



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

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

**ON TUESDAY
23 FEBRUARY 2021
AT 18:00**



Municipality of Walvis Bay

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NOTICE

His Worship the Mayor and Councillors
General Managers

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Date	19 February 2021

FEBRUARY 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:-

Tuesday 23 February 2021 at 18:00

Yours faithfully



F. !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 Tuesday, 26 January 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)

None.
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 submitted by Council members.
9. **Motions of members** (File 3/3/1/1)

No motions of members have been received.
10. **Answers to questions of which notice has been given** (File 3/3/1/2)

No notice of questions has been received.

REPORTS OF THE MANAGEMENT COMMITTEE FOR FEBRUARY 2021

The reports of the Management Committee regarding its decisions on matters delegated to it or in respect of which it has legal powers, are submitted to the Council in terms of Section 26(1)(e) of the Local Authorities Act, 1992.

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. Reports of the Management Committee for February 2021

- 11.1 Amendment to the policy on the sale/lease of land** (Add. 2; M/C Meeting 09/02/2021; File 7/2/3/2/5)

Resolved:

That the matter be resubmitted to the next Management Committee meeting with all the amendments as discussed captured in the draft policy document.

- 11.2 Rezoning of Erf 3566 Walvis Bay from Single Residential (1:500m²) to General Residential 2** (Add. 4; M/C Meeting 09/02/2021; File 3566)

Resolved:

That the matter be withdrawn and be resubmitted to the next Management Committee to enable all departments to give their inputs into the submission.

- 11.3 Erongo Water Forum: Appointment of the General Manager; Water, Waste & Environmental Management of the Municipality of Walvis Bay on Respective Committee** (CSAdd. 1; M/C Meeting 09/02/2021; File 12/1/3/2/3)

Resolved:

That the matter be withdrawn and be resubmitted to the next Management Committee with the inclusion of the initial submission to Management Committee and all the annexures thereto.

- 11.4 Narraville Extension 12 and 14: Installation of bulk infrastructure** (Add. 3; M/C Meeting 18/02/2021; File Narraville Ext 12 & 14)

Resolved:

That the matter be referred back for Informal discussions.

- 11.5 Appointment of members to serve on internal committees and external institutions** (Add. 4; M/C Meeting 18/02/2021; File 12/1)

Resolved:

That the matter be referred back for the inclusion of the Farm 37 Advisory Committee and to enable the Councillors to consider the nomination of members, and it be resubmitted to the next Management Committee.

RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE FOR FEBRUARY 2021

Proposing each item:

The chairperson of the Management Committee must propose each recommendation of the Management Committee for acceptance by the Council - Standing Rule 22(2).

Amendment of recommendations:

The chairperson of the Management Committee may, with the consent of at least two-thirds of the members of the Management Committee present, amend a recommendation of the management committee or withdraw an item for remission to the management committee - Standing Rule 22(3).

Seconding of each recommendation:

Any recommendation of the Management Committee is considered a proposal which has been seconded, and no further seconding is therefore required - Standing Rule 22(5).

12. Recommendations of the Management Committee for February 2021

12.1 Report on amnesty interest results (Add. 1; M/C Meeting 09/02/2021; File 5/17/1)

The purpose of this report is to inform Council on the results of amnesty interest as approved by Council and to obtain approval for amnesty interest from date of approval until 31 December 2021.

Council at its Ordinary Council meeting held on 03 December 2019 resolved as follows:

"(1) That the amnesty interest period be declared as effective from the date of approval to 30 April 2020.

(2) That the interest amnesty be made known to the public at large through all available means."

Information as to the existence of amnesty interest was disseminated to the public at large via:

- Print media
- Radio all languages
- Monthly Tax Invoices
- Notices at Municipal Premises

As per the above resolutions, such amnesty interest commenced in December 2019 and ended in April 2020.

The table below depicts the financial results of the amnesty interest which ended in April 2020.

Type	Capital Amount settled	Interest reversed
Residential	N\$ 1 836 955.91	N\$ 389 293.34
Business	N\$ 639 509.88	N\$ 103 272.39
Total	N\$ 2 476 465.79	N\$ 492 565.73

The highest amount settled by a single residential customer amounts to N\$178 000,78 with the interest of N\$46 785,82. Equally the highest amount settled by a single business customer amounts to N\$71 299,61 with the interest of N\$13 121,07.

The table below depicts the statistical information as to the number of customers who reacted to the amnesty interest, followed by monetary value.

Number of customers

Year	Business	Residence	Total
2015	30	22	52
2016	10	16	26
2017	5	17	22
2018	1	71	72
2019	6	10	16
2020	20	56	76

Monetary Value

Year	Amnesty period	Capital settled (N\$)	Interest amount written off (N\$)
2015	10/09/2014 - 31/12/2014	6 117 427.00	1 378 770.00
2016	30/09/2014 - 03/12/2015	1 666 027.83	412 153.27
2017	01/12/2016 - 28/02/2017	727 581.90	130 957.54
2018	01/12/2017 - 30/04/2018	2 849 886.07	543 154.09
2019	01/09/2019 - 30/04/2020	2 631 912.89	384 059.34
2020	30/04/2020 - 31/12/2020	2 476 465.79	492 565. 73
Total		16 469 301.48	3 341 659.97

Interest is being levied on all outstanding amounts as per promulgated tariffs. Therefore, there is no financial loss on Council's side by reversing interest in that no services were provided for as an expense to generate interest.

Recommended:

- (1) That Council takes note of the results of the total amnesty interest amounting to N\$ 492,565.73 which has been reversed and the capital amount of N\$ 2,476,465.79 which has been settled in full for the period under review.
- (2) That approval be granted for amnesty period from date of approval until 31 December 2021.

