

# Department of Urban & Transport Planning

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**WINDHOEK, NAMIBIA**

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**Enq:** Mr W Billawer  
**Tel:** 290 – 3517

**Ref:** L/87/48/BW  
**Date:** 12 October 2017

Du Toit Town Planning Consultants  
P O Box 6871  
Windhoek

Dear Sir/Madam

## **REZONING OF PORTION 87 (A PORTION OF PORTION H) OF FARM BRAKWATER NO. 48, FROM RESIDENTIAL WITH A DENSITY OF 1:5HA TO 'INDUSTRIAL' WITH A BULK OF 0.4**

Your application for the rezoning of Portion 87 (A portion of Portion H) of Farm Brakwater No. 48, from 'residential with a density of 1:5ha to 'industrial' with a bulk of 0.4, refers.

You are hereby informed that Council, at its meeting of 6 September 2017, in terms of Council Resolution 191/09/2017, approved the rezoning of Portion 87 (a portion of Portion H) of Farm Brakwater No. 48, from residential with a density of 1:5ha to 'industrial' with a bulk of 0.1.

When a rezoning is granted for a property, a betterment fee (being a percentage of the increase in land value) is payable by the owner of such property according to article 34 (1) of the Town Planning Ordinance of 1954. This betterment fee is subject to approval by the Honourable Minister, in accordance with Council Resolution 387/10/2009.

You are requested to complete the attached form for acknowledgement of liability and undertaking to pay betterment fees (tax) as stipulated in Council Resolution 387/10/2009, within 28 days as of date of this letter.

Council policy requires that a deposit be made to the City to cover the amount of the betterment fee before a rezoning will be included in an amendment scheme or before any consent use is granted. Once the betterment fee has been determined by the Minister of Urban and Rural Development, this amount will be taken from the suspense account and any excess be repaid to yourself.

The deposit for the betterment fees (tax) should be paid into Account Number 4010052050085. A copy of the deposit slip should then be attached to the "acknowledgement of liability and undertaking to pay" form and delivered to Room 522.

That the rezoning shall further be subject to the following conditions:

- 1.1 That the owner agree in writing to pay a betterment fee of **N\$ 1 125 000.00 (excluding VAT)** 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.
- 1.2 That a deposit equivalent to the proposed betterment fee be paid to the City.
- 1.3 That the betterment fee be paid into Account Number **4010052050085** created by the Strategic Executive: Finance and Customer Service for this purpose.
2. 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.
3. 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.
4. That no building plans will be considered by the City until such time that all betterment fees have been paid up.
5. That a corresponding on-site parking layout as approved by the Strategic Executive: Urban and Transport Planning be submitted with the building plans.
6. That the applicant take note that access from Trunk Road 1/6 (B1, Windhoek – Okahandja Road) will be closed once upgraded to a freeway, therefore provision should be made for future access from District Road 1545.
7. That the applicant take note that District Road 1545 is still not constructed and according to the letter from the Roads Authority District Road 1545 will be constructed as a future service road.
8. That a portion of the property is affected by the future district road taking up almost a substantial part of erf on the north eastern side.
9. That an existing proclamation is in place over such street portion and it is recommended to subdivide such portion first and not to rezone such land should Council need to purchase same in future.
10. That it be noted that the applicant should subdivide the street portion in lieu of betterment payable and that the street portion not be rezoned and retains its present zoning.

11. Parking for industrial is 1.5 bays per 100 m<sup>2</sup> floor area plus loading area. Adequate provision must be made for the in and out movement of large trucks.
12. That the collector road width be minimum twenty five (25) meters.
13. That if a collector runs over the boundary of two adjacent properties, each property can give off 12.5 meters but each owner must agree to this arrangement in writing.
14. That the applicant be informed that portions required for arterials are to be subdivided prior to inclusion of this rezoning in an amendment scheme.
15. That the collector alignment must be approved by the owners of the adjacent neighbouring properties being subdivided in writing.
16. That in the case of a collector running over the boundaries of two properties, the property not subdividing must also approve and give written approval of the alignment of the collector.
17. That the conditions 15 to 19, where required, be finalised prior to the consideration of any building plans for this property.
18. That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.
19. That no storm water drainage pipe, canal, work or obstruction (except storm water 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 storm water 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 storm water pipe, channel or work shall be the responsibility of the owner of the concerned property.
20. That prior approval must be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

