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Enq: Ms. R. Kwenani
Tel: 290 3428

Ref: L/6225/6226/W
Date: 10 August 2023

Du Toit Town Planning Consultants
P O Box 6871
Windhoek

Dear Sir/Madam,

NOTICE IN TERMS OF SECTION 109(3) OF THE URBAN AND REGIONAL PLANNING ACT, ACT NO. 5 OF 2018

You are hereby informed of the Municipal Council of Windhoek's decision to recommend the approval of the following application to the Urban and Regional Planning Board pursuant to Section 109(3) of the Urban and Regional Planning Act, Act No. 5 of 2018 (the Act) and subject to conditions included in the attached Council Resolution 187/07/2023 (Annexure A):

- REZONING OF ERF 6225, WINDHOEK EXTENSION 15 FROM 'OFFICE' WITH A BULK OF 0.4 TO 'OFFICE' WITH A BULK OF 1.0;
- REZONING OF ERF 6226, WINDHOEK EXTENSION 15 FROM 'GENERAL RESIDENTIAL' WITH A DENSITY OF 1:700 m² TO 'OFFICE' WITH A BULK OF 1.0;
- CONSOLIDATION OF ERVEN 6225 AND 6226, WINDHOEK EXTENSION 15 INTO ERF X;
- CONSENT TO USE ERVEN 6225 AND 6226 FOR A BUSINESS BUILDING FOR MEDICAL CONSULTING ROOMS, MOTHER AND CHILD MEDICAL CENTRE (PEDIATRIC AND NEONATAL INTENSIVE CARE UNIT (ICU) HOSPITAL) AND RELATED USES; AND
- CONSENT IN TERMS OF CLAUSE 23(1) OF THE WINDHOEK TOWN PLANNING SCHEME TO ALLOW FOR ADDITIONAL FLOOR AREA WHICH SHALL BE USED SOLELY FOR RESIDENTIAL USE (FREE RESIDENTIAL BULK).

In terms of Section 110 of the Act, any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister of Urban and Rural Development (the Minister). Notice of the appeal and the grounds for the appeal must be lodged within 21 business days from the date of this Notice to the Minister and Local Authority whose decision is the subject of the appeal.

Yours faithfully


KRISTOFINA ASINO
MANAGER: URBAN POLICY

NB: Please take note that, with the exemption of the consent components, this document only constitutes a notice in terms of Section 109 of the Urban and Regional Planning Act and does not represent an approval of the application in any manner or form.

Annexure A:

In accordance with Council Resolution 187/07/2023 it is recommended as follows:

- 1 That the rezoning of Erf 6225, Windhoek Extension 15 from 'office' with a bulk of 0.4 to 'office' with a bulk of 1.0 be recommended for approval to the Urban and Regional Planning Board, pursuant to section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), subject to the upgrading of Heliodoor Street and Eros Road to a roundabout (traffic circle).
- 2 That the rezoning of Erf 6226, Windhoek Extension 15 from 'general residential' with a density of 1:700 m² to 'office' with a bulk of 1.0 is recommended to the Urban and Regional Planning Board for approval pursuant to section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), subject to the upgrading of the Heliodoor Street and Eros Road intersection to a roundabout (traffic circle).
- 3 That the applicant sign a Development Agreement for all infrastructure upgrades required prior to the submission of the rezoning application to the Urban and Regional Planning Board.
- 4 That the applicant fund the construction of the upgrading of a traffic circle on the Eros Road/Heliodoor Street intersection.
- 5 That the applicant appoint a registered Engineer/Engineering Firm to design and supervise the construction work.
- 6 That the development's building plans not be approved prior to the commencement of the construction of the upgrading work of the traffic circle at the Eros Road/Heliodoor Street intersection.
- 7 That a minimum of one (1) parking bay per 25 m² of the utilised bulk be provided on-site for office use.
- 8 That no access or parking be allowed 20 metre from the intersection, measured from the intersecting kerbs.
- 9 That a minimum of five (5) parking bays per medical practitioner be provided on-site or 1.2 parking bays per bed plus four (4) parking bays per medical practitioner, whichever is greater.
- 10 That a parking layout for the proposed development be submitted with building plans for approval.
- 11 That a minimum of one (1) exclusive parking bay be provided for every dwelling unit on-site.
- 12 That consent use only come into effect after meeting the parking requirements and subject to written approval by the Strategic Executive: Urban and Transport Planning.
- 13 That the consolidation of Erven 6225 and 6226, Windhoek Extension 15 into Erf X be recommended for approval to the Urban and Regional Planning Board in accordance with section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

- 14 That the standard conditions registered against Erven 6225 and 6226, Windhoek Extension 15 be retained and registered against consolidated Erf X.
- 15 That no registration of consolidated Erf X take place until the rezoning of Erven 6225 and 6226, Windhoek Extension 15 as per paragraphs 1 and 2 of this Council Resolution has been promulgated in the Government Gazette.
- 16 That consent to use Erven 6225 and 6226, Windhoek Extension 15 (consolidated Erf X) for a business building for medical consulting rooms, mother and child medical centre (Pediatric and Neonatal Intensive Care Unit (ICU) Hospital) and related uses is approved in accordance with the Windhoek Zoning Scheme, and the consent for Erf 6226, Windhoek Extension 15 only come into effect after the rezoning has been approved.
- 17 That consent in terms of clause 23(1) of the Windhoek Town Planning Scheme to allow for additional floor area to be used solely for residential use (free residential bulk) be approved, but be limited to 50 % of allowable bulk and it should only come into effect after the rezoning has been approved.
- 18 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
 - 18.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
 - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
 - 18.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 19 That any additional requirements with regard to water and sewer services brought on as a direct consequence of the consent use or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 20 That the Electrical Consultant or Contractor to obtain approval for all related electrical drawings for electrification indicating connection to the grid of the Municipal Council of Windhoek.
- 21 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.
- 22 That only one (1) service connection from the municipal electrical network be allowed to the consolidated erf.
- 23 That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.

- 24 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.
- 25 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.
- 26 That for erven that are rezoned to 'general residential', 'business', 'office', 'institutional' or 'industrial', the applicant/owner or his/her registered Electrical Contractor contact the Strategic Executive: Electricity to determine whether the existing metering installation complies with Council's Metering Policy for the specific type of zoning.
- 27 That the applicant register with the Municipal Council of Windhoek's Health Care Risk Waste Treatment Facility before commencing with the operations and proof of registration be provided.
- 28 That the applicant obtain an Environmental Management Clearance Certificate from the Strategic Executive: Economic Development and Community Services for the rezoning of Erf 6226, Windhoek Extension 15 from 'general residential' with a density of 1:700 m² to 'office' with a bulk of 1.0, in accordance with the Environmental Management Act, 2007 (Act 7 of 2007), prior to the submission of the application to the Urban and Regional Planning Board.
- 29 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.
- 29.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.
- 30 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 187/07/2023