



## **MUNICIPALITY OF WALVIS BAY**

# **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**ON WEDNESDAY  
28 APRIL 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	23 April 2021

## APRIL 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 Civic Centre Council Chambers, Walvis Bay on:-

**Wednesday 28 April 2021 at 18:00**

Yours faithfully

  
**F. !Gonteb**  
Acting Chief Executive Officer



Please address all correspondence to the 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, 30 March 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, 30 March 2021

  - Windhoek Gymnasium Private School (Curro Schools)

Tuesday, 13 April 2021

  - Presidents Links
  - Waste to Power Generation (PTY) LTD
  - Selco Investments CC
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)

None.
10. **Answers to questions of which notice has been given** (File 3/3/1/2)

Councillor E Shoji submitted a question to be answered. The question stood over from the previous Council meeting and the answer to the question will be provided to the Councillors as contemplated in Rule 20(5) of the Standing Rules of Order.

# **REPORTS OF THE MANAGEMENT COMMITTEE FOR APRIL 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 April 2021**

- 11.1 Application for acquisition of unserviced Green Valley Extension 4 (formerly known as Portion 8 of Portion 3) of Farm 37 Walvis Bay** (Add.13; M/C meeting 20/04/2021; File 17/5/3/1/1 Low Cost)

**RESOLVED:**

That the matter be referred back for a comprehensive submission and that it be resubmitted to the next meeting of the Management Committee.

# **RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE FOR APRIL 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 April 2021**

**12.1 Motion: Access to safe drinking Water and sanitation very fundamental to human dignity** (Add. 1; M/C Meeting 20/04/2021; File 3//3/1/1)

The purpose of this report or the Management Committee to consider the motion submitted by Councillor S Bikeur to the Ordinary Council meeting held on 30 March 2021.

The motion submitted to the Council and introduced at the Council meeting held on 30 March 2021 by Councillor S Bikeur, under Rule 12(1) of the Rules of Order for Local Authority Councillors, 2015.

The Council then under item 9.2 of its agenda of 30 March 2021, accepted the motion as an unopposed motion under Rule 15. As the execution of the motion may result in the revenue of the Council being affected, the motion cannot be passed by the Council and the Chairperson of Council under Rule 18 referred the motion to the Management Committee for a report to the Council.

From the motion the Councillors proposes that all outstanding water debts of the residents and public facilities be relaxed, and relief granted to the community in sympathy with these challenging times.

Council purchase water in bulk from Namwater which is the sole supplier of it on the tariff of 17.10. per cubic.

The monthly bill from the bulk supplier based on the average of current financial year to date amounts to N\$ 9,7 million and this bill had to be settled in full on monthly basis as the council does not have special arrangement with the bulk supplier in terms of payment. None payment of the above bill will result in disconnection of services and this will ultimately affect the whole town negatively.

Water being the major source of Councils revenue, followed by rates and taxes, is subsidising other non-profit making services within the council, i.e., libraries, parks, gardens etcetera

Due to the state of emergency caused by covid – 19, Councils resorts has not been operating for some time and even though these services are already running on lost, it has not generated required revenue, hence subsidised by water services. During the state of emergency, Council was required to reconnect water services to all residence of Walvis bay, such cost to date has been N\$ 1,7 million of which the amount of N\$ 1.1 million has been subsidies by the state thus far and thus the remaining amount is yet to be paid pending the claim. Also due to the state of emergency, not a single tariff including water tariff has been increased for the current financial year.

Due to most of the above reasons, councils' investments have drastically reduced by 43% percentage since March 2020 (state of emergency) to date, this since the investment has been released to subsidise operational expenses amongst others.

Average net cash inflow for current year to date (July 2020 to March 2021) amounts to 6,5 million. This being surplus funds supposed to be re-invested and or cover capital budget is not sufficient in comparison to the total capital budget of N\$35 million.

In terms of Councils credit control policy, clause 5.17 thereof state that the debt can be relaxed /written off in the following instances:

*"5.17.1 Bad debt to be written off shall be considered under the following circumstances:*

- *Where there is no or insufficient estate assets to settle the outstanding debt;*
- *Where a company is liquidated and the claims can not be recovered from any assets;*
- *Where according to available information, a debtor is untraceable;*
- *Where the costs involved in tracing the debtor or implementing debt collection efforts are not cost-efficient, e.g small outstanding amounts with high collection costs;*
- *Where notification has been received from the courts that the debt is under prescription;*
- *Where the council is not in a position to prove and/or substantiate the debt;*
- *Where, in the opinion of council, it can be proven beyond reasonable doubt that the debt is irrecoverable."*

Therefore, relaxing residents' debt as per the motion will be contradicting Council credit control policy, as not all of the outstanding debt qualifies to be relaxed in terms of the above criteria.

**RECOMMENDED:**

1. That the Municipal Council *in principle* supports the motion on access to safe drinking water and sanitation as a fundamental right to human dignity.
2. That the Municipal Council acknowledges the instruction by the Minister of Urban and Rural Development dated 20 July 2020 that all services must be provided on a cost recovery basis, taking cognisance of all the other municipal services that is subsidized from any excess income derived from water sales.
3. That the writing off of debts be done within the provisions and requirement of Council's Credit Control Policy, 2002.
4. That the Association of Local Authorities in Namibia (ALAN) as the mouthpiece for local authorities in Namibia, be requested to approach the Ministry of Urban and Rural Development and the Ministry of Agriculture, Water and Forestry for relief measures on national level for all affected consumers throughout Namibia, and that local authorities then be assisted to fund such relief measures.

12.2 **Motion that will increase the efficiency and lead to better service delivery by the employees of the Municipality of Walvis Bay** (Add. 2; m/c meeting 20/04/2021; File 2/5/5/& 3/3/1/1)

The purpose of this report is for the Management Committee to consider the motion submitted by Councillor RN Bramwell to the Ordinary Council meeting held on 30 March 2021.

The following motion was submitted to the Council and introduced at the Council meeting held on 30 March 2021 by Councillor RN Bramwell, under Rule 12(1) of the Rules of Order for Local Authority Councillors, 2015:

*"I herewith wish to propose a motion that will increase the efficiency and lead to better service delivery by the employees of the Walvis Bay Municipality.*

*The motion is:*

1. *To draw up a Strategic Plan for the WBM with ALL stakeholders giving their input (Councillors and WBM officials and staff).*



2. *To engage with the Heads of Departments to obtain their views on all facets of their Departments and see where we can assist by taking the correct decisions as Councillors.*
3. *To draw up measurable output for each department and individual positions.*
4. *To develop a formal performance management system.*
5. *To review the content and validity of each position.*
6. *To ensure employee and position fit ideally.*
7. *To develop and motivate employees to achieve their level best potential.*
8. *To contract and independent professional Industrial Phycologist to advise the Council and assist in developing the strategic plan, the review of positions and to develop a motivational plan for the employees.*
9. *To embark on critical projects to maintain the city of Walvis Bay for the future (topics: sewerage, rubbish removal and environmental aspects thereto, fresh water supply, ecology for the future).*

*Importantly, pipe dreams should be the past. We need to embark on a real result mission and vision to ensure that Walvis Bay is a city that people prefer to live in and it becomes a city of real investment. This will start with us today".*

The Council then under item 9.1 of its agenda of 30 March 2021, accepted the motion as an unopposed motion under Rule 15. As the execution of the motion may result in the expenditure of the Council being affected, the motion cannot be passed by the Council and the Chairperson of Council under Rule 18 referred the motion to the Management Committee for a report to the Council.

The 9 points of the motion has 3 distinctive elements that need to be addressed separately as it all has its own distinctive characteristics, namely:

(1) Strategic planning and correct decisions (points 1 and 2)

These 2 issues should form part of the Strategic Planning workshop and should be discussed at that forum.

(2) Human capital related issues (points 3 – 8)

Quotations to develop an HR strategic plan, to review, evaluate and fit all positions, and develop an employee motivational plan a were invited from 5 entities, and 3 responded. The average financial implication for these amount to approximately N\$ 680,000.00.

A separate exercise must also be done for the development and implementation of a formal performance management system with measurable output for departments and individuals. The cost would be approximately N\$ 300,000.00.

In both cases budgetary provision needs to be made in the 2021/2022 operational budget and the formal procurement processes must then be followed.

