were of the subject erf when they purchased their properties. It cannot be argued that it was once a small shop and now it has grown. The business site has remained the same size, it was only under developed. Times have changed and Sandbaai's single residential erven are close to being 100% developed. A small shop will now be inadequate and has grown into a superette that serves the community of Sandbaai.

Paddakoor Academy fulfils a great need in the community as stated in the objection of the Sandbaai Ratepayers Association for the care of children in a safe environment. The application at hand is to change the previous departure approval to a consent use under the new Scheme Regulations and to change the time table for the daily school activities. The number of children to be accommodated, the site development plan and parking will remain the same

We trust that you would find our comments in order and that the application will be recommended for approval.

Yours faithfully



John Mc Lachlan



*Babas en kleuters tot Graad R met nasorg en vervoer  
Babies and toddlers to Grade R with after care and transport*

*Tel: 028 316 2057  
C/o Long and Main Road  
Sandbaai  
info@paddakoor.co.za*

*February 2015*

*Mr. J. Mc Lachlan  
Town Planning Hermanus*

**PADDAKOOR AKADEMIE COMMENTS / OBJECTIONS**

*I refer to the letter dated 3<sup>rd</sup> February 2015 and take this opportunity to respond to the following objections stated by Mr. W. Beukes dated 20<sup>th</sup> January 2015 and Mrs. C. Myburgh dated 29<sup>th</sup> January 2015.*

- 1. Paddakoor Akademie offers child care services for ages from 3-month infants to 12 years old. Hours of operation are from 7:00 A.M. to 17:30 P.M., Monday through Friday. We close on all public holidays and for 2 weeks in December / January.*
- 2. Our services are safe and secure, providing the parents with an excellent place where their children can be taken care of. The goals of the centre are dual-sided: to help parents feel good about the care of their children, and to make it a safe, educational, and fun experience for the child.*
- 3. Paddakoor Akademie registered with the Department of Social Services opened in January 2012, with only 5 children but since, has grown to a hefty 100 children. Our business plan submitted in 2012 was based around a small group of children, however this plan needs to be amended that will benefit the requirements and needs of the children attending.*

4. *The children are at school for approximately 10 hours a day of which currently only 2.5 hours are allocated for outside activities. The average child can only concentrate for approximately 15 minutes thereafter they need to change their environment.*
5. *The younger children can be easily entertained through board games, stories and construction play. The older children require more stimulation. To remain indoors for lengthy periods causes the children to become aggressive, frustrated and destructive.*
6. *The benefits for the children when they play outside are fundamental to their well-being and physical development.*

7. *Outside Play allows the following:*

*Builds Up their Immune System:*

*It's no surprise that many children that are raised on, or around, a farm are generally healthier than those that aren't. This is because on a regular basis these children are exposed to dirt, animals, pests, bacteria and everything else that send modern-day parents running. While we like to think that dirt, animals, pests and bacteria do more harm than good it's actually the opposite. When children come into contact with these things in a natural way (outside) and on a regular basis, they are less likely to develop autoimmune disorders and allergies.*

*Provides Exercise:*

*Playing outside provides children with something many children don't get enough of anymore - exercise. Exercising while having fun is the best kind of exercise, and that's exactly what playing outside does. Riding bikes, playing tag with friends, and other outside activities get the children's bodies moving...something most video games can't do.*

*Stimulates the Imagination:*

*Sadly, one of the things that today's children are lacking is an imagination. This is because we're in the technological age - today children are literally shown everything. Why go outside and play cops and robbers when we can watch a movie about it or play a pc game? Playing outside helps children develop their imagination, which is something that television, pc games, iPods, etc. don't do.*

*It Promotes Problem Solving Skills:*

*Children who play outside learn how to solve real life problems better than children who are always in their rooms playing pc games or secluding themselves. Regardless of if they're learning how to get along with friends or trying to figure out the best way to build something in the sandpit - they're problem solving.*

*It Provides Vitamin D:*

*It's important that children get Vitamin D, which is provided by the sun. Vitamin D helps promote better moods, energy levels, memory, overall health and more. It doesn't matter if it is summer or winter outside, children need everything listed above and playing outside is a great way to get them all at once!*

*Mr. Beukes indicated that the proposed timetable is "One - Sided". A thorough research was done prior to submitting the proposed timetable. The times requested are currently operational in other Daycare Centre's in the Hermanus area. Not all children will be doing outdoor activities between 8am - 10am. A timetable will be setup for the teachers indicating when they will be allowed to do outdoor themes and activities with their class during the week. The only time all children will be together outdoors will be during a "Fire Drill" exercise and playtime as indicated on the proposed timetable. Certain functions are held after hours during the year namely:*

