

GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT

No. 62

DETERMINATION OF MINIMUM FEES WHICH A TOWN AND REGIONAL PLANNER OR TOWN AND REGIONAL PLANNER IN TRAINING SHALL CHARGE FOR PROFESSIONAL SERVICES:

TOWN AND REGIONAL PLANNERS ACT, 1996

Under section 13(1)(a) of the Town and Regional Planners Act, 1996 (Act No. 9 of 1996), the Minister of Regional and Local Government, Housing and Rural Development on the recommendation of the Namibian Council for Town and Regional Planners has determined the minimum fees which are chargeable by a town and regional planner or town and regional planner in training for professional services as set out in the Schedule.

Government Notice No. 88 of 20 July 2005 is repealed.

J. EKANDJO MINISTER OF REGIONAL AN LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT

Windhoek, 3 March 2009

SCHEDULE

TARIFF OF FEES AND RELATED GUIDELINES

PART A

GENERAL

Definitions

1. In this tariff of fees a word or an expression defined in the Act bears that meaning and -

"cost unit" or "cu" means an amount equal to the minimum time tariff hourly charge rate referred to in the Annexure A to this tariff of fees;

"land portion" means a portion of land which is or is intended to be cadastrally defined and recorded as a separate entity in the office of the Surveyor-General;

"Municipality" means a municipality as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992);

"planner" means a town and regional planner or a town and regional planner in training;

"Region" means a region as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);

"the Act" means the Town and Regional Planners Act, 1996 (Act No. 9 of 1996);

"Town" means a town as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992); and

"Village" means a village as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992).

Application of this part

2. This part applies to all other Parts in this tariff of fees.

Professional fees to be agreed between planner and client

- 3. (1) The professional fees for any town and regional planning work should be agreed upon between the planner and the client in accordance with the type, complexity and nature of the professional service to be rendered, but may not be less than the determined minimum fee.
- (2) In the absence of an agreement referred to in item 3(1) or in the case of a dispute relating to professional fees payable, the minimum scale of fees apply.
- (3) This minimum scale of fees referred to in item 3(2) is applicable to work reserved for town and regional planners in terms of Annexure B to the Town and Regional Planners and Town and Regional Planners in Training Regulations promulgated under Government Notice No. 126 of 26 June 2001.

Portion of services omitted

4. No portion of the fees determined in this tariff of fees may be omitted or reduced without prior written approval from the Council, except a complete waiver of fees as provided for in regulation 7(3) of the Town and Regional Planners and Town and Regional Planners in Training Regulations promulgated under Government Notice No. 126 of 26 June 2001.

Services added

5. If any portion of work has been added to the work normally forming part of the town and regional planner's duties in undertaking an assignment, additional fees may be charged in accordance with the tariffs of fees for such work.

Services not defined

6. Where no tariff of fees has been specifically determined for certain services for lack of definition of such services, or where the services are of such a nature that the tariff of fees contained in any Part does not apply, the time tariff as set out in item 25 applies.

Value added tax as separate cost

7. All fee calculations set out in this tariff of fees exclude Value Added Tax, therefore that tax should be added to the finally agreed total fee at the applicable rate, as a separate cost.

Payment of fees

8. The payment of fees shall be as agreed between the planner and the client. In the absence of such agreement, fees shall be payable on a monthly basis in accordance with work completed, or in relation to the progress of the project as a percentage of the total agreed fee.

General exclusions

- **9.** In addition to the specific exclusions referred to in other items, the following services and expenses are generally excluded in this tariff of fees and must be paid by the client and be calculated together with the time spent by the planner or his or her personnel to which the time tariff is applicable -
 - (a) expenses necessarily incurred, such as copies of documents and plans, printing, binding, duplication material, and other similar expenses;
 - (b) travelling time and subsistence costs outside the local authority area where the office or branch is located;
 - (c) application fees payable to authorities;
 - (d) professional fees payable to other professional persons required for the execution of the planning work, such as land surveyors, engineers, architects, landscape architects, environmental consultants and attorneys, which professional persons were appointed with the approval of the client;
 - (e) the provision of contour plans or the execution of cadastral survey work;
 - (f) work related to the investigation of soil or subsurface conditions or flood lines;
 - (g) the compilation of base maps and the updating of base maps;

- (h) special investigations and surveys;
- (i) the keeping of a register and the serving of notices; and
- (j) disproportionate time spent in handling complaints, public participation, public meetings and hearings.

