



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

**To be held in the
Kusebmond Council Chambers,
Nathaniel Maxuilili Avenue,
Walvis Bay**

**ON TUESDAY
08 MARCH 2022
AT 18:00**

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 Monday, 31 January 2022 to be confirmed and approved.
5. **Interviews with deputations or persons summoned or requested to attend meeting** (File 3/3/2/3/2)

None.
6. **Official announcements, statements and communications**

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

No petitions have been received.
8. **Motions of members** (File 3/3/1/1)

No motion.
9. **Answers to questions of which notice has been given** (File 3/3/1/2)

No questions received.

10. Report of the Management Committee for February 2022

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

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

10.1 Transfer of funds between capital votes for the new intersection from Kuisebmond to Trunk Road 2/1 (B) (Add. 5; M/C Meeting 16/02/2022; File 8/26/04)

RESOLVED:

That the matter be referred back for a more detailed and comprehensive report on the extension of the project.

11. Recommendations of the Management Committee for February 2022

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

11.1 Motion: Aims to offer financial relief to both single residential and business rate payers of Walvis Bay (Add. 1; M/C Meeting 16/02/2022; File, Motion 3/3/1/1)

The purpose of this report is to consider the motion submitted to the Council and introduced at the Council meeting held on 16 December 2022 by Councillor O Andrews, under Rule 12(1) of the Rules of Order for Local Authority Councillors, 2015.

The Council under item 8.1 of its agenda of 16 December 2022, accepted the motion as an unopposed motion under Rule 15. and under Rule 18 referred the motion to the Management Committee for a report to the Council.

The motion proposes the following action: to write off outstanding interest, write off pensioner debt, write off deceased debt up to the date of passing, non-levying of interest on outstanding accounts for one (1) year, reduction in current interest rate and writing-off of all debt owed on municipal owned properties and rental properties.

In terms of Councils credit control policy, clause 5.17 thereof state that the debt can be relaxed /written off only 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 cannot 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, writing off debts as per the motion will be contradicting Council credit control policy, as not all the outstanding debt qualifies to be written off in terms of the above criteria as per the Credit Control Policy.

RECOMMENDED:

- (1) That the Municipal Council writes-off for all residents the whole outstanding interest amount from when the interest accumulated up to the end of February 2022.
- (2) That a submission to be made to Council for a decision *in principle* in this regard.

11.2 **Amnesty.** (Add. 2; M/C Meeting 16/02/2022; File 5/17/1)

The purpose of this report is to obtain Council approval to declared period of amnesty interest from the date of approval to 31 December 2022.

In order to assist customers in reducing their outstanding debts by writing off interest levied in case of settling capital amount, it is imperative to have interest amnesty in place. The existing interest amnesty period has lapsed on the 31 December 2021. There is however a need from the customers side for the additional interest amnesty period.

The table below depicts the historical results of interest amnesty granted in the past.

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	01/12/2018 - 31/04/2019	1 145 975.00	136 065.00
2019	01/05/2019 - 31/08/2019	1 451 259.56	187 133.00
2020	01/12/2019 – 31/12/2020	2 264 774.32	450 487.34
2021	02/02/2021 - 31/12/2021	11 590 487.25	2 433 557.43
Total		27 813 418.93	5 672 277.67

Besides the advertising cost, i.e. cost incurred to inform the public about the existence of amnesty interest and interest to be reversed, there is no other additional cost to Council pertaining to amnesty interest. Council does not incur any expenditure to generate interest levies as its revenue, i.e. unlike water where there is a cost to supplier for water purchases. Therefore, and besides the cost mentioned above, Council does not basically loose anything by reversing the interest levies as recommended.

RECOMMENDED:

- (1) That the Municipal Council takes note of the results of the total amnesty interest amounting to N\$ 2 433 557.43 which has been reversed and the capital amount of N\$ 11 590 487.25 which has been settled in full for the period under review.

- (2) That the new amnesty interest period be declared as effective from the date of approval to 31 December 2022.
- (3) That the existence of interest amnesty be made known to the public at large through all available means.
- (4) That the amnesty be given to non-residential accounts only.

11.3 **Routine road maintenance expenditure for the period 01 July 2020 to 31 January 2022: Response to Motion No. 11/2021 by Councillor Saara Mutondoka** (Add. 3; M/C Meeting 16/02/2022; File 3/3/1/1)

The purpose of the report is to present a response to Motion No. 11/2021 tabled on 2 December 2021 by Councillor Saara Mutondoka.

