



# Municipality of Walvis Bay

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Phone +264 (0)64 201 3111 • Fax +264 (0)64 204 528 • [www.walvisbaycc.org.na](http://www.walvisbaycc.org.na)

## **NOTICE**

His Worship the Mayor and Councillors  
General Managers

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Date	09 December 2021

### **DECEMBER 2021 - ORDINARY COUNCIL MEETING OF THE LOCAL AUTHORITY COUNCIL OF WALVIS BAY**

Notice is hereby given that the Ordinary Council meeting of the Local Authority Council of Walvis Bay will be held in the Kuisebmond Council Chambers, Nathaniel Maxuilili Avenue on: -

**Thursday 16 December 2021 at 18:00**

Yours faithfully,



F. I. Gonteb  
Acting Chief Executive Officer



## **Agenda**

1. **Opening by prayer** (File 3/1)
2. **Adoption of agenda and declaration of interest**
3. **Application for leave of absence by members of council** (File 3/3/1/4)
4. **Confirmation of minutes of previous meeting/s** (File 3/3/2/3/1)
  - 4.1 Minutes of the Ordinary Council meeting held on Thursday, 02 December 2021 to be confirmed and approved.
  - 4.2 Minutes of the Extra Ordinary Council meeting held on Thursday, 25 November 2021 to be confirmed and approved.
5. **Interviews with deputations or persons summoned or requested to attend meeting**  
(File 3/3/2/3/2)

Thursday 02 December 2021

  - Ombundu Investments Trust
  - Eagle Builders & Renovations
  - Mr Andemale Shikongo

Tuesday 07 December 2021

  - Bob Mould Architects
  - Unmatched Potential
6. **Official announcements, statements and communications**

Announcements by His Worship the Mayor, Trevino Forbes.
7. **Petitions** (File 3/2/1/6)

No petitions have been received.
8. **Motions of members** (File 3/3/1/1)
  - 9.1 **Motion: Aims to offer financial relief to both single residential and business rate payers of Walvis Bay**  
Motion number: 13/2021 by Councillor Olivia Andrews (See page 02)
9. **Answers to questions of which notice has been given** (File 3/3/1/2)

No questions received.



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*To submit a motion for consideration by the Municipal Council of Walvis Bay, please complete and sign this form and submit it to the Chief Executive Officer at least 6 working days prior to the date of the next ensuing Council meeting as contemplated in Rule 13 of the Standing Rules of Order*

Motion sequence number: 13/2021  
(to be completed by the administration)

**MOTION: AIMS TO OFFER FINANCIAL RELIEF TO BOTH SINGLE RESIDENTIAL AND BUSINESSES RATE PAYERS OF WALVIS BAY**

**Motion submitted by:**

Councillor Oliva Andrews

**Objective of Motion:**

The purpose of this motion is to assist the individuals and business rate payers of Walvis Bay to recover financially from negative impact COVID-19 has caused in their day-to-day operations/livelihoods.

**Rationale and motivation:**

Number of businesses, not only in Walvis Bay, but countrywide, has closed and or were not operating at its full capacity and as a result of that, it has impacted their cash flow negatively. As a result of that, several individuals have lost their jobs and or did not earn a full monthly salary. This has greatly negatively impacted the operations of businesses and personal lives of individuals.

**Proposal to be considered by Council:**

The motion therefore recommends the following in favour of ratepayers of Walvis Bay

- Propose the writing-off of all interest levied on our municipal accounts of developed properties in line with available legislation, policies, and guidelines since commencement of COVID-19 in March 2020.
- Writing-off of all pensioners and deceased (those who's estates cannot settle their outstanding debt) ratepayers up until the date of passing on.
- That the charging of interest rates on all municipal services account be put off for one year to allow the client's account recovery.
- Administration to investigate the possibilities of reducing the current interest rate charged on arrear amounts.

- All debt on municipal owned and rental properties be written off.

It is against this background that this motion is submitted in terms of Standing rules no 12 & 13, Thus to ensure that the rate payers gradually recover from their financial position.

Chairperson of Council, I so move.



Cllr Olivia Andrews

08 / 12 / 2021  
Date



**10. Report of the Management Committee for December 2021**

[Report referred to in section 26(1)(e) of the Local Authorities Act]

*The Chairperson of the Management Committee must put the report to the Council for information. The report may be discussed but no motion or proposal on the report may be introduced.*

**10.1 Way-forward on the temporary designated truck parking area in Walvis Bay Extension 14** (Add. 5; M/C Meeting 07/12/2021; File 5/1/4)

**RESOLVED:**

That the matter be referred to the Chief Executive Officer for terms of reference.

**10.2 Sale of erven 1630 Walvis Bay and 1789 Walvis Bay to Mr Ivo de Gouveia** (Add. 9; M/C Meeting 07/12/2021; File 1630W, 1789 W)

**RESOLVED:**

That request not be considered and that the applicant be advised accordingly.

**11. Recommendations of the Management Committee for December 2021**

*The Chairperson of the Management Committee must individually propose the recommendations of the Management Committee to the Council for consideration - Rule 22(2), and unless there are dissentient votes against a recommendation each recommendation is regarded as seconded (Rule 22(5) and adopted by general consensus.*

**11.1 Conditional approval of the sub-division of Erven 8398 and 8397 Kuisebmond from General residential erven to Single residential erven** (Add. 1; M/C Meeting 07/12/2021; File 8398k and 8397 K)

The purpose of this report is to rescind the conditional approval of the sub-division of General Residential erven 8398K and 8397K as per Council Resolutions 12.8 and 12.9 of 28 April 2021.

Application was received in February 2021 from Steward Planning, on behalf of Ombundu Investment Trust (then current owner) for the subdivision of General Residential Erf 8398 Kuisebmond into 6 Portions and for Erf 8397 Kuisebmond into 8 portions.

