

Strategic Executive
Department of Urban and Transport Planning
Windhoek City Council
P O Box 59
WINDHOEK

20 May 2024

For attention: Mr. V Endjala

Dear Mr Endjala

SUBDIVISION OF THE REMAINING EXTENT OF PORTION H OF THE FARM BRAKWATER NO. 48 INTO 21 PORTIONS AND REMAINDER

On behalf of the owner of the Remainder of Portion H of the Farm Brakwater No. 48, our office herewith applies in terms of Section 105(1) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) to the Municipality of Windhoek and the Urban and Regional Planning Board for:

- Cancellation of the subdivision of the Remainder of Portion H of the Farm Brakwater No. 48 into 11 portions and Remainder as approved in the letter dated 2 August 2018
- The subdivision of the Remainder of Portion H of the Farm Brakwater No. 48 into Portions A to U (Street) and the Remainder
- Rezoning of Remainder Portion H of the Farm Brakwater No. 48 from 'residential' with a density of 1:5ha to 'industrial' with bulk factors as approved in the letter dated 2 August 2018 remains
- Rezoning and new subdivision to be completed simultaneously at the Urban and Regional Planning Board level based on the payment of Betterment Fee of N\$3,836 240-00.

The location of Re/H/48 is shown on the attached plan and the Power of Attorney from the owner are also attached.

1. Background re previous application and approval – 2 August 2018

An application was submitted in February 2012 for the rezoning of the Remainder of Portion H of the Farm Brakwater No. 48 from 'residential' 1:5ha to 'industrial' with a bulk of 0.75 as well as for the need and desirability to subdivide the portion in 11 or more undeveloped portions in terms of the previous ordinances.

The application was also included in Windhoek Amendment Scheme No. 97 for the unreasonable delay in the processing of the application. It was ultimately approved after Council Resolutions 190/09/2017 and 283/11/2017 were made which allowed for Brakwater applications to be processed per delegated authority in terms of the Brakwater Policy Guidelines.

The application was thus approved per letter dated 2 August 2018 (see attached – with plan – Annexure B) for the rezoning of the Remainder of Portion H of the Farm Brakwater No. 48 to 'industrial' with bulk factors ranging from 0.5 to 1.0.

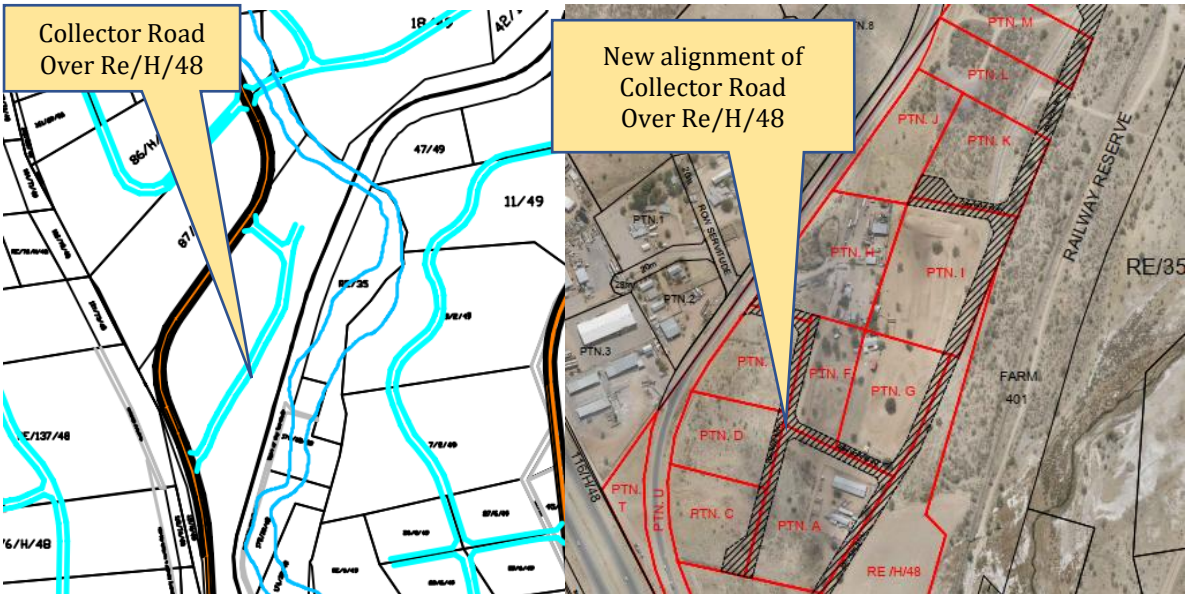
The subdivision into 11 portions and remainder were also approved, with Portion 11 created as Street to be transferred to the City.