(3) Critical maintenance projects (point 9)

The critical maintenance projects should be discussed with the relevant heads of departments and / or at the Informal Discussions Forum, as these projects each has its own unique challenges.

**RECOMMENDED:**

1. That the Municipal Council *in principle* supports the motion to increase the efficiency and lead to better service delivery by the employees of the Municipality of Walvis Bay.
2. That the strategic issues and critical maintenance projects be discussed at the next Strategic Planning Workshop and that sufficient provision be made in the 2020/2021 operational budget for the funding of these issues, including Human Resources related consultancy services.

**12.3 Exclusion/segregation of Road Fund Administration claims from debtors and termination of interest levies (Add. 3; M/C Meeting 20/04/2021; File 5/6/2/2)**

The purpose of this report is to obtain Council approval to segregate Road Fund Administration (RFA) claims from Council's debtors age analysis and to seize interest levies on it.

Council on annual basis budgets expenditure for the maintenance of road infrastructure. As per the agreement with RFA, the actual expenditure so incurred are claimed from RFA budget on quarterly and or bi-annual basis.

It used to be and it is still the practice at this Council that such claim be brought onto Councils' accounting records as debtors until the claim so made is settled by RFA. Once such debtor account has been created, the system automatically levies interest on outstanding amount.

Due to its' budget limitations, RFA does not settle 100% of the claim, however to the limitations of its budget. As a result of that, a certain portion of the amount so claimed remains outstanding as accounts receivable and the outstanding amount attracts interest on monthly basis.

Councils' practice of creating a debtor account for claims made are different from Swakopmund Municipality as an example who does not do so, as they accept the amount so reimbursed by RFA, hence no outstanding debtor account emanating from such claims.

As on the date of this addendum, the total debtor account on Councils' accounting records amounts to N\$147,534,695.01, made up of capital unpaid portion of the claim and interest on it of N\$ 132,534,695.01 and ± N\$15, 250,000,00 respectively.

Some time ago in 2018, informal presentation was made by senior officials of RFA to the previous Council, confirming that Council will not recover these amounts from them, citing reasons as previously mentioned including the interest on it.

The outstanding amount is disclosed under current assets section of Councils' balance sheet and since there are no chances of recoveries, it results in overstatement of assets on Councils' Annual Financial Statements, hence the request.

**RECOMMENDED:**

1. That Road Fund Administration claims made by the Municipality of Walvis Bay, not be created as a debtor and journalized to Councils' debtor accounts but be excluded and segregated from the debtor accounts.
2. That that the current outstanding amount be separated from Council's debtors accounts.

3. That the current amount created as a debtor account, including all interest thereon, be reversed.

**12.4 Exemption of interest levies on councils' owned residential properties** (Add. 4; M/C Meeting 20/04/2021; File 16/1/1/12/3)

The purpose of the report is to request for permission to stop the charging of interest charges on all Councils' residential properties being leased for residential purposes. Since 2017, Council installed over 1283 prepaid meters in Kuisebmond and Naraville, mostly on Councils' residential properties such as Tutaleni and Old Hostel (erf 218K). This was done as per the Council resolution below.

As per Council meeting held on 24 April 2019, Council resolved as follows:

*"11.1, (1) That Council takes note of the following debt collection strategies in place:*

- (i) The customer has to settle his/her 30 days old account up to date before pre-paid water is sold to him/her.*
- (ii) 50% of each pre-prepaid water purchase is allocated to customer's outstanding debt.*
- (2) That installation of pre-paid water meter at Council's owned rental properties be compulsory, however a choice given to other Low Cost Housing units not owned by Council.*
- (3) That pre-paid water installation be expanded to other Low Cost Housing areas not owned by Council and to properties with arrear accounts."*

As per Council meeting held on 27 March 2018, Council resolved as follows:

*"12.2, (1) That the Municipal Council takes note that the current pilot project was successfully implemented and that there is a demand to extend and continue with the project in the other areas.*

- (2) That the total estimate of 2000 pre-paid water meters are needed for the following areas: Tutaleni (951), New Hostel Erf 218 Kuisebmond (679), Erf 322 Narraville (11), Erf 324 Narraville (10), Erf 218 Narraville (5), Old Single Quarters (231) and Kuisebmond Centre (102).*
- (3) That the project be gradually implemented and continue to be budgeted for under vote B641/5099/0000 (Pre-paid Water Meter System).*
- (4) That, for the project to continue in the current financial year an additional 1000 pre-paid water meters are required to be installed, starting in the Tutaleni area.*
- (5) That a saving of N\$1,500,000.00 from vote B641/9815/0000 (Mile 7 Reservoir) and N\$500,000.00 from vote B612/0000/0000 (Upgrade) be transferred to vote B641/5099/0000 (Pre-paid Water Meter System) to finance the procurement of these pre-paid water meters.*
- (6) That it be noted that the extension of the pilot to a full scale implementation of the pre-paid water meter system, requires that an additional Meter Technician at the Water Section, and such position be created and budgeted for the 2018/2019 financial year to ensure satisfactory service delivery.*

- (7) *That it be noted that the Public Procurement Act, 2015 (Act No. 15 of 2015), will be used to acquire/procure the additional pre-paid water units/system from qualifying suppliers."*

**RECOMMENDED:**

1. That the Municipal Council ceases to levy interest on all the Councils' owned residential properties currently being leased out for residential purposes, with effect from 1 May 2021.
2. That the installation of pre-paid water meters as per Council resolution item 11.1 adopted on 24 April 2019, be implemented first for the from highest to the lowest debt.

**12.5 Subdivision, consolidation and rezoning of various erven and portions**  
(Add. 5; M/C Meeting 20/04/2021; File 15/2/5)

The purpose of the report is to obtain the Municipal Council's recommendation for the approval of various town planning applications that were approved under delegated authority but have been referred back by the Urban and Regional Planning Board to obtain the Municipal Council's recommendation.

The Municipal Council has delegated the approval of subdivision, consolidation and some rezoning applications to the Town Planner in accordance with *Delegation of Powers and Assignment of Duties and Responsibilities* dated April 2013. However, Section 128(4) of the Urban and Regional Planning Act (that commenced on 03 September 2020) states that a local authority may not delegate or assign a power or duty to determine applications. It is for this reason that the applications that were recommended for approval by the Town Planner to the Urban and Regional Planning Board (the Board) were referred back to the applicants upon the commencement of the above Act.

Section 128(4) of the Urban and Regional Planning Act is still questionable in the sense that in legal use, determination usually implies the rendering of a final decision. So far, a local authority that is not an Authorised Planning Agency like Walvis Bay "cannot determine applications". That is, it cannot make final decisions, but just "recommendations". Hence, delegation is not applicable in this instance, because the local authority does not have power to "determine applications" and subsequently to delegate. Nevertheless, and for the sake of progress, the Town Planning Section will now be referring all planning applications to the Municipal Council for recommendations.

All applications that form part of this report were submitted by Stewart Planning and the owners have given Stewart Planning Power of Attorneys to submit the applications on their behalf. The applications have previously been recommended for approval to the Board by the Town Planner in terms of *Delegation of Powers and Assignment of Duties and Responsibilities*. However, they now require the Municipal Council's recommendations (as per the Board's requirements).

The subdivision applications are as follows:

- (a) Subdivision of Erf 183 Meersig into Portion A and Remainder,
- (b) Subdivision of Erf 682 Meersig into Portion A and Remainder,
- (c) Subdivision of Erf 3938 Narraville (a Portion of Erf 2115 Narraville) Extension 1 into Portions A and B, and Remainder,
- (d) Subdivision of Consolidated Erf 1597 Walvis Bay into Portion X and Remainder,
- (e) Subdivision of Erf 2001 Walvis Bay Extension 5 into Portion H and Remainder,
- (f) Subdivision of Erf 2002 Walvis Bay Extension 5 into Portion G and Remainder,

- (g) Subdivision of Erf 2004 Walvis Bay Extension 5 into Portion F and Remainder,
- (h) Subdivision of Erf 2005 Walvis Bay Extension 5 into Portion L and Remainder,
- (i) Subdivision of Remainder Erf 2009 Walvis Bay Extension 5 into Portions A to E and Remainder,
- (j) Subdivision of Erf 4605 Walvis Bay Extension 5 into Portions J, K and Remainder,
- (k) Subdivision of Erf 5238 Walvis Bay Extension 14 into Portion A and Remainder,
- (l) Subdivision of Erf 2184 Kuisebmond into 33 Portions and Remainder,
- (m) Subdivision of Remainder Portion 72 Walvis Bay Town and Townlands No.1 (Johannes Nampala Street) into Portion M and Remainder and
- (n) Subdivision of Remainder Portion 188 Walvis Bay Town and Townlands No.1 into Portion A and Remainder.