With a total length of 191 km surfaced roads and 45 km gravel roads, the municipal road network provides a foundation for sustaining the economic and social infrastructure in Walvis Bay. The Department of Roads and Building Control (hereinafter the "Department") is faced with the challenge of balancing the competing demands for maintenance, preservation and rehabilitation of the network, while the public demands accountability of how their taxes are spent.

The Department is tasked with the preservation of the existing road network to ensure that the roads are safe and smooth, road life is optimised, and road performance is improved to ensure an acceptable level of service to road users. In addition, the Department should maintain the roads as a long-life asset, serving the needs of road users for many decades.

With Walvis Bay being a key contributor to the national economy, the municipal road network supports and facilitates social empowerment and economic growth by promoting accessibility and the safe, affordable movement of goods and services, especially freight between the port and the fishing industry and the rest of the country. This is evident in the volume of container trucks using the municipal road network to access these economic powerhouses.

The current condition of the network has recently deteriorated significantly. This is mainly due to the aging road infrastructure (mostly 30 years and older), a sharp increase in volumes of heavy traffic over the past few years and more regular rainfall occurrences. This deterioration has a direct impact on the expenditure for reactive road repairs.

With limited funds available for resealing and reconstruction efforts, roads will deteriorate faster and will require more short-term repairs in addition to increased re-sealing efforts and some complete re-buildings.

The Department, with the assistance of an external consultant, commenced with investigations in March 2021 to gather data which will guide the rehabilitation/rebuilding priorities of especially main feeder roads. The preliminary findings from these investigations indicate that most roads in distress were constructed for lower traffic volumes and will not be able to carry the current and future traffic volumes without their condition deteriorating drastically. Something which is already obvious from only visual observations and driving experiences

There is currently a backlog in all road maintenance. The backlog in routine maintenance / pothole repairs should be partly addressed with the imminent appointment of two new external contractors to attend to urgent repairs, starting in February and ending 31 August

2022. In addition to 11,5 km of re-sealing done in 2021, contractor(s) will soon be appointed for the next phase of this intervention too.

Increased volumes of reactive maintenance will be experienced until Council embark on a deliberate intervention and commitment to rehabilitate the older roads, which are past their operating life.

Although Council annually receives a grant from the Road Fund Administration (RFA) for certain street maintenance activities, including repairs of potholes and resealing work, these is by far insufficient to fund what is required. The current budgetary allocation from the RFA (for the period 1 April 2021 to 30 March 2022) amounts to N\$ 6,156,900.00 million of which 92.0% has already been claimed. A letter was forwarded to the RFA in September 2021 to explain the need for an increased allocation to Municipality of Walvis Bay in years to come.

RECOMMENDED:

- (1) That the Municipal Council takes note:
 - (i) of the rapid deteriorating situation of parts of the surfaced road network, some of which are over 30 years old, with a pavement structure not designed to carry the current traffic volumes and loads;
 - (ii) more routine maintenance works will be required annually as more roads deteriorate and that the workload for this cannot be carried in-house;
 - (iii) the cost of an internal pothole repair team will likely exceed that of external contractors and further increase the already exorbitant percentage of internal remuneration as a percentage of total cost; and
 - (iv) of the quality concerns raised on past work by external contractors and internal supervision, and that for any bids in this regards it must be ensured that the required specifications for quality, experience and equipment be explicitly stated and evaluated to ensure the appointment of competent contractors to execute the work, while the in-house controls must also be strengthened to ensure the appropriate standard of work delivered.
- (2) That, to alleviate the challenges faced by the Municipality of Walvis Bay regarding road and street repairs, approval be granted for a fully-fledged temporary road repairs team to be assembled for period of no longer than 6 months at a time, to attend to urgent road maintenance.
- (3) That the Municipal Council through the Management Committee commits to a dedicated effort and appropriate financing of the full - scale rehabilitation and rebuilding of some critical roads over the next 3-to-5-year period, in addition to sufficient annual provision for resealing and pothole repair activities.
- (4) That, as Walvis Bay as the main entry point for port activities with the associated increase in vehicular movement and heavy vehicle traffic, pressure be exerted on the Road Fund Administration to increase the annual allocation of road maintenance expenditure to the Municipality of Walvis Bay, in view of the municipality's responsibility to maintain the roads used by and for national and international strategic enterprises, including Namport, the fishing industry and the road freight industry.

