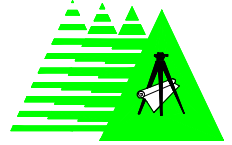


CK RUMBOLL & VENNOTE / PARTNERS



PROFESIONELE LANDMETERS ~ ENGINEERING AND MINE SURVEYORS ~ STAD- EN STREEKSBEPLANNERS ~ SECTIONAL TITLE CONSULTANTS

DATE: **14 August 2026**

OUR REF: **PAT/15438/NJdK**

BY EMAIL & REGISTERED POST

Attention: Mr Lindsey Gaffley

Senior Town Planner
Saldanha Bay Municipality
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VREDENBURG
7380

PROPOSED CONSENT USE ON UNREGISTERED ERF 2189, A PORTION OF FARM PATERNOSTER
A NO 34, MALMESBURY REGISTRATION DIVISION

The application includes the following documentation:

1. A copy of the motivation report, which includes the following:

- Power of Attorney and Resolution
- Previous Municipal Approval
- Application Form
- Title Deed and Diagrams
- Locality Map
- Retention Dam Plan
- Approved Servitude

We trust you will find the above in order. Please contact us if you have any further inquiries.

.....

NJ de Kock

For CK Rumboll & Partners

VENNOTE / PARTNERS:

IHJ Rumboll PRL (SA), BSc (Sury), M.I.P.L.S. and AP Steyl PrL (SA), BSc (Sury), M.I.P.L.S.

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Motivational Report

PROPOSED CONSENT USE ON UNREGISTERED ERF 2189, A PORTION OF FARM PATERNOSTER A NO 34, MALMESBURY REGISTRATION DIVISION

Application in terms of the Saldanha Bay Municipal By-Law on Land Use Planning (PG 7468 of 13 August 2015)



Authority:
Saldanha Bay Municipality

Our Reference:
PAT/15438/NJdK

Date:
August 2026

Compiled By:
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1. Introduction

CK Rumboll and Partners have been appointed by Mr. Jacobus Francois Pienaar, representative of Paternoster Groepbelange Ltd, owners of Farm Paternoster A no 34, Malmesbury Registration Division, to attend to all town planning actions regarding a proposed consent use for a utility service on unregistered Erf 2189, Paternoster.

2. Background

Farm no 34, Malmesbury Registration Division, was approved for phased subdivision and rezoning under Municipal Approval (ref: PL 34), to be implemented across 8 phases in accordance with the requirements of Section 28 of the applicable planning legislation. Section 28 requires that, prior to registration of erven within an approved section, the full range of engineering services (roads, water, sewerage, and stormwater management) be installed and connected to existing municipal infrastructure, ensuring that all erven within that section are fully serviceable in perpetuity, regardless of subsequent ownership. To date, the developer has substantially completed Phases 1 to 7 of the approved development. Phase 8, comprising the remaining portion of the approved layout, has not yet been completed insofar as the requisite engineering services for that phase have not been installed.

Notwithstanding this, the developer has proactively constructed the stormwater retention dam located within Phase 8, recognising that this infrastructure is essential not only to Phase 8 itself but to the effective functioning of stormwater management across all previously completed phases. A servitude for the retention dam over a $\pm 1069\text{m}^2$ portion of Erf 2189 (ref PAT/14058/MC) was approved by Saldanha Bay Municipality on 18 November 2024, registered in favour of the Middledorp Home Owners Association. This approval was granted under the Special Zone rights applicable to Erf 2189 in terms of the referenced approval. However, as the services required for Phase 8 have not yet been installed, the zoning approved for Phase 8 has not yet vested, and properties within Phase 8 (including Erf 2189) cannot yet be registered. The current zoning applicable to Erf 2189 therefore remains Undetermined Zone, pending completion of Phase 8 and subsequent registration. In order for the phases 1-7 to be registered, application is made under the current Undetermined Zoning for a consent use to accommodate a Utility Service to house the already constructed stormwater retention dam.

3. Purpose

The purpose of this report is to apply for¹:

- a) The proposed **Consent use** on Unregistered Erf 2189 (Portion of Paternoster A no 34), Paternoster, in terms of Section 15 (2) (o) of the Saldanha Bay By-Law on Municipal Land Use Planning (PG 8679 of 11 November 2022) to accommodate a Utility Service for a stormwater retention dam.

