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DATE: 02/10/2024

REF: L/321,328, 329 & Re/52/H/48/BW

**Willie Schutz Town and Regional Planning Consultant
P. O. Box 31761
Windhoek**

Dear Sir

RE: NOTICE IN TERMS OF SECTION 109(3) OF THE URBAN AND REGIONAL PLANNING ACT (ACT 5 OF 2018): PROPOSED SUBDIVISION OF PORTIONS 321, 328, 329 (PORTIONS OF PORTION 52) AND THE REMAINDER OF PORTION 52 OF FARM BRAKWATER NO. 48

In accordance with the delegation of authority assigned to the Strategic Executive: Urban and Transport Planning as resolved per Council Resolutions No. 283/11/2017, the proposed subdivision of Portions 321, 328, 329 and the Remainder of Portion 52 of Farm Brakwater No. 48 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, subject to the following conditions:

- 1 That Portion 321 (a Portion of Portion 52) of the Farm Brakwater No. 48 be subdivided into Portions A (1ha), B (1ha), C (1ha), D (1ha) and the Remainder (1ha) as per attached Plan No. 321BW_Subd, which bears the stamp of the City of Windhoek.
- 2 That Portion 328 (a Portion of Portion 52) of the Farm Brakwater No. 48 be subdivided into Portions E (1ha), F (1ha), G (1ha), H (1ha) and the Remainder (1ha) as per attached Plan No. 328BW_Subd, which bears the stamp of the City of Windhoek.
- 3 That Portion 329 (a Portion of Portion 52) of the Farm Brakwater No. 48 be subdivided into Portions I (1ha), J (1,2ha), K (1,8ha) and the Remainder (1ha) as per attached Plan No. 329BW_Subd, which bears the stamp of the City of Windhoek.
- 4 That the Remainder of Portion 52 of the Farm Brakwater No. 48 be subdivided into Portions L (1ha), M (1ha), N (0.8ha), O (0.8ha) and the Remainder (1ha) as per attached Plan No. 52BW_Subd, which bears the stamp of the City of Windhoek.
- 5 That the applicant pays 9% Endowment Fee for each new portion created.
- 6 That the standard conditions registered against Portions 321 and 328 (Portions of Portion 52) of the Farm Brakwater No. 48 be retained and be registered against the subdivided portions.

- 7 That the outdated conditions registered against Portion 329 and Remainder of Portion 52 of the Farm Brakwater No. 48 be replaced with the standard conditions, but that Conditions B and C be retained and be registered against the subdivided portions.
- 8 That all “right of way” servitudes be registered against the portions as proposed in the attached accepted plans 321BW_Subd, 328BW_Subd, 329BW_Subd and 52BW_Subd.
- 9 That the applicant takes note that a future arterial road is planned along the southern boundary of the Remainder of Portion 52 of the Farm Brakwater No. 48. No direct Erf access will be allowed from the arterial road to Portions N, O, and Remainder of Portion 52 of the Farm Brakwater No. 48.
- 10 That a Homeowner’s Association be established in title between the respective plot owners for the maintenance and development of all internal streets.
- 11 That a minimum of 1 parking bay per equal or less than 3-bedroom units, or 2 parking bays per equal or greater than 4 bedroom unit, plus one bay per 3 units or part thereof explicitly for visitors parking must be provided on site.
- 12 That surface stormwater run-off be accommodated according to Clause 35 of the Windhoek Town Planning Scheme, stating:
 - (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:*
 - (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 allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.*
 - (c) *That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.*
- 14 That prior approval be obtained from the Strategic Executive: Urban Planning and Property Management if the accommodation of the stormwater on the erf is contemplated.
- 15 That Engineering drawings on how the stormwater would be accommodated to the satisfaction of the Chief Engineer, Planning, Design & Traffic Flow be submitted for approval simultaneously with the building plans.
- 16 That no building plan will be approved until the above stormwater conditions are met.
- 17 That a condition be included into the title deed whereby selling to a third party may only take place once the proposed stormwater conditions had been addressed by the owner.

18 That the applicant takes note that no municipal sewers are available and the applicant should therefore appoint a professional Consultant to propose an acceptable waste water disposal system, subject to the following conditions:

- a. That no pollution of the groundwater occurs.
- b. That there be no health risks to the users and surrounding residents.
- c. That the possibility to re-use the purified effluent for irrigation purpose also be addressed.
- d. That the costs related thereto be for the Developers' account, and the sewer system and proposed treatment of waste water be submitted and approved by the Strategic Executive: Infrastructure, Water and Technical Services.
- e. That the City of Windhoek be subject to the issuing of Waste Water Discharge Permit and the applicant have to observe all conditions applicable to the application for such a permit.
- f. That only full waterborne waste water systems be accepted.
- g. That all services standards comply with the City of Windhoek's standards.
- h. That a waste water treatment plant form part of the development.
- i. That the City of Windhoek not be held responsible for the provision of water if the groundwater supply deteriorates.
- j. That any further sewer requirements, due to the rezoning of the erven, be for the applicant's account, subject to the following standard conditions for large subdivisions in respect of services, and that no costs be involved for the City of Windhoek.
- k. That the design of the water and sewerage reticulation networks be done according to the standards and specifications of the Strategic Executive: Infrastructure, Water and Technical Services and be submitted for approval to the Strategic Executive: Infrastructure, Water and Technical Services before any work may proceed.
- l. That all reticulation networks connect to the main services provided by the City of Windhoek and all connection points be approved by the Chief Engineers: Engineering Services; and Bulk Water and Waste Water and the Strategic Executive: Infrastructure, Water and Technical Services.
- m. That the applicant be responsible to provide on-site water storage to cater for at least 48 hours of the daily demand.
- n. That the Developer 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, and the construction costs.

- 19 That the applicant be informed that the existing electrical reticulations in the area belong to and is operated by NamPower, therefore the applicant is advised to approach NamPower for power supply connection.
- 20 That the applicant or electrical Engineering representative should approach the Strategic Executive: Electricity for advice and approval prior to design of internal reticulations and all other related design drawings.
- 21 That the applicant submits an Environmental Clearance Certificate to the satisfaction of the Strategic Executive: Urban and Transportation Planning, sanctioned by the Strategic Executive: Economic Development and Community Services.
- 22 That it is recommended that the Minister of Urban and Rural Development grants approval in terms of Section 127 of the Urban and Regional Planning Act (Act No. 5 of 2018) to exempts the applicant from notifying the subdivision application pursuant to Section 105(3) of the Urban and Regional Planning Act (Act No. 5 of 2018), because the subdivision was lodged with Council in 2016 (and was pending submission of additional information as requested by Council), prior to the commencement of the Urban and Regional Planning Act (Act No. 5 of 2018).
- 23 That the applicant acknowledges receipt of this Delegated Authority letter in writing within 21 working days of the notification.
- 24 That the applicant takes note that in terms of Section 110 of 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 of Urban and Rural Development (the Minister). Notice of the appeal and the grounds for the appeal must be lodged within 21 working days from the date of this Notice to the Minister and Local Authority whose decision is the subject of the appeal.

Yours Sincerely,



Moses Matyayi

CHIEF EXECUTIVE OFFICER