A Betterment fee of **N\$ 3 836 240-00** were determined for the 11 portions and the Remainder. The owner paid this on **2 February 2022** (see attached invoice and proof of payment).

At the time of the previous application, the Remainder was kept as a large 2,3 ha portion while Portion 11 were created as a 'street' to be transferred to City of Windhoek.

The application was not finalised then, largely due to the high betterment fee that had to be paid. The further development of the Remainder of Portion H of the Farm Brakwater No. 48 revived after the Covid-19 pandemic and as such the scope of the development changed. The owner wanted more portions to be created.

The construction and completion of the A1 National Road necessitated the construction of the arterial (previous Portion 11) through Rem/Ptn H as well as Portion 87/H/48. WCE Engineering Consultants in conjunction with Department Transportation realigned the collector road that was existing on Re/Ptn H to also provide a legal access to Ptn 87/H/48.



Since the Betterment Fee was paid, this application thus serves to reconfirm the rezoning of the Remainder of Portion H of the Farm Brakwater No. 48 from 'residential' 1:5ha to 'industrial' with bulk allocations per CR78/03/2020 and the revision of the subdivision of the Rem/Ptn H/48 into 21 portions and Remainder. The rezoning and betterment fee amount was done on the entire portion, it is therefore not necessary to re-apply for the rezoning.

The rezoning and subdivision can then simultaneously be submitted to the Urban and Regional Planning Board for final approval of the Minister.

2. Plot Information

2.1 Location, size and zoning

The Remainder of Portion H of the Farm Brakwater No. 48 is located east of the A1 National road between Windhoek and Okahandja and wedged between the railway and the national road. The well-known Gallina Motocross track and Waldschmidt Eggs are located on the Remainder of Portion H of the Farm Brakwater No. 48. Other storage and logistics facilities are also located on the southern part of the Remainder of Portion H.



Figure 1: Google map image of activities on Re/H/48 and surrounding portions

The Remainder of Portion H of the Farm Brakwater No. 48 is 36,9962 ha in extent according to the Title Deed and the diagram. The portion was zoned 'residential' with a density of 1 dwelling per 5 ha. As mentioned above, the rezoning of the Remainder of Portion H of Farm Brakwater No. 48 to 'industrial' with a different bulk factors was approved per delegated authority in a letter dated 2 August 2018.

The owner paid the Betterment Fee of N\$ 3 836 240-00 on 2 February 2022, per attached proof of payment. The rezoning thus still needs to be submitted to the Urban and Regional Planning Board for final approval by the Minister.

Current Access to the activities on the Remainder of Portion H of Farm Brakwater No. 48 is from the new Döbra interchange on the B1, whereafter it follows the newly built arterial road between Portion 87/H/48 and Re/H/48 - District Road 1545.

There were a number of requirements from the Department Transportation regarding the access to the proposed portions. This will be discussed in more detail in paragraph 1.3 below.

2.2 Topography

The terrain can be considered flat, as most of it has been levelled. Drainage is in an easterly direction towards the Klein Windhoek River along the northern boundary of Remainder Portion H and east of the Railway Reserve (Farm 401). Culverts have been constructed under the railway line to ensure surface flow of the water towards the river.

2.3 Surrounding uses & characteristics

The uses surrounding the Remainder of Portion H of Farm Brakwater No. 48 are all similar. It ranges from warehousing for general storage to transportation and logistical companies that need space for all their heavy vehicles.

The character of this part of Brakwater has gradually changed over the past decade and the majority of portions has been rezoned to reflect the 'industrial' nature of the activities.