PART B

SPATIAL STRUCTURE PLANNING

Definition

- **10.** (1) For the application of this tariff of fees "structure planning" includes:
- (a) development frameworks for both vacant and developed land; and
- (b) spatially-oriented strategic plans, development policy plans, integrated development plans and land development objectives for both vacant and developed land.
- (2) In general, structure planning involves the following basic generic steps or actions which may or may not be applicable to all the above categories:
 - (a) determination of the *status quo* situation of the planning area;
 - (b) formulation of a vision;
 - (c) identification of needs and priorities;
 - (d) formulation of goals and objectives;
 - (e) formulation of strategies;
 - (f) creation of planning and development policies;
 - (g) identification of projects and the preparation of business plans and implementation programmes;
 - (h) illustration in the form of a spatial framework plan; and
 - (i) the creation of a management and monitoring mechanism.

Scope of work

- 11. Subject to the general exclusions of item 9 "structure planning" includes:
- (a) the conducting of research, investigations, the processing of information and data analysis, meetings with the client and other interested parties, which shall include at least two public meetings;
- (b) the compilation of reports, supporting maps and plans;
- (c) the formulation of recommendations and planning proposals; and
- (d) the town and regional planning component as set out in Table 1 unless otherwise determined by the town and regional planner and the client.

Calculation and agreement on project fee budget

- **12.** (1) The motivation of the minimum professional fee in Table 1 is based on:
- (a) the physical extent and complexity of the planning area;
- (b) the environmental and social diversity of the planning area;
- (c) the population size and density of the planning area; and
- (d) the nature of the desired end product.
- (2) The minimum fees in respect of structure planning projects shall be calculated using Table 1 according to the category of the structure planning project. The fee calculation made shall be no less than the minimum number of cost units in the relevant table below.

TABLE 1: SPATIAL STRUCTURE PLANNING

Structure Plan Category	Minimum cost units (cu)
Structure Plan for a Region	1155 cu
Structure Plan for a sub area of a Region	1000 cu
Structure Plan for a PART 1* Municipality	1155 cu
Structure Plan for a PART 2* Municipality	800 cu
Structure Plan for a Town council	665 cu
Structure Plan for a Village or settlement area	575 cu

^{*}Part 1 and 2 Municipalities as determined in Schedule 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992)

PART C

LAND USE MANAGEMENT SCHEMES

Definition

- 13. In this Part, "statutory land use management scheme" refers to the original and five yearly revision land use management scheme and means any scheme used to manage, regulate or control the use and development of land within any defined area of jurisdiction of any local authority body and -
 - (a) includes a town planning scheme or similar zoning scheme prepared in accordance with any legislation governing the preparation, implementation and application of such schemes; and
 - (b) may include three constituent elements, namely a set of written regulations or bylaws, a zoning map or maps, and a register which records consent approvals.

Scope of work

- **14.** (1) The scope of work may include all or some of the constituent elements of a statutory land use management scheme as agreed between the town and regional planner and the client.
 - (2) Subject to the general exclusions under item 9 the scope of work includes-

- (a) the investigations and prescribed surveys necessary for the preparation of a statutory land use management scheme, or the constituent elements, the attendance of meetings and consultations with the client and other interested and affected parties, supporting documentation and any other requisite documents or records as prescribed in terms of the relevant legislation;
- (b) scheme regulations or scheme provisions that involve the formulation of scheme regulations or provisions and supporting documentation to accurately define and explain the restrictions, management principles and development guidelines which will apply to each of the separately registered properties within the scheme area on the coming into operation of such a scheme;
- (c) zoning map that involves -
 - (i) a land use survey of each separately registered property on the records of the Surveyor-General at the effective date to record the *de facto* use of the relevant property;
 - (ii) the drafting of a scheme or zoning map from a cadastral base plan compiled and provided by the client, and the illustration by some form of notation or by the application of symbols on the relevant map to visually present the restrictions and management principles referred to above which may be cross-referenced with the written supporting documentation or scheme provisions;
- (d) a register that involves the preparation of an example or typical format for the consents register, and a procedural manual for administering the register; and
- (e) at least two public consultation meetings for the original land use management scheme and at least one public consultation meeting for the five yearly revision land use management scheme prior to the submission of the scheme to the client for consideration, a public consultation exercise during which interested and affected parties are consulted and involved so as to make known the contents and implications of the scheme and to provide for presentations and comments on the compilation of the scheme.

Fees

- 15. (1) The fees for the preparation of a new land use management scheme shall be calculated as one cost unit for every three land portions in the scheme area.
- (2) The fees for the five yearly revision of an existing land use management scheme shall be calculated as one cost unit for every eight land portions in the scheme area.
- (3) Where the number of land portions that are to be provided is not specified for fee calculation purposes, the following procedure shall be followed:

The town planner shall approach the Namibia Institute of Town and Regional Planners to obtain the correct number of land portions from the local authority; the institute shall forward the number of land portions to be used for calculation purposes to all registered town and regional planners.

