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City of Windhoek

**Enq:** Mr G F de Klerk

**Ref:** L /5/49/DÖ

29/6/49/ DÖ

33/5/49/DÖ

**Tel:** 290 2104

**Date:** 07 March 2022

Du Toit Town Planning Consultant  
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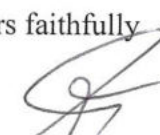
Dear Madam,

## SECTION 109 NOTICE: COUNCIL RESOLUTION 259/11/2021

**SUBJECT: APPLICATION FOR THE REZONING OF PORTION 29 (A PORTION OF PORTION 6) OF THE FARM DÖBRA NO. 49; THE REMAINDER OF PORTION 5 OF THE FARM DÖBRA NO. 49 AND PORTION 33 (A PORTION OF PORTION 5) OF THE FARM DÖBRA NO. 49 FROM 'RESIDENTIAL' WITH A DENSITY OF ONE (1) DWELLING PER 5 HECTARES TO 'RESTRICTED BUSINESS' WITH A BULK OF 0.5 AND SUBSEQUENT CONSOLIDATION OF TWO (2) PORTIONS**

Attached please find Council Resolution 259/11/2021.

Yours faithfully

  
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G F De Klerk  
Town Planner

**NB: Please take note that 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.**

[Municipal Council Minutes: 2021-11-30(18)]

**9.2.24 FNS.17 [UTP] APPLICATION FOR THE REZONING OF PORTION 29 (A PORTION OF PORTION 6) OF THE FARM DÖBRA NO. 49; THE REMAINDER OF PORTION 5 OF THE FARM DÖBRA NO. 49 AND PORTION 33 (A PORTION OF PORTION 5) OF THE FARM DÖBRA NO. 49 FROM 'RESIDENTIAL' WITH A DENSITY OF ONE (1) DWELLING PER 5 HECTARES TO 'RESTRICTED BUSINESS' WITH A BULK OF 0.5 AND SUBSEQUENT CONSOLIDATION OF TWO (2) PORTIONS (L/Brakwater)**

On proposal by Councillor Ms N Larandja, it was

**RESOLVED**

- 1 That the application for the rezoning of Portion 29 (a portion of Portion 6) of the Farm Döbra No. 49, from 'residential' with a density of 1:5 hectare to 'restricted business' with a bulk of 0.5, be supported.
- 2 That the rezoning of the Remainder of Portion 5 of the Farm Döbra No. 49 from 'residential' with a density of 1:5 hectare to 'restricted business' with a bulk of 0.5, be supported.
- 3 That the rezoning of Portion 33 (a portion of Portion 5) of the Farm Döbra No. 49 from 'residential' with a density of 1:5 hectare to 'restricted business' with a bulk of 0.5, be supported.
- 4 That the consent to utilise Portions 5, 29 and 33 for restricted business purposes while the rezoning is being finalised, not be supported at this stage as it is outside the exiting Policy area.
- 5 That the northern boundary of Zone D of the Brakwater Policy Zones as per Plan P/3555/A Rev. 4, attached as pages 647 – 649 to the agenda, be extended northward to the northern boundary of Portion 13 of the Farm Döbra No. 49, as per the hatched area on the drawing, attached as page 651 to the agenda.
- 6 That adjacent properties approve the existing collector road alignment in writing or propose an acceptable alternative and that the rezoning only be submitted to the Urban and Regional Planning Board upon confirmation of the proposed collector road alignment.
- 7 That the proposed consolidation of Portion 29 with the Remainder of Portion 5 of the Farm Döbra No. 49, be supported subject to the following conditions:
  - 7.1 That the applicant take note of the collector road running on the northern boundaries of the consolidated portion, as per the plans, attached as pages 647 - 649 to the agenda.
  - 7.2 That it be noted that the collector road is 25 metre wide, and the exact co-ordinates can be obtained from the Strategic Executive: Urban and Transport Planning.