12.2 Application for declaration of the Municipal Council of Walvis Bay as an authorized planning authority and for certain exemptions in terms of Urban and Regional Planning Act, 2018 (Add. 3; M/C Meeting 09/02/2021; File 15/1/P)

The purpose of the report is to obtain the Municipal Council's approval to submit an application to the Minister of Urban and Rural Development for the Municipal Council of Walvis Bay to be declared as an Authorised Planning Authority; and application for certain exemptions in terms of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*.

The *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, hereinafter referred to as the Act, commenced on 03 September 2020, following the promulgation of the *Regulations relating to Urban and Regional Planning: Urban and Regional Planning Act, 2018* (hereinafter referred to as the Regulations) on the aforesaid date. In summary, the Act and Regulations combine the Townships Board and Namibia Planning Advisory Board (NAMPAB) into one board (now known as the Urban and Regional Planning Board) and delegate the decisions on town planning applications to local authorities. However, a local authority can only make decisions after the Minister of Urban and Regional Planning (MURD) has declared a local authority as an Authorised Planning Authority (APA).

Once the MURD has granted approval for a local authority (of Walvis Bay in this instance) to be declared as an APA, the local authority will be able to make final decisions on the following applications, provided that they are in accordance with the approved Integrated Urban Spatial Development Framework (IUSDF), which is referred to as Urban Structure Plan by the Act:

- (a) Subdivision;
- (b) Consolidation;
- (c) Rezoning;
- (d) Township Establishment;

- (e) Alteration of the Boundaries of an Approved Township;
- (f) Disestablishment of an Approved Township or Portion of an Approved Township;
and
- (g) Alteration, Suspension or Deletion of Conditions Relating to Land.

Amendments to the Town Planning Scheme (now known as the Zoning Scheme), review of the Urban Structural Plans (IUSDF) and all applications that do not comply with the IUSDF (Urban Structure Plan) will still have to be referred to MURD, through the new Urban and Regional Planning Board, for approval.

The Act is aimed at streamlining planning applications and processes. However, some provisions of the Act are cumbersome, in particular, the Act:

- requires subdivision and consolidation applications to be notified to the adjacent neighbours;
- requires the CEO of local authorities to submit all planning applications decided by the local authority to the Board; and
- bars the local authority from delegating or assigning powers or duties to determine planning applications.

Henceforth, the application is hereby made for the Municipal Council of Walvis Bay to be exempted from the above provisions of the Act. This is in line with Section 127(1)(a)-(b) of the Act, which states that the MURD may exempt –

- (a) *an application or a process in terms of this Act from certain provisions of this Act; or*
- (b) *. . . a local authority . . . from certain provisions of this Act.*

Recommended:

- (1) That the Municipal Council grants approval for application to be submitted to the Minister of Urban and Rural Development for the declaration of the Municipal Council of Walvis Bay as an Authorised Planning Authority, in terms of Section 16(1) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)* and Regulation 2, Sub-regulation (2) of the *Regulations Relating to Urban and Regional Planning: Urban and Regional Planning Act, 2018*.
- (2) That the Municipal Council reaffirms its decision of the Municipal Council meeting of 24 June 2014 (item 12.3) to approve the Walvis Bay Integrated Spatial Development Framework (IUSDF), and subsequently recommends the IUSDF to the Minister of Urban and Rural Development for approval as an Urban Structure Plan in terms of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*.
- (3) That, in accordance with Section 127(1)(b) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the Minister of Urban and Rural Development exempts the Municipal Council of Walvis Bay from preparing a new Urban Structure Plan, because it already has a valid Urban Structure Plan (Walvis Bay Integrated Urban Spatial Development Framework) that was prepared in accordance with the then Urban and Regional Planning Bill.
- (4) That the Minister of Urban and Rural Development considers and approves the Walvis Bay Integrated Urban Spatial Development Framework as an approved Urban Structure Plan in terms of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*.
- (5) That, in accordance with Section 127(1) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the Minister of Urban and Rural Development:

- (a) exempts applicants for the subdivision or consolidation of land made to the Municipal Council of Walvis Bay in terms of Sections 97(1)(e) and 105(1)(e) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)* from giving notice to neighbouring landowners of the intention to make those applications and from providing an explanation to the neighbouring landowners of the purpose of the application;
- (b) exempts the Municipal Council of Walvis Bay from submitting private applications (that are not local authorities' own applications) to the Urban and Regional Planning Board in terms of Section 109(5) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*; and that the private applicants submit their planning applications directly to the aforesaid Board; and
- (c) allows the Municipal Council of Walvis Bay to delegate and assign powers to the staff members for determining applications pursuant to the Municipal Council's Delegation of Powers and Assignment of Duties and Responsibilities.

12.3 **Transfer of land development funds for the survey of the proposed Municipal boundaries extension** (Add. 5; M/C Meeting 09/02/2021; File 5/17/1)

The purpose of the report is to obtain the Municipal Council's approval to transfer funds from existing 2020/2021 land development project, being Farm 37 (350 erven) – Vote No. C800/9952/0000 - Roads & Earthworks, to a new vote for the Extension of Municipal Boundaries.

The municipal boundaries of the Municipality of Walvis Bay need to be extended to accommodate the envisaged population growth and existing demand for land for housing, commercial and industrial developments. The proposed expansion is mainly within the proclaimed boundaries of the Dorob National Park; namely, towards the east of Narraville, east of Langstrand and Dolphin Beach, and south-eastwards of Walvis Bay town.