2.4 Access

As mentioned above, current access to the Remainder of Portion H of Farm Brakwater No. 48 is from the Döbra Interchange on the A1 National Road, whereafter it follows District Road 1545. Part of District Road 1545 between Portion 87/H/48 and the Remainder of Portion H of the Farm Brakwater No. 48 is newly built. This was not yet done when the rezoning was approved in 2018.

Consultation was made by our office as well as WCE Engineering Company with the Department of Transportation for the approval of access to Portion 87/H/48. This approval of access was secured with the subdivision of Portion 87/H/48 where Portion 563 (new SG number) was created. Portion U in the subdivision of Rem/H/48 is the remaining part of the 25m collector road which will be transferred to City of Windhoek upon completion of this application.

The two images below depict the previous collector road alignment and the new one as approved by the Department Transportation.

Water: Current water supply is done by the City of Windhoek through the existing Brakwater/Döbra network which is connected to the main supply line of NamWater. Any additional water connections will be for the owner's account to the satisfaction of the City of Windhoek.

Electricity: Nampower is currently supplying power to Rem/H/48, it is sufficient for the existing activities. Should the vacant portions be sold/developed, it would be the responsibility of the owner to provide sufficient electricity supply according to the requirements of the City of Windhoek.

Sewerage Disposal: There is currently no municipal sewer network in the Brakwater and Döbra area and it will be the responsibility of the owner of the property to install an appropriate system for sewerage disposal in compliance with the municipal regulations and other authorities.

Solid Waste: The owner of the Rem/H/48 already has a solid waste removal system in place. This can further be adapted according to the needs from the activities should the different portions be sold/developed. General municipal waste is transported to the communal waste collection points operated by City of Windhoek in the Brakwater Area.

Other industrial waste is transported to the Kupferberg Landfill site.

3. Development Proposal

The rezoning of Rem/H/48 is/was necessary to bring the use in line with the Windhoek Zoning Scheme and other properties in the vicinity. Further, it is more practical to subdivide the land into smaller portions to be able to sell it to prospective buyers or rent it out as separate entities.

The sizes of the individual portions with the different 'industrial' bulk factors are as follows:

PTN NUMBER	SIZE IN SQM	BULK	PTN NUMBER	SIZE IN SQM	BULK
PTN A	23024	0.75	PTN L	13042	0.75
PTN B	10060	0.75/1.0	PTN M	12363	0.75
PTN C	12748	0.75	PTN N	21828	0.75
PTN D	12322	0.75	PTN O	15850	0.75
PTN E	12248	0.75	PTN P	18805	0.75
PTN F	10458	0.75/1.0	PTN Q	9542	1.0
PTN G	16013	0.75	PTN R	13188	0.75
PTN H	19961	0.75	PTN S	14318	0.75
PTN I	23790	0.75	PTN T	14472	0.75
PTN J	13046	0.75	PTN U	39827	Street
PTN K	16100	0.75	Rem/H/48	26957	0.75
			TOTAL	369962	

The proposed bulk factors correspond to the bulk factors approved in 2018, although the portions changed considerably.

✓ Portion 1 ± 12928 m ² ✓	-	Industrial Bulk 0.75
Portion 2 ± 15275 m ² ✓	-	Industrial Bulk 0.75
Portion 3 ± 17430 m ² ✓	-	Industrial Bulk 0.75
Portion 4 ± 8542 m ² ✓	-	Industrial Bulk 1.0
Portion 5 ± 4180 m ² ✓	-	Industrial Bulk 1.0
Portion 6 ± 3294 m ² ✓	-	Industrial Bulk 1.0
Portion 7 ± 2523 m ² ✓	-	Industrial Bulk 1.0
Portion 8 ± 3190 m ² ✓	-	Industrial Bulk 1.0
Portion 9 ± 14313 m ² ✓	-	Industrial Bulk 0.75
Portion 10 ± 15938 m ² ✓	-	Industrial Bulk 0.75
Portion 11 ± 39249 m ² (Street) ✓	-	Industrial Bulk 0.75
Remainder ± 236054 m ² ✓	-	Industrial Bulk 0.5

Figure 4: Extract from approval of 2018

The bulk factors indicated in the table above were thus applied according to Council Resolution 78/03/2020.

