

ILP 510S: Introductory Remarks

To ask the question “why plan?” is like asking “why be concerned about the future?”

Hans Blumenfeld observed that “there is no such animal as planners”, suggesting that making plans is a basic human trait, at least in the contemporary western culture.

He adds that “some are more planners than others” suggesting that some are more thoughtful and skilful in this than others.

(HL Leung, 2003, p1-3)

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A **land use plan** is a conception about the **spatial arrangement of land uses**, with a set of proposed actions to make that a reality.

Land use planning is, therefore, the process of **identifying and analysing problems, defining goals** and refining objectives, and developing and evaluating the options available to a community in pursuit of these goals and objectives.

Leung defines **land use planning** as the process of **protecting and improving** the **living, production and recreation environments** in a city through the proper use and development of land.

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Human behaviour is very adaptable and human beings can sustain great environmental stress before breaking down, but the chief aim of good planning is to strain this adaptability as little as possible.

By carefully matching human activities to the physical environment, planning tries to minimise the environmental stress, although there will always be greater stress to some members of the society than others.

(HL Leung, 2003, p1-3)



<http://www.thenewage.co.za>, <http://www.iol.co.za>



<http://visaonacional.com.br/wp-content/uploads/2014/09/Complexo-do-Alem%C3%A3o2.jpg>

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Any sensible plan will try to maximise the potential of the environment for the use and enjoyment of the community as a whole,

Safeguard all users from unacceptable environmental hardships, and share out the gains and losses to different users of land in an equitable manner.

In this way, a planned environment will enhance the quality of life and impose less strain on human adaptability than an environment created by non-planned development.

(HL Leung, 2003, p1-3)

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Typically, land use decisions are about the type, amount and location of uses of land.

IOW:

“What?”

“How much?”

“Where?”

For ex. questions about “siting” and “sizing”:

“Is this use appropriate on this site?”

“Where is this use most suitably located?”

“Are the uses located on the same site or on adjacent sites compatible with one another?”

“How much land is needed for this particular use?”



Business - General | 2016-01-18

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Battle over trading place rages on

IN NOVEMBER last year, vendors in Katutura's Goreangab area got a rude shock after the Windhoek municipality sold the place they had been operating from for up to 18 years, to a well known businessman who accused the vendors of refusing to cooperate with him.

Battle over trading place rages on: continued

- The place, which is adjacent to the **Woermann Brock shopping complex**, accommodates about **100 food vendors**, hairdressers, kapana sellers, fruit vendors and second-hand clothes sellers and was allegedly sold to the businessman who opened a shebeen behind the vendors' stalls last year.
- During that time, Windhoek municipality's spokesperson Joshua Amukugo told The Namibian that **a private developer had purchased the erf and that the vendors were occupying the place illegally.**
- The group told The Namibian on Thursday that they fear they will be dragged **deeper into poverty** by the development.
“... there are no jobs out there yet they want **to kill the small businesses** that we have here,” said Fiina Uugwanga who has been selling cooked meat at the same place since 1998.
- She said the municipality's decision to evict the vendors to make a way for a shebeen is unfair because they are trying to feed their families.

“The poor will continue to suffer in this country,” she said urging the government to intervene on their behalf.

The group's spokesperson Aksel Frans said **they have applied for an open market several times** but to date nothing has been done for them.

“They (municipality) once told us it is costly to construct an open market here because **there is a river bed** but now they allows the businessman **to construct a big shebeen** here which is destroying the nation,” Frans said.

Frans and other vendors said they fear the municipality will **move them to a deeper closed up area** where customers are not likely to come.

“Just look at the **Single Quarters open market**. That place is organised. There are so many customers there,” he said.

The group also said that they feel they are being treated as unimportant due to the fact that they do not make enough money to pay tax. ... it is time the municipality and the government also looked at **people with low incomes as important citizens of the country**.

Goreangab, Katutura



Discussion

- 1) “Is this use appropriate on this site?”**
- 2) “Where is this use most suitably located?”**
- 3) “Are the uses located on the same site or on adjacent sites compatible with one another**
- 4) “How much land is needed for this particular use?”**

ILP 510S: Introductory Remarks

How these question are answered is not only important to professional planners but also to public and private developers and users of land - iow just about everybody.

(HL Leung, 2003, p1-3)

Introduction to Land Use Planning and Management (ILP 510S)

SECTION 1

- 1.1) Introduction**
- 1.2) Why plan?**
- 1.3) What is planning?**
- 1.4) Land Use and Land Use Management**
- 1.5) The various terms for Land Use Planning**
- 1.6) Categories of planning**
- 1.7) What is land use planning**
- 1.8) What is management of land use**
- 1.9) Land use planning & management in Namibia**

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1.1) Introduction

- “Land is an asset. Land is scarce. Land is fragile.”
- Reflect the basic relationships of humankind: social, economic and environmental.
- **People determine how land is used.**
- **Diverse uses; the growing of food or timber; housing; airports; golf courses; manufacturing industries and numerous other uses which reflect the complexities of modern life.**

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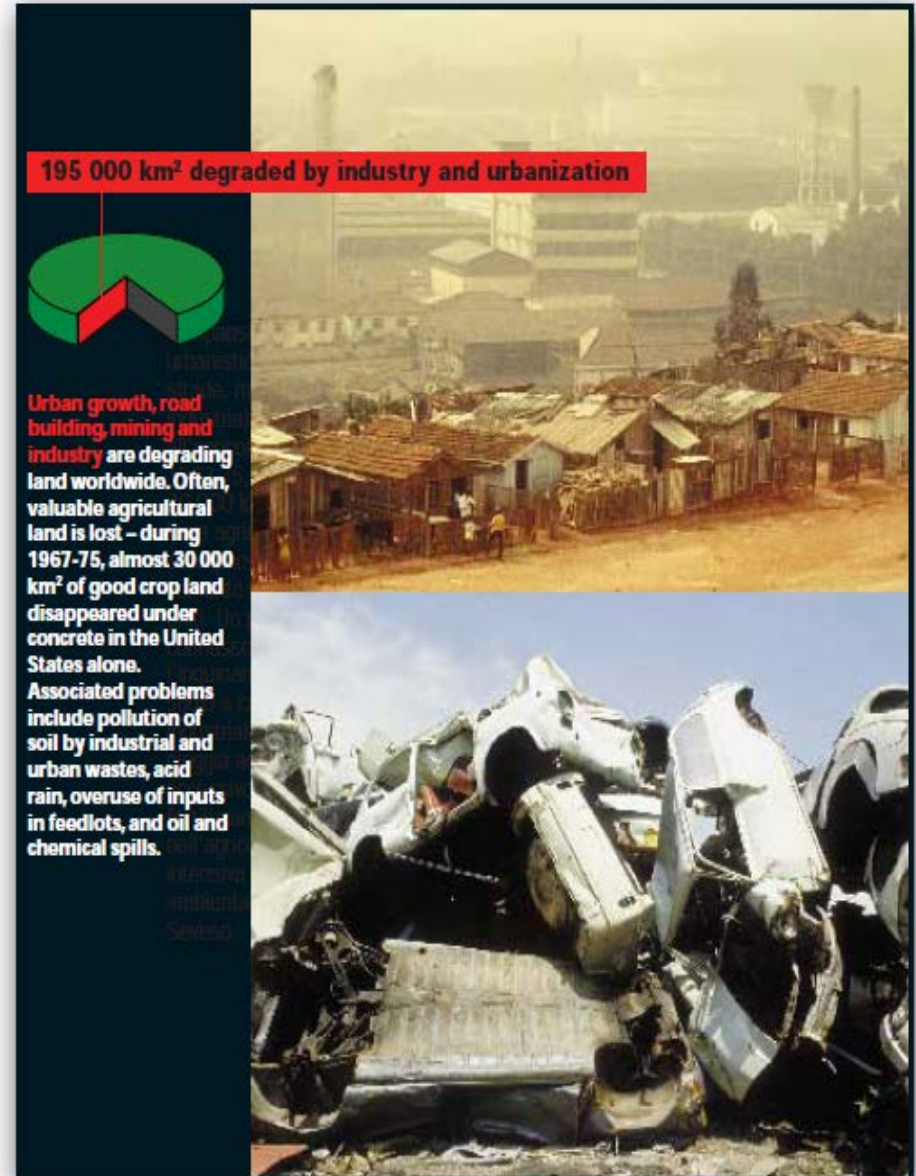
1.2) Why plan?

- The normal interplay of **private action and market forces** often results in situations which a nation is not willing to tolerate and which can only be improved by means of a control mechanism – **planning.**

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1.2) Why plan?

- The persisting process of **urbanization**,
- the worst **excesses of an industrial society** and
- the explosion in **population growth** and
- **car ownership** have all increased the need for planning regarding the distribution of land between competing uses.



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1.4) Land Use and Land Use Management

Land Use - the human **modification** of natural environment / wilderness into built environment (settlements, agriculture & pastures)*

The land structure resulting from this use of land has to be considered as **the result and the mirror of his society and his culture**, resulting of the action of different actors (mobile and immobile).**



Land Use - the human **modification of natural environment** / wilderness into **built environment** (settlements, agriculture & pastures). By defining new functions to the land the human is transforming his environment consequently.



The land structure resulting from this use of land has to be considered as the result and the mirror of his society and his culture, resulting of the action of different actors, mobile (households, companies) and immobile (communities, cities).

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1.4) Land Use and Land Use Management

Land Use Management – is a process of managing use and development of land.

Who is responsible for Land Use Management – institutional **bodies** responsible for various decisions taken at different levels of Government.*

Land use planning is probably one of the most well known instruments of land use management.**

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1.5) The terms for Land Use Planning

- According to Ratcliffe (1981) the organization and management of the human environment is described, for example as:
 - town and country planning (UK),
 - town planning,
 - physical land use planning,
 - development planning,
 - social and environmental planning.

Name any other description.

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1.5 (a) Town Planning

- John Ratcliffe describes Town planning as **“the art and science of ordering the use of land and siting of buildings and communication routes so as to secure the maximum practicable degree of economy, convenience and beauty”**
- and as **“an attempt to formulate the principles that should guide us in creating a civilized physical background for human life”**.*
- In other words it is concerned with **providing the right site, at the right time, in the right place, for the right people** (Ratcliffe, 1981).



Image © 2009 DigitalGlobe

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1.5(b) Regional Planning

- Regional planning can be seen as a response to certain problems with a regional dimension, that is, **a response to pressing regional issues.**
- Regional planning can also be seen as a **supportive device for national and local planning**, with the actual stimulus to action coming not from within the regional level but from the adjacent national and local levels.
- Overall **national planning** should take into account **the problem of the inter-regional allocation of resources.**

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1.5(b) Regional Planning

- Regional information is a major element in the formulation of national plans (ex. IRLUP) and policies (ex. National Rural Development Policy)
- At the other end of the scale it is recognised that a city or large **urban centre cannot be planned in isolation from its hinterland** for physical, economic and social reasons, it must be seen and planned in its regional context (Glasson, 1978).

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1.5(b) Regional Planning

- **Two types of regional planning exist.**
 - 1st there is that type which is directed towards resource allocation **within regions** and
 - 2nd there is that kind which is directed towards the **inter-regional relationship**.

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1.5(b) Regional Planning

- **Intra regional planning** focus on the allocation of resources **between the sub-regions of the region** and between various policy fields – economic development, social, environmental, transport etc. – **within the region**. (For example within the Erongo Region) *
- **AIM** - to achieve a satisfactory relationship between **people, jobs** and the **environment** within the region:
- Specifically:
 - Social objectives:** ex. provision of housing & social, cultural and recreational facilities
 - Economic objectives:** ex. distribution of new investment
 - Environmental objectives:** ex. quality of urban form and the prevention of urban sprawl (p27, Glasson, 1978)
- The content of intra-regional planning varies from region to region.

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1.5(b) Regional Planning

- **Inter regional planning's** concern is with the allocation of resources **between regions**. (between Omaheke and Khomas region)*
- It has developed largely as a **response to the problems of economic imbalance between regions** resulting from the changing locational preferences of industry.
- The prime **AIM** is more **economic in nature**, relating to the achievement of a **satisfactory relationship between people & jobs**.
- Focus on national **economic objectives** of economic growth, full employment & social equity.

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1.5(b) Regional Planning: **Inter regional planning**

Economic growth involves the efficient utilisation of resources to achieve a higher rate of output

yet some regions may have high levels of unemployment and under utilised capital assets.

The injection of investment into such regions, in the form of new infrastructure or industry may provide the necessary catalyst for regional economic growth thereby aiding national economic growth (p28, Glasson, 1978).

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1.6) Categories of planning

- Distinctions have been made between **economic, physical** and **social** categories of planning, as well as the **ecological**.
- Degree of importance OR consideration given to each of these categories depends upon the level of planning, whether it is national, regional or local level.
 - a) **Economic planning** (Considered to be on a national and regional scale)
 - b) **Physical planning** (Associated with the regional and local scale)
 - c) **Social planning** (No particular scale)
 - d) **Ecological planning** (No particular scale)

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1.6) Categories of planning

- a) **Economic planning** (National & Regional scale)
 - Concerned with the calculating and controlling of the **allocation of economic resources** in a given setting such as a country or region and
 - is primarily concerned with **facilitating the working of the market** (management of resources).*

- b) **Physical planning** (Regional & local scale)
 - Pertaining to the world of material things and the way they relate to the **physical space**.
 - Controlling the **market mechanism** (ex. private sector developer seeks to maximise his personal profit, neglects the provision of social services and public utilities) &
 - **Reconciliation of public and private objectives.****

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1.6) Categories of planning

c) **Social planning** (No particular scale)

- The organization of resources to **combat problems** such as poverty,
- discrimination or deprivation and thus addressing the plight of the people.
- **Social is concerned with the condition of people. (p19, Ratcliffe).**

d) **Ecological planning** (No particular scale)

- Understand, respect and manage the earth's life-sustaining systems. *

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1.6) Categories of planning

Ratcliffe (1981) states:

Without the framework of **national policy** (which is after all meant to be the political expression of the **community**) the **distribution of resources to geographical regions**, public & private sectors, ..., social groups could not be contrived and co-ordinated in such a way as to permit realistic regional and local planning”

“Thus **social considerations** should determine the nature of national **economic policy** while **physical planning** is very much the material expression of that policy at the local scale. **The different elements cannot, therefore, be separated:** they are part of the same process, interrelated and interacting.” (p.19).

ILP 510S: For Your Information

Slide 32 refers to Social Services* & Public Utilities

Public facilities are usually the responsibility of local, provincial/regional or national government, and include:

- **Educational Facilities*** - Schools & tertiary education
- **Health Facilities*** – Clinics & hospitals
- **Recreational Facilities** – Playgrounds & sportsfields
- **Cultural facilities** – Libraries & religious centres
- **Administrative facilities** – Cemeteries, Police Station, Fire Station, Old Age Home, Municipal offices, Post Office etc.

Public Utilities - water supply, sanitation services, roads, stormwater drainage, electricity, telephone services and rubbish removal services.

This services is important for the health and safety of people.

ILP 510S 1.7 NOT FOR EXAM!!

1.7) What is land use planning?

The Aim:

- To assign and order activities on landscape in a coherent manner in order to attain an equitable, compatible and general aesthetic harmonious development of both rural and urban development.

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1.7) What is land use planning?

The Objectives:

- 1) The provision of an equitable and balanced spatial distribution of development.
- 2) Orderly, efficient and co-ordinated socio-economic development in spatial (physical) terms.

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1.7) What is land use planning?

The Objectives:

- 3) Integration of the functions of rural and urban settlements,
- 4) The optimum use of land for agriculture, forestry, industry, industry, human settlements, infrastructure and other competing uses of land.
(Polytechnic of Namibia, 2007)

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1.8) What is the management of land?

- Process of planning and **managing the use and development of land resources in a sustainable and integrated manner.**
- Process of managing,
 - 1st **the use of land** (for ex. agriculture, tourism, mining) and
 - 2nd **the development** associated with the specific land use.
- Management of the use and development of land must take place in an **integrated manner.***
- **Cannot be done in isolation, and requires proper land use planning. ****

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1.8) What is the management of land?

The Aim:

- to establish or implement any measure* to restrict or regulate the use and development of land resources in a sustainable and integrated manner.

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1.8) What is the management of land?

The Objectives:

- Manage the **use of land** (land use, e.g.: agriculture, tourism, mining and so on) and
- Secondly, **manage the development** associated with the specific land use.

Land management takes place in a **specific policy, legal, institutional, social and economic framework.**

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1.8) What is the management of land?

- In an urban or rural area people may not do what they wish.*
 - **Local authorities** responsible for urban management,
 - Rural management responsibility **regional government** (regional councils and central government).
- Government pass **laws which empower authorities to manage urban and rural areas.****

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1.8 What is the management of land?

In Namibia the powers of **local authorities** (directly applicable to urban planning) are set out in the following legislation:

- The Local Authorities Act (No 23 of 1992)
- The Townships and Division of Land Ordinance (No 11 of 1963)
- The Town Planning Ordinance (No 18 of 1954)

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1.8) What is the management of land?

Legislation for the Regional Government and Central Government, currently involved with rural land use are set out in the following legislation:

- The Regional Councils Act (No 22 of 1992)**

ILP 510S: New content re. Purpose of Land Use management

The essential justification for land use planning is the public interest.

Public interest elements / public purposes to be pursued through land use planning includes:

- a)Health & Safety**
- b)Convenience**
- c)Economic Efficiency**
- d)Social equity**
- e)Environmental quality**
- f)Protection of Agricultural land**
- g)Energy conservation**
- h)Heritage**
- i)Transportation**
- j)Infrastructure**
- k)Affordable housing**
- l)Visual amenity. (HL Leung, 2003, p5-13)**

ILP 510S: Public Purposes

1.8(a) Health & Safety:

Health and Safety have always been the 1st justifications of land use planning.

Modern planning legislation has its roots in late 19th century legislation regarding sunlight, water supply, fire protection, sewage disposal and housing conditions for the working class.

To tackle the problem of epidemic disease (cholera, typhoid & typhus – contaminated drinking water etc.) & urban congestion. (HL Leung, 2003, p6-13)



ILP 510S: Public Purposes

1.8(a) Health & Safety:

1 of the basic principles of modern planning is the prevention OR improvement of conditions injurious/hazardous to the physical well-being of people and property.

Health and safety considerations have been extended to include mental and emotional well-being. (HL Leung, 2003, p6-13)



ILP 510S: Public Purposes

1.8(a) Health & Safety: (HL Leung, 2003, p6-13)

Health and safety considerations includes:

- 1) Protection against accident hazards
- 2) Protection against infection (maintain cleanliness)
- 3) Provision of adequate daylight, sunshine and ventilation
- 4) Protection against excessive noise &
- 5) Protection against atmospheric pollution.
- 6) Protection from fatigue and provision of adequate privacy.

It is from principles such as these that health, sanitation, housing and building codes are drawn up to regulate buildings or activities - to protect users & community. 4

Meteorologically estimated exposure but not distance predicts asthma symptoms in schoolchildren in the environs of a petrochemical refinery: a cross-sectional study

Background

Community concern about asthma prompted an epidemiological study of children living near a petrochemical refinery in Cape Town, South Africa...

Conclusion

The results support the hypothesis of an increased prevalence of asthma symptoms among children in the area as a result of refinery emissions and provide a substantive basis for community concern.



ILP 510S: Public Purposes

1.8(a) Health & Safety: (HL Leung, 2003, p6-13)

- In land use planning the control over the location, density, use, bulk, forms of construction and occupancy are aimed at ensuring a healthy and safe environment for the user and public.

Includes also:

- Vehicular and pedestrian safety (channeling or segregation of vehicular and pedestrian traffic)
- Safety against the natural elements (see next slide)
- Security against crimes (safety of women, the elderly, children & the handicapped) making streets safe, secure & pleasant.

ILP 510S: Public Purposes

Most slums in developing country cities are generally built on empty public or private land on the periphery of the city, or elsewhere on physically unsafe land that is vulnerable to natural hazards. Often, such land is on steep slopes prone to landslides or in low-lying areas prone to flooding, or is so severely contaminated that no one else in the city wants it. Slums usually have dire consequences for the urban environment. They often deprive the city of foreshore land for flood control and natural bio-filtration from fringing wetland vegetation; severe erosion can result from steep slopes when they are settled upon; and, as the only source of domestic energy for slum dwellers is firewood, nearby land on the periphery of the city is often deforested.

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1.8(a) Health & Safety:

Planning for health and safety can also take the form of action-oriented measures such as public works improvement and urban redevelopment (which involves provision of social housing & the revitalisation of an area.)

(HL Leung, 2003, p6-13)

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1.8(b) Convenience: (HL Leung, 2003, p7-13)

2 Types:

The adequacy and **suitability of a space for the activities** to be carried out in it

(efficient site layouts*, adequate floor areas and parking provision)

&

The accessibility and choice of services and facilities at a location.

(reduction in time and distance between such points as home & work, home & school, home & shopping work & recreation, work & shopping etc.)

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1.8(b) Convenience:

Is concerned with → Time and Distance relationships between Locations.

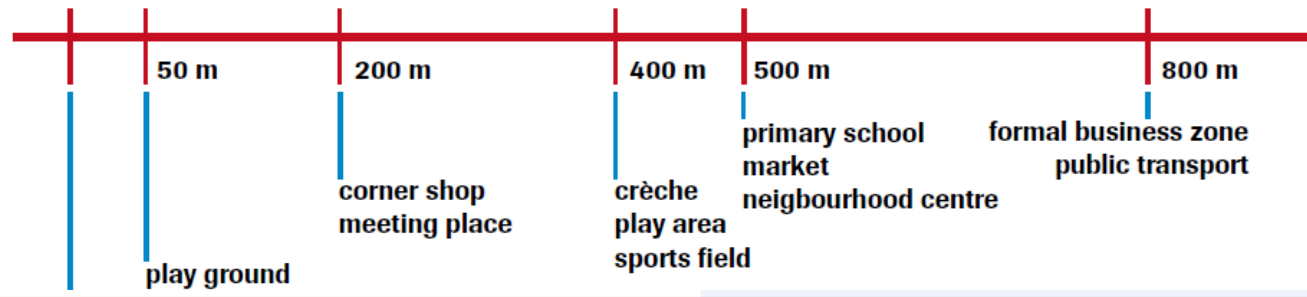
Convenience is affected by the density or compactness of land development.

The higher the density of land use the shorter the time and distance between uses.

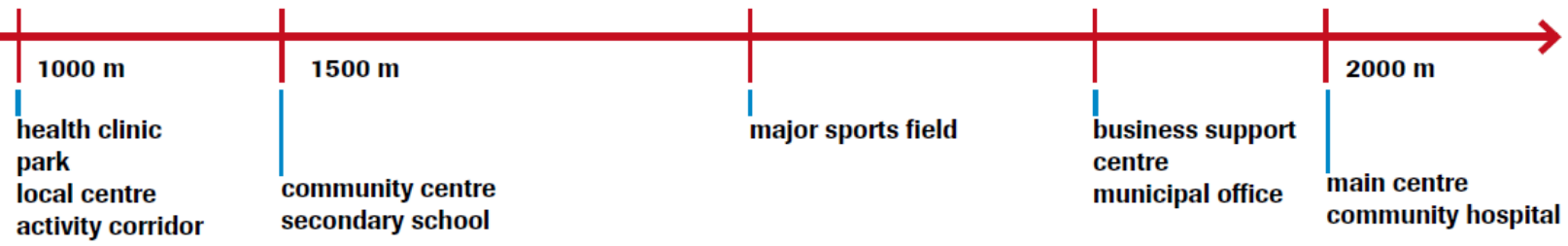
Means more constricted sites and more built up areas with less adequate and suitable space for the users and perhaps greater health and safety problems.*

(HL Leung, 2003, p7-13)

Distances to facilities



Sustainable Community Planning is based on the household perspective. The focus is put on



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1.8(c) Efficiency: (HL Leung, 2003, p7-13)

Efficiency in land use planning is commonly thought of in terms of public cost, especially municipal government expenses (Fiscal efficiency)

Consensus (a) new development to pay the real cost of the infrastructure it uses, &

(b) on the efficient use of serviced land which is usually translated to mean more compact and higher density development.

(c) The redevelopment or re-use of abandoned, idled, or underused commercial, industrial and institutional facilities which have been contaminated (“Brownfield sites”) **EXAMPLE?**

ILP 510S: Public Purposes

1.8(c) Efficiency:

(HL Leung, 2003, p7-13)

Convenience & Efficiency are often linked. EX: A haphazard and low density land use pattern would involve more roads and greater lengths of utility lines.

This would cost more money to build, operate and maintain, but balanced against this are health and environmental quality benefits.



N.B. to have long range plans which coordinate urban development with the provision of infrastructure.

***N.B. (Nota Bene – Latin for “Note Well / Important”)**

ILP 510S: Public Purposes

1.8(e) Environment: (HL Leung, 2003, p8-13)

A broad based environmental movement emerged during the 1970's*

Land use planning now incorporates a much broader view of the relationship between land use action and environmental protection and enhancement → environmental protection legislation (esp. Air & Water)

- Traditional issues - Environmental Hazards (flooding, landslides, soil erosion)
- Current issues - Environmental degradation (air & water pollution, excessive noise levels + destruction of fragile habitats)
- More Current Issues – siting of waste treatment facilities, landfill sites, transportation of toxic, inflammable or other harmful materials (What about industrial areas & cemeteries?*) 14

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1.8(d) Equity: (HL Leung, 2003, p8) – Two Issues

Fairness

Who benefits? (Someone gains) &

Who pays? (Another's loss)

The upgrading of a road →
increased traffic & noise

The siting of enterprises such
as pubs, funeral homes*
and gas stations may
provided needed service
to some but may cause
stress to neighbours.*

Choice

Who is being kept out?

Equal opportunities to the
necessities of life such
as work, shelter,
education and medical
care.

Controls of densities of
residential areas and
locations of community
facilities have direct
consequences on choice.

The needs (underprivileged
and the minority groups)*

1.8(d) Equity: (HL Leung, 2003, p8) – **Two Issues**

- The upgrading of a road may improve the access of many people living and working along it but others may be **adversely affected** by the increased traffic volume and noise.
- Still others may be **forced to relocate** because of the road work.
- Also, the siting of enterprises such as pubs, funeral homes, and gas stations may provide needed service to some but may **cause stress to neighbours**. In such cases, someone's gain is another's loss.
- **Good planning ensures that decisions are taken to foster the greatest good of the community without local or individual biases.**

ILP 510S: Public Purposes

1.8(f) Protection of Agricultural Land:

The emphasis is on protection against urban uses (iow non-agricultural uses).

1) Urban expansion consumes valuable agricultural land
(Many cities are located on / next to prime agricultural land.)

2) Urban uses often conflict with agricultural uses (urban expansion disrupts and displaces surrounding agricultural operations & lands)

(HL Leung, 2003, p9-13)

<http://www.lsgraves.com/graphics/urban-sprawl-LG.jpg>



3) Extraction & use of mineral resources may be hindered/prevented by urban activities. *

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1.8(f) Protection of Agricultural Land:

- Land use **planning and regulations** are needed to **manage urban growth** at the **fringe areas of the city** in order to halt the **encroachment** on agricultural land and
- to protect **the rural ambience** enjoyed by the existing residents.
- If an urban use is unavoidable, **lot sizes and separation distances are controlled to minimize the impact.**

(HL Leung, 2003, p9-13)

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1.8(g) Energy: (HL Leung, 2003, p9-13)

Modern land development and building technology based on the plentiful supply of cheap energy have ignored many of the simple and common sense lessons of energy conservation.

The importance of an energy efficient land use pattern was “rediscovered” – 1970’s energy crisis

BUT

Cities had already been locked into a land use pattern of low-density sprawl dependent on the automobile.

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1.8(g) Energy: (HL Leung, 2003, p9-13)

- Although energy conservation points to higher density land use,
- neighbouring/contiguous and compact development
- may not be incompatible with the need to protect and enhance environmental quality
- **Environmentally sensitive** development does not necessarily mean **low density and spaced-out development**.

In fact the reverse is true.

- **High-density cluster development** is not only **energy efficient** but takes up **less land** and **leaves** environmentally hazardous and **sensitive areas untouched**.

ILP 510S: Public Purposes

1.8(h) Heritage Conservation: (HL Leung, 2003, p9-13)


Within the climate of preservation & conservation – **move away from urban redevelopment and renewal** must yield to heritage conservation

- 1) **First, a very large proportion of the worst housing is now gone.**
- 2) **Renewal acquired a bad name – breaking up of communities and creating high rise-ghetto's &**
- 3) **Old building stock acquired a scarcity value).**

Can apply to a single building or to a whole area – the requirement that the building/s should have special architectural or historic merit worthy of conservation.

Also the protection of **natural heritage features**

 Tweet 1

 3

Submit

We're proud to announce that on Friday 21 June 2013, [UNESCO enlisted the Namib Sand Sea as a World Heritage Site](#). It is a triumph for not only for Namibian tourism and conservation, but for this beautiful desert that has already dazzled many visitors with its vastness and beauty.



Namib Sea Sand

1.8(h) Heritage Conservation: (HL Leung, 2003, p9-13)

- There is also the protection of "natural heritage" features and areas from incompatible development and alteration.

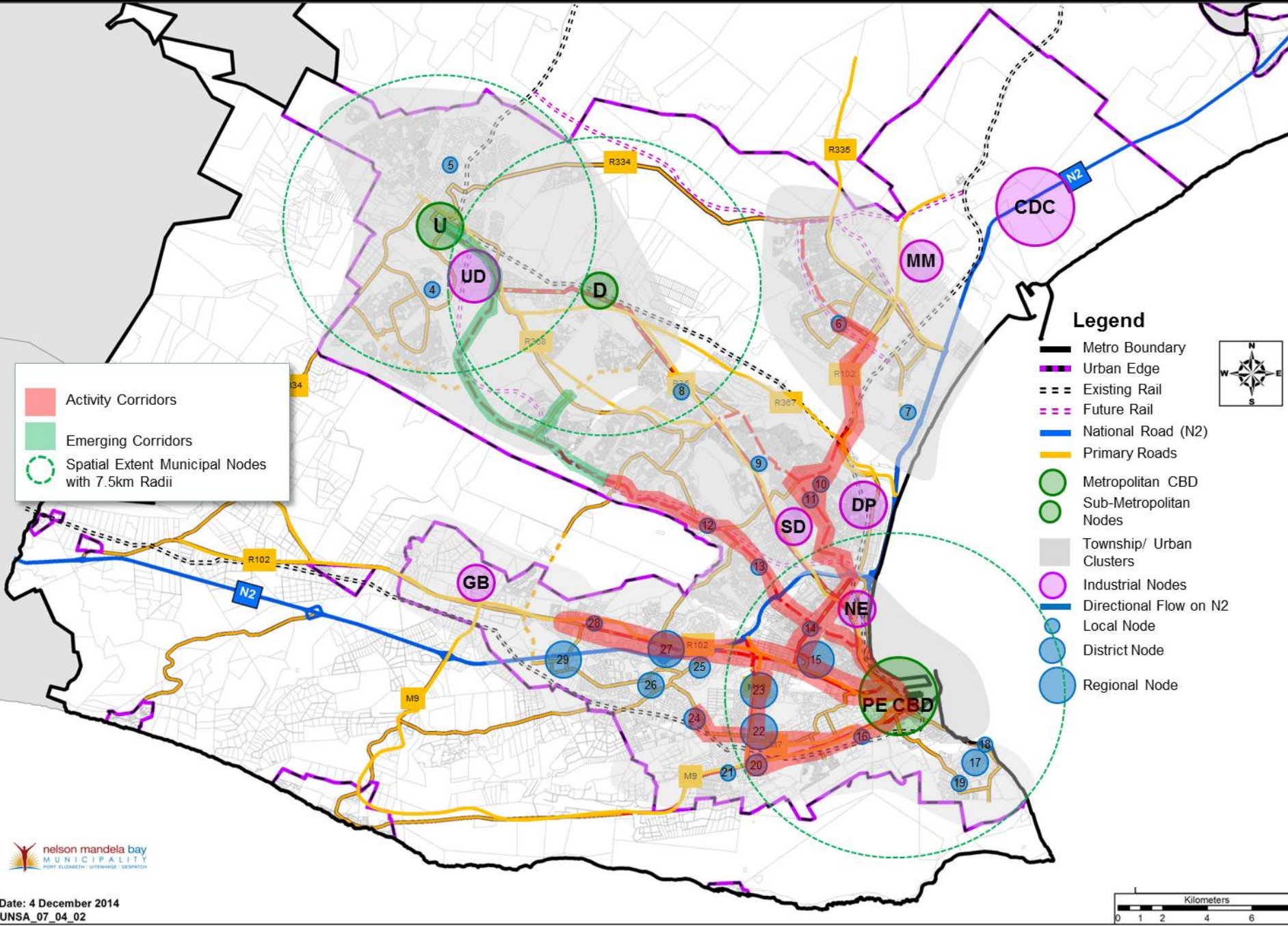
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1.8(i) Transportation: (HL Leung, 2003, p10-13)

- **Traffic problems** such as congestion were **tackled** in the past by road widening, road construction, and realignment.
- Such improvements **attracted more cars** and caused more congestion – **folly** of unrestrained growth of private automobile use.
- There is a **new push for public transit** and other modes of transportation.
- **Traffic consideration is important in land use planning** (reducing pollution to avoiding accidents, and from improving pedestrian comfort to increasing transit ridership).
- For ex. **Activity corridor** development - allow for **land use and transportation to reinforce each other** → **public transport viability**.



transit, cable cars, bike, car, and taxi.



■ Activity Corridors
■ Emerging Corridors
 Spatial Extent Municipal Nodes with 7.5km Radii

- Legend**
- Metro Boundary
 - Urban Edge
 - Existing Rail
 - Future Rail
 - National Road (N2)
 - Primary Roads
 - Metropolitan CBD
 - Sub-Metropolitan Nodes
 - Township/ Urban Clusters
 - Industrial Nodes
 - Directional Flow on N2
 - Local Node
 - District Node
 - Regional Node

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1.8(j) Infrastructure: (HL Leung, 2003, p11-13)

- Most of the "modern" infrastructure such as storm and sanitary sewers, highways and roads, was built between 30 to 50 years ago → **middle-aged**.
- Through neglect, overuse and abuse over the years, the **physical infrastructure** in many cities - has deteriorated & has become a **health and safety concern**.
- Much of it needs **replacement and major overhauls**, not just minor repairs and **patch-up** works.
- **Tremendous cost** will be involved in such remodernization.

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1.8(k) Affordable Housing: (HL Leung, 2003, p11-13)

- One is the improvement and **better use of the existing housing stock**, and the **enhancement of community facilities** and neighbourhood environment.* Kayamandi
- Another direction is the provision of **housing for special groups – thus moving away from the concern of housing for low-income families** - provision for disadvantaged groups as the elderly, the handicapped and single-parent households.
- A third direction is to influence **housing costs** by designating and servicing land for higher density housing (**intensification**). The logic is to reduce housing costs **by reducing land consumption** and **increasing infrastructure efficiency**.

ILP 510S: Public Purposes

1.8(i) Visual Amenity: (HL Leung, 2003, p12)

Pleasantness of the urban environment / aesthetic dimension of the city.

- It is increasingly being realized that **amenity** is an **important dimension of public health and mental well-being**.
- Unfortunately, although city planning was **once closely associated to architecture**, it is now **highly social science oriented** – consequently most planners are poorly equipped to give good advice on urban design.

St George's Mall, CT





Post Street Mall,
Windhoek

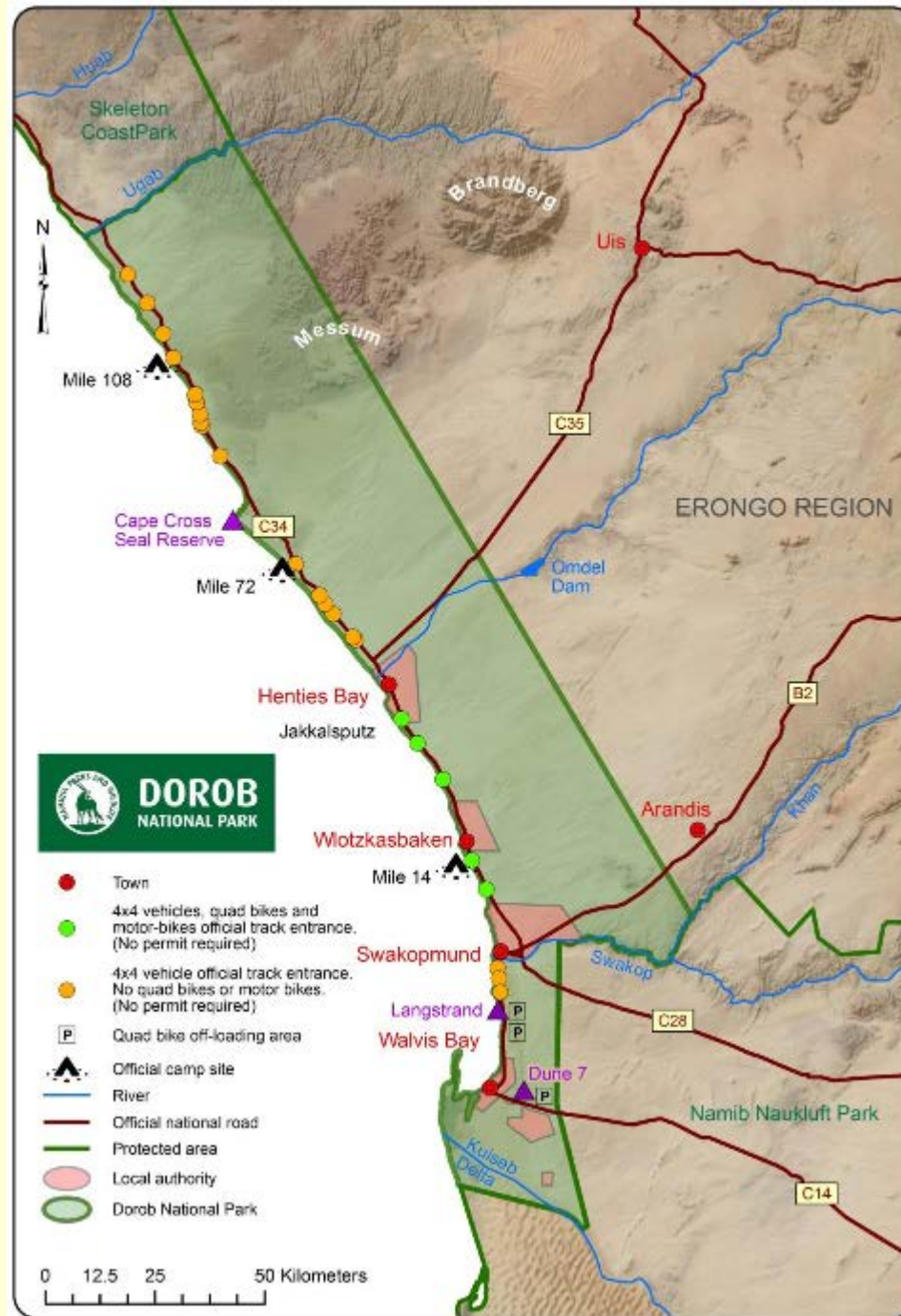




MOH-32745 - © - (c) Rainer Kiedrowski

1.9 Land Use Planning & Management in Namibia (p11-16) 31

1.9) Land use planning and management in Namibia



ILP 510S

1.9) Land use planning and management in Namibia

- Wherever people live together **conflict arise** because of **different** interests and **priorities** of people regarding the **functions for which land is to be used.***
- The **more valuable the resources** above or below the land are, the **more intense are the conflicts!**
- Challenge is to **combine as many functions** on a piece of land as possible, without destroying the land and its resources.**

ILP 510S

Planning is an important instrument for regulating & managing development & land use:

- **Various administrative planning levels exist in a government.**
- Usually a local, regional and national level.
- The **systems** and **functions** at these levels are distinctly different.*

ILP 510S

- a) National level** focus on development of the whole country (a “macro perspective”)
- Emphasis - **socio-economic development.**
- b) Regional governments** mostly have a **co-ordinating function**, although **land use control** and the promotion of **development** are also included (a meso-perspective).*
- c) Local government** level concentrates on **physical planning and control.**
- Development of villages and communities are concentrated on (micro-perspective).**

ILP 510S

- To produce meaningful plans for land use planning “**vertical integration**” of the different planning levels is required.
- Achieved through the **flow of information, and regulations, from the local “bottom-level”** to the national “top-level” and vice versa.#

Example in RSA:

- National Spatial Development Perspective (NSDP) exists.*
- NSDP provides overarching guidelines for the PSDF (Provincial Spatial Development Framework)**
- PSDF must be consistent with the requirements of the NSDP
- Local authority and District municipal SDFs and framework plans must be consistent with the PSDF
- SDF’s for each local authority area were compiled after intensive **public participation process!*****

SDF (indicative spatial plan) - **shows desired patterns of land-use, directions of growth, urban edges, special development areas and conservation worthy areas within municipal area.**

ILP 510S

- To produce meaningful plans for land use planning “**vertical integration**” of the different planning levels is required.
- Achieved through the **flow of information** and **regulations from the local “bottom-level”** to the **national “top-level”** and vice versa.
- In addition, **horizontal integration** of the different sectors is also necessary in order to produce meaningful plans.*
- Planning and management of land uses is also an **overarching and multi-sectoral exercise.**

ILP 510S

- One organization cannot make land-related decisions, it needs careful **holistic and sector overarching coordination.**
- **Narrow-minded and sectoral approaches** will fail to regulate and organize the use of land;
- Instead of triggering development they will **create conflicts.**

Decisions related to land use are influenced by socio-economic and environmental conditions, as well as by anticipated demographic developments in and around a natural land unit. This makes it impossible to delegate land-related decisions to only one organisation – addressing land issues requires a broad, integrated and interdisciplinary approach. Narrow-minded and sectoral approaches will fail to regulate and organise the use of land; instead of triggering development, they will create conflicts.

Conflicting Land Uses: Example from Caprivi Region

In Caprivi Region, the Ministry of Lands and Resettlement (MLR) has demarcated small-scale commercial farming units under the Small-scale Commercial Farming Development (SSCFD) in an area of about 190,000 ha. On the same land, the Ministry of Environment and Tourism (MET) is registering conservancies. Conservancies are areas in which communities sustainably manage wildlife resources while benefiting from them. They play an important complementary role to national parks and serve as buffers between agricultural zones and wildlife zones. In the south-west of this area, the Ministry of Agriculture, Water and Forestry (MAWF) is setting up an irrigation scheme under the Green Scheme approach. The three different land use concepts, which border on Mudumu National Park, are not coordinated.

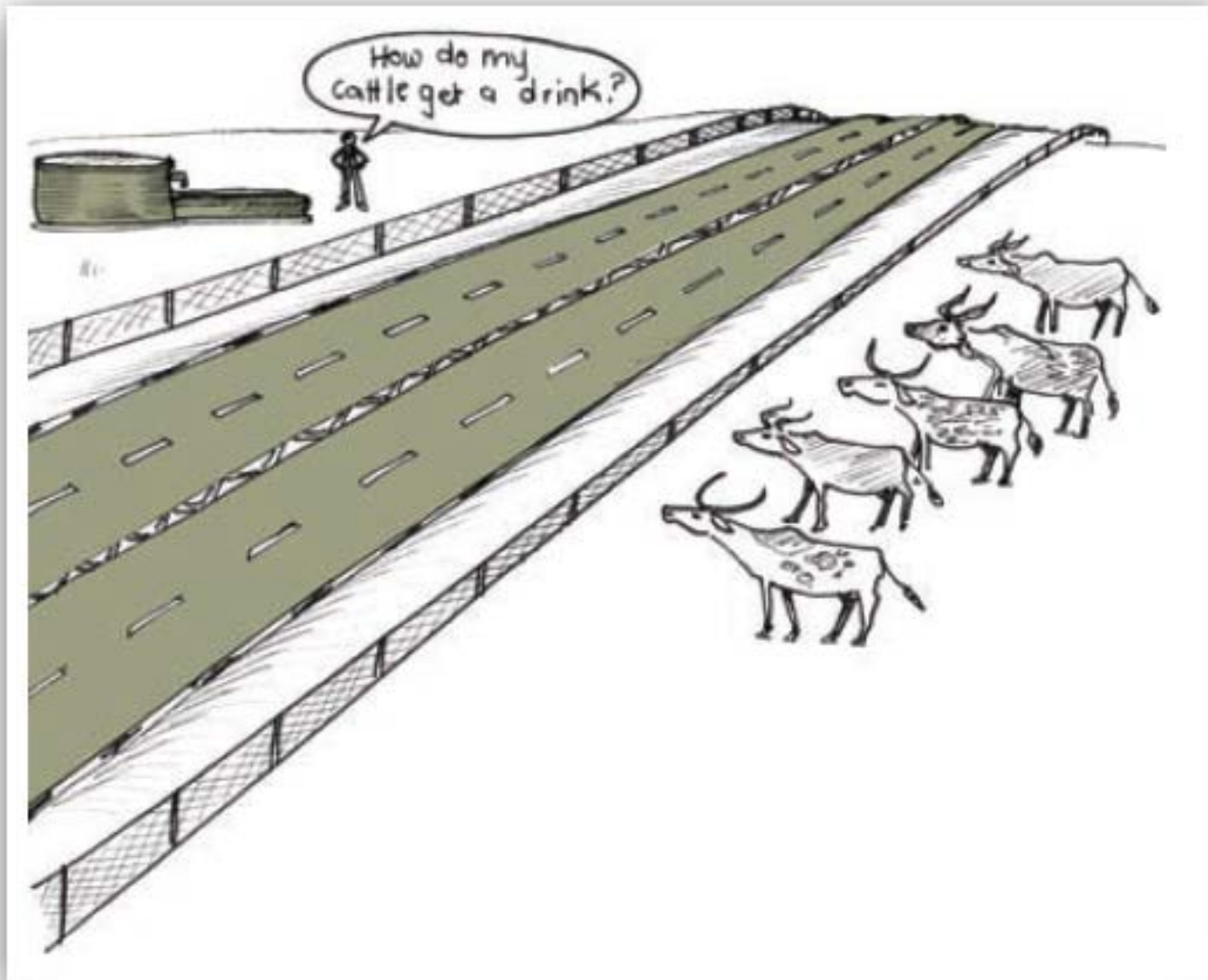
This scenario would result in serious conflicts between wildlife and agriculturists. The SSCFD approach includes the fencing of the demarcated farming units. Since migratory routes of wildlife – especially elephants – traverse the area, damage to fences and crops can be anticipated. At the same time, agricultural land use in the immediate vicinity of a protected area will have influences on its biodiversity. In addition, communities cannot benefit from sustainable wildlife management in fenced agricultural areas.

This demonstrates how sector-related land use planning can actually create conflicts for local communities. The various sectors have to develop one common land use approach for the area. It is crucial, however, that the needs, preferences and resources of local communities guide the land use related decisions and not the vision of central-level decision makers.

(Source: Katataiza 2009)



Source: Understanding of Land Use Planning and its Relevance in Namibia (Haub, 2009)



Source: Understanding of Land Use Planning and its Relevance in Namibia (Haub, 2009)¹¹

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- Slides 9 -11 demonstrates how **sector-related land use planning** can actually create conflict in local communities.
- Various sectors have to develop **one common land use** approach for the area.
- NB that the **needs, preferences and resources of local communities guide the land use related decisions** and not the vision of central-level decision makers.” (Haub, 2009).



1.9 Land Use Planning in Namibia:

- a) National land policy of Namibia**
- b) Regional planning**
- c) Urban planning**

Source: Understanding of Land Use Planning and its Relevance in Namibia (Haub, 2009)

ILP 510S

1.9(a) National Land Policy

- Describes benchmark* for promotion of **sustainable utilisation** of **urban** and **rural** land resources in Namibia.
- Various issues are covered in the policy
- **Function of a policy document is to determine the framework for the compilation of the resulting legislation.**
- **Briefly look at the main issues** regarding Urban and Rural land. **

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“Restitution of land rights abrogated by the colonial and South African authorities prior to Independence, will not form part of Namibia’s Land Policy. However, this policy is committed to special support to all landless or historically disadvantaged persons and communities.”

(Ministry of Lands, Resettlement and Rehabilitation,
1998, National Land Policy, p14, [3.12])

ILP 510S

1.9(a) National Land Policy

The policy is divided into two main parts.

- URBAN land defined as all land in human settlements, of any size, under the jurisdiction of a separate authority other than a traditional authority, such as a municipality or town or village council.
- RURAL land is defined as all other land.

*This policy is based upon the principles expressed in the Constitution (incl. Equality before the law, A unitary land system, The rights of women, Land belongs to the state if it is not otherwise lawfully owned etc. – p1 of National Land Policy

ILP 510S

URBAN:

- 1) **Establishment and proclamation of urban areas as townships & municipalities.**
- 2) **Land delivery system** did not meet demand - resulted in the **growth of informal settlements (and squatting) in formal urban areas.** (*)
 - Rapid urbanisation of its population (urban drift) in Namibia.
 - The existing **land delivery system in urban areas** concentrated on middle & upper income individuals + business concerns (serviced land).
 - Due to rural-urban migration - demand now comes from the urban drift (the very poor & previously disadvantaged).
- 3) Freehold title is the only form of secure title (secure rights in urban areas) – investigate **some other form of secure tenure (upgradable tenure system)(**).**
- 4) Due to growth rate of population the policy requires that **existing urban land be fully utilized.**

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URBAN:

(*) In terms of the NLP:

A squatter is a person occupying land without the owner's permission and where that owner wishes to, or is trying to, remove the squatter.