Further consultative meetings regarding the extension of municipal boundaries (and de-proclamation of a portion of the Dorob National Park) took place on 11 May 2018, 19 August 2018 and 19 March 2020 between the Ministry of Environment, Forestry and Tourism, Ministry of Urban and Rural Development and the Municipality of Walvis Bay. The Minister of Urban and Rural Development now needs to organise a meeting with the Minister of Environment, Forestry and Tourism to finalise matters pertaining to the Municipal Council of Walvis Bay's application for the partial de-proclamation of the Dorob National Park and subsequent extension of municipal boundaries.

In the meantime, the expansion areas need to be surveyed prior to the de-proclamation to show the true extent of the proposed boundaries to be de-proclaimed and incorporated into the municipal area. However, there are no funds allocated in the 2020/2021 Capital or Operational Budgets for the survey of the proposed extension of the municipal boundaries. Hence, the need to transfer funds from the existing 2020/2021 land development budget to a new vote for the Extension of the Municipal Boundaries.

The survey is expected to cost about N\$900,000 due to the extent of the land required for extension of the municipal boundaries. Since budgetary provisions have not been made for the survey of the extension of the municipal boundaries, available funds have been identified under Vote C800/9952/0000 for the Roads & Earthworks for Farm 37. In particular, N\$51,845,664 has been budgeted for in the aforesaid vote, of which N\$51,806,394 is still available.

The Municipal Council has granted approval for the sale of two extensions on Farm 37. As the two extensions were approved to be sold, not the entire N\$51,806,394 will be spent on the Roads & Earthworks for Farm 37, because the developers for those two extensions will be expected to provide roads and undertake any necessary earthworks at their own costs. Consequently, it is recommended that N\$900,000 be transferred from C800/9952/0000 to the new vote for the "Extension of Municipal Boundaries".

Recommended:

- (1) That the General Manager: Finance creates a new vote for the "Extension of Municipal Boundaries".
- (2) That the Municipal Council approves the transfer of N\$900,000 from Vote C800/9952/0000 [Farm 37 (350 erven) - Roads & Earthworks], where N\$51,845,664 has been budgeted, of which N\$51,806,394 is still available to the new "Extension of Municipal Boundaries" vote.

12.4 Amendment of pound - SPCA (Add. 1; M/C Meeting 18/02/2021; File 5/11/1/5)

The purpose of this report is to address Council's financial responsibility towards the SPCA and to support the SPCA's request to increase their pound fees from N\$35.00 per dog per day to N\$51.00 per dog per day.

Discussions were held in 2020 with committee members of the SPCA regarding various issues related to animal control, pound operations and the increase of the SPCA's current subsidized pound fee to the amount of N\$51.00 per dog per day for a maximum of 3 days per dog. This amount is on par with the current municipal pound fee tariff used for dog impoundments at the Municipal Pound which is N\$51.00 (excluding VAT) per dog per day.

Taking into consideration that the last increase of the impoundment fee for the SPCA was approved 5 years ago in October 2015, (add 10: MC Meeting; 10/11/2015- File 5/11/1/5, refer attached resolution) their request for the amendment of pound fees endorses Council's previous resolutions in this regard.

During April 2001, the Management Committee approved an impoundment fee for the municipal dog pound to the amount of N\$15.00 per dog per day or part thereof to a maximum of three (3) days, after which unclaimed dogs will be sold or destroyed – see extract of resolution below:

"5.12. Impoundment Fees – Municipal Dog Pounds: (Add. 21; M/C Meeting; 03/04/2001; File 5/5/2/23)

On proposal by Councillor J Uushona, seconded by Councillor A Kandjala it was:-

Resolved:

- (a) *That an impoundment fee of N\$15.00 per dog per day or part of a day, be charged, until the rightful owner of the dog requests for the release of his/her dog(s).*
- (b) *That impounded dogs be kept for a maximum period of three (3) days only, after which unclaimed dogs be sold or destroyed.*
- (c) *That any person interested to buy an unclaimed dog, and after 3 days have lapsed since the dog has been impounded, such buyer shall pay the impoundment fees.*

- (d) *That all payments be done at the Municipal Cashiers and a tax receipt be produced to the pound master/Animal Controller before the dog is released."*

The SPCA's request for the amendment of their pound fee due to the increase in costs on items such as labour, food, water, electricity, and maintenance, should now be considered.

Considering the constant increases in expenditure over a period of 5 years as well as their additional euthanasia costs, an increase of the current pound fee of N\$35.00 per dog to the amount of N\$51.00 per dog per day can be regarded as reasonable and just sufficient to recover actual cost. The proposed amount is an effective increase of $\pm 9.14\%$ annually, calculated over the last 5 years.

In future, it would make more sense that the SPCA subsidized impoundment fee be linked with the official municipal impoundment fee and an increase in the municipal pound fees automatically applied by the SPCA as well.

Over the past year (2020/2021) the average amount used by SPCA on the said vote was N\$5,000.00

Provision has been made on the 2020/21 operating budget to the amount of N\$25,000.00 for pound fees in total and the balance by 31 January 2021 will be sufficient to accommodate the increase in the fee.

Recommended:

- (1) That a subsidised impoundment fee of N\$ 51.00 per dog per day to a maximum of three (3) days per dog be paid to the SPCA effective as from the date of such Council resolution.
- (2) That the cost be defrayed from vote 0609/0740/0000 (Pound Fees) where an amount of N\$25,000.00 was budgeted and where N\$20,000.00 is still available and enough for such increase.
- (3) That the SPCA subsidized impoundment fee be linked with the official municipal impoundment fee and that in future, an increase in municipal pound fees automatically be applied by the SPCA as well.