- 7.3 That the 12.5 metre be reserved as street by each adjacent property, and a building restriction servitude be registered over the portion.
- 7.4 That the applicant further take note of the collector road running on the eastern boundaries of portion.
  - 7.4.1 That it be noted that the collector road is 25 metre wide, to be reserved as street.
  - 7.4.2 That a building restriction servitude be registered over the portion, of which the exact co-ordinates can be obtained from the Strategic Executive: Urban and Transport Planning.
- 7.5 That all adjacent neighbouring properties accept the collector alignment in writing or propose an acceptable one.
- 7.6 That all right of way servitudes be a minimum of 25 metre wide for restricted business use.
- 7.7 That the parking requirements for restricted business be one (1) parking bay per 50 m<sup>2</sup> of utilised bulk.
- 8 That the applicant appoint a registered professional Engineer to compile a detailed 50 year flood report of the Klein Windhoek River and stormwater courses at own cost and risk.
- 9 That the applicant apply the conditions as stipulated in the detailed 50 year flood report.
- 10 That the applicant accept the outcome of the detailed 50 year flood report, and if allowed by the flood report, and appoint a registered professional Engineer to submit detailed Engineering plans as to how the proposed portion is to be protected against any potential flood damage.
- 11 That no adjacent or opposite property be negatively affected by the proposed development along any river or stormwater course.
- 12 That no development be allowed within the 50 year flood level of any river or stormwater course.
- 13 That no development be allowed onto or over any stormwater system or structure.
- 14 That any stormwater crossing/river crossing be accommodative of at least a 50 year flood.
- 15 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:
  - 15.1 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.
- 15.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 15.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 15.4 That engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.
- 15.5 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.
- 15.6 That no building plans be approved until the stormwater conditions are met.
- 15.7 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 16 That roads and stormwater be planned, designed and constructed to municipal standard.
- 17 That access and right of way servitudes be according to the conditions as stipulated by the Strategic Executive: Urban and Transport Planning.
- 18 That it be noted that no existing bulk water and sewer services are available.
- 19 That it be noted that Council conducted a bulk Water and Sewer Reticulation Master Plan for the entire Brakwater area during 2010, and the bulk services requirements anticipated for the area is specified in the said document.
- 20 That the supply of bulk water and sanitation/sewerage services, if feasible for the applicant, be executed in-line with the bulk services framework established for the entire area.
- 21 That all cost for the provision of bulk and internal services be borne by the applicant, including the cost of bulk infrastructure upstream and downstream from the erf.
- 22 That all new water and sewer infrastructure requirements comply with the standard conditions to large subdivisions in respect of services, and it be noted that these requirements can be obtain from the Strategic Executive: Infrastructure, Water and Technical Services.
- 23 That the applicant appoint a registered professional Engineer to design the water supply and sewer reticulation to the applicable municipal standards, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services, before construction commence.

- 24 That the applicant provide its own water storage for the erf with a storage capacity of 48 hours.
- 25 That it be noted that the Municipal Council of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorates in case of boreholes.
- 26 That the applicant appoint a registered professional Engineer to propose an acceptable waste water disposal system, subject to the following conditions:
  - 26.1 That no pollution of the ground water occur.
  - 26.2 That there be no health risks to the users and surrounding residents.
  - 26.3 That the possibility to re-use the purified effluent be addressed.
  - 26.4 That final effluent at all times comply with applicable legislation.
- 27 That the sewer system and proposed treatment of waste water be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval prior to approval of any building plans.
  - 27.1 That the issuing of the Waste Water Discharge Permit be subject to the adherence of all conditions pertaining to such permit.
- 28 That only full waterborne waste systems be utilised and all Windhoek service standards apply.
- 29 That final effluent from any treatment facilities comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.
- 30 That the operation and maintenance of all water and sewer infrastructure be the responsibility of the applicant.
- 31 That the design criteria be in accordance with the 'The Guidelines for Human Settlement, Planning and Design' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at [http://www.csir.co.za/Built\\_environment/RedBook/](http://www.csir.co.za/Built_environment/RedBook/).
- 32 That the applicant take note that the Municipal Council of Windhoek do not have any network infrastructure in the area at this stage and provision of electricity are supplied by NamPower, should the proposed establishment be close to their existing grid.
- 33 That the applicant and/or their professional electrical engineering consultant approach NamPower for an electrical supply point or the upgrade thereof, when required, and the applicant/Developers be responsible for all cost related thereto.
- 34 That the applicant and/or Consulting Engineers be 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.

- 35 That where MV/HV overhead lines are in close proximity and servitudes have not been registered, the following horizontal clearing width apply for allowing access to the line and for safety reasons:
- 220/132 kV - 25 metres either side of the overhead line structure; and
  - 66/33/22/19/11 kV - 11 metres either side of the overhead line structure, and therefore **no permanent structure be erected within the stipulated area.**
- 35.3 That no permanent structures be erected within any powerline servitude area.
- 35.4 That a minimum vertical working clearance of 4.3 metres from the ground and horizontal working clearance of 2.9 metres from the body centre line be maintained at all times, possible during road construction parallel or perpendicular to the line or crossing underneath the line with machineries/trucks etc.
- 35.5 That it be noted that encroaching this clearance will result in electric shocks and hence fatalities.
- 36 That the applicant apply for the Environmental Management Clearance Certificate to rezone from 'residential' to 'industrial/business'.
- 37 That the applicant register and submit an Environmental Assessment Scoping Report to the Municipal Council of Windhoek for review.
- 38 That the applicant submit copies of the Environmental Management Plan (EMP) and Environmental Management Clearance Certificate upon approval by the Environmental Commissioner's office.
- 39 That the applicant conduct an Environmental Impact Assessment (EIA) before any construction of a sewer treatment plant and construction of additional road infrastructures to cater for the new businesses.
- 40 That the applicant acknowledge receipt and accept the conditions in writing of this Council Resolution, within twenty one (21) days from the date of this letter.

## **RESOLUTION 259/11/2021**

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