An informal settler is a person occupying land in an unplanned manner, with the owner's expressed or implied permission to be there.

(**)“Freehold” title is the only form of secure register-able title available in urban areas which affords the holder ownership that is transferable, inheritable and provides collateral against a loan.”

5) NLP supports the multi-sectoral programmes to upgrade informal and squatter settlements

Source: Meijs, M. & Kapitango, D. (n.d.) Namibia Land Management Series Number 2: Communal Land Registration.

Before the enactment of the Communal Land Reform Act (2002), Chiefs and Traditional Authorities used to allocate land use rights to their people.

They did this by following their traditional tenure systems. These allocations were mostly not documented (recorded by being written down) and could therefore only be transferred orally.

This resulted in many land-related disputes, such as double allocations, boundary disputes, unauthorised extensions of allocated land and illegal fencing

TA's and the GRN also did not regulate the allocation of land resulting in reported cases of unequal land distribution in all communal areas.

....This inevitably led to a lack of trust in the entire customary system of land tenure.

ILP 510S

RURAL:

- 1) **Lack of clear policy & administrative structure for land allocation & management – main concern.**
 - **Administration of land** in the communal areas by the different boards (12(?) Communal Land Boards) & Traditional Authorities. (3.2 NLP)
 - The land in **communal areas belongs to the state** (3.1 NLP), but **people are given rights** to use parts of these communal lands for as long as they live, and to pass on those rights to their descendants.
- 2) All rural people will be offered equal access to all the form of tenure. The **land tenure types (Freehold, *Customary Land Rights & *Right of Leasehold)**. *in accordance with Communal Land Reform Act. (3.3 & 3.4 NLP)
- 3) The **redistribution of land** & the resettlement programme. (3.13 NLP)

ILP 510S

RURAL: Continued

- 4) **Excessive freehold land holdings**, in excess of 2 economic units may be compulsorily acquired by MLR for redistribution. (3.14 NLP)*
- 5) **Abandoned and under utilised land**, compulsory acquisition by MLR ito ACLRA. (3.15 NLP)
- 6) **Subdivision of Land** (fragmentation of commercial farm land – units of economic viable size). (3.19 NLP)
- 7) **Foreign nationals** may not acquire land, except with the permission of the Minister. (3.16 NLP)
- 8) **Restitution of land rights** abrogated by the colonial and South African authorities prior to Independence, **will not form part of Namibia's Land Policy** (p14 , National Land Policy, 3.12) – but to redress the injustices of the past*.

ILP 510S

1.9(b) Regional Planning in Namibia

- Intermediate level of planning (straddles the national-local gap).
- Currently planning (for regions) is steered by 2 kinds of plans.
 - (i) **development plans** and
 - (ii) **integrated land use plans.**

*Note that in terms of the Draft Urban and Regional Planning Bill provision is also made for statutory **national, regional and urban structure plans** (Legislation has not yet been approved!).

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1.9(b) Regional Planning in Namibia:

(i) Development plans

Who co-ordinates & on which authority level?

➤ NPC & MURD (national level)

- Assist with formulation (Regional Development Plans (RDPs) &
- Ensure RDPs integrated with NDP

➤ Regional councils (regional level)

- Responsible for compilation of RDPs**
- Major role – allow regional & local people to participate in national planning process

PART VI
POWERS, DUTIES, FUNCTIONS, RIGHTS AND
OBLIGATIONS OF REGIONAL COUNCILS

Powers, duties, functions,
rights and obligations of
regional councils.

28. (1) In addition to the powers conferred upon a regional council by Article 108 of the Namibian Constitution or any other provision of this Act, a regional council shall have the power -

- (a) to undertake, with due regard to the powers, duties and functions of the National Planning Commission referred to in Article 129 of the Namibian Constitution and any other law relating to planning, the planning of the development of the region for which it has been established with a view to -
 - (i) the physical, social and economic characteristics of such region and, in so far as any neighbouring region has or is likely to have any effect on the physical development of that region, the physical, social and economic characteristics of any such neighbouring region;
 - (ii) the distribution, increase and movement and the urbanization of the population in such region;

**Regional
Councils
Act
(No 22 of 1992)**

ILP 510S

1.9(b) Regional Planning in Namibia:

(ii) Integrated (regional) land use plans (IRLUPs)

Who co-ordinates & on which authority level?

- **MLR (national level)**
 - Responsible for implementation

- **the Division Land Use Planning and Allocation (Division in MLR)**
 - Responsible for producing integrated regional land use plans (IRLUPs)

Integrated Regional Land Use Planning in Namibia: Major Challenges

Namibia has carried out four Integrated Regional Land Use Planning (IRLUP) projects: for Kunene Region (1999); Caprivi Region (2001); the four north-central regions (Omusati, Oshana, Ohangwena and Oshikoto) combined (2002); and Otjozondjupa and Omaheke combined (2005). Only the two land use plans for Kunene and Caprivi were approved. Thus, by 2009, the last project related to land use planning had been implemented four years ago, and the last adoption of a land use plan had occurred eight years ago. All four IRLUP projects are hampered by the following shortcomings:

- Future scenarios – for example zoning options – or potential activities, projects or programmes which could be implemented are not considered. The “plans” are more like resource inventories, without implementation options.
- There was an absence of appropriate stakeholder involvement and consideration of inter-sectoral integration during the planning phases. Other sectoral plans or lower-level plans were also not integrated in the land use plan.
- There are numerous planning instruments, including various policies, acts, development plans and other plans, but they are not sufficiently integrated, and in some cases even conflict with or contradict each other.
- No digital maps or data were produced to enable a constant update and monitoring of plans and their implementation.
- Different methodologies were applied in the course of plan compilation (i.e. they were carried out as “stand-alone” projects), and so the plans differ in content, scale and layout of maps, structure etc. and cannot be compared with each other.

Although Namibia has committed to sustainable land management through ILUP in National Development Plan (NDP) 1, NDP 2 or NDP 3, ILUP has thus far not been used as an instrument for managing land-related resources and developments.

ILP 510S

1.9(c) Urban Planning in Namibia

- Emphasis at local level is on **physical planning and control**
- Includes **long range policy formulation** (structure plans).
- Urban planning can be divided into 3 categories.
 - (i) **Investigations,**
 - (ii) **Development Guidance and Control**
 - (iii) **Forward Planning and Design**

ILP 510S

1.9(c) Urban Planning in Namibia

(i) Investigations,

- **Research related to spatial planning** in order to advise councils on decision and policy formulation.
- This will result in **development policies which are a collection of non-statutory statements**, on certain topics.

ILP 510S

1.9(c) Urban Planning in Namibia

(i) Investigations

- For ex. informal settlement, subdivisions, informal markets, outdoor advertising and tree destruction etc.
- **Not necessarily plans (maps)** – sometimes pamphlets on council's policy on subjects which council has adopted through formal resolution.

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1.9(c) Urban Planning in Namibia

(ii) Development Guidance and Control

- Need development guidance and control in order to promote **the functional efficiency and environmental quality** of the physical environment.*
- Planners **administer the local authority planning policy** by managing and controlling development in the local authority area.**
- The town planning scheme provides a comprehensive policy framework for the physical structure of the city.
- Provides the means to **assess proposed land uses conform with long term development objectives** of L/A

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1.9(c) Urban Planning in Namibia

(iii) Forward Planning and Design

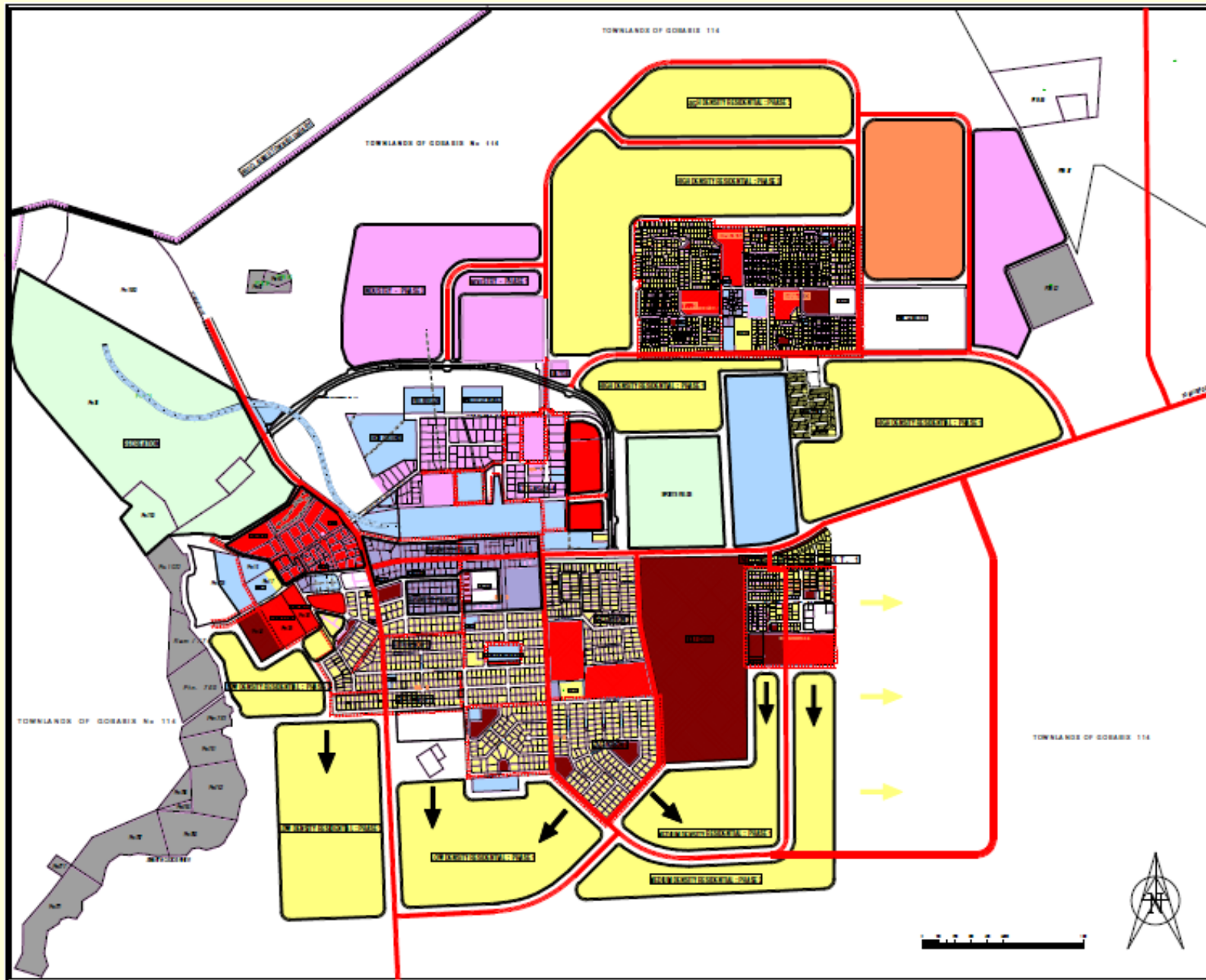
- Planning (and guiding) the future **direction** and **nature** of development through the design and implementation of new settlement areas.
- Development plans assist local authorities in **managing the development of the area** under its jurisdiction.
- 2 types of development plans exists:
 - **structure plans**
 - **policy plans.**

ILP 510S

1.9(c) Urban Planning in Namibia

(iii) **Forward Planning and Design**

- **Structure plans (also referred to as guide plans)**
- **guidelines for future development** and indicates the **desired direction** of development.
- A structure plan is a town planning management tool which is **less regulatory and control oriented than a town planning scheme.**
- **Policy plans** are compiled to **address specific issues** in more detail than a structure plan (guide development in small geographic areas).



MUNICIPALITY OF GOBABIS

- EXISTING LAND USE:**
- RESIDENTIAL
 - COMMERCIAL
 - INDUSTRIAL
 - OPEN SPACE AND RECREATION
 - INSTITUTIONAL
 - AGRICULTURE
 - CONSERVATION
 - PUBLIC LAND (MUNICIPAL AND STATE)
 - UNDEVELOPED
- BOUNDARY LINES:**
- PROVINCIAL BOUNDARY
 - TOWN BOUNDARY
 - FUTURE BOUNDARY
- DEVELOPMENT DENSITY:**
- RESIDENTIAL:
 - LOW DENSITY: 1 UNIT PER 500m²
 - MEDIUM DENSITY: 1 UNIT PER 200m²
 - HIGH DENSITY: 1 UNIT PER 100m²
- BOUNDARY LINES:**
- COMMERCIAL
 - INDUSTRIAL
 - TOURISM AND RECREATION
 - AGRICULTURE
 - OPEN SPACE
 - UNDEVELOPED
 - INSTITUTIONAL
 - CONSERVATION
- ROADS:**
- EXISTING ROADS
 - PREDICTED FUTURE GROWTH

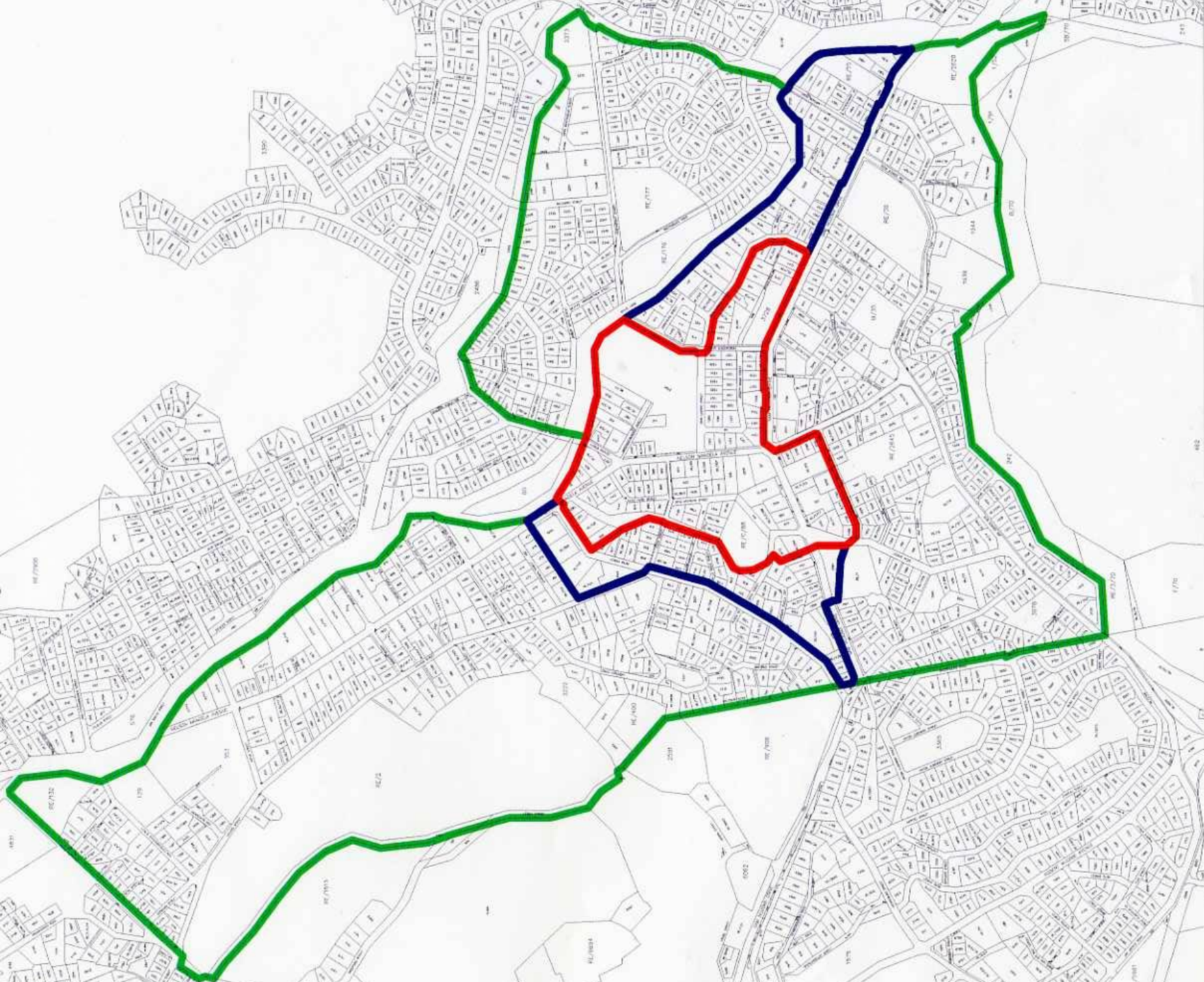


**SOUTH AFRICAN
PLANNING CONSULTANTS**
TOWN AND REGIONAL PLANNERS
PROPERTY DEVELOPMENT CONSULTANTS

**GOBABIS
STRUCTURE PLAN**

PROJECT NO: W/2002 - 1

DATE: 1998



File: L7

CITY OF WINDHOEK

Designed
By: Brown
C/E

Date
6 June 2005

Date
6 June 2005

Net type: D:\Groups\LSA\Car topography\ms\07\FinalPolicyZone.dwg

Klein Windhoek Policy Zones

-  Office policy zone
-  1/250 density area

Introduction to Land Use Planning and Management (ILP 510S): Section 2



ILP 510S

SECTION 2

2.1) Institutional Framework

- a) Ministry of Land Reform self study
- b) Ministry of Environment and Tourism self study
- c) Ministry of Agriculture, Water and Forestry self study
- d) Ministry of Mines and Energy self study
- e) **Ministry of Urban and Rural Development**
- f) National Planning Commission self study

ILP 510S

2.1) Institutional Framework

(e) Ministry of Urban and Rural Development (MURD)

- The Ministry has the role to **coordinate** and spearhead the **decentralization process**.
- Process re. establishment of an effective, **decentralised Regional and Local Government system**.
- Decentralization **entails the transferring powers** to Regional Councils, Local Authorities and Traditional Authorities structures,
- + providing **advisory services, technical support and capacity building**.

ILP 510S

2.1) Institutional Framework

(e) Ministry of Urban and Rural Development (MURD): Mandate

- To **coordinate and manage decentralization in Namibia**. Entails transferring power from central government to regional and local government in a unitary state,
- Providing advisory services, technical support and capacity building;
- To **develop policy guidelines** and procedures, evaluating **institutional readiness of Line Ministries and Sub-National government** and **legislation harmonization** as well as introduce good governance principles;
- To facilitate the **recognition of traditional communities** and ensure compliance with provisions of Laws/Legislations;

ILP 510S

2.1) Institutional Framework

(e) Ministry of Urban and Rural Development (MURD): Mandate

- To ensure adequate **legislation, policies and standards** for Sub-National structures;
- To **coordinate and facilitate Rural Development Activities**, policies and legislation to ensure sustainable rural livelihoods, reduced poverty, improved living conditions and shelter, mitigate rural-urban migration; and
- To ensure **appropriate town planning and establishment**, infrastructural development and **land use management**.

ILP 510S

2.1) Institutional Framework

(e) Ministry of Urban and Rural Development (MURD)

Important legislation includes:

- Local Authorities Act
- Regional Councils Act
- Traditional Authorities Act, 2000
Provides for the establishment of traditional authorities and the designation, election, appointment and recognition of traditional leaders; to define the powers, duties and functions of traditional authorities and traditional leaders; and provide for matters incidental thereto.
- Council of Traditional Leaders Act, 1997
Provides for the establishment of the Council of Traditional Leaders and define its powers, duties and functions; and for matters incidental thereto.
- Decentralisation Enabling Act, 2000 (Act no 33 of 2000)
- The Rural Development Policy

ILP 510S

2.1) Institutional Framework

(d) MURD

- 2 administrative secretariats are situated in this ministry:
 - (i) **Townships Board**
 - This statutory body is responsible for all **technical aspects of town planning** in proclaimed townships *{For more information re. technical aspects – consult Article 3 (Functions) of the relevant ordinance.}*
 - The functions of the board are to **consider applications for township establishment, subdivisions and consolidations.**
 - Constituted through the **Townships and Division of Land Ordinance (No 11 of 1963)**

ILP 510S

2.1) Institutional Framework

(d) MURD

- **2 administrative secretariats are situated in this ministry:**
 - (ii) **NAMPAB (Namibia Planning Advisory Board)**
 - This statutory body **advises the Minister of Urban and Rural Development planning policy issues.**
 - This body **do not focus on technical issues,**
 - advise on the **desirability and necessity** of establishing townships,
 - **the deproclamation of townships,**
 - advising the minister in matters pertaining to **town planning schemes.**
 - Constituted through **Town Planning Ordinance (No 18 of 1954)**



Introduction to Land Use Planning and Management (ILP 510S):

Section 2.2

FOR YOUR INFORMATION

An Act of Parliament (or “an Act” for short) **is a law that** deals with a specific topic. It regulates matters relating to that topic. For example, the Communal Land Reform Act deals with matters relating to communal land reform.

Acts become laws in the following way:

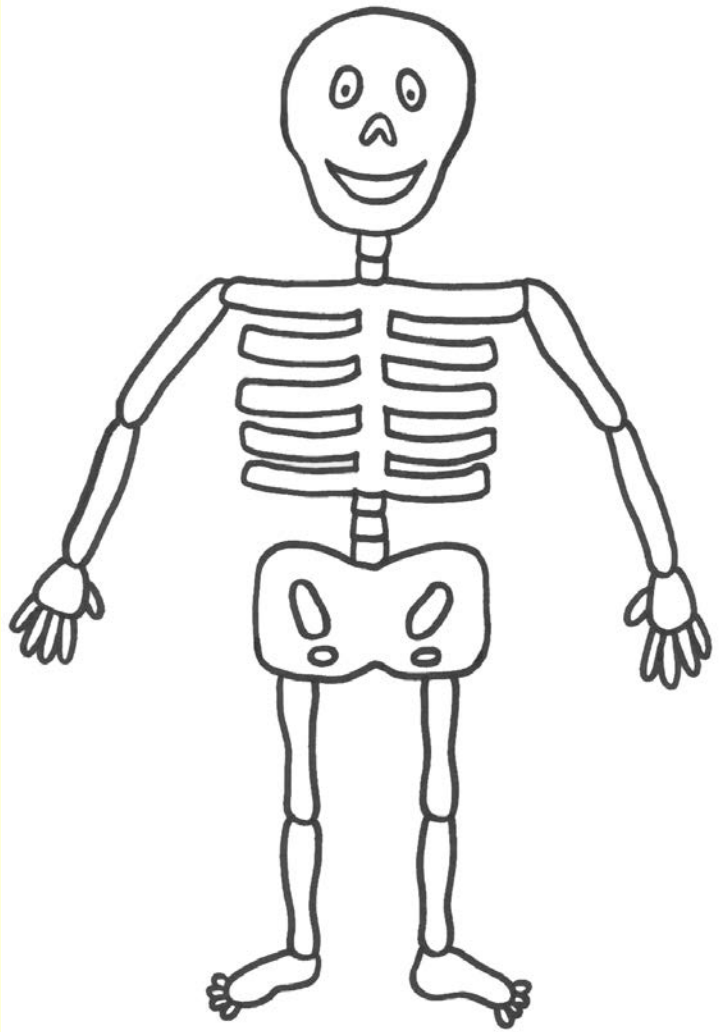
1. A **Bill, which is called the “draft legislation”, is tabled in Parliament where the National Assembly and the National Council debate it.**
2. Once both Houses accept it, we say the Bill has been **passed by Parliament.**
3. After a Bill has been passed, it is sent to the **President for signature**, where after it becomes an **Act of Parliament**. The Act **usually becomes binding (legally enforceable)** upon signature by the President.
4. Publication of new legislation in the **Government Gazette – serves to prove that a new law exists & informs the public.**

FOR YOUR INFORMATION

What is the difference between an Act and an Ordinance?

- All new legislation of Namibia are called “Acts” (for ex. Local Authorities Act of 1992)
- “Ordinances” are historical legislation – inherited from the time South West Africa was managed as part of the Cape Province (RSA).
- This legislation were called “ordinances” because they were promulgated by the provincial legislator and not by the national legislator (National Government)

FOR YOUR INFORMATION



Imagine the **constitution** as the **skeleton of the government** – it is the **basic framework** which gives the government its **shape and form**:

- * Establishes **government structures &**
- * Explains how **power** will be organised.
- * Other **laws are valid** only if they are **consistent with the rights protected** by the constitution.

Policy and law

Most ministries are guided by a mixture of policy and law. There is an important difference between these two things.

A **policy** is a statement of a set of principles or a course of action adopted by government. Policies state what government *intends* to do to address certain issues or problems, but they are not binding.

Laws are binding rules which can be enforced by the courts. Laws are usually passed to put policy into action.

ILP 510S

SECTION 2

2.2) Legislation and Policies in Namibia

(a) Examples of institutional establishment laws

- i. Local Authorities Act (No 23 of 1992)
- ii. Regional Councils Act (No 22 of 1992)
- iii. Traditional Authorities Act (No 25 of 2000)

(b) An example of laws establishing statutory areas

- i. Townships and Division of Land Ordinance (No 11 of 1963)

(c) An example of laws governing the planning practice

- i. Town Planning Ordinance (No 18 of 1954)

(d) Other legislation and policies

ILP 510S: Section 2.2 Legislation & Policies in Namibia

Land use laws are created:

- as a regulative framework
- to regulate the practices of land use planning

3 broad categories of laws regarding land use exists:

a) **Institutional establishment laws.**

Remember→ The Constitution which was accepted and adopted in 1990, Article 102 & 103 & 111 makes provision for the establishment of local governments & regional governments.

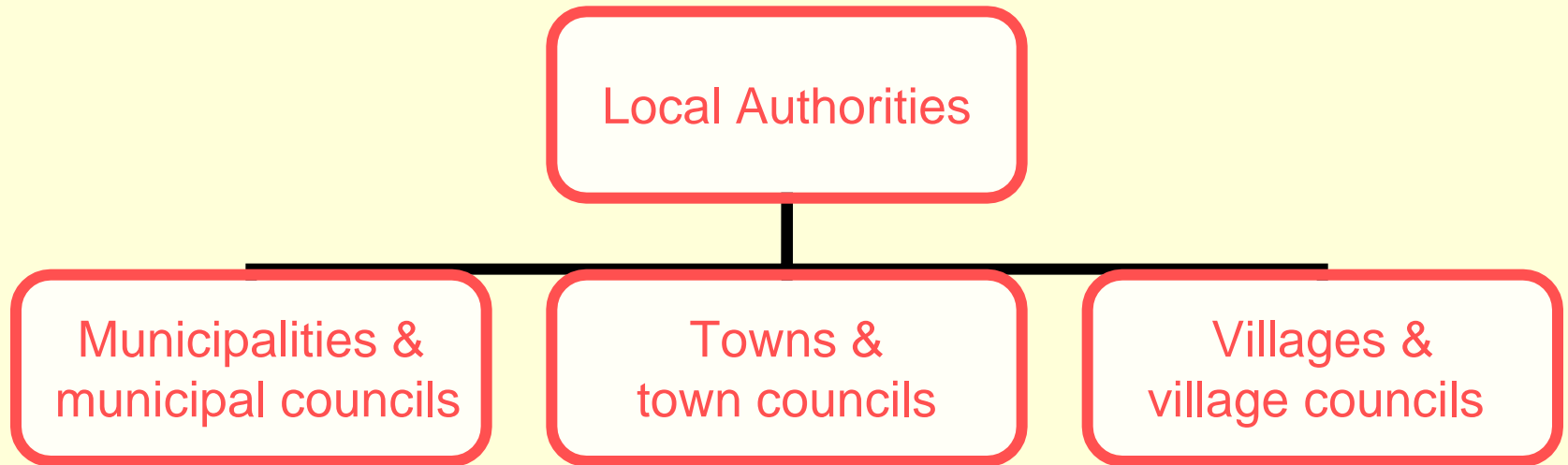
b) **Laws establishing statutory areas.**

c) **Laws governing the planning practice.**

2. Local authorities

Local authorities operate within regions. There are three categories of local government: villages, towns and municipalities. The Minister of Regional and Local Government decides how to classify each local authority, by looking at what services the local authority is able to provide to its residents, and what financial resources are available to it. A local authority can be re-classified as it changes and develops.

ILP 510S: Section 2.2 Legislation & Policies in Namibia



- Each local authority contains a political component and an administrative component.*
- Political/**Elected officials**: Council, councilors & mayor and management committee.
- Administrative/**Appointed officials**: Chief Executive Officer (town clerk/village secretary), various departments and employees.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(i) Institutional Establishment Laws:

Local Authorities Act (No 23 of 1992)

Aim:

- Provide for **establishment of Local Authorities.***
- Define **powers, duties and functions of local authority council's**, which amongst others include the **provision of services.**

Objective:

- Provide for establishment of an ordered system of management of cities, towns, villages and settlement affairs.
- Establish rules, procedures and tasks of Local Authorities.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(i) Institutional Establishment Laws:

Local Authorities Act (No 23 of 1992)

Scope:

- Deal with development approval & procedures.
- Allows L/A to be the first authority to consider land use proposals.
- Establish procedures to **ensure good planning practice.***
- **Set procedures for temporarily/permanently closure of streets, closure of cemeteries and sale of council's property (Section 50 & 45).**
- **Stipulates duties (Section 30) & responsibilities of L/A regarding servicing land in L/A areas.**

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(i) Institutional Establishment Laws:

Local Authorities Act (No 23 of 1992)

The Act allows for local authorities **to compile of regulations** addressing issues for ex.:

naming of streets & numbering, crematoriums & funeral parlours, quarries, regulation of aerodromes, public nuisances, use of places of public entertainment, use of townlands, advertising, hawkers & peddlers, etc! **(Section 94)**.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(ii) Institutional Establishment Laws: **Regional Councils Act (No 22 of 1992)**

Aim:

- **Establish** regional councils in regions determined, in accordance to article 103 of the constitution.
- Make provisions for election of regional councillors
- **Define rights, powers, duties and functions of regional councils.**

Objective:

- Coordinate planning & development of regions regarding physical, social and economic aspects.
- Create settlement areas and assist local authorities within their areas.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(ii) Institutional Establishment Laws: **Regional Councils Act (No 22 of 1992)**

Scope:

- Does not specify planning procedures.
- Authorises regional councils to create new settlements*.
*{Once a settlement is declared procedures and responsibilities as per the Local Authority Act become applicable for planning & management purposes.}
- **Undertake the planning of the development of the region for which it has been established (section 28)**
- **To assist any local authority council in the exercise or performance of its powers, duties and functions (section 28(f))**
- **Elections for members of National Council (section 26).**

National Council

The National Council helps the National Assembly with its task of making laws.

The National Council has two members from each of the 13 regions of Namibia, for a total of 26 members.

Shortly after independence, the President appointed a group of experts called the Delimitation Commission to decide where to draw the boundaries of the new regions. This Commission recommended that there should be 13 regions. This Delimitation Commission also decided how to divide the regions up into constituencies. The President reappoints a Delimitation Commission from time to time to re-examine the division of the regions into constituencies. A Delimitation Commission must be appointed between six to twelve years after the last Commission was appointed.

The residents of each region elect people from their region to the Regional Council. Each Regional Council then chooses two of its members to serve on the National Council for six years.

While the members of the National Assembly represent people in every part of Namibia, the members of the National Council represent only the people in their region. This system helps to balance the interests of each part of the nation against the interests of the nation as a whole.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

Section 31 – Declaration of certain areas in regions as **settlement areas**.

31(1) **If a regional council is**, in respect of any area falling within the region, in respect of which it has been established, but outside any local authority area, **of the opinion –**

- (a) that by reason of circumstances prevailing in such area provision should be made for the management, control and regulation of matters pertaining to **the health and welfare of the inhabitants of such area;**
- (b) that by reason of circumstances prevailing in such area, **the area is an area which ought to be developed so as to be established as a local authority,**

the regional council may by notice in the Gazette declare such area to be a settlement area.

Each regional council also has the duty to manage and control places within the region which have been declared "settlement areas". A settlement area is a place which is not part of a local authority. It can be a place which the regional council is developing to become a local authority in the future, such as a small village which is growing rapidly. A settlement area can also be a place where there is a need for some control and regulation to protect the health and welfare of the inhabitants of the area.

For example, suppose that a temporary camp is set up in a rural area while a road is being built. The regional authority might need to make sure that there is adequate provision for water and sanitation in the camp. Since there is no local authority in a settlement area, the regional council is given powers similar to those of a local authority as a temporary measure.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(iii) Institutional Establishment Laws: **Traditional Authorities Act (No 25 of 2000)**

Aim:

- Provide for **establishment of traditional authorities & designation and recognition of traditional leaders.**
- Define powers, functions and duties of traditional authorities.

Objective:

- Create a **structured system through which customary laws can be recognised.**

* Introduced a formal system for **designating** traditional authorities (Traditional Authority consists of 2 components: Chief/Head of traditional community AND chief/traditional council.)

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(iii) Institutional Establishment Laws: **Traditional Authorities Act (No 25 of 2000)**

Scope:

- Provide for the **establishment of a traditional authority** by a traditional community, e.g. an indigenous social group as defined by the act.
- **The functions** of the chief/head of traditional community.*
- The appointment of **senior traditional councillors & traditional councillors.****

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(a)(iii) Institutional Establishment Laws: **Traditional Authorities Act (No 25 of 2000)**

Scope:

- Ensure the **observance of customary law** by the traditional community.
- **Preserve the culture**, language, traditions and traditional values of the community.
- Traditional leaders are bound to give **support to the policies** of central government, regional councils and local authorities.
- Must help the **police** to prevent and investigate crimes.
- Must make sure that **natural resources are used in a sustainable way**.



Introduction to Land Use Planning and Management (ILP 510S):

Section 2.2

ILP 510S

SECTION 2

2.2) Legislation and Policies in Namibia

(a) Examples of institutional establishment laws

- i. Local Authorities Act (No 23 of 1992)
- ii. Regional Councils Act (No 22 of 1992)
- iii. Traditional Authorities Act (No 25 of 2000)

(b) An example of laws establishing statutory areas

- i. Townships and Division of Land Ordinance (No 11 of 1963)

(c) An example of laws governing the planning practice

- i. Town Planning Ordinance (No 18 of 1954)

(d) Other legislation and policies

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(b) Laws Establishing Statutory Areas:

Townships & Division of Land Ordinance (No 11 of 1963)

Aim:

- Amend & consolidate laws related to the establishment of townships.
- Provide for **regulation & control of development & subdivision of land** and all matters related thereto.*

Objective:

- Ensure orderly development assessed through technical evaluations.**
- Ensure that subdivisions, consolidations, cancellation of existing conditions of titles*** etc are done in a harmonious manner.
- Ensure correct procedures are followed in the decision making process.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(b) Laws Establishing Statutory Areas:

Townships & Division of Land Ordinance (No 11 of 1963)

Scope:

- Provides for the **establishment** of the **Township Board***
- Sets the **composition & functions to be performed by the TB** (incl. **technical evaluation** of for ex. the proposed design of the township & the allocation of zones limiting the use of the erven).
- Prescribe procedures to be followed when **subdividing, consolidating, de-proclaiming and charging endowment & township establishment.****
- Prescribe the procedures for **changing names of approved townships**

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(b) Laws Establishing Statutory Areas:

Townships & Division of Land Ordinance (No 11 of 1963)

Prescribe procedures to be followed when:

- Establishing a township (**Section 4**),
- Subdividing (**Section 19**),
- Consolidating (**Section 30** - Consolidation of two or more erven/land parcels.)
- De-proclaiming a township or portion of a township,
- Payment of endowments.
- Prescribe the procedures for changing names of approved townships (The local authority can submit an application for the change of the name of an approved township.)

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(b) Laws Establishing Statutory Areas:

Townships & Division of Land Ordinance (No 11 of 1963)

Section 19(5) prescribes the payment of endowments.

- An endowment payment is an amount of money **payable to a L/A** following approval of a subdivision.
- Endowment payments be used by the L/A to finance and carry out **betterment work***
- Endowment is calculated as a **percentage of the value of such portion** at the time of disposal.**
- Endowment payments are intended **to cover development costs to the community** arising from the incremental (cumulative) effect of each increase in development density (ALAN, 1995).

FOR YOUR INFORMATION

The TDLO (11 of 1963) refers to a “township” as:

Any area of land registered as one or more pieces of land either contiguous (adjacent) or in close proximity to each other which is being or is intended to be laid out or divided into sites for residential, business, industrial, building, occupational or similar purposes or for urban settlement arranged in such a manner as to be intersected or connected by or to abut on public places.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(c) Laws Governing the Planning Practice: **Town Planning Ordinance (No 18 of 1954)**

Aim:

- Make provision for the **preparation and carrying out of town planning schemes**, and to **provide for a framework** for planners, through which such schemes are to be prepared. *

Objective:

- Facilitate coordinated & harmonious development in local authority areas.
- Ensure the health, order, convenience, general welfare, safety and amenity of the local authorities is promoted.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(c) Laws Governing the Planning Practice: **Town Planning Ordinance (No 18 of 1954)**

Scope:

- **Establish NAMPAB to advise the minister of MURD on issues of scheme preparations as well as other planning related issues (desirability for and necessity of establishing townships).**
- **Set out procedures to be followed in preparing schemes.**
- **Specify the contents of schemes and the issues that must be addressed in surveys.**
- **Set approval procedures of schemes and powers of NAMPAB in relation to schemes.**

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(c) Laws Governing the Planning Practice: **Town Planning Ordinance (No 18 of 1954)**

Section 34 prescribes the payment of betterment fees.

- Betterment is a **payment made to a L/A** for any **increase in the value of land** resulting from a rezoning or the coming into operation of the provision of a town planning scheme.*
- All money received shall be applied towards the discharge of any debt of the responsible authority, or otherwise for any other purpose for which capital money may be applied**

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SECTION 2

- 2.2) Legislation and Policies in Namibia
(d) Other legislation and policies

- i. **Urban and Regional Planning Bill (2003)**
- ii. **Namibia's Green Plan (1992)**
- iii. **The Environmental Assessment Policy (1995)**
- iv. **Environmental Management Act (No 7 of 2007)**

- v. **Vision 2030**
- vi. **National Development Plans**
- vii. **The Namibian Constitution (1990)**
- viii. **Decentralisation Enabling Act (No 33 of 2000)**
- ix. **National Heritage Act (No 27 of 2004)**

- x. **National Land Policy (1998)**
- xi. **National Resettlement Policy (July 2001)**
- xii. **Agricultural (Commercial) Land Reform Act (No 6 of 1995) as amended**
- xiii. **Communal Land Reform Act (No 5 of 2002) as amended**
- xiv. **Flexible Land Tenure Act (No 4 of 2012)**

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Urban and Regional Planning Bill (2003)

Aim:

- **To facilitate land use planning activities** in such a way as will most effectively promote health, safety, order, amenity, convenience and environmental and economic sustainability in the process of development.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Urban and Regional Planning Bill (2003)

Scope:

- **Establish Urban Regional Planning Board** (to combine the existing two boards in order to speed up the approval process)*
- Provide for national, regional & urban **structure plans** with **statutory status**. **
- Stipulate the preparation and implementation of **zoning schemes**.
- Regulate and control **subdivisions and the consolidation** of land.
- Allow for the **establishment of new urban area** and extension of existing municipalities, towns, villages and settlements
- Allow for **Authorised Planning Authorities** (LA & RC – certain provisions) thus decentralise regional and urban planning and land use management.

The path to sustainability

Namibia's independence in 1990 was the trigger for the nation to re-define itself as a country and as a member of the international community. Prior to this, the territory was subjected to colonial governance and unsustainable resource exploitation.

The government's policy of national reconciliation encouraged co-operation between people from various backgrounds and national consensus began with the adoption of the Constitution . Article 95(1) of the Constitution declares that *“The State shall actively promote and maintain the welfare of the people by adopting policies aimed at ... the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilisation of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future...”*

Biological diversity – the **variety of living organisms** on land and in water & the **variety of ecological systems** where they live.

Ecology – the **relationship between organisms and their environment**

Ecosystem – is a particular **interconnected community of living organisms** and their physical environment.

The Path to Sustainability, continued.

Based on this foundation, the Ministry of Environment and Tourism (MET) initiated an extensive process of in-country, **inter-sectoral dialogue** on the subject of **environmental management** and **sustainable development**.

This resulted in the drafting of Namibia's Green Plan which was **presented at the Rio Earth Summit in 1992**.

The **Green Plan emphasised** the reciprocal **relationship** between environmental health and living standards and **the link between the state of the economy and the state of the environment**.

... The **Green Plan** recorded **consensus** on the need for an **EA policy** to “ensure that independent environmental impact assessments form part of the pre-feasibility study of all development projects and subjecting all such projects to long term regular environmental monitoring”.

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2.2(d) Other Legislation and Policies:

Namibia's Green Plan (1992) – national common vision re. environmental issues, priorities & future actions

Aim:

- The Green Plan **identified and analysed the main environmental challenges** facing the country and **identified the actions required** to address them.

(Some of the environmental issues were desertification; pollution; **environmental management policy problems arising from outdated legislation**; human induced land degradation; biodiversity loss; bush encroachment; and poverty.)

- Based on the Green Plan an effort was made to incorporate environmental and sustainable development issues & options into the NDP2.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Environmental Assessment Policy (1995)

Aim: To promote **sustainable development** and **economic growth** while **protecting the environment** in the long term.

(This policy reflects a broad consensus on the **need for environmental assessments in Namibia**, for both **individual projects** but also the assessment for **programmes and policies**.)

Scope: A **framework** which outlines the **procedures for an environmental assessment & a list of policies, programmes and projects requiring an E/A**

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Environmental Management Act (No 7 of 2007)

Aim:

- To make sure that people **consider the impact of activities** on the environment carefully and in good time.
- To make sure that **all interested or affected people have a chance to participate in environmental assessments.**
- To make sure **that the findings of environmental assessments are considered before any decision are made** about activities which might affect the environment.

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2.2(d) Other Legislation and Policies:

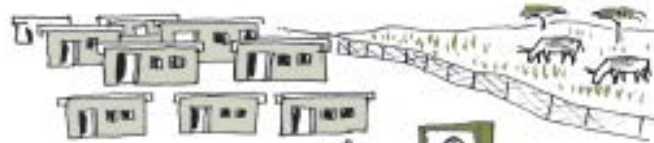
Environmental Management Act (No 7 of 2007)

Scope:

- Establish the **Sustainable Development Advisory Council** and
- Provide for the appointment of **the Environmental Commissioner** and environmental officers.*
- Provide for **environmental plans**.**
- **List activities which require an environmental clearance certificate** (for ex. In the areas of agricultural processes, industrial processes, transportation, waste and sewage disposal etc.).***
- Describe the **environment assessment process** when a formal environmental assessment is required before a **environmental clearance certificate** can be issued.

The Minister can include any activity with potential environmental consequences in the list. However, some of the activities which are listed are likely to fall into the following categories:

✧ land use and transformation



✧ water use and disposal



✧ the removal of resources (including natural living resources)



✧ resource renewal



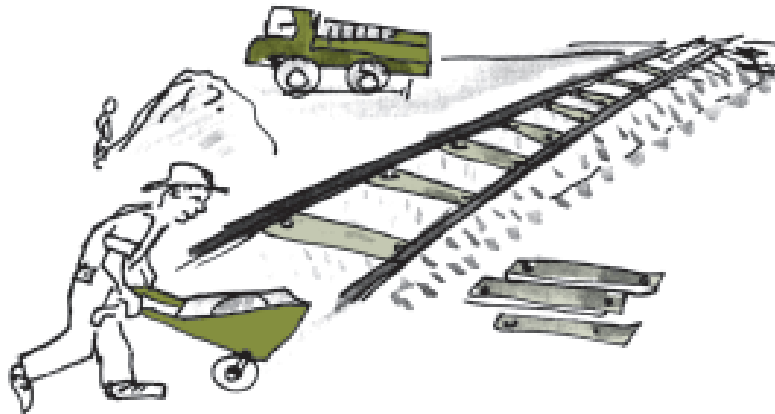
✧ agricultural processes



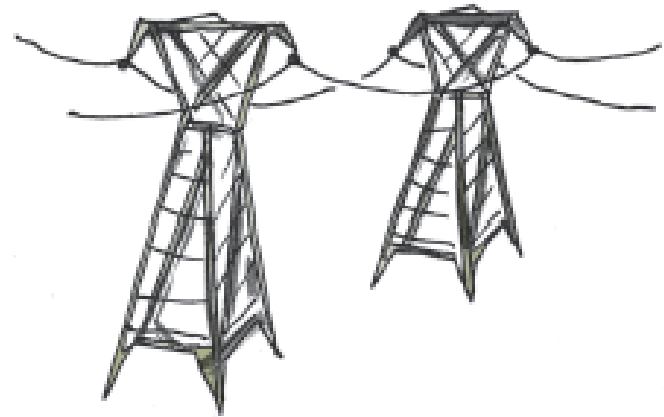
✧ industrial processes



✿ transportation



✿ energy generation and distribution



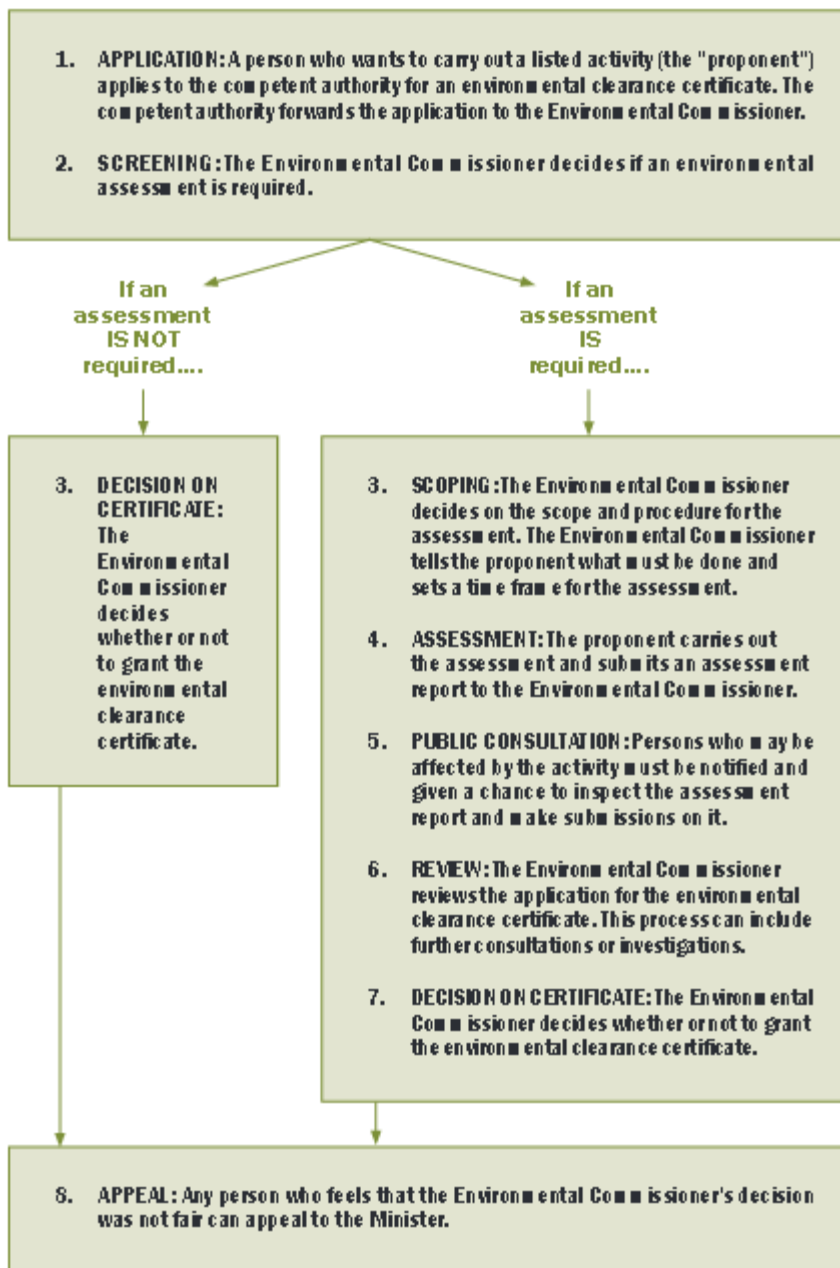
✿ waste and sewage disposal



✿ recreation



HOW TO GET AN ENVIRONMENTAL CLEARANCE CERTIFICATE



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v. Vision 2030

vi. National Development Plans

vii. The Namibian Constitution (1990)

viii. Decentralisation Enabling Act (No 33 of 2000)

ix. National Heritage Act (No 27 of 2004)

x. National Land Policy (1998)

xi. National Resettlement Policy (July 2001)

xii. Agricultural (Commercial) Land Reform Act (No 6 of 1995)
as amended

xiii. Communal Land Reform Act (No 5 of 2002) as amended

xiv. Flexible Land Tenure Act (No 4 of 2012)

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies: Vision 2030

Aim:

- Provides a **framework** (eight main objectives) to design **broad strategies for long term national development.**
- Provides a broad unifying vision which **guides the country's five-year development plans** (from NDP2 to NDP7)
- **And provides direction to government ministries, the private sector, NGO's, civil society, regional and local government authorities.**

What is Vision 2030?