As can be noted, the issue of an unresolved, very large outstanding water account, stemming from the construction of infrastructure services and some houses, resulted in a conditional approval, which in both Resolutions states as follows:

"That subject to the conclusion and settling of the outstanding water bill due by the developer for Erf 8398 (and Erf 8397) Kuisebmond, the following be approved, and which approval would only become effective after full settlement of the outstanding amount."

Since the Resolution, the applicant proceeded with the required Town Planning procedures which entailed approval of the sub-divisions by the Urban and Regional Planning Board on 18 August 2021.

Subsequently, the erven were surveyed, and the new single residential erf diagrams were approved by the Surveyor General on 27 October 2021 as confirmed by Steward Planning to the Town Planner on 2 November 2021.

In the meantime, building plans were also submitted for the then two General Residential zoned erven – showing individual units on the planned, single residential erven.

Clearance Certificates were issued by Finance for the two General Residential erven. The two plans were approved during October and November respectively.

**RECOMMENDED:**

- (1) That it be noted that a further settlement of N\$3 million was received from Ombundu Investments Trust on 2 December in part payment of the outstanding account.
- (2) That the issuing of the Endowment Certificates for the Sub-division of erven 8398K and 8397K after invoices were raised and payments received, therefore be condoned.
- (3) That the preamble of Council Resolution Item 12.8 dated 28 April 2021 which state that "subject to the conclusion of and settling of outstanding water bill due by the developer for Erf 8398 Kuisebmond", be rescinded and the following be approved "and which approval will only become effective after full settlement of the outstanding amount".
- (4) That the preamble of Council Resolution Item 12.9 dated 28 April 2021 which state that "subject to the conclusion of and settling of outstanding water bill due by the developer for Erf 8397 Kuisebmond", be rescinded and the following be approved "and which approval will only become effective after full settlement of the outstanding amount".
- (5) That the remainder of the two previous Resolutions remain as is.

**11.2 Rezoning of Erf 2164 Walvis Bay from "Single residential" (1:300m<sup>2</sup>) to "General residential 1" (1:300m<sup>2</sup>) (Add. 2; M/C Meeting 07/12/2021; File 2164W)**

The purpose of the report is to obtain the Municipal Council's decision on the application for the rezoning of Erf 2164 Walvis Bay from Single Residential with a density of 1 dwelling per 300m<sup>2</sup> to General Residential 1 with a density of 1 dwelling per 300m<sup>2</sup>.

The applicants and registered owners of Erf 2164 Walvis Bay are Nazeema Brenner and Ridwaan Heuvel of P.O. Box 913, Oshakati. The applicants have given the Power of Attorney to Stewart Town Planning CC to submit the application on their behalf.

Erf 2164 Walvis Bay is zoned as Single Residential with a density of 1 per 300m<sup>2</sup> in terms of the Walvis Bay Town Planning Scheme. The size of Erf 2164 Walvis Bay is 938m<sup>2</sup>.

The owners intend to develop a maximum of three (3) dwelling units to sell/lease by sectional title when the General Residential 1 rights are in place.

The application was advertised for 21 days in the Republikein, Allgemeine ZeitungSun and the Namibian newspapers as well as in the Government Gazette. The closing date for objections was Friday, 23 July 2021. Adjacent landowners were also notified about the rezoning application. Furthermore, the notice was displayed on the site.

Comments were received from one adjacent landowner (Mr Koot van der Merwe). Mr van der Merwe and the applicant have agreed that the comments he raised be implemented during the development/construction stage of the proposed units. So, no objection was received.

The application to rezone Erf 2164 Walvis Bay from Single Residential to General Residential 1 will be assessed from the town planning point of view based on:

- conformity of proposed development with the Walvis Bay Town Planning Scheme.
- conformity of proposed development with the Residential Density Policy; and
- influence of the land use on the neighbourhood.

Conformity of Proposed Development with the Town Planning Scheme

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Land Uses	Clause 14.1 – Dwelling units, Subsidiary Dwelling Units, Residential Building, Block of Flats, and Duplex Flats are primary rights on General Residential 2 zone.	The owners propose to redevelop the site into higher density residential development that will consist of three Section Title Units. Therefore, the rezoning application <b>will conform</b> with the Walvis Bay Town Planning Scheme in terms of land uses.
Minimum Erf Size	Clause 14.2.5.1 – The minimum size for General Residential 1 erven ranges from 300m <sup>2</sup> to 1000m <sup>2</sup> for uses such as dwelling units and Accommodation Establishments etc.	The subject site is 938m <sup>2</sup> . Therefore, the rezoning application <b>will conform</b> with the Walvis Bay Town Planning Scheme in terms of the minimum erf size.

**RECOMMENDED:**

- (1) That the Municipal Council recommends for approval the application for the rezoning of Erf 2164 Walvis Bay from "Single Residential" with a density of 1 dwelling per 300m<sup>2</sup> to "General Residential 1" with a density of 1 dwelling per 300m<sup>2</sup>, to the Urban and Regional Planning Board, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*.
- (2) That the rezoning of Erf 2164 Walvis Bay be included in the next Walvis Bay Amendment Scheme for submission to (or the individual rezoning application of Erf 2164 Walvis Bay be submitted to) the Minister of Urban and Rural Development for approval.
- (3) That, in terms of the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, the applicant pays a betterment fee deposit of 20% of the increase in the municipal land value of the rezoned property, prior to the inclusion of the rezoning application into an Amendment Scheme or prior to the submission of the rezoning application to the Urban and Regional Planning Board, whichever is earlier.
- (4) That the imposed Betterment Fee be submitted to the Minister of Urban and Rural Development simultaneously with the submission of the Amendment Scheme or rezoning application for approval.
- (5) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.
- (6) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
- (7) That the applicants note that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the *Urban and Regional Planning Act (Act No. 5 of 2018)* therefore still apply.
- (8) That this approval comes into effect immediately after the Municipal Council has taken a resolution and prior to the confirmation of the Municipal Council's minutes.

