

Department of Urban & Transport Planning

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Enq: Mrs S Bachler
Tel: 290 2332

Ref: L/63_65 /KAAPS
Date: 18 January 2020

Stubenrauch Planning Consultants
P.O. Box 41404
Windhoek

Dear Sir,

REZONING OF PORTION 63 (A PORTION OF PORTION 48) OF THE FARM KAPPS FARM NO.65, FROM "RURAL RESIDENCE" TO "BUSINESS"

In accordance with Council Resolution 85/03/2020 the application is approved as follows subject to the technical requirements and conditions :

1. That Portion 63 (Portion of Portion 48) of the Farm Kapps No.65, be rezoned from Rural Residence to Business
2. That the consultant submits the approved Environmental Clearance Certificate to the Manager: Health & Environmental, before submission into an Amendment Scheme.
3. That a maximum floor space of 1000m² as per Clause 4.4.2 Land Use Restriction of the Kapps Farm Town Planning Scheme is used.
4. That the applicant to advise potential business owners on the nature of businesses allowable in terms of the Kapps Farm Town Planning Scheme.
5. That future business activities that are to take place on Portion 63 and are listed in the Environmental Management Act must obtain Environmental Clearance Certificates before commencement.
6. That all persons who intend to conduct any business from the rezoned portion apply for a Fitness Certificate to be issued by the Health & Environmental Services Division.
7. That the owner agrees in writing to pay betterment fees of N\$ 438,400.00 being 40% of the increase in value of Portion 63 (Portion of Portion 48) of the Farm Kapps Farm no.65, subject to the approval of the Minister of Urban and Rural Development, prior to the incorporation of the rezoning in an amendment scheme.

All official correspondence must be addressed to the Chief Executive Officer

8. That the applicant requests an invoice from the Strategic Executive: Finance
9. That once a betterment fee has been approved by the Minister of Urban and Rural Development, this amount be taken from the account and any excess be repaid to the applicant and owner.
10. That the owner takes note that the rezoning of Portion 63 (a Portion of Portion 48) of the Farm Kapps Farm no.65 would only be included into an Amendment Scheme once the betterment fees are fully paid and once an Environmental Clearance has been issued by the Minister of Environment and Tourism.
11. That at least one (1) parking bay be provided per 50 m² of floor space.
12. That no buildings will be allowed 100m from the centre line of the road and at least 15m from the boundary.
13. That the applicant submits a detailed layout with contours of Portion 63 of the Farm Kapps Farm No. 65, including any registered or proposed "right-of-way servitudes, with boundaries and neighboring portions clearly indicated.
14. That the applicant appoints a registered professional Engineer to compile a detailed 50 year flood report of the stormwater courses, including the earth dams, to the owner's cost and risk.
15. That the applicant applies the conditions as stipulated in the detailed 50 year flood report.
16. That the applicant accepts the outcome of the detailed 50 year flood report, and if allowed by the flood report, appoints a registered professional engineer to submit detailed engineering plans as to how the portion is to be protected against any potential flood damage.
17. That no adjacent or opposite properties be negatively affected by the proposed development along the earth dams and stormwater courses.
18. That no development be allowed within the 50 year flood level of the earth dams and stormwater courses.
19. That no development be considered onto or over any stormwater system or structure.
20. That any stormwater crossing be accommodative of at least the 50 year flood.
21. That surface stormwater runoff be accommodated as follows:

That no stormwater drainage pipe, canal, work or obstruction (except storm water drain pipes, canal or works which have been authorized in writing by the local authority or which have been or may be built, laid or erected in terms of any law) may be constructed on or over the property or located in such a way that –

- (a) the flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or
- (b) the flow of a natural watercourse (in which the local authority allows flood water to run off, be discharged or to be canalised) is or can be changed, canalised or impeded.
- (c) the maintenance of such stormwater pipe, channel or work shall be the responsibility of the owner of the concerned property.

22. That prior approval must be obtained from the Chief Engineer: Planning, Design & Traffic Flow if the accommodation of the stormwater is contemplated.
23. That Engineering drawings on how the stormwater would be accommodated to the satisfaction of the Chief Engineer, Planning, Design & Traffic Flow be submitted for approval simultaneously with the building plans.
24. That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted prior to the approval thereof.
25. That no building plan will be approved until the above stormwater conditions are met.
26. That a condition be included into the title deed whereby selling to a third party may only take place once the proposed stormwater conditions had been addressed by the owner.
27. That access and “right-of-way” servitudes be according to the conditions as stipulated by the Chief Engineer: Planning, Design and Traffic Flow, and be clearly indicated on the layout plan.
28. That roads and stormwater be planned, designed and constructed to municipal standard.
29. That information be provided by the applicant that the earth dams are approved either by the Ministry of Agriculture, Water and Forestry and/or Water Affairs.

30. That the City of Windhoek does not have any network infrastructure in the area at this stage and provision of electricity in the area should be done by NamPower and the services should be applied for from NamPower.
31. That the the registering of servitudes for its High and Medium Voltage Overhead Lines over private land be done by NamPower.
32. That the design of the MV and LV reticulation must adhere to all Namibian Standards, in particular, NamPower -, City of Windhoek – and ECB distribution and township development standards.
33. That the applicant and/or consulting engineers are advised to approach Nampower well in advance; before any layout and building plans are approved to allow them ample time to determine whether the existing network will be able to handle any additional loading as a result of the new development.
34. That the Township Development guidelines regarding the MV & LV Reticulation Networks can be requested in writing from the Electricity Department of the City of Windhoek.
35. That any future business activities that are to take place on Portion 63 and are listed in the Environmental Management Act must obtain Environmental Clearance Certificates before commencement.
36. That the potential business owners understand the nature of businesses allowable in terms of the Kapps Farm Town Planning Scheme.
37. That all persons who intend to conduct business from the rezoned portion to apply for a Fitness Certificate to be issued by the Health & Environmental Services Division.
38. That it be noted that no existing municipal bulk Water or Sewer Services are available for portion 63 of Farm Kapps Farm no 65.
39. That the applicant be responsible to provide on-site water storage to cater for at least 48 hours of the Daily Demand. The City of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorates.
40. That the applicant appoints a Registered Professional Engineer to design the water-supply reticulation and sewer reticulation to the applicable municipal standards, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services, before construction commences.
41. That the applicant appoints a Registered Professional Engineer to propose an acceptable waste water conveyance and treatment system subject to the condition that no pollution

of the ground water occurs and further provided that there will be no health risk to the users and surrounding residents. Final effluent shall at all times comply with the applicable legislation.

42. That it be noted that the establishment of a wastewater treatment facility is subject to the issuing of a waste water discharge permit by the City of Windhoek and the applicant will have to observe all conditions applicable to the application for such a permit. Final effluent from a treatment facility shall comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.
43. That the Sewer system and proposed treatment of waste water be submitted for approval to the Strategic Executive; Infrastructure, Water and Technical Services, before construction commences.
44. That only full waterborne waste systems should be utilized and all Windhoek service standards should apply. No oxidation or other open pond system or holding system shall be allowed.
45. That the operation and maintenance of all water and sewer infrastructure shall be the responsibility of the applicant.
46. That the applicant bears the full costs of all water and sewer infrastructure, including the professional fees for planning, design and supervision, as well as the construction costs.
47. That the applicant accepts and acknowledge receipt of this Council Resolution letter in writing


ACTING: SECTION PLANNER