Vision 2030 was adopted in 2004 , Vision 2030 is the collection of the aspirations of the people for a “**prosperous industrialised Namibia, developed by her human resources, enjoying peace, harmony and political stability.**”

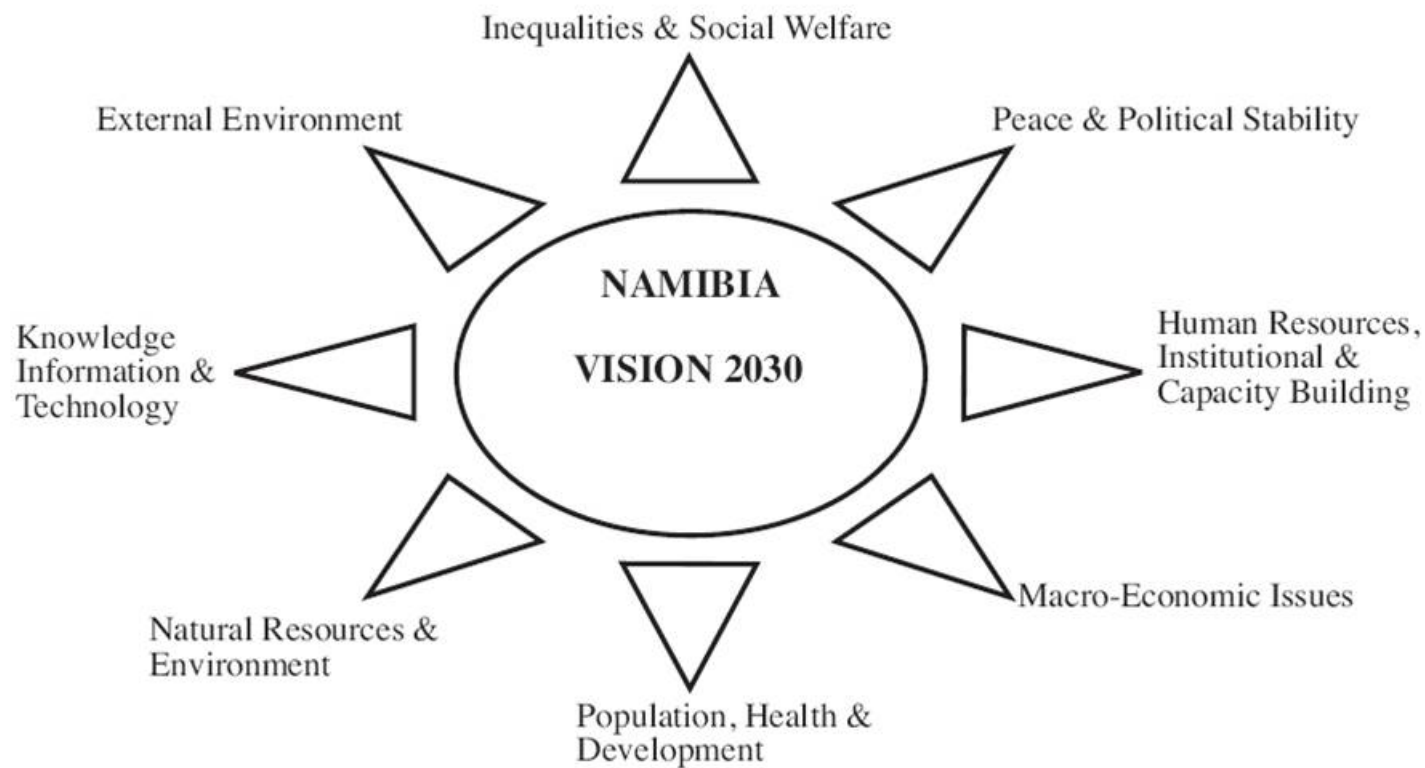


Figure 1.1: Namibia - Issues for Vision 2030 Formulation

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2.2(d) Other Legislation and Policies: National Development Plans (compiled by National Planning Commission)

The NDPs are seen to be the main **vehicles to translate the Vision into action** and make progress towards realising the Vision by 2030.

Aim:

- **the systematic attempt to translate the Vision 2030 objectives into action.**

Note: NDP3 (Overall theme): **“Accelerated Economic Growth and Deepening/Intensified Rural Development.”**

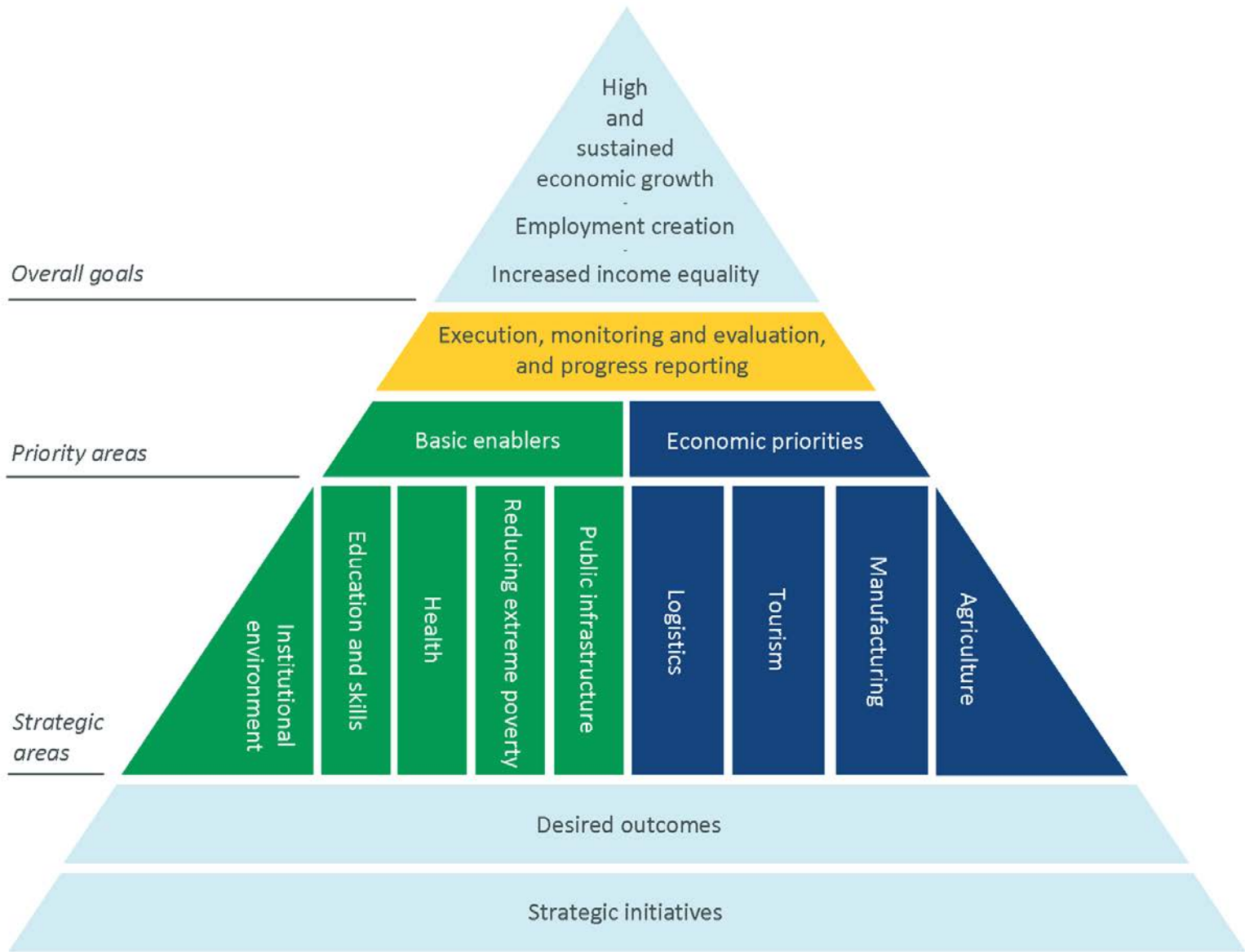
ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies: National Development Plans (compiled by National Planning Commission)

NDP4 (2012/2013 to 2016/2017) concentrate on **fewer goals**:

- **High & sustained economic growth***
 - Increased income equality
 - Employment opportunities
- To reach these goals, the NDP4 has identified **key areas of focus** that will create the necessary **momentum for higher economic growth**, the following **economic sectors will enjoy priority status**:
 - **Logistics, Tourism, Manufacturing & Agriculture.**

2030



Source: NDP4 Executive Summary document, p8
http://www.npc.gov.na/docs/NDP4_Executive_Summary.pdf

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies: National Development Plans (compiled by National Planning Commission)

One section of the NDP4 reflects on **enablers** (that are the necessary conditions for economic development.)

The important basic enablers are:

- the institutional environment including environmental management,
- education and skills development,
- Health / healthy population,
- the reduction of extreme poverty, and
- public infrastructure.

These are also referred to as **foundation issues**, and it is assumed that, without them, economic development will be difficult – if not impossible.

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2.2(d) Other Legislation and Policies:

The Namibian Constitution

(adopted February 1990, as amended)

- Article 95(l) deals with the issue of maintenance of ecosystems, ecological processes and biodiversity through **the protection of the country's environment.**
- Article 100 confers **ownership of all land**, water and natural resources in Namibia belongs to the State, **if they are not otherwise lawfully owned.**
- Article 102 stipulates the **structure of sub-national government** consisting of **regional councils and local authorities**, including the provision of a **Council of Traditional Leaders.*** (Article 103 and 111 respectively allows for the establishment of the regional and local authorities)

1.1 Namibia has adopted Decentralization as a State Policy and is now embarking on the implementation process. However for one to grasp the rationale behind the introduction of Decentralization Policy in the country, it is necessary to view the background of the governance of the country prior to the attainment of independence in 1990.

1.2 Before the attainment of independence, the people of Namibia were engaged in a protracted struggle against colonialism, racism and apartheid, all of which had denied the majority of the people democracy and development. The people of Namibia did not have power to make decision on matters that affect their lives and therefore were not able to determine their own destiny.

1.3 The conception and introduction of the Policy of Decentralization in Namibia has its root/origin in the vision of the now ruling party, the South West Africa People's Organization (SWAPO) party, during the people's struggle before independence. SWAPO's vision on decentralization was reflected way back in its election manifesto of 1989. Chapter 12 of the manifesto on Local Government and Housing provided that, "under a SWAPO government, Independent Namibia will have democratically elected local authorities in both rural and urban areas, in order to give power to the people at the grass root level to make decisions on matters affecting their lives."

1.4 The vision of SWAPO on local governance was later enshrined in the Constitution of independent Namibia. Chapter 12 of the Constitution provides for the system of regional and local government in the country. Article 102 (1) specifically provides for structures of regional and local governments. It states that, "For purposes of regional and local government, Namibia shall be divided into regional and local units which shall consist of such

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

The Decentralisation Enabling Act (No 33 of 2000)

Aim:

- provides for and regulates the **decentralisation of central government functions, power, financial responsibilities and resources** to regional and local authorities.

The **MURD** has been given special powers in terms of the Decentralisation Enabling Act (No.33 of 2000) with regard to the implementation of decentralisation.

IOW the minister may transfer the responsibility of a specific government function from the “line ministry”* to a regional or local authority.

WHAT IS DECENTRALISATION?

“Decentralisation” means giving the power and responsibilities to make decisions about urban areas (villages, towns and municipalities) and rural areas (settlements) to Regional Councils and Local Councils respectively. Regional Councils and Local Authorities are Government bodies directly elected by the people who live within their jurisdiction.

WHAT ARE THE BENEFITS OF DECENTRALISATION?

- It brings services such as education, health care, water and electricity closer to the people
- It promotes participatory democracy and sustainable development for the benefit of all Namibia's citizens
- It ensures that all interests at a regional level are taken care of at the national level because the Regional and Local Authorities are closer to the communities and, thus, are better positioned to know what the ground needs of the communities are

ROLE PLAYERS

- 
- The **Ministry of Regional and Local Government, Housing and Rural Development** is responsible for coordinating the decentralisation process
 - The **Minister of Regional and Local Government, Housing and Rural Development** has been given special powers in terms of the Decentralisation Enabling Act, 2000 (No.33 of 2000) with regard to the implementation of decentralisation
 - **Cabinet** approves the decentralisation of functions to Regional Councils and Local Authorities
 - The **decentralising line ministries**, decentralise functions to regional Councils and Local Authorities
 - **Regional councils** and **local authorities**, receive and execute the decentralised functions
 - **Communities** are the beneficiaries of decentralised services

LEGISLATIVE & POLICY FRAMEWORK FOR DECENTRALISATION IN NAMIBIA

The **Namibian Constitution** provides for the establishment of a system of regional and local government.

- Article 102(1) of the **Constitution specifically provides** for the structures of regional and local government
- The **Regional Councils Act, 1992 (No 22 of 1992)** as amended provides stipulations relating to Regional Councils elections
- The **Local Authorities Act, 1992 (No 23 of 1992)** as amended provides stipulations relating to Local Authorities elections, including that elections shall be held at intervals not exceeding five years.
- **The Decentralisation Policy adopted in 1997 by the National Assembly**
- The **Decentralisation Enabling Act, 2000 (No 33 of 2000)**

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

National Heritage Act (No 27 of 2004)

Aim:

- provides for the **protection and conservation** of places and objects of heritage significance (aesthetic, archaeological, cultural, historical, scientific or social significance) and
- the registration of such places in a **National Heritage Register (compiled by the National Heritage Council.)**

Act No. 27, 2004

NATIONAL HERITAGE ACT, 2004**ACT**

To provide for the protection and conservation of places and objects of heritage significance and the registration of such places and objects; to establish a National Heritage Council; to establish a National Heritage Register; and to provide for incidental matters.

(Signed by the President on 19 December 2004)

“heritage significance” means aesthetic, archaeological, architectural, cultural, historical, scientific or social significance;

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- xiv. **Flexible Land Tenure Act (No 4 of 2012)**

Time line: Land Reform

- **1991 (25 June -1 July): A National Conference on Land Reform** and the Land Issue (Although it had no decision-making powers it was seen as a sincere effort by government to consult with all affected by land matters, and to develop policy proposals that would be difficult for government to ignore.)
- **1995:** Adoption of Agricultural (Commercial) Land Reform Act* (The act came into effect **without a general land reform plan (policy)** to guide the process of acquisition and settlement of new farmers.)
- **1998:** Adoption of the National Land Policy**
- **1997 & 2001:** National Resettlement Policy
- **2002:** Communal Land Reform Act

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SELF STUDY:

NATIONAL LAND POLICY (P29)

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

National Land Policy (1998)

The philosophy behind the National Land Policy is aiming at **redressing the problem of dispossession***, **discrimination** and the **inequitable distribution of land** which characterised the pre-independence era.

Aim:

- provides a **progressive land reform package** on which **land legislation** for both the commercial and subsistence sectors **should be developed**.
- to **address** the present state of **uncertainty about land issues**.

ILP 510S

RURAL:

- 1) **Lack of clear policy & administrative structure for land allocation & management – main concern.**
 - **Administration of land** in the communal areas by the different boards (12 Communal Land Boards) & Traditional Authorities.
 - The land in **communal areas belongs to the state**, but **people are given rights** to use parts of these communal lands for as long as they live, and to pass on those rights to their descendants.
- 2) **The land tenure types (Freehold, *Customary Land Rights & *Right of Leasehold).** *in accordance with Communal Land Reform Act.
- 3) **The redistribution of land & the resettlement programme.**

ILP 510S

RURAL: Continued

- 4) **Excessive freehold land holdings**, in excess of 2 economic units may be compulsorily acquired by MLR for redistribution.*
- 5) **Abandoned and under utilised land**, compulsory acquisition by MLR ito ACLRA.
- 6) **Subdivision of Land** (fragmentation of commercial farm land – units of an economic viable size) etc.
- 7) **Foreign nationals** may not acquire land, except with the permission of the Minister.
- 8) **Restitution of land rights** abrogated by the colonial and South African authorities prior to Independence, **will not form part of Namibia's Land Policy** (p14 , National Land Policy) – but to redress the injustices of the past*.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

The land reform programme is built on four pillars, namely:

- 1) re-distributive land reform (involving state acquisition according to the willing buyer–willing seller principle and expropriation);*
- 2) the Affirmative Action Loan Scheme administered by the Agricultural Bank of Namibia (Agribank);
- 3) tenure reform; and
- 4) the development of un- or underutilised non-freehold land. From http://www.kas.de/wf/doc/kas_18654-1522-1-30.pdf?100623114358

ADDITIONAL INFORMATION

Land Reform in South Africa: Constructive Aims and Positive Outcomes – Reflecting on Experiences on the Way to 2014.

Article: Namibian Land Reform Experiences: 1990-2007

Author: Eric Ndala (p63-69)

Konrad-Adenauer Stiftung. Seminar Report No 20 July 2009.

http://www.kas.de/wf/doc/kas_18654-1522-1-30.pdf?100623114358

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Introductory remarks

- “Land reform” has been on the development agenda in Namibia since before Independence
- “Land reform” means the **redistribution** and/or **confirmation of rights** in land for the benefit of the poor.
- **The land reform debate focuses on:**
 - (a) the redistribution of commercial farms which are mostly owned by whites and
 - (b) tenure reform in the Communal areas.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

National Resettlement Policy (July 2001)

- The National Policy on Resettlement is a major step forward towards the **implementation of the land reform programme.**
- MLR* defines **resettlement** as a **movement of people from an area with insufficient resources to the one which is more likely to provide a satisfactory standard of living.**
- **Resettlement is a voluntary programme** for which people apply and choose the preferred area for their resettlement which can be either in the communal or commercial areas.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

National Resettlement Policy (July 2001)

Aim:

- is to **resettle eligible* people** in an institutionally, sociologically, economically and environmentally sustainable manner and in such a way that **they become self-supporting**.

*Includes the San community, Ex-soldiers (former fighting forces), Returnees, Displaced & Destitute and Landless Namibians (Namibians from exile), People with disability AND People from overcrowded communal areas.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

National Resettlement Policy (July 2001)

Important Objectives:

- is first to **enhance the welfare** of the people through **improvement of productivity** and
- secondly to **develop destination areas** where people are supposed to **earn a decent living** (Republic of Namibia, 2008).

2.2 Objectives

- a) To redress past imbalances in the distribution of natural resources, particularly land.
- b) To give an opportunity to the target groups to produce their own food with a view towards self-sufficiency.
- c) To bring small-holder farmers into the mainstream of the Namibian economy by producing for the open market and to contribute to the country's Gross Domestic Product.
- d) To create employment through farming and other income generating activities.
- e) To alleviate human and livestock pressure in communal areas.
- f) To offer an opportunity to citizens to reintegrate into society after many years of displacement by the colonialization process, war of liberation and other diverse circumstances.

TO SUMMARISE

A National Land Conference was called in 1991 to gather the broadest possible input on the land reform process.

These **recommendations** emerging related **primarily to policy**, but among them, and still central to the land reform programme, was that the restoration of ancestral lands should not be a part of the process, and that poor and disadvantaged people, variously defined, should be given land.

In addition, it was understood by all that **any land reform programme** must be **consistent** with the law embodied in **Article 16 of the Constitution**, ...

Article 16 recognises property rights, and while explicitly permitting expropriation to redress inequality, provides that “just compensation” must be paid.

It then took four years for Parliament to pass the Agricultural (Commercial) Land Reform Act 6 of 1995.

SOURCE: No Resettlement Available. <http://www.lac.org.na/projects/lead/Pdf/exprorep.pdf>

The Government can, therefore, expropriate land if the land is to be used for a public purpose. An example of this type of expropriation is where the Government expropriates land in order to build a road.

Article 16, Namibian Constitution

- “(1) All persons shall have the right in any part of Namibia to acquire, own and dispose of all forms of immovable and movable property individually or in association with others and to bequeath their property to their heirs or legatees: provided that Parliament may by legislation prohibit or regulate as it deems expedient the right to acquire property by persons who are not Namibian citizens.
- (2) The State or a competent body or organ authorised by law may expropriate property in the public interest subject to the payment of just compensation, in accordance with requirements and procedures to be determined by Act of Parliament.”

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Agricultural (Commercial) Land Reform Act (No 6 of 1995) as amended. (This is the first major piece of legislation on land reform.)

Aim:

- Allows for the **acquisition of agricultural land** by the State for the **purpose of land reform** and
- For the **allocation of such land** to Namibian **citizens who do not own** or otherwise have the use of any or of adequate agricultural land (& those who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices.)

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Agricultural (Commercial) Land Reform Act (No 6 of 1995) as amended.

Scope:

- It establishes **the preferential right of the State** to purchase agricultural land. (A requirement that any commercial farm offered for sale is offered to the Government first for the purposes of resettlement.)
- Provides for the **compulsory acquisition** of certain agricultural land by the State for the purposes of the Act (expropriation).
- A provision against **ownership of multiple land holdings** by a single individual.
- A provision against **ownership** of commercial farmland by **non-Namibians**.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Agricultural (Commercial) Land Reform Act (No 6 of 1995) as amended.

Scope:

- Creation of a **Land Reform Advisory Commission** to advise the Government on the suitability of farms it wants to purchase and to resolve disputes arising from other parts of the Act.
- Allows for establishment of **Land Tribunal*** – appeals i.t.o. act
- Allows for the introduction of **commercial agricultural land tax.**

*Article 36-39 refers to the alienation – the Minister may (after consultation with the Commission) allot to any person or group of persons for agricultural purposes any agricultural land acquired by the state under the provisions of this act.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies: **Act (No 6 of 1995) as amended:**

Information regarding “Willing buyer / Willing seller” model

Part III of the Act, beginning at section 16, sets out a **preferential right of the State to purchase agricultural land.**

This right has been in operation since 1995 **and requires the willing seller of any farm to first offer the land to the State. If the State decides not to purchase the farm, it issues a “certificate of waiver”** enabling the owner to **sell the land on the open market.**

Under this provision the Government has acquired 209 farms for land reform purposes at a cost of N\$215 million, and has issued 785 “certificates of waiver”. This process has involved, in only 12 years, about one-seventh of all the farms in Namibia, so over time, many more farms could be acquired through this process, without expropriation.

The NAU, which supports a moderate and legal land reform process, endorses this method of land acquisition. (p13)

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Act (No 6 of 1995) as amended:

Information regarding “Willing buyer / Willing seller” model: continued

In terms of a planned land reform process, it is difficult to base planned change on the chance opportunity that particular farms might be available.

The fact that the **Government rejected 785 farms** has been argued to prove that the **Government is not serious about land reform**. But much of Namibia has always been **marginal agricultural land**, and the Government has stated that **most of the farms offered were unsuitable** for resettlement purposes in that they were **farms so marginal** that they were never profitable even to white farmers subsidised by the State. ...

The opposite may also be true: that the **best farms** in the country were **not** being **offered** to the Government under the scheme because they were in the **hands of stable families** passing profitable land down from generation to generation. (p14)

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies: **Act (No 6 of 1995) as amended:**

Information regarding “Willing buyer / Willing seller” model: continued

There were also rumours of **schemes to evade the Act**, most specifically of **creating close corporations to own the farms**, then **selling shares rather than selling the land**.

Finally, ... the **Government may not have enough money** to buy as many farms as it would have liked. A **land tax** introduced in 2005 has yielded N\$60 million for land acquisition.

The “**slow**” pace of land reform was attributed to the “**willing buyer / willing seller**” process, but **in retrospect it seems that the pace was due primarily to the Government’s limited capacity to utilise the farms offered for sale** for resettlement purposes. The section 14 issue of **who should be the beneficiaries** has created a backlog in the resettlement process. This, combined with a **lack of capacity in the creation and support of resettlement projects**, has left the Ministry over-extended.
(p14)

SOURCE: No Resettlement Available. <http://www.lac.org.na/projects/lead/Pdf/exprorep.pdf>

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Act (No 6 of 1995) as amended:

Some remarks re. “EXPROPRIATION”: compulsory acquisition of agricultural land

There is **no fundamental legal problem** in Namibia with the basic concept of expropriation.

The **ACLRA** was nothing less than the **statutory embodiment of the Namibian Constitution’s specific provision for expropriating land**. Article 16(1) of the Constitution guarantees the right to acquire, own and dispose of property, while **Article 16(2) specifically provides for expropriation** “in the public interest subject to the payment of just compensation”.

Furthermore, **Article 23(2)** permits the Government to legislate for the **advancement of persons** “who have been socially, economically, or educationally disadvantaged by past discriminatory laws and practices”, and **for “the implementation of policies and programmes** aimed at redressing social, economic, or educational imbalances in the Namibian society ...”. **(p15)**

SOURCE: No Resettlement Available. <http://www.lac.org.na/projects/lead/Pdf/exprorep.pdf>

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Act (No 6 of 1995) as amended:

Some remarks re. “EXPROPRIATION”: compulsory acquisition of agricultural land

The ACLRA not only **set out the legal process for expropriation, ...**
(**complicated set of procedures** in Section 19-35)

Given that **expropriation in itself is clearly legal**, what can be litigated is (1) the process and (2) the compensation. **(p15)**

NOTE:

Refer to the ACLRA as follows:

Agricultural Commercial Land Reform Act (No 6 of 1995) as amended.

Refer to the CLRA as follows:

Communal Land Reform Act (No 5 of 2002) as amended.

expropriation

When the right to property is taken away by the State without the agreement of the owner, but with the payment of just compensation.

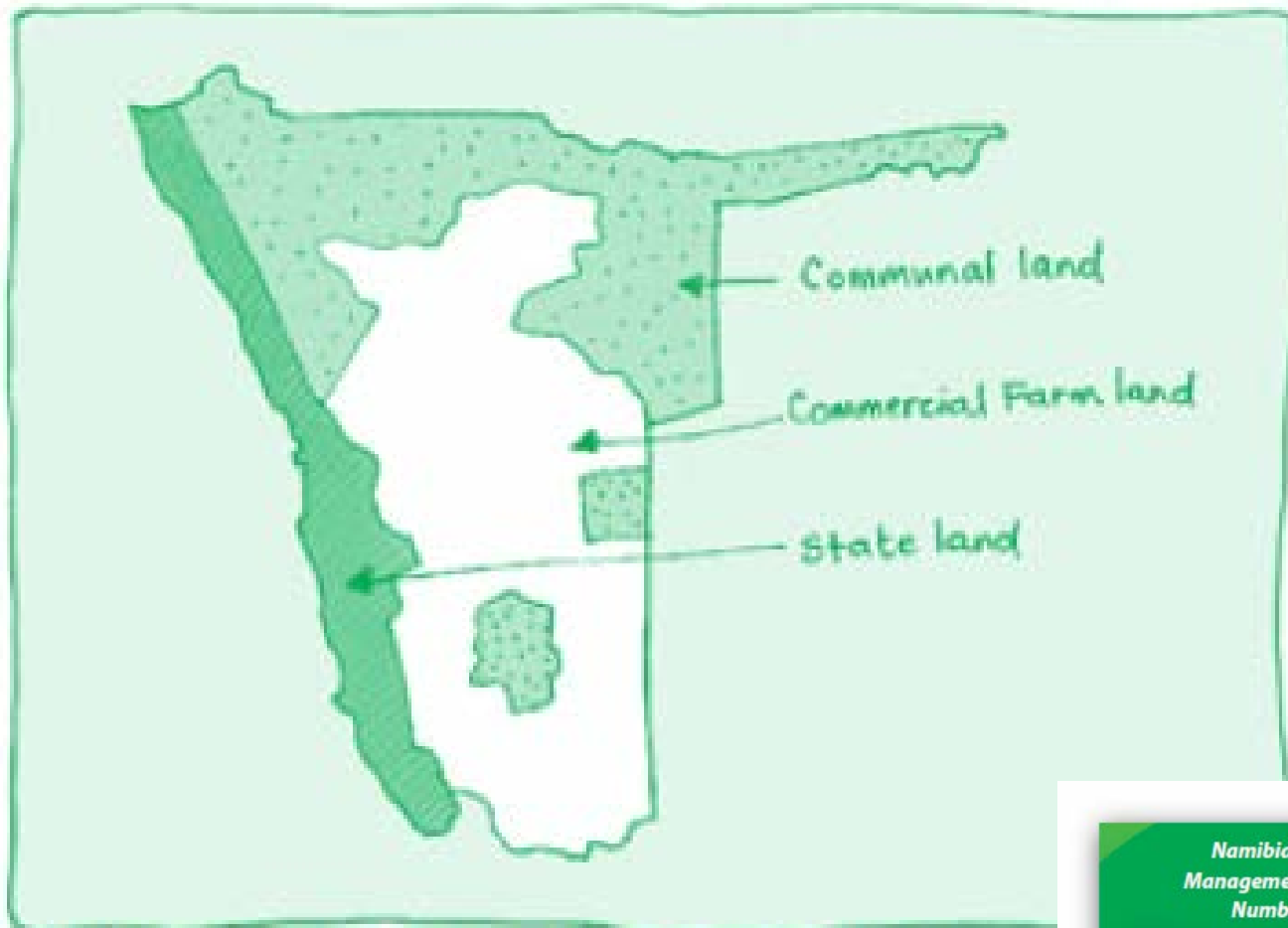


Figure 1 State, communal and commercial areas in Namibia



The Communal Land Reform Act – This act provide for the allocation of rights in respect of communal land

4. Why have communal land registration?

Before the enactment of the Communal Land Reform Act (Act No. 5 of 2002), chiefs and Traditional Authorities (TAs) used to allocate land use rights to their people. They did this by following their traditional tenure systems. These allocations were mostly not documented (recorded by being written down) and could therefore only be transferred orally. This resulted in many land-related disputes, such as double allocations (where the same parcel of land is alleged to have been allocated to different people), boundary disputes, unauthorised extensions of allocated land and illegal fencing. TAs and the GRN also did not regulate the allocation of land, resulting in reported cases of unequal land distribution in all communal areas. Some people were allocated huge pieces of land whereas others were getting less; some people were allowed to fence their land, whereas others were not. This inevitably led to a lack of trust in the entire customary system of land tenure.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Communal Land Reform Act (No 5 of 2002) as amended.

Aim:

- Provides that **communal land is vested in the State** in trust for the benefit of the traditional communities residing in those areas.
- **Provides for the recording & registration of all land rights (customary land rights or rights of leasehold), in the communal lands areas.**

Scope:

- allows for the **establishment of Communal Land Boards**, to exercise control over this allocation of rights in land.
- **determines the powers of Chiefs and Traditional Authorities (& Boards)**, in relation to communal land
- 2 kinds of land rights – Customary Land Right &
- Right of Leasehold.

Section 17: Vesting of communal land

Section 17 makes it very clear that all communal land areas vest in (belong to) the State. The State must keep the land in **trust** for the benefit of the traditional communities living in those areas. Because communal land belongs to the State, the State must put systems in place to make sure that communal lands are administered and managed in the interests of the people living in those areas. The Act does this by including the Chief or the Traditional Authority in the administration process, and by creating Communal Land Boards. These parties will work together to ensure better communal land administration.

The Act also makes it clear that communal land cannot be sold as freehold land to any person. This means that communal land cannot be sold like commercial farmland.

Vesting of communal land

17.(1) Subject to the provisions of this Act, all communal land areas vest in the State in trust for the benefit of the traditional communities residing in those areas and for the purpose of promoting the economic and social development of the people of Namibia, in particular the landless and those with insufficient access to land who are not in formal employment or engaged in non-agriculture business activities.

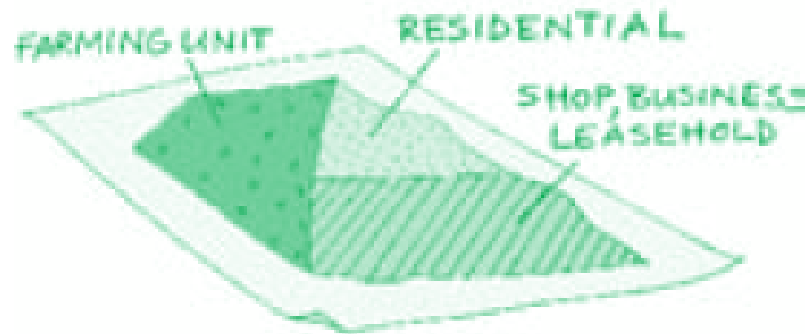
(2) No right conferring freehold ownership is capable of being granted or acquired by any person in respect of any portion of communal land.

6. Knowing my land use rights

In accordance with the Communal Land Reform Act, two categories of land rights can be allocated on communal land:

- **Customary land rights**, which cover the right to a *residential unit* (an area where a person can have her/his house) and the right to a *farming unit* (an area on which a person can farm). These rights are for non-commercial practices.
- **Right of leasehold**, which gives the right to carry out a specific commercial activity on the parcel (as described on the certificate).

The Minister of Lands and Resettlement might also recognise and prescribe any other land right as is deemed appropriate or necessary. To date, this has not been applied.



ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Flexible Land Tenure Act (No 4 of 2012) (Allows for parallel interchangeable* property registration system)

- The Flexible Land Tenure System is designed for and will be **applied in all urban areas.**
- Thus all **people living in informal settlements** will have the same rights to the land whether the land is located **in a communal area or a commercial area.** Since the Communal Land Reform Act applies only to rural communal areas and not to **proclaimed urban/town lands** in communal areas, the Flexible Land Tenure Act will apply in the latter areas.

ILP 510S: Section 2.2 Legislation & Policies in Namibia

2.2(d) Other Legislation and Policies:

Flexible Land Tenure Act (No 4 of 2012) (Allows for parallel interchangeable* property registration system)

Aim:

- Allows for the **development of a tenure system**, which will provide a cheap, accessible, credit worthy and a secure form of tenure (new form of title for immovable property).

Scope:

- **Starter title**, a statutory form of tenure registered in respect of a block of land,
- **Landhold title**, a statutory form of tenure – gives the holder the right to occupy a defined site in perpetuity (permanently/eternity)

The **starter title is a statutory form of tenure** registered in respect of a block of land. This title gives the holder the right –

- (a) to perpetually **occupy a site within a block** or in a similar block (the exact site within the block is not defined); and
- (b) to **transfer** or otherwise dispose of **the occupancy right** subject to a group constitution requiring group **consent** to transfers.

Servitudes or **mortgages cannot be registered** until individual household sites are defined.

The **landhold title is a statutory form of tenure** incorporating all of the most important aspects of freehold ownership, but without all the complications of full ownership. This title gives the holder the right –

(a)to **occupy a defined site in perpetuity** and to **transfer** or otherwise dispose of the right.

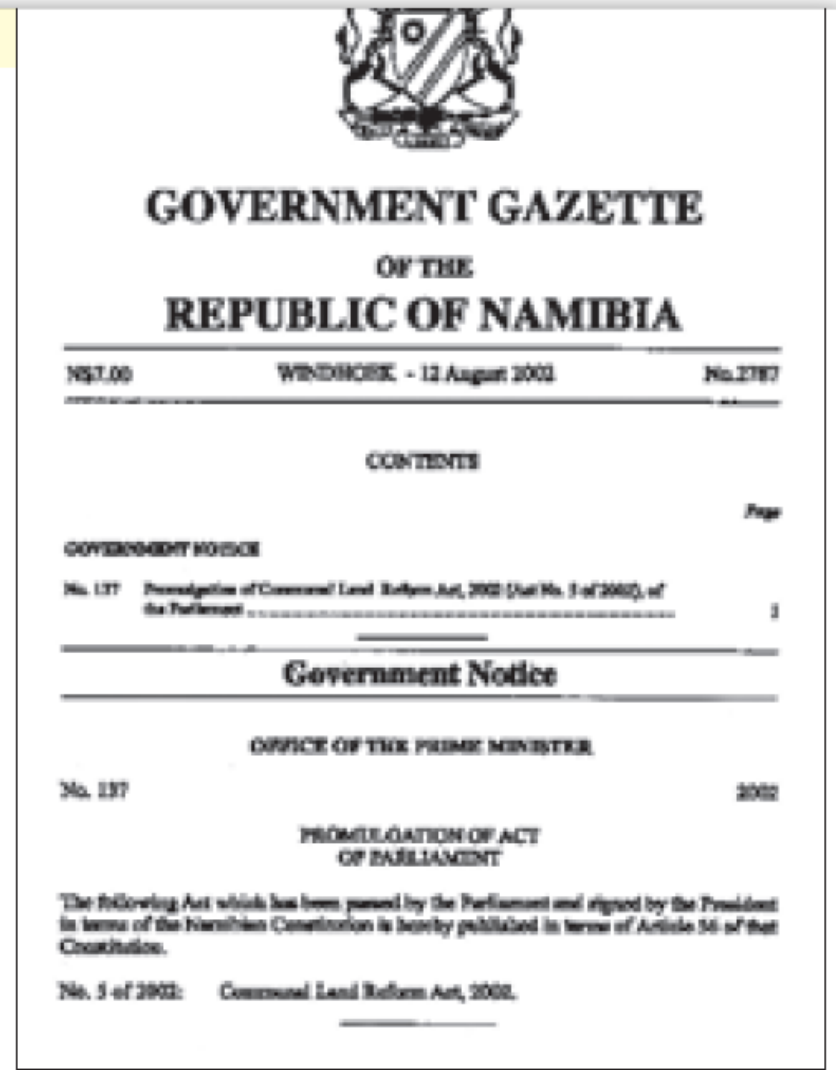
Thus a landhold title **can be mortgaged.**

Starter and landhold titles are interchangeable in that the starter title can be upgraded to a landhold title or even a freehold title in accordance with certain prescribed procedures.

While a whole block is registered as a single entity in freehold ownership at the Deeds Office in Windhoek, a starter and landhold title will be recorded at a land rights office. ...

A law can come into force only after it has been published in the *Government Gazette*. This is a document containing laws and legal notices which is published regularly by the government. Anyone can subscribe to it for a small fee. It is available in Namibia's major libraries.

A law usually comes into force on the day that it is published in the *Government Gazette*. But sometimes the law itself says that it will come into force on another day. For example, laws sometimes say that they will come into force on a day which will be announced by the Minister. This announcement must also be published in the *Government Gazette*.



The **Government Gazette** is an official Government publication in which new legislation, notices and regulations are published. Publication in the **Gazette** serves to prove that a new law exists, and it informs the public that it exists.



**Introduction to Land Use Planning
and Management (ILP 510S):
Section 3:**

ILP 510S

SECTION 3

3.1) Definitions

- (a) National Development Plans (NDP)
- (b) Regional Development Plans (RDP)
- (c) Integrated Regional Land Use Plan
- (d) Town Planning Scheme
- (e) Real Rights
- (f) Structure Plan

3.2) Types of Plans

(a) **Strategic Planning Documentation**

- i. National Development Plans (NDPs)
- ii. Regional Development Plans (RDP's)
- iii. IRLUP

(b) **Physical Planning Documentation**

- i. Statutory Plans
- ii. Development Plans
- iii. Development Policies
- iv. Implementation Plans

ILP 510S:

3.1) Definitions

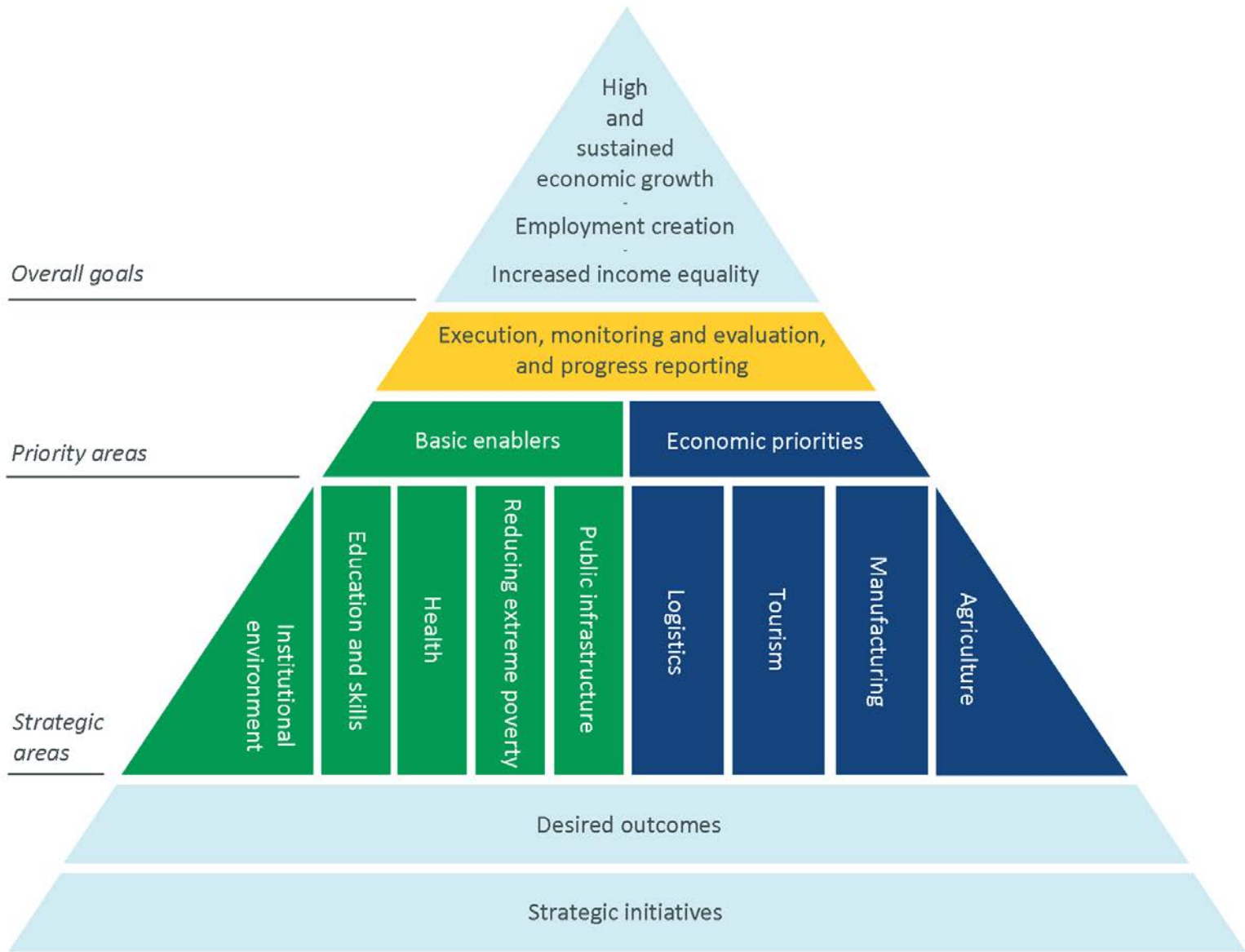
(a) National Development Plan (NDP)

- A plan which deals with **spatial aspects** of a nation's **social and economic development**.

(b) Regional Development Plans (RDP)

- RDPs are **medium-term indicative plans for development**.
- They provide **regional profiles**,
- Sketch a **broad outline** of regional **development potentials and challenges**, and
- Set forth a **program of action for each sector and sub-sector of the economic, social and institutional structures**.*

2030



Source: NDP4 Executive Summary document, p8
http://www.npc.gov.na/docs/NDP4_Executive_Summary.pdf

ILP 510S

3.1) Definitions

(c) Integrated Regional Land Use Plan

- Integrates all local, regional and sectoral plans for land use,
- Into an **overarching** harmonised regional land use **plan** to **optimise land use**,
- Through **participation and coordination with all stakeholders**.

TYPES OF PLANS: STRATEGIC PLANNING DOCUMENTATION			
ASPECTS	Development Plans	Integrated Land Use Plans	<i>Structure Plans (*)</i>
Level of Government	National/Regional	Regional (IRLUPs)	<i>National/Regional/Local</i>
Legal Status	Non-Statutory	Non-Statutory	<i>Statutory</i>
Purpose	Advisory (Policy)	Advisory (Policy)	<i>Advisory (Policy)</i>
Time Frame	5 years.	5 years.	<i>Review a regional or urban structure plan every 10 years. (according to *Bill)</i>
Importance	Guide planning on a national scale, concentrate on economic and social sectors. Regional development plans focuses on economic and physical planning.	Instrument used to identify appropriate future land uses for a region.	<i>Guide development of Namibia, its regions and local authority areas.</i>
Format	Written statement	Written statement	<i>Written statement and diagrammatic illustrations</i>

ILP 510S

3.1) Definitions

(d) Town Planning Scheme (or Town Plan / Scheme Regulations).

- **Document** containing **comprehensive policy statement***
- Serving as framework and foundation for **future development** and
- **Land Use Patterns** for the area**
- It is a **statutory document** – enforceable by law
- Assigns **real rights** to land.
- Consists out of **plans** (including zoning maps) and a **written book** detailing how land use planning activities should be ruled in that local authority.

ILP 510S

Land Use

- Purpose or activity for which a parcel of land is currently used for (actual land use) or
- the activity intended or zoned/allocated for a parcel of land (zoned land use)
- described in title deed or Town Planning Scheme.



ILP 510S: Section 3

3.1) Definitions

(e) Real Rights

- The **rights attached to a piece of land.**
- According to the **conditions stipulated in the title deed.**
- Or a **town planning scheme.**



BEVIL RUDD STREET

DANIE JOUBERT STREET

REGINALD WALKER STREET

GRANT WEBSTER STREET

LOUIE RAYMOND STREET

- Business
- Cemetery
- General
- Government
- Industrial
- Institutional
- Municipal
- Office
- Public Open Space
- Private Open Space
- Restricted Business
- Residential
- Special
- Street
- Transportation
- Undetermined

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TABLE B: LAND USE ZONES

USE ZONE	PRIMARY USES	CONSENT USES	PROHIBITED USES
(1)	(2)	(3)	(4)
I Residential	Dwelling units	Residential buildings, Places of public worship, Places of instruction, Social halls, Institutions, Special buildings, Bed-and-breakfasts, Resident occupations and Heritage buildings (For details refer to Table H)	Other uses not under columns 3 and 4
II General Residential	Dwelling units, residential buildings	Places of public worship, Places of instruction, Institutions, Special buildings, Hotels, Resident occupations, and Heritage buildings (For details refer to Table H)	Other uses not under columns 3 and 4
IV Business	Shops, Business buildings, dwelling units, residential buildings and social halls	Other uses not under columns 3 and 5	Noxious industrial buildings
VII Garage	Service stations	Special buildings, shops, business buildings and industrial buildings	Other uses not under columns 2 and 3
VIII Industrial	Industrial buildings and business buildings	All other uses	None

DR WEDER KRUGER & HARTMANN
Attorneys, Notaries and
Conveyancers
P O BOX 864
WINDHOEK

DEED OF TRANSFER NO

T 2758 / 2003

BE IT HEREBY MADE KNOWN:

THAT ~~ETIENNE HENNING YSSEL~~ ANDRE SWANEPOEL
appeared before me, *deputy* Registrar of Deeds at Windhoek, he
the said Appearer, being duly authorised thereto by a Power of Attorney granted to him by

TOWN COUNCIL OF RUNDU

REGINALD NDARA
Born on: 26 APRIL 1960
UNMARRIED

His Heirs, Executors, Administrators or Assigns,

CERTAIN	ERF NO. 95, RUNDU
SITUATE	In the Town of RUNDU Registration Division "B"
MEASURING	934 (NINE THREE FOUR) Square Metres as indicated on General Plan SG No. A.735/98
HELD	by Certificate of Registered Title No. T.6103/1999
SUBJECT	to the following conditions imposed in terms of Government Notice No. 25 of 2000, namely:

IN FAVOUR OF THE LOCAL AUTHORITY COUNCIL OF RUNDU

1. There shall be no obstruction or deviation of any natural course of storm-water over the erf without the written approval of the Local Authority.
2. The erf is subject to the reservation for the Local Authority of the right of access and use without compensation of the area three metres parallel with any boundary of such erf, for the construction and maintenance of local authority services in respect of water, sewerage, drainage, electricity or gas, which right includes the right to place on such erf temporarily any material that may be excavated during such operation on the erf or on any adjacent erf.
3. If the erf has more than one street frontage, access of the erf shall be obtained from the street determined by the Local Authority.
4. No offensive trade whatsoever shall be established or conducted on the erf.

For the purposes of this paragraph, "offensive trade" means any of the businesses, trades, works or institutions mentioned in regulation 1(a) of the regulations promulgated under Government Notice No. 141 of 10 November 1926.

thereto conformably to local custom, the State, however reserving its rights; and finally, acknowledging that the purchase price of the aforesaid property amounts to **NS\$ 604.00**

02 JUN 2003

Signed at WINDHOEK on
and confirmed with my seal of office.

together with the appearer,



Signature of Appearer



Transfer Duty Exemption Receipt No 401010099
issued by the Receiver of Revenue at RUNDU on 17 OCTOBER 2002

CHECKED: 1.  2. 