The consolidation applications are as follows:

- (a) Consolidation of Portions A (a Portion of Remainder Erf 2009 Walvis Bay Extension 5), L (a Portion of Erf 2005 Walvis Bay Extension 5), M (a Portion of Portion 72 Walvis Bay Town and Townlands No. 1) and X (a Portion of Erf 1597 Walvis Bay Extension 5) into New Portion N, as generally shown on sketch plan 2009WB/CP dated 1 August 2019,
- (b) Consolidation of Portions D (a Portion of Remainder Erf 2009 Walvis Bay Extension 5), J (Portion of Erf 4605 Walvis Bay Extension 5), G (a Portion of Erf 2002 Walvis Bay Extension 5) and Remainder Erf 2001 Walvis Bay into New Portion Q, as generally shown on sketch plan 2009WB/CP dated 1 August 2019,
- (c) Consolidation of Portion B (a Portion of Remainder Erf 2009 Walvis Bay Extension 5), Remainder Erf 2004 Walvis Bay Extension 5 and Remainder Erf 2005 Walvis Bay Extension 5 into New Portion O, as generally shown on sketch plan 2009WB/CP dated 1 August 2019,
- (d) Consolidation of Remainder Erf 2009 Walvis Bay Extension 5 and Remainder Erf 4605 Walvis Bay Extension 5 into New Portion P, as generally shown on sketch plan 2009WB/CP dated 1 August 2019, and
- (e) Consolidation of Erven 5391 and 5392 Walvis Bay Extension 18 into Consolidated Portion X, as generally shown on sketch plan 5391WB/CP dated 18 November 2020.

There is only one rezoning application, being the rezoning of Erven 5391 and 5392 Walvis Bay from "Single Residential" (1:300m<sup>2</sup>) to "General Residential 2" (1:250m<sup>2</sup>).

Public Notification was conducted, in the case of all rezoning applications; applications that involve a portion of the Street or Public Open Space; and some subdivision applications that were lodged after the commencement of the Urban and Regional Planning Act. However, public notification was not required for some of the consolidation and subdivision applications that were lodged prior to the commencement of the prior to the commencement of the Urban and Regional Planning Act.

**RECOMMENDED:**

1. That in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*, the application for the rezoning of Erven 5391 and 5392 Walvis Bay from "Single Residential" with a density of 1 dwelling per 300m<sup>2</sup> to "General Residential 2" with a density of 1 dwelling per 250m<sup>2</sup> be recommended for approval to the Urban and Regional Planning Board, subject to the following conditions:

- (a) That the applicant pays a betterment fee deposit of N\$27,400.00, being 20% of the increase in value of the rezoned property after obtaining the Environmental Clearance Certificate, but 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.
  - (b) That the rezoning of Erven 5391 and 5392 Walvis Bay Extension 18 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 Erven 5391 and 5393 Walvis Bay Extension 18 into the next Walvis Bay Amendment Scheme).
  - (c) That, in case the Minister of Urban and Rural Development approves a betterment fee lower or higher than the deposit paid, the Municipal Council shall refund the applicant or claim from the applicant 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.
  - (d) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the *Urban and Regional Planning Act (Act No. 5 of 2018)*, therefore still apply.
2. That, in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018), the following applications for the subdivision be recommended to the Urban and Regional Planning Board for approval, as generally shown by the sketch plans that bear the approval stamp of the Municipal Council:
- (a) Subdivision of Erf 183 Meersig into Portion A and Remainder, as generally shown on sketch plan 183M/SP dated 18 November 2020.
  - (b) Subdivision of Erf 682 Meersig into Portion A and Remainder as generally shown on sketch plan 682M/SP dated 18 May 2020.
  - (c) Subdivision of Erf 3938 Narraville (a Portion of Erf 2115 Narraville) Extension 1 into Portions A and B, and Remainder, as generally shown on sketch plan 3938N/SP dated 26 October 2020.
  - (d) Subdivision of Consolidated Erf 1597 Walvis Bay Extension 5 into Portion X and Remainder (Street), as generally shown on sketch plan 2009WB/SP dated 1 August 2019.
  - (e) Subdivision of Erf 2001 Walvis Bay Extension 5 into Portion H and Remainder, as generally shown on sketch plan 2009WB/SP dated 1 August 2019,
  - (f) Subdivision of Erf 2002 Walvis Bay Extension 5 into Portion G and Remainder, as generally shown on sketch plan 2009WB/SP dated 1 August 2019.
  - (g) Subdivision of Erf 2004 Walvis Bay Extension 5 into Portion F and Remainder 2004, as generally shown on sketch plan 2009WB/SP dated 1 August 2019.
  - (h) Subdivision of Erf 2005 Walvis Bay Extension 5 into Portion L and Remainder, as generally shown on sketch plan 2009WB/SP dated 1 August 2019.

- (i) Subdivision of Remainder Erf 2009 Walvis Bay Extension 5 into Portions A to E and Remainder, as generally shown on sketch plan 2009WB/SP dated 1 August 2019.
  - (j) Subdivision of Erf 4605 Walvis Bay Extension 5 into Portions J, K and Remainder, as generally shown on sketch plan 2009WB/SP dated 1 August 2019.
  - (k) Subdivision of Erf 5238 Walvis Bay Extension 14 into Portion A and Remainder (Public Open Space), as generally shown on sketch plan 5238WB/SP dated 6 May 2020.
  - (l) Subdivision of Erf 2184 Kuisebmond into 33 Portions and Remainder (Street), as generally shown on sketch plan 2184K/SP dated 24 July 2020.
  - (m) Subdivision of Remainder Portion 72 Walvis Bay Town and Town Lands No.1 (Johannes Nampala Street) into Portion M and Remainder (Street), as generally shown on sketch plan 2009WB/SP dated 1 August 2019.
  - (n) Subdivision of Remainder Portion 188 Walvis Bay Town and Townlands No.1 into Portion A and Remainder, as generally shown on sketch plan PTN188/SP dated 15 April 2021.
3. That, in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018), the following applications for consolidation be recommended to the Urban and Regional Planning Board for approval, as generally shown by the sketch plans that bear the approval stamp of the Municipal Council:
- (a) Consolidation of Portions A (a Portion of Remainder Erf 2009 Walvis Bay Extension 5), L (a Portion of Erf 2005 Walvis Bay Extension 5), M (a Portion of Portion 72 Walvis Bay Town and Townlands No. 1) and X (a Portion of Erf 1597 Walvis Bay Extension 5) into New Portion N, as generally shown on sketch plan 2009WB/CP dated 1 August 2019.
  - (b) Consolidation of Portion B (a Portion of Remainder Erf 2009 Walvis Bay Extension 5), Remainder Erf 2004 Walvis Bay Extension 5 and Remainder Erf 2005 Walvis Bay Extension 5 into New Portion O, as generally shown on sketch plan 2009WB/CP dated 1 August 2019.
  - (c) Consolidation of Remainder Erf 2009 Walvis Bay Extension 5 and Remainder Erf 4605 Walvis Bay Extension 5 into New Portion P, as generally shown on sketch plan dated 1 August 2019.
  - (d) Consolidation of Portions D (a Portion of Remainder Erf 2009 Walvis Bay Extension 5), J (Portion of Erf 4605 Walvis Bay Extension 5), G (a Portion of Erf 2002 Walvis Bay Extension 5) and Remainder Erf 2001 Walvis Bay into New Portion Q, as generally shown on sketch plan 2009WB/CP dated 1 August 2019.
  - (e) Consolidation of Erven 5391 and 5392 Walvis Bay Extension 18 into Consolidated Portion X, as generally shown on sketch plan 5391WB/CP dated 18 November 2020.
4. That the consolidation and subdivision applications be subject to the following conditions:

- (a) That the following conditions be registered against the erven created through subdivision and consolidation in favour of the Municipal Council:
    - (i) 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 subjected to, the provision 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).
    - (ii) With the exception of the erven created through the subdivision of Erf 2184 Kuisebmond, Erf 5238 Walvis Bay Extension 14 and Remainder Portion 188 Walvis Bay Town and Townlands No.1, 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.
  - (b) That the erven created through subdivision and consolidation be provided with one electricity, water and sewerage connection.
  - (c) That the applicants shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the erven created through subdivision and consolidation.
  - (d) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicants.
  - (e) That the applicants shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the erven created through subdivision and consolidation.
  - (f) That the applicants shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
  - (g) That the applicants shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
  - (h) That the Municipal Council shall not be responsible to provide drainage connection to the erven created through subdivision or consolidation.
  - (i) That the applicants 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.
  - (j) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plans which bear the Municipal Council's stamp of approval.
  - (k) That Stewart Town Planning CC be delegated to lodge subdivision, consolidation and rezoning applications with the Urban and Regional Planning Board.
5. That the applicants for the following subdivisions pay 7.5% Endowment Fee against the new portions created in accordance with Sections 66 and 90 of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, prior to the transfer or registration of the new portions created:
- (a) Subdivision of Erf 183 Meersig into Portion A and Remainder; and



- (b) Subdivision of Erf 3938 Narraville (a Portion of Erf 2115 Narraville) Extension 1 into Portions A and B, and Remainder.
6. That the sewer line on the consolidated New Portion N, be relocated at the cost of the applicant and to the satisfaction of the General Manager: Water, Waste and Environmental Management.
  7. That it be noted that the Minister of Urban and Rural Development has approved the application to subdivide Erf 3938 Narraville Extension 1 (a Portion of Erf 2115 Narraville Extension 1) into erven less than 300m<sup>2</sup>, in accordance with the National Housing Policy 2009.
  8. That it be noted that the Environmental Commissioner has exempted the subdivision of Erf 2184 Kuisebmond into 33 Portions and Remainder (Street) from undergoing the environmental assessment process as shown by Annexure E to the agenda of the Management Committee.
  9. That all the costs regarding the above applications be borne by the applicants.

12.6 **Narraville Extensions 12 and 14: Installation of bulk infrastructure and sharing of costs** (Add.6; m/c meeting 20/04/2021; file Narraville Ext 12 &14)

To present the proposal of the Developer/Owner of Narraville Extensions 12 and 14, Amko Investments Four CC, previously referred to as Extreme Customs (Pty) Ltd. for Council to contribute towards the costs of constructing some bordering / adjacent municipal services infrastructure (water, sewer and roads).

A submission regarding this matter was previously submitted to MC, but on 18 February 2021 it was resolved that the matter be referred back for informal discussions.

The matter was subsequently discussed at Informal discussions held on 2 March 2021. Mr Bruce Stewart (Stewart Town Planning) and Mr Jan Everson (Seal Consulting Engineers) represented the Developer and explained that the Developer is seeking Council's commitment in the sharing of costs for "bulk" or "adjacent/related" infrastructure services, not directly attributable to the development of their two blocks only.

The history of the development is as follows:

Council, at its meeting held on 1 July 2014, resolved, amongst others, the following in relation to Narraville Extensions 12 and 14:

- (a) That approximately 389,882 m<sup>2</sup> of unsurveyed/unserviced land in Extensions 12 and 14 (Portville) of the Remainder Farm Wanderdünen No. 23 in Narraville, be sold to the Developer for N\$ 1,949,410.00 (N\$5.00/m<sup>2</sup>).
- (b) That, after all approvals have been obtained, the agreement of sale be signed and a 10% deposit (N\$ 194,941.00) of the purchase price be paid on the date of sale and the balance (N\$ 1,754,469.00) be secured by an acceptable bank guarantee within twenty-one (21) days from the date of sale.
- (c) That the Developer contributes to the actual cost in the provision of bulk services.
- (d) That the Developer further contributes N\$194,941 towards landscaping and establishment of a green belt.
- (e) That the Developer shall commence with the development within twenty-four (24) months from the date of transfer in the Deeds Office, and that such development be completed within thirty-six (36) months from such date of transfer. Failure to comply would result in the undeveloped erf/erven reverting to Council at the cost of the applicant.

On 24 March 2020 Council resolved to change the name of the Developer from Extreme Customs (Pty) Ltd. to Amko Investments Four CC.

The following should be noted:

- (a) The Developer has paid the 10% deposit, but the Sales Agreement has not been signed. The uncertainty regarding bulk cost contributions has delayed this process.
- (b) The balance of N\$ 1,754,469.00 is therefore still outstanding and is payable upon signing of the sales agreement.
- (c) The transfer of the land into the Developer's name will only be finalised once the sales agreement has been signed.
- (d) The Developer's contribution of N\$ 194,941.00 towards landscaping and establishment of a green belt is still outstanding and to be paid.
- (e) The township establishment layout was approved by Council in 2016 and by the Townships Board in December 2019. The block erven were registered in 2020.
- (f) The extension of time for the establishment of Narraville Extensions 12 and 14 was granted by the Minister of Urban and Regional Planning on 23 March 2021.
- (g) The extensions are yet to be surveyed. The developer's intention is to do earthworks first before surveying.
- (h) The number of erven and associated zonings or reservations in Narraville Extensions 12 and 14 are outlined by the table below:

<b>Zoning / Reservation</b>	<b>Narraville Ext. 12 No. of Erven</b>	<b>Narraville Ext. 14 No. of Erven</b>
Single Residential	312	362
General Residential (1:100)	2	6
Institutional	1	
General Business	26	0
Public Open Space	6	7
<b>TOTAL</b>	<b>347</b>	<b>375</b>

The Developer has since proceeded with designs for township services for the two blocks as well as a surfaced road which will connect the two extensions to the already developed Narraville Extension 7 in the south. It should be noted that the development of blocks between Narraville Ext 7 and this area has been delayed due to a pledge of four blocks for the PPP pilot project of Government and a delay in constructing services in Narraville Ext 8 due to a possible exchange of the block with the NHE for KS Ext 8 (Otweya).

Before signing the Sales Agreement, the Developer is requesting Council's involvement *"in the development of and sharing costs for bulk services that will benefit future developments in-between the existing Narraville area and the area allocated to them, an approximate 1.6-kilometre gap"*.

With most other private land developments, the infrastructure of Council, to which such developer can connect, is nearby. In this specific case, as explained in 2.3 above, and as can be noted from the locality plan, it is not the case and the development is isolated. It would be unfair to expect the developer to pay 100% for costs to be incurred for infrastructure that will also be used in future by other developments.

In negotiations with the Developer and his team, principle agreement was reached on how to fairly distribute these "fringe infrastructure" costs between them and Council. Council will be able to recover certain portions of its contributions from future developments in the area – either from private developers or if done in-house.

Preliminary cost estimates (inclusive of design and construction) as received from the Developer for the shared services, indicate a total Council contribution of around N\$12 million. The developer will be expected to contribute towards the already constructed pump station to serve the area.

It should however be noted that this amount is based on preliminary estimates only and the actual cost will only be determined once a Contractor is appointed to execute the works.

**RECOMMENDED:**

1. That the Municipal Council takes note of the future planned developments of the extensions around Narraville Extension 12 and 14, but which will probably only commence at a later stage than Narraville Extension 12 and 14 and that this situation impacts negatively on the infrastructure development costs to be incurred by the owner of Narraville Extensions 12 and 14, who is keen to proceed with its development.
2. That the Municipal Council agrees *in principle* to the request from the developer to contribute towards the cost of constructing infrastructure services feeding towards- and located on the fringes of Narraville Ext. 12 and 14 from which future developments will also benefit and that this be done on a percentage basis as indicated on Annexures B, C and D to the agenda to the Management Committee.
3. That the developer also contributes to the actual cost of the design and construction of the sewer pump station and rising main in Narraville Extension 15, as per Council resolution of 24 June 2019, and that this contribution be based on the calculated percentage use of various blocks around the pump station as to be determined by the Department of Water, Wastewater and Environmental Management.
4. That a more accurate breakdown of the construction costs and Council's contributions vs. the developer's contributions towards the sewage pump station and possible other bulk infrastructure still being planned, be submitted to Council for final consideration once bid prices have been received for the development.

