



## **MUNICIPALITY OF WALVIS BAY**

# **AGENDA**

### **ORDINARY COUNCIL MEETING**

**To be held in the  
Council Chambers, Civic Centre,  
Nangolo Mbumba Drive, Walvis  
Bay**

**ON THURSDAY  
25 NOVEMBER 2021  
AT 11:00**





# Municipality of Walvis Bay

Civic Centre • Nangolo Mbumba Drive • Private Bag 5017 • Walvis Bay • Namibia  
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	23 November 2021

### **NOVEMBER 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 Civic Centre Council Chambers, Nangolo Mbumba Drive, Walvis Bay on: -

**Thursday 25 November 2021 at 11:00**

Yours faithfully,

  
**M Haingura**  
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 Extra Ordinary Council meeting held on Tuesday 09 November 2021.
  - 4.2 Minutes of the Ordinary Council meeting held on Tuesday 09 November 2021.
5. Matters arising from the minutes
6. Interviews with deputations or persons summoned or requested to attend meeting  
(File 3/3/2/3/2)

Tuesday, 23 November 2021

  - Unigas
  - Impact Water Solutions
7. Official announcements, statements and communications

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

No petitions have been received.
9. Motions of members (File 3/3/1/1)
  - 9.1 Motion: Land and service delivery  
Motion number: 11/2021 by Councillor Saara Mutondoka (See page 02)
  - 9.2 Motion: Land delivery  
Motion number: 12/2021 by Councillor Saara Mutondoka (See page 04)
10. Answers to questions of which notice has been given (File 3/3/1/2)

No questions received.



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## MOTION FORM

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: 11, 2021  
(to be completed by the administration)

**MOTION:** *Land and service delivery*

**Motion submitted by:** Councillor Saara Ndapewoshali Mutondoka

**Objective of Motion:** *Roads*

**Rationale and motivation:** This motion is submitted in terms of rules of order, i.e rule number 13 and 17 made in terms of section 14 (6)(b) of the Local Authority Act, 1992 (Act No 23 of 1992) *Roads: our roads are in a horrible state. Potholes became worse than ever with some road surface having peeled off completely. This council is constantly paying thousands and most times millions of Dollars to same contractors over and over in the name of "lowest bidder" even though there is clear evidence that these contractors are not performing.*

Chairperson of Council

Honourable councillors

Management

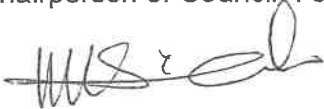
*Our roads are in a dreadful state. Potholes became worse and are occurring on daily basis. Some roads top surface has completely peeled off. This council is constantly paying thousands and millions of dollars to the same contractors over and over, in the name of "lowest bidder". Some of these contractors keep being awarded tenders even though there is evidence that they are not performing*

**Proposal to be considered by Council:** *This council has time and again emphasized on the need for the in-house team to repair the potholes, up until today this council has not been presented with this team. Potholes are occurring on daily basis, however the way things are done now is that, they also go through a lengthy process of procurement where contractors are appointed and paid lots of council money to repair potholes that will just reoccur in the next one or two months. This is unacceptable. Contractors are doing a lousy job. Through public meetings held earlier this year, the public complained about the material used by these contractors are of poor quality.*

*Chairperson of Council*

*Same Potholes are repaired over and over. Pothole repair cost is skyrocketing, yet there are still potholes visible in the streets. With this said, I would request the total cost to council of potholes repairs for the year ended 2020, 2021 and the year to date with the indication of street and relevant information as to the repair of potholes. This in my view is looting of council money of highest order and can no longer be tolerated. Let us stop tenders for repairing small scale potholes and repair them themselves for.*

Chairperson of Council, I so move.



Saara Ndapewoshali Mutondoka

Date 18 / 11 / 2021





04

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## MOTION FORM

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Motion sequence number: 12/2021  
(to be completed by the administration)

**MOTION:** *Land delivery*

**Motion submitted by:** Councillor Saara Ndapewoshali Mutondoka

**Objective of Motion:** *To speed up land delivery on farm 37*

**Rationale and motivation:**

This motion is submitted in terms of rules of order, i.e rule number 13 and 17 made in terms of section 14 (6)(b) of the Local Authority Act, 1992 (Act No 23 of 1992)


*The residents of Walvis Bay are in dire need of land to establish their decent shelters. This situation has also been worsened by covid-19. Most of our residents were left hopeless and homeless as some lost their source of income and many faced evictions due to inability to pay rental dues. As a result, they have been evicted from their rental premises. Some have resorted to grabbing land; some squeezed themselves into the unhygienic compound. Compound is housing the young and the old, males and females, the healthy and the sick; what pains my heart the most is that there is babies and small children. We cannot have people living this way. It's against this background that this council agreed in principle to relocate and move people to farm 37.*