- 2 That based on current development trends the existing Brakwater Policy Area for Business/Restricted Business be amended to allow for a sliding scale bulk factor based on the size of the properties as follows:
 - 2.1 Plots with a size up to 1 hectare can be considered for a bulk of 1.0;
 - 2.2 Plots with a size between 1 hectare and 5 hectares can be considered for a bulk of 0.75;
 - 2.3 Plots with sizes larger than 5 hectares can be considered for a bulk of 0.5; and

4. Motivation for the subdivision

Remainder Portion H are only partially developed, and thus is very attractive to interested buyers/tenants looking for larger open and flat, industrial properties in Brakwater area.

The different existing activities on Remainder of Portion H of the Farm Brakwater No. 48 are also increasing and the need to organise it according to cadastral boundaries are becoming greater. The Remainder of Portion is too large (36 hectare) to be develop as a single property.

The owner also wishes to allow tenants to buy the land where they are operating.

Based on a site visit and regular observations, it is evident that land along the National Road and the arterial roads are much in demand for 'restricted business'/'light industrial' uses and plots such as the intended. The area surrounding Re/H/48 especially have become sought after in the past few years.

The need for industrial/restricted business/light industrial land for warehouse, storage and transportation purposes has increased significantly over the past 5 years. Since there is no such land (especially large erven) available in the City, the natural extension for this need is in a northerly direction to the Brakwater/Döbra area. The upgrading of the Trunk Road between Windhoek and Okahandja has also contributed to this need considerably.

For an industrial/restricted business development, a relatively flat topographical area is required which is only available to the north of Windhoek in the Brakwater/Döbra area. Vacant/available industrial zoned/restricted business zoned land in the established industrial areas of Windhoek has also become very expensive.

The creation of 21 individual portions of which 15 is still vacant, will provide in the demand for plots in the Brakwater/Döbra area. Portion N to the east of the District Road D1545 is not as favourable due to the Klein Windhoek River affecting the northern part of the plot. However, it is possible that with proper flood studies, the portion can still be developed.

The size of the new portions is more manageable but not too small, with the smallest being Portion Q which is just under 1 hectare. The logistical companies especially are looking for large, flat plots where the trucks can easily get off and onto the highway. The largest portion is the Remainder of Portion H being 2,6 hectares.

The formalisation of the zoning of the Remainder of Portion H of Farm Brakwater No. 48 and the new, revised subdivision is a logical occurrence and in line with normal economic practices which is to get the best yield from an investment.

5. Environmental Clearance

The Environmental Management Act (Act 7 of 2007) requires that Environmental Clearance Certificate needs to be obtained for a rezoning from 'residential' to any commercial or industrial use. This was obtained during the rezoning. It has however since expired and is in the process to be renewed. The renewed certificate which also includes the Clearance for the right of way servitude will be submitted to the City before the submission of the application to the Urban and Regional Planning Board.

6. Advertising and Comments

Upon instruction of the City of Windhoek, notices will be sent to the neighbouring properties requesting their comments for the proposed subdivision in terms of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

7. Conclusion

The zoning of the Remainder of Portion H of the Farm Brakwater No. 48 needs to be completed to reflect the current activities and allow for similar uses in the future. The accesses that would be acceptable to the City of Windhoek were also discussed with the relevant Department and included in the subdivision.

The subdivision of the Remainder of Portion H of Farm Brakwater No. 48 will result in 21 portions of manageable sizes and will allow the owner to create land portions that can be sold to his existing tenants as well as prospective buyers.

Council is kindly requested to support this application.