12.5 Walvis Bay amendment Scheme No 41 (Add. 2; M/C Meeting 18/02/2021; File 15/2/5)

The purpose of the report is to obtain the Municipal Council's approval for the Walvis Bay Amendment Scheme No. 41 (A.S. 41) to the Minister of Urban and Rural Development (MURD) and to simultaneously submit the betterment fees for A.S. 41 to MURD for approval.

A.S. 41 was originally compiled by M & N Town Planning and Development CC and recommended to MURD for approval by the Municipal Council at its meeting held on 10 January 2017, as per item number 12.2. However, the Scheme was not submitted to MURD for approval by the town planning consultant. As a result of the delays in submitting the A.S. 41 to MURD, private rezoning applications were withdrawn from that scheme and only one application remains (being the rezoning of Remainder Farm 39 – the new SADC North Port). Consequently, the municipal town planning staff decided to reallocate A.S. 41 (consisting of one application) to Stewart Planning Consultant and subsequently added eleven (11) new rezoning applications.

Hence, A.S. 41 comprises of a total of twelve (12) applications for the rezoning of properties in and around Walvis Bay, Narraville, Meersig and Kuisebmond. The rezoning applications are as follows:

- (a) Rezoning of Consolidated Erf 5862 (formerly Erven 5341 and 5342) Walvis Bay Extension 18 from "Single Residential" with a density of 1 dwelling unit per 300m² to "General Residential 2" with a density of 1 dwelling unit per 300m²;
- (b) Rezoning of Erf 1008 Walvis Bay from "Single Residential" with a density of 1 dwelling unit per 300m² to "General Business" with a bulk factor of 2.0; and
- (c) Rezoning of Erf 5553 Walvis Bay Extension 17 from "General Residential 1" with a density of dwelling unit per 150m² to "Single Residential" with a density of 1 dwelling unit per 300m².
- (d) Rezoning of Erf 5017 Walvis Bay from "General Residential 1" with a density of 1 dwelling unit per 150m² to "Local Business" with a bulk factor of 1.0;
- (e) Rezoning of Erf 3225 Narraville Extension 6 from "General Business" with a bulk factor of 2.0 to "General Residential 1" with a density of 1 dwelling unit per 150m²;
- (f) Rezoning of Erven 93, 94 and 95 Dolphin Beach from "Single Residential" with a density of 1 dwelling unit per 500m² to "General Residential 2" with a density of 1 dwelling unit per 300m²;
- (g) Rezoning of Erf 7727 Kuisebmond Extension 7 from "Institutional" to "Local Business" with a bulk factor of 1.0;
- (h) Rezoning of Erf 2984 Kuisebmond from "Single Residential" with a density of 1 dwelling unit per 300m² to "Local Business" with a bulk factor of 0.5;
- (i) Rezoning of Erf 730 Kuisebmond from "Single Residential" with a density of 1 dwelling unit per 150m² to "Local Business" with a bulk factor of 2.0;
- (j) Rezoning of Portions 1 to 12 (previously Erven 6447 to 6458 Kuisebmond Extension 1) from "Public Open Space" to "Single Residential" with a density of 1 dwelling unit per 300m²;
- (k) Rezoning of Portions A, B and C (portions of Portion 216 of Walvis Bay Town and Townlands No.1) from "Undetermined" to "Institutional"; and
- (l) Rezoning of the Remainder of Farm 39 from "Undetermined" to "Railway & Harbour".

The rezoning applications have been advertised as required in the press. Adjacent owners were also notified personally, in some cases through registered mail, for their support. No objections were received.

Betterment fees are now referred to as "Compensation" fees by the new Urban and Regional Planning Act (Act No. 5 of 2018). However, the principle and application of betterment or compensation fees remain the same. In view of this, municipal land values of the properties proposed to be rezoned were obtained from The Trust and Estate Co (Pty) Ltd. The land values were obtained to enable betterment fees to be calculated and submitted to MURD simultaneously with A.S. 41.

Subsequently, landowners of all applications contained in A.S. 41 were requested to pay betterment fees or make payment arrangements with the Municipality of Walvis Bay prior to the inclusion of the rezoning application into A.S. 41.

Rezoning applications of the landowners who did not pay or make payment arrangements with the Department of Finance were therefore not included in A.S. 41.

Recommended:

- (1) That the Municipal Council's decision for item 12.2 dated 10 November 2017 be rescinded in toto.
- (2) That, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act of 2018)*, the Municipal Council recommends for approval the Walvis Bay Amendment Scheme No. 41, which includes the following rezoning applications:
 - (a) Rezoning of Consolidated Erf 5862 (formerly Erven 5341 and 5342) Walvis Bay Extension 18 from "Single Residential" with a density of 1 dwelling unit per 300m² to "General Residential 2" with a density of 1 dwelling unit per 300m²;
 - (b) Rezoning of Erf 1008 Walvis Bay from "Single Residential" with a density of 1 dwelling unit per 300m² to "General Business" with a bulk factor of 2.0; and
 - (c) Rezoning of Erf 5553 Walvis Bay Extension 17 from "General Residential 1" with a density of dwelling unit per 150m² to "Single Residential" with a density of 1 dwelling unit per 300m².
 - (d) Rezoning of Erf 5017 Walvis Bay from "General Residential 1" with a density of 1 dwelling unit per 150m² to "Local Business" with a bulk factor of 1.0;
 - (e) Rezoning of Erf 3225 Narraville Extension 6 from "General Business" with a bulk factor of 2.0 to "General Residential 1" with a density of 1 dwelling unit per 150m²;
 - (f) Rezoning of Erven 93, 94 and 95 Dolphin Beach from "Single Residential" with a density of 1 dwelling unit per 500m² to "General Residential 2" with a density of 1 dwelling unit per 300m²;
 - (g) Rezoning of Erf 7727 Kuisebmond Extension 7 from "Institutional" to "Local Business" with a bulk factor of 1.0;
 - (h) Rezoning of Erf 2984 Kuisebmond from "Single Residential" with a density of 1 dwelling unit per 300m² to "Local Business" with a bulk factor of 0.5;
 - (i) Rezoning of Erf 730 Kuisebmond from "Single Residential" with a density of 1 dwelling unit per 150m² to "Local Business" with a bulk factor of 2.0;
 - (j) Rezoning of Portions 1 to 12 (previously Erven 6447 to 6458 Kuisebmond Extension 1) from "Public Open Space" to "Single Residential" with a density of 1 dwelling unit per 300m².
 - (k) Rezoning of Portions, A, B and C (Portions of Portion 216 of Walvis Bay Town and Townlands No.1) from "Undetermined" to "Institutional"; and
- (3) That an Environmental Clearance Certificate (ECC) be obtained for the developments on the Remainder of Farm 39, prior to commencement of use or approval of building plans, whichever is earlier, in accordance with the Environmental Management Act, 2007 (Act No. 7 of 2007), List of activities that may not be undertaken without Environmental Clearance Certificate and Environmental Impact Assessment Regulations.

- (4) That, in accordance with the Betterment Fee Policy for Local Authorities in Namibia and Section 59(1)(a) of the Urban and Regional Planning Act (Act No. 5 of 2018), an application be made to the Minister of Urban and Rural Development for the imposition of the following Betterment (Compensation) Levies:

Property	Old Zoning	New Zoning	Old Land Value	New Land Value (N\$)	Difference in Land Value (N\$)	Betterment/ Compensation	
						(%)	(N\$)
Erf 5862 Walvis Bay Ext. 18	Single Residential	General Residential 1	203,000.00	253,000.00	50,000.00	75%	37,500.00
Erf 1008 Walvis Bay	Single Residential	General Business	156,000.00	618,000.00	462,000.00	40%	184,800.00
Erf 5017 Walvis Bay	General Residential 1	Local Business	54,000.00	220,000.00	166,000.00	40%	66,400.00
Erf 93 Dolphin Beach	Single Residential	General Residential 2	650,000.00	973,000.00	323,000.00	20%	64,600.00
Erf 94 Dolphin Beach	Single Residential	General Residential 2	698,000.00	1,047,000.00	349,000.00	20%	69,800.00
Erf 95 Dolphin Beach	Single Residential	General Residential 2	596,000.00	891,000.00	295,000.00	20%	59,000.00
Erf 7727 Kuisebmond Ext. 7	Institutional	Local Business	72,000.00	224,000.00	152,000.00	40%	114,000.00
Erf 2984 Kuisebmond	Single Residential	Local Business	42,000.00	91,000.00	49,000.00	40%	19,600.00
Erf 730 Kuisebmond	Single Residential	Local Business	30,000.00	70,000.00	40,000.00	75%	30,000.00

- (5) That, in case the Minister of Urban and Rural Development approves a betterment (compensation) fee lower or higher than the deposit paid, the Municipal Council shall claim or refund the difference between the betterment (compensation) fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.
- (6) That the applicant notes that the payment of the betterment (compensation) deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the rezoning applications contained in Amendment Scheme No. 41; and the provisions of the *Urban and Regional Planning Act (Act No. 5 of 2018)* therefore still apply.
- (7) That Stewart Town Planning CC be delegated to submit Amendment Scheme No. 41 to the Minister of Urban and Rural Development for approval.

12.6 **Resubmission: Amendment to the Policy on sale and lease of land** (Add. 5; M/C Meeting 18/02/2021; File 7/2P7/2/3/2/5)

The purpose of this report is to recommend the amendments to the Policy of the Sale and Lease of Land as discussed at the Management Committee meeting held on 9 February 2021.

The Management Committee discussed the proposed amendments to the policy in detail and resolved that it must be re-submitted to the next meeting in the correct policy format and with the amendments and additions as discussed, included in the policy document.

The instruction was carried out and the re-drafted policy indication all additions and deletions, is attached under separate cover.

Recommended:

- (1) That the amendments to the Sale and Lease of Land Policy as contained in the re-drafted policy document, be approved by the Municipal Council of Walvis Bay for immediate implementation after approval.
- (2) That as from date of approval of the policy, all proposed upset selling prices of erven and the conditions of sale under the policy, be submitted to the Municipal Council of Walvis Bay for approval as and when erven are to be sold.

12.7 Amendment to Council resolution: application for acquisition of unserviced/unsurveyed Portion 1 and 2 Remainder Farm 37 Walvis Bay (Add. 6; M/C Meeting 18/02/2021; File Farm 37)

The purpose of this report is to recommend that paragraph (1) and (2) of the Ordinary Council resolution, Item 11.6, of 03 November 2020, be amended.

Council at its Ordinary meeting held on 03 November 2020 under item 11.6 inter, alia resolved as follows:

- "1. That erven earmarked for following zoning revert back to Council: -
- 1.1. General Residential
 - 1.2. Local Business
 - 1.3. Institutional
 - 1.4. Municipal Purpose
 - 1.5. Private open space and
 - 1.6. Utility services
2. That the applicant, at its own cost, advertises the sale 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.
 3. That on date of sale the 10% deposit of the purchase price be paid, and the balance be paid within 90 days from the date of sale.
 4. That, the applicant pays 10% of the purchase price towards the landscaping fund at the date of sale.
 5. That the applicant contributes to the actual cost of the provision of bulk services. The Department Roads and Building Control to determine the exact contribution when final designs of bulk services are approved."