11.3 **Rezoning of Erf 1327 Meersig from “Single residential” (1:500m<sup>2</sup>) to “General residential 1” (1:200m<sup>2</sup>)** (Add. 3; M/C Meeting 07/12/2021; File Farm 1327 M)

The purpose of the report is to obtain the Municipal Council’s decision on the application for the rezoning of Erf 1327 Meersig from Single Residential with a density of 1 dwelling per 500m<sup>2</sup> to General Residential 1 with a density of 1 dwelling per 200m<sup>2</sup>.

The applicant and registered owner of Erf 1327 Meersig is Mr Josua Petrus Klem of P.O. Box 1253, Walvis Bay. The applicants have given the Power of Attorney to Willie Schutz Town and Regional Planning Consultant to submit the application on his behalf.

Erf 1327 is zoned as Single Residential with a density of 1 per 500m<sup>2</sup> in terms of the Walvis Bay Town Planning Scheme. The size of Erf 1327 is 479m<sup>2</sup>. The site comprises of two existing dwelling units.

The applicant would like to register a Sectional Title’s and sell the units to two separate individuals. The Sectional Title Units will only be approved after the erf is rezoned. The application was advertised in two local newspapers, and a notice regarding the rezoning application was placed on the site. Additionally, adjacent landowners were consulted.

The closing date for objections was Friday, 5 July 2021. No objections against the rezoning of Erf 1327 Meersig from Single Residential to General Residential 1 were received.

The application to rezone Erf 1327 Meersig from Single Residential to General Residential 1 will be assessed from the town planning point of view based on:

- conformity of proposed development with the Residential Density Policy,
- conformity of proposed development with the Walvis Bay Town Planning Scheme,
- influence of the land use on the neighbourhood and
- need of the subject development.

Erf 1327 Meersig is located in Zone 6 of the Residential Density Policy. In terms of aforesaid Policy, sites that are less than 2500m<sup>2</sup> can accommodate a maximum of 1 unit per 500m<sup>2</sup>. The application (for a density of 1 per 200m<sup>2</sup>) does not conform with the above policy. However, the application should be viewed as a legalisation of an existing situation.

**Conformity of Proposed Development with the Town Planning Scheme**

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Land Uses	Clause 14.1 – Dwelling units, are primary uses on General Residential 1 zone.	The owner proposed to convert existing units into Sectional Title Unit’s. Therefore, the rezoning application will <b>conform</b> with the Walvis Bay Town Planning Scheme.
Minimum Erf Size	Clause 14.2.5.1 – The minimum size for General Residential 1 erven ranges from 300m <sup>2</sup> to 1500m <sup>2</sup> .	The subject site is 479m <sup>2</sup> . The erf has two existing dwelling units, and the application should be viewed as a legalisation of an existing situation. Therefore, the rezoning application <b>conforms</b> with the Walvis Bay Town Planning Scheme.

**RECOMMENDED:**

- (1) That the Municipal Council recommends for approval the application for the rezoning of Erf 1327 Meersig from “Single Residential” with a density of 1 dwelling per 500m<sup>2</sup> to “General Residential 1” with a density of 1 dwelling per 200m<sup>2</sup>, to the Urban and Regional Planning Board, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*.



- (2) That, in terms of the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, the applicant pays a betterment fee deposit of N\$59,869.50, being 75% of the increase in the municipal land value of the rezoned property, prior to the submission of the rezoning application to the Urban and Regional Planning Board.
- (3) That, Municipal Council grants approval to Willie Schutz, Town and Regional Planner to submit the application for the rezoning of Erf 1327 Meersig, to the Minister of Urban and Rural Development for approval (provided that betterment fees have been paid, prior to the submission of the rezoning application to the Urban and Regional Planning Board).
- (4) That the imposed Betterment Fee be submitted to the Minister of Urban and Rural Development simultaneously with the submission of the rezoning application for approval.
- (5) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.
- (6) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
- (7) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the rezoning application; and the provisions of the *Urban and Regional Planning Act (Act No. 5 of 2018)* therefore still apply.

11.4 **Request to amend Council's resolution for item 12.4 dated 28 June 2016 (for Narraville Extension 15)** (Add. 4; M/C Meeting 07/12/2021; File 15/2/2/8)

The purpose of the report is to obtain the Municipal Council's approval to amend its resolution for item 12.4 taken at its meeting held on 28 June 2016.

At its meeting held on 28 June 2016, inter alia item 12.4, the Municipal Council granted approval for the establishment of a new township, being Narraville Extension 15. Narraville Extension 15 was initially planned to be established on Farm 70, prior to the approval of the surveyed diagrams of Narraville Blocks comprising of **Farms 63 to 65, 68 to 76 & 78-94 (Portions of the Remainder Farm Wanderdünen No. 23)**. However, upon revising the township establishment application and after obtaining the revised surveyed Diagram No's **A419-435/2018, A404-406/2018 and A409-419/2018** for Narraville Blocks, it came to our attention that Narraville Extension 15 is not to be established on Farm 70 as per previous Municipal Council approval, but rather on Farm 69 (a Portion of the Remainder Farm Wanderdünen No. 23).

It is imperative to partial amend the Municipal Council's resolution for Narraville Extension 15 to enable the application to be submitted to the Urban and Regional Planning Board. In particular, the Item Title, Points (1), (7) and (9) of the attached Municipal Council's resolution dated 28 June 2016 (inter alia item 12.4) need to be amended as follows:

- (a) **Title of Item 12.4:** The title should be amended by changing the property description from Farm 70 to Farm 69.

- (b) **Point (1):** Reference to the incorporation of Farm 70 (now Farm 69) is not necessary, because a "new" township will be established on Farm 69 and not Farm 70 (being Narraville Extension 15). Furthermore, there is no need to incorporate Farm 69 into another existing township.

