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Government Notice

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT

No.88 2005

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

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

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 has the same meaning, and -

“cost unit” or “cu” means an amount equal to the Category A2 minimum time tariff hourly charge rate referred to in the Annexure to this tariff of fees.

“planner” means a town and regional planner or town and regional planner in training;

“portion of land” 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, but excludes public roads, servitudes and land defined for purposes related to minerals and mining;

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

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 between the planner and the client in accordance with the type, complexity and nature of the professional services to be rendered, but may not be less than the determined minimum fee.
(2) Where, in the absence of an agreement or in the case of a dispute relating to professional fees payable, the minimum scale of fees shall be applied.

Portion of services omitted

4. If any portion of the services described in this tariff of fees is omitted from the services rendered, the fees shall be reduced by an amount determined in accordance with the time tariff (item 25) and based on the estimated extent of the work which is omitted.

Services added

5. If any portion of work has been added to those 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 (item 25) shall be applied.

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 etc);
 - (b) application fees payable to authorities;
 - (c) 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) who were appointed with the approval of the client;
 - (d) the provision of contour plans or the execution of cadastral survey work;
 - (e) work related to the investigation of soil or subsurface conditions or flood lines;
 - (f) the compilation of base maps and the updating of base maps;
 - (g) special investigations and surveys;
 - (h) the keeping of a register and the serving of notices; and
 - (i) disproportionate time spent in handling complaints or public participation.

PART B**STRATEGIC PLANNING****Definition**

- 10.** (1) For the application of this Part “strategic planning” includes -
- (a) development frameworks for both vacant and developed lands;
 - (b) structure plans, development policy plans, integrated development plans or land development objectives for both vacant and developed land.
- (2) In general, strategic planning involves the following basic generic steps or actions which may or may not be applicable to all categories referred to in item 26 -
- (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

- 11.** Subject to the general exclusions of item 9, strategic planning includes -
- (a) the conducting of researches, investigations, the processing of information and data analysis, meetings with the client and other interested parties;
 - (b) the compilation of reports, supporting maps and plans;
 - (c) the formulation of recommendations and planning proposals; and
 - (d) three components as set out in Tables 2A, 2B, 2C and 2D, unless otherwise determined by the planner and the client.

Calculation and agreement on project fee budget

- 12.** (1) The calculation of any project fee budget 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) An appropriate method of reaching agreement on the project fee budget is when calculation is to be made on the basis of each activity that has to be completed and the expected time taken to achieve that product, calculated as per the time tariffs for the appropriate skill level as set out in item 26.
These would be scheduled by activity group, project phase, programme and time scale.
These fee costs can then be agreed with the client as a project fee budget, from which variance may occur, but only with both parties agreement.
- (3) In the absence of an agreement on any appropriate method, the minimum fees in respect of strategic planning projects shall be calculated using the applicable Table 2A, 2B, 2C or 2D according to the category of strategic planning projects.
The fee calculation shall not be less than the minimum number of cost units in the relevant table below.

TABLE 2A

STRATEGIC PLAN FOR A REGIONAL
COUNCIL AREA OF JURISDICTION

Component	Minimum Cost Units
Technical	700
Community Participation	270
Information Technology	185
Total	1155 cu

TABLE 2B

STRATEGIC PLAN FOR A CITY COUNCIL AREA
OR SUB-AREA OF A REGIONAL COUNCIL

Component	Minimum Cost Units
Technical	1200
Community Participation	235
Information Technology	90
Total	1065 cu

TABLE 2C

**STRATEGIC PLAN FOR TOWN COUNCILS
(LOCAL STRUCTURE PLAN)**

Component	Minimum Cost Units
Technical	425
Community Participation	150
Information Technology	90
Total	665 cu

TABLE 2D

**STRATEGIC PLAN FOR VILLAGE OR
RURAL COUNCIL AREA**

Component	Minimum Cost Units
Technical	340
Community Participation	145
Information Technology	90
Total	575 cu

PART C**LAND USE MANAGEMENT SCHEMES****Definition**

- 13.** In this Part, “statutory land use management scheme” 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, 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;
 - (b) may include three constituent elements, namely a set of written regulations or by-laws, a zoning map or maps, and a register which records departures and consent approvals.

