



**Enq:** Ms R. Kwenani

**Tel:** 290 3428

**Ref:** L/3462/Re/KW

**Date:** 19 March 2024

Urban Dynamics Town and Regional Planners  
P O Box 20837  
Windhoek

Dear Sir,

**SUBDIVISION OF ERF RE/3462 KLEIN WINDHOEK INTO PORTION A AND REMAINDER; REGISTRATION OF A 4M RIGHT OF WAY SERVITUDE OVER ERF 3142, KLEIN WINDHOEK IN FAVOUR OF PROPOSED PORTION A OF RE/3462 AND ERF 3141, KLEIN WINDHOEK AND REGISTRATION OF A 4M RIGHT OF WAY SERVITUDE OVER ERF 3141, KLEIN WINDHOEK IN FAVOUR OF PROPOSED PORTION A OF RE/3462 AND ERF 3142, KLEIN WINDHOEK**

In accordance with the delegation of authority for subdivisions as per Council Resolution 283/11/2017, the application is recommended as follows:

1. That the subdivision of the Remainder of Erf 3462 Klein Windhoek into Portion A ( $\pm 953 \text{ m}^2$ ) and Remainder ( $\pm 1\,047 \text{ m}^2$ ) is recommended for approval to the Urban and Regional Planning Board (the Board) in accordance with Section 109 (2)(a) of the Urban and Regional Planning but can only be submitted to the Board after the approval of water and sewer designs.
2. That the Remainder of Erf 3462 Klein Windhoek be subdivided as per the subdivision plan dated August 2023 submitted with the application (attached).
3. That access to the proposed Portion A of the Remainder of Erf 3462 to be provided through the panhandles of Erven 3141 and 3142, Klein Windhoek.
4. That a 4m right of way servitude be registered against Erf 3142, Klein Windhoek in favour of proposed Portion A of the Remainder of Erf 3462 and Erf 3141, Klein Windhoek at the applicant's cost.
5. That a 4m right of way servitude be registered against Erf 3141, Klein Windhoek in favour of proposed Portion A of the Remainder of Erf 3462 and Erf 3142, Klein Windhoek at the applicant's cost.
6. That the Panhandle Right of Way servitudes be registered over the full lengths of the Panhandles.
7. That no physical separation will be allowed between the two panhandles to always ensure the 8m wide access to the three erven.

8. That the existing access to the Remainder of Erf 3462 shall remain and all new accesses are subject to prior approval from the City of Windhoek.
9. That a minimum of 1 parking bay per equal or less than 3 bedrooms dwelling or a minimum of 2 parking bays per equal or more than 4 bedrooms dwelling be provided on site.
10. That Paragraph B of the title deed be replaced with the standard municipal conditions and be registered against the Remainder of Erf 3462, Klein Windhoek which state that:
  - 10.1 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 Windhoek Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, Act 5 of 2018.
  - 10.2 The building 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.
11. That current conditions registered against the Remainder of Erf 3462 Klein Windhoek be retained and be registered the against Portion A.
12. That surface storm water runoff be accommodated according to Clause 35 of the Zoning Scheme stating:
  - (1) That no stormwater drainage pipe, canal, work, or obstruction (except stormwater drainpipes, 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 canalized) is or can be changed, canalized, or impeded.
    - (c) the maintenance of such stormwater pipe, channel or work shall be the responsibility of the owner of the concerned property.
13. That access into the proposed Portion A and Remainder be considered only furthest away as possible from the horizontal curve along Schukmann Street, because of the geometric properties and the concerns thereof, i.e. breaking site distance, site distance, etc.
14. That Portion A of the Remainder of Erf 3462 Klein Windhoek will not have access to a direct municipal sewer and water connection.
  - 14.1 That the applicant appoints a registered professional engineer to design a municipal water and sewer connection for the proposed properties.
  - 14.2 That the appointed engineer submits the water and sewer designs to the Department of Infrastructure, Water and Technical Services, Engineering Services Division, for approval prior to commencing any construction works.