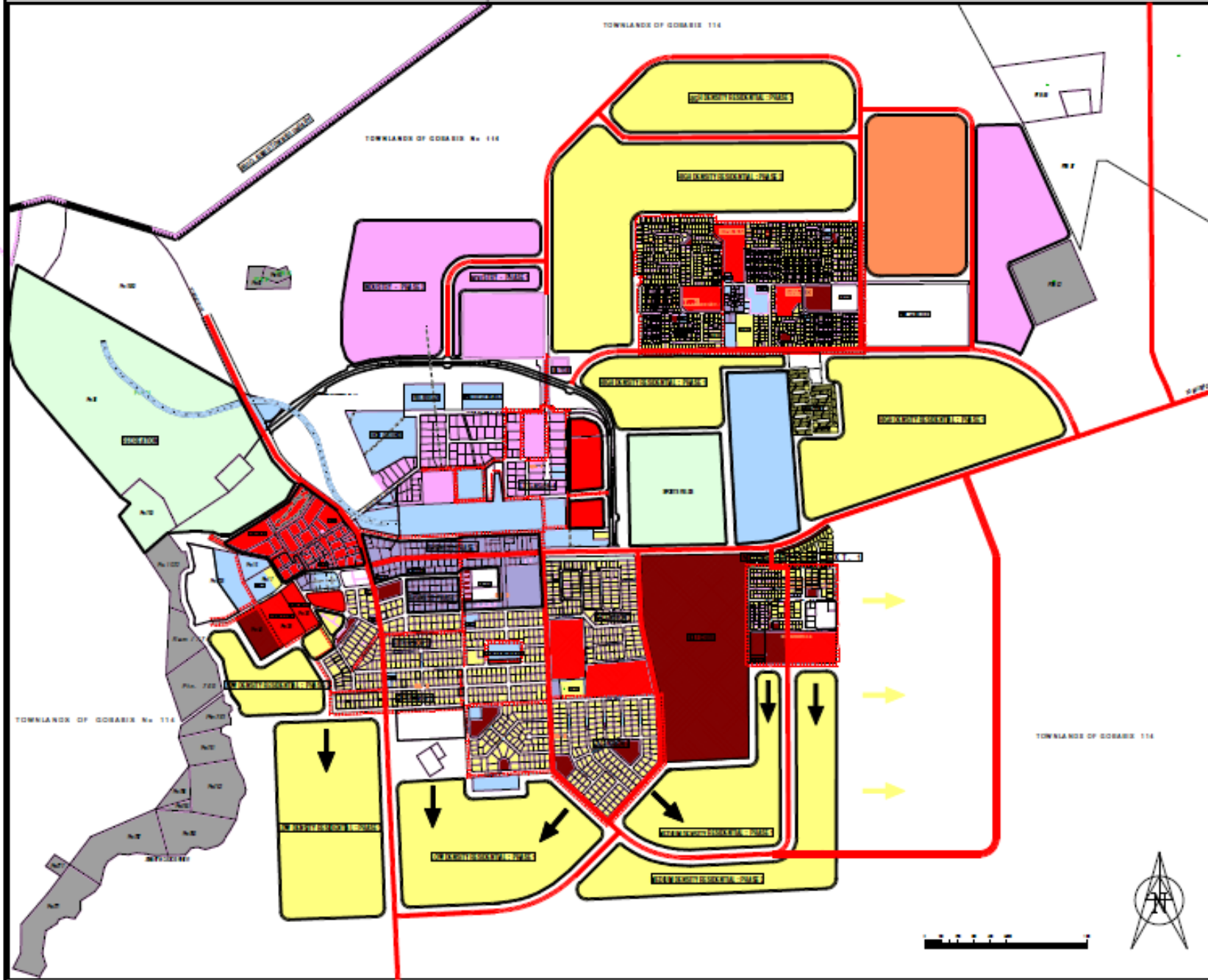
I the undersigned, ETIENNE HENNING YSSEL, Conveyancer hereby certify in terms of Section 78 of Act 23/1992 that all rates leviable in respect of such immovable property in terms of this Act, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid.

ILP 510S: Section 3

3.1) Definitions

(f) Structure Plan (Guide Plan)

- A **physical planning** product,
- which has **instructions and diagrammatic illustrations** (maps),
- on how a given settlement should be **developed in the short and medium term**.
- lay out guidelines for the **future spatial development** of an area.
- These plans **do not confer or take away any right** in respect of land.



MUNICIPALITY OF GOBABIS

- LEGEND**
- RESIDENTIAL:
 - LOW DENSITY: 1 UNIT PER LOT
 - MEDIUM DENSITY: 2-4 UNITS PER LOT
 - HIGH DENSITY: 5+ UNITS PER LOT
 - BUSINESS COMMERCIAL
 - INDUSTRIAL
 - OPEN SPACE AND RECREATION
 - INSTITUTIONAL
 - AGRICULTURE
 - EDUCATION
 - PUBLIC LAND (MUNICIPAL AND STATE)
 - TOURISM
- ROADS**
- MAJOR ROADS
 - PROPOSED FUTURE GROWTH



SPC
 SPC
 SPATIAL PLANNING CONSULTANT
 TOWN AND REGIONAL PLANNING
 PROPERTY DEVELOPMENT CONSULTANT










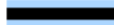


GOBABIS
STRUCTURE PLAN

PROJECT No. W/52082-1













Blue legend

MUNICIPALITY OF GOBABIS

EXISTING LAND USE:

RESIDENTIAL	
BUSINESS/ COMMERCE	
INDUSTRIAL	
OPEN SPACE AND RECREATION	
INSTITUTIONAL	
AGRICULTURE	
EDUCATION	
PUBLIC LAND (MUNICIPAL AND STATE)	
VACANT ERVEN	
RAILWAY LINE	
PROCLAIMED TOWN BOUNDARY	
FUTURE INTERNAL BYPASS	

PROPOSED LAND USE:

RESIDENTIAL:		
LOW DENSITY A:	1 UNIT PER ERF	
LOW DENSITY B:	900m ²	
MEDIUM DENSITY:	600m ²	
HIGH DENSITY:	300m ²	
BUSINESS		
COMMERCIAL		
INDUSTRY		
TOURISM AND RECREATION		
AGRICULTURE		
OPEN SPACE		
UNDETERMINED		
INSTITUTIONAL		
EDUCATION		
MAIN ROADS		
PROJECTED FUTURE GROWTH		

MUNICIPALITY OF
GOBABIS



AMENDMENT SCHEME No. 3

KEY:

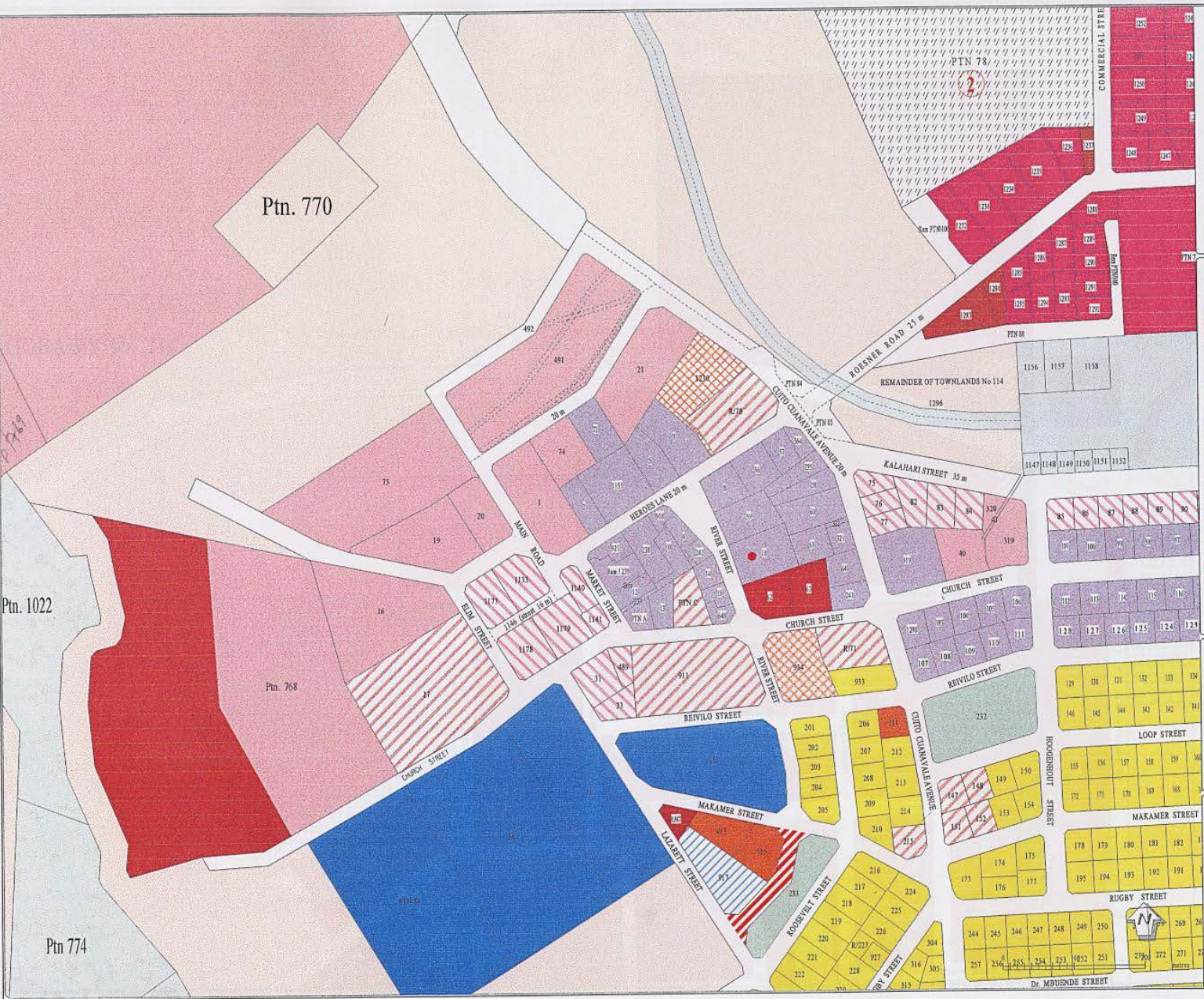
- ZONING**
- SINGLE RESIDENTIAL
 - GENERAL RESIDENTIAL 1
 - GENERAL RESIDENTIAL 2
 - GENERAL BUSINESS
 - LOCAL BUSINESS
 - GENERAL INDUSTRIAL
 - LIGHT INDUSTRIAL
 - INSTITUTIONAL
 - UNDETERMINED
 - AGRICULTURAL
 - SPECIAL
- RESERVATION**
- PRIVATE OPEN SPACE
 - PUBLIC OPEN SPACE
 - LOCAL AUTHORITY
 - GOVERNMENT
 - EDUCATIONAL
 - PARASTATALS
 - CEMETERY
 - STREET CLOSURE
 - EXISTING STREETS
 - NEW STREETS
 - HERITAGE BUILDINGS
 - SCHEME BOUNDARY



STUBENRAUCH PLANNING CONSULTANT
TOWN AND REGIONAL PLANNERS & PROPERTY DEVELOPERS

PO BOX 180 TEL: 06-20109
RENRORSSE FAX: 06-20157
WINDHUK

PO BOX 648 TEL: 06-20017
WULFSDIAT FAX: 06-20017
WINDHUK



ILP 510S

Second Test:

DATE: 1/04/2015 (Wednesday)

TIME: 12:30

VENUE: Engineering Basement

**TEST: Cover Section 2 & 3 –
see e-mail sent on 23/03/2015**



**Introduction to Land Use Planning
and Management (ILP 510S):
Section 3:**

ILP 510S

SECTION 3

3.1) Definitions

- (a) National Development Plans (NDP)
- (b) Regional Development Plans (RDP)
- (c) Integrated Regional Land Use Plan
- (d) Town Planning Scheme
- (e) Real Rights
- (f) Structure Plan

3.2) Types of Plans

(a) **Strategic Planning Documentation**

- i. National Development Plans (NDPs)
- ii. Regional Development Plans (RDP's)
- iii. IRLUP

(b) **Physical Planning Documentation**

- i. Statutory Plans
- ii. Development Plans
- iii. Development Policies
- iv. Implementation Plans

ILP 510S:

3.1) Definitions

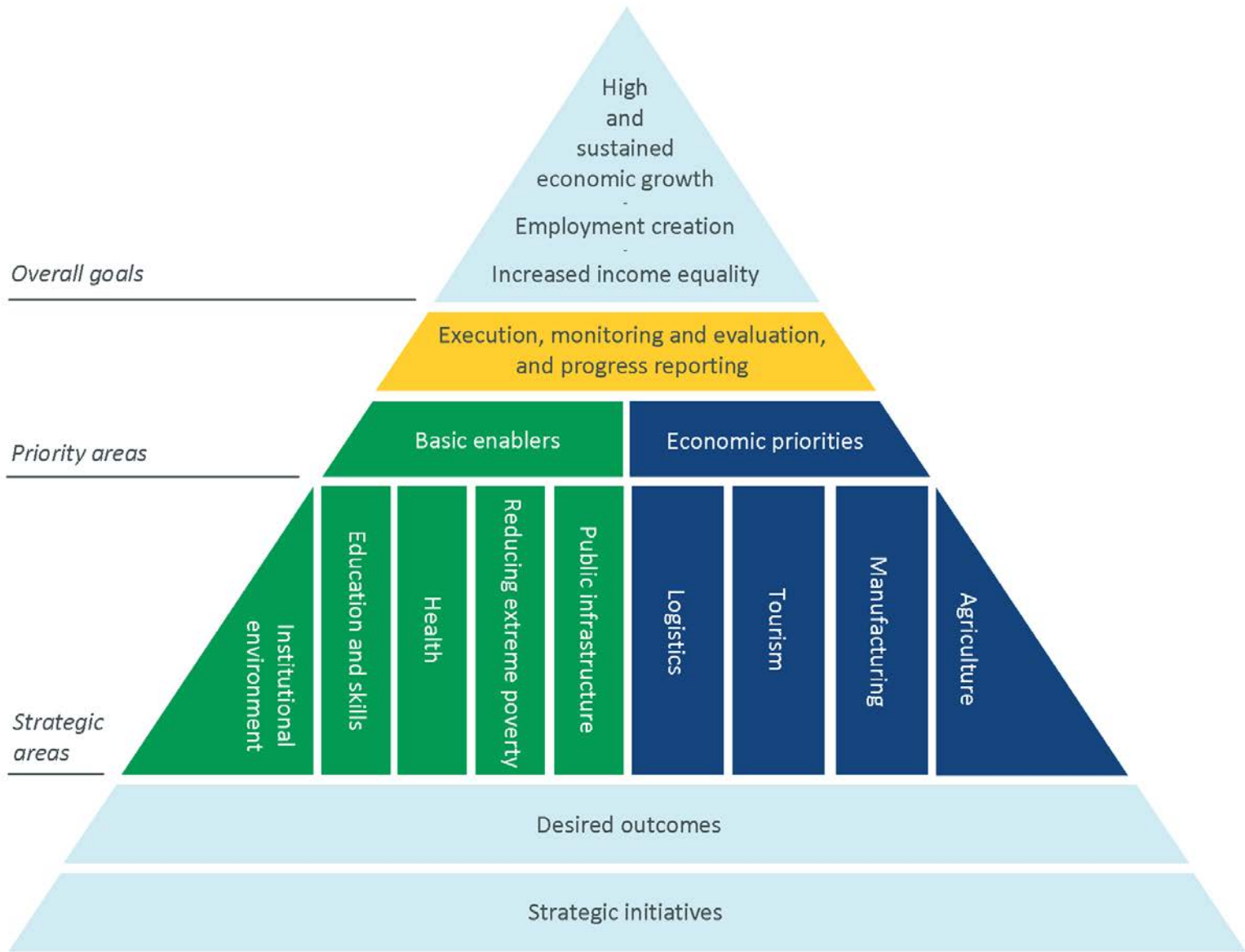
(a) National Development Plan (NDP)

- A plan which deals with **spatial aspects** of a nation's **social and economic development**.

(b) Regional Development Plans (RDP)

- RDPs are **medium-term indicative plans for development**.
- They provide **regional profiles**,
- Sketch a **broad outline** of regional **development potentials and challenges**, and
- Set forth a **program of action for each sector and sub-sector of the economic, social and institutional structures**.*

2030



Source: NDP4 Executive Summary document, p8
http://www.npc.gov.na/docs/NDP4_Executive_Summary.pdf

ILP 510S

3.1) Definitions

(c) Integrated Regional Land Use Plan

- Integrates all local, regional and sectoral plans for land use,
- Into an **overarching** harmonised regional land use **plan** to **optimise land use**,
- Through **participation and coordination with all stakeholders**.

TYPES OF PLANS: STRATEGIC PLANNING DOCUMENTATION			
ASPECTS	Development Plans	Integrated Land Use Plans	<i>Structure Plans (*)</i>
Level of Government	National/Regional	Regional (IRLUPs)	<i>National/Regional/Local</i>
Legal Status	Non-Statutory	Non-Statutory	<i>Statutory</i>
Purpose	Advisory (Policy)	Advisory (Policy)	<i>Advisory (Policy)</i>
Time Frame	5 years.	5 years.	<i>Review a regional or urban structure plan every 10 years. (according to *Bill)</i>
Importance	Guide planning on a national scale, concentrate on economic and social sectors. Regional development plans focuses on economic and physical planning.	Instrument used to identify appropriate future land uses for a region.	<i>Guide development of Namibia, its regions and local authority areas.</i>
Format	Written statement	Written statement	<i>Written statement and diagrammatic illustrations</i>

ILP 510S

3.1) Definitions

(d) Town Planning Scheme (or Town Plan / Scheme Regulations).

- **Document** containing **comprehensive policy statement***
- Serving as framework and foundation for **future development** and
- **Land Use Patterns** for the area**
- It is a **statutory document** – enforceable by law
- Assigns **real rights** to land.
- Consists out of **plans** (including zoning maps) and a **written book** detailing how land use planning activities should be ruled in that local authority.

ILP 510S

Land Use

- Purpose or activity for which a parcel of land is currently used for (actual land use) or
- the activity intended or zoned/allocated for a parcel of land (zoned land use)
- described in title deed or Town Planning Scheme.



ILP 510S: Section 3

3.1) Definitions

(e) Real Rights

- The **rights attached to a piece of land.**
- According to the **conditions stipulated in the title deed.**
- Or a **town planning scheme.**



BEVIL RUDD STREET

DANIE JOUBERT STREET

REGINALD WALKER STREET

GRANT WEBSTER STREET

LOUR RAYMOND STREET

- Business
- Cemetery
- General
- Government
- Industrial
- Institutional
- Municipal
- Office
- Public Open Space
- Private Open Space
- Restricted Business
- Residential
- Special
- Street
- Transportation
- Undetermined

834

1109

907

RE/908
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RE/464
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TABLE B: LAND USE ZONES

USE ZONE	PRIMARY USES	CONSENT USES	PROHIBITED USES
(1)	(2)	(3)	(4)
I Residential	Dwelling units	Residential buildings, Places of public worship, Places of instruction, Social halls, Institutions, Special buildings, Bed-and-breakfasts, Resident occupations and Heritage buildings (For details refer to Table H)	Other uses not under columns 3 and 4
II General Residential	Dwelling units, residential buildings	Places of public worship, Places of instruction, Institutions, Special buildings, Hotels, Resident occupations, and Heritage buildings (For details refer to Table H)	Other uses not under columns 3 and 4
IV Business	Shops, Business buildings, dwelling units, residential buildings and social halls	Other uses not under columns 3 and 5	Noxious industrial buildings
VII Garage	Service stations	Special buildings, shops, business buildings and industrial buildings	Other uses not under columns 2 and 3
VIII Industrial	Industrial buildings and business buildings	All other uses	None

ILP 510S: Section 3

3.1) Definitions

(f) Structure Plan (Guide Plan)

- A **physical planning** product,
- which has **instructions and diagrammatic illustrations** (maps),
- on how a given settlement should be **developed in the short and medium term**.
- lay out guidelines for the **future spatial development** of an area.
- These plans **do not confer or take away any right** in respect of land.



**Introduction to Land Use Planning
and Management (ILP 510S):
Section 3:**

ILP 510S: Section 3

3.2) Types of Plans

(a) Strategic Planning Documentation

iii IRLUP

- **Main aim:** The process shall **integrate all** local, regional and sectoral plans for land use **into an overarching harmonised regional land use plan** to **optimise land use.***
- This is done through **participation of and in coordination** with all **stakeholders. OR**
- To ensure the **allocation of land to the uses** which will provide the **greatest sustainable benefits.**

ILP 510S: Section 3

3.2) Types of Plans

(a) Strategic Planning Documentation

iii IRLUP: focuses on 4 different aspects!

1 Potentials

- refers to underutilised land potential (whenever land use can be optimised through intensification, diversification or land use changes)
- refers also to capital investment projects (agricultural and mining projects or the like, which are planned in the region).

2 Conflicts

- existing and possible future conflicts regarding land use (due to uncoordinated sectoral planning, ethnic conflicts etc.)

ILP 510S: Section 3

3.2) Types of Plans

(a) Strategic Planning Documentation

iii IRLUP: focuses on 4 different aspects!

3 Severe environmental problems / disasters

- severe environmental degradation and pollution (natural or environmental disasters), which already occur in sub-regions.

4 Structural deficits

- for ex. with regard to the ongoing land reform, to land tenure aspects and to other deficits which have to be addressed on a higher strategic / political level.

ILP 510S: Section 3

3.2) Types of Plans

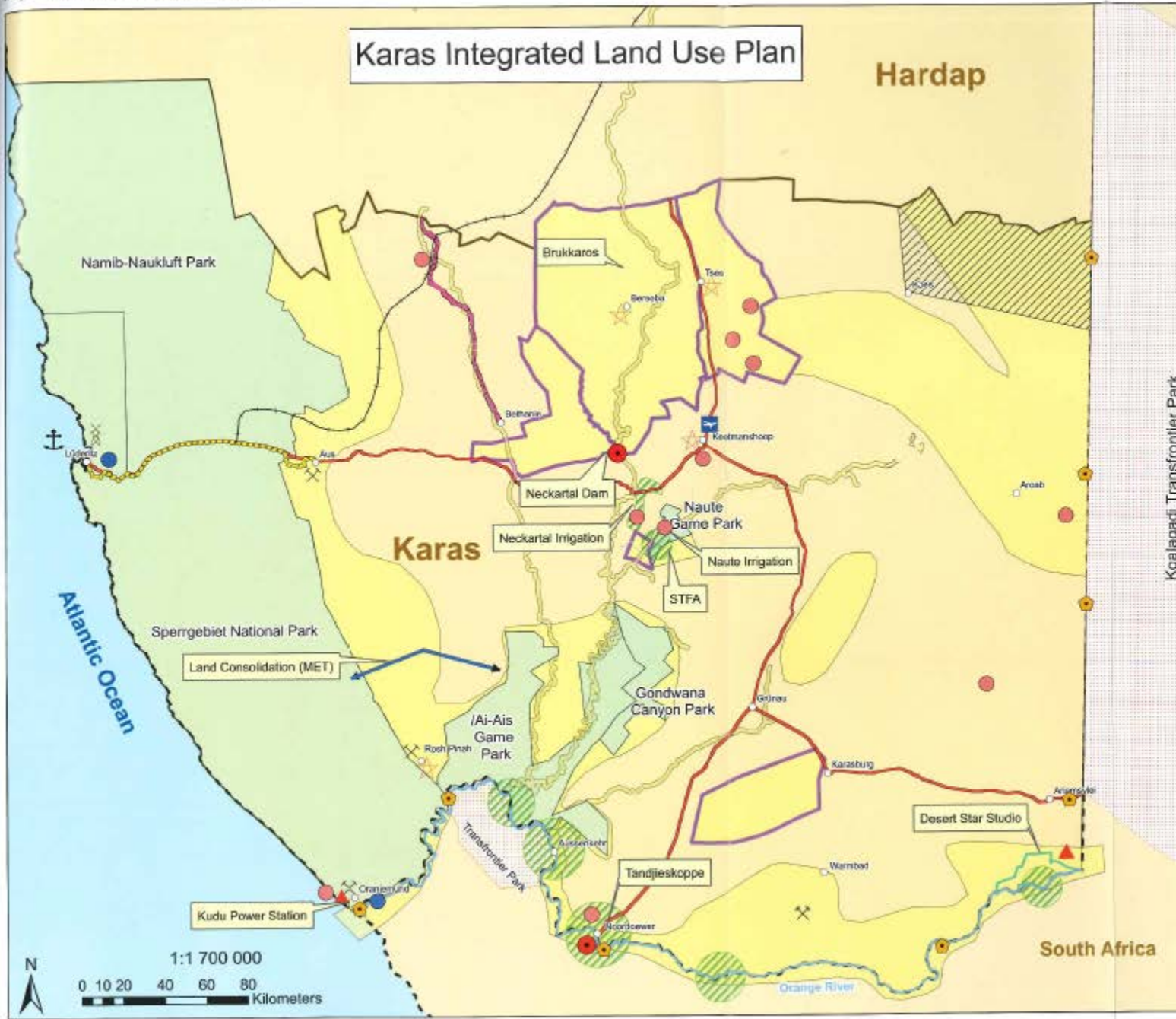
(a) Strategic Planning Documentation

The IRLUP will not only document:

- ✓ the present resource inventory,
- ✓ but will indicate future scenario's and future land use zoning for sustainable land management
- ✓ as well as required projects and programmes.

Map 56: Integrated Regional Land Use Plan

Karas Integrated Land Use Plan



Hardap

Karas

South Africa



Ministry of Lands and Resettlement



Legend

- Towns
- ~ Ephemeral Rivers
- Perennial River
- ▨ Irrigation Zone
- ▤ Desert Star Studio
- ▧ Large and Small Stock Zone
- ▩ Communal Conservancies and Cultural Zone
- Protected Areas Zone
- Tourism and wildlife Zone
- ▬ Small stock zone

Infrastructure

- Border Posts
- Aqua Culture & Fish Farms
- Mariculture
- ⚓ Harbour
- ⚡ Proposed Wind Energy
- ☀ Proposed Solar Energy
- ✈ Airport
- ▲ Declaration as Local Authorities
- ✂ Possible Mines
- Proposed LOHEPS
- Proposed MAMF dams (irrigation and storage)
- Proposed Trans-Kalahari Railway
- Proposed Bethanien-Matahobe road
- Proposed Aus-Luderitz Railway
- Trunk Road
- - International Boundary

Data Source:

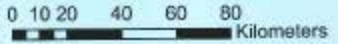
Core Strategic Transport Network,
 Namibia Tourism Board,
 National Planning Commission,
 Stubenrauch Planning Consultants.



05 April 2011



1:1 700 000



Ministry develops land-use plan for Kavango

NEW ERA: 22 Jan 2013 (Irene !Hoaës)

WINDHOEK – The Ministry of Lands and Resettlement is developing an Integrated Regional Land-Use Plan (IRLUP) for the Kavango Region.

The N\$4 million tender to develop the IRLUP was awarded to a group of companies. ...

Land-use planning is important to ensure sustainability, to select and to adopt environmentally friendly and best land-use plan options to increase economic growth and mitigate land-use conflicts. ...

These confinements (tribal homelands) are now increasingly becoming too small to support the inhabitants residing there. “We observe that the population growth, which is coupled with inappropriate management of the natural resources mainly in our communal areas has led to the degradation of land and the consequent increase of poverty in these areas,” the lands ministry’s permanent secretary, Lidwina Shapwa, said at the inception workshop of the Kavango IRLUP.

The Karas IRLUP has already been finalised, while one for the Hardap Region has been submitted to the ministry only recently. The cost of the two southern plans amounted to N\$7.3 million.

Shapwa said work in the Kavango Region would be more complex, compared to the southern plans due to its vastness, agro-ecological diversity, its wider communal lands, as well as its cultural and ethnic diversity.

The Kavango Region is characterised by uneven distribution of population and access to the rest of the region is also a challenge, especially given the limited road infrastructure. The Kavango IRLUP will be completed over the next fourteen months. Shapwa said it is government’s plan to develop IRLUPs for all 13 regions, which will eventually be consolidated to form a National Land-Use Plan.

Farmers, herders clash in Ivory Coast

2016-03-29 21:38

Abidjan - Ivory Coast's UN peacekeeping mission plans to double its troop presence in part of the country's northeast after clashes this month between farmers and herders killed at least 20 people and sent more than 1 000 fleeing into neighbouring Burkina Faso.

Mission spokeswoman Kadidia Ledron said Tuesday that 400 UN troops - up from 200 - will be stationed in the Bounkani region along with reinforcements from Ivory Coast's army.

Ivorian state media on Monday quoted army chief of staff General Soumaila Bakayoko as saying the number of Ivorian troops would climb from 500 to 700 in the region 600km north of Abidjan, the commercial center.

Yaya Sanou, high commissioner of Burkina Faso's Nounbiel province, said on Monday that local officials recorded 1 312 people fleeing the clashes.

Read more on: [ivory coast](#) | [west africa](#)



Ivorian refugees. (Gail Turine/MSF)

<http://www.news24.com/Africa/News/farmers-herders-clash-in-ivory-coast-20160329>

ILP 510S

Class Cancellations: 7 & 8 April 2016

TEST: 8/04/2015 at 12:30

(Section 2.2 & Section 3 re. strategic & physical planning documents)



**Introduction to Land Use Planning
and Management (ILP 510S):
Section 3:**

ILP 510S: Section 3

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ILP 510S: Section 3

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ILP 510S: Section 3

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**Introduction to Land Use Planning
and Management (ILP 510S):
Section 3:**

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation

- i. Statutory Plans
- ii. Development Plans
- iii. Development Policies
- iv. Implementation Plans

ILP 510S

Definition:

Land Use

- Purpose or activity for which a parcel of land is currently used for (actual land use) or
- the activity intended or zoned/allocated for a parcel of land (zoned land use)
- described in title deed or Town Planning Scheme.



ILP 510S

Definition from Section 3.1

Town Planning Scheme (or Town Plan / Scheme Regulations).

- **Document** containing **comprehensive policy statement***
- Serving as framework and foundation for **future development** and
- **Land Use Patterns** for the area**
- It is a **statutory document** – enforceable by law
- Assigns **real rights** to land.
- Consists out of **plans** (including zoning maps) and a **written book** detailing how land use planning activities should be ruled in that local authority.

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(i) Statutory Plans - Town Planning Schemes

- A statutory plan is a **legal document** enforceable by law and **binding on the inhabitants** living in the area covered by such a plan.
- Statutory plans **may not be amended without the approval** of the MRLGHRD.
- Town Planning Schemes are **the only statutory plans** currently in force in Namibia.

The purpose of Town Planning Schemes

- is to create a **comprehensive** policy statement* which will act as a **framework** and a foundation for **future development and land use patterns.

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(i) Statutory Plans - Town Planning Schemes

- Compiled in terms of the **Town Planning Ordinance***
- There are **two components** to a town planning scheme, **the map** and the **document with its regulatory clauses**.

For Example: An extract from the swakopmund town planning scheme - www.swkmun.com.na/auction/TPAS%2012.pdf



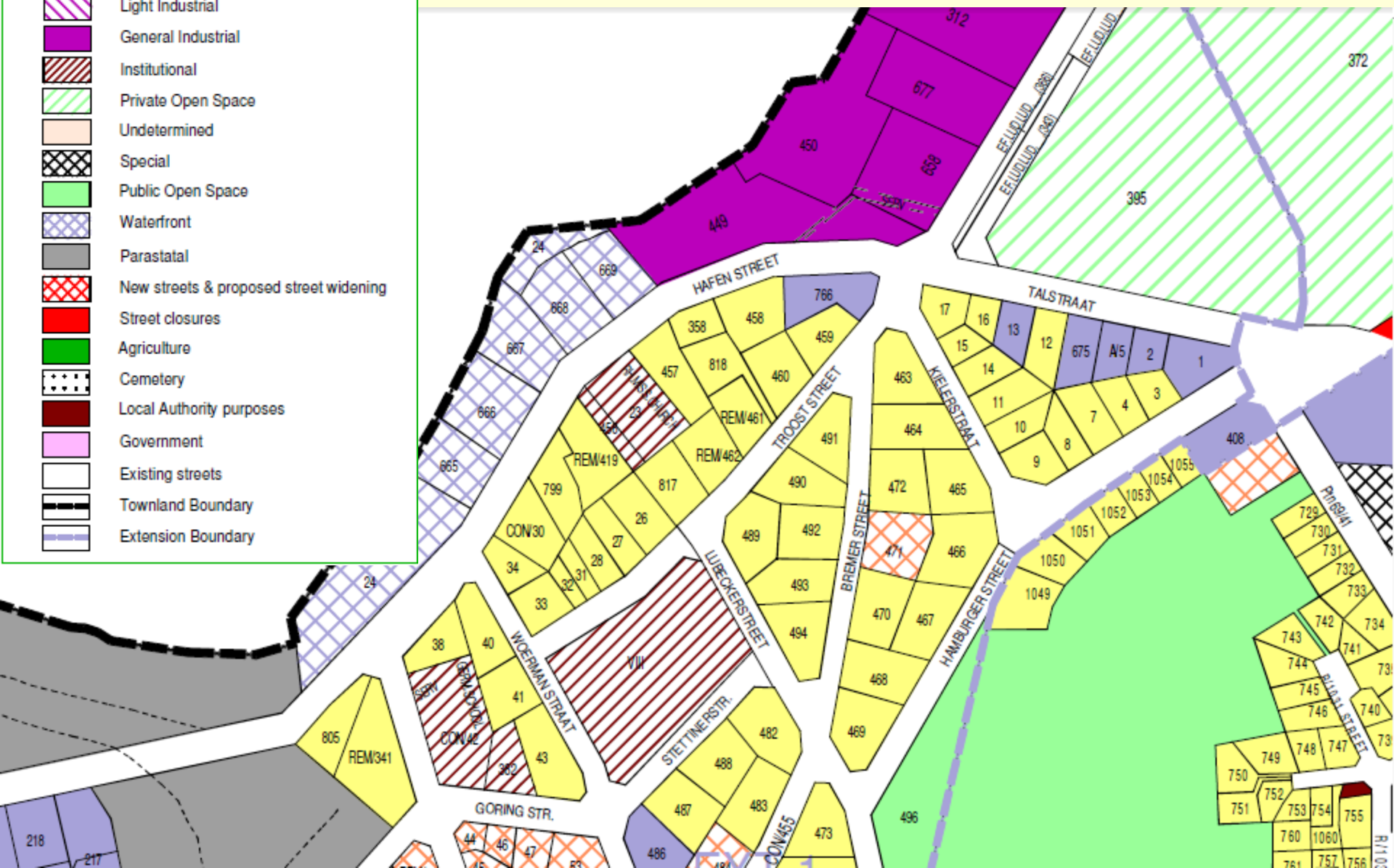
LÜDERITZ TOWN COUNCIL

REFERENCE

- Residential I
- Residential II
- Residential III
- Designated Residential
- General Business
- Light Industrial
- General Industrial
- Institutional
- Private Open Space
- Undetermined
- Special
- Public Open Space
- Waterfront
- Parastatal
- New streets & proposed streetwidening
- Street closures
- Agriculture
- Cemetery
- Local Authority purposes
- Government
- Existing streets
- Townland Boundary
- Extension Boundary

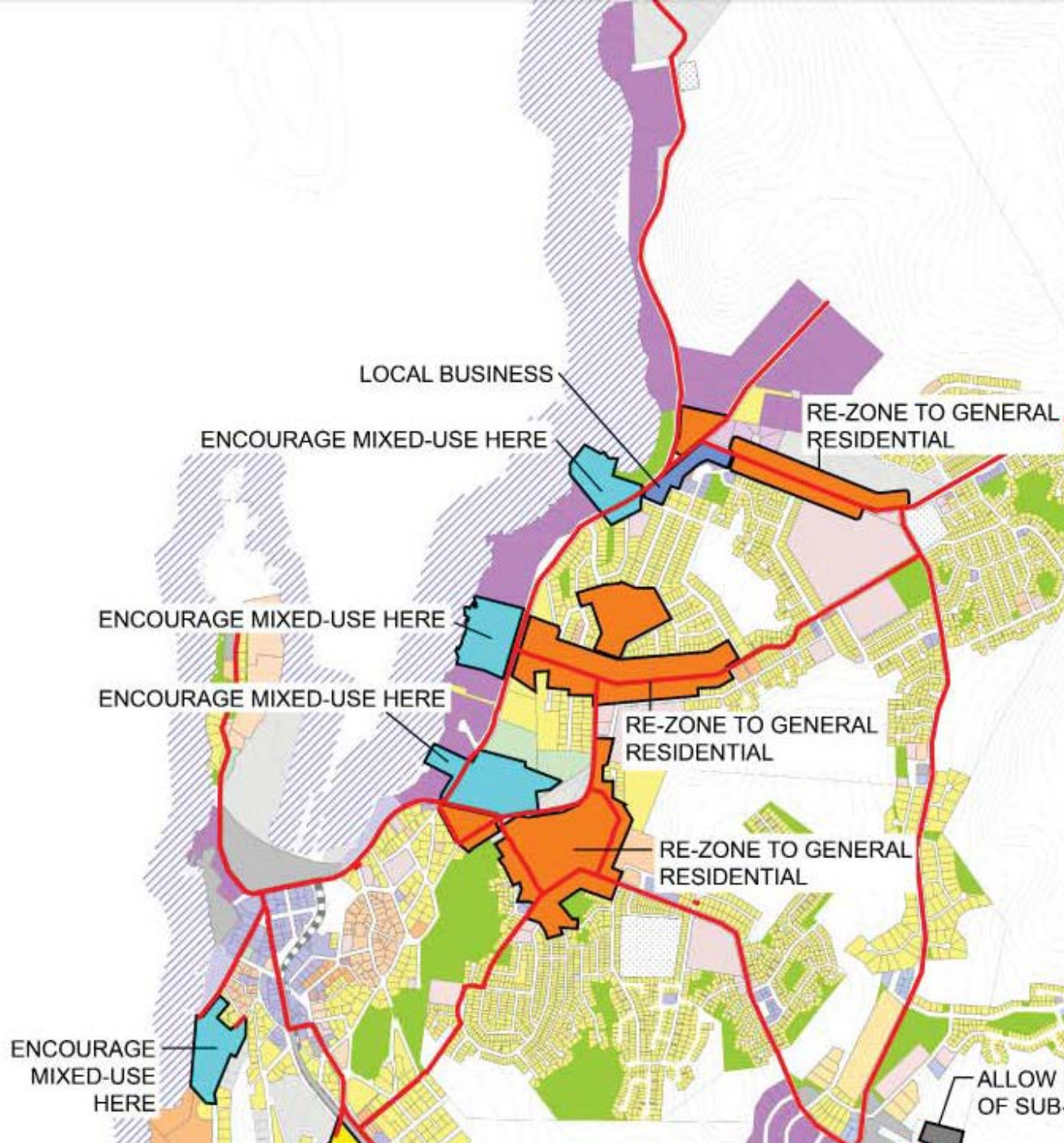
Stubenrauch **SPC**
Planning Consultants

-  Residential I
-  Residential II
-  Residential III
-  Designated Residential
-  General Business
-  Light Industrial
-  General Industrial
-  Institutional
-  Private Open Space
-  Undetermined
-  Special
-  Public Open Space
-  Waterfront
-  Parastatal
-  New streets & proposed street widening
-  Street closures
-  Agriculture
-  Cemetery
-  Local Authority purposes
-  Government
-  Existing streets
-  Townland Boundary
-  Extension Boundary



Luderitz
Structure
plan
(Final draft)

Compiled by
Stubenrauch
Planning
Consultants



ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(ii) Development Plans (2 types: **structure plans** and **policy plans**)

Structure Plans (Guide Plans)

- A town planning management tool which is **less regulatory** and **control oriented**, and
- More **flexible** and **future oriented** document than a town planning scheme.
- **Not a statutory document** like a town planning scheme.
- It is not required by law hence it can be **prepared, amended and cancelled by the local authority**.

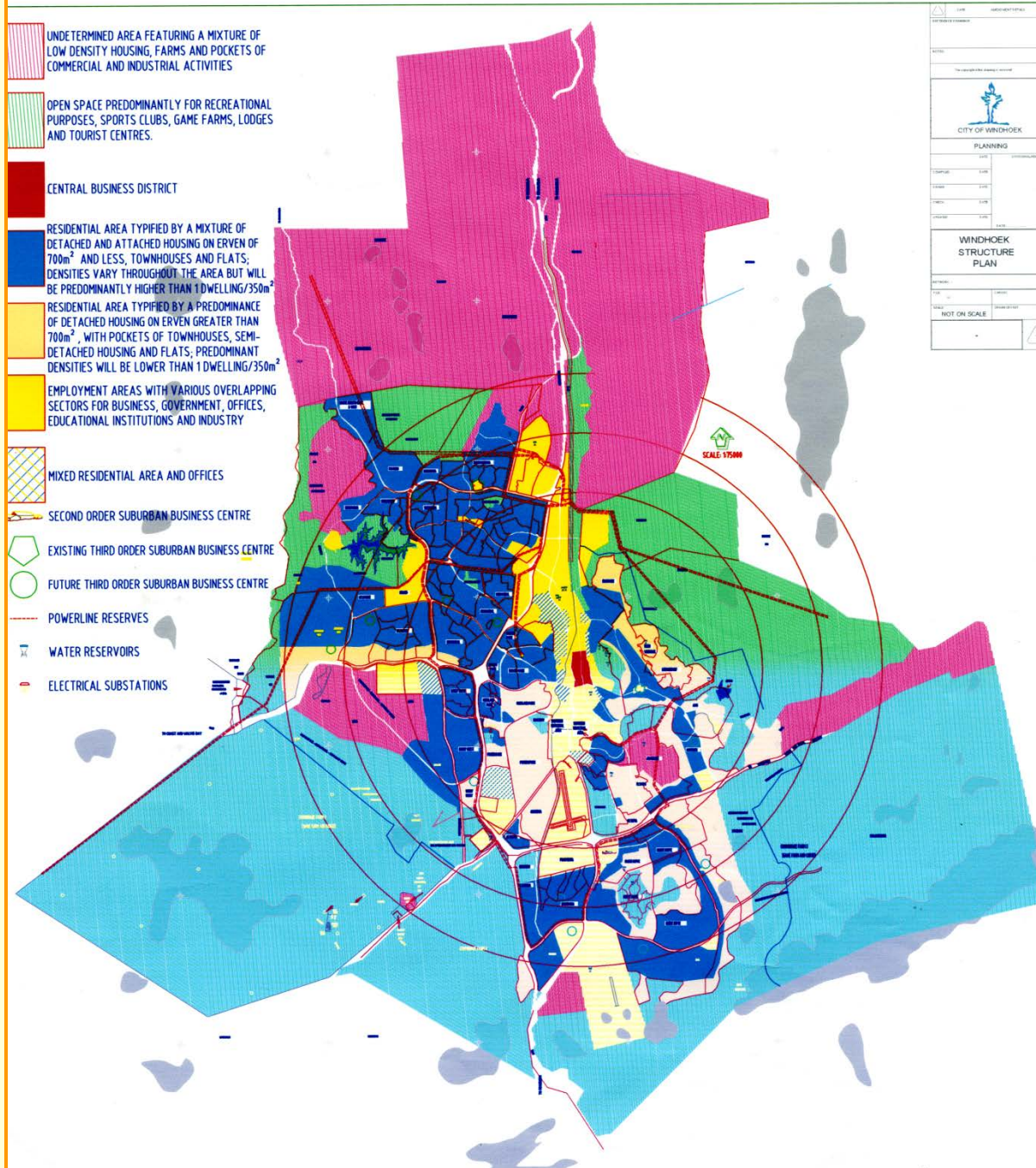
ILP 510S: Section 3

Definition from Section 3.1

(f) Structure Plan (Guide Plan)

- A **physical planning** product,
- which has **instructions and diagrammatic illustrations** (maps),
- on how a given settlement should be **developed in the short and medium term**.
- lay out guidelines for the **future spatial development** of an area.
- These plans **do not confer or take away any right** in respect of land.

WINDHOEK STRUCTURE PLAN



ILP 510S: Section 3

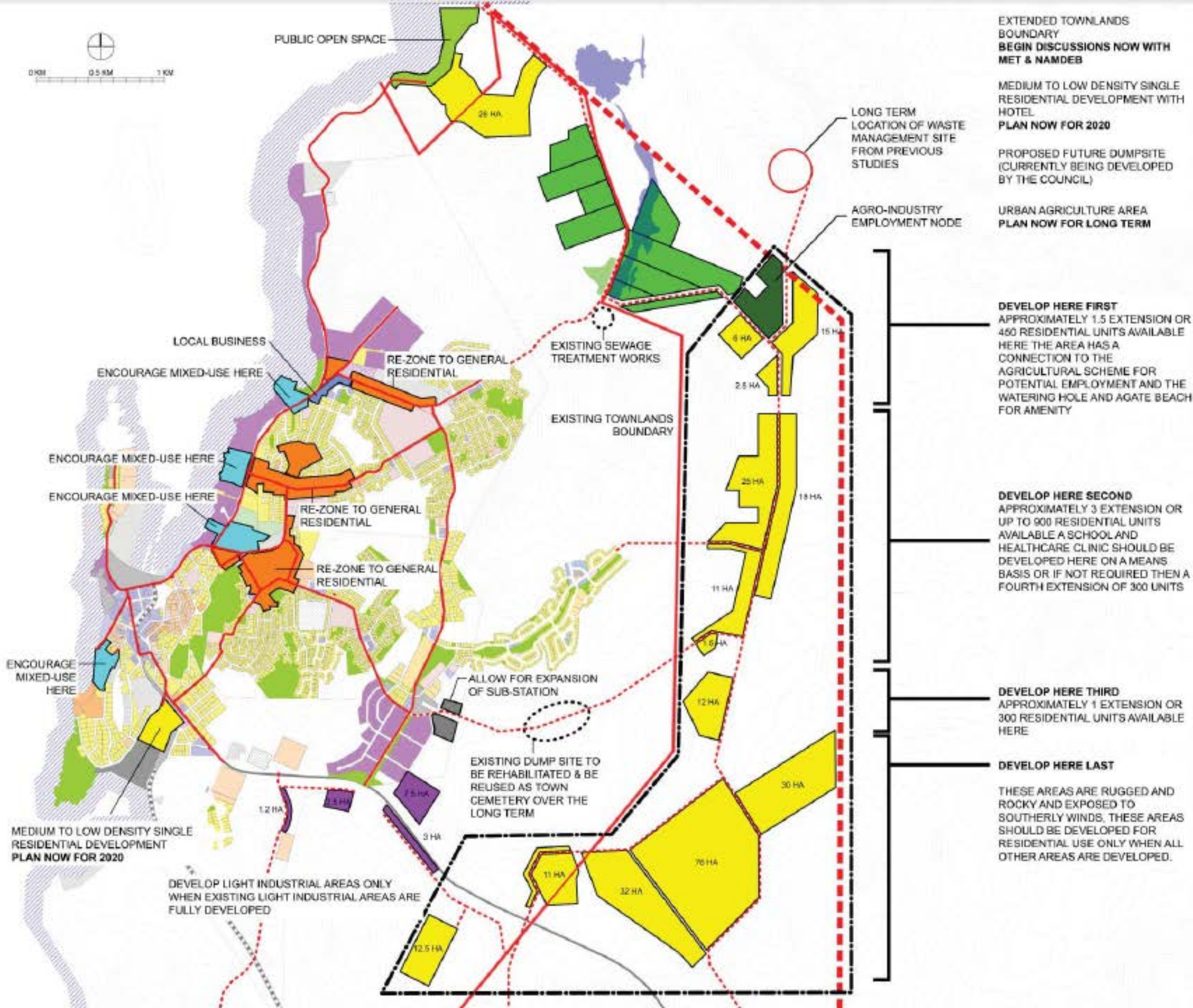
3.2) Types of Plans

(b) Physical Planning Documentation:

(ii) Development Plans (2 types: **structure plans** and **policy plans**)

The purpose of a structure plan

- provide **guidelines for future development** which will be of value to the local authority and to the public.
- It establishes a framework for **consistent and rational decision making**.
- indicates the **desired direction of development**.
- A structure plan **must be updated** regularly to keep track with changing conditions in the area.



DEVELOP HERE FIRST
 APPROXIMATELY 1.5 EXTENSION OR 450 RESIDENTIAL UNITS AVAILABLE HERE THE AREA HAS A CONNECTION TO THE AGRICULTURAL SCHEME FOR POTENTIAL EMPLOYMENT AND THE WATERING HOLE AND AGATE BEACH FOR AMENITY

DEVELOP HERE SECOND
 APPROXIMATELY 3 EXTENSION OR UP TO 900 RESIDENTIAL UNITS AVAILABLE A SCHOOL AND HEALTHCARE CLINIC SHOULD BE DEVELOPED HERE ON A MEANS BASIS OR IF NOT REQUIRED THEN A FOURTH EXTENSION OF 300 UNITS

DEVELOP HERE THIRD
 APPROXIMATELY 1 EXTENSION OR 300 RESIDENTIAL UNITS AVAILABLE HERE

DEVELOP HERE LAST
 THESE AREAS ARE RUGGED AND ROCKY AND EXPOSED TO SOUTHERLY WINDS, THESE AREAS SHOULD BE DEVELOPED FOR RESIDENTIAL USE ONLY WHEN ALL OTHER AREAS ARE DEVELOPED.



ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

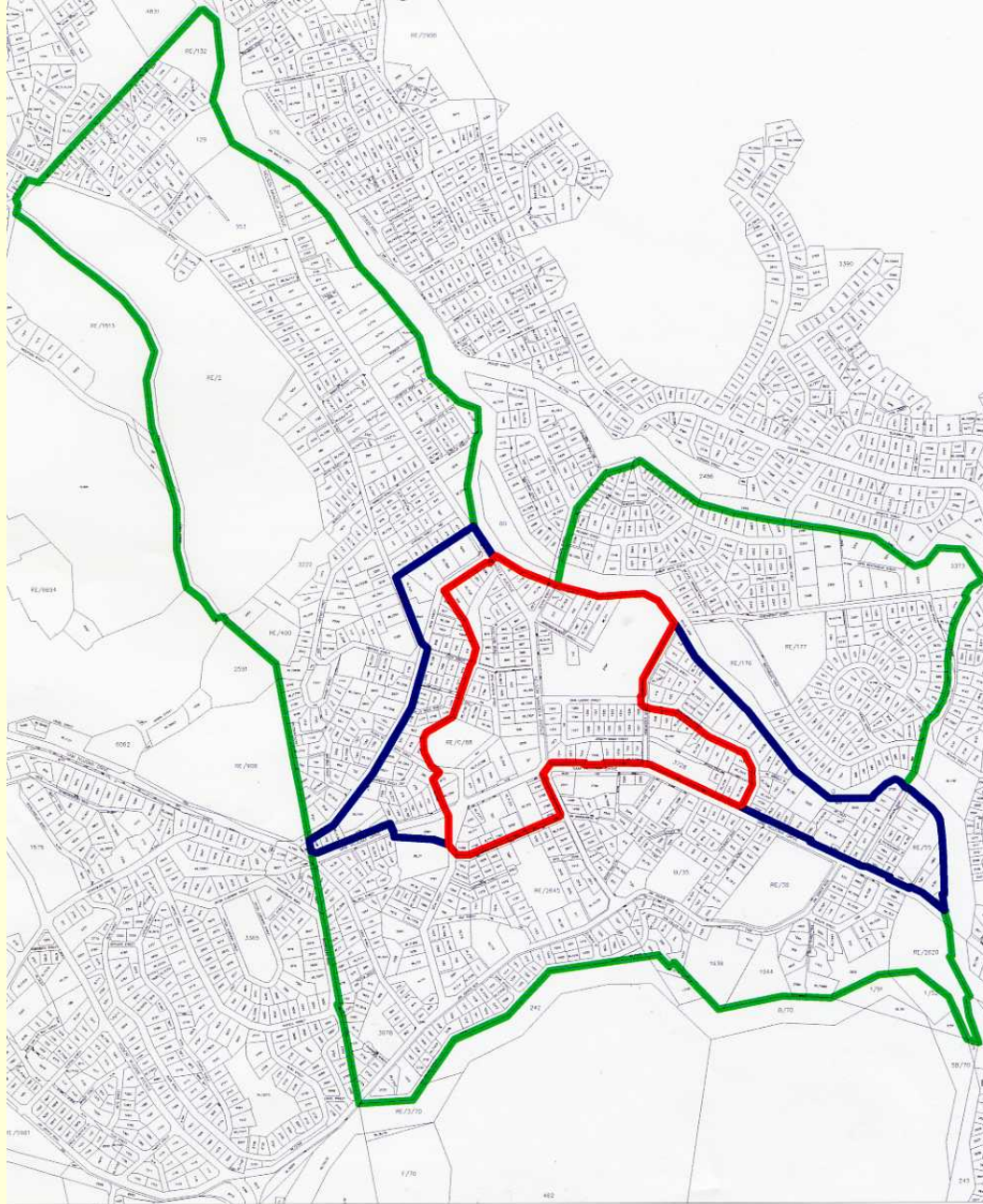
(ii) Development Plans (2 types: **structure plans** and **policy plans**)

Policy plans


- to address **specific issues** in more detail than a structure plan.

The purpose of policy plans

- Policy plans provide a detailed framework for policy decisions to **guide development in small geographic areas.**



-  Office policy zone
-  1/250 density area
-  1/500 density area

File: L7		Network: D:\Groups\LSV_C\Car-topography\mzms\OfficePolicyZone.dwg	
	Designed	6 June	Date
	Drawn	6 June	Date
	Checked	6 June	Date
	CJJ	6 June	Date
District: Windhoek		Scale: 1 : 10 000	

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(iii) Implementation Plans

Collection of plans which put planning into action, for ex. **Township layouts, site development plans, subdivision plans, building plans.**

Township Layout Plan

- Means a layout plan of the **actual design of a township**, into even of single or multiple land use, street portions and the remainder.

Subdivision Plan

- Shows the proposed subdivision of a parcel of land into two or more portions.

TOWNSHIP ESTABLISHMENT ON PORTION 21 OF THE REMAINDER OF THE FARM OUTAPI TOWNLANDS NO. 860, CONSISTING OF 256 ERVEN AND REMAINDER, TO BE KNOWN AS OUTAPI EXTENSION 11



OUTAPI

REFERENCE:

Zoning

- Residential
- Semi-Residential
- Business
- Institutional
- Civic
- Underserved

Reservation

- Public Open Space
- Servicing Streets

Reference

- Portion 21 Boundary
- Proposed New Extension Boundary
- Roads
- Servitude with 23 m Servitude
- Water Line with 15 m Servitude
- Poles
- Trees
- Buildings

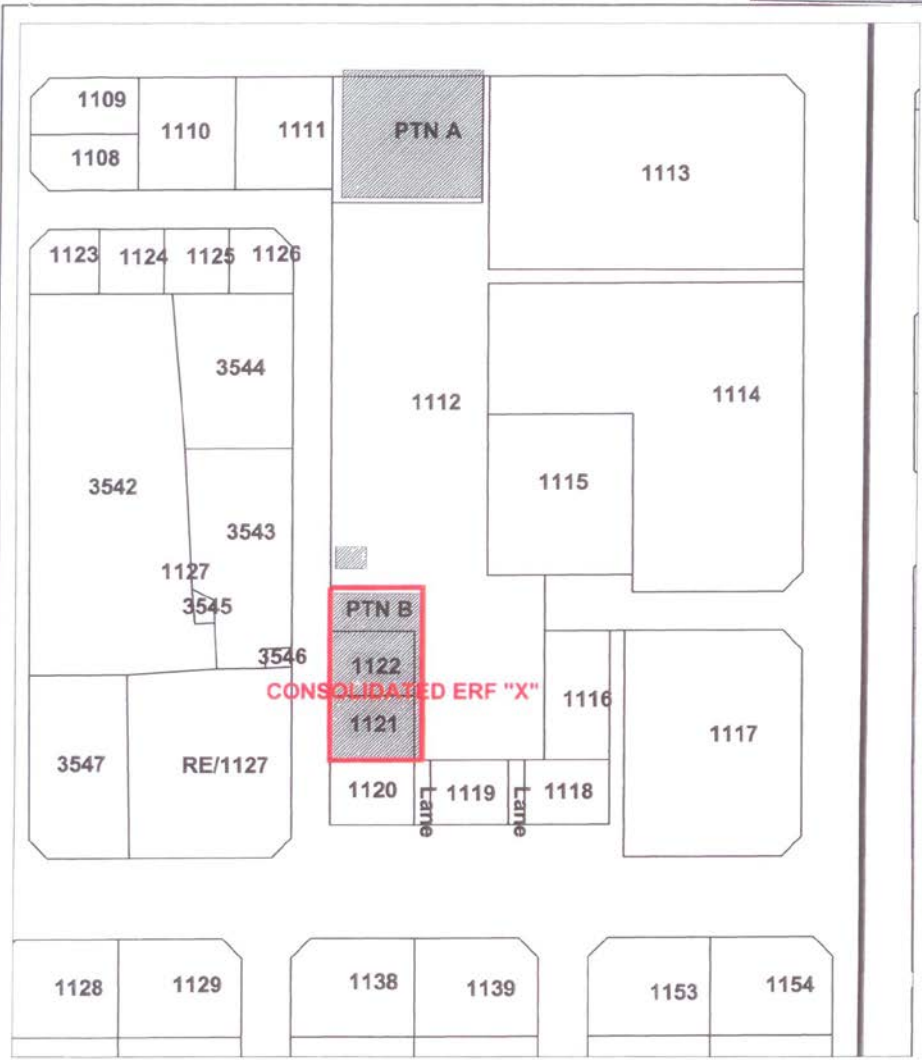
NOTE:
All measurements & areas given are approximate
No liability is accepted for errors in the drawing.

Client approval

9/20/2018

12/15






ERF SIZES:

 BUILDINGS

- PTN. B = ± 496m²
- ERF 1121 = ± 519m²
- ERF 1122 = ± 520m²

<p>CONSOLIDATION OF PTN B WITH ERVEN 1122 & 1121, EXTENSION 5, KATIMA MULILO INTO ERF "X"</p>		<p>DATE: AUG 2011</p>	<p>CONSULTANT:</p>
	<p>SCALE: 1:1 500</p>	<p>PLAN NO: 1122/1121KM</p>	<p>URBAN DYNAMICS TOWN & REGIONAL PLANNERS 45 Nelson Mandela Avenue Klein Windhoek, Namibia P O Box 26837 Windhoek, Namibia E-Mail: info@udanam.com Tel: (0926461) 240300/228435 Fax: (0926461) 240309</p>

ILP 510S: Section 3

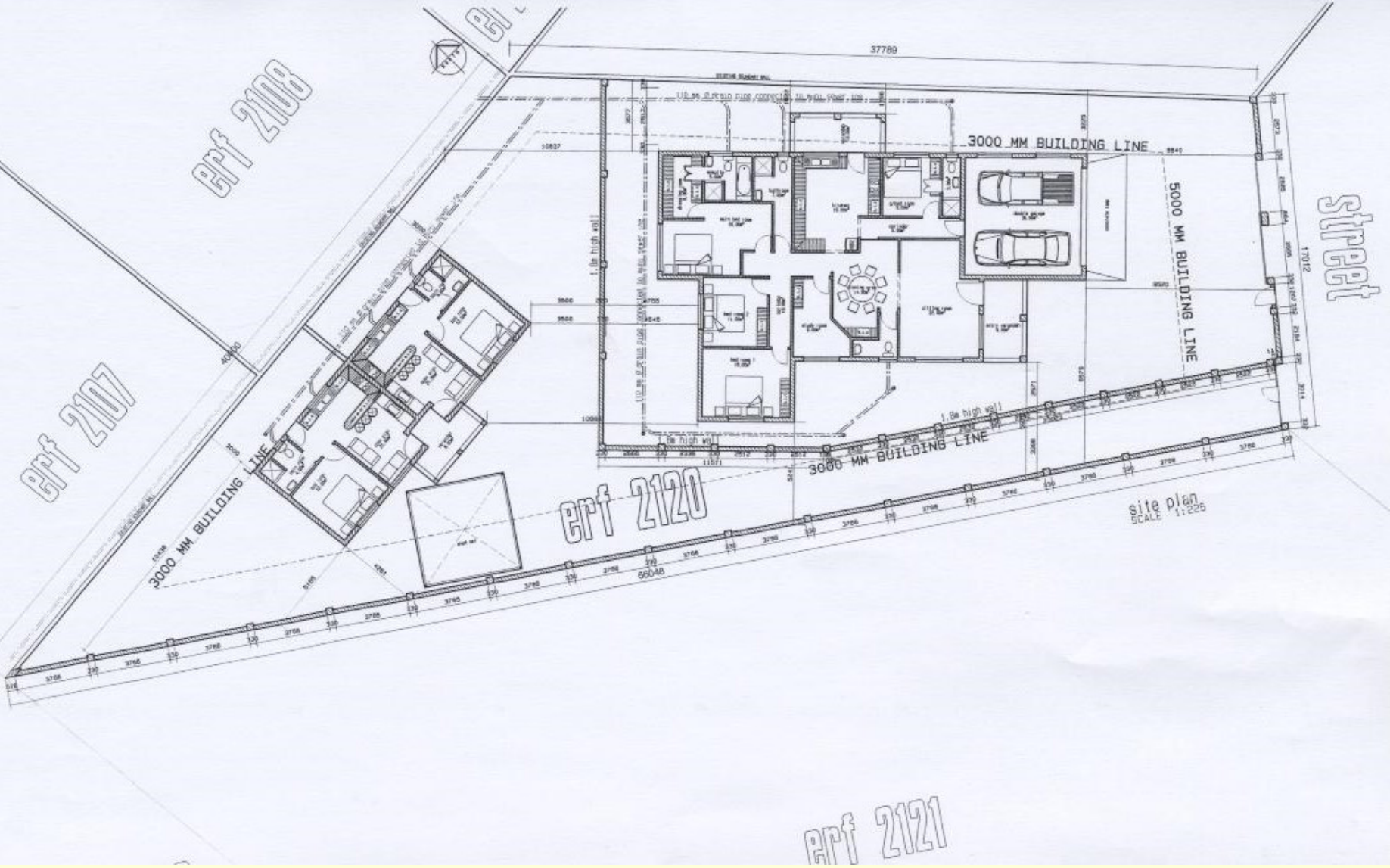
3.2) Types of Plans

(b) Physical Planning Documentation:

(iii) Implementation Plans

Site Development Plan (“site plan”).

- Drawings indicating the precise **arrangements of structures** on a parcel of land or erf.
- Also illustrate the **intended design, arrangement and uses of the land** to be improved.
- Information included; means of access, parking, landscaping, buffers, architectural features, location of building, natural features etc.
- For ex. a house site development plan shows the property, garage, existing buildings, locations, servitudes, utility connections, etc.



ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

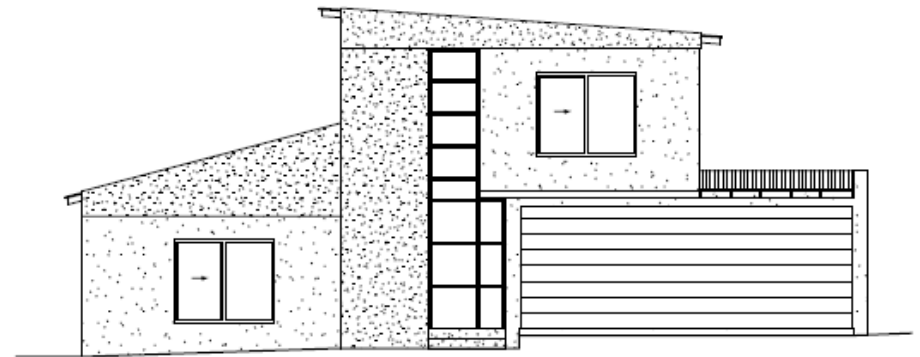
(iii) Implementation Plans

Building Plan

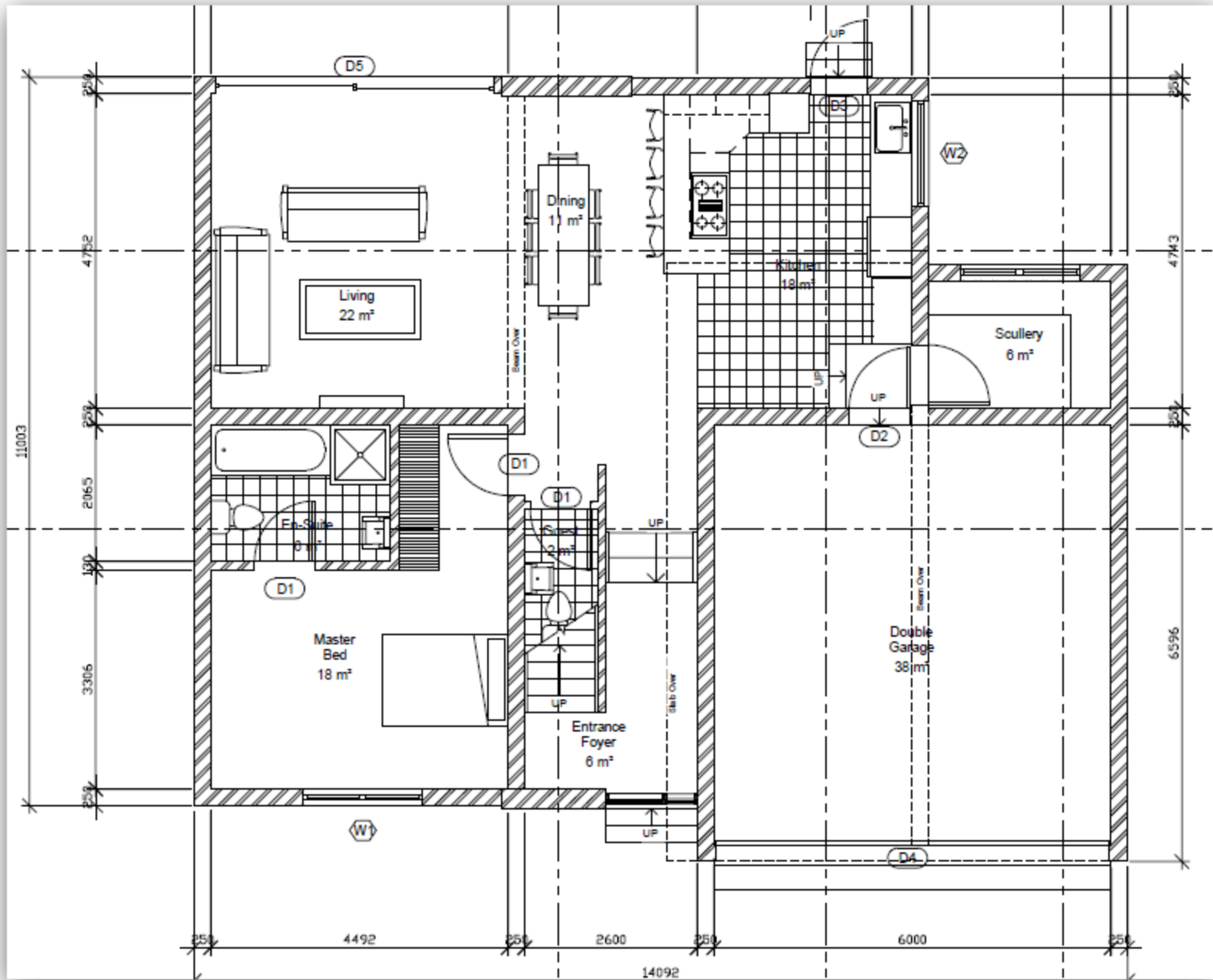
- Consists out of **floor plans** and **side elevations**.
- A floor plan shows the **placement of interior walls and the dimensions and locations of rooms**, doors, windows, stairways, etc. of each level of the house.
- The **elevations** are **drawings that show the front, back, or sides** of a building, and are used to see what materials will be used and what height the structure will be.



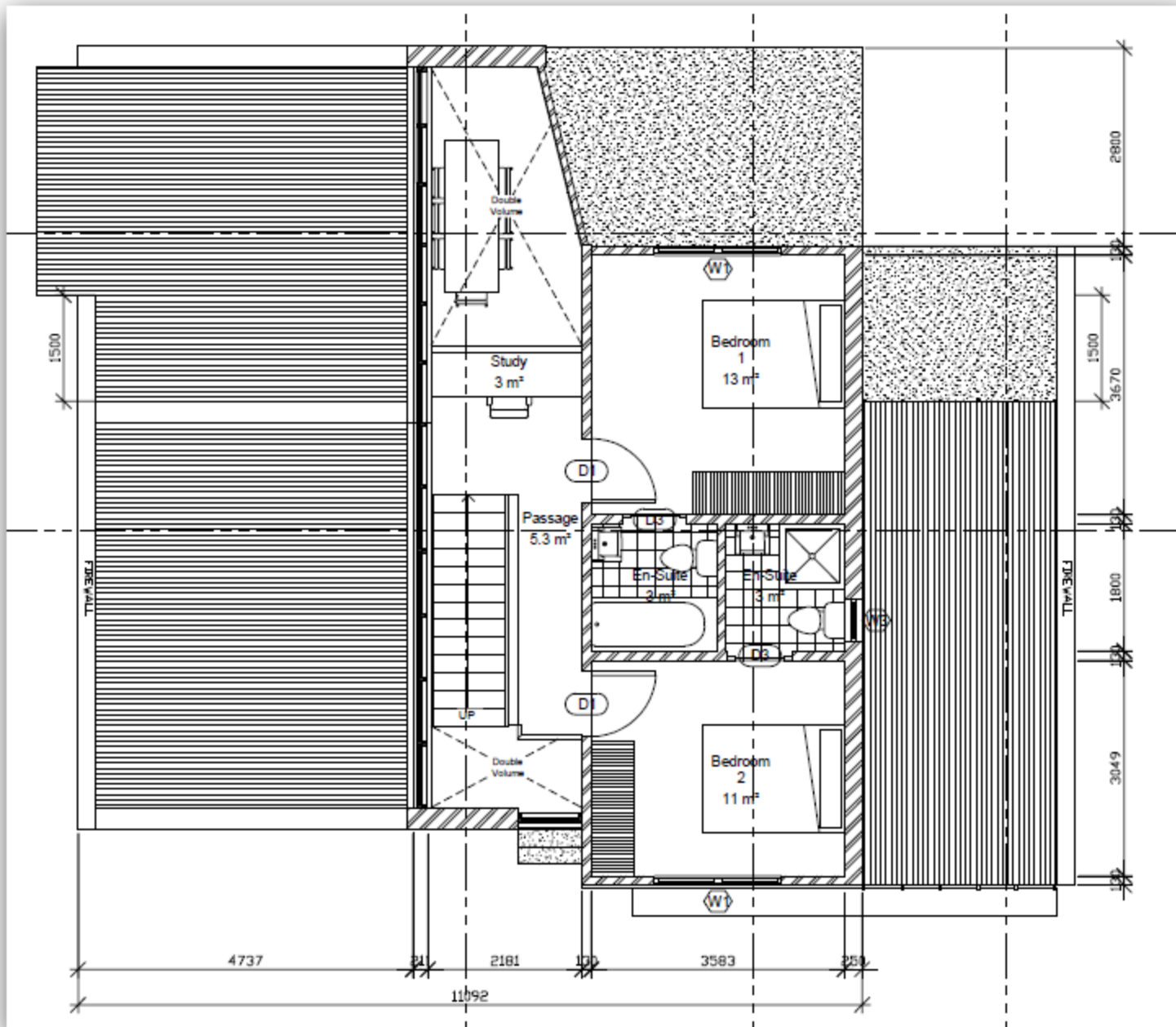
North Elevation
1:100



South Elevation
1:100



Building Plan: Floor plan of Ground Floor Level



Building Plan: Floor plan of Top Floor Level



Site Development Plan for a group housing development – indicates the arrangement of the structures, means of access, parking, natural features.

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(iv) Development Policies

- Collection of **non-statutory statements** by the council on **specified topics** such as informal settlement, subdivisions, sale of municipal land, public open spaces, informal markets etc.
- They are **not plans** as such,
- But pamphlets or statements on council's approach to or views on subjects,
- which council has adopted through **formal resolution**.

POLICY FOR THE DISTRIBUTION & FUTURE USAGE OF PUBLIC OPEN SPACES IN WINDHOEK

CONTENTS.

1. INTRODUCTION.
2. OBJECTIVES OF THE PLAN.
3. THE NATURAL & URBAN CONTEXT.
4. CATEGORIES OF OPEN SPACES.
5. DEFINING USAGE OF OPEN SPACES.
6. SIZE AND DISTANCE CRITERIA.
7. APPLICATION OF DEFINITIONS TO OPEN SPACES IN WINDHOEK.
8. PROBLEMS ENCOUNTERED.
9. URBAN ENCROACHMENT ON OPEN SPACES.
10. COMMUNITY INVOLVEMENT.
11. ADOPTION OF OPEN SPACES.
12. RECOMMENDATIONS.

1. **INTRODUCTION**

Open spaces are those areas specifically left free of any intensive development. They can serve many functions, including preservation of fragile ecosystems, natural area, scenic vista, aesthetic quality, wildlife habitats, cultural, historical and archeological areas, outdoor recreation areas of all forms, pedestrian linkages, walkways and trails, aquifer recharge areas, etc.

TYPES OF PLANS: PHYSICAL PLANNING DOCUMENTATION				
ASPECTS	Statutory Plans	Development Plans	Development Policies	Implementation Plans
Legal	Statutory	Non-Statutory	Non-Statutory	Non-Statutory
Purpose	Legal-Procedure	Advisory (Policy/Physical)	Advisory (Policy)	Implementation (Physical)
Time Frame	Medium (5 years)	Medium to long (5-10 years)	Short	Short
Importance	Legal procedure for development control	Guide to detailed planning and complex development	Guidelines for determining consent & rezoning applications	Implementation of procedures
Format	Cadastral information (maps) & document	Diagram for planned physical structure / policy zones / written statements	Council resolutions on policy	Plans
For ex.	Town Planning Schemes	Structure Plans & Policy plans to guide dev. in small areas	Informal markets, heritage buildings	Building plans, Township layout plans

ILP 510S

Class Cancellations:

7 & 8 April 2016

TEST: **8/04/2015 at 12:30**

**(Section 2.2 & Section 3 re.
strategic & physical planning
documents)**



**Introduction to Land Use Planning
and Management (ILP 510S):
Section 3:**

ILP 510S: Section 3

3.2) Types of Plans

(a) Strategic Planning Documentation

iii IRLUP

- **Main aim:** The process shall **integrate all** local, regional and sectoral plans for land use **into an overarching harmonised regional land use plan to optimise land use.***
- This is done through **participation of and in coordination** with all **stakeholders. OR**
- To ensure the **allocation of land to the uses** which will provide the **greatest sustainable benefits.**

ILP 510S: Section 3

3.2) Types of Plans

(a) Strategic Planning Documentation

iii IRLUP: focuses on 4 different aspects!

1 Potentials

- refers to underutilised land potential (whenever land use can be optimised through intensification, diversification or land use changes)
- refers also to capital investment projects (agricultural and mining projects or the like, which are planned in the region).

2 Conflicts

- existing and possible future conflicts regarding land use (due to uncoordinated sectoral planning, ethnic conflicts etc.)

ILP 510S: Section 3

3.2) Types of Plans

(a) Strategic Planning Documentation

iii IRLUP: focuses on 4 different aspects!

3 Severe environmental problems / disasters

- severe environmental degradation and pollution (natural or environmental disasters), which already occur in sub-regions.

4 Structural deficits

- for ex. with regard to the ongoing land reform, to land tenure aspects and to other deficits which have to be addressed on a higher strategic / political level.

ILP 510S: Section 3

3.2) Types of Plans

(a) Strategic Planning Documentation

The IRLUP will not only document:

- ✓ the present resource inventory,
- ✓ but will indicate future scenario's and future land use zoning for sustainable land management
- ✓ as well as required projects and programmes.

Ministry develops land-use plan for Kavango

NEW ERA: 22 Jan 2013 (Irene !Hoaës)

WINDHOEK – The Ministry of Lands and Resettlement is developing an Integrated Regional Land-Use Plan (IRLUP) for the Kavango Region.

The N\$4 million tender to develop the IRLUP was awarded to a group of companies. ...

Land-use planning is important to ensure sustainability, to select and to adopt environmentally friendly and best land-use plan options to increase economic growth and mitigate land-use conflicts. ...

These confinements (tribal homelands) are now increasingly becoming too small to support the inhabitants residing there. “We observe that the population growth, which is coupled with inappropriate management of the natural resources mainly in our communal areas has led to the degradation of land and the consequent increase of poverty in these areas,” the lands ministry’s permanent secretary, Lidwina Shapwa, said at the inception workshop of the Kavango IRLUP.

The Karas IRLUP has already been finalised, while one for the Hardap Region has been submitted to the ministry only recently. The cost of the two southern plans amounted to N\$7.3 million.

Shapwa said work in the Kavango Region would be more complex, compared to the southern plans due to its vastness, agro-ecological diversity, its wider communal lands, as well as its cultural and ethnic diversity.

The Kavango Region is characterised by uneven distribution of population and access to the rest of the region is also a challenge, especially given the limited road infrastructure. The Kavango IRLUP will be completed over the next fourteen months. Shapwa said it is government’s plan to develop IRLUPs for all 13 regions, which will eventually be consolidated to form a National Land⁶ Use Plan.

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation

- i. Statutory Plans
- ii. Development Plans
- iii. Development Policies
- iv. Implementation Plans

ILP 510S

Definition:

Land Use

- Purpose or activity for which a parcel of land is currently used for (actual land use) or
- the activity intended or zoned/allocated for a parcel of land (zoned land use)
- described in title deed or Town Planning Scheme.



ILP 510S

Definition from Section 3.1

Town Planning Scheme (or Town Plan / Scheme Regulations).

- **Document** containing **comprehensive policy statement***
- Serving as framework and foundation for **future development** and
- **Land Use Patterns** for the area**
- It is a **statutory document** – enforceable by law
- Assigns **real rights** to land.
- Consists out of **plans** (including zoning maps) and a **written book** detailing how land use planning activities should be ruled in that local authority.

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(i) Statutory Plans - Town Planning Schemes

- A statutory plan is a **legal document** enforceable by law and **binding on the inhabitants** living in the area covered by such a plan.
- Statutory plans **may not be amended without the approval** of the MRLGHRD.
- Town Planning Schemes are **the only statutory plans** currently in force in Namibia.

The purpose of Town Planning Schemes

- is to create a **comprehensive** policy statement* which will act as a **framework** and a foundation for **future development and land use patterns.

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

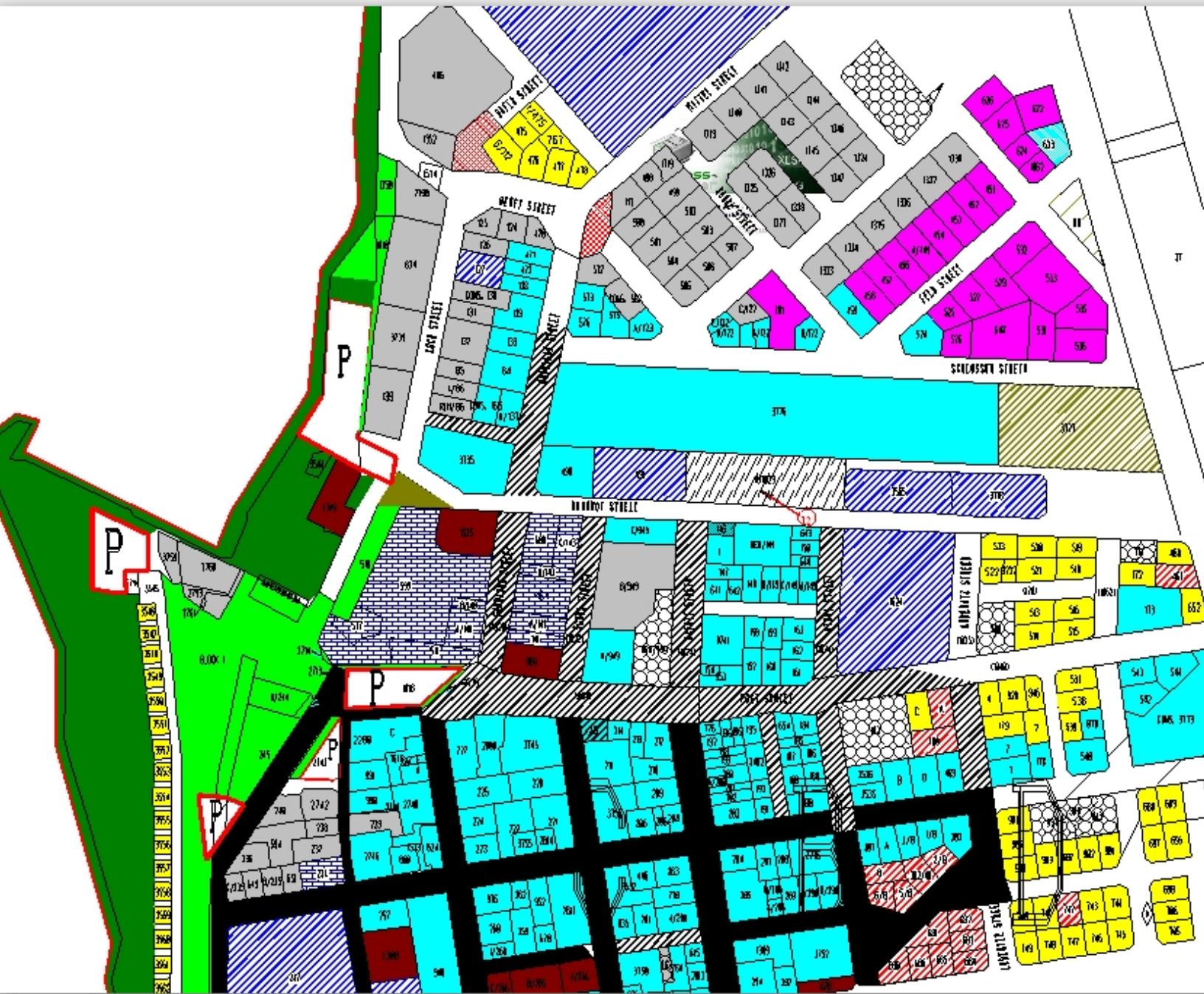
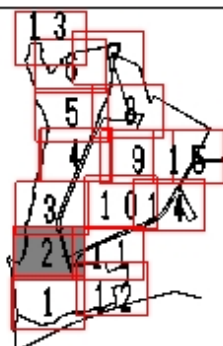
(i) Statutory Plans - Town Planning Schemes

- Compiled in terms of the **Town Planning Ordinance***
- There are **two components** to a town planning scheme, **the map** and the **document with its regulatory clauses**.

For Example: An extract from the swakopmund town planning scheme - www.swkmun.com.na/auction/TPAS%2012.pdf

AMENDMENT SCHEME

- KEY:**
- SINGLE RESIDENTIAL
 - GENERAL RESIDENTIAL
 - GENERAL RESIDENTIAL
 - LOCAL BUSINESS
 - GENERAL BUSINESS
 - INSTITUTIONAL
 - AUTHORITY
 - LOCAL AUTHORITY
 - LIGHT INDUSTRIAL
 - GENERAL INDUSTRIAL
 - UNDETERMINED
 - PRIVATE OPEN SPACE
 - PUBLIC OPEN SPACE
 - CEMETERY
 - PARKING
 - BEACH AREA
 - CONSERVATION AREA
 - PROPOSED STREETS
 - SPECIAL
 - STREET CLOSURES
 - EDUCATION
 - SCHEME BOUNDARY



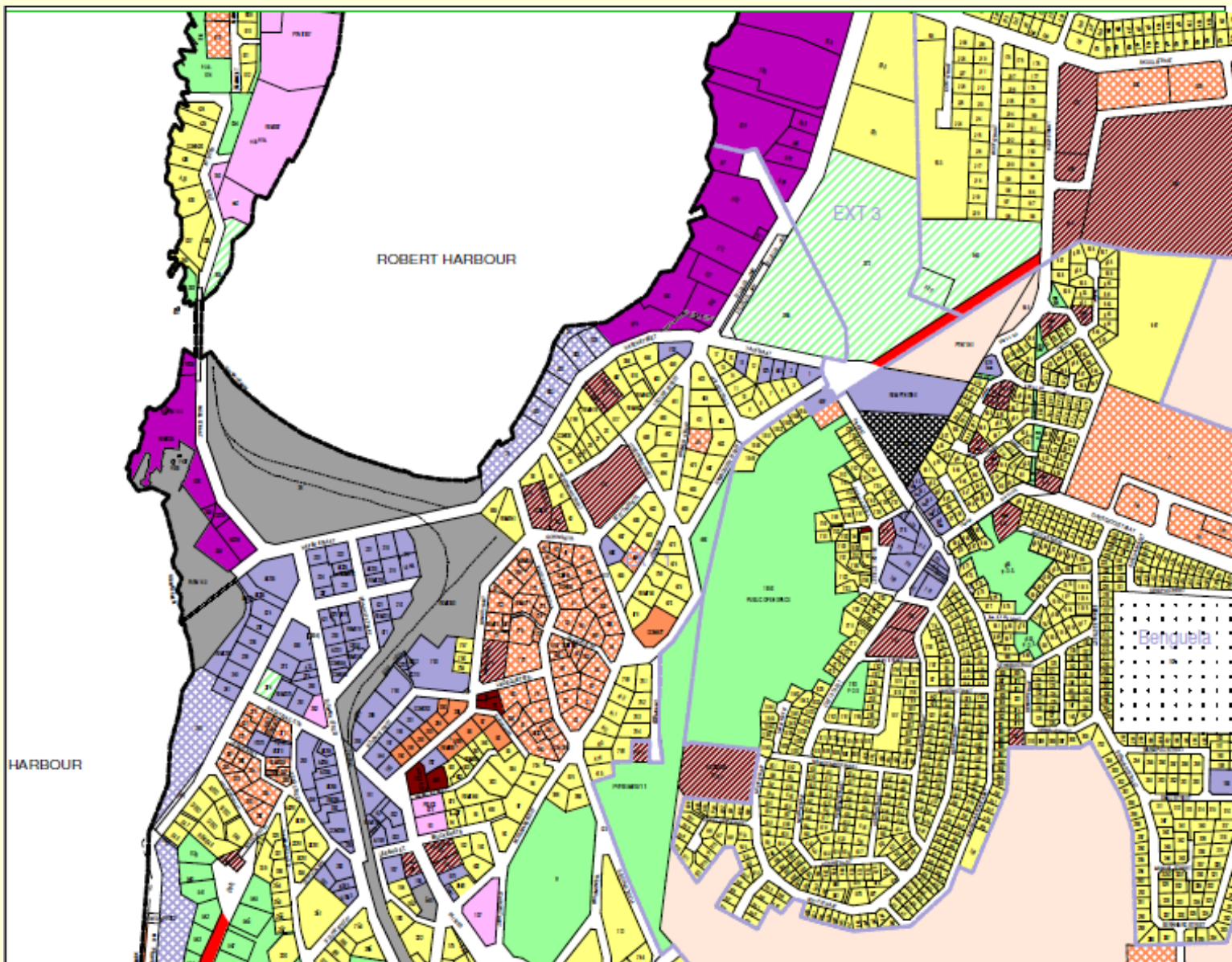


LÜDERITZ TOWN COUNCIL

REFERENCE

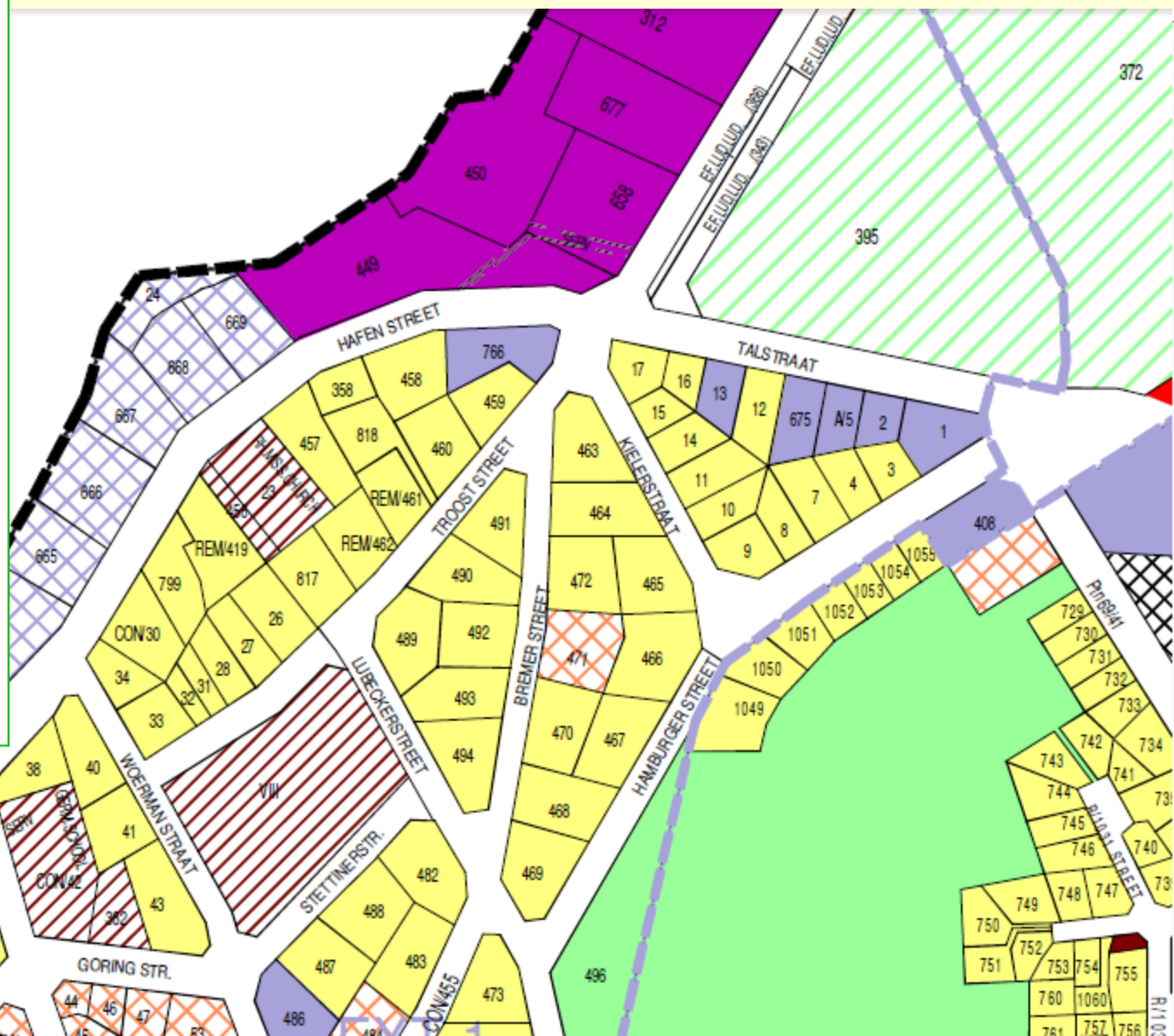
- Residential I
- Residential II
- Residential III
- Designated Residential
- General Business
- Light Industrial
- General Industrial
- Institutional
- Private Open Space
- Undetermined
- Special
- Public Open Space
- Waterfront
- Parastatal
- New streets & proposed streetwidening
- Street closures
- Agriculture
- Cemetery
- Local Authority purposes
- Government
- Existing streets
- Townland Boundary
- Extension Boundary

Stubenrauch **SPC**
Planning Consultants



REFERENCE

-  Residential I
-  Residential II
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-  Local Authority purposes
-  Government
-  Existing streets
-  Townland Boundary
-  Extension Boundary



ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(ii) Development Plans (2 types: **structure plans** and **policy plans**)

Structure Plans (Guide Plans)

- A town planning management tool which is **less regulatory** and **control oriented**, and
- More **flexible** and **future oriented** document than a town planning scheme.
- **Not a statutory document** like a town planning scheme.
- It is not required by law hence it can be **prepared, amended and cancelled by the local authority**.

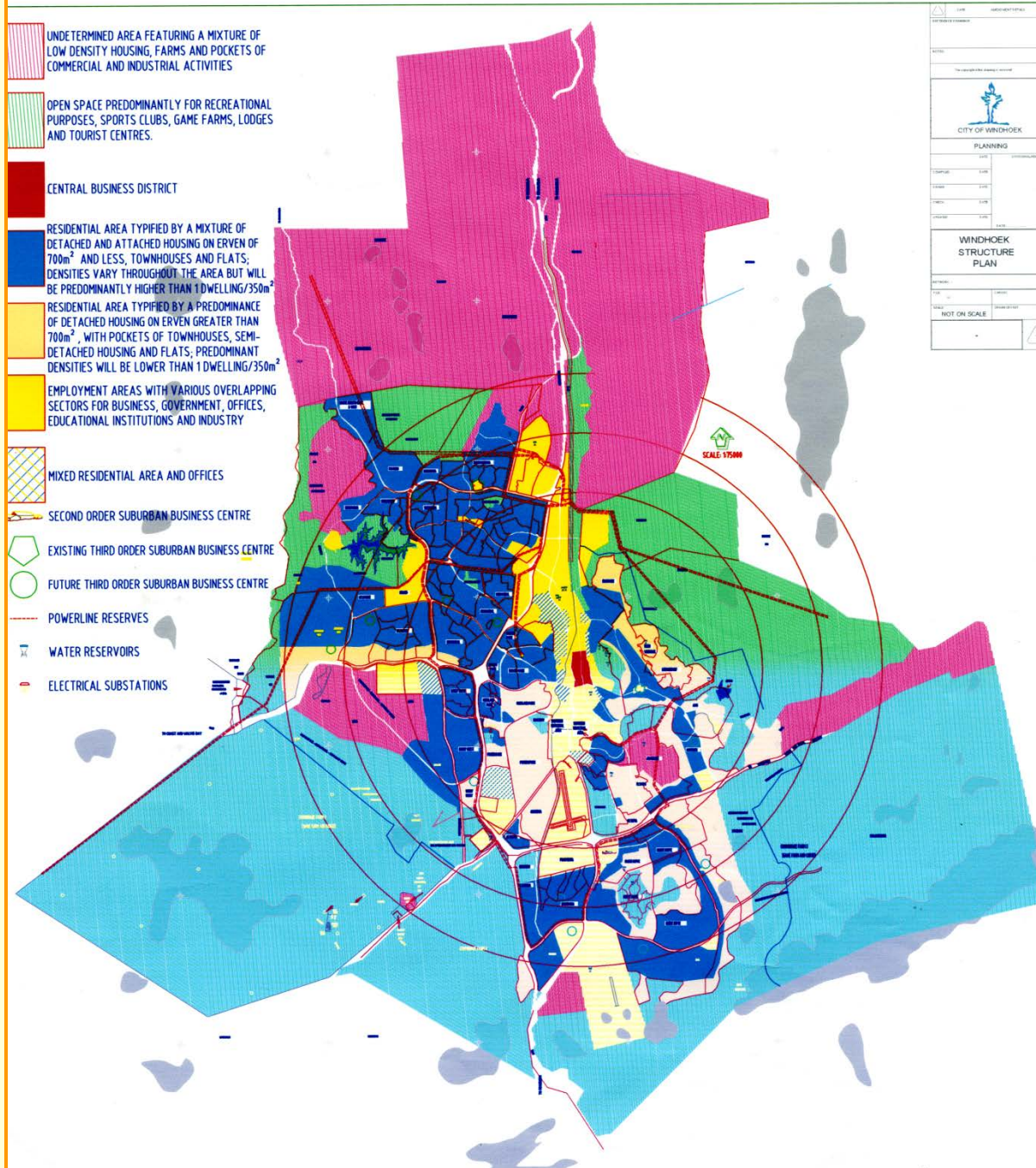
ILP 510S: Section 3

Definition from Section 3.1

(f) Structure Plan (Guide Plan)

- A **physical planning** product,
- which has **instructions and diagrammatic illustrations** (maps),
- on how a given settlement should be **developed in the short and medium term**.
- lay out guidelines for the **future spatial development** of an area.
- These plans **do not confer or take away any right** in respect of land.

WINDHOEK STRUCTURE PLAN



ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

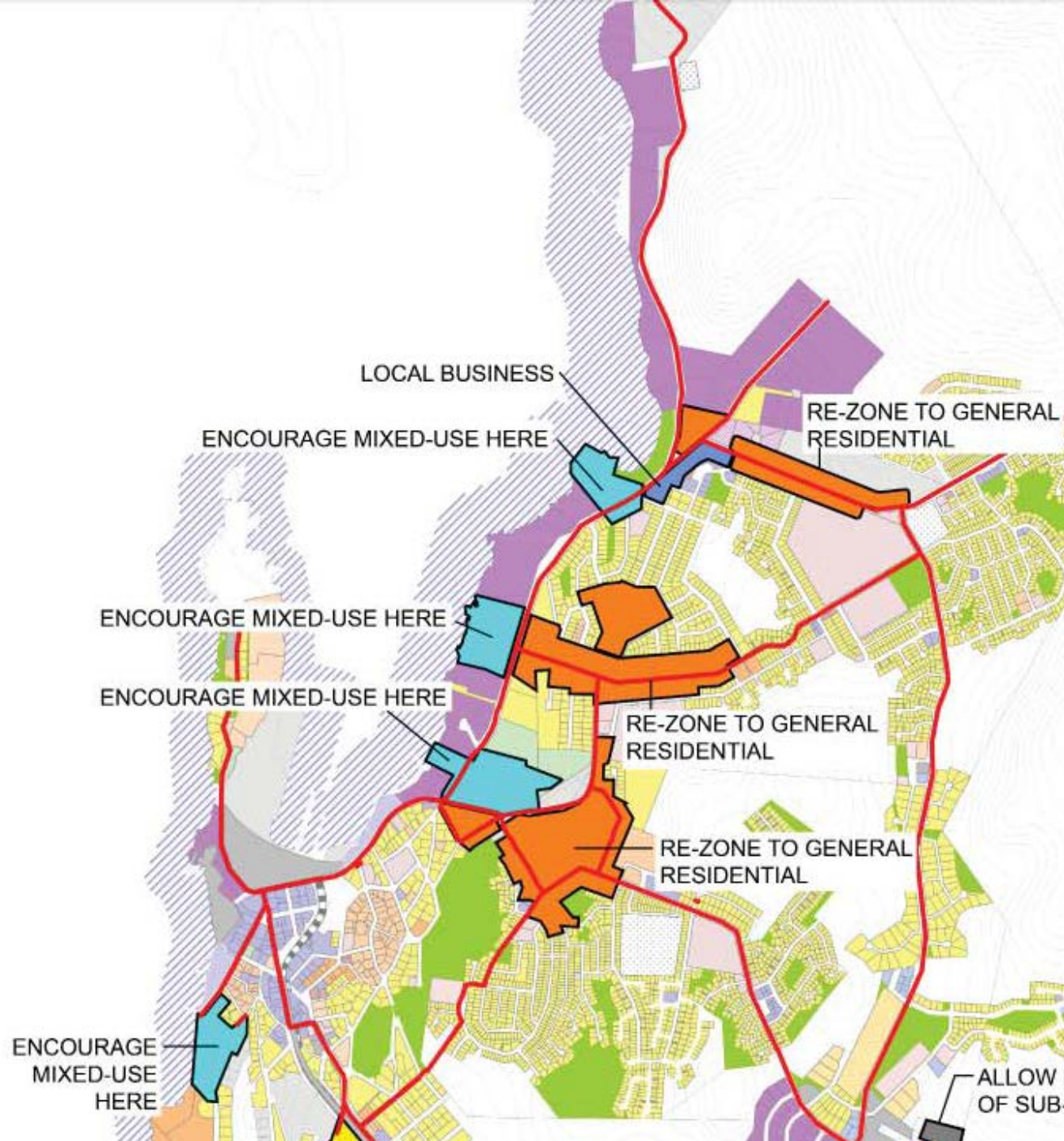
(ii) Development Plans (2 types: **structure plans** and **policy plans**)

The purpose of a structure plan

- provide **guidelines for future development** which will be of value to the local authority and to the public.
- It establishes a framework for **consistent and rational decision making**.
- indicates the **desired direction of development**.
- A structure plan **must be updated** regularly to keep track with changing conditions in the area.