Instead, Point (1) needs to be amended to refer to the incorporation of the nearby Farms, being Farms 72, 73, 74, 88, 89 and 91 as well as Portion A of the Farm Wanderdünen No. 23, into Narraville Extension 15 as erven.

**Point (7):** This point states that the zoning should be in accordance with the attached layout plan in the Management committee agenda. This condition should be changed to just make reference to the drawing number.

- (c) **Point (9):** This point states that the Bulk for business erven be limited to 1.0. That restriction will limit the size of the developments on the said erven irrespective of the type of land use. There is no need to limit the Bulk of business erven to 1.0, because the bulk (as per the Walvis Bay Town Planning Scheme) depends on type of land uses allowable on Local Business and General Business erven as outlined below:

<b>BULK FOR GENERAL BUSINESS ERVEN:</b>	
<b>Land or Building Use</b>	<b>Max. Bulk</b>
Retail, Business Premises, Office Premises	2.8
Residential Buildings, Parking Garage, Hotel, Hotel Pension, Self-catering Establishment, Backpacker's Hostel, Block of Flats, Duplex Flats, Place of Amusement, Place of Instruction, Institutional Building, Place of Assembly, Special Institutional Building	2.0
Service Industry, Warehouse, Service Station, Place of Public Worship	1.5
Guest House, Bed and Breakfast, Storage Premises, Restaurant, Funeral Parlour, Gymnasium	1.0
Dwelling Unit, Marina	0.5
<b>BULK FOR LOCAL BUSINESS ERVEN:</b>	
<b>Land or Building Use</b>	<b>Max. Bulk</b>
Retail, Business Premises, Office Premises, Residential Buildings, Parking Garage, Hotel, Hotel Pension, Self-catering Establishment, Backpacker's Hostel, Block of Flats, Duplex Flats, Place of Amusement, Place of Instruction, Institutional Building, Place of Assembly, Special Institutional Building	2.0
Rest Camp, Camping and Caravan Park, Camp Site, Service Station, Place of Public Worship,	1.5
Guest House, Bed and Breakfast, Storage Premises Restaurant, Gymnasium	1.0
Dwelling Unit, Marina	0.5

Therefore, instead of specifying the Bulk, it is recommended to simply state that the Bulk must be in accordance with the Walvis Bay Town Planning Scheme provisions.

- (d) **Condition (7):** This point states that the zoning should be in accordance with the attached layout plan in the Management committee agenda. This point should be changed to just make reference to the drawing number.

Points (2) to (6), (8) and (10) to (11) of the original Municipal Council's resolution (dated 28 June 2016) will remain unchanged. However, a new point (12) related to the subdivision as well as another new point (13) that states that the approval comes into effect immediately after the Municipal Council has taken the resolution and prior to the confirmation of the Municipal Council's minutes (to expedite the land delivery process), were added.

**RECOMMENDED:**

That the Municipal Council grants approval to amend the Item Title, Points (1), (7) and (9) of, as well as to add a new Point (12) to, the Municipal Council Resolution for Item 12.4 taken at the meeting held on 28 June 2016 to read as follows:

***Consent: Township Establishment and approval of layout of Narraville Extension 15 (Farm 69)***

- (1) That the Municipal Council recommends for approval the alteration of the township boundaries of Narraville Extension 15 to include Farms 72, 73, 74, 88, 89 and 91 as well as Portion A of Remainder Farm Wanderdünen No. 23) as erven in accordance with Sections 74 to 76 of the Urban and Regional Planning Act, 2018 (Act No 5 of 2018), and approval of NAMPAB, as per its Item Number 27/2015.*
- (7) That the zonings and land reservations as generally indicated on sketch NAR/EXT15 dated 01 December 2021 that bears the Municipal Council's stamp be approved.*
- (9) That the bulk for-"Local and General Business" zoned erven be in accordance with the provisions of the Walvis Bay Town Planning (Zoning Scheme).*
- (12) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act of 2018), the Municipal Council recommends to the Urban and Regional Planning Board for approval, the application for the subdivision of Remainder Farm Wanderdünen No. 23 into Portion A (street, free of conditions) and Remainder, as generally shown on sketch plan SUB/F23 dated 01 December 2021 that bears the Municipal Council's stamp.*
- (13) That this approval comes into effect immediately after the Municipal Council has taken the resolution and prior to the confirmation of the Municipal Council's minutes.*

**11.5 Rezoning of erf 2959 Walvis Bay from "general residential 1" with a density of 1 per 150m<sup>2</sup> to "general business" (Add. 6; M/C Meeting 07/12/2021; File 2959 W)**

The purpose of the report is to obtain the approval of the Municipal Council for the rezoning of Erf 2959 Walvis Bay from "General Residential 1" with a density zoning of 1 dwelling per 150m<sup>2</sup> to "General Business".