Scope

- 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 planner and the client.

- (2) Subject to the general exclusions referred to in item 9, the scope of work includes -
- (a) the investigations and surveys necessary for the preparation of a statutory land use management scheme (or the constituent element), 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 provisions - that involves 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) register - that involves the preparation of an example or typical format for the departures register, and a procedural manual for administering the register.
 - (e) public consultation - that is happening prior to the submission of the scheme to the client for consideration, and involves 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 representations 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 on the basis of the relevant Time Tariffs referred to in item 25. In the absence of a more appropriate agreement, the fees shall be calculated as one cost unit for every 3 land portions in the scheme area.
- (2) The fees for the five yearly revision or modification of an existing land use management system shall be calculated on the basis of the relevant Time Tariffs referred to in item 25. In the absence of a more appropriate agreement, the fees shall be calculated as one cost unit for every 8 land portions in the scheme area.

Specific exclusions

- 16.** In addition to the fees referred to in items 15(1) and (2), additional fees calculated in terms of the Time Tariff (item 25) may be levied in respect of the following -
- (a) any work required to compile a detailed register of departures and 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

- 17.** Subject to the general exclusions of item 9, this scope of work includes -
- (a) the 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 applicable 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 obtain 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 to the stage where a decision of the relevant authority is finalised (excluding any appeal), the fees shall be calculated as follows -
- (a) a basic amount equal to the minimum number of cost units for the relevant type of amendment referred to in Table 4; plus
 - (b) an additional amount equal to 1% of the municipal value of the land on the approval of the amendment applied for;
 - (c) where an application is not approved the total fee is 80% of the fee payable in the case where the application is approved.

TABLE 4

Type of Amendment	Minimum Cost Units
1. Variation in zoning provisions (i.e. consent use or departure)	30 cu
2. Change of zoning or land use management provisions	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 (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 preparation of any site development plans for specific sites or portions of land which are the subject of the application;
 - (e) the compilation of plans from existing Surveyor-General Plans or data and the preparation of plans for other purposes such as marketing; and
 - (f) 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 any land use management scheme.

PART E

**SUBDIVISIONS AND LAYOUT PLANNING (PLANNING
AND ESTABLISHMENT OF NEW DEVELOPMENT AREAS)**

Scope

- 20.** (1) Subject to the general exclusions of item 9, this scope of work includes -
- (a) the planning, design and establishment (excluding any procedure or application for need and desirability referred to in item 23) of new subdivisions and layouts which include the conversion of rural or vacant urban land to urban development or settlement purposes in which new cadastral portions are created; and
 - (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 regu-

lating 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) This scope of work excludes public meetings and consultation with community organisations.

Determination of fees

21. (1) In order to calculate an appropriate fee, the planner should establish the process, planning steps, activities, and products that will have to be completed and delivered within an agreed time scale in order to meet the client's requirements, and these are likely to include all or certain elements of the following activities -
 - (a) an overall conceptual development framework;
 - (b) detailed developmental frameworks and land use allocations; and
 - (c) detailed sub-phase subdivision layouts.
- (2) The total fee as calculated in (a), (b) and (c) can then be broken down so as to be equitable with a fee per residential unit provided, (allowing for both single residential and general residential housing opportunities) as well as a fixed fee amount, per 100 square metres of commercial floor area or bulk, approved in the rezoning conditions.
- (3) In the absence of a more appropriate agreement based on the suggestions referred to in subitems (1) and (2), the minimum fees in respect of subdivisions and layout planning (the planning and establishment of new development areas) shall be calculated as follows -
 - (a) a basic amount equal to the minimum number of cost units for the relevant category of development in Table 5; plus
 - (b) an additional amount equal to 1% of the municipal value of the land at the time of the approval of the development applied for, with a minimum of .05% of the value of a cu per m² saleable land.