### Proposal to be considered by Council:

*Speed up the installation of sewer at farm 37 specifically at extension 10 & 11, so that the homeless can acquire land to establish their own decent shelters. Compound is a health risk zone, we need to move people out of compound and cleanup that area. Most of our people have been pleading with council for land to no avail. I am often told "Walvis Bay is the only town without informal settlement" wonderful, congratulations! However as we celebrate this aspect, we must remember that Walvis bay is the only town in this country experiencing large fires almost every second month due to congestion in Kuisebmund. People's goods are lost and destroyed in these fires every time and sadly many lives have been lost. We are the only town where people are treated inhumanely when homeowners close their doors to their tenants so they won't be able to use the bathroom facilities. I am not promoting informal settlements; however Namibians are entitled to land. It is a human right. I therefore propose that let us prepare and move people to farm 37. The water is already there; let us speed up the installation of sewer services. I have no doubt that the Police, Ministry of Education and ministry of Health and Social Services will follow with temporary structures to provide the needed basic services, until such a time that they are fully established. This council can no longer accept resistance and excuses in this regard. In the same vein, council cannot deliver land and housing alone, I urge the private sector especially the fishing industry which employs the large proportion of our Walvis Bay population to come on board to build houses for their employees so we can tackle this social problem together.*

**There is a standing motion that was moved by Cllr. Andrews on farm 37. I fully support this motion, however we cannot wait for government, we must start and if the government comes on board, that would be helpful if it doesn't, we will still get somewhere with the basics that we can provide.**

Chairperson of Council. I so move.



Saara Ndapewoshali Mutondoka

Date: 18 / 11 / 2021





**11. Report of the Management Committee for November 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.*

**11.1 Conditional approval of the sub division of erven 8398 and 8397 kuisebmond from general residential erven to single residential erven.** (Add. 4; M/C Meeting 23/11/2021; File 8398K and 8397 K)

**RESOLVED:**

That the matter be referred to informal discussions.

**11.2 Review of the Walvis Bay informal trading regulation** (Add. 11; M/C Meeting 23/11/2021; File 1/5/25)

**RESOLVED:**

That the matter be referred to informal discussions.

**12. Recommendations of the Management Committee for November 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.*

**12.1 Request for payment of annual membership fees – Namibia National Mayors Forum** (Add. 1; M/C Meeting 23/11/2021; File 12/1/2/1/17)

The purpose of this submission is to obtain approval from Council for Walvis Bay's annual contribution towards the Namibia National Mayors Forum (NNMF).

The NNMF was established in 2003 and the aim was to act as a support to ALAN and facilitate liaison between chairpersons of local authorities. The objective of the NNMF is to encourage development, spatial plan development, transform the Local Authorities Act and Lead the agenda of decentralization

As part one municipalities, City of Windhoek, Swakopmund and Walvis Bay are required to pay an annual fee of N\$30,000.00. To Date, Municipality of Walvis Bay, for the past 5 years have not made any payment towards the forum. At the NNMF AGM held on the 22<sup>nd</sup> of October 2021, it was resolved that the contribution fees will be as from 2021 and will not be back dated (Minutes attached).

In addition, registration fees for the AGM that took place should also be paid which is N\$300.00 per delegate and the Municipality was represented by the Mayor excluding the secretariat.

The annual contribution for part one municipalities, which includes Walvis Bay, is N\$30,000.00.

**RECOMMENDED:**

- (1) That payment of N\$30,000.00 be approved towards the Namibia National Mayors Forum as the annual contribution for Walvis Bay.
- (2) That provision for this annual fee be included in the yearly budget hereon forth.

- (3) That the payment of N\$300.00 be approved for registration fees for the Mayor for his attendance at the AGM.
- (4) That the N\$30,300.00 be defrayed from vote 0740/0717/000 (Levies and membership) where sufficient funds are available.

12.2 **Transfer of funds between capital votes for the rehabilitation of intersections.** (Add. 2; M/C Meeting 23/11/2021; File 8/27/25)

To request approval from Council for the transfer of funds between two capital votes for the rehabilitation of intersections.

With Walvis Bay having an aging road infrastructure and an ever-increasing volume of, a concentrated effort to rehabilitate sections of existing roads is currently being implemented. The need to perform repairs and upgrades to some of the most affected intersections around town is seen as a high priority in this regard.

Due to increased volumes of heavy traffic within the town, there has been extensive damage to various intersections because of the turning actions of these vehicles.

Provision for the rehabilitation of some intersections was made under Vote B562/8672/0000 (Reseal/Rebuild Intersections) of the 2020/2021 capital budget, where an amount of N\$ 2,940,017 is currently available.

A bid for these rehabilitation works recently closed on 1 November 2021, where ten (10) bids with an average bid price of N\$ 4,449,726 (incl. VAT) were received. Evaluation of the bids received is currently in progress. Construction is anticipated to commence in January/February 2022 and is estimated to continue for a period of four (4) months.