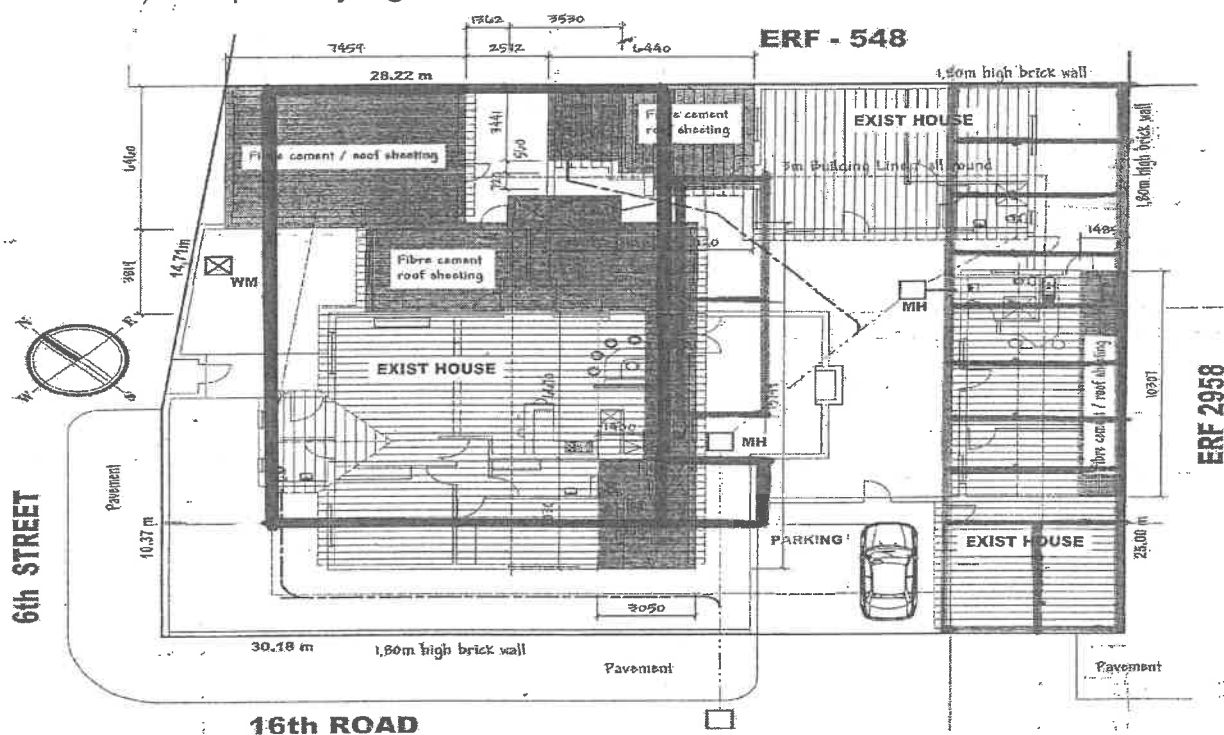
The registered owner and applicant of Erf 2595 Walvis Bay is Ms. A. M. Scheepers of P O Box 920, Swakopmund. The applicant has given power of attorney to Stewart Town Planning Consultant CC (t/a Stewart Planning) to submit the application on her behalf.

Erf 2959 Walvis Bay is currently zoned as "General Residential 1" with a density zoning of 1 dwelling per 150m<sup>2</sup>. Erf 2595 Walvis Bay measures 738.41m<sup>2</sup> in size.

The Erf consist of a single dwelling house, outbuilding and 2 garages. The immediate vicinity of the site comprises of mixed land uses ranging from detached dwelling houses, blocks of flats, shops, and general business activities (Driving Academy, Car Hire, Electronic Store and Day-Care Centre). The site is at the edge of the Walvis Bay CBD.

The immediate short-term development proposals is to use the existing double garage along Sixth Street East for a shop, including the sale of liquor (a maximum floor area of ±50m<sup>2</sup>).

The long-term development proposal is to demolish the existing house and outbuildings and develop a custom designed multi-storey business building (with a maximum floor area of  $\pm 550\text{m}^2$ ) as depicted by **Figure 3**.



**Figure 3: Long Term Development and On-site parking**

The main business frontage for pedestrians will be along Sixth Street East which is a busy collector road. Secondary pedestrian frontage, and primary vehicular access (and service delivery) will be provided along 16<sup>th</sup> Road, a relatively quiet suburban street. The pavement adjacent to the site along Sixth Street East is wide enough ( $\pm 5.5\text{m}$ ) and does not permit on-street parking. The pavement adjacent to the site along the 16<sup>th</sup> Road (3.2m) is a standard pavement and does permit on-street parking.

#### **RECOMMENDED:**

- (1) That the Municipal Council recommends for approval the application for the rezoning of Erf 2959 Walvis Bay from "General Residential 1" with a density of 1 per 150m<sup>2</sup> to "General Business", to the Urban and Regional Planning Board, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*, because Erf 2959 Walvis Bay is located along a heavy traffic route (Sixth Street East), along the railway line and in proximity of mixed use developments.
- (2) That, in terms of the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, the applicant pays a betterment fee deposit of N\$48,920.00, being 40% of the increase in the municipal land value of the rezoned property, prior to the submission of the rezoning application to the Urban and Regional Planning Board.
- (3) That the imposed Betterment Fee be submitted to the Minister of Urban and Rural Development simultaneously with the submission of the rezoning application for approval.
- (4) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.

- (5) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
- (6) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the rezoning; and the provisions of the *Urban and Regional Planning Act (Act No. 5 of 2018)* therefore still apply.
- (7) That the objectors be advised that, in terms of Section 110 of the *Urban and Regional Planning Act, 2018*, if they are aggrieved by the decision of the local authority, they may appeal against that decision to the Minister of Urban and Rural Development within twenty-one (21) business days of the notification of the Municipal Council's decision, and in the manner set out in Section 129 of the *Urban and Regional Planning Act, 2018*.
- (8) That the decision of the Municipal Council shall not take effect until the expiration of twenty-one (21) business days from the date on which the applicant and objectors are notified thereof; or if an appeal is lodged, until such appeal is disposed of.
- (9) That the Municipal Council grants approval to Stewart Planning to submit the application for the rezoning of Erf 2959 Walvis Bay to the Urban and Regional Planning Board (provided that the applicant has paid betterment fees and the appeal period has expired and no appeal is lodged or if an appeal is lodged, the appeal is disposed of).
- (10) That the applicant complies with the following conditions of the Environmental Clearance Certificate:
  - (a) the project proponent shall comply with all relevant Local Authority Regulations and National Legislation during the renovations and operational phase thereof,
  - (b) access to the site (including deliveries) is only permitted to/from 16<sup>th</sup> Road and not to/from 6<sup>th</sup> Street East,
  - (c) road signs/road markings should be clearly marked to control and manage on-site parking,
  - (d) a Grocery Liquor Licence should be obtained prior to commencement of liquor sale,
  - (e) the project proponent shall address all socio-economic impacts resulting from the above-mentioned activity e.g., waste management and disposal, health, safety, noise etc.
  - (f) regular environmental monitoring and evaluations on environmental performance should be conducted and targets for improvements should be established and monitored from time to time and
  - (g) council reserves the right to attach further legislative and regulatory conditions during the foreseen business operational activities.
- (11) That all costs related to the above conditions be borne by the applicant.