Example: $0.0005 \times \text{cu} \times \text{total m}^2 \text{ saleable land}$

TABLE 5**CATEGORY OF NEW DEVELOPMENT AND MINIMUM COST UNITS**

Category of New Development	Minimum Cost Units
(a) Subdivision of established urban land (e.g. a single township erf) Consolidation of erven (two erven/portions)	18 cu 18 cu
(b) New development area (11 to 149 portions/erven)	120 cu
(c) New development area (150 to 299 portions/erven)	170 cu
(d) New development area (300 to 449 portions/erven)	210 cu
(e) New development area (450 to 599 portions/erven)	250 cu
(f) New development area (600 to 999 portions/erven)	300 cu
(g) New development area (1000 portions/erven or more)	400 cu
	Plus 1 cu for each additional 10 portions in respect of paragraph (f) and the consolidation of erven

Specific exclusions

22. In addition to the exclusions of item 9, additional fees levied in accordance with the time tariff (item 25) shall be payable in respect of the following -
- (a) preparation of site development plans for specific sites (e.g. group-housing);
 - (b) professional advice on matters related to the relevant property which do not relate to the planning and layout plan of the proposed development area (e.g. 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 siting, height and nature of the proposed buildings;
 - (d) the preparation of compilation plans from existing 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;
 - (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 as-

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

- 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 the governing law up to and including the final proclamation thereof.

Fees

- 24.** The fees shall be calculated as a basic fee of 54 cost units (cu), plus the potential number of portions of land created, multiplied by the cost unit, multiplied by the percentage per portion in the applicable column as per Table 6.

TABLE 6

ESTABLISHMENT OF A TOWNSHIP OR DEVELOPMENT AREA (NEED AND DESIRABILITY)

No. of Portions	1-149	150-299	300-449	450-599	600-999	1000+
cost unit % per portion	109%	90%	84%	76%	70%	64%

Time tariff

25. (1) The time tariff shall be applied in cases where the determined fees in this tariff of fees are not applicable.
- (2) Where fees for professional services are based on a time scale, the fees shall be deemed to include establishment costs and costs of clerical and administrative staff.
- (3) The time tariff fees are calculated in accordance with the time tariff charge rates referred to in subitem (4) with reference to four categories as defined in item 26 on a similar basis to those approved for other professionals working in the building environment.
- (4) The time tariff charge rates for each category defined in item 26 are set out in the Annexure to this tariff of fees, and may be adjusted from time to time.

Definitions of categories

26. (a) **“Category A1”**, in relation to a private consulting practice in town and regional planning, means a top practitioner whose expertise is nationally or internationally recognised and who provides advice at a level of specialisation where such advice is recognised as that of an expert;
- (b) **“Category A2”**, in relation to a private consulting practice in town and regional planning, means a partner, a sole proprietor, a director, or a member who, jointly or severally with his other partners, co-directors or co-members, bears the risks of the business, takes full responsibility for the liabilities of such practice, performs work of a conceptual nature in town and regional planning design and development, provides strategy guidance in planning and executing a project, and carries responsibility for quality management pertaining to a project.
- (c) **“Category B”**, in relation to a private consulting practice in town and regional planning, means all salaried senior professional and technical staff performing work of a town and regional planning nature and who carry the direct technical responsibility for one or more specific activities related to a project, and includes a person referred to in Category A1 or A2, if such person performs work of a town and regional planning nature at this level.
- (d) **“Category C”**, in relation to a private consulting practice in town and regional planning, means all other salaried technical staff performing work of a town and regional planning nature under the direction and control of any person contemplated in Categories A1, A2 or B.

Travelling time

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

Increase of time tariff

28. The time tariff may be increased by 50% -
- (a) for work which can only be undertaken outside reasonable business hours, that is 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 planner has to leave his or her normal place of work in undertaking his or her responsibilities.

PART G

TRAVELING AND SUBSISTENCE COSTS

Subsistence costs

- 29.** Subsistence costs necessarily incurred in the execution of professional work shall be paid by the client.

Traveling costs

- 30.** Traveling costs shall be paid by the client at the current Automobile Association rates per kilometer.

ANNEXURE

TIME TARIFF HOURLY CHARGE RATES FOR DEFINED CATEGORIES (Item 25(4))

Category	Minimum fee per hour
Category A1	N\$500,00
Category A2	N\$350,00
Category B	N\$350,00
Category C	N\$250,00

NOTE: The above fees and time tariff hourly charge rates exclude value added tax which should be added to the total fee calculation at the applicable rate as a separate cost.