To ensure that there are sufficient funds available for the execution of this project, additional funds as summarised in **Table 1** are required.

**Table 1: Summary of Funding Shortfall**

Description	Amount, incl. VAT (N\$)
Average of bids received	4,449,726
Provision for 15% contract price adjustment	667,459
<b>Projected contract amount incl. contract price adjustment</b>	<b>5,117,185</b>
Funds available under Vote B562/8672/0000	2,940,017
<b>Projected shortfall</b>	<b>2,177,168</b>

An additional amount of N\$ 2,177,168 is therefore required to cover any possible shortfall for this project.

Vote B562/5399/0000 (Ben Amathila Avenue Reconstruction), where N\$ 2,389,867 is currently available has been identified as the suitable vote from which these supplementary funds can be defrayed from. The reconstruction of Ben Amathila will only commence in the next financial year.

**RECOMMENDED:**

- (1) That the recently closed bid for the rehabilitation of intersections, from which bid amounts averaging N\$ 4,449,726.00 (incl. VAT) were received, be noted.

- (2) That provision be made for a maximum contract price adjustment (CPA) of 15%, based on the average bid amounts, amounting to N\$ 667,459.00.
- (3) That the projected contract amount of N\$ 5,117,185.00 (inclusive of 15% CPA and VAT), be noted.
- (4) That the projected shortfall of N\$ 2,177,168 be supplemented by a transfer from Vote B562/5399/0000 (Ben Amathila Avenue Reconstruction) where N\$ 2,389,867 is currently available to Vote B562/8672/0000 (Reseal/Rebuild Intersections) to allow the Procurement process to be concluded.

**12.3 Subdivision of erf 5546 Walvis Bay Extension 17 into 9 portions and Remainder Erf 5546 Walvis Bay Extension 17** (Add. 3; M/C Meeting 23/11/2021; File 5546 W)

The purpose of the report is to obtain the Municipal Council's recommendation on the application for the subdivision of Erf 5546 Walvis Bay Extension 17 into 9 Portions and Remainder Erf 5546 Walvis Bay Extension 17.

The applicant is Stewart Town Planning CC (t/a Stewart Planning) and the registered owner of Erf 5546 Walvis Bay is Sinco Investments Eighty-Two (Pty) Ltd. The director of Sinco Investment Eighty-Two (Pty), Mr. Pieter Fredrick Hamman, has given the Power of Attorney to Stewart Planning to submit the application.

Erf 5546 Walvis Bay is zoned as General Residential 1 with a density of 1 per 150m<sup>2</sup> in terms of the Walvis Bay Town Planning (Zoning) Scheme. The usual "General Residential 1" conditions - no restrictions. The size of Erf 5546 Walvis Bay Extension 17 is 3557m<sup>2</sup>.

The relevant neighbours have been contacted for objections. The period for objections expired on 22 September 2021 during which time no objections were received. The application is assessed based on its conformity with the Walvis Bay Town Planning Scheme (TPS).

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Density	14.2.1 - Densities ranging from 1 per 900m <sup>2</sup> to 1 per 100m <sup>2</sup> are allowed on General Residential 1 erven.	<u>Conforms:</u> The subdivision application does not propose any change in the density zoning. Nevertheless, the density zoning for Erf 5546 Walvis Bay Ext. 17 is 1 per 150m <sup>2</sup> .
Min. Erf Size	14.2.5.1 - The minimum erf size for General Residential 1 in the area where Erf 5546 Walvis Bay is located is 300m <sup>2</sup> .  14.2.5.2 & 35.2 - No residential erf shall be smaller than 300m <sup>2</sup> .	<u>Conforms:</u> The proposal is to subdivide Erf 5546 Walvis Bay Ext. 17 into 9 Portions and Remainder Erf 5546 Walvis Bay Extension 17. All Portions are larger than 300 m <sup>2</sup> , which are all above the permissible minimum erf size of 300m <sup>2</sup> . Therefore, the minimum erf size for the 9 Portions and Remainder complies with the Town Planning Scheme. <b>However, the proposed erven will need to be rezoned to Single Residential when the Town Planning Scheme is revised.</b>
Endowment Fees	35.3 - Landowners subdividing land are required to pay to Council an endowment fee as provided for in the Urban and Regional Planning Act prior to the registration of new portions.	<u>Will Conform:</u> The property owner(s) will be required to pay the Endowment Fees after the Minister of Urban and Rural Development has granted approval to the subdivision application, but prior to the registration of the new properties (Portions 1-9).

