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Enq: H Rust
Tel: 290 2378

Ref: 1249/KK
Date: 25 September 2019

**Plan Africa Planning Consultant
P. O. Box 4144
Windhoek**

Attention Mr H Krohne

Dear Sir,

REZONING OF ERF 1249 KLEINE KUPPE FROM OFFICE WITH A BULK OF 1.0 TO BUSINESS WITH A BULK OF 1.0

Your application for the rezoning of Erf 1249 Kleine Kuppe from Office with a bulk of 1.0 to Business with a bulk of 1.0 refers.

The application was approved as per Council Resolution No. 198/09/2019 and as follows:

1. That Erf 1249 Kleine Kuppe be rezoned from “office” with a bulk of 1.0 to “business” with a bulk of 1.0.
2. That consent to use the erf for business purposes while the rezoning is in process not be supported.
3. That the owner agrees in writing to pay a betterment fee of N\$ 4,274,640.00 being 30 % of the increase in value of the rezoned property, subject to Ministerial approval, prior to the incorporation of the rezoning in an amendment scheme and submission for approval of NAMPAB.
4. That a deposit equivalent to the proposed betterment fee be paid to the City.
5. That the invoice for the betterment fee as per paragraph 3 be requested from the Strategic Executive: Urban and Transport Planning.
6. That once a betterment fee has been determined 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 or, in the event of a refusal of the Amendment Scheme or the rezoning, the deposit be refunded.

7. That the payment of the deposit for the betterment fee not be seen as approval of the Amendment Scheme and that the Minister of Urban and Rural Development retains the right under the Town Planning Ordinance 18 of 1954 to approve or not to approve the Amendment Scheme.
8. That minimum 1 parking bay per 33m² of utilised bulk be provided for on-site.
9. That only one left in access is possible from Frankie Fredericks Drive.
10. That access to the Erf is obtained minimum 25m from the Intersection, measured from the intersecting kerb.
11. That the applicant has to appoint a Provisional Registered Engineer to do the design for a sewer connection for erf 1249. The design should be submitted by the appointed Engineer to Infrastructure: Engineering Services Division for approval before any work may start.
12. That after approval of the design, the Applicant should appoint a Contractor to do the construction of the sewer line. The supervision of the construction work should be done by a Provisional Registered Engineer.
13. That all costs involved, due to the new sewer connection, will be for the applicants account.
14. That a 5 meter wide servitude be surveyed and registered over the municipal sewer line.
15. That surveying and registration costs will be for the applicant's account.
16. That the submission of the rezoning will only be included in the amendment scheme after the 5 meter wide servitude is registered over the sewer line.
17. That should any municipal electrical infrastructure need to be relocated, dismantled or replaced to accommodate a new access to the Erf 1249, Kleine Kuppe, all cost related thereto will be for the applicant's account.
18. That only one supply point will be allowed to the Erf from the municipal electrical network.
19. That for Erven that is zoned "General Residential", "Business", "Office", "Institutional" or "Industrial" and a service connection larger than 3 x 60 Amp is required, the applicant and/or his/her electrical engineering representative must

contact the SEE 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; and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

20. That all mixed use and high rise building customers will be equipped with CT operated TOU AMR driven Credit meters.
21. That existing and new developments with mixed residential and business uses shall be allowed to receive their electricity supply by means of two bulk/maximum demand meters.
22. That any person or company entrusted with the management of these premises is allowed to sub meter individual units on both business and residential units in these premises using individual metering after the City of Windhoek bulk meters at their own cost by making use of the City of Windhoek approved tariffs for those customer categories as provisioned for in the City of Windhoek Electricity Supply Regulations.
23. That Council Credit control will be affected at the switches of the two bulk meters only, and not on the individual private meters.
24. That if the high rise building is not zoned mixed use, and then only one bulk/maximum Demand meter is allowed.
25. That both the above instances, the recommended meter and all other costs in case of new installations will be borne by the customers in line with the City of Windhoek Electricity Supply Regulations.
26. That all recommended meters under this category shall be housed in a heavily constructed protective structure.
27. That the applicant appoints a registered professional Engineer to compile a detailed 50 year flood report of the stormwater courses to own cost and risk.
28. That the applicant applies the conditions as stipulated in the detailed 50 year flood report.
29. 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 portion is to be protected against any potential flood damage.