8. Application

Application is herewith made:

8.1 That the subdivision of the Remainder of Portion H of the Farm Brakwater No. 48 into 11 portions and Remainder as approved in the letter dated 2 August 2018 be cancelled;

8.2 That the Remainder of Portion H of the Farm Brakwater No. 48 be subdivided into the following portions and the rezoning of the Remainder of Portion H of the Farm Brakwater No. 48 as approved in the letter dated 2 August 2018 remains based on the Betterment Fee payment already made:

PTN NUMBER	SIZE IN SQM	BULK	PTN NUMBER	SIZE IN SQM	BULK
PTN A	23024	0.75	PTN L	13042	0.75
PTN B	10060	0.75/1.0	PTN M	12363	0.75
PTN C	12748	0.75	PTN N	21828	0.75
PTN D	12322	0.75	PTN O	15850	0.75
PTN E	12248	0.75	PTN P	18805	0.75
PTN F	10458	0.75/1.0	PTN Q	9542	1.0
PTN G	16013	0.75	PTN R	13188	0.75
PTN H	19961	0.75	PTN S	14318	0.75
PTN I	23790	0.75	PTN T	14472	0.75
PTN J	13046	0.75	PTN U	39827	Street (free of conditions)
PTN K	16100	0.75	Rem/H/48	26957	0.75
			TOTAL	369962	

8.3 That the conditions currently registered against the Remainder of Portion H of the Farm Brakwater No. 48 be cancelled and the standard Zoning Scheme conditions be registered against the new Portions, except for Portion U which should be free of conditions;

8.4 That the payment for endowment be in lieu of the creation of the arterial road (Portion U);

8.5 That a 20m Right of Way Servitude and turning circles be registered over the portions in as indicated on Plan No. H/BRAK_Serv/2024.

9. Attachments

Attached 3 copies of the following documents:

1	Application by Consultant or Owner of the Erf/ Portion/ Farm on the prescribed form.	Attached
2	Previous Council approval (if applicable)	Attached
3	A) Locality and Detailed Sketch Plan (Illustrating the whole boundary of the Local Authority area under which the application is made)	Attached

	B) Portion Number (s) or Erf number (s) from Surveyor General's Office	Will obtain later
	C) Existing Zoning Plan/Zoning Certificate	Attached
	D) Intended Zoning Plan	Attached
	E) Subdivision/Consolidation Plan	Attached
	F) Parking Layout	N/A
	G) Copy of diagram / Extract of General Plan	Attached
4	Conditions to be registered (if applicable)	Attached
5	Special Power of Attorney including Revenue Stamps with relevant initials	Attached
6	Closure Certificate and Environmental Clearance Certificate (if applicable)	Attached
7	Previous Board approvals (Townships Board or NAMTAB) (if applicable)	N/A
8	Road Authority approval together with the sketch plan indicating the access point (s) (if applicable)	N/A
9	A) Copy of Founding Statement (CC 1/2) (if registered in the name of Close Corporation)	N/A
	B) Copy of Company Resolution (if registered in the name of a Company)	N/A
10	Copy of Title Deed or Certificate of Registered Title	Attached
11	Conditions of Establishment attached to all copies (if applicable)	N/A
12	Proof of Payment of CoW submission Fee	Attached
13	Credit Clearance Certificate	Attached

It is trusted that Council will consider and support this application. If any additional information is required regarding the above, please do not hesitate to contact our offices.

Kind regards



Dorette Opperman

MINISTRY OF URBAN AND RURAL DEVELOPMENT

NOTICE OF INTENTION TO APPLY FOR SUBDIVISION OR CONSOLIDATION OF LAND

TO WHOM IT MAY CONCERN

Please take note that **DU TOIT TOWNPLANNING CONSULTANTS**
(full names of applicant)

intends to apply to **CITY OF WINDHOEK**
(authorised planning authority or other local authority or to the Board*)

for consent to subdivide ~~or consolidate~~

THE REMAINING EXTENT OF PORTION H OF THE FARM BRAKWATER NO. 48
(full description of land concerned, e.g. erf number, street address and urban area)

into **21 PORTIONS AND REMAINDER**

Please further take note that -

- (a) the plan of the land lies for inspection at room of the offices of the authorised planning authority other local authority or the Board;*
- (b) any person having objections to the subdivision concerned or who wants to comment, may lodge such objections and comments, together with the grounds, in writing with the authorised planning authority or other local authority or the Board* and with the applicant within 14 days of the last publication of this notice.