		In terms of the <i>Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)</i> , "an endowment . . . must be used to establish public places or to carry out improvements or maintenance on public places or . . . for any other prescribed purposes."
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**RECOMMENDED:**

- (1) That, in accordance with Section 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the application for the subdivision of Erf 5546 Walvis Bay Extension 17 into 9 Portions and Remainder Erf 5546 Walvis Bay Extension 17 be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 5546WB/SP dated 02 November 2021, which bears the approval stamp of the Municipal Council.
- (2) That the following conditions be registered in favour of the Municipality of Walvis Bay:
  - (a) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Walvis Bay Town Planning Scheme (Zoning Scheme) prepared and approved in terms of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*.
  - (b) The minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.
- (3) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
- (4) That each proposed portion be provided with one electricity, water and sewerage connection, by the applicant.
- (5) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the proposed portions.
- (6) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (7) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the proposed portions.
- (8) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (9) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (10) That the applicant be held liable for the construction of a firewall where structures are closer than 1,50m to the boundary, if not such structures on boundaries be demolished.
- (11) That the subdivision application be lodged with the Urban and Regional Planning Board in accordance with Section 109(5) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*.

- (12) That the applicant pays a 7.5% Endowment Fee for Portions 1-9, in terms Clause 35.3 of the Walvis Bay Town Planning (Zoning) Scheme and Section 66(1)(k) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, prior to the registration/transfer of Portions 1-9.
- (13) That all costs regarding the above be borne by the owner (applicant).
- (14) That a 6-metre wide Right of Way servitude with hammerhead / turning head (13.5m x 11m) be registered against the proposed Portion 4 in favour of the proposed Portions 2-3 and 5-7.
- (15) That this approval comes to effect immediately after the Municipal Council has taken a resolution and prior to the Municipal Council's confirmation of the minutes.
- (16) That Stewart Town Planning CC be delegated to submit the application to the Urban and Regional Planning Board.

12.4 **Application to purchase land for a centre for vulnerable children: Promiseland Trust**  
(Add. 5; M/C Meeting 23/11/2021; File Ref erf 4171 k, Portions 15, 16 & 17)

The purpose of the report is to submit and discuss a renewed application from Promiseland Trust (the Applicant), to acquire land for the purpose to establish a Centre for Vulnerable Children.

The Applicant applied for land already during 2015, with the aim to establish facilities required for their vulnerable childcare related projects in Walvis Bay. At first, appropriate land could not be found to entertain this application.

However, during 2018 the Applicant presented the aims and objectives of Promiseland Trust to Council and on 25 September 2018, Council resolved to support the development of a Vulnerable Child Centre in Kuisebmond.

From the above Council resolution, it should be clear that two erven (7213 K and 7216 K), were identified as suitable land for Promiseland Trust. These two erven were (and are presently), the property of The Ministry of Urban and Rural Development and Council's approval to alienate these erven and to make it available to the Applicant, was subject to the Ministry's agreement to such alienation. At the time, the size requirement of the land needed by the Applicant, was about 5 000 m<sup>2</sup>. The combined size of the abovementioned two erven amounts to plus minus 5 500 m<sup>2</sup>, which was in line with the Applicant's requirements.

The Minister was consequently approached to avail these two erven to the Applicant. Up to date no feedback has been received from the Minister and the application for land by the Applicant showed no progress.

On 10 March 2021, the Applicant again formally applied for land to establish their intended Vulnerable Child Care facilities.

Promiseland Trust is a well-known welfare organisation in Walvis Bay, and currently runs more than one soup kitchen in Kuisebmond, from more than one venue.

Almost 2 000 children are fed daily. The Applicant runs a soup kitchen from an area in Tataleni where they feed about 300 children per day. Soup kitchens are also executed daily at 7 different schools in Walvis Bay, where 1 700 kids are fed. The Applicant also runs its own school for 60 vulnerable children, who receives free tutorship and meals.

From the most recent application of the Applicant, it should be clear that the original intention to acquire land for the establishment of a centre for vulnerable children, remains. However, the aims and objectives of the Applicant has increased, and a larger portion of land is now needed.

**RECOMMENDED:**

- (1) That Item 12.1, (1), of the Council Resolution taken at its meeting held on 25 September 2018, be confirmed.
- (2) That Item 12.1, (2) and (3), of the Council Resolution taken at its meeting held on 25 September 2018, be rescinded.
- (3) That the availing of unserviced/unsurveyed Portions 15, 16 and 17 of Erf 4171 K, approximately 10 900 m<sup>2</sup> in size, to Promiseland Trust for the purpose to establish a Centre for Vulnerable Children, be approved in principle.
- (4) That as soon as all Town Planning matters have been attended to and the area has been fully serviced, a report with the terms and conditions regarding the sale of these three portions of land, be submitted to Council.

**12.5 Feedback report on public private partnership initiative to deliver affordable, bank financed houses in Meersig (Add. 6; M/C Meeting 23/11/2021; Ref 7/2/3/2/10)**

The purpose of this report is recommend, amongst others, that Council takes note of the feedback report on the public private partnership (PPP) initiative to deliver affordable, bank financed houses in Meersig, Extension 2 by Bay Engineering and Construction.