Luderitz
Structure
plan
(Final draft)

Compiled by
Stubenrauch
Planning
Consultants



Exercise

- Map 4: Erf 15, 16 & 17 – Zoning Residential 1
- Primary Use – Dwelling House
- Propose rezoning to Residential 2 OR Residential 3

- **Consult the Structure Plan.** Is the proposed land use corresponding with the structure plan? NO earmarked for General Residential
- Can combine General Business with General Residential (above ground floor) General Business compatible with Mixed Use proposal opposite the street.

- **Consult Town Planning Scheme (TPS)** regarding the proposed new zoned land use (zoning) [p10] as well as the definitions and development

- TPS – primary uses for General Business (P10)- includes shops, business blocks of flats (only above ground floor)
- TPS (p19) Coverage, Bulk Factor, Building Lines & Height Control



**Introduction to Land Use Planning
and Management (ILP 510S):
Section 3:**

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(ii) Development Plans (2 types: **structure plans** and **policy plans**)

Policy plans

- to address **specific issues** in more detail than a structure plan.

The purpose of policy plans

- Policy plans provide a detailed framework for policy decisions to **guide development in small geographic areas.**

ILP 510S: Section 3

3.2) Types of Plans

(b) Physical Planning Documentation:

(iii) Implementation Plans

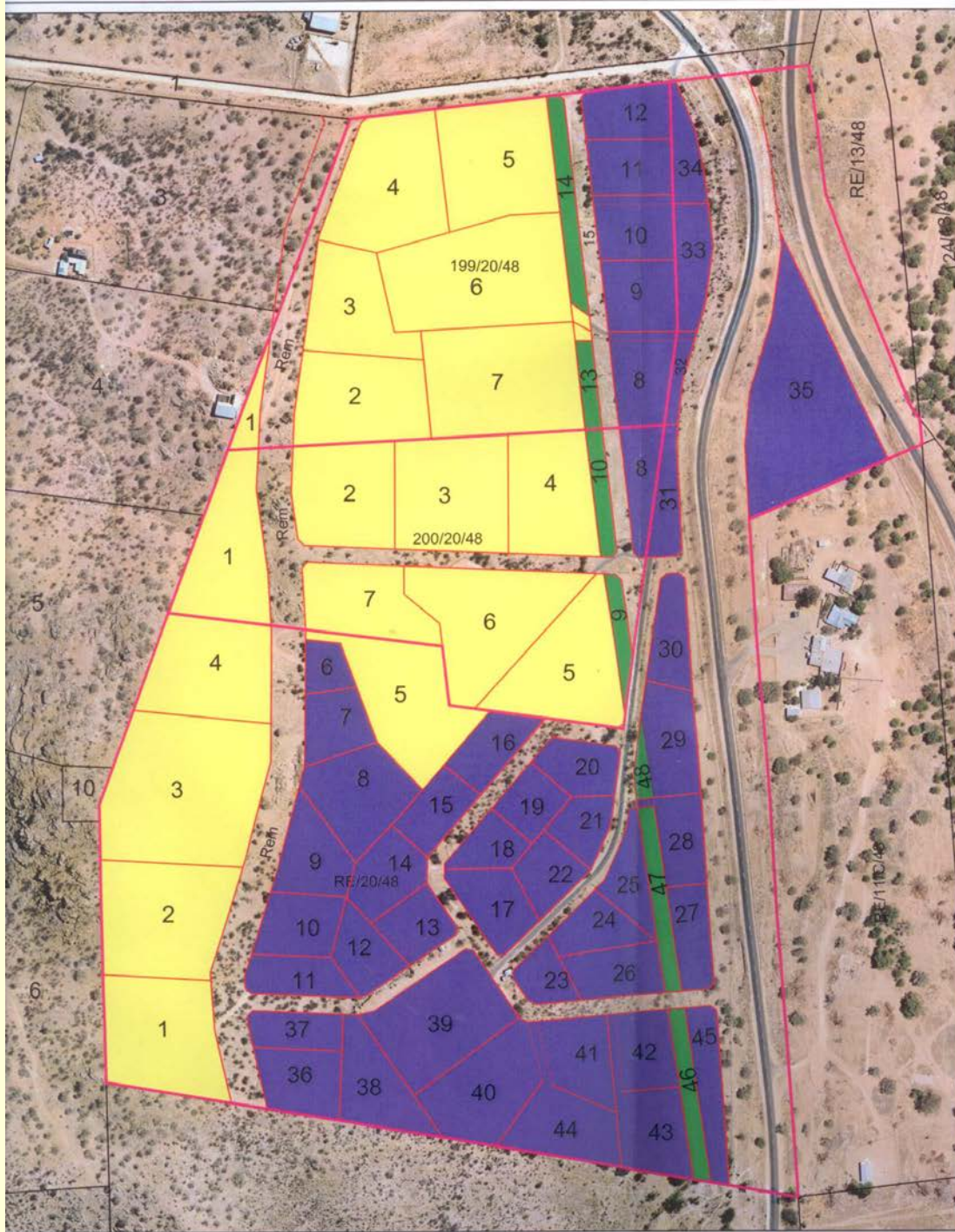
Collection of plans which put planning into action, for ex. **Township layouts, site development plans, subdivision plans, building plans.**

Township Layout Plan

- Means a layout plan of the **actual design of a township**, into even of single or multiple land use, street portions and the remainder.

Subdivision Plan

- Shows the proposed subdivision of a parcel of land into two or more portions.



TOWNSHIP ESTABLISHMENT ON PORTION 21 OF THE REMAINDER OF THE FARM OUTAPI TOWNLANDS NO. 860, CONSISTING OF 256 ERVEN AND REMAINDER, TO BE KNOWN AS OUTAPI EXTENSION 11



OUTAPI

REFERENCE:

Zoning

- Residential
- Semi-Residential
- Business
- Institutional
- Civic
- Underserved

Reservation

- Public Open Space
- Servicing Streets

Reference

- Portion 21 Boundary
- Proposed New Extension Boundary
- Roads
- Portals with 23 m Servitude
- Water Line with 15 m Servitude
- Poles
- Trees
- Buildings

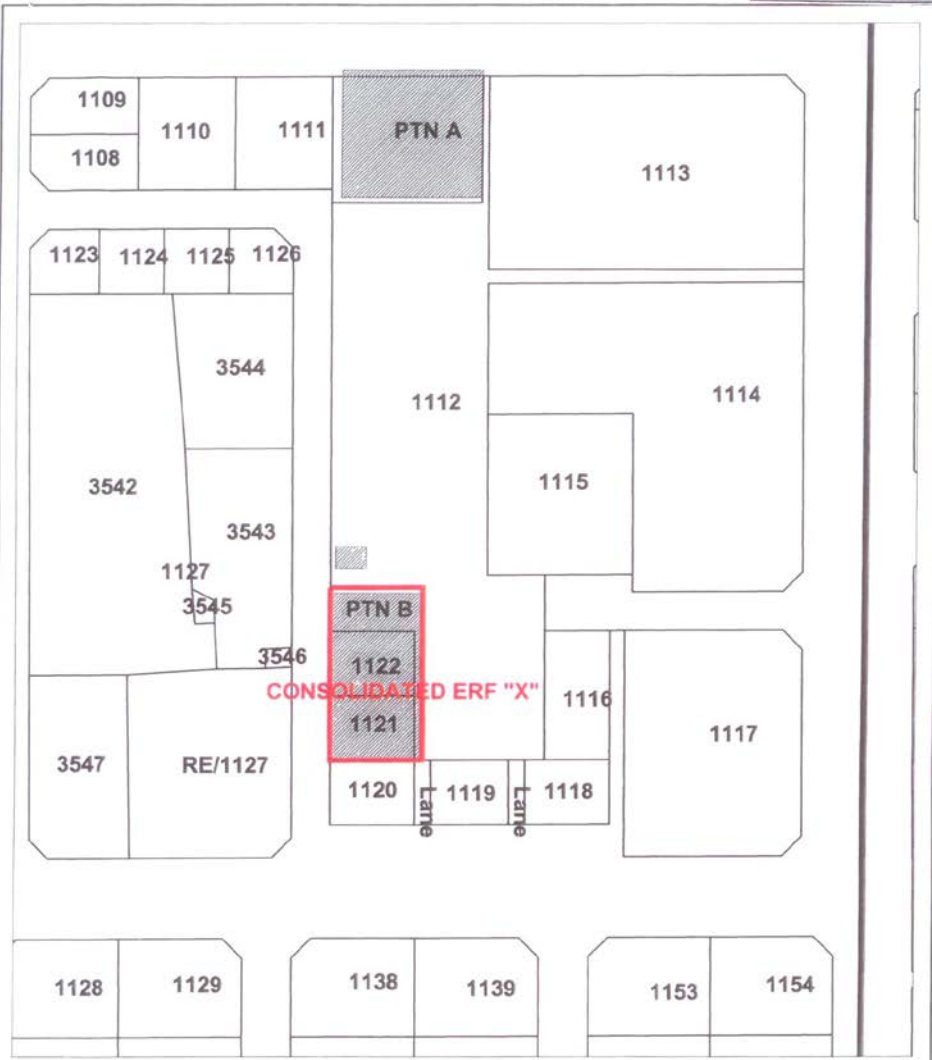
NOTE:
All measurements & areas given are approximate
No liability is accepted for errors in the plan.

City approval

9/20/2018

12/15





ERF SIZES:

 BUILDINGS

PTN. B = ± 496m²
 ERF 1121 = ± 519m²
 ERF 1122 = ± 520m²

CONSOLIDATION OF PTN B WITH ERVEN 1122 & 1121, EXTENSION 5, KATIMA MULILO INTO ERF "X"	DATE: AUG 2011	CONSULTANT: 
	SCALE: 1:1 500	URBAN DYNAMICS TOWN & REGIONAL PLANNERS 45 Nelson Mandela Avenue Klein Windhoek, Namibia P O Box 26837 Windhoek, Namibia E-Mail: info@udanam.com Tel: (0926461) 240300/228435 Fax: (0926461) 240309
PLAN NO: 1122/1121KM		

ILP 510S: Section 3

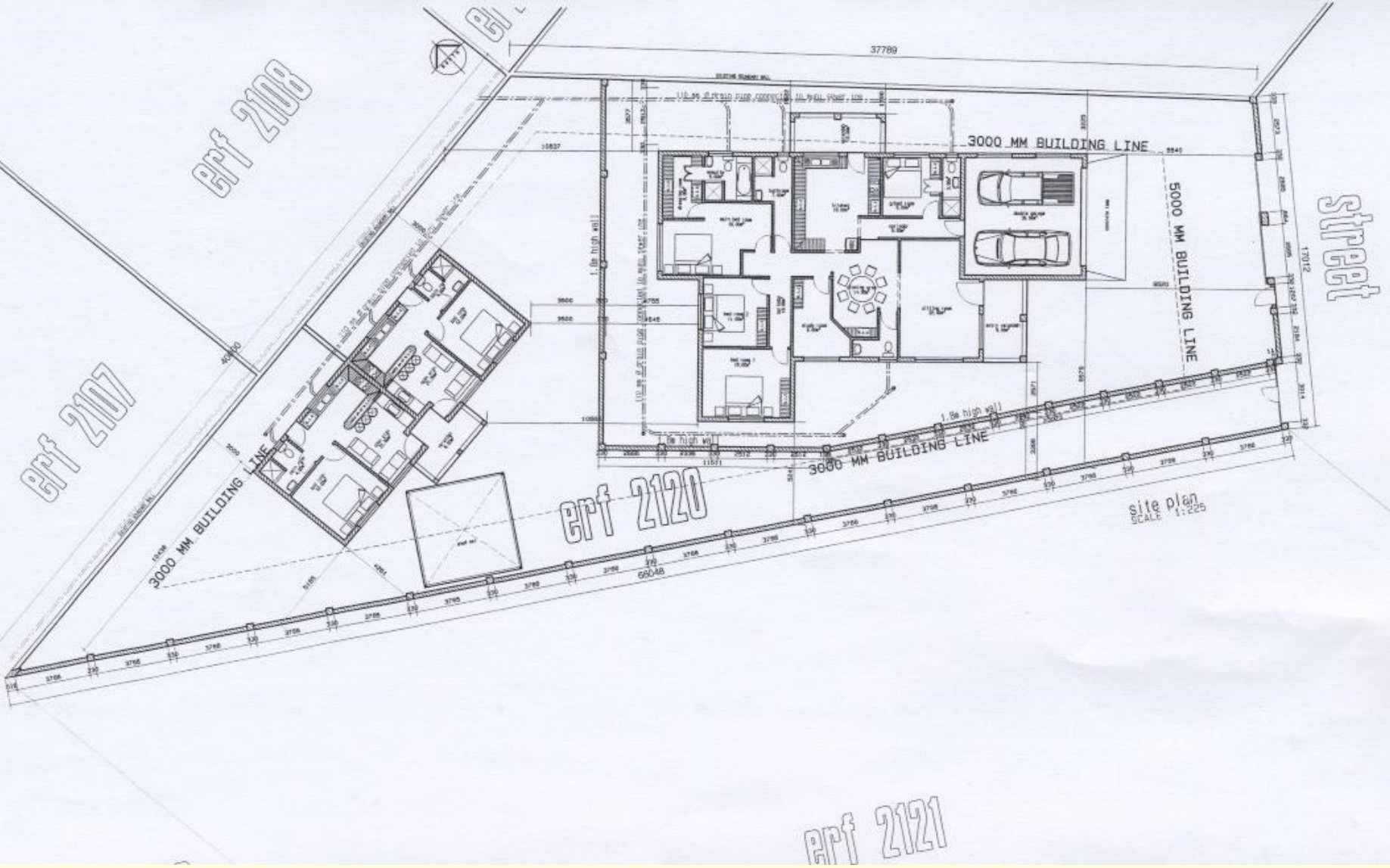
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ILP 510S: Section 3

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Building Plan

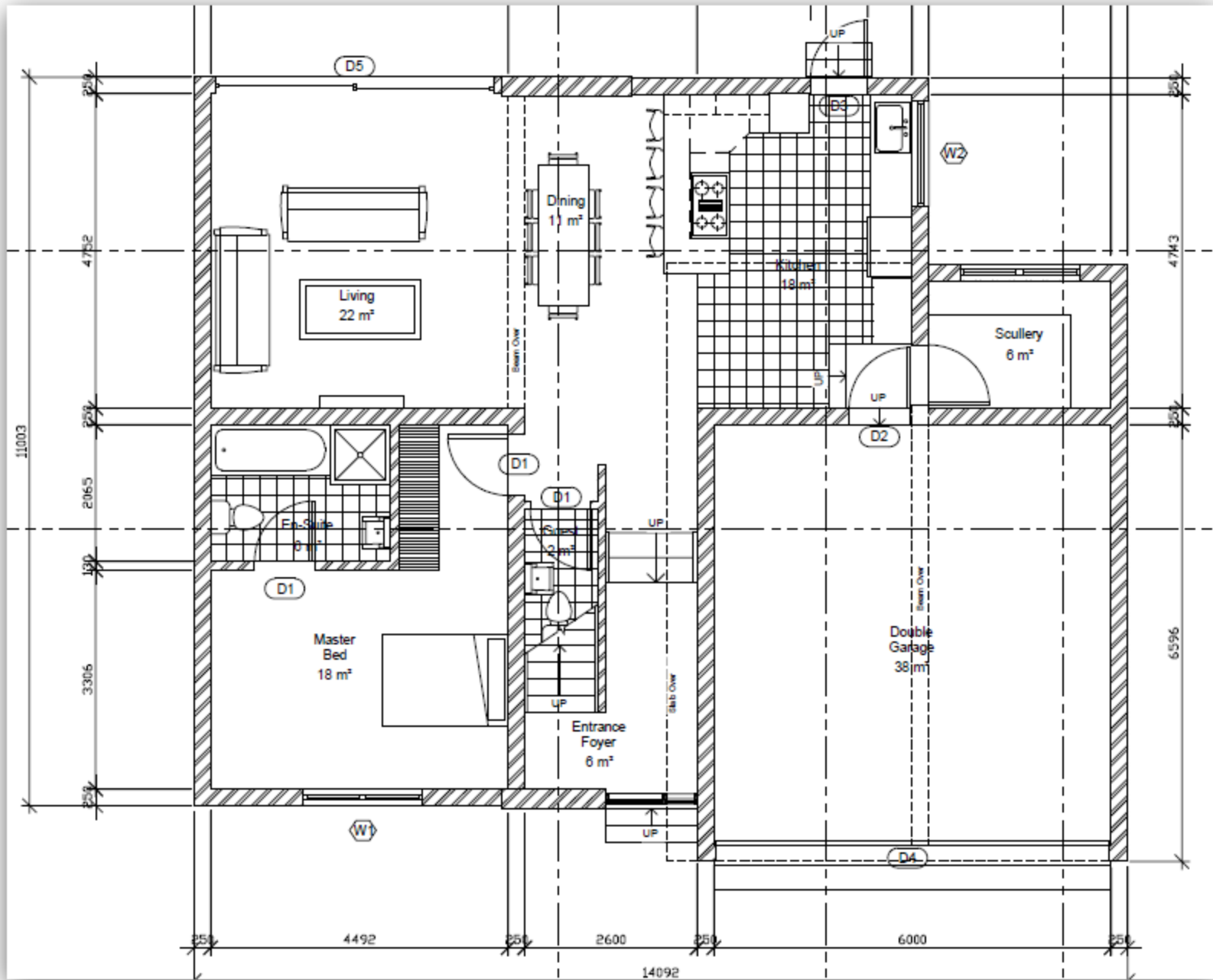
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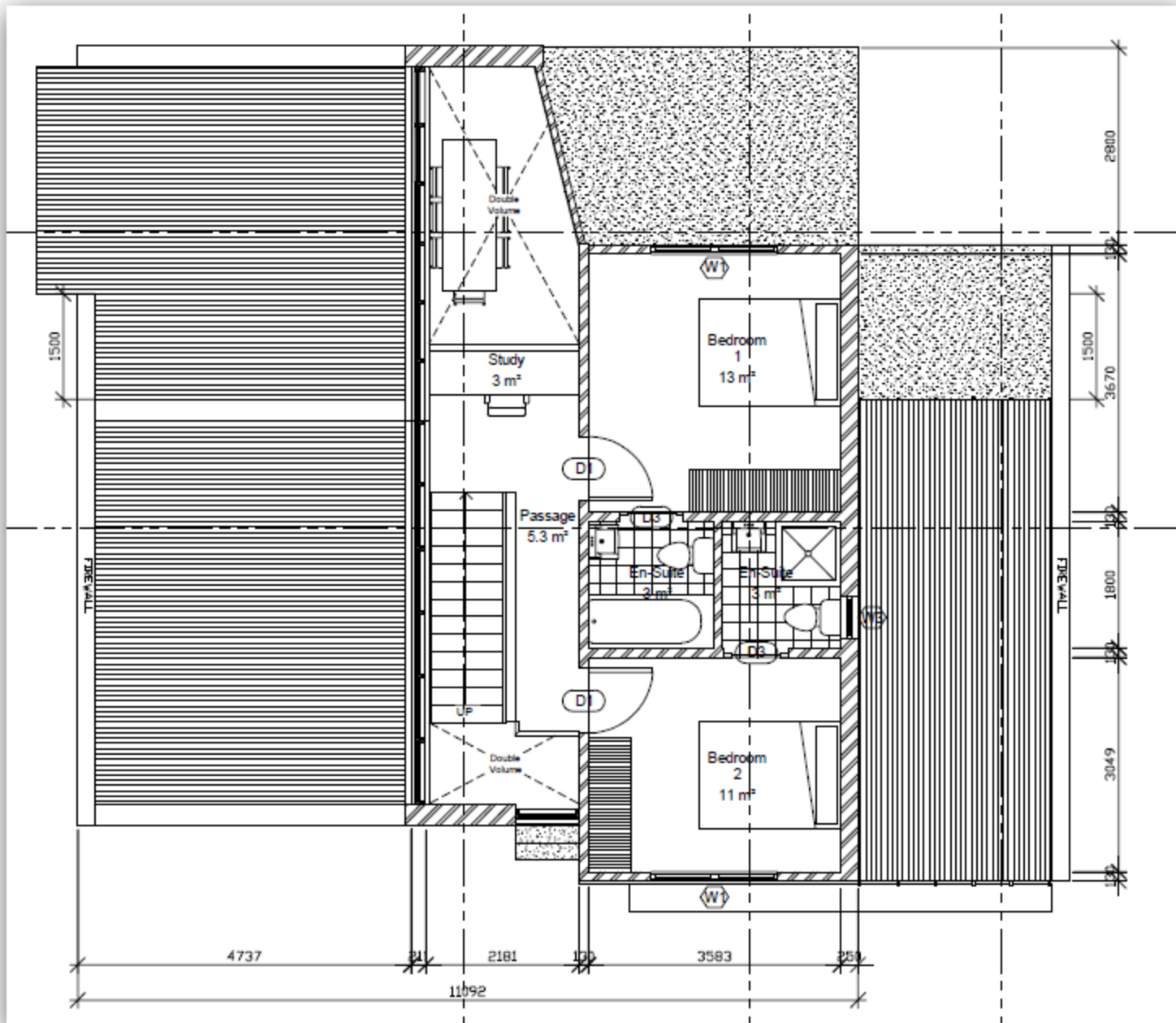
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1:100



South Elevation
1:100



Building Plan: Floor plan of Ground Floor Level



Building Plan: Floor plan of Top Floor Level



Site Development Plan for a group housing development – indicates the arrangement of the structures, means of access, parking, natural features.

ILP 510S: Section 3

3.2) Types of Plans

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POLICY FOR THE DISTRIBUTION & FUTURE USAGE OF PUBLIC OPEN SPACES IN WINDHOEK

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For ex.	Town Planning Schemes	Structure Plans & Policy plans to guide dev. in small areas	Informal markets, heritage buildings	Building plans, Township layout plans

ILP 510S

Class Cancellations:

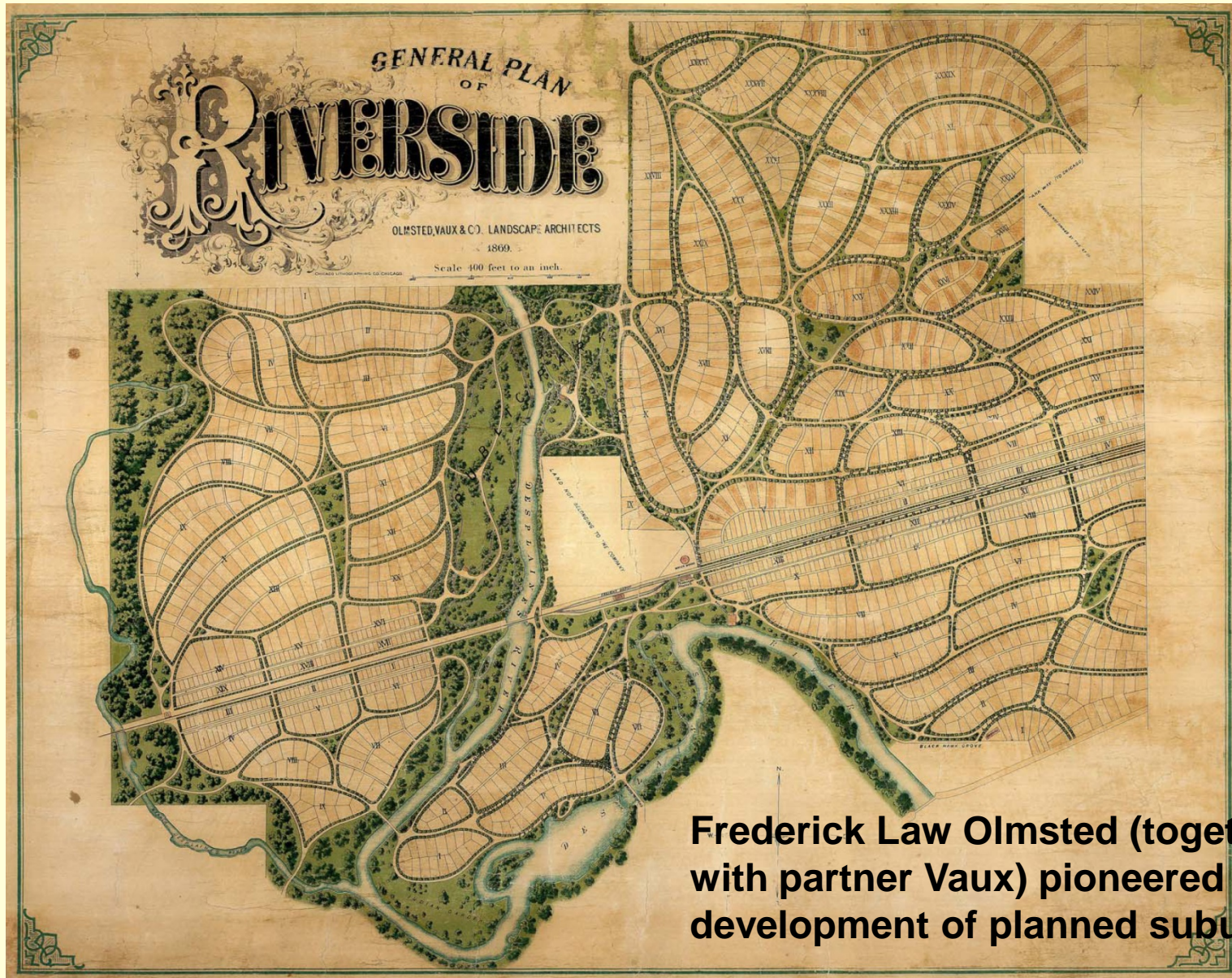
30 March 2015 - 2 April 2015

**DATE: 31/03/2015 (Tuesday) &
1/04/2015 (Wednesday) – No Class**

TEST: 1/04/2015 at 12:30

**(p21-32, p33-34 & 38-43 re. physical
planning documents)**

ILP 510S: Section 4.1



Frederick Law Olmsted (together with partner Vaux) pioneered the development of planned suburbs.¹

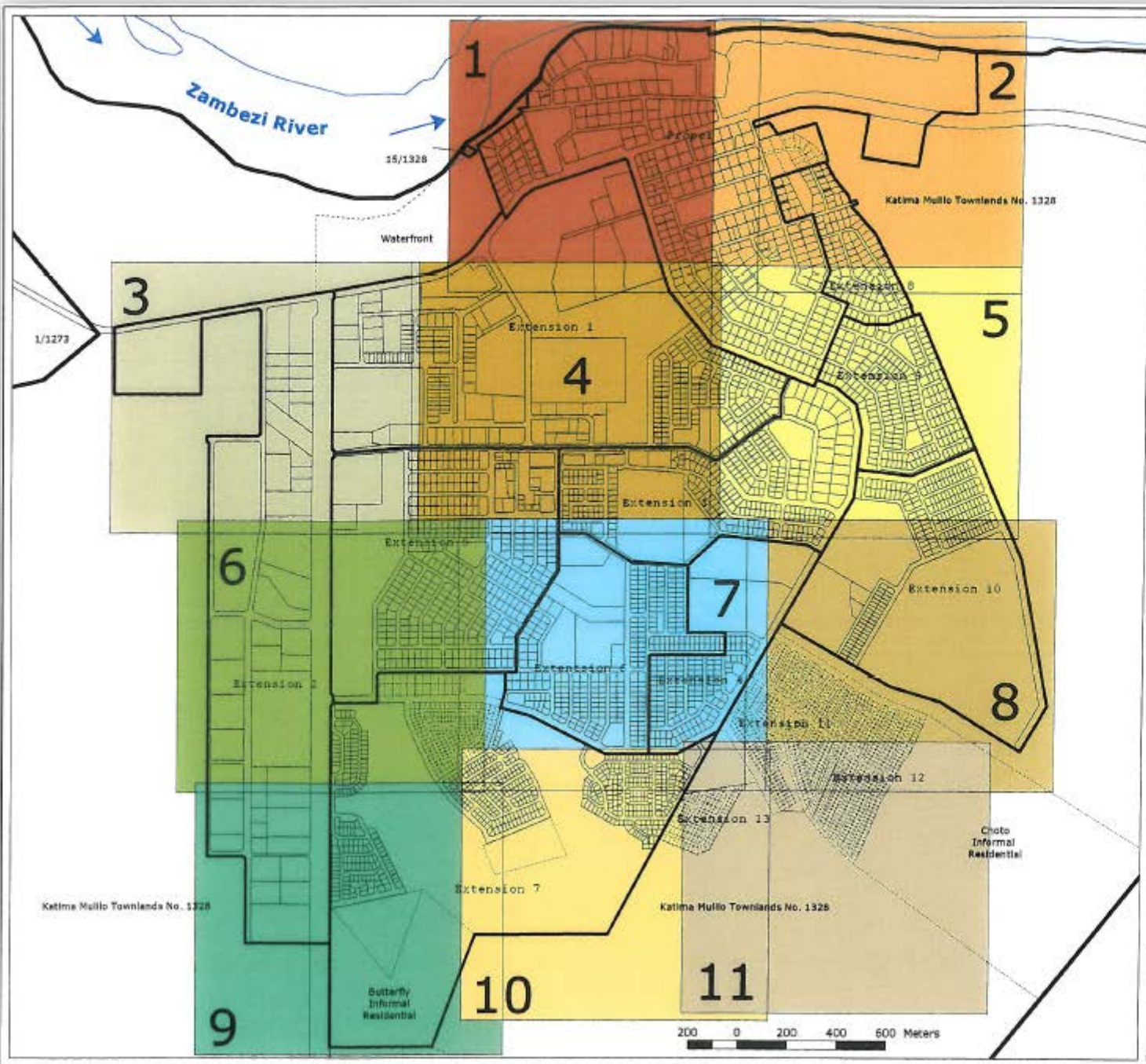
Section 4.1: Some Useful Terminology

(a) Land Use

- the purpose or activity for which a parcel of land is currently used for (**actual land use**) or
- the activity intended or zoned for a given parcel (**zoned land use**).

(b) Land Use Classes

- a mosaic of the different land use classes that are zoned in an area,
- characterised by the **different arrangement of activities**,
- **four main land use classes** in an urban centre, for ex. Residential, Industrial, Commercial and Institutional.
- several sub-classes can be found (for ex. General Residential & Light Industrial).



Town of Katima Mulilo



TOWN COUNCIL

Town Planning Scheme

Reference

- Farm Katima Mulilo Townlands 1328
- Portion/Extension of Katima Mulilo Townlands 1328
- Erf Boundary
- Unproclaimed Property
- River

1 Index Map Number



map title:
Index Map

drawing no.:
W/04090-C

scale:	date:	drawn:	checked:
1 : 15 000	February 2006	KD	



Zambezi River

Town of Katima Mulilo



TOWN COUNCIL
Town Planning Scheme

Zoning

- Informal Residential
- Residential
- General Residential
- Office
- General Business
- Local Business
- Hospitality
- Light Industrial
- General Industrial
- Institutional
- Parastatal
- Undetermined
- Agriculture
- Nature Reserve
- Private Open Space
- Special
- Outline of Conservation Area

Reservation

- Government
- Local Authority
- Public Open Space
- Cemetery
- Existing Street
- New Street/Proposed Street Widening
- Street Closure

Reference

- Unproclaimed Property



Map Title: Index Map 1



scale: 1:4000 date: Aug 2006 drawn: check: drawing no.:
 KD W/04090-TP1



Section 4.1: Some Useful Terminology

(c) Land Use Compatibility

- Every **land use activity** has its own **character** (space requirements, noise levels of operating systems, magnitude of clients) - **inputs & outputs**,
- **IOW varied** land use **characteristics & requirements**
- arranging different land use classes so that their **collective functional requirements** are met
- but also **synergetic** in terms of functional relationships.
- improves **productivity, convenience and hygienic living**.

Section 4.1: Some Useful Terminology

(d) Land Suitability

- Land suitability refers to a **set of qualities of a given piece of land** in relation to intended uses (land qualities).
- there are a number of factors crucial in determining land suitability for development; **natural physical features** (slope, ground surface and subsurface conditions, topography, drainage and water table); **socio-economic factors, infrastructural and cultural factors**.

Section 4.1: Some Useful Terminology

(e) Land Use Policy

(i) guidelines issued by the government OR

(ii) The development policies of a **local authority**,

- A collection of **non-statutory statements**,
- On **specified topics**,
- Which the **council** of the local authority have adopted through **formal resolution**. See also p47.

(f) Approved Township*

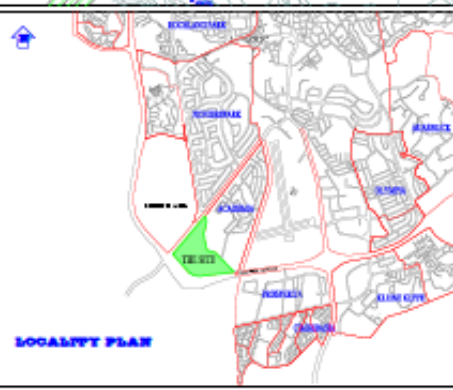
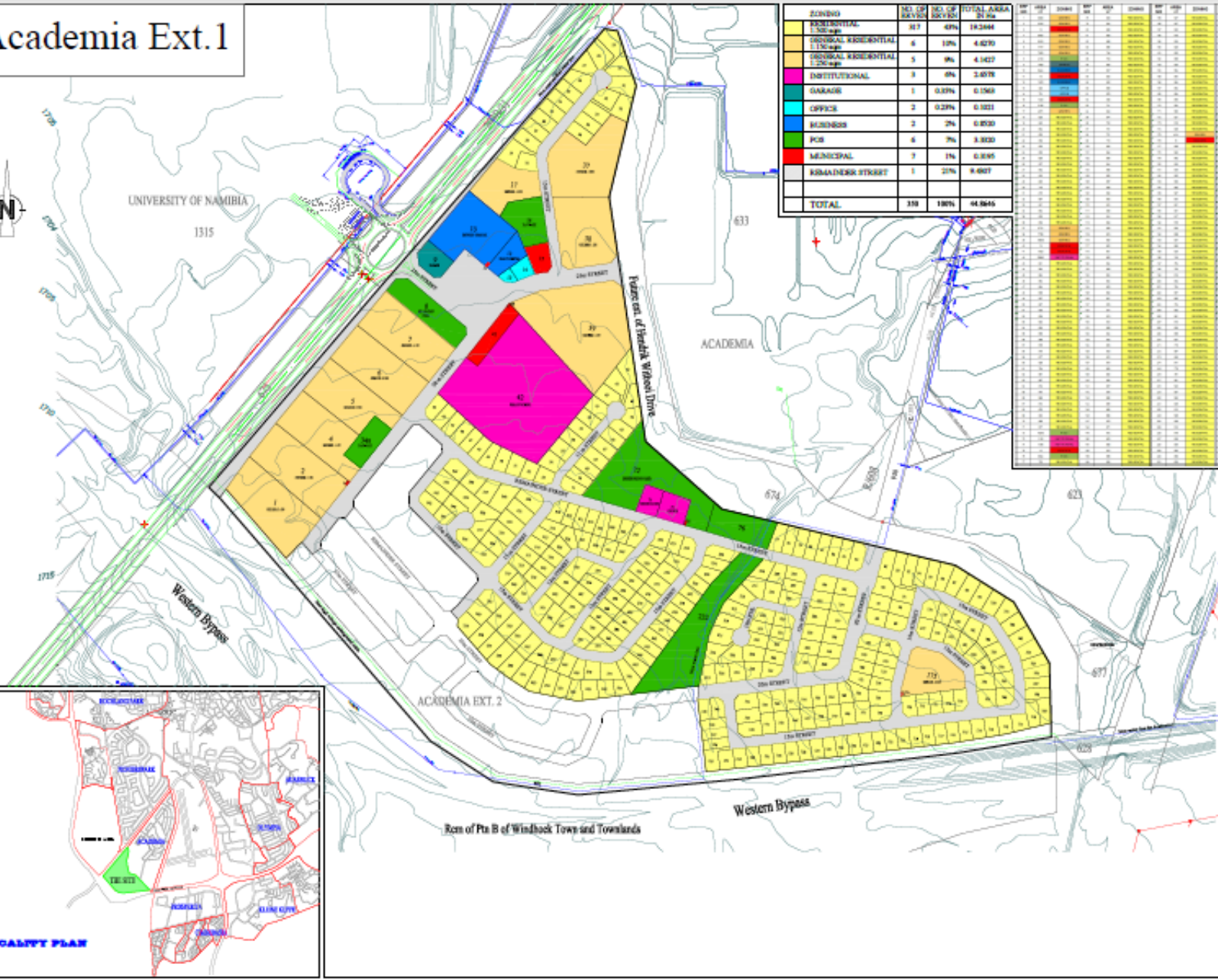
- **proclaimed** as such in accordance with the provisions of the **Townships and Division of Land Ordinance** (No 11 of 1963) as amended.
- It is the surveyed area laid out in erven with a **general plan and diagrams** of the erven.
- It is situated **within a Local Authority area**.

Academia Ext.1



ZONING	NO. OF PARCELS	NO. OF UNITS	TOTAL AREA
RESIDENTIAL	317	474	14 244
INDIVIDUAL RESIDENTIAL (1:1000)	6	10%	4 627
INDIVIDUAL RESIDENTIAL (2:1000)	5	9%	4 147
INSTITUTIONAL	3	4%	2 478
GARAGE	1	0.03%	0 150
OFFICE	2	0.28%	0 323
RECREATION	2	2%	0 820
PCB	6	7%	3 820
MUNICIPAL	7	1%	0 335
KIBMADENK STREET	1	21%	9 467
TOTAL	319	180%	14 565

NO.	AREA	ZONING	NO. OF PARCELS	NO. OF UNITS	TOTAL AREA
1	1	RESIDENTIAL	1	1	1
2	2	RESIDENTIAL	1	1	1
3	3	RESIDENTIAL	1	1	1
4	4	RESIDENTIAL	1	1	1
5	5	RESIDENTIAL	1	1	1
6	6	RESIDENTIAL	1	1	1
7	7	RESIDENTIAL	1	1	1
8	8	RESIDENTIAL	1	1	1
9	9	RESIDENTIAL	1	1	1
10	10	RESIDENTIAL	1	1	1
11	11	RESIDENTIAL	1	1	1
12	12	RESIDENTIAL	1	1	1
13	13	RESIDENTIAL	1	1	1
14	14	RESIDENTIAL	1	1	1
15	15	RESIDENTIAL	1	1	1
16	16	RESIDENTIAL	1	1	1
17	17	RESIDENTIAL	1	1	1
18	18	RESIDENTIAL	1	1	1
19	19	RESIDENTIAL	1	1	1
20	20	RESIDENTIAL	1	1	1
21	21	RESIDENTIAL	1	1	1
22	22	RESIDENTIAL	1	1	1
23	23	RESIDENTIAL	1	1	1
24	24	RESIDENTIAL	1	1	1
25	25	RESIDENTIAL	1	1	1
26	26	RESIDENTIAL	1	1	1
27	27	RESIDENTIAL	1	1	1
28	28	RESIDENTIAL	1	1	1
29	29	RESIDENTIAL	1	1	1
30	30	RESIDENTIAL	1	1	1
31	31	RESIDENTIAL	1	1	1
32	32	RESIDENTIAL	1	1	1
33	33	RESIDENTIAL	1	1	1
34	34	RESIDENTIAL	1	1	1
35	35	RESIDENTIAL	1	1	1
36	36	RESIDENTIAL	1	1	1
37	37	RESIDENTIAL	1	1	1
38	38	RESIDENTIAL	1	1	1
39	39	RESIDENTIAL	1	1	1
40	40	RESIDENTIAL	1	1	1
41	41	RESIDENTIAL	1	1	1
42	42	RESIDENTIAL	1	1	1
43	43	RESIDENTIAL	1	1	1
44	44	RESIDENTIAL	1	1	1
45	45	RESIDENTIAL	1	1	1
46	46	RESIDENTIAL	1	1	1
47	47	RESIDENTIAL	1	1	1
48	48	RESIDENTIAL	1	1	1
49	49	RESIDENTIAL	1	1	1
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51	51	RESIDENTIAL	1	1	1
52	52	RESIDENTIAL	1	1	1
53	53	RESIDENTIAL	1	1	1
54	54	RESIDENTIAL	1	1	1
55	55	RESIDENTIAL	1	1	1
56	56	RESIDENTIAL	1	1	1
57	57	RESIDENTIAL	1	1	1
58	58	RESIDENTIAL	1	1	1
59	59	RESIDENTIAL	1	1	1
60	60	RESIDENTIAL	1	1	1
61	61	RESIDENTIAL	1	1	1
62	62	RESIDENTIAL	1	1	1
63	63	RESIDENTIAL	1	1	1
64	64	RESIDENTIAL	1	1	1
65	65	RESIDENTIAL	1	1	1
66	66	RESIDENTIAL	1	1	1
67	67	RESIDENTIAL	1	1	1
68	68	RESIDENTIAL	1	1	1
69	69	RESIDENTIAL	1	1	1
70	70	RESIDENTIAL	1	1	1
71	71	RESIDENTIAL	1	1	1
72	72	RESIDENTIAL	1	1	1
73	73	RESIDENTIAL	1	1	1
74	74	RESIDENTIAL	1	1	1
75	75	RESIDENTIAL	1	1	1
76	76	RESIDENTIAL	1	1	1
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79	79	RESIDENTIAL	1	1	1
80	80	RESIDENTIAL	1	1	1
81	81	RESIDENTIAL	1	1	1
82	82	RESIDENTIAL	1	1	1
83	83	RESIDENTIAL	1	1	1
84	84	RESIDENTIAL	1	1	1
85	85	RESIDENTIAL	1	1	1
86	86	RESIDENTIAL	1	1	1
87	87	RESIDENTIAL	1	1	1
88	88	RESIDENTIAL	1	1	1
89	89	RESIDENTIAL	1	1	1
90	90	RESIDENTIAL	1	1	1
91	91	RESIDENTIAL	1	1	1
92	92	RESIDENTIAL	1	1	1
93	93	RESIDENTIAL	1	1	1
94	94	RESIDENTIAL	1	1	1
95	95	RESIDENTIAL	1	1	1
96	96	RESIDENTIAL	1	1	1
97	97	RESIDENTIAL	1	1	1
98	98	RESIDENTIAL	1	1	1
99	99	RESIDENTIAL	1	1	1
100	100	RESIDENTIAL	1	1	1



City of Windhoek logo

SUSTAINABLE DEVELOPMENT

PROPOSED CADASTRAL CHANGES: ACADEMIA EXTENSION 1

SCALE: 1:2500

P/1889/S (SHEET 2)

GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$11.20

WINDHOEK - 15 October 2014

No. 5590

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**DECLARATION OF ACADEMIA EXTENSION 1 TO BE AN APPROVED
TOWNSHIP: TOWNSHIPS AND DIVISION OF LAND ORDINANCE, 1963**

In terms of section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I -

- (a) declare the area situated on Erf 676, Academia, Registration Division “K”, as represented by General Plan No. K464 to be an approved township; and
- (b) set forth in the Schedule the conditions subject to which the application for permission to establish the township concerned has been granted.

**C. NAMOLOH
MINISTER OF REGIONAL AND
LOCAL GOVERNMENT, HOUSING
AND RURAL DEVELOPMENT**

Windhoek, 1 October 2014

SCHEDULE

1. Name of Township:

The township shall be called Academia Extension 1.

6

Government Gazette 15 October 2014

5590

2. Composition of Township:

The township comprises 349 erven numbered 692 to 1040 and the remainder streets as indicated on General Plan K464.

3. Reservation of erven:

The following erven are reserved for the Local Authority;

- for Public Open Space purposes: Erven 1034 to 1039.

4. Conditions of title:

The following conditions shall be registered in favour of the Local Authority against the title deeds of all erven, except the erven referred to in paragraph 3:

- A. The erf must only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provision of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954).
 - B. The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the prevailing valuation of the erf.
-

Section 4.1: Some Useful Terminology

(g) General Plan

- plan which represents the **relative position and dimensions of two or more erven,**
- has been **surveyed and signed by a registered land surveyor** and which
- has been **approved or certified as such by the Surveyor General** or his delegate

(h) Diagram

- an accurate cadastral drawing or plan **of a piece of land**
- **surveyed,** drawn and certified as accurate by a **registered Surveyor** and
- **approved by the Surveyor General** or his delegate.

Section 4.1: Some Useful Terminology

(i) Real Rights

- the **rights attached to a piece of land**
- by virtue of the conditions of title **contained in the title deeds** of such land or
- a **Town Planning Scheme** in force in the area.

(j) Title Deed

- means a document containing **evidence of ownership**
- **a record of the rights and conditions of use** allocated to a piece of land.

(Faint, mirrored text from the reverse side of the page, including dates like 12 APR 2002 and names like Yssel, E H)

DR WEDER KRUGER & HARTMANN
Attorneys, Notaries and
Conveyancers
P O BOX 864
WINDHOEK

DEED OF TRANSFER NO T 2758 / 2003

BE IT HEREBY MADE KNOWN:

THAT ~~ETIENNE HENNING YSSEL~~ ANDRE SWANEPOEL ^{*}
appeared before me, *Deputy* Registrar of Deeds at Windhoek, he
the said Appearer, being duly authorised thereto by a Power of Attorney granted to him by

TOWN COUNCIL OF RUNDU

Dated the 11th day of OCTOBER 2002 and signed at RUNDU

(Handwritten signatures and initials at the bottom of the page)

AND THE SAID APPEARER declared that his Principal had truly and legally sold on the 28th AUGUST 2002

AND THAT HE, in his capacity aforesaid, did by these presents, cede and transfer, in full and free property, to and on behalf of

REGINALD NDARA
Born on: 26 APRIL 1960
UNMARRIED

His Heirs, Executors, Administrators or Assigns,

CERTAIN	ERF NO. 95, RUNDU
SITUATE	In the Town of RUNDU Registration Division "B"
MEASURING	934 (NINE THREE FOUR) Square Metres as indicated on General Plan SG No. A.735/98
HELD	by Certificate of Registered Title No. T.6103/1999
SUBJECT	to the following conditions imposed in terms of Government Notice No. 25 of 2000, namely:

IN FAVOUR OF THE LOCAL AUTHORITY COUNCIL OF RUNDU

1. There shall be no obstruction or deviation of any natural course of storm-water over the erf without the written approval of the Local Authority.
2. The erf is subject to the reservation for the Local Authority of the right of access and use without compensation of the area three metres parallel with any boundary of such erf, for the construction and maintenance of local authority services in respect of water, sewerage, drainage, electricity or gas, which right includes the right to place on such erf temporarily any material that may be excavated during such operation on the erf or on any adjacent erf.
3. If the erf has more than one street frontage, access of the erf shall be obtained from the street determined by the Local Authority.
4. No offensive trade whatsoever shall be established or conducted on the erf.

For the purposes of this paragraph, "offensive trade" means any of the businesses, trades, works or institutions mentioned in regulation 1(a) of the regulations promulgated under Government Notice No. 141 of 10 November 1926.
5. No cattle, pigs, goats, sheep, monkeys, beasts of prey or draught-animals shall be kept or allowed on the erf.
6. The erf shall be used for residential purposes only.
7. The building value of a dwelling unit, including the outbuildings, to be erected on the erf, shall be at least two times the prevailing valuation of the erf by the local authority.

WHEREFORE the Appearer, renouncing all the Right and Title which the said **TRANSFEROR** heretofore had to the Premises, did, in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same and that, by virtue of these presents, the said, **TRANSFEEEE**

His heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however reserving its rights; and finally, acknowledging that the purchase price of the aforesaid property amounts to **NS\$ 604.00**

02 JUN 2003

Signed at WINDHOEK on
and confirmed with my seal of office.


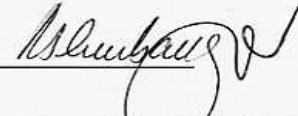
together with the appearer,




Signature of Appearer



In my presence
Transfer Duty Exemption Receipt No 401010099
issued by the Receiver of Revenue at RUNDU on 17 OCTOBER 2002

CHECKED: 1.  2. 

I the undersigned, ETIENNE HENNING YSSEL, Conveyancer hereby certify in terms of Section 78 of Act 23/1992 that all rates leviable in respect of such immovable property in terms of this Act, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid.