It was recently discovered by the Town Planning Section, that the description of the allocated portions has changed, as per the General Plan No's. F157 and F158 respectively.

The two portions were allocated to Power Shield (Pty) Ltd as unserviced Portion 1 and 2 of Farm 37. However, these two portions' descriptions, as per the General Plans, should in fact read "Green Valley Extension 1 and 2, formerly Portions 5 and 6 of Portion 3 of Remainder Farm 37".

The Town Planning Section further advised that clause 2 of the Council resolution be amended to just refer to all erven not zoned as single residential.

There are no consequences in amending clause 1 and 2 of the Council resolution of 03 November 2020, Item 11.6.

Recommended:

- (1) That paragraph (1) and (2) of the Ordinary Council resolution, Item 11.6, of 03 November 2020, be amended to read as follows:

"(1) That unserviced Green Valley Extension 1 and 2, formerly described as Portions 5 and 6 of Portion 3 of Remainder Farm 37, as represented by General Plans No's F157 and F158 respectively, consisting of 476 single residential erven, total size in extent of 129,513 m², be sold by private transaction to Power Shield Trading (Pty) Ltd, at N\$50.06/m²".

(2) That all erven not zoned single residential, revert to Council."

12.8 Application to purchase Portions 15 – 17 of Farm 37 Walvis Bay: Shack Dwellers Federation of Namibia (SDFN) AND Namibia Housing Action Group (NHAG) (Add. 7; M/C Meeting 18/02/2021; File Farm 37)

The purpose of this report is to recommend, amongst others, that 99.3705 Ha of portions 15 – 17 of Farm 37, Walvis Bay be approved in principle for development of residential extension for Shack Dwellers Federation of Namibia.

An application has been received from Shack Dwellers Federation of Namibia (the applicant) to purchase unserviced/unsurveyed portion 15 – 17 of Farm 37 for residential development.

The unserviced/unsurveyed portions 15 – 17 of Farm 37 is situated next to portions 10 and 11 currently being serviced by Council.

The applicant has indicated in their application that they want to purchase 3000 unserviced erven from Council for their members and portions 15 – 17 of Farm 37 has been identified for them. These portions, in extent 99.3705 Ha, will perfectly suit the needs of the Shack Dwellers Federation of Namibia. The applicant (Shack Dwellers Federation of Namibia) will provide all outstanding services to the land applied for. They have further requested to be assisted with electricity and roads. However, opinion is held that the applicant be responsible to provide all outstanding services once Council has allocated the land after all town planning matters has been attended to and completed.

The applicant has also applied for 200 serviced erven on Farm 37 but there is no serviced land currently available on Farm 37 and the applicant be informed accordingly.

Therefore, what is being sought from Council is the in-principle approval and reservation of 99.3705 Ha of land on Farm 37 for the Shack Dwellers Federation of Namibia.

Walvis Bay has been experiencing significant growth of urbanization over the past 10 years and this is expected to continue.

The Government of Namibia in terms of the Harambe Prosperity Plan has identified housing as one of the pillars that needs urgent attention.

It is therefore recommended that in principle approval be granted that 99.3705 Ha of land at Farm 37 be allocated to the applicant for the envisaged residential development for their members.

Recommended:

- (1) That the application for the sale of unserviced/unsurveyed Portions 15 – 17 of Farm 37, in extent 99.3705 Ha, for Shack Dwellers Federation of Namibia (the applicant), be approved *in principle*.
- (2) That the applicant at its own cost, with the technical assistance from the Town Planning Division, attend to the town planning matters.
- (3) That once the planning matters in (2) above has been completed a comprehensive report with recommendations be submitted to the Municipal Council for consideration of the final application.

12.9 Introducing medical aid benefits to the spouse after the death of a spouse who was a staff member and simultaneously a member of a medical aid and who died while below the age of 55 (Add. 8; M/C Meeting 18/02/2021; File 4/5/6/1)

The purpose of this report is to obtain approval for the continuation of medical aid benefits to the spouse when a staff member/spouse dies while in service.

Currently the following is applicable regarding medical aid benefits at retirement:

1. If a staff member retires at 55 years or older, she/he qualifies for medical aid benefits after retirement provided that she/he has worked for Council for 10 consecutive years;
2. The percentage of Council/Pensioner contribution should be such percentage as applicable at the time of her/his retirement, and
3. The medical aid option applicable to the pensioner during retirement should be such option which she/he was on for a period of not less than twelve (12) months prior to her/his retirement.

If a staff member who is already on retirement passes away, his/her spouse may continue to enjoy the medical aid benefits as long as the deceased spouse had served the Municipality continuously for 10 years and more.

Similarly, if a staff member passes away at the age 55 or older and had served Council for more than 10 years, his/her spouse may continue to enjoy the medical aid benefits.

Currently, there is no policy provision to cover spouses of medical aid members who die before age 55, thus leaving the spouse and children without medical aid cover in case the main medical aid member dies.

It is hereby proposed that the following benefit be introduced to staff members:

- that where a staff member passes away and such a staff member has served the Municipality for 15 consecutive years, such staff member's spouse may opt to continue to be a member of the medical aid fund; and
- that Clauses 2 and 3 above should also apply to them (widow or widower).