Council at its Extra Ordinary meeting held on 17 July 2018 under item 5.1 resolved as follows:

- “(1) That Bay Engineering and Construction (the applicant), be allocated 36 serviced single residential erven, in Meersig, Extension 2, for the construction of affordable bank financed houses, at current upset price of these erven.
- (2) That a normal service level agreement be entered into and between Council and Bay Construction CC, in order to regulate the agreement regarding the sale of land.
- (3) That, amongst others, the cost of the erven be recouped from the applicant upon registration of the properties.”

Council entered into a Service Level Agreement (SLA), with Bay Construction CC on 19 July 2019 for the construction of bank financed houses, attached as Annexure “B”. In terms of the Service Level Agreement, the contractor had to build show houses for purposes of marketing his initiative. The progress on the project can be summarized as follows;

- A show house was constructed on erf 1485 Meersig for marketing purpose.
- The show house is 202 m<sup>2</sup>, comprising of 3 bedrooms, double garage, two bathrooms, lounge and dining room.
- Erf is enclosed with a boundary wall and has a braai area with a patio.
- The property has been on the market for N\$ 1,784,800.00, including the erf price of N\$ 512,200.00.

Regardless, of the marketing of the show house and one successful erf sale, the current economic downturn has negatively affected the property market in Walvis Bay and Namibia in general, especially for the middle to high income groups.

Evidently, the developer has not informed Council on a remedial action plan on how he intends to market and dispose the remaining erven in terms of the Service Level Agreement. However, it was communicated to the developer that they have breached clause 2.5 of the Service Level agreement. It is important to note that no response was forthcoming from the developer to date.

The opinion is therefore held that since the developer has not delivered progress in the required timeframe as per the Service Level Agreement, the Council resolution dated 17 July 2018 under item 5.1 be cancelled in toto.

It is further recommended, that the remaining 35 single residential erven be reverted back to Council and be offered to the public through private transaction.

**RECOMMENDED:**

- (1) That Council takes note of the feedback report on the development of affordable bank financed houses in Meersig.
- (2) That it be noted that Bay Engineering and Construction did not perform as per the signed Service Level Agreement (SLA).
- (3) That Council resolution dated 17 July 2018 under item 5.1 be cancelled in toto.
- (4) That the 35 single residential erven not sold revert back to Council and be offered to the general public by private transaction as per Council's Sale and Lease of Land and Improvements Policy.

**12.6 Signing of the Walvis Bay Corridor Group service level agreement (Add. 7; M/C Meeting 23/11/2021; File 17/28/2/1)**

The purpose of this report is to request permission from Council to sign the new Service Level Agreement (SLA) between the Walvis Bay Corridor Group (WBCG) and the Municipality of Walvis Bay.

The Municipality of Walvis Bay became a guarantor of the Walvis Bay Corridor Group on 03 March 2000, when it signed the Memorandum and Article of Associations. The Memorandum of Association is a "legal statement signed by all initial shareholders or guarantors agreeing to form the company". The Article of Association subsequently provides "written rules about running the company as agreed by the shareholders or guarantors, directors and the company secretary". According to the signed documents, the Walvis Bay Corridor Group is a non-profit organization and its members do not receive dividends.

The abovementioned Memorandum and Article of Associations have been in use for the past twenty-one (21) years. As a member of the WBCG, Council is required to pay an annual membership fee, determined by the company's Board of Directors and which has been honored to date.

However, during the auditing exercise in 2020, the auditors discovered that the payment of membership fees by members/guarantors was not covered by any of the company policies or regulations, to justify as to why members are paying membership fees. As a result, the Board of Directors then recommended that management should ensure that they facilitate the drafting of individual SLAs to be signed by each member company.

It is against the above-mentioned background, that the WCG embarked on rolling out the new SLA to all its members including the Municipality of Walvis Bay.

After the SLA documents were forwarded to the municipality; the Department of Community and Economic Development (CED) invited a representative from WCG to present to Council the duties of WCG, and why it is important for the Municipality of Walvis Bay to sign the SLA. This request was honored by WCG in June 2021 when they delegated Mr Gilbert Witbooi to come and present. However, Council never finalized the signing of the SLA, it is against this background, that the Department of CED request now Council to approve the signing of the SLA.

**RECOMMENDED:**

- (1) That the attached Service Level Agreement between the Municipality of Walvis Bay and the Walvis Bay Corridor Group (WBCG), be signed.
- (2) That the Municipal Council takes note that the Municipality of Walvis Bay is expected to pay a membership fee that will be determined by the Board of Directors of the Walvis Bay Corridor Group on an annual basis.

