



**Enq:** Mr H Rust

**Tel:** 290 – 2378

**Ref:** L/2/46MC

**Date:** 20 June 2019

Stubenrauch Planning Consultant

P O Box 41404

Windhoek

Dear Sir

## **SUBDIVISION OF PORTION 2 OF FARM MONTE CHRISTO NO 46 INTO 9 PORTIONS AND THE REMAINDER**

Your application dated 28 March 2019 which served on the June 2019 Town Planning Committee Meeting in the above, refers.

In accordance with the delegation of authority applicable to the rezoning of erven / portions as resolved per Council Resolution No. **283/11/2017** it is recommended as follows:

1. That portion 2 of Farm Monte Christo No 46 be subdivided into Portions A to I as follows:

Portion A	5.4434
Portion B	5.0334
Portion C	5.0225
Portion D	5.0507
Portion E	5.0062
Portion F	5.0403
Portion G	5.0743
Portion H	5.1083
Portion I	5.9570
Remainder	1953.5968

2. That a Right of Way (13m) be registered over Portions A – I in favour of each Portion and the Remainder of Portion 2 of Farm Monte Christo No 46 for access purposes.
3. That the standard conditions registered against the Remainder of Farm Monte Christo No. 46 as listed in the Deed of Transfer T1136/1979 be retained and be applicable to both Portions 1 to 9 of the Remainder of Farm Monte Christo No. 46.
4. That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.

5. That no further subdivision of the created Portion of 1 to 9 be allowed until the adequate provision of bulk services and future development guidelines for the area are in place.
6. That in terms of Council Resolutions 283/11/2017 and 105/03/2004 an endowment fee of 9% of the value of Portions A – I created by the subdivision be paid to the City in accordance with the stipulations of Section 19 of the Townships and Division of Land Ordinance No. 11 of 1963.
7. That the Registrar of Deeds be requested not to register the new portions before confirmation has been received from the City of Windhoek that the required endowment fee has been paid.
8. That the applicant submits a detailed layout with contours of the proposed subdivided portions.
9. That the applicant appoints a registered professional Engineer to compile a detailed 50 year flood report of the major and other stormwater courses to own cost and risk.
10. That the applicant applies the conditions as stipulated in the detailed 50 year flood report.
11. 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 proposed portions is to be protected against any potential flood damage.
12. That no adjacent or opposite properties be negatively affected by the proposed development along the major and other stormwater courses.
13. That no development will be allowed within the 50 year flood level of the major or any other stormwater courses.
14. That no development will be considered onto or over any stormwater system or structure.
15. That all stormwater crossing be accommodative of at least the 50 year flood.
16. That surface stormwater runoff be accommodated as follows:
  - (1) 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.
17. That prior approval must be obtained from the Chief Engineer: Planning, Design & Traffic Flow if the accommodation of the stormwater in the proposed portions is contemplated.
  18. 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.
  19. 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.
  20. That no building plan will be approved until the above stormwater conditions are met.
  21. 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.
  22. That access and "right of way" servitudes be according to the conditions as stipulated by the Chief Engineer: Planning, Design and Traffic Flow.
  23. The City of Windhoek does not have any network infrastructure in the area at this stage and provision of electricity in the Namibia's rural areas are usually supplied by NamPower, should the PROPOSED establishment be close to their existing grid.
  24. The applicant and/or their professional electrical engineering consultant must approach NamPower for an electrical supply point, when required; and the applicant/developers will be responsible for all cost related thereto.
  25. 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.
  26. 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.
  27. Where MV/HV overhead lines are in close proximity and servitudes have not been registered, the following horizontal clearing width applies for allowing access to the line and for safety reasons:
    - ✓ 220/132 kV - 25 metres either side of the overhead line structure
    - ✓ 66/33/22/19/11 kV – 11 metres either side of the overhead line structure; and therefore **no permanent structure is be erected within the stipulated area.**
    - ✓ No permanent structures should be erected within any powerline servitude area.
    - ✓ A minimum vertical working clearance of 4.3 metres from ground and horizontal working clearance of 2.9 metres from body center line needs to be maintained at

all times, possible during road construction parallel or perpendicular to the line or crossing underneath the line with machineries/ trucks etc.

✓ Encroaching this clearances will result in electric shocks and hence fatalities.