Recommended:

That Council's medical aid policy regarding medical aid benefits to widows/widowers be extended as follows, with effect from date of approval by the Council:

- (1) That, if a staff member who is a medical aid member passes away while in service and that staff member has not yet reached the age of 55, his/her spouse qualifies for medical aid benefits in a form of subsidy, provided:
 - (i) that she/he (the deceased spouse) has worked for Council for 15 consecutive years;
 - (ii) that, should the remaining spouse be employed and the employer of such spouse offers a benefit of participation in a medical aid scheme to its employees, then such spouse would not qualify for the benefit of the Municipality of Walvis Bay.
- (2) The percentage of subsidy benefit to the remaining spouse, in terms of Council/deceased spouse contribution, may not be more than such percentage as was applicable to that deceased staff member at the time of death.
- (3) The medical aid option applicable to the remaining spouse must be such option which the deceased spouse was on for a period of not less than twelve (12) months prior to her/his death.
- (4) That the medical aid subsidy be terminated when the remaining spouse dies.

12.10 **Levying of betterment fees for Walvis Bay Amendment Schemes No. 39, 40 and 42** (Add. 14; M/C Meeting 18/02/2021; File 5/2/5)

The purpose of the report is to advise on the probable non-recovery of betterment fees that were levied against rezoning applications that form part of Amendment Schemes No. 39 and 40 (hereinafter referred to A.S. 39 and 40); and to obtain approval on the way forward regarding betterment fees for Amendment Scheme No. 42 (hereinafter referred to A.S. 42).

Approvals of all amendment schemes are subject to the conditions that the applicants pay betterment fees, in accordance with the *Urban and Regional Planning Act* (that repealed the *Town Planning Ordinance 18 of 1954*). Pursuant to Section 59(1)(a) of the *Urban and Regional Planning Act* (as well as the repealed Section 34(1) of the *Town Planning Ordinance 18 of 1954*), local authorities can recover betterment fees within **twelve (12) months** of the zoning scheme coming into operation, which is within twelve (12) months of the publication of the notice in the Government Gazette. However, a second condition is that MURD is also required to approve actual betterment fees as per the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, as approved by the Minister of Urban and Rural Development on 01 June 2009.

A.S. 39, 40 and 42 have all been approved by both Council and the Minister of Urban and Rural Development (MURD). However, there are issues in recovering betterment fees for A.S. 39 and 40, due to the delays in levying the fees to the customers. Consequently, petitions against the payment of A.S. 39, 40 and 42 betterment fees were received from Malherbe Associates Inc. on behalf of their clients.

The traditional process followed by the Municipality of Walvis Bay in recovering Betterment Fees is demonstrated by **Figure 1**.

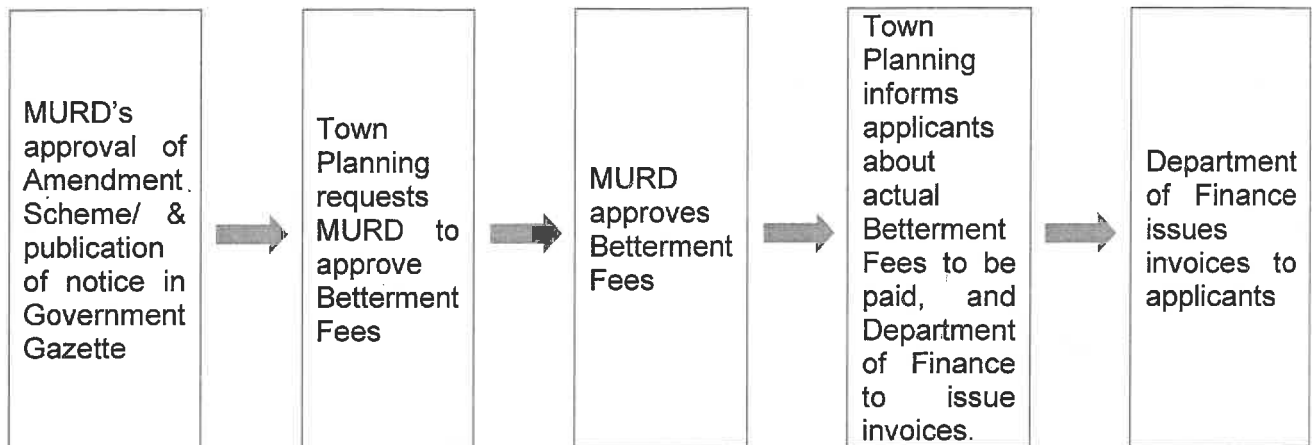


Figure 1: Traditional Process in Recovering Betterment Fees

The traditional process highlighted in **Figure 1** is a cumbersome one. The Municipality of Walvis Bay experienced major delays in the process, primarily from MURD's side, where betterment fees approvals were either received late (in the case of A.S. 39) or have not yet been received (in the case of A.S. 40), as depicted by **Table 1** below.

Table 1: Timelines for Betterment Fees Recovery (A.S. 39, 40 & 42)

A.S. NO.	Date Scheme came into Operation	Date Submitted to MURD for Approval	TP Fees for	Date of MURD's Approval of Betterment Fees	Date Town Planning Issued Notice of Actual Betterment Fees	Deadline to Recover Betterment Fees
39	01/06/2017	04/04/2018 Follow ups: 26/09/2018 16/01/2019 21/09/2019 28/01/2019		05/03/2019	12/11/2019	01/06/2018
40	15/02/2018	05/03/2018 & 15/01/2019 Follow ups: 26/09/2018 16/01/2019 21/01/2019 28/01/2019 29/01/2019 06/02/2019 07/02/2019		Pending	N/A MURD has not yet sent approval for Betterment Fees	15/02/2019
42	01/03/2019	25/09/2019		13/11/2019	19/02/2020	01/03/2020

As demonstrated by **Table 1** above, betterment fees for **A.S. 39** were sent to MURD on 04 April 2018 for approval. Follow ups were done telephonically and through e-mails dated 26 September 2018; and 16, 21 and 28 January 2019. However, MURD only approved the betterment fees for A.S. 39 on 05 March 2019, which was 9 months after the deadline to recover betterment fees.