11.6 **Application for lease of land on Farm 38: Sanli Construction CC** (Add. 7; M/C Meeting 07/12/2021; File Farm 38).

The purpose of this report is to recommend, amongst others, that 3 ha of Farm 38 be leased to Sanli Construction CC (the applicant), for the purpose of establishing a marble factory.

Sanli Construction CC is a Namibian company registered with the Ministry of Industrialisation, Trade and SME Development owned by Mr Bin Yan. Oyo Minning CC, where Mr Yan is also a director, signed an agreement with Kunene Resources Namibia (Pty) Ltd which is in possession of an EPL5885 at Gobabis and ML40 approved by the Ministry of Mines and Energy for purpose of mining blue sodalite.

The applicant intends to lease a portion of Farm 38 to establish a marble factory. Moreover, Sanli will make use of this blue sodalite production of various products including floor tiles, facing stone, cemetery stones amongst others.

The applicant opted for various towns for the factory but eventually choose Walvis Bay as it is strategic for the export of their products.

Importantly, Sanli Construction emphasis will be on the welfare of people, human development, and contribution toward the growth of the industrial sector in the Erongo region. The applicant intends to employ Namibians in management and operational positions.

In determining the monthly rental, the rate of N\$ 0.80/m<sup>2</sup> plus 15% VAT with 10% escalation annually as recently approved by Council for Farpoint Investments (Pty) Ltd during 2021, can be used as a baseline. Therefore, the lease of 3 ha (30,000 m<sup>2</sup>) of Farm 38 must be set at a monthly rental of N\$ 24 000.00 (0.80 cents/m<sup>2</sup>) plus N\$ 3 600.00 (15 % VAT).

Therefore, the application to lease 3 ha of Farm 38 by Sanli Construction CC for establishment of a marble factory is supported.

#### **RECOMMENDED:**

- (1) That 3 ha (30 000 m<sup>2</sup>) of Farm 38 be leased to Sanli Construction CC (the applicant) at a rental of N\$ 24 000.00 (0.80 cents/m<sup>2</sup>) plus N\$ 3 600.00 (15 % VAT) per month, escalating with 10% per annum, for the establishment of a marble factory.
- (2) That the lease term be for ten (10) years with an option to renew, which renewal be applied for in writing by the applicant.
- (3) That the applicant be informed that the lease agreement would not constitute an automatic sale after the lease of 10 years have lapsed.
- (4) That the applicant be engaged regarding a contribution as part of its social responsibility.
- (5) That the applicant, at its own cost, advertises the lease by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (6) That the Ministry of Urban and Rural Development be consulted on the proposed lease and its conditions and approval in terms of Section 63 of the Local Authorities Act, 1992 (Act 23 of 1992).
- (7) That the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007, from the Ministry of Environment and Tourism, Directorate: Environment Affairs, for the development of this land.

- (8) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 3 ha of Farm 38 surveyed at the applicant's cost.
- (9) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.
- (10) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.
- (11) That a refundable, non-interest-bearing deposit of N\$ 10,000.00 be paid by the applicant on date of signing the lease agreement, to cover the costs of rehabilitation of the site should the applicant fail to do so.
- (12) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (13) That the applicant shall, at own cost, enclose the leased area.
- (14) That electrical/water requirements/services and/or other information in this regard be taken up by the applicant with NAMPOWER/NAMWATER.
- (15) That the applicant complies at all times to all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.
- (16) That the Municipal Council of Walvis Bay is not held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended after the initial lease period.
- (17) That the applicant guarantees and indemnifies the Municipality of Walvis Bay against any action, claim or loss, injury or damage which the applicant or any third party may suffer as a direct or indirect result of the development covered by the lease agreement.
- (18) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.

11.7 **Rectification of Council resolution: Application to purchase a portion of the Remainder of Portion 72 of the Walvis Bay Town and Townlands No. 1 and Remainder of consolidated Erf 1597 (street) Walvis Bay Extension 5: Epic Walvis Bay Property (Pty) Limited** (Add. 8; M/C Meeting 07/12/2021; File 1597 W)

To recommend that Council Resolution dated 20 April 2021, item 12.15 regarding the application to purchase a Portion of the Remainder of Portion 72 of the Walvis Bay Town and Townlands No.1 (herein further known as Portion M) and Remainder of Consolidated Erf 1597 (Street) Walvis Bay Extension 5 (herein further known as Portion X), be rectified.

Council at its meeting held on 20 April 2021, under item 12.15, inter alia resolved that a Portion of the Remainder of Portion 72 of the Walvis Bay Town and Townlands No.1 and Remainder of Consolidated Erf 1597 (Street) Walvis Bay Extension 5, be sold by private transaction to Epic Walvis Bay (Pty) Ltd for N\$ 1 028.00/m<sup>2</sup> plus 15% VAT.

The erf size of the two properties was not indicated and therefore need to be added to clause one (1) of the above Council resolution.

Portion M measuring approximately 231m<sup>2</sup> and Portion X measuring approximately 50m<sup>2</sup> are both zoned "Street" in terms of the Walvis Bay Town Planning Scheme. Although the portions are designated as a public street, the site has not been formally developed as a street.