Specific exclusions

16. In addition to the tariffs prescribed in items 15(1) and 15(2) additional fees, calculated in terms of the time tariff set out in item 25, may be levied in respect of the following:

- (a) any work required to compile a detailed register of consent approvals;
- (b) any work related to the preparation of policy guidelines or explanatory handbooks which are not required in terms of legislation governing the preparation of statutory land use management schemes;
- (c) amendments to maps and documents requested after the scheme has been prepared in terms of the requirements of the clients; and
- (d) any work related to the preparation for, and attendance at, hearings to deal with objections or representations after the scheme has been submitted to the client.

PART D

AMENDMENTS TO LAND USE MANAGEMENT SCHEME PROVISIONS, OR ZONING PROVISIONS, AND OTHER STATUTORY RESTRICTIONS ON THE USE AND DEVELOPMENT OF LAND IN RESPECT OF INDIVIDUAL PORTIONS OF LAND IN ORDER TO PERMIT CHANGES TO THE USE OR DEVELOPMENT OF THAT LAND

Scope of work

- 17. Subject to the general exclusions of item 9 this scope of work includes -
- (a) obtaining of plans, documents and information, investigations, site inspections, consultations with the client, negotiations with the local and other authorities, the preparation and submission of the application, including any plans or diagrams in accordance with ruling legislation, posting of notices in terms of any statutory provision, the arranging of legal advertisements, the investigation of and response to objections and the finalising of all administrative matters to obtaining the final decision in respect of the application; and
- (b) in the case where the amendment is approved, all administrative matters to bring the amendment into effect including advising the client on requirements to be met and any levies payable to the authorities arising from the approval of the amendment.

Fees

- 18. For professional services in respect of the preparation, submission and administration of any application in terms of item 17 above to the stage where a final decision of the competent authority, which is the Minister of Regional and Local Government, Housing and Rural Development or an authorised authority in terms of the Urban and Regional Planning Bill, is given, excluding any appeal, the fees shall be determined as follows:
 - (a) an amount equal to the minimum number of cost units for the relevant type of amendment referred to in Table 2;
 - (b) the total fee shall be 100% of the fee whether the application is approved or not;
 - (c) a single application for the relevant type of amendment referred to in Table 2 is considered to be for contiguous land portions falling under one motivation.

TABLE 2

Type of amendment	Minimum cost units (cu)
Change of zoning or land use management provisions per application	35 cu

Specific exclusions

- 19. The following are excluded from the fees in this Part and additional fees shall be charged in respect thereof in accordance with the time tariff referred to in item 25:
 - (a) negotiations or disputes relating to charges or contributions levied by an authority arising from the approval of the application;
 - (b) the preparation for attendance at any hearing of the application held by the relevant authority and negotiations with objectors to the application;
 - (c) any work related to the lodging or opposing of an appeal against the decision on the application;
 - (d) the compilation of plans from existing Surveyor-General plans or data and the preparation of plans for other purposes such as marketing; and
 - (e) applications relating to expropriation of mineral rights, cancellation or creation of servitudes, notarial deeds or related applications to authorities other than the authority responsible for the land use management scheme.

PART E

SUBDIVISIONS AND LAYOUT PLANNING

Scope of work

- 20. (1) Subject to the general exclusions set out in item 9 this scope of work includes -
- (a) the planning, design and establishment of new subdivisions land layouts which include the conversion of rural or vacant urban land to urban development or settlement purposes in which new cadastral portions are created;
- (b) the obtaining of all the relevant data and information, inspections of the site concerned, attendance at meetings and consultations with the client and other organisations concerned with the planning and finalisation of the subdivision or layout as required by the client and the authorities, compiling and submission of an application for the approval of the new subdivision or layout plan (development area) in accordance with the relevant legislation regulating approval of new subdivisions or layouts (development areas) and the administration of such an application through the various stages of establishment in accordance with such legislation up to and including the proclamation of the new development.
- (2) The procedure or application for need and desirability is not included under item (1) above and is separately referred to in item 23.

Fees

21. (1) The minimum fees in respect of subdivisions and layout planning, the planning and establishment of new development areas, shall be calculated as follows:

- (a) layout: a minimum of I cost unit per land portion or part thereof; plus
- (b) applications: an amount equal to the minimum number of cost units for the relevant category of development area in Table 3.
- (2) The fees shall be determined using the number of land portions specified by the client.
- (3) In order to standardise the calculation of fees where the number of land portions is not specified, 70% of the extent of the land to be planned shall be used to calculate saleable area and an average land portion size of 450m^2 shall be used.