21. 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.
22. 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.
23. That no building plan will be approved until the above stormwater conditions are met.
24. That access be to the satisfaction of the Strategic Executive: Urban and Transport Planning.
25. That access be to the satisfaction of the Roads Authority.
26. That parking be provided according to the Town Planning Scheme.
27. That the proposed and newly planned Service Road be according to Municipal standards, and that it be surveyed and registered, and that the registration thereof be submitted together with the Engineering drawings.
28. That the applicant submits a detailed flood analysis report indicating the 50 year flood line of the river.
29. That stormwater conditions, if any, as per the original sales agreement remains applicable.
30. That should any municipal electrical infrastructure on the sidewalk 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.
31. That only one service connection from the municipal electrical network will be allowed, and that further distribution be done from the main board.
32. That a registered electrical contractor be appointed to do the necessary changes.
33. That for Erven that are zoned 'General Residential', 'Business', 'Office', 'Institutional' or 'Industrial' and a service connection larger than 3x60 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; and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.



34. That the applicant will be responsible to provide on-site water storage to cater for at least 48 hours of the Daily Demand, that the City of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorates.
35. That the applicant will be required to appoint a Registered Professional Engineer to design the water and sewer reticulation to the applicable municipal standards and subject to approval of the Strategic Executive: Infrastructure, Water and Technical Services, before construction commences.
36. That the applicant must take note that no Municipal sewer services are available, and that the applicant is therefore required to appoint a Registered Professional Engineer to propose an acceptable waste water conveyance and treatment system subject to the condition that no pollution of the ground water occurs and further provided that there will be no health risk to the users and surrounding residents.
37. That the final effluent shall at all times comply with the applicable legislation, and that the sewer system and proposed treatment of waste water must be submitted for approval to the Strategic Executive; Infrastructure, Water and Technical Services, before construction commences.
38. That only full waterborne sewerage system will be accepted and all service standards shall comply with the City of Windhoek standards.
39. That the operation and maintenance of all water and sewer infrastructure shall be the responsibility of the applicant.
40. That the applicant must bear the full costs of all water and sewer infrastructure, including the professional fees for planning, design and supervision costs and the construction costs.
41. That the rezoning shall further be subject to the following water and sewerage standard conditions for large subdivision listed below:
  - 41.1 The design of the water and sewerage reticulation networks must be done by Consulting Engineers or a suitably qualified engineer/technician (details to be submitted for approval to the Strategic Executive; Infrastructure, Water and Technical Services before design work commences). The costs will be for the developer's account.
  - 41.2 The design of the water and sewerage reticulation networks must be done according to the standards and specifications of the Strategic Executive: Infrastructure, Water & Technical Services and must be

submitted for approval to the Strategic Executive: Infrastructure, Water & Technical Services before any work may proceed.

- 41.3 Design criteria are to be in accordance with the "The Guidelines for human settlement, planning and design" as published by the Council of Scientific and Industrial Research (CSIR) and are available on-line at [http://www.csir.co.za/Built\\_environment/RedBook/](http://www.csir.co.za/Built_environment/RedBook/).
- 41.4 Materials and construction standards are to comply with the latest edition of SANS 1200.
- 41.5 All reticulation networks must connect to the main services provided by the City of Windhoek and all connection points must be approved by the Chief Engineers: Engineering Services and Bulk & Waste Water and the Strategic Executive: Infrastructure, Water & Technical Services.
- 41.6 The design of the water and sewerage reticulation networks must be done on a CAD system adaptable to the system used by the City of Windhoek and the information will be made available to the Strategic Executive: Infrastructure, Water & Technical Services. (A complete set of as-built drawings, paper copies and electronically, must be submitted to the Strategic Executive: Infrastructure, Water & Technical Services or his representative once the project is completed.)
- 41.7 The existing water, sewer, electricity and telecom services must be indicated on the construction drawings. The developer will be held responsible for any damages to existing services.
- 41.8 Consulting Engineers or a suitably qualified engineer/technician must supervise the construction of the water and sewerage reticulation networks to ensure that the work is done to the satisfaction of the Strategic Executive: Infrastructure, Water & Technical Services, and a certificate of acceptance shall be submitted by the designer of the system to certify that construction conforms to the design.
- 41.9 The new services must be handed over to the Strategic Executive: Infrastructure, Water & Technical Services or their respective representatives at an official site hand-over inspection where-after a **Certificate of Completion** will be issued to the developer.
- 41.10 No building plan for any improvements will be approved without the proof of a **Certificate of Completion** of the water and sewerage infrastructure.
- 41.11 The developer must bear the full costs (internal water and sewerage

network included) of all water and sewer services, including the professional fees for planning, design and supervision costs and the construction costs.