- Fund Raising Events (Occasional Saturday Mornings)*
- Grade R Graduation Ceremony*
- Xmas Fun Day / Night Event*

*On certain weekends maintenance is done at the school indoors and outdoors to maintain the upkeep of the school. This cannot be done during the week. The health and safety of the children are at risk.*

*I object to the allegations made by Mr. Beukes and Mrs. Myburgh that Paddakoor is a "Noise Pollution Problem" our children are supervised by professional people that love what they do and ensure all rules and regulations are followed. I don't deny the fact that children tend to be loud especially when they are enjoying themselves. They are free spirits and have no idea about the troubled world around them. Let us allow them to be children of expression not silence which Mr. Beukes and Mrs. Myburgh should appreciate! Have they forgotten they were children too!*

*Paddakoor Akademi is a registered school approved by the Department of Social Services. A certificate would not have been issued if we did not meet all the requirements of an ECD facility namely:*

- Premises*
- Size (Indoor & Outdoor)*
- Staff Compliment*
- Police Clearance Certificates*
- Classrooms*
- Toilets*
- Health & Safety*
- Daily programmes*
- Timetables*
- Business Ethics*

The allegations made by Mr. Beukes in point 6 page 5 has been noted, however I would like to put on record to the council the following problems we have to endure daily from Mr. Beukes and the fact that we remain professional without complaining.

- Swearing at the children while playing outside
- Verbal abuse towards the teachers
- Balls slashed if accidentally kicked over and thrown back
- Rubbish thrown into the sandpits especially on Mondays
- Air Rifle shots fired into the trees whilst children are playing outside
- Traumatizing the children by standing on his roof and taking pictures
- Intimidating phone calls to keep the children quiet or bear the consequences
- Unnecessary visits from Law Enforcement Officers

Furthermore the allegations made by Mr. Beukes with reference to the Owner contacting him and teachers posting bad comments on social media are untrue. I would like to put on record that the photos attached on page 6 whereby Mr. Beukes shows children climbing over the wall were taken in 2012. I was personally standing at the wall assisting the older learners by allowing them to climb over to collect the ball that was accidentally kicked over. Since then no children have been seen climbing walls and we have addressed the seriousness of balls and toys been thrown over the walls by the children. We do our best to avoid the children from throwing items over but children will be children.

The building has been operating as an ECD facility prior to Mr. Beukes and Mrs. Myburgh taking occupation of their properties. They were well aware of the implication having a school sharing boundaries. Moving us to another property is not the solution but working together will resolve all disputes. If we cannot find common ground then in my view Mr. Beukes and Mrs. Myburgh should find alternative commodation.

I conclude by requesting the council to consider approval of our proposed timetable. My role as principal of Paddakoor Akademie is to provide the community with a safe haven for their children.

Thanking you in advance.

Kind regards,  
Jacqueline Benzien  
(Principal)

*U kind se tweede tuiste  
Your child's home away from home*

**MINUTES OF THE MAYORAL COMMITTEE MEETING 30 MAY 2012**

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**7.  
ERF 1746, 57 LONG STREET, SANDBAAI : OVERSTRAND MUNICIPAL AREA :  
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND PROPOSED  
DEPARTURE : A BOTHMA**

**1746, HSB (1869)  
H van der Stoep (028) 313 8900 Hermanus Administration  
20 April 2012**

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**EXECUTIVE SUMMARY**

An application has been received from Messrs. Plan Active on behalf of Mr. A Bothma for a departure from the relevant Scheme Regulations on Erf 1746, Sandbaai in order to accommodate a pre-primary school.

An application has also been received for the removal of restrictive conditions Page 3, Paragraph 2 (a), (b) and (c) in Title Deed T84306/2004 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967).

The restrictive conditions read as follows:

- "(a) That the above erf or erven be used for residential or business purposes only.
- (b) That the above erf or erven be not subdivided.
- (c) That no more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven be built upon."

**RESOLVED**

1. that the removal of Page 3, Paragraph 2 (a), (b) and (c) in Title Deed T84306/2004 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967), **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) an application for a departure from the relevant Scheme Regulations on Erf 1746, Sandbaai in order to accommodate a pre-primary school, **be approved**, subject to the following conditions:
  - (a) that approval of the departure be subject to the removal of the restrictive title conditions;
  - (b) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011;
  - (c) that the development be restricted to Plan No. SANDB1746SDP.DRW dated January 2012;

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**MINUTES OF THE MAYORAL COMMITTEE MEETING** **30 MAY 2012**

- (d) that the business hours as stipulated in the letter received from Paddakoor Academy dated 29 March 2012, be adhered to;
- (e) that the approval does not absolve the applicant from compliance with any other relevant legislation and or Title Deed conditions;
- (f) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with, and
- (g) that all conditions imposed in the Services Report be complied with.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JUNE 2012</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>15 JUNE 2012</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>15 JUNE 2012</b>



