

OFFICE OF THE CHIEF EXECUTIVE OFFICER



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DATE: 29/08/2024

REF: L/3978/KW

Stubenrauch Planning Consultants
P O Box 41404
Windhoek

Dear Sir

RE: NOTICE IN TERMS OF SECTION 109(3) OF THE URBAN AND REGIONAL PLANNING ACT (ACT NO. 5 OF 2018): REZONING OF ERF 3978, KLEIN WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF 1:900 M² TO 'HOSPITALITY'

Please be informed in terms of Section 109(3) of the Urban and Regional Planning Act (Act No. 5 of 2018) that the Municipal Council of Windhoek as per Council Resolution 158/07/2024 resolved as follows:

- 1 That the rezoning of Erf 3978, Klein Windhoek from 'residential' with a density of 1:900 m² to 'hospitality' for a hotel consisting of a maximum of thirty (30) rooms 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).
- 2 That it be noted that a betterment fee (compensation) is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).
- 3 That the applicant obtains an invoice for the betterment fee (compensation) from the Strategic Executive: Urban and Transport Planning (Urban Policy Division), see enquiries.
- 4 That, in the absence of a compliant parking layout due to existing structures on-site and because the client indicated that construction will start before end of 2024, an approved parking layout be in place before the fitness certificate which is due in twelve (12) months.
- 5 That no access and parking will be allowed opposite an intersection; accordingly, no parking will be allowed on the sidewalk due to the location of the erf.
- 6 That for accommodation establishment, 0.66 bays be provided per leasable room plus five (5) bays per 100 m² open floor space (excluding reception area), plus loading zone on-site.
- 7 That the applicant submits a dimensioned parking layout including parking calculations with the building plan to the Municipal Council of Windhoek Building Control Division for the future intended upgrading.

All official correspondence must be addressed to the Chief Executive Officer

- 8 That the Municipal sidewalk remain to be to the required Municipal sidewalk profile.
- 9 That should parking be required along the sidewalk, a walking width of at least 2 m wide be provided along the edge of the sidewalk.
- 10 That no access be considered over any stormwater system or structure.
- 12 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
 - 12.1 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 allows flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
 - 12.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 13 That the applicant takes note that the property does not have access to a direct municipal sewer connection as it is connected to a private combined sewer system and that the erf will no longer be permitted to utilise the private combined sewer system and must instead connect directly to the nearest available municipal sewer system.
- 14 That the applicant is advised that the consideration of the intended rezoning and consent uses will be subject to the submission and approval of an Engineering Design for sewer provision as stipulated by the Strategic Executive: Infrastructure, Water and Technical Services.
- 15 That the applicant appoints a registered professional Engineer to design a Municipal sewer connection for the property.
- 16 That the appointed Engineer submits the sewer design to the Strategic Executive: Infrastructure, Water and Technical Services (Engineering Services Division), for approval prior to commencing any construction works.
- 17 That after obtaining approval of the sewer design, the applicant appoints a contractor to construct the sewer line.
- 18 That the construction works be supervised by a registered professional Engineer.
- 19 That all costs associated with the municipal sewer connection be borne by the applicant.
- 20 That the applicant submits a sewer design to the Strategic Executive: Infrastructure, Water and Technical Services (Engineering Services Division) for approval before submitting the rezoning application to the Urban and Regional Planning Board.
- 21 That a Fitness Certificate will only be issued after the applicant has provided a municipal sewer connection to the property.

- 22 That no building plans will be approved until a Municipal sewer connection is installed by the applicant and taken over by the Council as per approved designs.
- 23 That any additional requirements for water or sewer services be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 24 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per the request received from the applicant, all costs related thereto be for the applicant's account.
- 25 That only one (1) service connection per erf be allowed from the municipal electrical network.
- 26 That only one (1) additional meter point for an approved flat be allowed on erven zoned 'single residential', and for more meter points the erf be rezoned to 'general residential'.
- 27 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, and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.
- 28 That the applicant obtains an environmental clearance certificate from the Environmental Commissioner Office and submit a copy of the Environmental Management Plan and Clearance Certificate to the Strategic Executive: Economic Development and Community Services.
- 29 That the applicant accepts the conditions of this resolution in writing within twenty eight (28) days.
- 30 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.
- 30.1 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.
- 31 That the resolution be implemented prior to confirmation of the minutes.

Yours sincerely



Moses Matyayi

CHIEF EXECUTIVE OFFICER