The recommendation of the authorised planning authority or other local authority or the Board*, if any, and any conditions determined by it with regard to the subdivision are as follows:

.....

.....
 Signature of applicant Date
 Address of applicant:

* Delete whichever is not applicable.

FORM 8 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

APPLICATION FOR SUBDIVISION OF LAND

NB: Applicants are requested to complete this application form carefully and give sufficient particulars, as failure to do so may lead to unnecessary correspondence which may delay the final decision on the application.

TO: The Secretary*
Urban and Regional Planning Board
Private Bag 13289
Windhoek

1. Full names and residential and postal address of applicant:

Du Toit Town Planning Consultants
P O Box 6871
Ausspannplatz
WINDHOEK

2. Land Owner

Eckhard Otto Waldschmidt

(Attach a power of attorney if land owner is not applying personally.)

3. Registered name(s) and number(s) of the land:

Remaining Extent of Portion H of the Farm Brakwater No. 48

4. Approximate sizes of the land and new portions:

PTN NUMBER	SIZE IN SQM	BULK	PTN NUMBER	SIZE IN SQM	BULK
PTN A	23024	0.75	PTN L	13042	0.75
PTN B	10060	0.75/1.0	PTN M	12363	0.75
PTN C	12748	0.75	PTN N	21828	0.75
PTN D	12322	0.75	PTN O	15850	0.75
PTN E	12248	0.75	PTN P	18805	0.75
PTN F	10458	0.75/1.0	PTN Q	9542	1.0
PTN G	16013	0.75	PTN R	13188	0.75
PTN H	19961	0.75	PTN S	14318	0.75
PTN I	23790	0.75	PTN T	14472	0.75
PTN J	13046	0.75	PTN U	39827	Street (free of conditions)

PTN K	16100	0.75	Rem/H/48	26957	0.75
			TOTAL	369962	

5. Is the land situated within an approved local authority area or outside an approved local authority area:

Inside

6. The reasons for the proposed subdivision*:

See letter attached

7. If buildings are to be erected, for which purpose(s) will they be used?

Industrial purposes

8. In what manner, and by whom, will water, electricity, storm water drainage, streets and sewerage be supplied to the relevant portions of land?

Connected to existing Municipal services

- 9.1 What is the zoning (zoning scheme)?

'residential' 1:5ha ; new zoning is 'industrial' with bulk factors as included in table above

- 9.2 What is the proposed minimum building value of the main building, excluding the outbuildings, on each portion of land?

Equal to Municipal valuation of the erf

10. If access is to be taken from a public road, has permission been obtained from the Roads Authority?

n.a

11. Is any portion of the land situated within 100 metres from the median of a building or restriction road?

Yes, Portions C, B, P - T are adjacent to the A1 Trunk Road. The building restriction area has been respected.

12. Is the consolidation with other portions of land intended?

No

13 Motivate the proposed new boundaries, in particular any unusual boundaries:

The boundaries of the new portions were based on the existing fences where possible, as well as the newly built arterial road which is partially on Portion 87/H/48, the new A1 Trunk Road as well as the Railway Reserve

14. Motivate the size of the new erven or portions of land in relation to the surrounding areas:

The sizes of the new portions are in relation to the other surrounding properties that have been subdivided before.

15. If buildings will lie within 3 metres of a proposed boundary, submit the comments of the authorised planning authority or other local authority or the Board;* as well as proposals for a fire wall and fire prevention methods.

Approval from the Windhoek Municipality is attached. There are a number of existing buildings which is according to Municipality’s building regulations. If new buildings are planned, it will adhere to the Municipality’s regulations regarding fire walls

16. If a new street or portion of a street is created which is to be transferred to the authorised planning authority or other local authority, submit the comments of the authorised planning authority or other local authority or the Board* regarding who will be responsible for the design and construction of the street.

Portion U will be subdivided from the Remainder of Portion H of the Farm Brakwater No. 48 in lieu of Endowment Fees

17. If any closure of a street or open space is involved, has all the necessary legal procedures been followed? Yes No

n.a

.....

Signature of applicant

.....

Date

* Delete whichever is not applicable.