The applicant would like to purchase Portion M and Portion X, and eventually consolidate it with their erf 2005 Walvis Bay. The Remainder of Portion 72 of Walvis Bay Town and Townlands No. 1 will remain as a "street" known as Johannes Nampala.

It is important to note that Portion M and Portion X are currently not optimally utilized for its intended purpose and zoning. Furthermore, the land is also not developed, and not ideal to be developed as a street. The portions are oddly shaped and form part of a street that would be ideal to consolidate with erf 2005 Walvis Bay. The street portions at its current state does not create any income or add any value to Council. However, if Portion M and Portion X are sold and consolidated with Erf 2005 Walvis Bay, we can generate income in respect of rates and taxes over the land.

Therefore, the sale of Portion M and Portion X to Epic Walvis Bay Property (Pty) Ltd is supported.

**RECOMMENDED:**

- (1) That clause 1 of the Council resolution dated 20 April 2021, under item 12.15, be rectified to read as follows:
  - (1) *That a Portion of the Remainder of Portion 72 of Walvis Bay Town and Townlands No. 1 measuring approximately 231m<sup>2</sup> and Remainder of Consolidated Erf 1597 (Street) Walvis Bay Extension 5 measuring approximately 50m<sup>2</sup> be sold by private transaction to Epic Walvis Bay Property (Pty) Ltd (the applicant).*
- (2) That the applicant provides the Municipality with approved survey diagrams for a Portion of the Remainder of Portion 72 of Walvis Bay Townlands No. 1 and Remainder of Consolidated Erf 1597 (Street) Walvis Bay, Extension 5.
- (3) That the remaining clauses of Council Resolution dated 20 April 2021, under 12.15 shall remain in force.

**11.8 Outsourcing of Positions: Section Parks and Cemeteries** (Add. 10; M/C Meeting 07/12/2021; File 4/3/3/5/48, 4/3/3/5/49, 4/3/3/5/50, 4/3/3/5/22)

The purpose of the report is to seek approval from Council for the outsourcing of certain A1 positions and the concomitant abolishment of the same positions, in the Section Parks and Cemeteries, with the objective to improve productivity in the Section as well as to save considerable cost for Council.

It has been decided for some time now, not to fill vacant positions on a Labourer A1 level within the Parks Section, but instead to outsource such functions. The opinion is held that the outsourcing of basic garden services compared to the filling of the positions with permanent employees, would make the management of parks and gardens in Walvis Bay more productive and considerably more cost effective.



After an initial trial run to judge the feasibility of such an endeavour, it was clear that productivity increased dramatically where outsourcing was affected and this process almost halved expenses incurred by Council to execute the outsourced functions. This process was executed through the procurement process.

In order to formalise this concept into a permanent arrangement, a complete report in this regard has been submitted to Council during July 2020. At its meeting held on 28 July 2020, Council resolved as follows. "That the matter be withdrawn for consultation with the relevant staff in the department"

To execute the above Council resolution, a meeting was held with the Shop Stewards in the Section Parks and Cemeteries, as well as Human Resources personnel and Union representatives. The Minutes of a meeting in this regard, held on 11 August 2020.

From the above minutes it should be clear that the outcome of the meeting implied that the whole issue regarding the outsourcing concept, be submitted to the Union for their inputs. The internal Union representatives indicated that the issue will be forwarded to the Regional Union Office for consideration and opinion. It has been accepted that the union representatives discussed the whole issue with concerned Park and Cemeteries personnel, in order to clear up any misunderstandings and uncertainties.

This matter was again discussed at an Informal Council discussion held on 1 September 2020. An extract of the minutes of that meeting and pertaining to the outsourcing of positions.

After continuous follow-ups from the Head Parks and Cemeteries regarding the opinion of the Union, it was eventually succeeded to arrange a meeting with Regional Union Representatives, on 09 February 2021.

From the above minutes it should be clear that the Regional Union representatives agreed to digest the explanations of the outsourcing rationale and to respond formally thereto. As this issue has been delayed for considerable time already, the Union was requested to provide their comments by 12 February 2021.

#### **RECOMMENDED:**

- (1) That the response of the Union as contained in their letter dated 18 November 2021, be noted and that the Union and its members again be assured that no official will at any time be detrimentally affected, as only A1 positions that naturally become vacant, will be abolished and outsourced.
- (2) That the positions of Labourer A1 in the gardening maintenance disciplines of the staff structure of the Section Parks and Cemeteries, be abolished, as and when they become vacant.
- (3) That the concept of outsourcing Labourer A1 positions in the gardening maintenance disciplines of the Section Parks and Cemeteries, be approved.
- (4) That no new A1 positions in the park maintenance disciplines be created should the need for additional manpower occur, but that such functions be outsourced.
- (5) That the normal procurement procedures be followed to appoint contractors and the youth for outsourced functions.
- (6) That the outsourcing of garden maintenance be restricted to local SME's to create opportunities for local youth entrepreneurs.

- (7) That specific parks, as a trial run, be set aside for a "Youth Assistance Program" and the Walvis Bay Youth Forum be entrusted to run such program for the youth. A Memorandum of Understanding be drawn up between Council and the Walvis Bay Youth Forum in this regard and remuneration to the Walvis Bay Youth Forum for this project be along the same lines as tendered by SME's through the procurement process.

11.9 **Registration of an unsolicited PPP project proposal (Solar powered desalination) in Walvis Bay** (Add. 11; M/C Meeting 07/12/2021; File 16/1/1/7/6)

The purpose of this submission is to seek the in-principle approval from Council for the registration of a possible Unsolicited Public Private Partnership (PPP) project through the Ministry of Urban and Rural Development to the Ministry of Finance (PPP unit).

The presentation made by Impact Water Solutions and Innosun (Pty) Ltd for the supply of desalinated water to Council on 23 November 2021 has reference.