12.7 **Certain lease of Portion 3 of Farm Walvis Bay Town and Townland No 1, certain lease (l1) of Portion 4 of Farm Walvis Bay Town and Townland No 1, certain lease (l1) over Erf 2990 (a portion of Erf 1625) Walvis Bay Extension 2, amendment of lessee's name: wayleave agreement with Puma Energy (Namibia) (Pty) Ltd to change to Coastal Infrastructure Terminal Namibia (Pty) Ltd** (Add. 8; M/C Meeting 23/11/2021; File 16/3/14/1/2/3, 16/3/14/1/2/2)

To recommend amongst others that the name "BP Namibia (Pty) Ltd" in paragraph (b) of Council resolution item 11.8 dated 27 March 2007 be rephrased to read as "Coastal Infrastructure Terminals Namibia (Pty) Ltd".

Council at its meeting held on 27 March 2007 resolved under item 11.8, inter alia, as follows:

"(b) That the lease agreement with BP Namibia (Pty) Ltd be extended for 20 years, as from 1 January 2007 until 31 December 2026."

Council further resolved at its meeting held on 02 June 2015, under item 13.12, as follows:

- "(1) That Council resolution dated 23 November 2010 (item 5.1) be rescinded in toto.
- (2) That Council take note that the lease term with Chevron Namibia (Pty) Ltd has expired on 31 December 2013.
- (3) That notice be taken of the name change from Chevron Namibia (Pty) Ltd to Puma Energy (Namibia) (Pty) Ltd."

It is further important to note as per the attached "Certificate of Change of Name of Company" that BP Namibia (Pty) Ltd has changed its name to PUMA Energy (Namibia) (Pty) Ltd.

Messrs. Engling, Stritter and Partners on behalf of Puma Energy (Namibia) (Pty) Ltd has submitted a request to Council for name change. The request for the name change is for the parent company, Puma Energy Holdings (Pty) Ltd together with its subsidiaries to restructure, in order to create a standalone infrastructure division.



The restructuring is intended to be carried out by way of assets transfer of the relevant terminal assets and the associated infrastructure business of those terminal assets to a newly incorporated entity "(Coastal Terminals Namibia (Pty) Ltd)".

Clause 10 of each signed lease agreements make provision for Council to give prior written consent before any transfer of land should take place. In view of the aforesaid Clause 10 the transaction between Council and Puma Energy (Namibia) (Pty) Ltd be amended with Council approval to change the name from "Puma Energy (Namibia) (Pty) Ltd" to "Coastal Infrastructure Terminals Namibia (Pty) Ltd."

We thus support the transfer of the leases to Coastal Infrastructure Terminal (Pty) Ltd to enable Puma Energy Holdings to administer the terminal's assets in a more corporate structure, and for that reason it is recommended that paragraph (b) of Council resolution item 11.8 dated 27 March 2007 and paragraph (3) of Council resolution item 13.12 dated 2 June 2015, respectively, be amended as such.

**RECOMMENDED:**

- (1) That the name "BP Namibia (Pty) Ltd" in paragraph (b) of Council resolution item 11.8 dated 27 March 2007 and paragraph (3) of Council resolution item 13.12 dated 2 June 2015, be amended to read "Coastal Terminals Namibia (Pty) Ltd."
- (2) That all applicable resolutions in Council Resolution 11.8 dated 27/03/2007 and 02/06/2015 be transferred from Puma Energy (Namibia) to Coastal Infrastructure Terminals (Pty) Ltd.

**12.8 Sale of Remainder Erf 4171 Kuisebmond, zoned to be as "General Business".** (Add. 9; M/C Meeting 23/11/2021; File Rem erf 4171 K)

The purpose of this report is to recommend; that Council take note of the application received from Karee Investment 183 (Pty) Ltd, operating as Spar brand franchise in Walvis Bay; and that Council takes note of all previous land applications made for Remainder 4171 Kuisebmond.

Council has over the years experienced the growing demand for business erven in Walvis Bay. The provision of these erven has not significantly slide with the demand. However, Council through its planning strategies identified different locations for general business erven of which the remainder Erf 4171, Kuisebmond is situated in a prime area next to Sam Nujoma Avenue.

Consequently, Council received an application from Karee Investment 183 (Pty) Ltd, operating as Spar, in Walvis Bay. The applicant intends to establish a convenience centre in Kuisebmond that comprises of the following;

- A Spar retail shop, coffee shop and butchery
- Fast-food and retail shop
- Fuelling station
- Tops (Liquor outlet)
- Bank

The establishment of a convenience center in Kuisebmond is a welcomed initiative that can be supported.

Through establishment of this center, much needed job opportunities can be created, and it can also serve as a convenience shopping area for the community members within that vicinity and along the Sam Nuujoma Avenue.

On the other hand, the demand for business erven in Kuisebmond is high. Evidently, Council has received eight (8) applications in the past for this area commonly known as the land between Kabeljou Street and B1, and now known as Remainder of erf 4171 Kuisebmond.