CONVEYANCER

YSSEL, E H



Section 4.1: Some Useful Terminology

(k) Freehold Title System

- the **system** according to which people can **own** and
- **register** such **ownership** of a piece of land in the deeds office.
- This provides the owner with a **real right** to the land which is **inalienable without his consent**.

(l) Settlement Area

- an area **declared such by a regional council**
- on the grounds of **prevailing circumstances**
- **necessitating management**, regulation and control of matters
- pertaining to the **health and welfare of the inhabitants** of the area.

Section 4.1: Some Useful Terminology

(m) Regional Council

means any council elected to **govern the affairs of a region.**

(n) Local Authority Area *

the **area under the jurisdiction** and control of a local authority.

(o) Local Authority Council

means any municipal council, town council or village council elected to **govern the affairs of a municipality, town or village.**

1. Regional councils

Namibia has 13 regions. Each region has a governor and a regional council. The number of people on each regional council depends on the number of constituencies in the region. As of 2004, all regional councils have 6-10 members. Each regional council sends two representatives to the National Council.

For example, Caprivi is divided into six constituencies. Each constituency elects a councillor. Together these six councillors form the Caprivi Regional Council. The Regional Council chooses two of its six councillors to represent Caprivi in the National Council.

Section 4.1: Some Useful Terminology

(p) Township Owner

- in the case of an approved township or a township in the process of being established, **the person registered in the deeds registry as the owner of such land.**

(q) Townlands*

- land **within a local authority area**
- but **outside the approved township area,**
- such lands are called farms or portions of farms.

*Slide 9 – Approved Township

Section 4.1: Some Useful Terminology

(r) Owner

- in relation to immovable property, means **the person in whose name such land is registered** or his legal representative.

(s) Proclamation

- the procedure whereby the Minister officially **notifies the public**
- that **approval** for the **establishment of new townships** or approval of a **Town Planning Scheme** have been given and are now legal and binding.

(t) Erf

- **any and every piece of land situated in an approved township**
- Land situated **outside approved townships** is called a **farm or a portion of a farm.**

<u>Type</u>	<u>Description of Land</u>	<u>Relevant Legislation</u>
Local Authority Areas	Areas proclaimed to be a municipality/town/village & under jurisdiction of a L/Authority council	Local Authorities Act (No 23 of 1992)
Approved Townships	Within a L/Authority area's boundaries. An area planned & surveyed with a general plan and proclaimed as an approved township * See definition	Local Authorities Act Townships and Division of Land Ordinance (no 11 of 1963)
Townlands	Comprises all land within a L/Authority area - but outside the approved township. * See definition Does not necessarily belong to the L/Authority but could belong to anyone.	Local Authorities Act Townships and Division of Land Ordinance (no 11 of 1963) regarding subdivision of townlands.

Section 4.1: Some Useful Terminology

(u) Public Place

means any street, square, recreation ground, garden, park or enclosed space

situated within and/or owned by the local authority for the use and benefit of the public, or which the public has the right to use.

(v) Conditions of Establishment

the conditions subject to which **a townships was established.**

These conditions are **noted on the title deeds** and may **limit the use of each individual erf** in a proclaimed town.

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Government Notices

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 25 2000

DECLARATION OF RUNDU TO BE AN APPROVED TOWNSHIP

In terms of section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I hereby declare the area situated on Portion 38 of the farm Rundu

Townlands No. 1329 in the Town Area of Rundu, Registration Division B, and represented by General Plan B154 (A735/98) to be an approved township.

The conditions, subject to which the application for permission to establish the township concerned has been granted, are set forth in the Schedule in terms of the said section 13.

N. IYAMBO
MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING

Windhoek, 20 January 2000

SCHEDULE

1. Name of township

The township shall be called Rundu.

2. Composition of township

The township comprises 350 erven numbered 1 to 350 and streets as indicated on General Plan B154 (A 735/98).

3. Reservation of erven

The following erven are reserved for the State -

- (a) for general administrative purposes, erf 172; and
- (b) for educational purposes, erf 215.

4. Conditions of title

(1) The following conditions shall be registered in favour of the Local Authority Council of Rundu against the title deeds of all erven, except erven 172 and 215 referred to in paragraph 3:

- “(a) There shall be no obstruction or deviation of any natural course of storm water over the erf without the written approval of the local authority.
- (b) The erf is subject to the reservation for the local authority of the right of access to and use, without compensation, of the area three metres parallel with any boundary of such erf for the construction and maintenance of local authority services in respect of water, sewerage, drainage, electricity and gas, which right includes the right to place on such erf temporarily any material that may be excavated during such operations on the erf or any adjacent erf.

(3) The following conditions shall, in addition to those enumerated in subparagraph (1), be registered in favour of the Local Authority Council of Rundu against the title deeds of erven 10 and 54:

- “(a) The erf shall be used for religious purposes only.
- (b) Only a church, a church hall and outbuildings shall be erected on the erf.
- (c) The building value of the church and church hall, respectively, excluding any outbuildings, shall be at least two times the prevailing valuation of the erf by the local authority.”

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 26

2000

DECLARATION OF RUNDU (EXTENSION 1) TO BE AN APPROVED TOWNSHIP

In terms of section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I hereby declare the area situated on Portion 39 of the farm Rundu Townlands No. 1329 in the Town Area of Rundu, Registration Division B, and represented by General Plan B155 (A737/98) to be an approved township.

The conditions, subject to which the application for permission to establish the township concerned has been granted, are set forth in the Schedule in terms of the said section 13.

N. IYAMBO
MINISTER OF REGIONAL AND LOCAL
GOVERNMENT AND HOUSING

Windhoek, 20 January 2000

SCHEDULE

1. Name of township

The township shall be called Rundu (Extension 1)

2. Composition of township

The township comprises 218 erven numbered 351 to 568 and streets as indicated on General Plan B155 (A 737/98).

Section 4.1: Some Useful Terminology

(w) Servitude (Praedial or Real Servitude)

- A common **form of land-use restriction** found frequently in rural and urban areas.
- A servitude is **registered over a property**
- in **favour of a neighbouring property or a service provider.**
- For ex. a right of way servitude, a pipeline servitude, an overhead power line servitude, water and grazing rights etc.

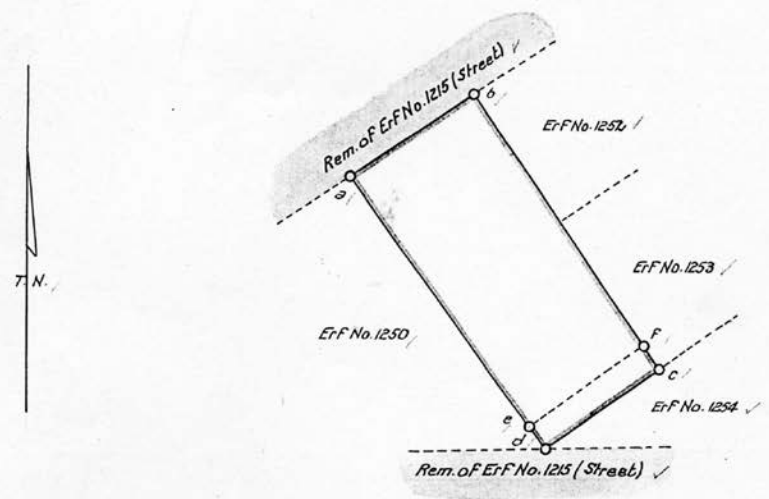
e f	23 77	e	90	25	40
f c	4 73	f	89	10	40
c d	23 66	c	91	16	00
d e	4 50	d	90	07	40

J. B. ...
SURVEYOR GENERAL

20 SEP 1947

Area 1 Ar 09 Sqm

Note: The Figure e-f-c-d represents a servitude.



SCALE 1:1000

The Figure *a-b-c-d* represents
 — Hectares 13 Ares 72 Square Metres of Land, being

Erf No. 1251 being portion of Erf No. 1215

in the Township of Windhoek SOUTH WEST AFRICA.

Surveyed in Aug. - Septbr. 1946 by me

J. B. ...

Formerly Parzello — Land Surveyor.

<p>The original Diagram is S.G. No. A. Framed by Surveyor <i>F. Mendes de Gouvêa</i> in <i>September 1946</i></p>	<p>This Diagram is annexed to <i>Deed of Transfer</i> No. <i>785/1948</i> registered this day.</p>
---	--

AND the said Appearer declared that his Principal truly and lawfully sold the undermentioned property on the 21st October, 1992;

and that he in his capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of -

Council
THE MUNICIPALITY OF WINDHOEK

d

It's Successors in Title or Assigns;

CERTAIN Erf No. 1251 WINHOEK TOWNSHIP

a

SITUATE In the Municipality of Windhoek
Registration Division "K"

MEASURING 1 372 (ONE THREE SEVEN TWO) Square Metres

FIRST TRANSFERRED By Deed of Transfer No. 785/1948 with diagram relating thereto and held by Deed of Transfer No. 140/1964;

SUBJECT To the following conditions created in the said Deed of Transfer No. 785/1948, imposed by the Council of the Municipality of Windhoek for its benefit, namely:-

ISSUED FOR INFORMATION ONLY

1. The said property shall be used for residential purposes only, and not more than one dwelling house for one family with the necessary outbuildings and appurtenances shall be erected thereon.
2. The said Council shall not be liable to the said purchaser or to his or its successors in title for compensation in case any alteration in the levels of any street or streets adjoining the said property, or if any portion of such streets is effected at any time by the said Council.

In the event of the said Council at any time laying out and constructing such streets at a level differing from the average level of the said property at the boundary line between it and the said street or streets, then the purchaser or his or its successor in title shall, within three months after written notice of intention so to lay out and construct any such street having been addressed to him or it by the said Council at his own cost construct a retaining wall on the said property at any such boundary line of sufficient height and strength so as effectually to prevent any portion of the said property falling into the street or vice versa.

All such retaining walls shall be built in consultation with the said Council and shall be subject to its approval. Should the said purchaser or his or its successor in title fail to comply with the provisions of this clause, the said Council shall be entitled to build any such retaining walls and to enter upon the said property for that purpose and shall be entitled to recover the cost thereof from the said purchaser or his or its successor in title.

The Council reserves the right of a Servitude for the purpose of constructing a storm-water drain over the area marked efcd on diagram S.G. No. 267/47 annexed to the said Deed of Transfer No. 785/1948.

WHEREFORE the Appearer, renouncing all the Right and Title which the said TRANSFEROR heretofore had to the premises, did, in consequence also acknowledge the said TRANSFEROR to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these Presents, the said TRANSFEREE

It's Successors in Title or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, The State, however, reserving its rights and finally acknowledging the purchase price of the aforementioned property to be the sum of R238 000,00

IN WITNESS WHEREOF, I, the said Registrar of Deeds, together with the Appearer, q.q., have subscribed to these Presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds at WINDHOEK 1992 12 17.

In my presence,

[Signature]
REGISTRAR OF DEEDS
[Signature] q.q.

~~Rates Clearance Certificate~~
issued by Windhoek Municipality

Checked: 1. *[Signature]* 2. _____

I, the undersigned *CRUEL-HEINZ SCRIBER*
Conveyancer, do hereby in terms of
Section 76 of the Deeds Act, certify that all rates,
fees or charges in respect of
the Immobile Property contained in this

ISSUED FOR INFORMATION ONLY

[Signature]

[Signature]

Section 4.1: Some Useful Terminology

(x) Density

- the **number of dwelling units**
- in relation to a **specified area**,
- expressed as a number of units per hectare
- For ex. 30 dwelling units per hectare (It can also be expressed in square meters for example 1 unit per 333m², as is the case with the density zone maps of a town planning scheme). See also *p52*

(y) Coverage

- The **total area of an erf that may be covered** by buildings, roofs or projections,
- expressed as a percentage of the area of the erf concerned.



Town of Katima Mulilo



TOWN COUNCIL

Town Planning Scheme

Density

- 1 : 250
- 1 : 300
- 1 : 600
- 1 : 900

Reference

- Farm Katima Mulilo Townlands 1328
- Portion/Extension of Katima Mulilo Townlands 1328
- Erf Boundary
- Unproclaimed Property
- River



K.D. Stubenrauch
Architect
No. 001 001 001
P.O. Box 1000
Windhoek
Namibia

map title:

Density Map



drawing no.:

W/04090-B

scale:
1 : 15 000

date:
August 2006

drawn:
KD

checked:

200 0 200 400 600 Meters

Section 4.1: Some Useful Terminology

(z) “Floor area (FA)”

- the **sum total of the floor surface area of a building**,
- subject to the inclusions and exclusions of areas as determined by the relevant Scheme (For example including any mezzanine floors and elevator shafts, and excluding external fire stairs, balconies and uncovered roof terraces).

(aa) Bulk factor

- determines **the maximum built up floor area (FA)** allowed on an erf,
- **according to the size of the concerned erf.**
- The bulk factor is expressed as a ratio of the total floor area, to the area of the erf concerned.

Total floor area means the gross area of all floors of a building as fixed by the exterior measurement of each floor, excluding:

- (a) **parking areas;**
- (b) **a caretaker's flat, including work and storage areas not exceeding 120 m².**
- (c) **fire escapes;**
- (d) **service wells including lift wells;**
- (e) **areas needed for the lift motor room, air-conditioning equipment and other mechanical or electrical equipment which is necessary for the proper functioning and utilisation of the building, provided that no portion of such floor area may be let or used for any other purpose;**
- (f) **areas forming part of arcades;**
- (g) **canopies;**
- (h) **open roofs:**

Provided that an additional floor area may be taken into account in accordance with the Council's policy on conservation of historic buildings.

**Definition of “Floor area (FA)” according to the Windhoek TPS.
Note the various exclusions, for ex. Canopies.**



- 14 storeys in building
- The floor area of the ground floor is 100m^2 (excluding the elevator shaft and fire escape)
- Total floor area is ?
- The size of the erf is 300m^2 .
- The bulk factor of this erf 5.0
- What is the maximum built floor area allowed for this erf?
- Can the owner add another storey to this building? Yes or No?



- 4 storeys in building (80m² each)
- Plus additional 2 protruding roofs (each 15m²)
- Total floor area is ?
- The size of the erf is 500m².
- The bulk factor of this erf 1.0
- What is the maximum built floor area allowed for this erf?

Section 4.1: Some Useful Terminology

(bb)Site development plan

a plan indicating detailed **land use proposals**, including landscaping, **buildings and structures** and the maximum **development rules** (e.g. building lines, coverage, height, floor area, **parking**, density, etc).

(cc)Use zone

a **category** of land usage which is **shown on the zoning map** by means of a specific notation or bordering or any other distinguishing manner
in order **to identify the permitted use of the land.**



ILP 510S: Section 4.2



Public Place means any street, square, recreation ground, garden, park or enclosed space situated within and/or owned by the local authority for the use and benefit of the public, or which the public has the right to use. See (u) in 4.1 (Definitions).

4.2 Use Changes

4.2(g) Closure of Public Places

- The **local authority will initiate the process** because public land belongs to L/A.
- Necessary for **various reasons**, for ex. realignment of streets or the redevelopment of an existing public open space.
- Usually done by the **local authorities** (the councils or their consultants).
- However closures can be undertaken at the request of another party.
- **Which legislation is applicable? Name the Act!**

4.2 Use Changes

4.2(g) Closure of Public Places

Which legislation is applicable?

The Local Authorities Act (No 23 of 1992)

Procedure for Closures:

- The procedures and the authorisation for the closure of streets or public places is set out in **Section 50 of the Local Authorities Act (No 23 of 1992)**.
- The local authority (the Council) must first reach a decision regarding the proposed closure (**council resolution**).



7488

C/129

2339

A/129

1582

2340

1586

4626

PETER MÜLLER STREET

TREET

PARK ROAD

4.2 Use Changes

Procedure for Closures: continued

The council resolution must be followed by-

- Prepare a **plan showing the nature of the closure**,
- **Advertise** its intention to close a public place (the nature of the closure & where it lies for inspection), and
- Ask for **comments & objections** (The adjacent property owners must also be notified).

4.2 Use Changes

Procedure for Closures: continued

- If no objections are received - the local authority issues a **closure certificate**, and
- The local authority **notifies the Surveyor General** of the closure.

4.2 Use Changes

Procedure for Closures: continued

- If objections are received - the local authority **submits** detail of proposed closure + the objections & councils comment on the objections to the **Minister (MURD) via NAMPAB.**
- Minister will make **final ruling.**
- If approved by Minister the **local authority** can proceed with the closure & **issue closure certificate.**
- As well as **notify the Surveyor General** of the closure.

CITY OF WINDHOEK

We commit ourselves to make the City of Windhoek a vibrant, economic and technological centre of excellence in Africa in order to enhance the quality of life of all our people



PUBLIC NOTICE

**PERMANENT CLOSING OF PORTION A
(± 337 m² IN EXTENT) OF REMAINDER OF
ERF 7961 KATUTURA AS "PUBLIC OPEN SPACE",
THE PORTION IS TO CREATE A NEW ADDITIONAL
RESIDENTIAL ERF, ACCESSED FROM MOOI STREET**

Notice is hereby given in terms of article 50 (1) (a) (ii) of the Local Authorities Act of 1992 (Act 23 of 1992) that the City of Windhoek proposes to close permanently the undermentioned portion as indicated on locality plan, which lies for inspection during office hours at the office of the Division: Urban Planning Room 519, Municipal Offices, Independence Avenue.

PERMANENT CLOSING OF PORTION A (± 337 m² IN EXTENT) OF REMAINDER OF ERF 7961 KATUTURA AS "PUBLIC OPEN SPACE", THE PORTION IS TO CREATE A NEW ADDITIONAL RESIDENTIAL ERF, ACCESSED FROM MOOI STREET.

Objections to the proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, and the Chief Executive Officer, PO Box 59, Windhoek, within 14 days after the appearance of this notice in accordance with Article 50 (1) (C) of the above Act.

**BARRIE WATSON
URBAN PLANNER**

Notice No: 24/2008

rep42/28/3(js)



CITY OF WINDHOK



APPLICATION TO PURCHASE A PTN OF ERF RE/7961, MOOI STR, KATUTURA

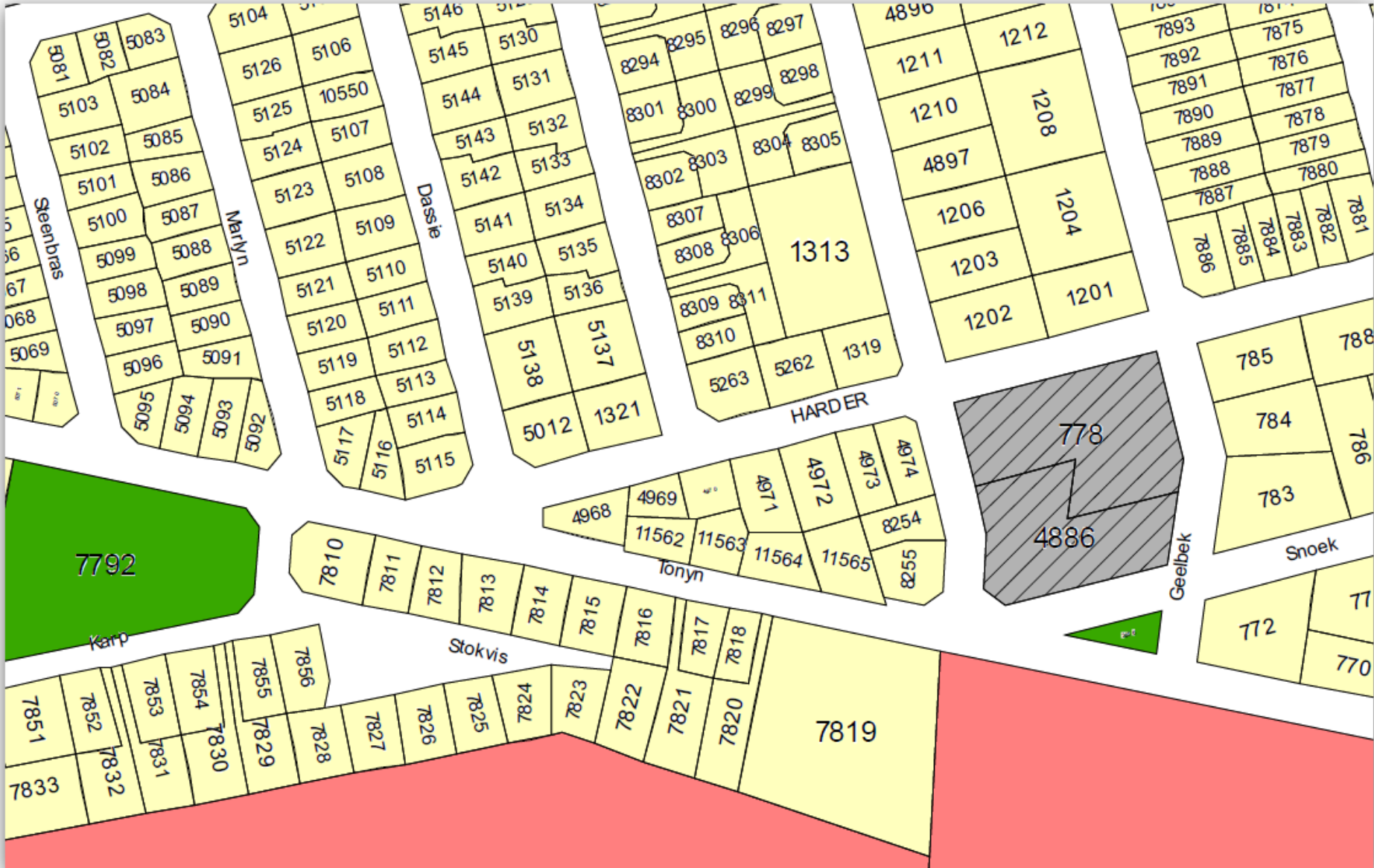
SCALE 1:400

6 July 2007

PATH: data4all/rp/mpr/7579-Kat

PLAN NO: KAT7579-1

Example of closure of portion of public place (Road), Saldanha, Western Cape.



CERTIFICATE

CERTIFICATE ACCORDING TO THE STIPULATIONS OF ARTICLE 50 (1)(c) OF THE LOCAL AUTHORITIES ACT OF 1992

I,, the undersigned in my capacity as Town Clerk of the Municipality of Mariental, hereby certify that with reference to the closing of

Erf 210, Mariental, at the corner of Ernst Stumpfe Street and Kalk Street, Mariental, as a public open space,

All the necessary conditions as stipulated by Article 50(1)(c) of the Local Authorities Act of 1992 (Act 23 of 1992) have been carried out and no objections have been received.

NAME OF TOWN CLERK
TOWN CLERK

Date

4.2 Use Changes

Procedure for Closures: continued

- Once closed the normal procedures must be followed for rezoning, subdivision or consolidation.

4.2 Use Changes (p62 & 63)

4.2(h) Purchase of Local Authority Land (Alienation)

- The Local Authorities Act (No 23 of 1992) regulates these transactions.
 - To **rent or**
 - **Purchase immovable property** belonging to a Council
- The act stipulates the methods to be followed
- The purpose of the provisions of the act is:
 - (a) to **prevent individuals from benefiting unfairly** from such transactions,
 - (b) and to **keep the public informed of such transactions.**

4.2 Use Changes

4.2(h) Purchase of Local Authority Land (Alienation)

Procedure for processing: The Purchase of Local Authority Land:

When/if an **official (usually in the property department)** receives an application to rent or purchase a certain erf / land parcel, the following procedure and processing will take place.

STEP 1: The official will **forward the application to the planning department.**

STEP 2: Planning department evaluates the

- Desirability of disposing of the relevant erf/parcel of land.
- Consider the future planning in terms of township development
- Effect of sale & proposed land use will have on surrounding area
- The expected demand for the land should it be auctioned
- The extent to which proposed use will complement the general structure of the town.

4.2 Use Changes

4.2(h) Purchase of Local Authority Land (Alienation)

Procedure for processing: The Purchase of Local Authority Land:

STEP 2: continued

- Determine the other procedures, for ex. Closure & Subdivision.

STEP 3: Obtain Comments (planning or property department)

- Obtain the comments of your colleagues (technical department for engineer's comment & other departments).

STEP 4: Prepare submission to Council

- After evaluation & comments obtained – prepare submission to council.

4.2 Use Changes

Procedure for processing: The Purchase of Local Authority Land:

The report/submission to the council should include:

- the background information,
- the considerations regarding the desirability of the transaction, and
- the proposed manner of sale NB!!!
 - ❖ Private treaty (transaction)
 - ❖ Auction (public)
 - ❖ Tender
- Recommendation

STEP 5: Notice in newspapers

- After STEP 4 and a decision was reached by Council for ex. to allow the sale or letting of the land – the council must place a notice in the newspapers.

4.2 Use Changes

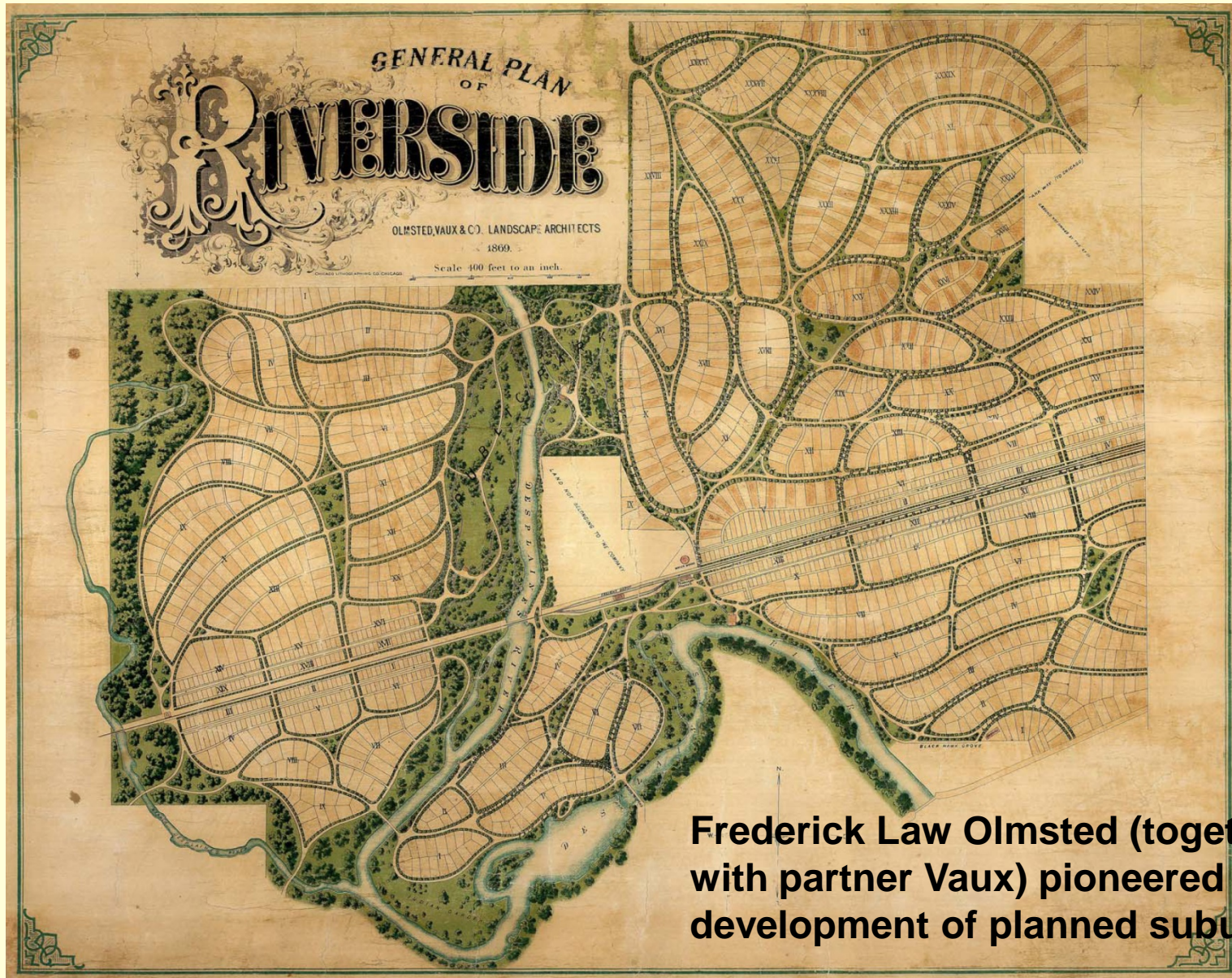
Procedure for processing: The Purchase of Local Authority Land:

If no objections are received the local authority may proceed with the proposed sale.

In the case of objections:

- The local authority **may not proceed** before the local authority has submitted the particulars related to the proposed transaction to the **Minister**.
- The submission must include the **objections lodged and the comment of the council** on the objections.
- The local authority may only proceed with the transaction if approval was granted by the Minister.
- The **Minister may grant or refuse the proposed transaction** or direct that such a transaction be concluded by way of public auction or tender.

ILP 510S: Section 4.2



Frederick Law Olmsted (together with partner Vaux) pioneered the development of planned suburbs.¹

Section 4.2: Use Changes

- In section 1.8 “urban planning” was discussed.
- Mentioned 3 categories:
 - Investigations
 - **Development Guidance and Control**
 - Forward planning and control

Section 4.2: Use Changes

- Remember that through a **town planning scheme** or the **title deed** (conditions of title) every piece of land is allocated certain rights and restrictions.
- When **development proposals conform** to the allocated real rights and restrictions no application is necessary – only the approval of the building plan.

Section 4.2: Use Changes

- When the **development proposal involve deviations** of the allocated real rights and restrictions →
 - (a) application for **changing these rights** or
 - (b) **the removal of the restrictions** must be made to the Local Authority & the government.
- Changing the rights and restrictions attached to land where a Town Planning Scheme is in force is done by a **rezoning or consent**.
- Changing the rights and restrictions attached to land where no Town Planning Scheme is in force is done through **changing the condition of title registered against such land in the title deed**.

4.2 Use Changes

There are six common applications for use changes that can be made namely:

- Consent p. 48
 - Rezoning p. 51
 - Subdivision p. 54
 - Consolidation p. 57
 - Township Establishment p. 58
 - Closure of public places p. 61
- * Amendment of Title Conditions p. 63

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications:

Consent applications only need to be made where TPS are in force.

An use zone in a TPS will always indicate the:

- **Primary use** of the land → in other words the allocated real rights!
- **Consent use** → which may be allowed by the Local Authority
- **Prohibited Uses** → uses which will not be allowed.

Table: Land Use Zone Specifications

Use Zone	Primary Use	Consent Use	Prohibited Use
Residential	Dwelling Units	Places of Public Worship, Places of instruction, special buildings, pensions, social halls, institutions and resident occupations.	Other uses not under column 2 and 3

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications:

- **Primary Uses:** No planning permission is required from local authority.
- **Prohibited Uses:** Uses which will not be allowed under any circumstance.
- **Consent Uses:** Uses which the local authority has the authority to approve/refuse in terms of:
 - Their own local policy
 - Evaluation of the desirability of the “new” land use
 - Evaluation of the extent to which the proposed use would add / detract from the existing amenity in the area.

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications:

Application Procedures for Consent Use:

Application must consist of-

- a) A letter stating the intent and motivating the proposed use of land
- b) A site development plan (location of development on erf)
- c) A locality plan (showing where the property is located)
- d) Copy of SG Diagram, Title Deed & Power of Attorney can also be required by L/A

(A power of attorney (POA) is an authorisation to act on someone else's behalf in a legal or business matter. If the application is made on behalf of the owner of the erf, power of attorney must be given to the applicant, by the registered owner of the erf.).

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications:

Application Procedures for Consent Use:

e) Proof of advertising.

The applicant may be required to advertise the land use proposal.

Advertising is frequently requested in order **to ensure that persons and bodies most likely to be affected** by a land use proposal have been given fair **opportunity to comment**.

1/more of 4 methods of advertising may be required

- (i) directly with affected persons or bodies (like neighbours);
- (ii) a notice in the press;
- (iii) a notice on site and in the local authority's offices and
- (iv) a notice in the government gazette.

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications:

Approval Procedures for Consent Use: Evaluation

Application is **evaluated** in terms of:

- (a) Conformity with local policies, the TPS and the Structure Plan
- (b) Evaluation of the desirability of the use; the influence of such a development on:
 - the environment
 - the capacity of existing services
 - the neighbours & neighbourhood
 - the harmony of the area
 - the future development of the area (in other words the evaluation of the extent to which the proposed use would add / detract from the existing area's amenity.).

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications:

Approval Procedures for Consent Use: Process

- a) Submit application for consent **with the local authority**
- b) Upon receipt of an application for consent, the local authority will **evaluate it** in terms of the standing policies of Council and the desirability of such a development. The planning official will evaluate the application and **recommend the approval/refusal thereof to Council.**
- c) The **decision of council must then be relayed to the applicant** in writing together with the conditions, if any, that the council decided to impose for the consent to be approved.
- d) The **local authority council is fully empowered** to determine such applications.
 - **Temporary** consent - limited period only OR linked to only the applicant
 - **Permanent** consent - condition that the land be rezoned & linked to erf.

TABLE B: LAND USE ZONES

USE ZONE	PRIMARY USES	CONSENT USES	PROHIBITED USES
(1)	(2)	(3)	(4)
I Residential	Dwelling units	Residential buildings, Places of public worship, Places of instruction, Social halls, Institutions, Special buildings, Bed-and-breakfasts, Resident occupations and Heritage buildings (For details refer to Table H)	Other uses not under columns 3 and 4
II General Residential	Dwelling units, residential buildings	Places of public worship, Places of instruction, Institutions, Special buildings, Hotels, Resident occupations, and Heritage buildings (For details refer to Table H)	Other uses not under columns 3 and 4
IV Business	Shops, Business buildings, dwelling units, residential buildings and social halls	Other uses not under columns 3 and 5	Noxious industrial buildings
VII Garage	Service stations	Special buildings, shops, business buildings and industrial buildings	Other uses not under columns 2 and 3
VIII Industrial	Industrial buildings and business buildings	All other uses	None

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications: continued

- 1 For ex.: If the owner of a parcel of land with the use zone “Residential” wants to construct / operate a bed and breakfast – is it necessary for the owner to submit an consent application with the local authority?
- 2 For ex.: If the owner of a parcel of land with the use zone “Residential” wants to convert his house to be used as a church is it necessary for the owner to submit an consent application with the local authority?
- 3 For ex.: If the owner of a parcel of land with the use zone “Residential” wants to open up a funeral chapel is it necessary for a consent application? Is a funeral parlour not a prohibited use?

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications: continued

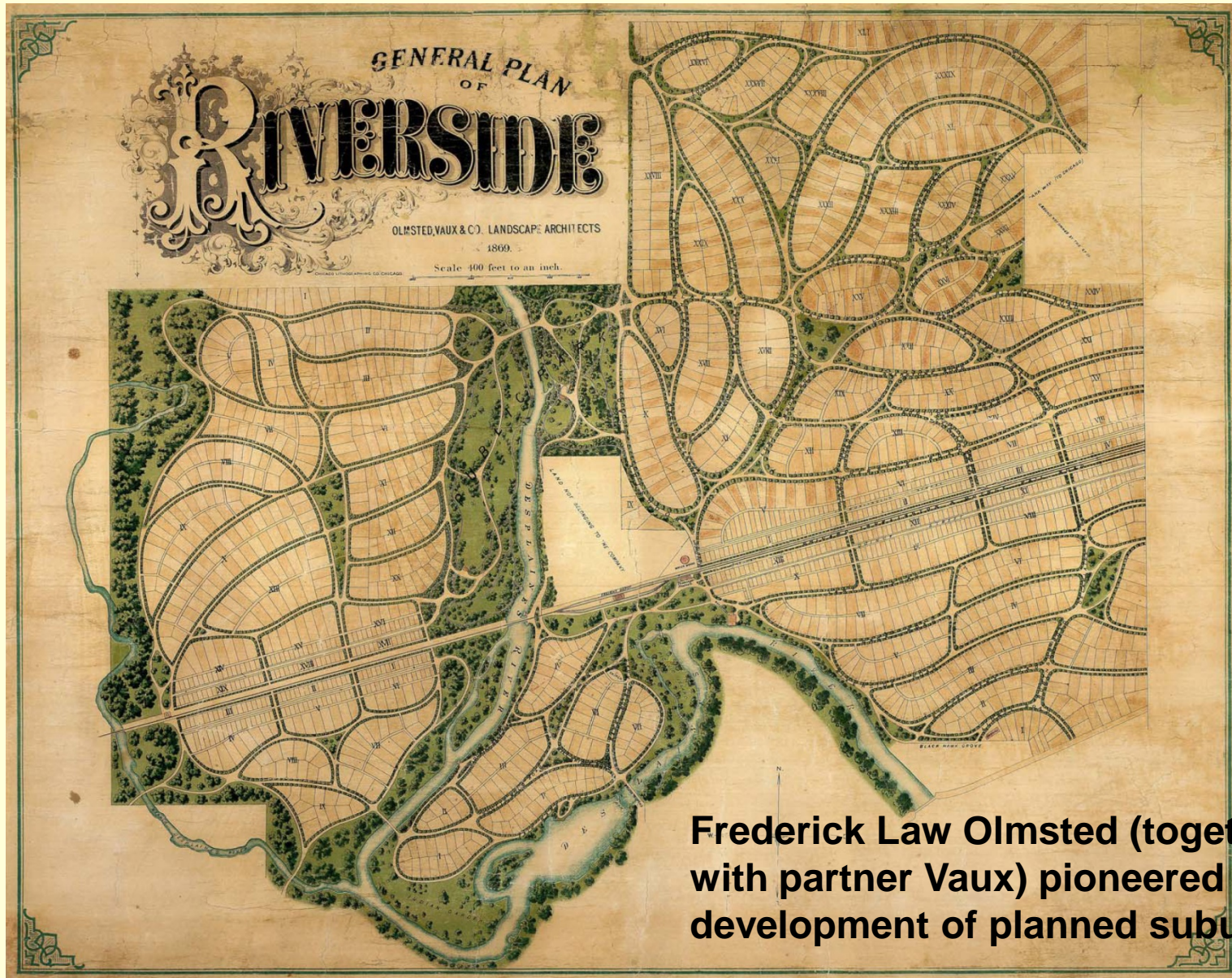
- 1 Application for Consent Use to allow for a “Bed & Breakfast”.
- 2 Application for Consent Use to allow for a “Place of Public Worship”. Can grant **permanent consent** with condition to rezone because owner is converting the property! If owner is using the garage once a week and main use of property is still residential the recommendation will be **temporary consent**.
- 3 Application for Consent Use to allow for a “Special Building” in order to allow for a funeral parlour.
*The definition of “special building” includes funeral parlours!
Therefore an application for consent use can be submitted – the council of the local authority will have to determine whether it is desirable and the possible impact it could have on the amenity of the surrounding area.*

4.2 Use Changes: Consent Uses

4.2(a) Consent Applications: IN SUMMARY

- Consent uses are land uses permitted on a particular property with a certain land use zone - subject to permission by the local authority.
- Consent uses can be additional to the existing primary uses.
- **Consent use changes are only made in areas where a TPS is in force.**
- Activities for which consent may be granted are therefore determined by the TPS.
- **Consent applications are approved by local authorities.**
- All activities listed in the scheme as consent uses need the local authority's council approval prior to development.
- After approval the owner can proceed with submitting building plans with the officials of the local authority.

ILP 510S: Section 4.2



Frederick Law Olmsted (together with partner Vaux) pioneered the development of planned suburbs.¹

MAKE-UP ASSESSMENT

Date: 12 May 2016 (subject to change!)

Time: TBA

Venue: TBA

Test will cover: Section 2.2 (from Local Authorities Act to Flexible Land Tenure Act), & **Section 4.**

See you 10 May 2016 (Tuesday) – IOW no class on Monday, 9 May 2016!

Section 4.2: Use Changes

4.2(d) Consolidation Applications:

- Consolidation is the legal merging of two or more pieces of land (each with its own title deed) into one erf with only ONE title deed!
- **Which legislation is applicable? Name the Ordinance!**

Section 4.2: Use Changes

The following must be kept in mind regarding a Consolidation:

- Erven may only be consolidated if **the zoning is the same** (where a scheme is applicable)
- OR if the **conditions of title are the same**
- IF NOT, rezoning OR change in the conditions of title must be done before consolidation
- The **ownership of the properties** to be consolidated must be the same.

Section 4.2: Use Changes

4.2(d) Consolidation Applications:

Application Procedure for Consolidation:

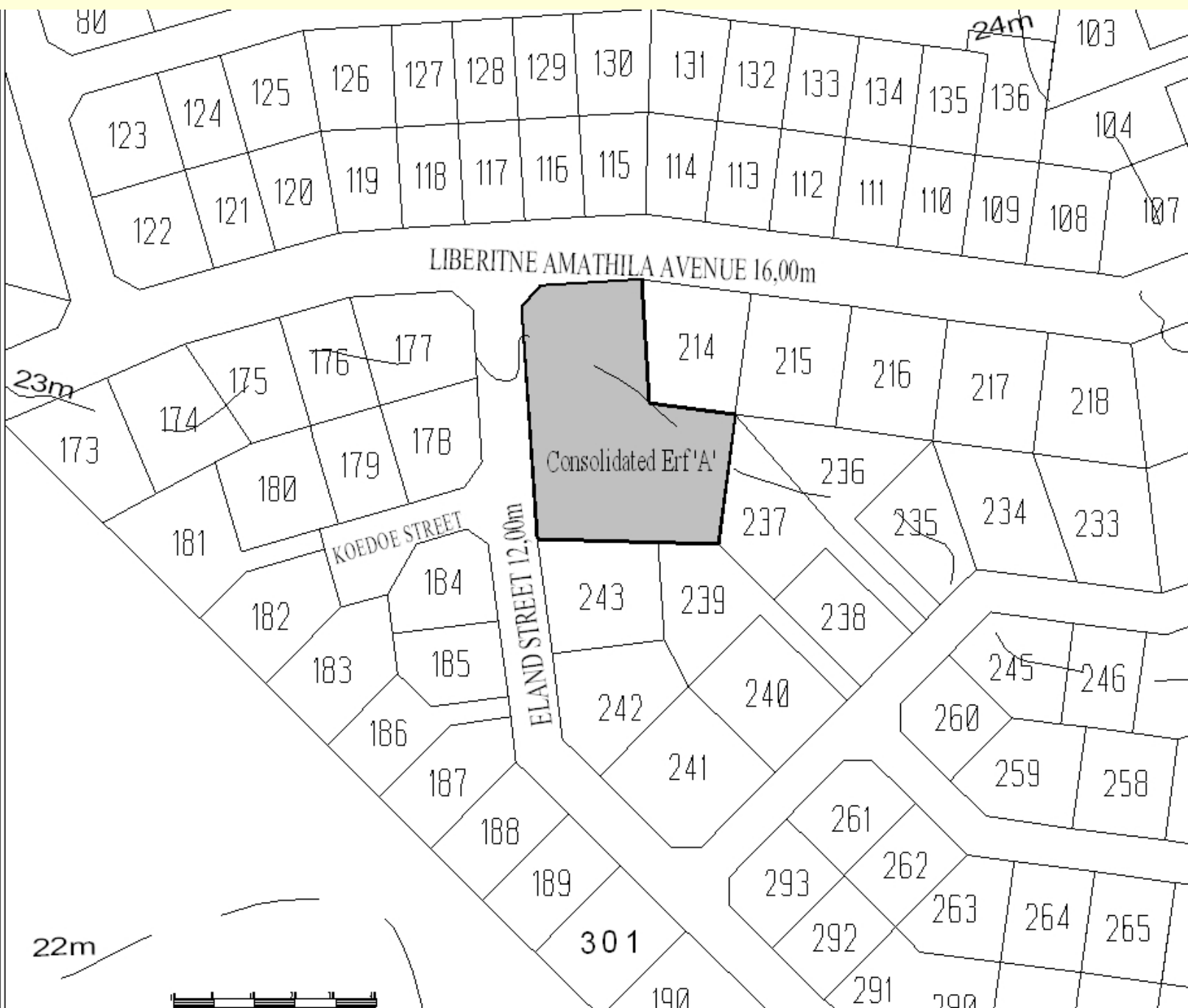
- The application is lodged at the offices of the local authority for consideration.
- The application will also be submitted subsequently to Townships Board (MURD).
- Remember in terms of Section 30 of the Townships and Division of Land Ordinance No 11 of 1963.

Section 4.2: Use Changes

Application Procedure for Consolidation:

Application must consist of-

- a) A **letter** motivating the application and an indication whether a future subdivision is intended.
- b) A **locality plan**
- c) A **plan** showing:
 - The erf numbers and sizes,
 - The boundaries of the original erven and the proposed new boundary of the consolidated erf,
 - **C**ontours,
 - Outlines of the existing **b**uildings affected by the consolidation,
 - **S**ervitudes registered against the erven (if any),
 - Access and any right of way servitudes, and
 - the land use zoning of the erven.
- d) **Copies of the title deeds** of all the erven concerned. **IMPORTANT!!!**
- e) A **power of attorney**, if application is made on behalf of the owners.



HENTIES BAY

REFERENCE

Consolidation of Erven 212, 213
and 244, Henties Bay

ERF NO	SIZE (m ²)
Erf 212	934
Erf 213	821
Erf 244	748
Consolidated Erf 'A'	2503

NOTE: ALL DIMENSIONS ARE APPROXIMATE
DIMENSIONS GIVEN IN THIS PLAN SHALL BE THE GOVERNING DIMENSIONS

DATE	BY	REVISION

Client approval:

SIGNATURE _____ DATE _____



STUBBENSRAUCH
PLANNING CONSULTANTS
TOWN AND REGIONAL PLANNERS

Private: 0800 00 00 00
Mobile: 081 232 000
Fax: 081 232 000
E-mail: info@stubbensrauch.com

PROJECT TITLE:
CONSOLIDATION OF ERVEN 212, 213 &
244 ON DEL, HENTIES BAY



WDI 103 - 2

Section 4.2: Use Changes

Approval Procedure for Consolidation: Evaluation

After lodging the application with the offices of the local authority the officials will evaluate the application and present it to council.

The application is evaluated in terms of:

- (a) the zoning of the erven to be consolidated (Does the zonings correlate?)
- (b) the possible future subdivisions*
- (c) the effect of the consolidation on:
 - the environment (area)
 - the neighbours & neighbourhood (in other words the community)
- (d) the street access to the property
- (e) the consolidation policies of Council.

Section 4.2: Use Changes

Approval Procedure for Consolidation:

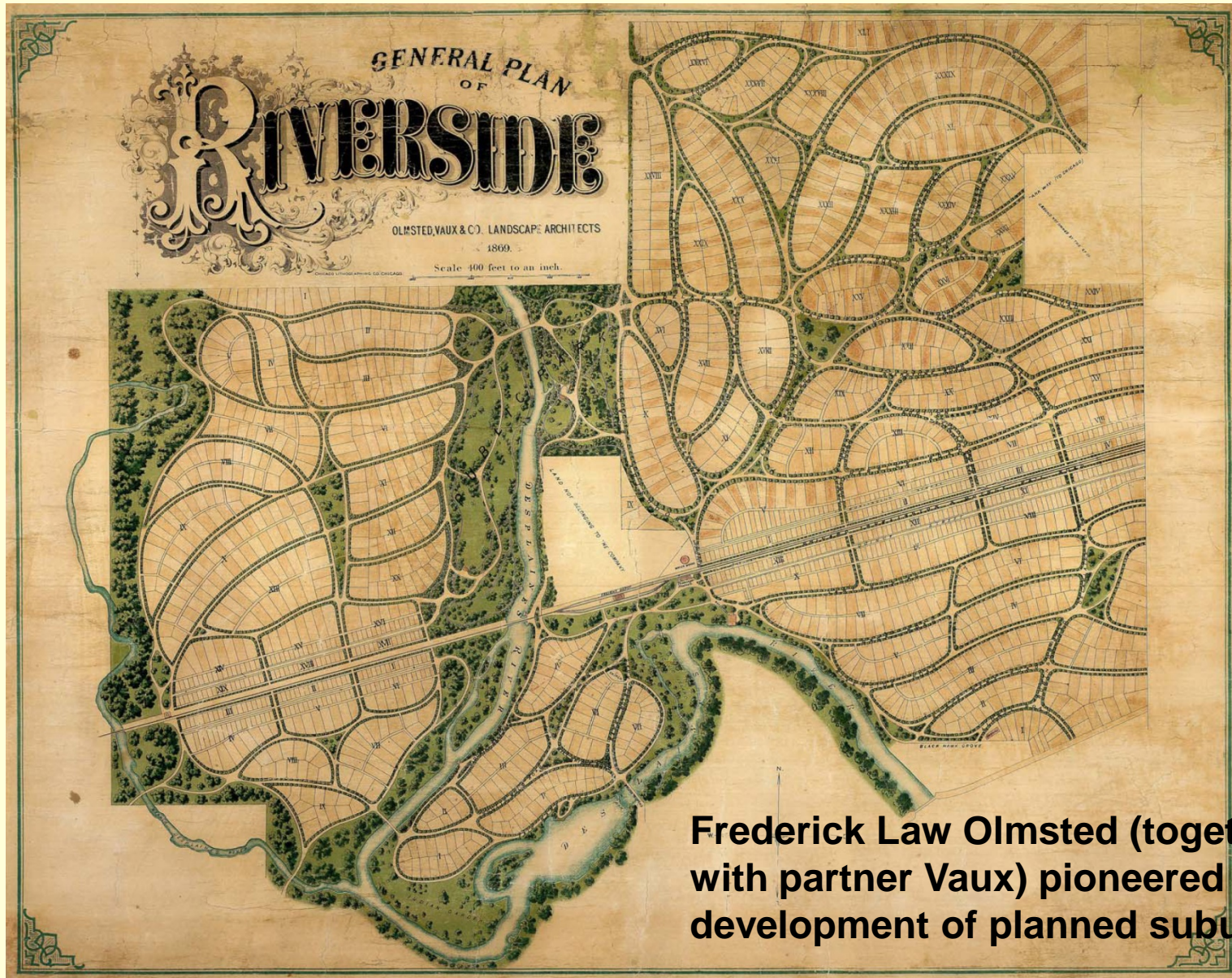
- First the application should be **submitted with the local authority**. Once an application for consolidation has been received by the local authority it will **evaluate the application**.
- The **council** of the local authority must reach a **formal decision**, but they can only make a recommendation (support / reject).
- Upon receipt of the Council's resolution, **the application is submitted with the Minister** (MURD) who refers it to the **Townships Board**
- After the **technical evaluation** of the Townships Board AND their approval a Townships Board **“Certificate”** is issued.

