



Municipality of Walvis Bay

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Date	12 April 2022

Dear Sir/Madam

Subject: CONSOLIDATION OF ERVEN 3109 AND 3124 WALVIS BAY INTO PORTION X, REZONING OF PORTION X FROM SINGLE RESIDENTIAL TO LOCAL BUSINESS AND CONSENT TO PROCEED WITH DEVELOPMENT WHILE THE CONSOLIDATION AND REZONING IS IN PROCESS

Ref. No.: 3109, 3124 W

I refer to the abovementioned.

You are hereby informed that pursuant to Sections 6.2.6 and 6.2.12 of the Municipal Council of Walvis Bay's *Delegation of Powers and Assignment of Duties and Responsibilities* as amended on February 2022 and the Minister of Urban and Rural Development's *Approval for Exemption in terms of Section 127(1) of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)* granted on 14 September 2021 and in accordance with the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the above application has been approved as follows:

(1) That, in terms of Section 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*, the application for the consolidation of Erven 3109 and 3124 Walvis Bay into Portion X be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 3109WB/CP dated 18 February 2022, which bears the approval stamp of the Municipal Council, subject to the following conditions:

- (a) That the conditions presently registered against the erven be cancelled, and be replaced by the following conditions:
- (i) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Walvis Bay Town Planning (or Zoning) Scheme prepared and approved in terms of the *Urban and Regional Planning Act (Act No. 5 of 2018)*.



- (ii) The minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.
 - (b) That no encroachment of the sewer within 1.5 meter in all directions including construction of any permanent or temporary structures are permitted.
 - (c) That the newly created erf be provided with one electricity, water and sewerage connection.
 - (d) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf .
 - (e) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
 - (f) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the newly created portion.
 - (g) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
 - (h) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
 - (i) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
 - (j) That the consolidation application be lodged with the Urban and Regional Planning Board in accordance with Section 109(5) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*.
- (2) That, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the Municipal Council recommends for approval the application for the rezoning of Portion X (consolidation of erven 3109 and 3124) Walvis Bay from "Single Residential" with a density of 1 per 300m² to "Local Business" to the Urban and Regional Planning Board, subject to the following conditions:

- (a) That, in terms of the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, the applicant pays a betterment fee deposit of N\$315,187.60, being 40% of the increase in the municipal land value of the rezoned properties, prior to the submission of the rezoning application to the Urban and Regional Planning Board.
 - (b) That the applicant obtains the Environmental Clearance Certificate (ECC) from the Ministry of Environment, Forestry and Tourism prior to the submission of the rezoning application to the Urban and Regional Planning Board.
 - (c) That the imposed Betterment Fee be submitted to the Minister of Urban and Rural Development simultaneously with the submission of the rezoning application for approval.
 - (d) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
 - (e) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the rezoning; and the provisions of the *Urban and Regional Planning Act, 2018* (Act No. 5 of 2018) therefore still apply.
- (3) That consent be granted for the applicant to proceed with the development while the consolidation and rezoning is in progress, at own costs and risks, subject to the following:**
- (a) That the applicant obtains a building permit and an ECC prior to the commencement of development.
 - (b) That the applicant pays the required betterment fees, prior to the commencement of development.
 - (c) That the consent approval should not create an expectation or bind the Minister of Urban and Rural Development to consider and approve the rezoning application, and the provisions of the *Urban and Regional Planning Act, 2018* (Act No. 5 of 2018), therefore still apply.

(d) That the consent lapses immediately if the Minister of Urban and Rural Development does not grant approval to the rezoning application.

(4) That all costs related to the above conditions be borne by the applicant.

For any queries that you might have please do not hesitate to send an e-mail to lhusemann@walvisbaycc.org.na.

Yours faithfully



A Burger
General Manager
Roads and Building Control