The eight (8) applications that were previously received are as follows;

<b>Applicant's name</b>	<b>Date of Application</b>	<b>Description of the Project</b>
1. Mr Jonas Ndahomenua	25 March 2008	Urban Agricultural Project for crop production.
2. Mr Tobias Niingungo	14 June 2008	Establishment of a Brick manufacturing plant in Kuisebmond.
3. Dr Esteban Blazic	30 August 2009	Establishment of a 24-hour clinic to provide quality healthcare at an affordable price.
4. Mr D Kaempffer	20 March 2012	Application for land for business purposes, the detail of the proposed business venture was not indicated.
5. Mr HJ Cooksen	13 Sept. 2012	Construction of affordable Housing units.
6. Messrs Ayehe Construction CC	03 June 2013	Construction of houses.
7. Ms Charmain Matheus	30 July 2013	Establishment of a Shopping complex.
8. Ms. Nduuvika J Mutumbulua	19 November 2015	Construction of a Service station.

These applications could not be considered previously as the land is zoned "road reserve" in terms of the Walvis Bay Town Planning Scheme. Moreover, the area would have been redesigned in terms of the Master Road Plan of Council.

Council is currently in the process to subdivide the Remainder erf 4171 Kuisebmond into 27 Portions. Town Planning is also busy to finalise the layout of the Remainder erf 4171, Kuisebmond and will submit it to Council and other statutory bodies for approval.

These unserviced erven will be provided with services in respect of water, sewer, roads and electricity. Thereafter, Council will determine erf prices and the portions can be offered to interested developers. It should be noted that Council does not want to compromise on the quality of services that needs to be installed, by allowing every prospective buyer to service their own unserviced erven. In our view this structured approach will allow Council to attract the best development and income for this prime area.

Hence, a sale by Private Treaty to the applicant is not supported at this stage since several erven with the proposed subdivisions are being created. Twenty-seven (27) portions are being created and it would be to Council's advantage to, upon completion of all Town Planning procedures, market the erven itself, as a large demand of these erven is experienced.

#### **RECOMMENDED:**

- (1) That Council takes note of the application received from Karee Investment (Pty) Ltd to purchase a Portion of Remainder Erf 4171 Kuisebmond.

- (2) That, once the planning processes have been completed and approvals received from the Urban Board, the erven be provided with services.
- (3) That Council determines the erven price after the services are completed and the erven be offered to the public through public bidding.

12.9 **Application to purchase a portion of Erf 5757 Kuisebmond (to be known as Kuisebmond Extension 15): Seawork Fish Processors (Pty) Ltd** (Add.10; M/C Meeting 23/11/2021; File 5757 K)

The purpose of this report is to recommend, amongst others, that single residential erven, 30,022 m<sup>2</sup> in extent, of Erf 5757 Kuisebmond (to be known as Kuisebmond Extension 15) be reserved for Seawork Fish Processors (Pty) Ltd.

The application received from Seawork Fish Processors (Pty) Ltd (the applicant) is to purchase unserviced/unsurveyed portion of Erf 5757 Kuisebmond (to be known as Kuisebmond Extension 15) for employee housing.

The unserviced/unsurveyed portion of Erf 5757 Kuisebmond is situated next to Extension 11 and Extension 12 Kuisebmond.

The applicant has indicated in their application that they want to purchase land from Council to construct houses for their employees. Seawork Fish Processors (Pty) Ltd has over 1700 employees employed in their company and as a result wanted to start with a housing project to develop 500 houses for their employees. However, the technical departments had a meeting with Seawork Fish Processors (Pty) Ltd to look at the availability of land and how best they can be assisted to start with phase one of their project. Therefore, it was agreed that the single residential erven available in the new township to be established on erf 5757 Kuisebmond, be allocated to Seawork Fish Processors (Pty) Ltd.

It is further important to note that Council at its meeting held on 9 November 2021 under item 11.10 has resolved that the new township be established on erf 5757 Kuisebmond and that the matter be referred to Urban and Regional Planning Board for approval. In our opinion the planning process is now in an advance stage to be completed by our Town Planning Section and that the process should go ahead.

Therefore, what's being sought from Council is an in-principle approval for the reservation of the single residential erven on portion of erf 5757 Kuisebmond (to be known as Extension 15), for Seawork Fish Processors (Pty) Ltd until the planning process has been completed. Once the town planning process has been completed a comprehensive report with recommendations will be submitted to Council for consideration.

**RECOMMENDED:**

- (1) That the unserviced/unsurveyed single residential erven on portion of erf 5757 Kuisebmond (to be known as Extension 15), in extent 30,022 m<sup>2</sup>, be reserved for Seawork Fish Processors (Pty) Ltd (the applicant).
- (2) That the Town Planning section completes the planning process for the establishment of Township on erf 5757 Kuisebmond (to be known as Extension 15 Kuisebmond).
- (3) That once the planning matters in (2) above has been completed a comprehensive report with recommendations be submitted to Council for consideration of the final application.