- 41.12 The developer will be held responsible by the Strategic Executive: Infrastructure, Water & Technical Services for a retention period of 12 months on the water and sewerage reticulation networks after completion and take-over of the works.
42. The electricity supply point is energized from the Nampower Grid and the internal network is and will be maintained by others until such time that it will be taken over by the City in the near future.
43. That the applicant and objectors be informed of this Council Resolution in writing and that the objectors may lodge an appeal against this Council Resolution in terms of section 51(1) of the Windhoek Town Planning Scheme.
44. 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.
45. That the applicant complete the Liability and Responsibility to pay the betterment fee Form for the increase in value of Erf Portion 87 (A portion of Portion H) of Farm Brakwater No. 48 Windhoek.
46. That the applicant acknowledges receipt of this Council Resolution and accepts the conditions thereof in writing.

Please note that the responsibility lies with the applicant to submit this approval to the Namibia Planning Advisory Board.

Yours faithfully

  
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**HUGO RUST**  
**ACTING URBAN PLANNER**

9.5.2

**GOV.3 [UTP] BULK REZONING OF ERVEN  
INCLUDED IN AMENDMENT SCHEME NO. 97 –  
APPLICATIONS WITH OBJECTIONS  
THAT CAN BE SUPPORTED  
(13/2/20)**

On proposal by Councillor MJ Amadhila, it was

**RESOLVED**

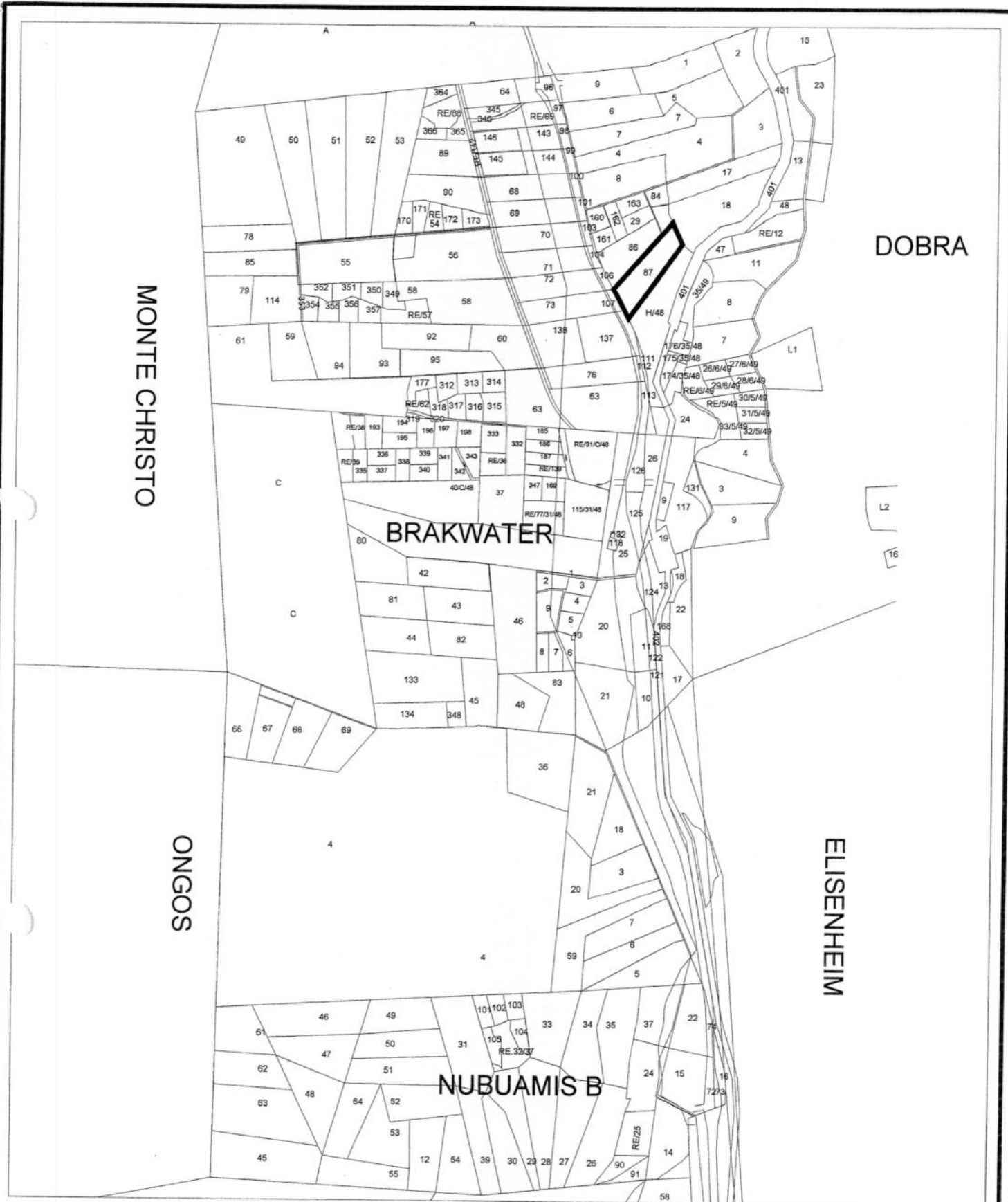
- 1 That after taking all objections into consideration, the applications be approved as follows:
  - 1.1 That the rezoning of Erf 2391, Sipres Street, Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'office' with a bulk of 0.4 including free residential bulk of 0.2, and consent to add business use for the purposes of displaying and selling décor materials, **not be supported**.
  - 1.2 That the rezoning of Erf 1075, 15 Vela Street, Doradopark from 'residential' with a density of 1:500 m<sup>2</sup> to 'general residential' with a density of 1:300 m<sup>2</sup>, be approved.
  - 1.3 That the rezoning of Erf 2228, Anemone Street, Khomasdal from 'residential' with a density of one (1) dwelling per erf to 'general residential' with a density of 1:250 m<sup>2</sup>, be approved.
  - 1.4 That the rezoning of Erven 2342 and 2343, corner of Willemien and Erma Streets, Klein Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'general residential' with a density of 1:500 m<sup>2</sup>, and consent for a hotel, be approved.
  - 1.5 That the rezoning of Erf 33, Erospark from 'residential' with a density of 1:900 m<sup>2</sup> to 'general residential' with a density of 1:500 m<sup>2</sup>, be approved.
  - 1.6 That the rezoning of Erf 1835, Windhoek from 'single residential' with a density of 1:900 m<sup>2</sup> to 'office/business' with a bulk of 0.4, be approved.
  - 1.7 That the rezoning of Erf 4184, Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'office' with a bulk of 0.4, be approved.
  - 1.8 That the rezoning of Erf 3294, Galen Street, Windhoek from 'residential' to 'office' with a bulk of 0.4 and consent for free residential bulk of 0.2 with technical conditions as applicable, be approved.
  - 1.9 That the rezoning of Erf 3140, Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'office' with a bulk of 0.4, be approved.