- 14.3 That after approval of the subdivision by the Minister of Urban and Rural Development, the applicant appoints a contractor to construct the water and sewer lines.
- 14.4 That the construction works be supervised by a registered professional engineer.
- 14.5 That all costs associated with the municipal water and sewer connections be borne by the applicant.
- 14.6 That the applicant submits a water and sewer design to the Department of Infrastructure, Water and Technical Services, Engineering Services Division for approval before submission of the application to the Urban and Regional Planning Board.
- 14.7 That a Fitness Certificate will only be issued after the applicant has provided municipal water and sewer connections to the properties.
- 14.8 That no building plans will be approved for any portion until a municipal water and sewer connections are installed by the applicant and taken over by the Council as per approved designs.
- 14.9 That it be noted that an existing municipal sewer line passes along the south eastern boundary of the proposed Portion A; therefore, a 3-metre building line must be maintained along the aforementioned boundary.
15. That any additional requirements with regard to water and sewer services be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
16. That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.
17. That only one (1) service connection from the municipal electrical network will be allowed to the Erf.
18. That for erven that are 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 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.
19. That a Connection Charge may be payable at the cost of the applicant and the applicant is advised to review the Electricity Department Connection Charge Policy, Metering Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Electricity Department for information on Connection Charges and Metering.

20. That the applicant must obtain an Environmental Clearance from the Environmental Commissioner for the creation of the Right of Way servitude prior to the submission of the application to the Urban and Regional Planning Board.
21. That a copy of the environmental clearance be submitted to the Health and Environment Services Division prior to the submission of the application to the Urban and Regional Planning Board.
22. That the applicant be takes note that in terms of Section 110 of the Urban and Regional Planning Act, 5 of 1992 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 days from the date of this Notice to the Minister and Local Authority whose decision is the subject of the appeal.
23. That the applicant acknowledges receipt of this Delegated Authority in writing, within 28 days of receipt of this letter.

Yours faithfully,

  
Pierre van Rensburg  
**STRATEGIC EXECUTIVE**



# MEMORANDUM



**TO :** URBAN POLICY  
**FROM :** HEALTH AND ENVIRONMENT SERVICES  
**ENQ :** MET SHANYENGANGE Tel. 061 290 3529  
**CC :**  
**DATE :** 17/05/2024

Dear Colleague,

**RE: SUBDIVISION OF ERF RE/3462, KLEIN WINDHOEK INTO PORTION A AND REMAINDER; REGISTRATION OF A 4m RIGHT OF WAY SERVITUDE OVER ERF 3142, KLEIN WINDHOEK AND REGISTRATION OF A 4m RIGHT OF WAY SERVITUDE OVER ERF 3141, KLEIN WINDHOEK IN FAVOUR OF PROPOSED PORTION A OF ERF RE/3462 AND ERF 3142, KLEIN WINDHOEK.**

Reference is made to the attached Memo, dated 04 March 2024 and a letter dated, 27 March 2024.

The Division of Health and Environment Services held a consultative meeting with Ms A Anderson of Urban Dynamics Town and Regional Planners on 26 March 2024 to provide clarity and more information on the subject matter. The consultative meeting confirmed that the applicant will not be creating a street/roads but will be utilizing the existing panhandle.

The Division is thus recommending for the following:

- **That the applicant is not required to obtain and submit an Environmental Clearance Certificate.**

Kindest Regards,





# MEMORANDUM

**TO:** Urban Policy

**Date:** 04 March 2024

**FROM:** Health and Environment Services



**Ref:** RE/6878 KW

**SUBJECT:** REGISTRATION OF 4m RIGHT OF WAY SERVITUDE OVER ERF 3142, KLEIN WINDHOEK INTO FAVOUR OF PROPOSED PORTION A OF ERF RE/3462, KLEIN WINDHOEK; AND REGISTRATION OF 4m RIGHT OF WAY SERVITUDE OVER ERF 3141, KLEIN WINDHOEK INTO FAVOUR OF ERF 3142, KLEIN WINDHOEK AND PROPOSED PORTION A OF ERF RE/3462, KLEIN WINDHOEK

The above subject matter has reference:

The Division has no objection to the registration of a right of way servitude provided that the applicant complies with the following;

- Obtain an environmental clearance from the Environmental Commissioner for the creation of the right of way servitude.
- Submit a copy of the environmental clearance to the Health and Environment Services Division.

Regards,