

Land Zoning, Consolidations, Sub-division, Consent Use



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Zoning

Zoning determines the type of use the land or erf has been registered for. It determines whether the land will be used for residential, business, industrial or specific purposes. A person who wishes to use land for a specific purpose may apply for a re-zoning of the land. Property owners who wish to rezone their land must apply for consent to the Municipality and then to the Ministry of Regional and Local Government and Housing and Rural Development.

Rezoning Application Steps

Submit the following documents:

- 1 A **motivation letter** indicating why the rezoning is needed, its feasibility, its impact on the environment and the neighbourhood.
- 2 A **locality plan** showing the erf location, its zoning as well as a site plan showing existing buildings and sizes (if any).
- 3 A plan showing how the new zoning will be accommodated, i.e. will there be adequate parking space, etc.
- 4 Proof that the intended rezoning has been published in a local newspaper to invite comments or objections.
- 5 Written consent and/or objections from all affected neighbours.
- 6 A copy of proof of ownership, i.e. **Title Deed or Deed of Transfer**. If the application is done on behalf of the owner of the erf a copy of the Power of Attorney must be included. Similarly, if the property is registered as a CC, a copy of the Founding Statement must be attached.

Council will consider the rezoning application in terms of its impact on the environment, its benefit to the community, the comments and/or objections from the public, the capacity of the existing infrastructure (i.e. sewer lines, electricity supply etc) as well as its conformity to the policies of Council. Once approved, Council may include the rezoning in the next Town Planning Amendment Scheme to be submitted to the Ministry of Regional and Local Government and Housing and Rural Development.

The Amendment Scheme is readvertised for public comments and forwarded to the Namibia Planning Advisory Board for recommendation. Once approved, the Amendment Scheme is proclaimed in the official government gazette. Once the Amendment Scheme is gazetted, the applicant will be required to pay a **Betterment Fee** as a condition of the rezoning.

Consolidation

Consolidation of land is the legal merging of two or more erven into a single erf with a single Title Deed. Consolidations may not be done without the approval of the Municipal Council and the Townships Board. Only erven with the same zoning or Title Deed conditions may be consolidated. If the zoning is different, one of the erven must be rezoned. The rezoning and consolidation can be done in the same application.

Subdivision

Subdivision is a process used to divide or cut a single erf into smaller erven, each with its own Title Deed. Subdivisions may not be done without the approval of the Municipal Council and the Townships Board.

Consolidation/Subdivision Application Procedures

Submit the following documentation:

- 1 Submit an Application Letter to Council requesting permission to consolidate or subdivide the erf. The letter should include:
 - Motivation for the consolidation or subdivision in compliance with the use and density zoning of the area,
 - The general trend of development in the area,
 - The influence of such consolidation or subdivision on the area; and
 - The future development intentions of the land.
- 2 Submit a plan of the erf/ erven indicating:
 - Erf location,
 - Lines (usually in red) showing the proposed consolidation/ subdivision,
 - New erf area(s),
 - Contours,
 - Outlines of existing buildings if any,

- Any servitudes registered against the erf.

3 A copy of the Title Deed of the erf and a Power of Attorney (if the application is done on behalf of the owner of the erf).

In case of a subdivision, the erf must be large enough to comply with the density zoning of the erf, e.g. for a density zoning of 1 unit per 500m² the erf must be at least 1000m² to yield two erven of 500m² each.

Each erf must have its own street access. Where a panhandle access is used, the panhandle access must be 4m wide. Once the application is approved by Council, the applicant can proceed to apply for approval from the Townships Board. Applications for Subdivisions into more than 10 new portions must first be submitted to the Namibian Planning Advisory Board (NAMPAAB), to determine the desirability of the subdivision before it is submitted to the Townships Board for approval.

Once approved by the Townships Board, a certificate will be issued, which is used to appoint a land surveyor who will draw up new diagrams. Once the diagrams are approved by the Surveyor General, the new erf/erven can be registered with the Deeds Office. The applicant is required to provide copies of the relevant documents (new Title Deed) to the Municipality. No building plan, development proposals or site development will be permitted until certified copies of the Title Deed(s) have been provided to the Municipality of Walvis Bay.

Consent Use

There are many possible uses for land, but limited zoning types. Consent use determines the permissible use of the land according to its zoning:



Primary use: no planning permission is required and development may start once the building plans are approved.



Prohibited use: uses that are not allowed by Council.



Consent Use: uses that are allowed with consent from Council. E.g.: an erf zoned as

single residential is meant for a house as its primary use. A shop would not be permitted on this erf and will have to be rezoned as a business zoned erf. Council may at its discretion allow a certain use compatible with an erf's primary use.

Application for Consent

- 1 Complete and submit a Consent Application Form (obtainable from the Town Planning Division or the municipal website) together with an Application letter stating the intent and motivating the proposed use of the land.
- 2 Attach a copy of the Title Deed, a site and sketch plan showing the details of the proposal.
- 3 Proof that adjacent owners have been notified of the proposed use by registered post or personally, or by registered post.
- 4 Proof that a notice of the proposed use was published twice in a local newspaper.
- 5 Attach an Affidavit, certifying the display of the on-site notice.
- 6 Copies of any objections or comments. Members of the public who have objections against the intended use should lodge their objections within 14 days after the second newspaper notice.

Approval for Consent use is assessed in terms of its needs and influence on the immediate neighbourhood. This process usually takes up to a month. Council may impose conditions.

Should the applicant not be satisfied with Council's decision, he/she may lodge an appeal with the Council and/or the Minister of Regional, Local Government and Housing and Rural Development.

Contact details

For more information contact:

Engineer: Roads & Building Control	201 3289
Town Planning Section	201 3339
	201 3348
	201 3229