Recommended:

- (1) That the Municipal Council takes note of the Minister of Urban and Rural Development's directive not to recover betterment fees for Walvis Bay Amendment Scheme No. 39 that were levied late; and subsequently grants approval to the Department of Finance to reverse betterment fees levied for Amendment Scheme No. 39 where recovery notices were issued after the recovery period has lapsed.
- (2) That the Municipal Council waives the levying of betterment fees for Walvis Bay Amendment Scheme No. 40, because the Minister of Urban and Rural Development has not yet granted approval for betterment fees for Walvis Bay Amendment Schemes No. 40 and the recovery period has subsequently lapsed.
- (3) That the the Municipal Council upholds that betterment fees for Walvis Bay Amendment Scheme No. 42 can still be recovered as the recovery notices were issued to the applicants within the period stipulated by Section 59(1)(a) of the *Urban and Regional Planning Act* (as well as the repealed Section 34(1) of the *Town Planning Ordinance 18 of 1954*).
- (4) That the betterment fees for Walvis Bay Amendment Scheme No. 42 be amended in accordance with municipal land values and the amended betterment fees be submitted to the Minister of Urban and Rural Development for approval.
- (5) That future betterment fees be submitted to the Minister of Urban and Rural Development ***simultaneously*** with the submission of amendment schemes for approval, pursuant to the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, as approved by the Minister of Urban and Rural Development on 01 June 2009.
- (6) That the Municipal Council reaffirms its decision, of the meeting held on 06 December 2011, to claim deposits in terms of Section 30(1)(u)(i) of the Local Authorities Act (Act 23 of 1992) as amended, and in accordance with Notice No. 238 of 2012 published in the Government Gazette on 01 August 2012, as a security for payment of betterment fees prior to the inclusion of a rezoning application in an Amendment Scheme.
- (7) That the Department of Finance create sundry or suspense account(s) where betterment fees can be deposited prior to the inclusion of a rezoning application into an Amendment Scheme.
- (8) That, in cases where the Minister of Urban and Rural Development does not approve the rezoning application contained in the Amendment Scheme, the Municipal Council shall refund the applicant the deposit in full.
- (9) That, in cases where the Minister of Urban and Rural Development approves a betterment fee lower or higher than the deposit paid (for the rezoning application contained in the Amendment Scheme), the Municipal Council shall refund or claim 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.
- (10) That betterment fees deposits should not be imposed in cases where objections have been received against a rezoning application prior to the inclusion of the rezoning application into an Amendment Scheme; and that in such cases, betterment fees be only recovered after the final approval has been granted by the relevant authority.

12.11 Rezoning of Erf 3566 Walvis Bay from Single Residential (1:500m²) to General Residential 2 (1:150m²) (Add. 15; M/C Meeting 18/02/2021; File 3566W)

The purpose of the report is to obtain the Municipal Council's decision on the application for the rezoning of Erf 3566 Walvis Bay from Single Residential with a density of 1 dwelling per 500m² to General Residential 2 with a density of 1 dwelling per 150m².

The applicants and registered owners of Erf 3566 Walvis Bay are Tataleni Nande Muatunga and Miina Maano Muatunga of P.O. Box 7227, Kuisebmond. The applicants have given the Power of Attorney to Stewart Planning -Town and Regional Planners to submit the application on their behalf.



Figure 1: Locality Plan of Erf 3566 Walvis Bay

Erf 3566 Walvis Bay is zoned as Single Residential with a density of 1 per 500m² in terms of the Walvis Bay Town Planning Scheme. The size of Erf 3566 Walvis Bay is 1200m².

There is a dwelling house on site as demonstrated by **Figure 2**. The surrounding land uses are predominantly residential.



Figure 2: Existing House on Erf 3566 Walvis Bay

The owners intend to develop a higher density residential development (including Accommodation Establishment) when the General Residential 2 rights are in place.

The application was advertised once a week for two consecutive weeks in the Namib Times. The first and second notices appeared on 21 August 2020 and 28 August 2020, respectively. In addition to newspapers notices, letters were sent to the neighbours via registered post to inform them about the proposed consent use.

Moreover, a notice regarding the rezoning application was placed on the site. The notice was visible to the public from 21 August 2020 to 11 September 2020. A notice was also placed at the Municipality of Walvis Bay's notice board from 21 August 2020 to 11 September 2020.

The closing date for objections was Friday, 11 September 2020. No objections against the rezoning of Erf 3566 Walvis Bay Rezoning from Single Residential to General Residential 2 were received.

Recommended:

- (1) That the Municipal Council recommends for approval the application for the rezoning of Erf 3566 Walvis Bay from "Single Residential" with a density of 1 dwelling per 500m² to "General Residential 2" with a density of 1 dwelling per 150m², 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\$23,800.00, being 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.
- (3) That the rezoning of Erf 3566 Walvis Bay be included in the next Walvis Bay Amendment Scheme to be submitted to the Minister of Urban and Rural Development for approval (provided that betterment fees have been paid, prior to the inclusion of the rezoning of Erf 3566 Walvis Bay into the next Walvis Bay Amendment Scheme).
- (4) That the imposed Betterment Fee be submitted to the Minister of Urban and Rural Development ***simultaneously*** with the submission of the Amendment Scheme 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.

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)

None.

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.