DIRECTORATE: LAND MANAGEMENT: REGION 2  
REFERENCE: E17/2/2/AS21/ERF 1746, SANDBAAL  
ENQUIRIES: MRS. M. KENNEDY

TP

**PER REGISTERED POST**

Plan Active  
Town and Regional Planners  
P.O. Box 296  
**HERMANUS**  
7200



Dear Sir

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967): ERF 1746, SANDBAAL**

1. I refer to your letter PA1 1032 dated 22 March 2013.
2. The relevant conditions have been removed by Provincial Notice No. 238/2012 of 24 August 2012, a copy of which is enclosed for your information.
3. The original Deed of Transfer No. T. 84306 of 2004, duly endorsed by the Registrar of Deeds, is hereby returned to you.

Yours faithfully

HEAD OF DEPARTMENT

DATE: 18 SEP 2013

FILE NO:	EL 1746-58
SCAN NO:	
COLLABORATOR NO:	538678

TP 18 SEP 2013

24 August 2012

Province of Western Cape: Provincial Gazette: 7026

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## PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

P.N. 235/2012

24 August 2012

KNYSNA MUNICIPALITY  
REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)

Notice is hereby given that the Minister of Local Government Environmental Affairs and Development Planning properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act 1967 (Act 84 of 1967), and on application by the owner of Erf 2358, Knysna, removes condition C.4. (b) as contained in Deed of Transfer No. T. 27261 of 1990.

P.N. 236/2012

24 August 2012

KNYSNA MUNICIPALITY  
REMOVAL OF RESTRICTIONS ACT, 1967

I, Bulelwa Nkwatani, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs & Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 1965, Sedgefield, removes condition D. 8, as contained in Deed of Transfer No. T. 47900 of 1980.

P.N. 237/2012

24 August 2012

CITY OF CAPE TOWN  
REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Portion 5 (Portion of portion 2) and Portion 31 (Portion of portion 14) of Farm Dassen Valley No. 45, Cape Division, remove conditions 1.B. and 2.B. contained in Deed of Transfer No. T. 38448 of 2010.

P.N. 238/2012

24 August 2012

OVERSTRAND MUNICIPALITY  
(HERMANUS ADMINISTRATIE)  
REMOVAL OF RESTRICTIONS ACT, 1967

Notice is hereby given that André John Lombard, Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning, properly designated as Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 1746, Sandbaai, remove conditions C. 2. (a) and (c) contained in Deed of Transfer No. T. 84306 of 2004.

## PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

P.K. 235/2012

24 Augustus 2012

KNYSNA MUNISIPALITEIT  
WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik as bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 2358, Knysna, hef voorwaarde C.4. (b) vervat in Transportakte Nr. T. 27261 van 1990, op.

P.K. 236/2012

24 Augustus 2012

KNYSNA MUNISIPALITEIT  
WET OP OPHEFFING VAN BEPERKINGS, 1967

Ek, Bulelwa Nkwatani, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement Omgewing Sake en Ontwikkelings Beplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdheid, 1994, en op aansoek van die eienaar van Erf 1965, Sedgefield, hef voorwaarde D. 8. soos vervat in Transportakte Nr. T. 47900 van 1980, op.

P.K. 237/2012

24 Augustus 2012

STAD KAAPSTAD  
WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie No. 160 van 31 Oktober 1994 kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Gedeelte 5 (Gedeelte van gedeelte 2) en Gedeelte 31 (Gedeelte van gedeelte 14) van Plaas Dassen Valley Nr. 45, Cape Division, voorwaardes 1.B. en 2.B. vervat in Transportakte Nr. T. 38448 van 2010, ophief.

P.K. 238/2012

24 Augustus 2012

OVERSTRAND MUNISIPALITEIT  
(HERMANUS ADMINISTRASIE)  
WET OP OPHEFFING VAN BEPERKINGS, 1967

Kennis geskied hiermee dat André John Lombard, Hoof Grondgebruiksbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 1746, Sandbaai, voorwaardes C. 2. (a) and (c) vervat in Transportakte No. T. 84306 van 2004, ophief.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 1746, SANDBAAI**

Electricity : In order  
Water : In order  
Sewer : In order  
Stormwater : In order  
Roads and traffic : In order

**Conditions:**

1. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
2. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
3. that no on-street parking be allowed;
4. that stormwater be allowed to discharge through Erf 1746, Sandbaai, unobstructed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

15/01/2015  
DATE