**12.7 Subdivision of erf 4172 Walvis Bay (Walvis Bay Extension 10) into new erf A and Remainder Erf 4172 Walvis Bay (Add.7; M/C meeting 20/04/2021; File 4172/W)**

The purpose of the report is to obtain the Municipal Council's recommendation on the application for the subdivision of Erf 4172 Walvis Bay (Walvis Bay Extension 10) into New Erf A and Remainder Erf 4172 Walvis Bay (Walvis Bay Extension 10).

The applicant is Pro Vision Planning & Design CC and the registered owner of Erf 4172 Walvis Bay is Mr Hubert Randolph Jones of P.O. Box 8337, Walvis Bay. The applicant has given the Power of Attorney to Pro Vision Planning & Design CC to submit the application on his behalf.

Erf 4172 Walvis Bay is situated at the corner of Tecomaria Street and Protea Street (Fairways Estate).

Erf 4172 Walvis Bay is zoned as Single Residential with a density of 1 per 300m<sup>2</sup> in terms of the Walvis Bay Town Planning (Zoning) Scheme.

The usual "Single Residential" conditions - no restrictions. The size of Erf 4172 Walvis Bay is 884m<sup>2</sup>.

The site is occupied by a main dwelling and an outbuilding comprising of a garage and a dwelling unit.

The relevant neighbours have been contacted for objections. The period for objections expired on 29 December 2020 during which time no objections were received.

The application is for the subdivision of Erf 4172 Walvis Bay (Extension 10) into New Erf A and Remainder Erf 4172 Walvis Bay (Walvis Bay Extension 10). 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	12.2.4 - Densities ranging from 1 per 300m <sup>2</sup> are allowed on Single Residential erven.	<u>Conforms:</u> The subdivision application does not propose any change in the density zoning. Nevertheless, the density zoning for Erf 4172 is 1 per 300m <sup>2</sup> .
Min. Erf Size	12.2.5.1 - The minimum erf size for Single Residential in the area where Erf 4172 Walvis Bay is located is 300m <sup>2</sup> .  12.2.5.2 & 35.2 – No residential erf shall be smaller than 300m <sup>2</sup> .	<u>Conforms:</u> The proposal is to subdivide Erf 4172 Walvis Bay into New Erf A and Remainder Erf 4172 Walvis Bay. New Erf A will be 421m <sup>2</sup> , while Remainder Erf 4172 Walvis Bay will be 463m <sup>2</sup> , which are both well above the permissible minimum erf size of 300m <sup>2</sup> . Therefore, the minimum erf size for New Erf A complies with the Town Planning Scheme.
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 (Act No. 5 of 2015) prior to the registration of the new portions.	<u>Will Conform:</u> The property owners will be required to pay the Endowment Fees after the Urban and Regional Planning Board has granted approval to the subdivision application, but prior to the registration of the new property (New Erf A).  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.”

#### **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 4172 Walvis Bay (Walvis Bay Extension 10) into New Erf A and Remainder Erf 4172 Walvis Bay (Walvis Bay Extension 10) be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan WAL/4172 dated 15 February 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 the newly created portion be provided with one electricity, water and sewerage connection.
  - 5. That the applicants shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf.
  - 6. That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
  - 7. That the applicants shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the newly created portion.
  - 8. That the applicants shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
  - 9. That the applicants shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
  - 10. That the applicants 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/owner pay a 7.5% Endowment Fee for New Erf A, 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 New Erf A.
  - 13. That all costs regarding the above be borne by the owner (applicant).
- 12.8 **Subdivision of Erf 8398 Kuisebmond (Extension) into Portions 1 to 5 and Remainder** (Add.8; M/C meeting 20/04/2021; File 8398W)

The purpose of the report is to obtain the Municipal Council's decision on the application for the subdivision of Erf 8398 Kuisebmond (Extension 11) into new Portions 1 to 5 and Remainder.

The applicant and registered owners of Erf 8398 Kuisebmond (Extension 11) Omundu Investment Trust. of P.O. Box 2539, Swakopmund. The applicant has given the Power of Attorney to Stewart Planning Town and Regional Planning to submit the application on his/her behalf.

Erf 8398 Kuisebmond (Extension 11) is situated along Mateus Kayele, and Onesmus Onesmus Street, as illustrated in **Figure 1**.



**Figure 1. Locality Plan of Erf 8398 Kuisebmond (Extension 11)**

Erf 8398 Kuisebmond (Extension 11) is zoned as General Residential 1 with a density of 1 per 150m<sup>2</sup> in terms of the Walvis Bay Town Planning Scheme. The usual "General Residential 1" conditions - no restrictions. The size of Erf 8398 is 2097m<sup>2</sup>.

The site is vacant as seen in **Figure 1**. The relevant neighbours have been contacted for objections. The period for objections expired on 16 March 2021 during which time no objections were received.

The application has been considered from a Town Planning point of view as follows:

- There are enough remaining General Residential 1 erven within Extension 11 and surrounding extensions.
- The subdivision will create more smaller residential erven, of which there is a demand.
- The subdivision will generate income to Council.
- Only one electrical connection is permitted per erf. All costs involved to upgrade/supply electrical connection shall be for the account of the developer/owner.
- Sufficient access will be created.
- New services required and connecting to existing networks for owner's account.
- The proposed subdivision will not negatively influence the amenity of the residential area.

#### **RECOMMENDED:**

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

1. That, in terms of Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), the application for the subdivision of Erf 8398 Kuisebmond (Extension 11) into new Portions 1 to 5 and Remainder Erf 8398 Kuisebmond (Extension 11) be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 8398K/SP dated 1 March 2021, which bears the approval stamp of the Municipal Council.
2. That the subdivision will be as follows:

Portion 1:	390 m <sup>2</sup>
Portion 2:	349 m <sup>2</sup>
Portion 3:	309 m <sup>2</sup>
Portion 4:	309 m <sup>2</sup>
Portion 5:	350 m <sup>2</sup>
Remainder Erf 8398 Kuisebmond (Extension 11):	390 m <sup>2</sup>
3. That each of the newly created portions be provided with one electricity, water and sewerage connection on the applicant's cost.
4. That the applicant shall be responsible for and make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including accesses to the newly created Erven.
5. That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
6. 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 newly created portion.
7. That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
8. That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
9. 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.
10. 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)*.
11. That a 7.5% Endowment Fee be imposed against all New Erven, in terms of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, to be paid within a period of 90 calendar days after the date of publication in the Government Gazette.
12. That the following conditions be registered against the portions created:
  - (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 Kuisebmond (Extension 11) 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.

13. That all costs regarding the above be borne by the applicant/developer.

**12.9 Subdivision of Erf 8397 Kuisebmond (Extension 11) onto Portions 1 to 7 and Remainder** (Add.9; M/C meeting 20/04/2021; File 8397K)

The purpose of the report is to obtain the Municipal Council's recommendation on the application for the subdivision of Erf 8397 Kuisebmond (Extension 11) into new Portions 1 to 7 and Remainder.

The applicant and registered owner of Erf 8397 Kuisebmond (Extension 11) Omundu Investment Trust of P.O. Box 2539, Swakopmund. The applicant has given the Power of Attorney to Stewart Planning Town and Regional Planning to submit the application.

Erf 8397 Kuisebmond (Extension 11) is situated along Mateus Kayele, Samuel Maharero & Onesmus Onesmus Streets, as illustrated in **Figure 1**.



**Figure 1. Locality Plan of Erf 8391 Kuisebmond (Extension 11)**

Erf 8397 Kuisebmond (Extension 11) is zoned as General Residential 1 with a density of 1 per 150m<sup>2</sup> in terms of the Walvis Bay Town Planning Scheme.

The usual "General Residential 1" conditions – no restrictions. The size of Erf 8397 is 2388m<sup>2</sup>.

The relevant neighbours have been contacted for objections. The period for objections expired on 16 March 2021 during which time no objections were received.

The application has been considered from a Town Planning point of view as follows:

- There are enough remaining General Residential 1 erven within Extension 11 and surrounding extensions.
- The subdivision will create more smaller residential erven, of which there is a demand.
- The subdivision will generate income to Council.