- 1.10 That the rezoning of Erf 6073, Jenner Street, Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'general residential' with a density of 1:250 m<sup>2</sup>, be approved.
- 1.11 That the rezoning of Portion 87 (a portion of Portion H) of the Farm Brakwater No. 48 from 'residential' with a density of one (1) dwelling per 5 hectare to 'industrial' with a bulk of 0.1, be approved.
- 1.12 That the rezoning of Portion 3, Hillside, Brakwater from 'residential' with a density of one (1) dwelling per 5 hectare to 'residential' with a density of one (1) dwelling per 1 hectare and subdivision, be approved.
- 1.13 That the rezoning of Erf 3352, Klein Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'residential' with a density of 1:350 m<sup>2</sup>, be approved.
- 1.14 That the rezoning of Erven 3790 and 3791, Klein Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'residential' with a density of 1:700 m<sup>2</sup>, be approved.
- 1.15 That the rezoning of Erf 2211, Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'office' with a bulk of 0.4, be approved.
- 1.16 That the rezoning of Erf 7829, Robert Mugabe Avenue, Windhoek from 'residential' with a density of 1:900 m<sup>2</sup> to 'office' with a bulk of 0.4, be approved.
- 2 That the applicants and objectors be informed of this Council Resolution in writing and that the objectors may lodge an appeal against this Council Resolution in terms of section 51(1) of the Windhoek Town Planning Scheme.
- 3 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.
- 4 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 191/09/2017**

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Scale: 1/55000

DATE: NOV.2010

DRAWING NO:  
87 BRAKW



LOCALITY PLAN OF PTN.87  
OF THE FARM BRAKWATER NO.48

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