30. That no adjacent or opposite property be negatively affected by the proposed development along any stormwater course.
31. That no development will be allowed within the 50 year flood level of any stormwater course.
32. That no development will be allowed onto or over any stormwater system or structure.
33. That any stormwater crossing be accommodative of at least a 50 year flood.
34. That surface storm water runoff be accommodated according to Clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme) stating:

That no stormwater drainage pipe, canal, work or obstruction (except stormwater 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.
35. That prior approval must be obtained from the Chief Engineer: Planning, Design & Traffic Flow if the accommodation of the stormwater on the erf is contemplated.
 36. 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.
 37. 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.

38. That no building plan will be approved until the above stormwater conditions are met.
39. 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.
40. That no access be allowed over any stormwater catch pit or structure.
41. That roads and stormwater be planned, designed and constructed to municipal standards.
42. That the applicant acknowledges receipt of this Council Resolution and accepts the conditions thereof in writing and complete the Form of Acknowledgement of Liability and Undertaking to pay betterment fees.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D Brand', written in a cursive style.

D Brand
Urban Planner

[Municipal Council Minutes: 2019-09-05]

**10.3.5 FNS.3 [UTP] 2019 APPLICATIONS - SUBDIVISIONS
AND REZONING OF ERVEN TO OTHER ZONINGS
NOT IN TABLE I THAT CAN BE SUPPORTED
(6/1/9/5/4)**

On proposal by Councillor Ms AK Ashilelo, it was

RESOLVED

- 1 That after consideration, the following applications be approved as follows:
 - 1.1 Rezoning of the Remainder of Erf 1249, Chasie Street, Kleine Kuppe from 'office' with a bulk of 1.0 to 'business' with a bulk of one (1) is supported.
 - 1.1.1 Consent to use the erf for the intended business mixed development while the rezoning is in progress is however not supported.
 - 1.2 Rezoning of Erf 2258, Kilimanjaro Street, Windhoek from 'residential' with a density of 1:900 m² to 'business' with a bulk of 0.5 and consent for free residential bulk is supported.
 - 1.2.1 Consent to use the erf for the intended development while the rezoning is in progress is however not supported.
 - 1.3 Consent to use the 'institutional' zoned erf on a 70:30 % split in terms of the Institutional Land Use Policy is supported and only 30 % of the erf size may be used for consent uses of institutions, special buildings, shops and business buildings without subdivision and rezoning.
 - 1.3.1 The subdivision and rezoning of Erf 8521, Katutura is not supported.
 - 1.4 Rezoning of Erf 746, Erosark from 'institutional' to 'office' with a bulk of 1.0 and consent to use Erf 746, Erosark in terms of Table B of the Windhoek Town Planning Scheme is not supported.
 - 1.4.1 Consent for a business building for office purposes is supported and the applicant is advised to submit the required consent use application for the activities observed on the erf.
 - 1.5 Rezoning of Erf 2343, Klein Windhoek from 'residential' with a density of 1:900 m² to 'business' with a bulk of 0.75 and consent for an accommodation establishment with conference facilities while the rezoning is in process is supported.
 - 1.5.1 Consent for free residential bulk is however not supported.
 - 1.6 Rezoning of Erf 3073 (now Erf 6648), Ranonkel Street, Khomasdal from 'restricted business' with a bulk of 1.0 to 'business' with a bulk of 1.0 is supported.

- 1.6.1 Rezoning of Erf 3074, Ranonkel Street, Khomasdal from 'restricted business' with a bulk of 1.0 to 'business' with a bulk of 1.0 is however not supported.
- 2 That the betterment fees, in line with Council Resolution 387/10/2009, attached as page 910 to the agenda, be determined by the Strategic Executive: Housing, Property Management and Human Settlement and be included in the Council Resolution Notices for all approved rezonings.
- 3 That the applicants and any objectors be informed of this Council Resolution, in writing and that the objectors may lodge an appeal to the Minister of Urban and Rural Development against this Council Resolution in terms of section 51(1) of the Windhoek Town Planning Scheme.
- 4 That written notice of an appeal against the decision of Council be given to Council within twenty eight (28) days from the date of the service on the appellant of the notice of Council's decision in terms of section 51(3) of the Windhoek Town Planning Scheme.
- 5 That the applicant note that in terms of section 43(4) of the Windhoek Town Planning Scheme the decision of Council shall not take effect until the expiration of twenty eight (28) days from the date on which the applicant and the objectors, if any, are notified thereof, or if an appeal has been made, until such appeal is disposed of.
- 6 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 198/09/2019