Section 4.2: Use Changes

Approval Procedure for Consolidation: continued

- The surveyor must have a Townships Board “Certificate” (the valid approval of the consolidation).
- The land surveyor **survey the new erf** (measure it) and draw up the erf diagram (SG diagram).
- The SG diagram are **submitted with the Surveyor General**.
- After approval of the SG Diagram the erf can be **registered in the Deeds Office**. **REMEMBER! One Title Deed!**

ILP 510S: Section 4.2



Frederick Law Olmsted (together with partner Vaux) pioneered the development of planned suburbs.¹

Section 4.2: Use Changes

Different zoning mechanisms exists to control land use activities and their intensities. Three such zoning mechanisms are:

Use Zones: Means categories/classes of land use which is shown on the zoning map by means of specific notations or bordering or any other distinguishing manner in order to indicate the use rights allowed and restrictions and conditions imposed by the Scheme.

Density Zones: Specifying in the residential and general residential zones the different sizes of plots used for one dwelling unit. Different density zones are given as one dwelling unit per size of plot in square meters. (1:900)

Bulk Zones:

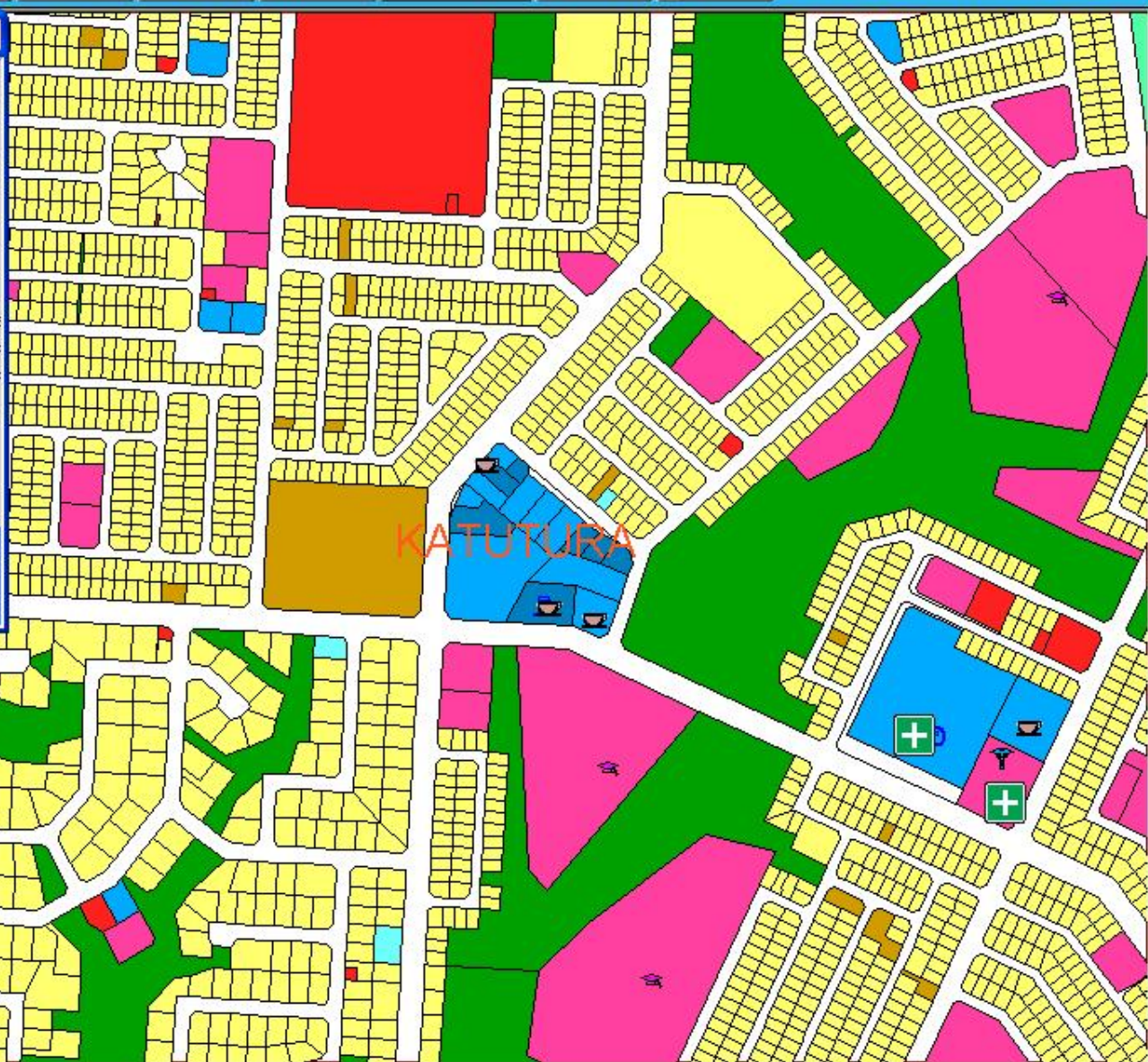
Specifies the intensity (scale) of development for non-residential uses by using a bulk factor.

The bulk factor determines the maximum built up (floor) area allowed on an erf, according to the size of the concerned erf.

Legend:

- Business
- Cemetery
- General
- Government
- Industrial
- Institutional
- Municipal
- Office
- Public Open Space
- Private Open Space
- Restricted Business
- Residential
- Special
- Street
- Transportation
- Undetermined

Print Close



SELECT REPORT
 REFRESH STOP
 SETUP PRINT
 CO-ORDS POLYGON

REPORTS

Zoning [v] Go

[View current map layer legend](#)

Location Search

[SELECT] [v] Go

[SELECT OPTIONS ABOVE] [v] Go

Accommodation Search

AREBUSH LODGE [v] Go

LAYER CONTROL

- Dimensions (1:700)
- Places of interest
 - Supermarkets
 - Monuments
 - Restaurant
 - Education
 - Service Stations
 - Post Office
 - Accommodation
 - Parking Areas
- Emergency Services
 - Hospital
 - Clinic
 - Fire
 - Pharmacy
 - Police
- Map Sheets (1:50000-150000)
- Erf Boundaries

Zoning - current properties : Zoning: INS-Erf No: 8566 1 : 6,648 4,698 x 3,601 (ft)

Suburb: [] Go Street: [] Go Erf: [] Go Address: [] Go



Town of Katima Mulilo



TOWN COUNCIL
Town Planning Scheme

Density

- 1 : 250
- 1 : 300
- 1 : 600
- 1 : 900

Reference

- Farm Katima Mulilo Townlands 1328
- Portion/Extension of Katima Mulilo Townlands 1328
- Erf Boundary
- Unproclaimed Property
- River



map title:

Density Map



drawing no.:

W/04090-B

scale:
1 : 15 000

date:
August 2006

drawn:
KD

checked:

200 0 200 400 600 Meters

TABLE F: BULK ZONES

BULK ZONE (1)	BULK FACTOR NOT TO BE EXCEEDED (2)
1	4.0
2	3.5
3	2.0
4	1.0
5	0.75
6	0.5
7	0.4
8	0.1

MAP REFERENCE: As shown on Map.

Section 4.2: Use Changes

4.2(b) Zoning Mechanisms:

Density: Example

- The rezoning of Erf Y, 1800m² in extent, zoned “Residential” with a density of 1 dwelling per 900m² to “Residential” with a density of 1 dwelling per 300m². The proposed rezoning will allow the owner to construct 6 dwelling units on the erf compared to the original 2 the owner was allowed.

Bulk: Example

- The rezoning of Erf X, 1490m² in extent, zoned “Office” with a bulk of 0.4 to “Office” with a bulk of 2.0. The proposed rezoning will allow the owner to construct additional offices. The proposed increase in bulk will allow for an increase in the floor area from 596m² to 2980m².

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

- Rezoning applications will only be submitted **where TPS are in force**
- I.O.W. where the land use rights and restrictions are regulated by a scheme.
- **Remember** that where no TPS is in force the land use rights and restrictions are contained in the conditions of title stipulated in the title deed.
 - In this instance an application to cancel existing conditions of title and registering new conditions of title is to be done.

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

- A rezoning application is considered when the owner / developer wishes to use land for a purpose which is prohibited by the TPS.
- He may submit application to change the zoning of such land.
- In other words provision is not made for a certain land use as a “Primary Use” or as a “Consent Use” → submit application for rezoning.

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

For ex.: If the owner of a parcel of land with the use zone “Residential” wants to construct an office building to rent out offices - the owner must first submit a rezoning application.

The use of a parcel of land or the buildings on the parcel of land with the use zone of “Residential” does not allow for offices as a primary land use nor as a consent use and are therefore prohibited.

An application for rezoning from “Residential” to “Office” use zone must be submitted with the local authority for consideration. **See *Windhoek TPS***.

TABLE B: LAND USE ZONES

USE ZONE (1)	PRIMARY USES (2)	CONSENT USES (3)	PROHIBITED USES (4)
Residential	Dwelling units	Residential buildings, Places of public worship, Places of instruction, Social halls, Institutions, Special buildings, Bed-and-breakfasts, Resident occupations and Heritage buildings (For details refer to Table H)	Other uses not under columns 3 and 4
Office	Offices	Dwelling units, Residential buildings, Institutions, Places of public worship, Business buildings, hotels, Restaurant	Other uses not under columns 3 and 4

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

- 2 For ex.: If the owner of a parcel of land with the use zone “Residential” wants to operate a restaurant on the parcel of land - the owner must first submit a rezoning application.

The use of a parcel of land or the buildings on the parcel of land with the use zone of “Residential” does not allow for a restaurant as a primary land use or as a consent use and is therefore prohibited.

An application for rezoning from “Residential” to “Office” use zone can be submitted with the local authority for consideration.

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

Question 1: Is a restaurant a primary use on a parcel of land with the use zone “Office”?

Question 2: If not? What type of application must also be included with the rezoning application to accommodate the restaurant.

The restaurant is not a primary land use in the use zone “Office” – but a consent use, therefore in addition to the rezoning a consent use must also be applied for.

TABLE B: LAND USE ZONES

USE ZONE (1)	PRIMARY USES (2)	CONSENT USES (3)	PROHIBITED USES (4)
Business	Shops, Business buildings, dwelling units, residential buildings and social halls	Other uses not under columns 3 and 5	Noxious industrial buildings
Office	Offices	Dwelling units, Residential buildings, Institutions, Places of public worship, Business buildings, hotels, Restaurant	Other uses not under columns 3 and 4

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

Question 3: What about an alternative use zone, to be considered for rezoning, instead of the use zone “Office”?

The use zone “**Business**” is a possible use zone – but we have to confirm that the definition of either “shops” or “business buildings”, indicated as primary uses in the Table, includes or allows for a restaurant as a land use.

The definitions as stipulated in the Windhoek TPS is the following:

- **Business building means a building designed and/or used as offices, warehouses, medical or dental consulting rooms, laboratories or other business purposes but does not include other buildings specifically defined or mentioned elsewhere in this Scheme with the exception of offices.**
- **Shop means a building designed or used for retail trade.**

Section 4.2: Use Changes

Application Procedures for Rezoning:

Application must consist of:

- a) A **letter stating the intent** (intended new uses and proposed new zoning) and **motivating** the application.
- b) Proof of **advertisement** and consultation of neighbours.
- c) **Plans** indicating the **location** of the erf, streets, erf numbers, erf size and the existing zoning of the erf and surrounding erven (**Zoning map**).
- d) Proof that the erf can be converted to accommodate the proposed new usage, for instance, will there be adequate space for on-site parking (**Site development plan**).
- e) **SG Diagram, Title Deed and Power of Attorney**

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

Approval Procedure for Rezoning:

- The applicant (consultant of the owner/developer) must advertise the intention to apply for a rezoning
- Advertise according to the prescribed manner (newspapers & notices to adjacent property owners).
- The application is lodged at the offices of the local authority for evaluation and their support.

Section 4.2: Use Changes

Approval Procedure for Rezoning:

- Upon receipt of the application the **planning official** of the local authority will **evaluate** it. Public comment and objections must also be taken into consideration.
- A **formal decision** must then be taken by Council on whether to **support** the application or to **turn it down**.
- Should the application be supported, the applicant must be **informed of any betterment payable or other conditions** which may have to be met.

Section 4.2: Use Changes

4.2(b) Rezoning Applications:

Approval Procedure for Rezoning:

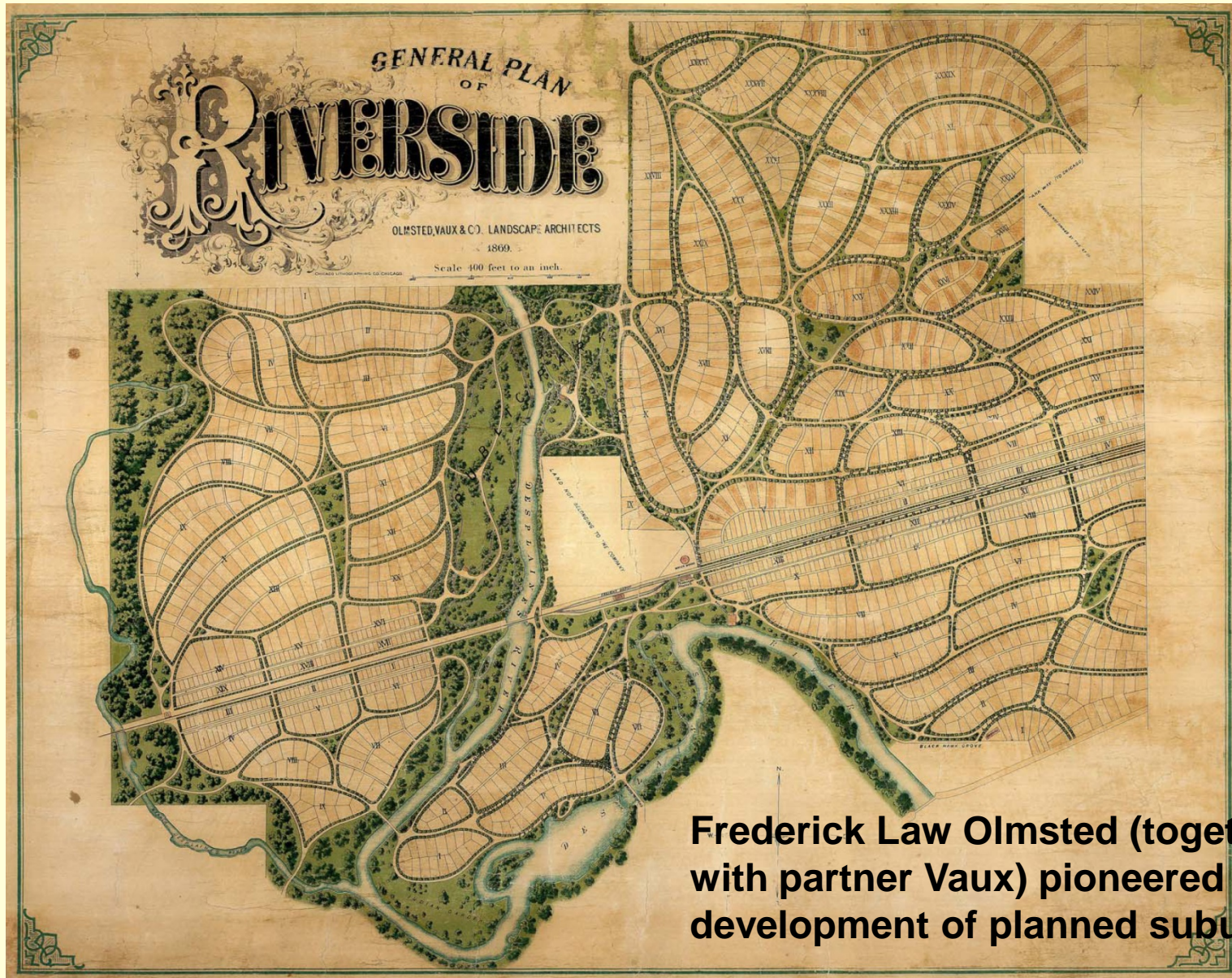
- Rezoning involves the amendment of the TPS
- Because the zoning of a parcel of land, specified in the TPS, is changed to a new zoning .
- The TPS is a statutory document
- The necessary changes (amendments) to the TPS may only be amended by the Minister of RLGHRD!

Section 4.2: Use Changes

Approval Procedure for Rezoning:

- The application will then be **included** in the Council's next **Amendment Scheme** for submission to the Minister.
- The **Amendment Scheme is advertised** for public comment and forwarded by the Minister to **NAMPAB** for recommendation.
- Once government approval has been obtained, **notice is given in the Official Gazette** that the **Amendment Scheme is now an approved scheme.**

ILP 510S: Section 4.2



Frederick Law Olmsted (together with partner Vaux) pioneered the development of planned suburbs.¹

Section 4.2: Use Changes

4.2(c) Subdivision Applications:

- Subdivision is the process used to cut up a bigger portion of land into smaller pieces, each with it's own title deed!
- **Which legislation is applicable? Name the Ordinance!**

Section 4.2: Use Changes

4.2(c) Subdivision Applications:

Application Procedures for Subdivision:

- The application is lodged at the offices of the local authority for consideration.
- The application will also be submitted **subsequently to Townships Board** (MURD) to ensure orderly development and the technical assessment there-off
- Remember in terms of **Section 19** of the Townships and Division of Land Ordinance No 11 of 1963.

Section 4.2: Use Changes

Application Procedures for Subdivision:

Application must consist of-

- a) A full **motivation** of the proposed development
- b) A **locality plan**
- c) A **subdivision plan**
 - proposed **subdivision line** indicating the new erf/erven
 - the new erf areas (as well as the **size** of remainder erf)
 - **contours**
 - outline of existing **buildings** (if any) WHY???
 - any **servitudes** registered against the erf
- d) Copy of **Title Deed & SG diagram**
- e) Copy of **Power of Attorney** (the “authorisation” from the legal owner to the person applying on behalf of the owner)



Vogelstrand

- Single Residential (1:900)
- Gen. Residential (1:300)

PLANNING CONSULTANTS or
TOWN AND REGIONAL PLANNERS
PROPERTY DEVELOPMENT CONSULTANTS

PROJECT TITLE:
Erven 7 - 10, Vogelstrand

195004/0000



Section 4.2: Use Changes

The following must be kept in mind regarding a Subdivision:

- 1) The new erf must **comply with the prescribed density zoning.**

In other words the erf to be subdivided into 2 portions must be big enough for the subdivision to comply with the applicable density zoning of the erf.

- Density zoning of 1 unit/900m² - Erf must be at least 1800m²
- Density zoning of 1 unit/350m² - Erf must be at least 700m²

- 2) The new erf/erven & the remainder erf must each have its own **street access.**

- 3) The **panhandle should be at least 4 meters in width**, subject to the specifications of the local authority.

Section 4.2: Use Changes

Densities:

- Densities are used to **control the intensity of development** in an area.
- Different (residential) **areas** in an urban area have **different densities**.
- **Definition** - means the number of dwelling units in relation to a specified area, expressed as a number of units per hectare (For example 30 dwelling units per hectare. It can also be expressed in square meters for example 1 unit per 333m², as is the case with the density zone maps of a town planning scheme).

TABLE E: DENSITY ZONES



DENSITY ZONE	DENSITY
1	One residential unit or dwelling unit per 100m ²
2	One residential unit or dwelling unit per 150m ²
3	One residential unit or dwelling unit per 250m ²
4	One residential unit or dwelling unit per 300m ²
5	One residential unit or dwelling unit per 350m ²
6	One residential unit or dwelling unit per 500m ²
7	One residential unit or dwelling unit per 700m ²
8	One residential unit or dwelling unit per 900m ²
9	One residential unit or dwelling unit per erf
10	One residential unit or dwelling unit per 50 000 m ²
ALL ZONES ARE INDICATED ON THE SCHEME MAP	



Section 4.2: Use Changes

Approval Procedure for Subdivisions: Evaluation

The application is evaluated in terms of:

- (a) **The density zoning of the area** (Whether conforming to the density zoning of the area –according to TPS),
- (b) The local policies of Council (*)
- (c) The general impact which the proposed development will have on the surrounding area (the environment, the capacity of existing services, the neighbours & neighbourhood (in other words the community), the harmony of the area, the future development of the area).
- (d) **The street access,**
- (e) and if access gained via **panhandle** – should be at least **4 meters in width, the length & desirability of panhandle**
- (f) provision of services must also be taken into consideration.

* **Note the 3 main evaluation criteria.**

Section 4.2: Use Changes

Approval Procedure for Subdivisions: Successive approval procedure

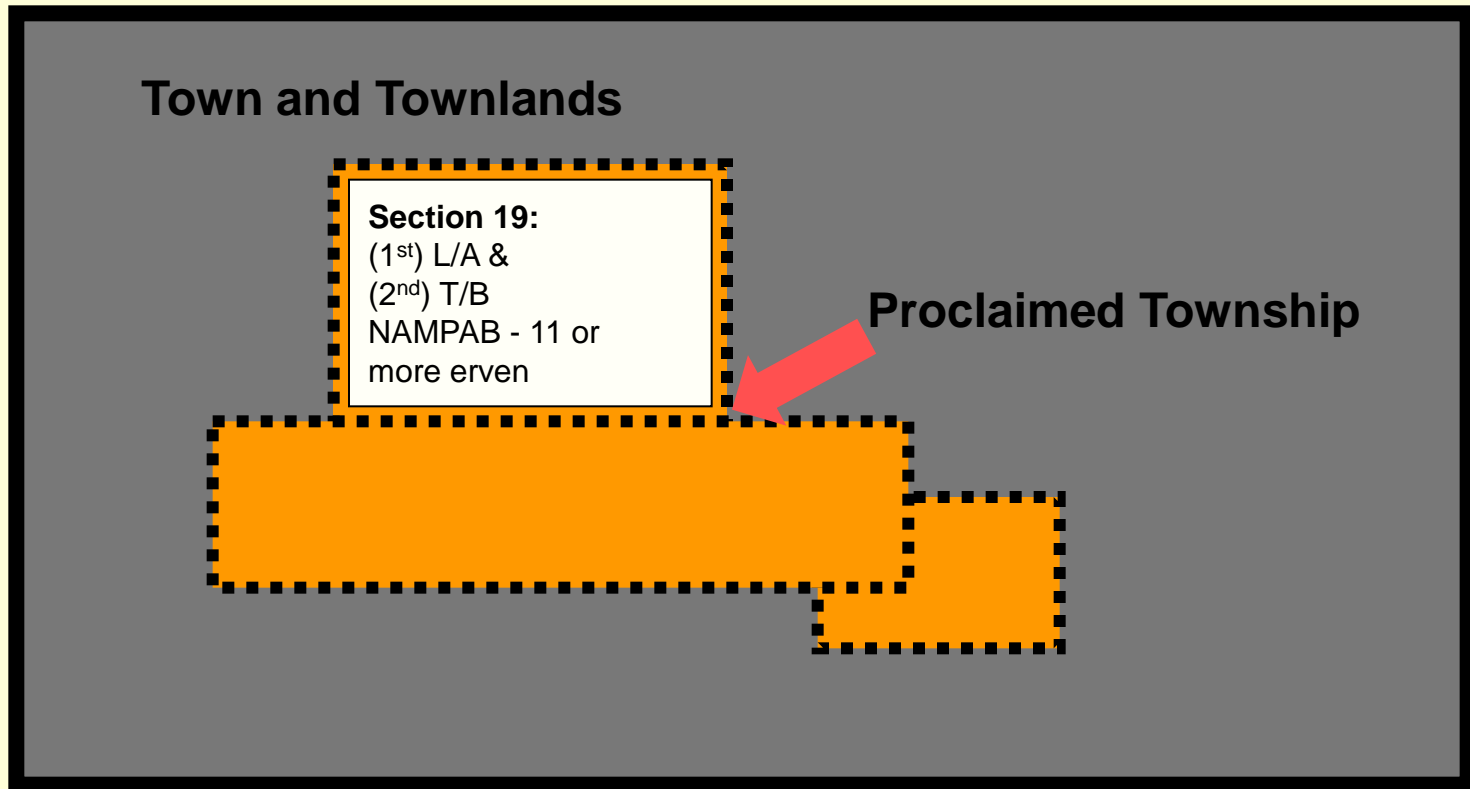
- Lodge the **application with the offices of the local authority** the officials will evaluate the application and present it to council.
- The **council** must reach a **formal decision**, but they can only make a recommendation (support / reject).
- Upon approval of the application by the local authority's council the application can be submitted to the **Townships Board**.
- The Townships Board will **evaluate the application in technical town planning terms**.
- After approval from the Townships Board – a **land surveyor** can be appointed by the owner/developer.

Section 4.2: Use Changes

Approval Procedure for Subdivisions: Successive approval procedure

- The surveyor must obtain/have a **Townships Board “Certificate”** (the valid approval of the subdivision) before undertaking any cadastral survey.
- The land surveyor survey the erven (measure them) and draw up the erf diagrams (SG diagrams).
- The SG diagrams are **submitted with the Surveyor General.**
- After approval of the SG Diagrams the erven can be **registered in the Deeds Office.**
- * When an application involves the subdivision of a parcel of land into 11 or more erven (in other words 10 new portions, according to Section 19(3)) the application must first be submitted with NAMPAB to establish the need and desirability.

SUBDIVISIONS



Section 4.2: Use Changes

4.2(c)(ii) Application Procedures for Subdivision: Townlands

- In terms of Section 21 of the Townships and Division of Land Ordinance (No 11 of 1963),
- **First** submitted to the **local authority** for their comments (The parcel of land is located within their area of jurisdiction.).
- **Next** the application is submitted to **NAMPAB** to evaluate and recommend its approval to the Minister.
- **After the approval from the Minister, the land surveyor** can commence with the survey of the new portion of the Townlands.
- If subdivision of Townlands is proposed in order to allow for township establishment a **need and desirability application** to the Minister must accompany the subdivision application.

SUBDIVISIONS

Farmland smaller than 25ha – Section 20:
(1st) MAAF comment &
(2nd) NAMPAB

Farmland larger than 25 ha –
Subdivision of Agricultural Land Act
(No 70 of 1970) → MAAF issues
approval.

Town and Townlands

Section 19

Proclaimed Township

Section 21:
(1st) L/A &
(2nd) NAMPAB

Section 4.2: Use Changes

4.2(c)(iii) Application Procedures for Subdivision: Farmlands

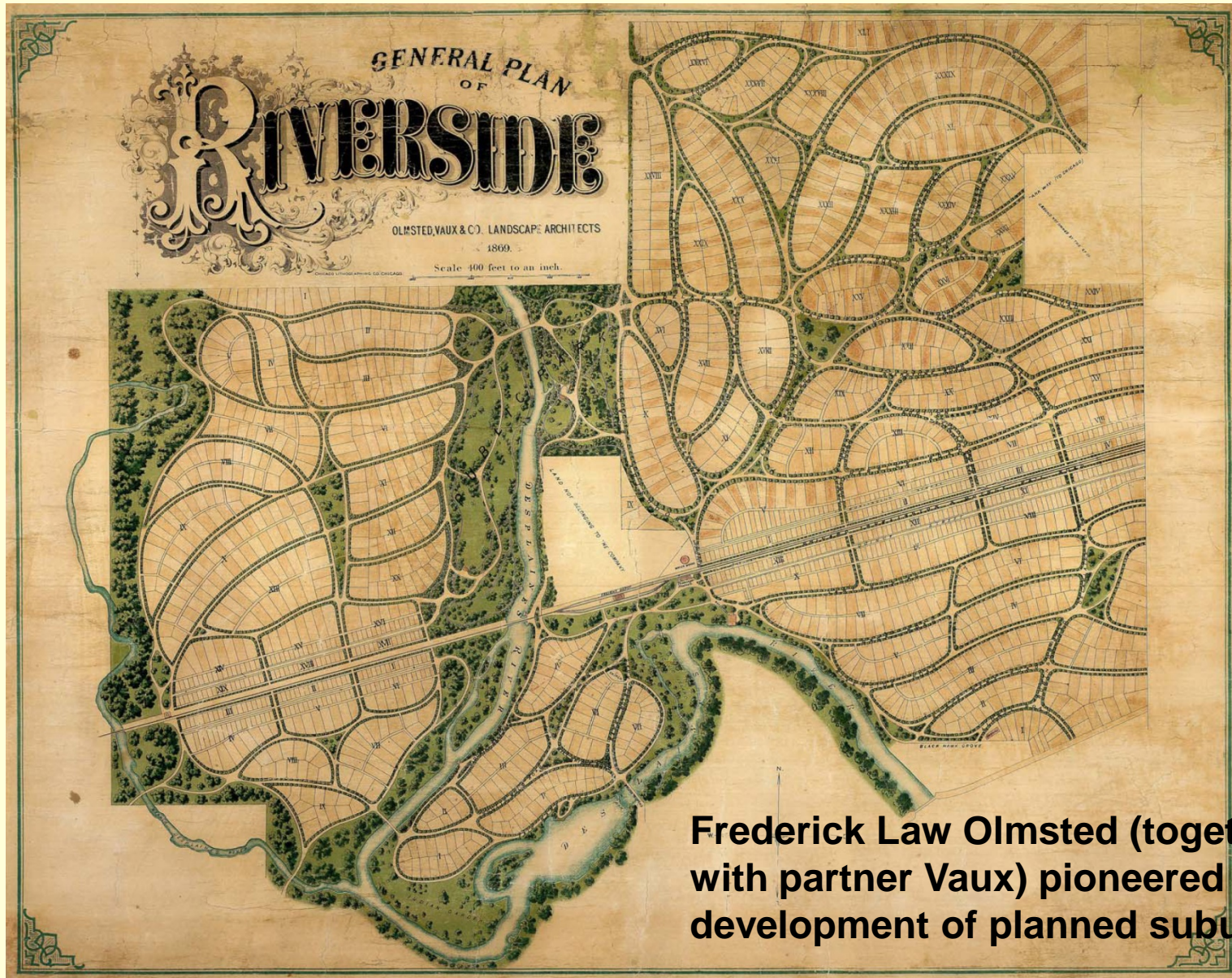
- ❖ **The Subdivision of Agricultural Land Act (No 70 of 1970)** is applicable when the subdivision of a portion of farmland is proposed.
- ❖ This act **prevents agricultural land from being subdivided into smaller portions** than a minimum economical size.
- ❖ These subdivisions (subdivision of portions larger than 25 hectares) are prohibited unless the **Minister of Agriculture, Water and Forestry has given approval.**

Section 4.2: Use Changes

4.2(c)(iii) Application Procedures for Subdivision: Farmlands (less than 25 hectares)

- ❖ When extent of the subdivided portion of farmland is less than 25 hectares, **approval must be obtained from MURD**
- ❖ Issued on **recommendation of NAMPAB.**
- ❖ The subdivision will only be considered by NAMPAB after **comments from the Minister of Agriculture, Water and Forestry** was obtained.
- ❖ Section 20 of the Townships and Division of Land Ordinance (No 11 of 1963) is applicable.

ILP 510S: Section 4.2



Frederick Law Olmsted (together with partner Vaux) pioneered the development of planned suburbs.¹

Section 4.2: Use Changes

4.2(e) Township Establishment:

- A formalised **large-scale subdivision** of land for urban use.*
- This planning is **not** something that is done **in a vacuum**.**
- ✓ **Dependent on existing constraints and opportunities**.***
- ✓ A new township should fit into a **wider framework of planning intentions/goals, guidelines and policies******
- ✓ Depend on the future **availability of engineering and social services** to the extension.

Section 4.2: Use Changes

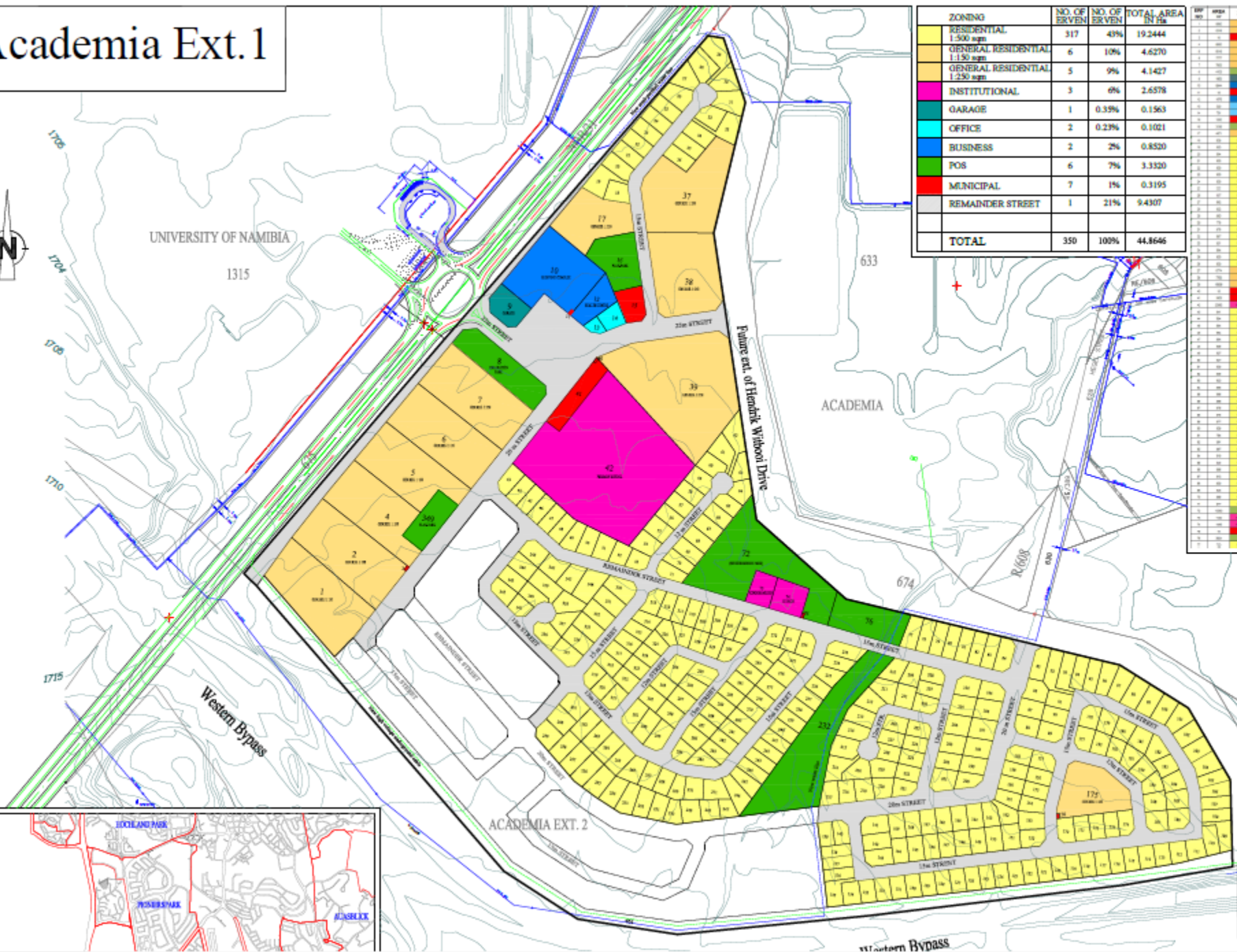
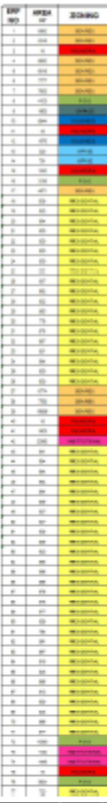
4.2(e) Township Establishment:

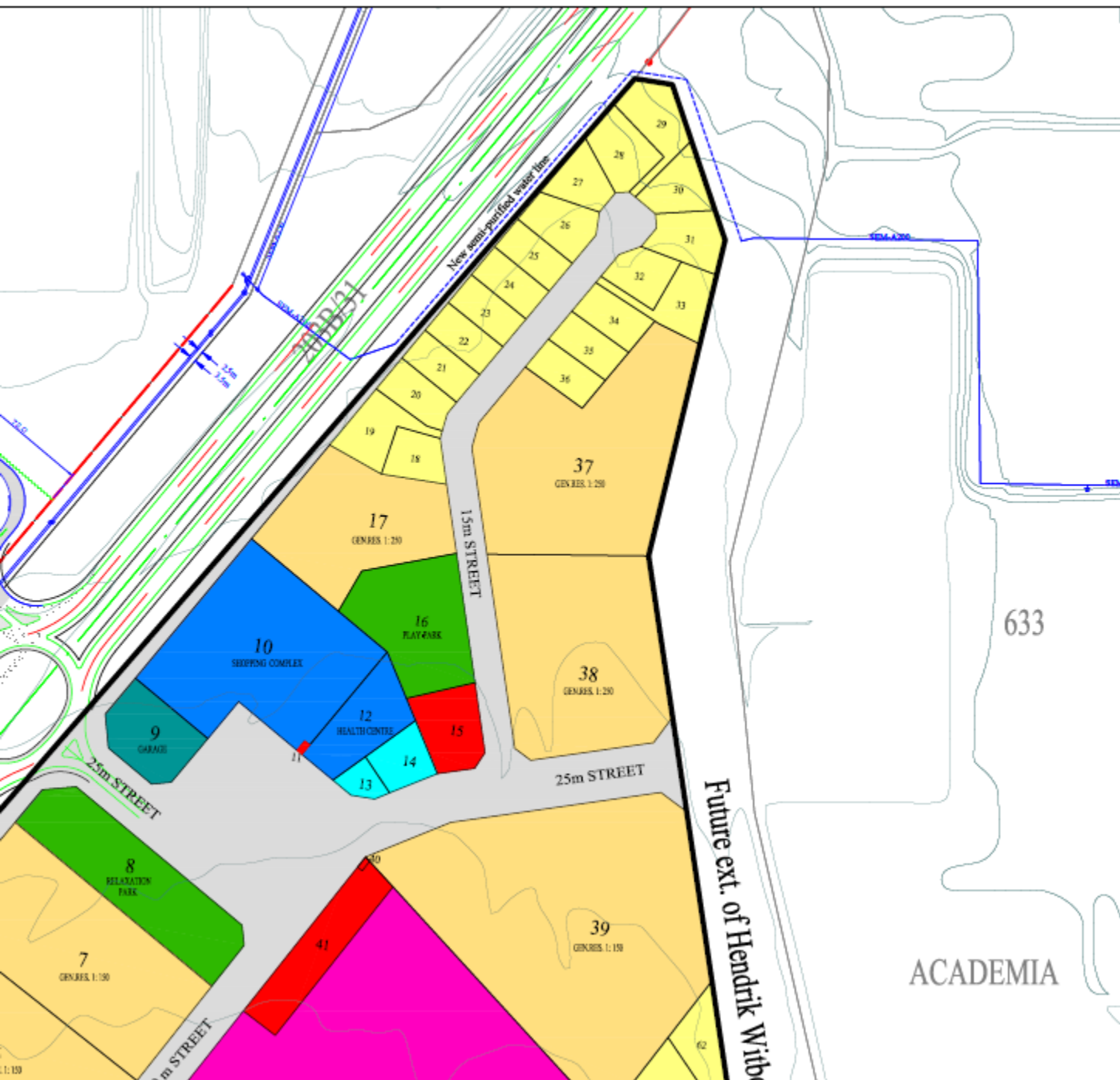
- ✓ A new township should be **compatible** with existing land use and
- ✓ **desirable for the future development** of the town.
- **Which legislation is applicable? Name the Ordinance!**

Academia Ext.1



ZONING	NO. OF ERVEN	NO. OF ERVEN	TOTAL AREA IN Ha
RESIDENTIAL 1-500 sqm	317	43%	19.2444
GENERAL RESIDENTIAL 1-150 sqm	6	10%	4.6270
GENERAL RESIDENTIAL 1-250 sqm	5	9%	4.1427
INSTITUTIONAL	3	6%	2.6578
GARAGE	1	0.35%	0.1563
OFFICE	2	0.23%	0.1021
BUSINESS	2	2%	0.8520
POS	6	7%	3.3320
MUNICIPAL	7	1%	0.3195
REMAINDER STREET	1	21%	9.4307
TOTAL	350	100%	44.8646





ZONING		
	RESIDENTIAL 1:500 sqm	
	GENERAL RESIDENTIAL 1:150 sqm	
	GENERAL RESIDENTIAL 1:250 sqm	
	INSTITUTIONAL	
	GARAGE	
	OFFICE	
	BUSINESS	
	POS	
	MUNICIPAL	
	REMAINDER STREET	
	TOTAL	

633

ACADEMIA

Future ext. of Hendrik Witbooi

Section 4.2: Use Changes

4.2(e) Township Establishment:

The following must be kept in mind regarding T/Est:

- The final layout plan must make provision for **erven which can be surveyed and registered,**
- which have **street access** and
- which are **connected to utility services** which are linked to the rest of the town.
- **Provision for other land uses** which are adequate and desirable for that particular development. For ex. public facilities such as schools & **reservation of erven** for the state or for local authority purposes.
- **Conditions which are to be registered** over the properties created, must also be set. *
- **The creation of new streets. Must be named** - Applicants may be requested to suggest names for new streets. **

Section 4.2: Use Changes

4.2(e) Township Establishment:

Application Procedures for T/Est:

- The procedure for legally establishing a township is contained in the **Townships and Division of Land Ordinance No 11 of 1963.**
- **Application** for establishing a township is made in writing to **MURD.**
- Minister **refers application to NAMPAB** for consideration & recommendation.

Section 4.2: Use Changes

4.2(e) Township Establishment:

Application Procedures for T/Est:

- NAMPAB will consider the application in terms of necessity/**need and desirability** (“N&D”) to establish such a township.
- NAMPAB will submit a recommendation to the minister.
- Should the Minister agree that township is needed & desirable **advertisement will follow** in Gazette & newspapers to inform public of application.
- After considering all relevant information (including comments received) the minister may grant, refuse or postpone the application.

Section 4.2: Use Changes

4.2(e) Township Establishment:

Application Procedures for T/Est:

- Upon granting of permission to establish township the application is submitted with the **local authority for its recommendation.** *
- Proposed township establishment is then advertised again.
- Next the application will be submitted with Townships Board
- T/B - will consider & evaluate application & make recommendation (including **conditions**).**
- After approval of layout by Townships Board, a **surveyor** must be appointed to survey the township.

Section 4.2: Use Changes

4.2(e) Township Establishment:

Application Procedures for T/Est:

- The **surveyed plans** (General Plan & diagram of the land to be included in the township) are then **submitted to the Surveyor General for approval.**
- The Surveyor General (SG) notifies the Minister, the applicant and Registrar of Deeds of the approval of the General Plans.
- After SG's approval (of the general plan & diagram), the township owner must lodge the approved General Plan & diagram with the Registrar of Deeds for endorsement.
- **The Register of Deeds** opens a **Township Register** for every approved township.

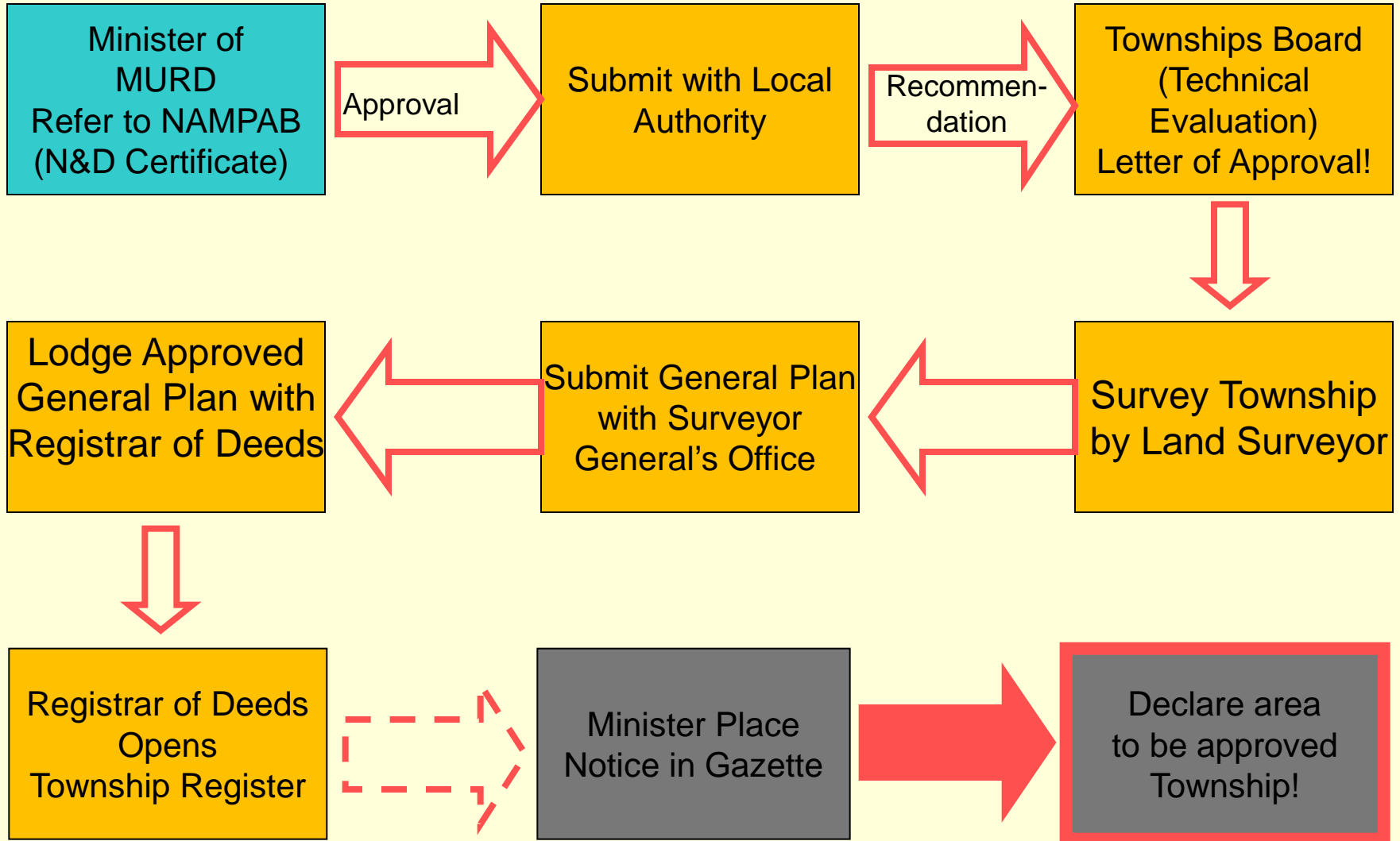
Section 4.2: Use Changes

4.2(e) Township Establishment:

Application Procedures for T/Est:

- The minister receives notification from the Register of Deeds that the township register has been opened.
- Minister can **declare by notice in the Gazette that the area represented by the general plan is an approved township.**
- This process is referred to as **the proclamation of a township!**

Approval Procedure: Township Est.



**MINISTRY OF REGIONAL AND LOCAL GOVERNMENT,
HOUSING AND RURAL DEVELOPMENT**

No. 203

2014

**DECLARATION OF ACADEMIA EXTENSION 1 TO BE AN APPROVED
TOWNSHIP: TOWNSHIPS AND DIVISION OF LAND ORDINANCE, 1963**

In terms of section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I -

- (a) declare the area situated on Erf 676, Academia, Registration Division “K”, as represented by General Plan No. K464 to be an approved township; and
- (b) set forth in the Schedule the conditions subject to which the application for permission to establish the township concerned has been granted.

**C. NAMOLOH
MINISTER OF REGIONAL AND
LOCAL GOVERNMENT, HOUSING
AND RURAL DEVELOPMENT**

Windhoek, 1 October 2014

SCHEDULE

1. Name of Township:

The township shall be called Academia Extension 1.

2. Composition of Township:

The township comprises 349 erven numbered 692 to 1040 and the remainder streets as indicated on General Plan K464.

3. Reservation of erven:

The following erven are reserved for the Local Authority;

- for Public Open Space purposes: Erven 1034 to 1039.

4. Conditions of title:

The following conditions shall be registered in favour of the Local Authority against the title deeds of all erven, except the erven referred to in paragraph 3:

- A. The erf must only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provision of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954).
 - B. The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the prevailing valuation of the erf.
-