- Only one electrical connection is permitted per erf. All costs involved to upgrade/supply electrical connection shall be for the account of the developer/owner.
- Sufficient access will be created.
- New services required and connecting to existing networks for owner's account.
- The proposed subdivision will not negatively influence the amenity of the residential area.

**RECOMMENDED:**

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

1. That, in terms of Section 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the application for the subdivision of Erf 8397 Kuisebmond (Extension 11) into Portions 1 to 7 and Remainder Erf 8397 Kuisebmond (Extension 11) be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 8397K/SP dated 1 March 2021, which bears the approval stamp of the Municipal Council.
2. The subdivision will be as follows:

Erf 8397 Kuisebmond (Extension 11):	2388 m <sup>2</sup>
Portion 1:	290 m <sup>2</sup>
Portion 2:	300 m <sup>2</sup>
Portion 3:	300 m <sup>2</sup>
Portion 4:	300 m <sup>2</sup>
Portion 5:	300 m <sup>2</sup>
Portion 6:	300 m <sup>2</sup>
Portion 7:	300 m <sup>2</sup>
Remainder Erf 8397 Kuisebmond (Extension 11):	298 m <sup>2</sup>
3. That each of the newly created portions be provided with one electricity, water and sewerage connection on the applicant's cost.
4. That the applicant shall be responsible for and make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including accesses to the newly created Erven.
5. That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
6. 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 newly created portion.
7. That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
8. That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
9. That it should be noted that the Minister of Urban and Rural Development has approved the subdivision of Erf 8397 Kuisebmond (Extension 11) into erven less than 300m<sup>2</sup>, in accordance with the National Housing Policy 2009.

10. 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.
  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 a 7.5% Endowment Fee be imposed against all New Erven, in terms of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, to be paid within a period of 90 calendar days after the date of publication in the Government Gazette).
  13. That the applicants obtain the approval of the Minister of Urban and Rural Development for the subdivision of Erf 8397 Kuisebmond Extension 11 into erven less 300m<sup>2</sup>, in accordance with the National Housing Policy 2009, prior to the submission of the subdivision application to the Urban and Regional Planning Board.
  14. That the following conditions be registered against the portions created:
    - (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 Kuisebmond (Extension 11) 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.
  15. That all costs regarding the above be borne by the applicant/developer.
- 12.10 **Transfer of funds between Capital Budget votes for the construction of the Kuisebmond-TR0201 (B2) intersection** (Add.10; M/C meeting 20/04/2021; File 8/26/4)

To request approval from Council for the transfer of funds between capital votes in the 2020/2021 budget to be utilised for expenses related to the construction of the new intersection connecting Kuisebmond to Truck Road 2 (also referred to as B2).

D&P Engineers and Environmental Consultants CC (hereinafter called the "Consultant") were appointed in July 2019 for the design and supervision of the new Kuisebmond-TR0201 (B2) intersection for a contract amount of N\$ 278,875 (incl. VAT).

Namibia Construction (Pty) Ltd (hereinafter called the "Contractor") were later appointed in October 2020 for the construction works for a contract amount of N\$ 5,224,979.23 (incl. VAT).

Both these contractual expenses are financed from Vote B562/9917/0000 (Access from Kuisebmond to MR B2), under which provision was made for an amount of N\$ 4,882,625.00 in the 2020/2021 capital budget.

It must however be noted that the budgeting process for the 2020/2021 financial year was concluded prior to the submission of construction bids, which was on 13 August 2020. It is for this reason that insufficient funds were budgeted for this project.

Below is a summary of the payments made from Vote B562/9917/0000 in the 2020/2021 financial year, inclusive of retention, to date.

<b>Description</b>	<b>Amount, incl. VAT (N\$)</b>
Budgeted Amount	4,882,625
/less Claim No. 2 (D&P Engineers)	62,500
/less Claim No. 3 (D&P Engineers)	20,500
/less Payment certificate No. 1 (Namibia Construction)	410,770
/less Payment certificate No. 2 (Namibia Construction)	887,974
/less Payment certificate No. 3 (Namibia Construction)	1,855,350
<b>Funds currently available on Vote B562/9917/0000</b>	<b>1,645,532</b>

The new intersection was opened to traffic on 31 March 2021. The final claim and payment certificate, from the Consultant and Contractor respectively, are still pending and are expected to be received before the end of April 2021.

The outstanding contractual expenditures for the consulting and construction works, based on the contractual amounts, are N\$ 20,500.00 and N\$ 3,000,000.00 (approximately) respectively – i.e. a total of N\$ 2,740,543.35 (incl. VAT).

The anticipated shortfall on the contractual expenditure is presented in the table below.

<b>Description</b>	<b>Amount, incl. VAT (N\$)</b>
<b>Funds currently available on Vote B562/9917/0000</b>	<b>1,645,532</b>
/less Outstanding payments due to Consultant	20,500
/less Outstanding payments due to Contractor	3,000,000
<b>Anticipated shortfall on Vote B562/9917/0000</b>	<b>(1,374,968)</b>

#### **RECOMMENDED:**

That approval be granted for the transfer of an amount of N\$ 1,374,968.00 from Vote C800/9952/0000 (Farm 37: Roads & Earthworks) where N\$ 50,945,664.00 is available and will not be utilised during the 2020/2021 financial year to Vote B562/9917/0000 (Access from Kuisebmond to MR B2) to cover outstanding contractual expenditure and any possible variations thereof.

#### **12.11 Transfer of funds between Capital Budget votes for the resealing of streets and sidewalks** (Add.11; M/C meeting 20/04/2021; File 8/26/3)

To request approval from Council for the transfer of funds between capital votes in the 2020/2021 budget to be utilised for the resealing of streets.

Walvis Bay has an aging roads infrastructure and a strategy to preserve the pavement life and rehabilitate sections of some existing roads is currently being implemented.

As observed during the recent rains, water standing on the roads for prolonged periods results in immediate damage to the road surface.

Application of slurry seals prevents the ingress of water into the underlying layers, thereby prolonging the lifespan of the road infrastructure.

Three (3) Contractors were appointed on 15 March 2021 for the resealing of streets and sidewalks, contract details of which are presented in the table below.

<b>Contractor</b>	<b>Original Contract Amount, incl. VAT (N\$)</b>
Somseb Trading Enterprises CC	1,645,362
Ghaba Investment CC	1,737,478
Ndume Trading CC	1,654,850
<b>Combined Total Contract Amount</b>	<b>5,037,690</b>

It must be noted that all road related expenditure paid from capital votes are inclusive of Value Added Tax (VAT) which cannot be claimed back from Inland Revenue and as such, all amounts referred to in this submission will be inclusive of VAT.

Provision for the resealing of streets and sidewalks was made in the 2020/2021 capital budget under the following votes indicated in the table overleaf.

<b>Vote No.</b>	<b>Description</b>	<b>Available Funds (N\$)</b>
B562/8662/0000	Resealing of Sidewalks	2,029,631
B562/8663/0000	Resealing of Streets	2,666,649
B562/8670/0000	Resealing of Promenade	300,000
<b>Total funds available</b>		<b>4,996,280</b>
<b>Combined Total Contract Amount</b>		<b>5,037,690</b>

As indicated above, the total funds available in the three (3) votes from the 2020/2021 capital budget translate into a shortfall of N\$ 41,410.23 in relation to the combined total original contract amount.

To ensure that as much repairs as possible are done, the Department of Roads and Building Control find it prudent and practical to recommend the increase the scope of work on the current reseal contract. This is with the aim of attending to major damaged areas that are currently deteriorating at a rapid pace and thus will not remain structurally intact should the necessary preventative maintenance measures not be applied.

We therefore request the approval of a contract price adjustment of 15% as allowed per Regulation 41(3) of the Public Procurement Act of 2015 (Act No. 15, 2015), the financial implication of which is presented in the table below.

<b>Contractor</b>	<b>Original Contract Amount, incl. VAT (N\$)</b>	<b>15% Contract Price Adjustment, incl. VAT (N\$)</b>	<b>Adjusted Contract Amount, excl. VAT (N\$)</b>
Somseb Trading Enterprises CC	1,645,362	246,804	1,892,166
Ghaba Investment	1,737,478	260,622	1,998,100
Ndume Trading CC	1,654,850	248,228	1,903,078
<b>Totals</b>	<b>5,037,690</b>	<b>755,654</b>	<b>5,793,344</b>

The anticipated shortfall on the contractual expenditure is presented in the table below.