**12.10 Request for permission to enter into a lease agreement for the lease of a Portion of Erf 284 Walvis Bay from Namport** (Add. 12; M/C Meeting 23/11/2021; File 284 W/BAY)

The purpose of the report is to obtain approval, from the Council for the Department of Community and Economic Development (CED) to sign nine (9) years and eleven (11) months lease agreement for the lease of a Portion of Erf 284 Walvis Bay from Namport.

On 07 August 2020, the Department of Community and Economic Development received a complaint from NamDock concerning illegal trading activities taking place on Erf 284 Walvis Bay, belonging to NamPort. NamDock reported that these activities are being carried out in an unhygienic manner, especially in the wake of Covid-19 and therefore requested that Council removes the traders from the site. However, after consultation, it was agreed that removing the traders from this site would have a dire impact on their economic circumstances. During our consultations we came across that a great number of NamDock and surrounding business' employees, make use of the services offered by these traders. This confirmed that there was a symbiotic relationship between services offered by the traders and the basic needs of workers from the surrounding industries.

The Department Community and Economic Development however agreed with NamDock that the current unhygienic setup presents both an unwanted and worrisome situation. A proposal was made that all involved and affected stakeholders should find a way to co-exist on this erf, as the traders are providing required services for the welfare of the patrons.

CED then made a request to Namport to permit the Municipality of Walvis Bay to use 76 m<sup>2</sup> of a Portion of Erf 284 Walvis Bay, to erect temporary trading facilities and accommodate traders in a hygienic manner. On 29 March 2021 the Municipality of Walvis Bay received a letter from Namport granting permission to lease the requested portion for nine (9) years and eleven (11) months starting from the date the lease is signed.

Furthermore, the Agreement of Lease from Namport to the Municipality of Walvis Bay stipulates that the portion of 76m<sup>2</sup> on erf 284 Walvis Bay will be leased at an amount of N\$ 1.00 per year, as per the Lease Agreement.

This portion will accommodate nine (9) traders that are currently trading from the site illegally and no new traders will be permitted to join the group. The Department of CED has budgeted an amount of N\$100 000.00 to contribute toward the construction of the trading shelter, provision of portable water and ablution facilities.

**RECOMMENDED:**

That Council permits the Department of Community and Economic Development (CED), to enter into a lease agreement with Namport for the lease of 76m<sup>2</sup> on a Portion of Erf 284 Walvis Bay at an amount of N\$1.00 per year, for the purpose of constructing an informal trading facility for nine (9) traders.

**12.11 Application to purchase Erf 8635 Kuisebmond (to be known as Kuisebmond Extension 14): Tunacor Limited** (Add. 13; M/C Meeting 23/11/2021; File 8635 K)

To recommend, amongst others, that single residential erven, 36,238 m<sup>2</sup> in extent, of Erf 8635 Kuisebmond (to be known as Kuisebmond Extension 14) be reserved for Tunacor Limited.

The application received from Tunacor Limited (the applicant), to purchase unserviced/unsurveyed portion of erf 8635 Kuisebmond (to be known as Kuisebmond Extension 14) for employee housing. The unserviced/unsurveyed erf 8635 Kuisebmond is situated next to the Totaleni pumpstation.

The applicant has indicated in their application that they want to purchase land from Council to construct houses for their employees. Tunacor Limited has over 3200 employees employed in their company and as a result wanted to start with a housing project to develop 1000 houses for their employees. However, the technical departments had a meeting with Tunacor Limited to look at the availability of land and how best they can be assisted to start with phase one of their project. Therefore, it was agreed after having consulted with Tunacor Limited, that the single residential erven available in the new township to be established on erf 8635 Kuisebmond be allocated to Tunacor Limited.

It is further important to note that Council at its meeting held on 9 November 2021 under item 11.9 has resolved that the new township be established on erf 8635 Kuisebmond and that the matter be referred to Urban and Regional Planning Board for approval. In our opinion the planning process is now in an advance stage to be completed by our Town Planning Section and it will just be beneficial to the applicant and Council if it continues.

Therefore, what's being sought from Council is an in principle approval for the reservation of the single residential erven on portion of erf 8635 Kuisebmond (to be known as Extension 14), for Tunacor Limited until the planning process has been completed. Once the town planning process has been completed a comprehensive report will be submitted to Council for consideration.

**RECOMMENDED:**

- (1) That the unserviced/unsurveyed single residential erven on erf 8635 Kuisebmond (to be known as Extension 14), in extent 36,238 m<sup>2</sup>, be reserved for Tunacor Limited (the applicant).
- (2) That the Town Planning section completes the planning process for the establishment of Township on erf 8635 Kuisebmond (to be known as Extension 14 Kuisebmond).
- (3) That once the planning matters in (2) above has been completed a comprehensive report with recommendations be submitted to Council for consideration of the final application.

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

*No reports have been received.*

14. **Minutes of associations**

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

*No minutes have been received.*

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

*No minutes have been received.*

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

*No minutes have been received.*