TABLE 3
CATEGORY OF NEW DEVELOPMENT AREA AND MINIMUM COST UNITS

Category of new development area	Minimum cost units (cu)
Subdivision into 2 land portions	18 cu
New development area 3 - 10 land portions	30 cu
New development area 11 - 50 land portions	200 cu
New development area 51 - 100 land portions	220 cu
New development area 101 - 150 land portions	240 cu
New development area 151 - 200 land portions	250 cu
New development area 201 - 250 land portions	255 cu
New development area 251 - 300 land portions	260 cu
New development area 301 - 400 land portions	265 cu
New development area 401 - 500 land portions	270 cu
New development area 501 - 600 land portions	275 cu
New development area 601 - 999 land portions	280 cu
New development area 1000 + land portions	285 cu
Consolidation of 2 land portions	18 cu

Example:

For 50 land portions

Layout: N\$600 per land portion x 50 land portions = N\$30 000

plus,

Application: $200 \text{ cu x N} \$ 600 \text{ per cu} = \text{N} \$ 120 \ 000$

Total minimum fee: N\$150 000

Specific exclusions

- **22.** In addition to the exclusions under item 9, additional fees levied in accordance with the time tariff set out in item 25 shall be payable in respect of the following:
 - (a) preparation of site development plans for specific sites, for example group-housing;
 - (b) professional advice on matters related to the relevant property, which does not relate to the planning and layout plan of the proposed development area, for example feasibility investigation and advice on marketing;

- (c) detailed drawings outside the scope of the development area layout plan where such layout planning includes urban design and detailed considerations regarding the site, height and nature of the proposed buildings;
- (d) the preparation of compilation plans from existing Surveyor-General plans or other application plans and the preparation of plans intended for marketing purposes;
- (e) applications for the amendment or deviation from any statutory plans or policy plans which govern the development within the area in which the proposed development area is to be established; and
- (f) applications for the establishment of a new development area including:
 - (i) an application and investigation for township establishment need and desirability;
 - (ii) separate studies and reports on or related to environmental impact assessment as may be required in terms of other legislation;
 - (iii) separate applications for building line relaxations along district or national roads;
 - (iv) separate applications for the expropriation of mineral rights;
 - (v) separate applications for the incorporation of land into municipal areas;
 - (vi) separate applications for deproclamation or reservation of land for the establishment of new development areas; and
 - (vii) professional advice on aspects of the relevant property which is not related to the establishment of the new development area such as marketing.

PART F

ESTABLISHMENT OF TOWNSHIP OR DEVELOPMENT AREAS (NEED AND DESIRABILITY)

Scope of work

- **23.** Subject to the general exclusions of item 9, this scope of work in respect of township establishment need and desirability, includes -
 - (a) obtaining all the relevant data and information, inspections of the site concerned;
 - (b) attendance at meetings and consultations with the client and other organisations;
 - (c) compiling and submission of an application for the establishment of the township or land development area in accordance with any law regulating the establishment of a township or development area; and
 - (d) the administration of such an application through the various stages of establishment in accordance with the conditions of such a law up to and including the final proclamation thereof.

Fees

- **24.** (1) The fee calculation in Table 3 includes fees for need and desirability.
- (2) Should an application for need and desirability fail and subdivisions or township establishment not continue, 30% of the fee calculated in Table 3 shall be charged.

PART G

TIME TARIFF

- **25.** (1) The time tariff shall be applied in cases where the tariff of fees prescribed in this Schedule is not applicable.
- (2) Where fees for professional services are based on a time scale, the tariff of fees shall be deemed to include establishment costs and costs of clerical and administrative staff.
- (3) The time tariff charge rate is set out in Annexure A to this tariff of fees, and may be adjusted from time to time.

Travelling time

26. Fees in respect of actual travelling time are levied at a fee equal to 70% of the time tariff.

Increase of time tariff

- 27. The time tariff may be increased by 50%-
- (a) for work which can only be undertaken outside reasonable business hours, which business hours shall be between 07:00 and 18:00, or on weekends or public holidays; or
- (b) where the work requires the preparation for and the attendance of hearings or the giving of expert evidence; or
- (c) where the town and regional planner is removed from his or her normal place of work in undertaking his or her responsibilities.

Travelling and Subsistence Costs

- **28.** (1) Subsistence costs necessarily incurred in the execution of professional work shall be paid by the client at one cost unit per person per night.
- (2) Travelling costs shall be paid by the client at the current Automobile Association rates per kilometre for a medium sedan vehicle.

ANNEXURE A

TIME TARIFF HOURLY CHARGE OUT RATE

The time tariff shall be a minimum fee of N\$600.00 per hour.

NOTE: The above fees and time tariff hourly charge out rates EXCLUDE VALUE ADDED

TAX which should be added to the total fee calculation at the applicable rate as a

separate cost.