

OFFICE OF THE CHIEF EXECUTIVE OFFICER

✉ 59

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DATE: 30/07/2025

REF: L/927/HP

DUNAMIS CONSULTING (PTY) LTD
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OLYMPIA

Dear Madam,

RE: NOTICE IN TERMS OF SECTION 109(3) OF THE URBAN AND REGIONAL PLANNING ACT (ACT NO. 5 OF 2018): REZONING OF ERF 927, BARBET STREET, HOCHLAND PARK FROM RESIDENTIAL WITH A DENSITY OF 1:700 TO RESIDENTIAL WITH A DENSITY OF 1:500 AND SUBSEQUENT SUBDIVISION OF ERF 927, BARBET STREET, HOCHLAND PARK INTO PORTION 1 AND REMAINDER

In accordance with the delegation of authority assigned to the Strategic Executive: Urban and Transport Planning applicable to the granting of rezoning applications as per Council Resolution 190/09/2017, it was resolved as follows:

1. That the rezoning of Erf 927 Barbet Street, Hochland Park from Residential with a density of 1:700 to Residential with a density of 1:500 is recommended to the Urban and Regional Planning Board in accordance with Section 109(2)(a) of the Urban and Regional Planning Act (Act No. 5 of 2018).
2. That the subsequent subdivision of Erf 927, Barbet Street, Hochland Park into Portion 1 (513 m²) and Remainder (939 m²) is recommended to the Urban and Regional Planning Board in accordance with Section 109(2)(a) of the Urban and Regional Planning Act (Act No. 5 of 2018).
3. That the applicant takes note that Betterment Fee (Compensation) is payable in terms of Section 59 of the Urban and Regional Planning Act, 5 of 2018.
4. That the applicant obtains an Invoice for the Betterment Fee (Compensation) from the Department Urban and Transport Planning, Urban Policy Division, see inquiries.
5. That an endowment fee of 7.5% is payable for the proposed Portion 1 of Erf 927, Hochland Park.
6. That the title deed conditions registered against Erf 927, Hochland Park be retained and registered against Portion 1 of Erf 927, Hochland Park and Remainder Erf 927, Hochland Park.

All official correspondence must be addressed to the Chief Executive Officer

7. That parking requirements for 'Residential' use is 1 bay per dwelling unit with 3 bedrooms or less (and the applicant must make sure that parking bay for a minimum one vehicle is provided for all dwelling units having no garage or carports).
8. That a right of way servitude with a minimum of 4 meters be registered over Portion 1 in favour of the Remainder of Erf 927, Hochland Park, subject to the following conditions.
 - (a) That no parking is allowed within the right of way servitude.
 - (b) That all costs associated with the registration of the Right of Way Servitude be borne by the applicant.
9. That surface storm water runoff be accommodated according to Clause 35 of the Windhoek 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.*
10. That the proposed layout for the subdivision of Erf 927, Hochland Park into Portion 1 and the Remainder of Erf 927 Hochland Park will result in Portion 1 lacking direct access to a municipal sewer connection point, and the Remainder of Erf 927 Hochland Park being deprived of direct access to a municipal water connection.
11. That the applicant takes note that the subdivision and the rezoning will be subject to the submission and approval of an Engineering Designs for water and sewer provision as stipulated by the Infrastructure Water and Technical Services Department prior to the submission of the application to the Urban and Regional Planning Board.
12. That the applicant appoints a Registered Professional Engineer to design a municipal sewer connection for Portion 1 of Erf 927, Hochland Park.
13. That the appointed engineer submits the sewer designs to the Department of Infrastructure, Water & Technical Services, Engineering Services Division, for approval prior to commencing any construction works.
14. That after obtaining approval of the sewer designs and after the rezoning and subdivision application is approved by the Urban and Regional Planning Board, the applicant appoints a contractor to construct the sewer line.

15. That the construction works be supervised by a Registered Professional Engineer.
16. That all costs associated with the municipal sewer connection be borne by the applicant.
17. That the applicant submits a sewer design to the Department of Infrastructure, Water & Technical Services, Engineering Services Division for approval prior to submitting this application to the Urban and Regional Planning Board (Ministry of Urban and Rural Development).
18. That it be noted that the water meter for the Remainder of Erf 927, Hochland Park will be installed on the sidewalk along Barbet Road.
19. That the owner of the Remainder of Erf 927, Hochland Park will be responsible for installing a private water line from the dwelling, through the Right of Way Servitude, to the water meter on the sidewalk.
20. That no building plans will be approved for both the newly created erven until a municipal sewer connection is installed by the applicant and taken over by the Council as per the approved designs.
21. That no building plans will be approved for either of the newly created erven until a Right of Way Servitude is registered over Portion 1 to allow for a water line connection from the Remainder of Erf 927 to Barbet Road.
22. That it be noted that there is an existing municipal sewer line that passes along the Southern boundary of Erf 927 and similarly along the same boundary of the proposed Remainder of Erf 927, Hochland Park.
23. That a 3-metre building line must be maintained along the southern boundary of the proposed Remainder of Erf 927, Hochland Park.
24. 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.
25. That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per the request received from the applicant, all cost related thereto will be for the applicant's account.
26. That only one (1) service connection from the municipal electrical network will be allowed per Erf.
27. That service connections may not be routed through any subdivided portion or remainder.
28. That the applicant accepts the conditions of the delegated authority recommendation (or Council) in writing, by completing and returning the Acknowledgment & Acceptance of Council Conditions Form to the City of Windhoek.

29. That the applicant takes note that in terms of Section 110 of the Urban and Regional Planning Act, 5 of 2018 any person who is aggrieved by the decision of the local authority may appeal against that decision to 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.

Yours faithfully,


Moses Matyayi

CHIEF EXECUTIVE OFFICER