<b>Description</b>	<b>Amount, incl. VAT (N\$)</b>
<b>Funds currently available on Vote B562/9917/0000</b>	<b>4,996,280</b>
/less Current shortfall	41,410
/less Total combined contract amounts (incl. 15% CPA)	5,793,344
<b>Anticipated shortfall on Vote B562/9917/0000</b>	<b>(838,474)</b>

**RECOMMENDED:**

That approval be granted for the transfer of N\$ 838,474.00 from Vote C800/9952/0000 (Farm 37: Roads & Earthworks) where N\$ 50,945,664 is still available and will not be utilised during the 2020/2021 financial year to Vote B562/8663/0000 (Resealing of Streets) to cover all contractual expenditure, inclusive of additional work.

**12.12 Cancellation of sale of Erven 1271 and 1583 Meersig** (Add.12; M/C meeting 20/04/2021; Files 1271 M & 1583 M)

The purpose of the report is to recommend that the sale of erven 1271 and 1583 Meersig, to Ian Brian Ngaveye Tuneeko and Ian Presley Veya Tuneeko, respectively (the applicants), be concluded. This item was referred back to the Management Committee by the Council on 26 January 2021 (Item 5.2).

On 7 December 2018, Council advertised the sale of unimproved single residential, general residential, local business and undetermined, erven.

These erven were situated at the Golf Course & Extension 2 Meersig, at Kuisebmond Extension 10, Kuisebmond Extension 5 & 7 and Narraville Extension 7. Erven 1271 and 1583 Meersig, also formed part of the advertised erven.

The two applicants wanted to purchase erven 1271 and 1583 Meersig, respectively. They secured purchase of the erven on 14 December 2018, by means of each paying their respective 10% deposits of N\$ 34 385.00 and N\$ 34 125.00. The respective agreements of sale were signed on the same date.

Both applicants however breached clause 2.2 of the agreement of sale, by not paying the balance of the purchase price within the prescribed period of 90 days. As a result, instructions pertaining to the cancellation of the sales transactions, were forwarded to the Department of Finance.

**RECOMMENDED:**

That, due to the breach of contract and conditions of sale as the purchasers did not comply with the 90-day payment period, the Agreements of Sale for the purchase of erven 1271 & 1583 Meersig, dated 14 December 2018 and signed between the Municipality of Walvis Bay and Ian Brian Ngaveye Tuneeko and Ian Presley Veya Tuneeko, respectively, be cancelled and that they be refunded the portions of money already paid, less the any monies due for cancellation costs.

**12.13 Application for waiving to register pre-emptive right over erf 3149 Narraville** (Add.14; M/C meeting 20/04/2021; File 3149 N)

The purpose of this report is to recommend that Council waive the registration of pre-emptive right over Erf 3149 Narraville to be transferred to Sophia Bok (the applicant).

Mrs. Bok during 2002 applied for a housing loan under the Built Together Programme and was awarded by Council during 2008 with land (Erf 3149 Narraville) and a loan for construction of a house. The Built Together Programme is the Central Government's low-cost housing initiative that is administered by local authorities on grass root levels.

The applicant signed on October 2008 an agreement of sale for the purchase of Erf 3149 Narraville.

Mrs. Bok is a beneficiary of Built Together Programme and was allocated Erf 3149 Narraville. The client signed an agreement of sale for the purchase of the land in the amount of N\$ 12 600.00 and mortgage bond in the amount of N\$ 40 000.00. However, the mortgage bond and deed of transfer was never registered in the Deeds office since.

The applicant was married in community of property with Mr. Barrend, making them both owners of Erf 3149 Narraville. Nonetheless, Mrs. Bok and ex-spouse divorced and the sale of Erf 3149 Narraville is part of the settlement agreement.

However, Erf 3149 Narraville is not yet transferred in the name of Mrs Bok and ownership vest with Council. Also, in terms of clause 11.1.2 of the signed agreement of sale a pre-emptive in favour of Council is to be registered that the purchaser shall not sell the property or portion thereof undeveloped within a period of five (5) years from date of registration in the Deeds office, unless the purchase offer the property to Council, which right may be waived by Council. The clause further states that the property must be offered to Council on the original purchase price, which is paid and in addition to cost incurred for extensions and upgrading or installation of services.

The original purchase price for the property is N\$ 52 600.00 plus N\$ 226 58.50 which accounts for completion of the house.

In conclusion, the application from Mrs. Bok to Council for the pre-emptive right over Erf 3149 in Narraville be waived is supported.

**RECOMMENDED:**

That the Municipal Council waives the registration of a pre-emptive right over Erf 3149 Narraville as a result of an Order of the High Court and that the applicant be informed accordingly.

**12.14 Cancellation of reservation of 30.5 hectares of Farm 39: Joe's Oyster Company (Pty) Limited (Add.15; M/C meeting 20/04/2021; file Farm 39)**

The purpose of this report is to recommend that point (5) under item 12.8 of Council resolution dated 11 September 2012 be rescinded.

Joe's Oyster Company (Pty) Ltd had applied for land for development of aquaculture activities. Council approved the sale of 10.1 hectares of Farm 39 to Joe's Oyster and further reserved 30.5 hectares of Farm 39 pending the rezoning of the Farm.

Joe's Oyster Company (Pty) Ltd had applied for land aquaculture purposes. Portion of Farm 39 and Farm 46 were identified for aquaculture land use under the Walvis Bay Town Planning Scheme, as amended; therefore, under Council resolution dated 11 September 2012 under item 12.8 it was resolved to sell by private transaction 10.1 hectares of Farm 39 to Joe's Oyster Company (Pty) Ltd.

Furthermore, as per point (5) of the same Council resolution pending the rezoning of Farm 39, 30.5 hectares be reserved for the developer and that a report be submitted to Council for consideration.

The rezoning process of Farm 39 is in process; however, it will not be viable that 30.5 hectares be considered for Joe's Oyster's after the completion of rezoning. The developer as per point (14) of Annexure A had to commence with development within 24 months from date of sale and such development be completed within 36 months from date of sale.

Council signed the agreement of sale of 10.1 hectares of Farm 39 with Joe's Oyster on 24 November 2015, which is the date of sale. Meaning, development over the land was supposed to be completed by October 2018, however the land is not developed.

Moreover, the developer has requested that Council extend the due date for development over the 10.1 hectares.

Given the above, the cancellation of reservation of 30.5 of Farm 39 for Joe's Oyster Company (Pty) Ltd be is supported.

**RECOMMENDED:**

1. That point (5) under item 12.8 of Council resolution dated 11 September 2012 with regards to the reservation of an additional 30.5 hectares of land, be rescinded and that Joe's Oyster Company (Pty) Ltd be informed accordingly.
2. That, in response to the request dated 23 July 2020 by Joe's Oyster Company through it attorneys, Metcalfe Beukes Attorneys, to extend the construction commencement date to 22 June 2021, they be requested to provide a progress report and detailed development plan on the 10.1 hectares of Farm 39.

**12.15 Application to purchase a Portion of the Remainder of Portion 72 of Walvis Bay Town and Townlands No.1 and Remainder of Consolidated Erf 1597 (street) Walvis Bay Extension 5: Epic Walvis Bay Property (Pty) Limited (Add.16; M/C meeting 20/04/2021; File 1597 W)**

The purpose of this report is to recommend that Remainder of Consolidated Erf 1597 (Street) Walvis Bay Extension 5 (herein further known as Portion X); and that a Portion of the Remainder of Portion 72 of Walvis Bay Town and Townlands No. 1 (herein further known as Portion M) be sold by private transaction to Epic Walvis Bay Property (Pty) Ltd (the applicant).

Epic Walvis Bay Property (Pty) Ltd is owned by the same directors who own erf 4589 Walvis Bay and erf 2005 Walvis Bay, that surround the two portions of land being applied.

The application for the purchase of Portion X and Portion M, was received on 15 July 2019. We responded that the disposal of assets at that time was regulated by the Public Procurement Act, Act 15 of 2015, and that at the time, there was an absence of disposal procedures.

Over the time, Ministry of Finance, issued a statement to exempt all public entities from the disposal of assets section of the Public Procurement Act 15, of 2015 and that such function to continue as per the former regulations.