4. Property Description

Table 1: Summary of Property Particulars²

Description	:	Erf 2189, Paternoster
Extent	:	1421m ²
Owners	:	Paternoster Groepbelange Ltd ³
Title Deed	:	T81547/1996 ⁴
Zoning	:	Undetermined Zone (pending Phase 8 vesting)

5. Restrictive Title Deed Conditions

The title deed of Farm Paternoster A no 34 contains no conditions that will prohibit the proposed consent use for a retention dam on the property.

6. Locality and Access

Erf 2189 is located⁵ centrally in Paternoster. The property (retention dam) is accessible directly from St Augustine road on the southern side of the property. With the implementation of Phase 8, the property (private parking area) will be accessible from St John Street on the western side. (see Figure 1).

¹ Application Form – **Annexure C**.

² Title Deed & Diagrams – **Annexure D**.

³ Erf 2189 is an unregistered portion of Farm Paternoster A no 34, Malmesbury RD.

⁴ The property still forms part of Farm Paternoster A no 34. Therefore, the title deed conditions listed in the title deed of Farm Paternoster A no 34 are applicable.

⁵ Locality Map – **Annexure E**.



Figure 1: Locality of Erf 2189, Paternoster

7. Zoning Classification and Surrounding Uses

While the approved subdivision layout earmarks Erf 2189 for Special Zone, this zoning has not yet vested due to outstanding services in Phase 8. Consequently, the property's current legal status remains Undetermined Zone, which necessitates this consent use application under the transitional holding zoning.



Figure 2: Zoning Map

8. Proposed Consent use

The consent use sought under this application relates to an existing stormwater retention dam situated on a $\pm 1069\text{m}^2$ portion of unregistered Erf 2189. This is not a previously unconsidered use of the property: the November 2024 servitude application (ref PAT/14058/MC) already established, on the same site, that the retention facility function operates as an additional purpose alongside Erf 2189's approved use for private parking. The servitude, registered in favour of the Middledorp Home Owners Association, further ties the property to the larger development by ensuring it cannot be alienated from it, underscoring that the dam is understood and intended to serve the development collectively rather than Erf 2189 in isolation. What has changed since that approval is not the function or footprint of the dam, but the zoning mechanism through which its rights must be secured: as Phase 8's outstanding services mean the Special Zone rights anticipated for Erf 2189 have not yet vested, the applicable zoning is presently Undetermined Zone. This application accordingly seeks a consent use for a utility service to formalise, under the zoning now in force, the same retention facility right that Council has already accepted in principle.

Given that the retention dam is already in place, the application will not result in any adverse impact on the surrounding area. Surrounding land uses — comprising residential and business erven — are unaffected, as the dam's footprint, function, and appearance remain unchanged from what has existed, and was previously assessed as compatible, since its construction. There is no impact on traffic, access, or parking, as no new access point is created and the existing access from St Augustine Road remains in place.

Insofar as public participation is concerned, this office is of opinion that a full public participation process is not warranted for this application. The substantive matter of the retention dam's establishment and its servitude over Erf 2189 was already considered by Council during the determination of PAT/14058/MC, approved on 18 November 2024. That application was itself exempted from a full public participation process, with only internal circulation to the relevant municipal departments for comment and no objections arose from that internal circulation.

The current application introduces no new development, use, or impact beyond what was already considered and approved at that stage, it merely addresses the technical land use mechanism required as a consequence of Phase 8's outstanding vesting, and does not alter the on-the-ground reality already accepted by Council and surrounding stakeholders. In this regard, the following points are relevant:

- The retention dam has already been constructed and is functioning in the manner previously approved. This application does not seek approval for any new structure, excavation, or land use activity, it seeks only to formalise, under the current Undetermined Zone, the consent use required for a utility service that is already in place and operating.

- Because Phase 8 has not yet vested into its approved Special Zone (pending completion of services for the balance of the phase), Erf 2189 currently sits under a holding "Undetermined Zone" that does not, in itself, authorise the retention dam use. This application exists solely to bridge that zoning gap and align the legal land use status with what has already been considered and approved.
- If the establishment of the servitude (dam) itself was found by Council to warrant exemption from public participation, with internal departmental circulation considered sufficient, then a subsequent application that introduces no new use, impact, or physical change, and merely regularises the zoning status of an already-approved and already-built facility, should logically be entitled to at least the same, if not a lesser, level of process.
- Civil engineering has confirmed there is nothing outstanding from their side other than the Phase 8 subdivision/registration mechanism itself; the substantive infrastructure and servitude questions have already been dealt with through the appropriate departmental channels, and no objection was raised by any department during the service servitude (retention dam) circulation.