Council had in principle approved the lease of remainder portion of Erf 4688 Walvis Bay to Turnkey Water Solution (Pty) Ltd - Innosun (JV) for the establishment of the desalination plant on 15 April 2020. The approval for the lease to establish the desalination plant was subject to conditions inter alia, the permit to withdraw seawater and to discharge brine water back to the ocean is the basis for establishing a plant of this nature of which no permit could be provided. The applicant presented to Council on 23 November 2021 that almost all of the conditions stated as per initial application were met, except for the permit to withdraw and discharge seawater form Ministry of Agriculture, Water and Land Reform.

Turnkey Water Solutions could not proceed to establish the initial joint venture between parties as was anticipated due to other reasons like the moratorium on private institutions putting up desalination plants at the coast as per Cabinet resolutions as point (6.vii). Since all of the conditions of Council on Erf 4688w could not be met, Council should continue to reserve the Erf for such a project and rescind the decisions to reserve the erf for Turnkey Water Solutions (Pty) Ltd/ Innosun as per Council's resolution.

Turnkey Water Solutions has changed their name to Impact Water Solutions and is still in partnership with Innosun as per letter of application. Sun Water (Pty) Ltd is the JV of these two entities. Sunwater has changed the initial proposal from a Joint Venture approach to a PPP to cater for the Council's need to participate in the venture and may include other partners like NamWater to follow the legal transaction approach of a PPP.

The transactional change will open the proposal to the market through the unsolicited bid process under the PPP Act, which means that if approved by the PPP committee, it will go to the market and any company may participate in the bidding process, provided the project proposal is perceived as feasible and indicate value. If the proponent, who is Sunwater, is not successful in the public bidding process, the PPP unit may consider refunding of the development costs of Sunwater. The PPP Act of 2017 makes provision for such proposals under Part 3 of the Regulations for Unsolicited proposals Section 4.

A public entity may consider unsolicited project proposals by taking into consideration whether the proposed scale and scope of the project is in line with the mandate of the public entity, Section 2. As a Local Authority under Section 30, 34 and 36 Council qualifies to register this project. If the public entity finds merit in an unsolicited proposal, the accounting officer may register the project in terms of section 16 of the PPP Act.

The desalination plant (project) capacity is 4000 m<sup>3</sup>/d which is about 25% of Walvis Bay current water demand.

One of the main reasons for this application is that Council's obligation to secure and supply potable water to its residents as per Local Authority Act for the medium term as well. NamWater has indicated in the latest Erongo Region Water Forum meetings that they want to establish their own desalination facility but to date could not demonstrate to be able to secure desalinated water at an affordable price for the medium term.

The only water left to augment the aquifer supply is the water from the privately owned Orano Desalination Plant at a price of around N\$35/m<sup>3</sup> for the medium term. The Department is of the opinion that to secure water to Walvis Bay for the medium term, it would be in the best interest of Council to proceed with the registration of this proposed PPP project at the Ministry of Finance. This will be done in accordance with the Local Authority Act where Council is obligated to supply potable water to its residents. According to provisions of section 34(1) a local authority council may establish, acquire or construct, and maintain and carry on, any waterworks or water-main whether within or outside its area.

Council may also purchase water from the bulk water supplier like NamWater. Bulk water supply is regulated though the NamWater Act 12,1997 PART IV, Section 9 (1 to 5) which inter alia states the following:

- "Bulk water supply to the Corporation's customers shall take place in terms of a written agreement between the Corporation and each customer.
- The Corporation shall negotiate with its major relevant customers prior to establishing new waterworks which will affect the cost of water supply to those customers.
- Subject to the provisions of subsection (5) of this section and subsection (4) of section 10, and where a customer sustains loss or damage by reason of a breach by the Corporation of its duty under this section or under a written agreement referred to in subsection (2), such customer may recover damages from the Corporation. "

#### **RECOMMENDED:**

- (1) That Council takes note of the updated presentation by Impact Water Solution/Innosun where the proposal changed from an initial Joint Venture approach to a possible Public Private Project.
- (2) That Council takes note of the indicative prices of the current two desalinations proposals, NamWater @ 2,36 US\$/m<sup>3</sup>, Impact Water Solutions/Innosun @ less than N\$18/m<sup>3</sup>, and that the Innosun proposal is considered more affordable for Walvis Bay at this stage and thus demonstrates merit to develop the proposal further.
- (3) That it be noted that, pursuant to section 16 (1) of the Public Private Partnership Act, 2017 (Act No 4 of 2017), that states as soon as a public entity has identified a project it intends to implement as a public private partnership project, the accounting officer must register the Public Private Partnership project with the Committee.
- (4) That Council in principle approve and support the proposal, with the blessing of our Minister of Urban and Rural Development, to register this project as an Unsolicited Public Private Project with the Ministry of Finance.
- (5) That Council rescind in total the resolutions of the proposed lease agreement as per Extra Ordinary meeting held on the 15 April 2020 (item 6.5) for the portion reserved on erf 4688 Walvis Bay for Turnkey Water Solutions (Pty) Ltd.

(6) That Council continue to support decentralised desalination and reserve portion of erf 4688 Walvis Bay for the purpose of establishing a desalination plant.

(7) That the General Manager of Water, Waste and Environmental Management, who has been involved in the development of the project be appointed as the project officer, pursuant to section 16 (2) ( a) of the Public Private Partnership Act, 2017 (Act No 4 of 2017) and the Engineer as an Alternate.

12. **Reports and recommendations of Advisory Committees and the Chief Executive Officer**

*No reports have been received.*

13. **Minutes of associations**

13.1 **Management Committee of the Association for Local Authorities (ALAN)** (File 12/1/2/1/2)

*No minutes have been received.*

13.2 **National Executive Committee of the Namibia Association of Local Authorities Officers (NALAO)** (File 12/1/2/1/11)

*No minutes have been received.*

13.3 **Namibia National Mayors' Forum** (File 12/1/2/1/17)

*No minutes have been received.*