Portion X and Portion M are both zoned "Street" in terms of the Walvis Bay Town Planning Scheme. Although the portions are designated as a public street, the site has not been formally developed as a street.

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

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

Regarding the purchase price, the applicant has not made an offer, but Council during May 2018 sold a street/railway reserve in the same vicinity to Namibia Fish Processors, for N\$ 850/m<sup>2</sup>. Given these, we are of the opinion that the N\$ 850.00 be used as a benchmark and be escalated with 10% over the period of 3 years. This recommend that, Portion X and Portion M Walvis Bay (Street) be offered to the applicant at N\$ 1 028/m<sup>2</sup> plus 15% VAT.

In conclusion, considering the motivations for the project the application for sale of Remainder of Consolidated Erf 1597 (Street) Walvis Bay Extension known as Portion X and Portion of the Remainder of Portion 72 of Walvis Bay Town and Townlands No. 1 known as Portion M be sold by private transaction to Epic Walvis Bay Property (Pty) Ltd (the applicant) is supported.

**RECOMMENDED:**

1. That Remainder of Consolidated Erf 1597 (Street) Walvis Bay Extension 5 and a Portion of the Remainder of Portion 72 of Walvis Bay Town and Townlands No. 1 be sold by private transaction to Epic Walvis Bay Property (Pty) Limited (the applicant).
2. That the purchase price be fixed at N\$ 1 028/m<sup>2</sup> plus 15% VAT.
3. That an amount equal to 10% of the purchase price be paid on the date of sale toward the landscaping fund.
4. That the applicant attends to all town planning matters.
5. 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.
6. That, in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, the approval of the Minister of Urban and Rural Development be obtained.
7. That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 of the Local Authorities Amendment Act, 2018 (Act 3 of 2018).



8. That the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007, from the Ministry of Environment and Tourism, Directorate: Environment Affairs, for the development of this land.
  9. That the applicant, at own cost, do all and/or or any required ground works, provides all outstanding services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electrical reticulation, tarred roads and that such services be donated to Council, free of charge.
  10. That electrical requirements/services and/or any other information in this regard, be taken up with Erongo RED.
  11. That the past and current use by the applicant of the properties be subject to a lease amount to be determined in terms of Council's policy, in compensation for the use of the properties to date.
  12. That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.
- 12.16 **Determination of the erf price and sale of a Portion of Portion 216 Walvis Bay Town and Townlands no.1: Prosperity School Properties (Pty) Limited** (Add.17; M/C meeting 20/04/2021; File PTN 216)

The purpose of this report is to recommend that 10 hectares of Portion 216 Walvis Bay Town and Townlands No.1 be sold by private transaction to Prosperity School Properties (Pty) Ltd (the applicant) and to confirm what the sale conditions should comprise of.

Council during 2019 reserved 10 hectares of Portion 216 Walvis Bay Town and Townlands No. 1 to Windhoek Gymnasium.

The land application was initially made and approved in principle by Council to Windhoek Gymnasium. However, the applicant has since registered a company known as Prosperity School Properties (Pty) Ltd who are going to be the owners.

Windhoek Gymnasium, as per the Council resolution (Item 11.3 of 29 Sept 2020), had to attend to the town planning procedures over the land which include subdivision, rezoning, consent use and incorporation of Portions of Portion 216 into the Meersig Township.

The applicant, in consultation with our Town Planning Division, is busy with these planning procedures. Approval by the new Urban and Regional Planning Board is the only outstanding item.

During Informal discussions and in writing, the applicant indicated it is crucial that Council confirms the purchase price as such is needed for their financial planning and to move forward with the project. The applicant offered a purchase price of N\$ 5.00 per square meter. Nonetheless, two independent valuers were appointed that determine a rate who then concluded that the land is worth N\$15.00 per square meter and N\$ 30.00 per square meter.

In conclusion, the sale of a Portion of size 10ha of Portion 216 Walvis Bay Town and Townlands No. 1 by private transaction at a rate of N\$ 30.00 per square meter to Prosperity School Properties (Pty) Ltd. (the applicant) is supported but some previous conditions as well as new ones need to be confirmed.

**RECOMMENDED:**

1. That Council resolution dated 12 December 2019, Item 5.4 point 1, be amended to read as follows:  
  
That approximate 10 hectares of Portion 216 Walvis Bay Town and Townlands No. 1, referred to as Portion B, on the attached layout be sold by private transaction to Prosperity School Properties (Pty) Ltd. (the applicant) at a purchase price of N\$ 30.00 (thirty Namibian Dollars) per m<sup>2</sup> in the approximate amount of N\$ 3,000,000.00.
2. That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 (2) of the Local Authorities Amendment Act, 2018 (Act No.3 of 2018).
3. 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.
4. That after all approvals have been obtained, the agreement of sale be signed and a 10% deposit of the purchase price be paid on the date of sale, and the balance be paid within 90 days from the date of sale.
5. That the applicant shall commence with development within twenty-four (24) months from the date of transfer in the Deeds Office, and that such development be completed within thirty-six (36) months from such date of transfer; failing to comply would result in the undeveloped erf/erven to revert back to Council at the cost of the applicant.
6. That the applicant conducts a traffic impact assessment (TIA) of the proposed development and the construction of a dedicated construction road to the area from the North (Prison side) for approval by the General Manager Roads & Building prior to the approval of any building plans.
7. That electrical requirements/services and/or any other information in this regard, be taken up with Erongo RED and be provided by the applicant to their satisfaction.
8. That the applicant will be responsible for the construction of a sewage pump station, rising mains and a street to the South of the property with details to be approved by the Engineering Departments of the Municipality of Walvis Bay.
9. That applicant attends to all outstanding Town Planning matters.
10. That the Chief Executive Officer further be authorized to negotiate with Prosperity School Properties (Pty) Ltd the Social Responsibility aspect of the transaction.
11. That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.

12.17 **Sale of unimproved local business erven in Kuisebmond, Narraville and light industrial erven in Walvis Bay by way of public bidding** (Add.17; M/C meeting 20/04/2021; File 7/2/3/2/5)

The purpose of this report is to recommend amongst others, that Council take note of the report; that Council's available local business and light industrial erven be sold by way of public bidding as listed and as per the conditions contained; and that a 10% discount on the upset price for all unsold erven in the first bidding process be applicable in the second bidding process.

Council at its meeting held on 12 December 2019 under item 5.1 inter alia, resolved that the available erven be offered to public through private transaction on first-come first-served basis.

The erven were advertised for sale through the printed media to be sold from 23 March 2020. However, the sale could not proceed on the set date as the State of Emergency Regulations that were implemented due to COVID-19 did not allow public gatherings.

Furthermore, the same erven were re-advertised through the printed media to be sold from 7 December 2020, but the sale was postponed until further notice.

The erven as per the Council resolution dated 12 December 2019 were advertised for sale through the printed media to be sold from 23 March 2020. The sale could not proceed on the set date as the State of Emergency Regulations that were promulgated did not allow public gatherings. Furthermore, the same erven were re-advertised through the printed media to be sold from 7 December 2020, but the sale was again postponed until further notice. Nonetheless it will be ideal for Council to alienate the properties through public bidding.

Moreover, it is important to note that the current economic downturn has affected the property market dramatically. We have also noticed that there is a slowdown in property sales on the open market and purchasers find it difficult to pay the balance of the purchase price of the properties offered to them.

The general observation over Walvis Bay Extension 14 zoned "light industrial" is that the properties were offered to the public at a rate of N\$ 800.00 per square meter since 2016 but has a slow pace of sale. Therefore, its recommendable that a discount of 10% be considered on the upset price after testing the market during the first round of the bidding process.

Given the above, Council's Sale/Lease of Land Policy was formulated to facilitate such processes. The policy was amended during February 2021. Therefore, the opinion is held that the available Council erven be sold by public bidding.

**RECOMMENDED:**

1. That the Municipal Council takes note of the report.
2. That Council's available local business and light industrial erven be sold by way of public bidding as listed and as per the conditions contained in standard conditions contained in Council's Sale and Lease of Land Policy, at an upset price of N\$ 600.00 per m<sup>2</sup>.
3. That a 10% discount on the upset price for all unsold erven in the first bidding process be applicable in the second bidding process.

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.*