On this basis, it is respectfully submitted that the application should be processed without further public participation, or with participation limited to internal circulation to relevant Council departments only, as this mirrors the process already adopted, and found sufficient by Council, for the substantive establishment of the servitude itself.

The figure below shows the location of the retention dam (approved servitude) on unregistered Erf 2189.

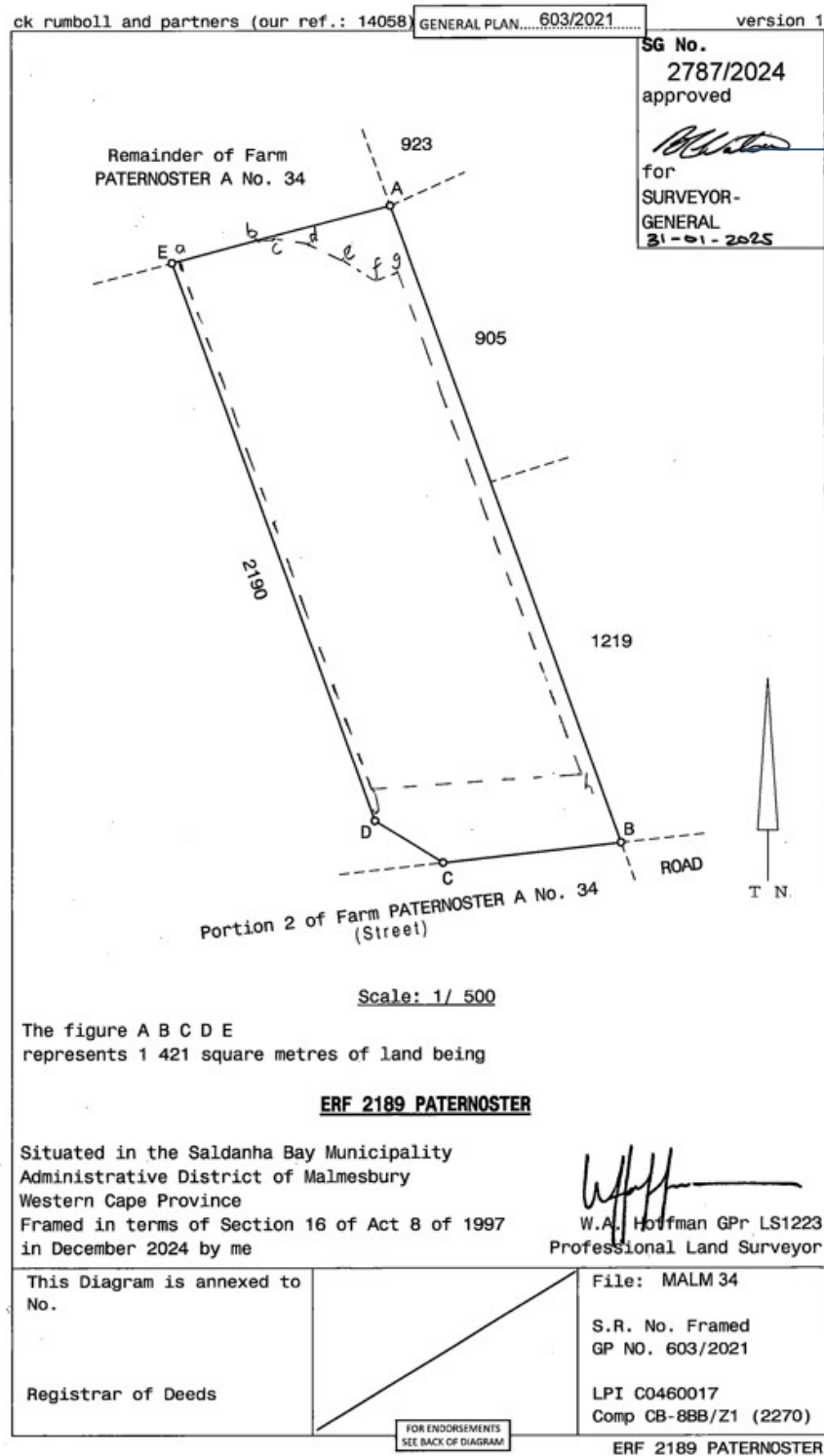


Figure 3: Approved retention dam servitude

9. Municipal Spatial Development Framework (MSDF)

Paternoster identifies limited infrastructure and the growing pressure that tourism-driven growth places on existing services as key challenges facing the settlement, and calls for a balanced approach to development that safeguards the town's coastal and environmental integrity. The proposed consent use directly supports these objectives. Rather than introducing new infrastructure demand, the application formalises an existing, already-functioning stormwater retention facility that manages runoff from the broader Farm Paternoster A No. 34 development. The retention dam is a critical component of the settlement's stormwater management capacity, an area the SDF notes is currently one of Paternoster's better-performing services, and one the Framework explicitly supports strengthening as the town grows. Securing the dam's land use rights under the Undetermined Zone therefore aligns with the SDF's broader directive that further development be matched with adequate supporting infrastructure, rather than outpacing it.

10. Principles of Land Use Planning

The proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows;

- Spatial Justice: The application does not disadvantage any person or community. The retention dam already serves a shared purpose and formalising its land use rights benefits all current and future residents, including the Middledorp HOA in whose favour the servitude is registered. No existing rights are affected; the application merely confirms a position already in place.
- Spatial Sustainability: The dam is already built and working. This application simply gives it the correct land use rights, rather than requiring new infrastructure to be built elsewhere. This avoids unnecessary use of land and resources and supports continued reliance on infrastructure that already exists.
- Efficiency: The application brings the legal zoning status in line with what is already on the ground, without any new building or land use change. One central dam serves several phases of the development, which is more efficient than each phase needing its own stormwater system. Approving this application also allows outstanding registrations for the remaining phases to move forward.
- Spatial Resilience: Formalising the dam's land use rights helps ensure it can continue to be properly maintained and relied on to manage stormwater and reduce flood risk across the development. Securing its legal status now protects against future infrastructure problems and supports the development's ability to cope with stormwater events going forward.

- Good Administration: Saldanha Bay Municipality will facilitate the process. All relevant departments will be approached.

11. Need and Desirability

Need