28. The Township Development guidelines with regard to the MV & LV Reticulation Networks can be requested in writing from the Electricity Department of the City of Windhoek.
29. That the applicant notes that there are *no existing bulk Water and Sewer Services are available for Portion 2, of the Farm Monte Christo No. 46. Council conducted a bulk Water and Sewer Reticulation Master Plan for the entire North-West Windhoek area (Ongos & Monte Christo included) during 2015, and the bulk services requirements anticipated for the area is specified in the said document. Henceforth, the supply of Bulk Water and Sanitation/Sewerage Services should be, if feasible for the developer, be executed in-line with the bulk services framework established for the entire area.*
30. That the Strategic Executive: Infrastructure, Water and Technical Services be consulted during the planning stage before final designs be submitted in terms of water and sewer related infrastructure. The Developer should appoint a registered professional engineer to do the designs of all water and sewer related infrastructure. All cost for the provision of water and sewer infrastructure shall be borne by the Developer.
31. That the Developer has to provide its own water storage (reservoir) for the development with a storage capacity of 48 hours. The City of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorates in case of boreholes.
32. That the Developer must appoint a registered professional engineer to propose an acceptable waste water disposal system subject to the condition that no pollution of the ground water occurs and further provide that there will be no health risks to the users and surrounding residents. Final effluent shall at all times comply with applicable legislation.
33. The sewer system and proposed treatment of waste water must be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval prior to approval of any building plans. The issuing of the waste water discharge permit must be subject to the adherence of all conditions pertaining to such permit. Only full waterborne waste systems should be utilized and all Windhoek service standards should apply.
34. That final effluent from any treatment facilities shall comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.
35. That the operations and maintenance of any waste water treatment plant, as well as any other water and sewer related infrastructure, will be the responsibility of the developer.
36. That for the design of water and sewer related services, the Developer is required to appoint a Professionally Registered Engineer, to compile a comprehensive Design.

The Design Report should be submitted by the appointed Engineer to Infrastructure: Engineering Services Division for approval before starting with detail water and sewer infrastructure designs. All costs involved due to the design report will be for the Developer's account.

37. That the Design Report should stipulate at least the following:
- The expected water demand for the development.
  - How fire-fighting requirements will be met.
  - It should be indicated how access to an existing water supply source or linkage to an existing water supply network will cater for the water demand of the development.
  - The calculated design waste water generated by the development.
  - It should be clearly stated how the generated waste water will be disposed of.
  - It should be clearly stated who will take ownership of the water and sewer infrastructure and who will be responsible for the maintenance and operations thereof.
  - An Environmental Clearance Certificate for the proposed treatment of waste water should be submitted along with the Design Report.
38. That after approval of the Design Report, all final designs for water and waste water infrastructure should be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before construction commences.
39. That the applicant acknowledges receipt of this Delegated Authority approval and accepts the conditions thereof in writing.

Yours faithfully



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Pierre van Rensburg

**STRATEGIC EXECUTIVE**

[Municipal Council Minutes: 2017-11-23(28)]

**9.2.14 FNS.8 [UTP] DELEGATED AUTHORITY  
ON SUBDIVISIONS AND ENDOWMENT FEES  
(16/15/2/1/6)**

On proposal by Councillor MJ Amadhila, it was

**RESOLVED**

- 1 That paragraph 20 of Council Resolution 212/06/2012 and paragraph 7 of Council Resolution 410/11/2012, attached as pages 245 - 247 and 248 - 249 respectively to the agenda, be rescinded and be substituted to read as follows:
  - 6.1 *That under section 31(1) of the Local Authorities Act, 1992 (Act 23 of 1992) the power to approve subdivisions of erven into less than eleven (11) in accordance with section 19 of Ordinance 11 of 1963, be delegated to the Strategic Executive: Urban and Transport Planning: Provided that no rezoning is necessary and that there are no financial implications for Council arising from the subdivision, and further that the comments of all the Strategic Executives of the City of Windhoek be obtained first.*
  - 6.2 *That under section 31(1) of the Local Authorities Act, 1992 (Act 23 of 1992) the power to approve subdivision of Townlands as per section 21 of Ordinance 11 of 1963 be delegated to the Strategic Executive: Urban and Transport Planning: Provided that no rezoning is necessary and that there are no financial implications for Council arising from the subdivision, and further that the comments of all the Strategic Executives of the City of Windhoek be obtained first.*
  - 6.3 *That the determination and charging of the endowment fee in line with Council approved endowment fee percentages, be delegated to the Strategic Executive: Urban and Transport Planning.*
  - 6.4 *That in order to allow for the smooth implementation of already existing delegated authorities and the speedy submission of applications the decision be implemented prior to approval of the minutes.*
- 2 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 283/11/2017**

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