The need for this consent use arises directly from the requirement to formalise the land use status of an existing, functioning stormwater retention facility that serves the wider Farm Paternoster A No. 34 development. Because Phase 8 has not yet vested into its approved Special Zone, Erf 2189 currently falls under an "Undetermined Zone" that does not authorise the dam's continued use, despite the facility having been constructed. Without this consent use, there is no legal mechanism to align the erf's zoning status with its actual, essential function, which in turn prevents the registration and vesting of the remaining phases of the development. The application is therefore needed to close an administrative gap, rather than to introduce any new demand or use.

Desirability

The proposed consent use is desirable in that it enables the lawful operation of stormwater infrastructure that is already integrated into the broader development, without requiring any new construction, land disturbance, or additional impact on surrounding properties or the environment. It supports the orderly and coordinated management of stormwater across all phases of the development, benefiting current and future residents, including the Middedorp HOA in whose favour the servitude is registered. The application is consistent with the land use and infrastructure planning already accepted by Council through the approval of the service servitude, and its approval would allow outstanding registration processes for the remaining phases to proceed, supporting the orderly completion of the development as a whole.

12. Summary

The development can be supported on account of the following:

- The application introduces no new development, land use, or physical change, as the dam is already built. Approval of the consent use carries no additional impact on surrounding properties or the environment.
- The consent use is simply to align Erf 2189's legal zoning status with the on-the-ground function already accepted by Council.
- The proposed service servitude was already considered and approved by Council under the exemption application (PAT/14058/MC), with no objections raised.

- The consent use approval is the missing mechanism required to unlock the vesting and registration of the remaining phases of the development, which are otherwise held up by this technical gap.
- The dam serves an essential stormwater management function for all phases of the development, directly benefiting current and future residents.
- No person or community is disadvantaged by the application; it confirms existing rights and infrastructure already in beneficial use, without displacing or affecting any third party.
- The application is supported by the Saldanha Bay Spatial Development Framework;
- The development complies with the Land Use Planning Act, 2014 (Act 3 of 2014) and the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013).

In light of the above, the proposed consent use for the existing stormwater retention dam on Erf 2189 is both necessary and desirable, and warrants Council's favourable consideration. The application introduces no new development, use, or impact beyond what has already been considered and approved by Council under the previous servitude application, and merely regularises the zoning status of infrastructure that is already constructed. The proposed development is fully supported by this office.

NJ de Kock (Pr. Pln. A/2995/2021)
For CK RUMBOLL AND PARTNERS