11.4 Response to Motion No. 12/2021 to speed up land delivery: Farm 37 (Add. 4; M/C Meeting 16/02/2022; File Farm 37)

The purpose of the report is to obtain the Municipal Council's decision on the way forward regarding land delivery and servicing on Farm 37 in response to the motion raised to speed up land delivery and servicing on Portions 10 and 11 of Farm 37.

A motion regarding the land delivery on Farm 37, being Motion No. 12/2021 was submitted by Councillor Saara Mutondoka to the Municipal Council for consideration. The issues raised in the subject motion are as follows:

- residents are living in inhumane conditions that are unhygienic, prone to fire and general a health risk and thus residents need land to establish decent shelters,
- Council previously has agreed in principle to relocate people to Farm 37,
- there is a need to expedite sewer installation on [Portions] 10 and 11 of Farm 37,
- the private sector should come on board to build houses for their employees and
- although there was another motion lodged by Councillor Andrews requesting the government for financial assistance, Council should still start [with Portions 10 and 11], while waiting for the government to respond.

The above motion was tabled at the Ordinary Council meeting held on 02 December 2021, where the Municipal Council resolved as follows:

That, as this motion is carried unopposed, and as it may lead to the amendment of an existing Council decision, it is referred to the Management Committee for a report to the Council under Subrule 18(1)(b) of the Standing Rules of Order.

Many of the residents in Walvis Bay are indeed living in deplorable conditions that need to be addressed. In accordance with the survey conducted by the Municipality of Walvis Bay in 2020, there are about 10,922 shacks in Walvis Bay. With the average household size of 3.2 (as per the 2011 Census), this means that about 34,950 people are residing in informal housing in Walvis Bay.

The motion raised highlighted the inhumane informal housing that some residents are living in and the subsequent need to expedite the servicing of Portions 10 and 11 of Farm 37 (hereinafter referred to as Portions 10 and 11). Portion 10 was partially serviced in 2020, while Portion 11 still needs to be serviced. Two options have been investigated regarding the provisions of services to Portions 10 and 11 of Farm 37 (as well as formal Green Valley townships), being partial and full servicing.

Full servicing involves the provision of all required services to each parcel of land, i.e. no communal facilities or services. The financial implications for full servicing are demonstrated by **Table 1**.

Table 1: Amount Required to Provide Full Services to Portions 10 and 11

Extension	Water	Sewer	Roads	Electricity	Total
Portion 10	3,278,419	8,846,276	1,124,292	12,988,705	26,237,692
Portion 11	3,742,117	9,089,635	8,003,627	12,694,581	33,529,960
Lifting Station	0	7,500,000	0	0	7,500,000
Bulk Services	0	41,713,001*	0	Erongo RED**	41,713,001
Total (N\$)	7,020,536	67,148,912	9,127,919	25,683,286	108,980,654

* This amount (N\$41,713,001) includes the provision of a pump station and the rising main.

** The original Erongo RED estimate for bulk electricity supply is N\$35 million for bulk line from Ruby to be carried by ERED.

The amount involved in providing all services to Portions 10 and 11 will cost Council about N\$108,980,654 (excluding bulk electrical services).

Costing for full servicing of Green Valley (GV) Proper and GV Extensions 1 and 2 has been drawn up and is indicated by the **Table 2** below.

Table 2: Amount Required to Provide Full Services to GV Proper and Ext.'s 1 and 2

Township	Water	Sewer	Roads	Electricity	Total
GV Proper	4,809,077	9,529,473	12,180,359	16,157,442	42,676,351
GV Ext 1	4,176,304	8,607,266	9,744,287	13,725,773	36,253,630
GV Ext 2	3,670,085	12,603,496	5,142,819	13,048,585	34,464,985
Bulk Services	8,100,103	41,713,001*	0	Erongo RED**	49,813,104
Total	20,755,569	72,453,236	27,067,465	77,931,800	163,208,070

* This amount (N\$41,713,001) includes the provision of a pump station and the rising main.

** The original Erongo RED estimate for bulk electricity supply is N\$35 million for bulk line from Ruby to be carried by ERED.

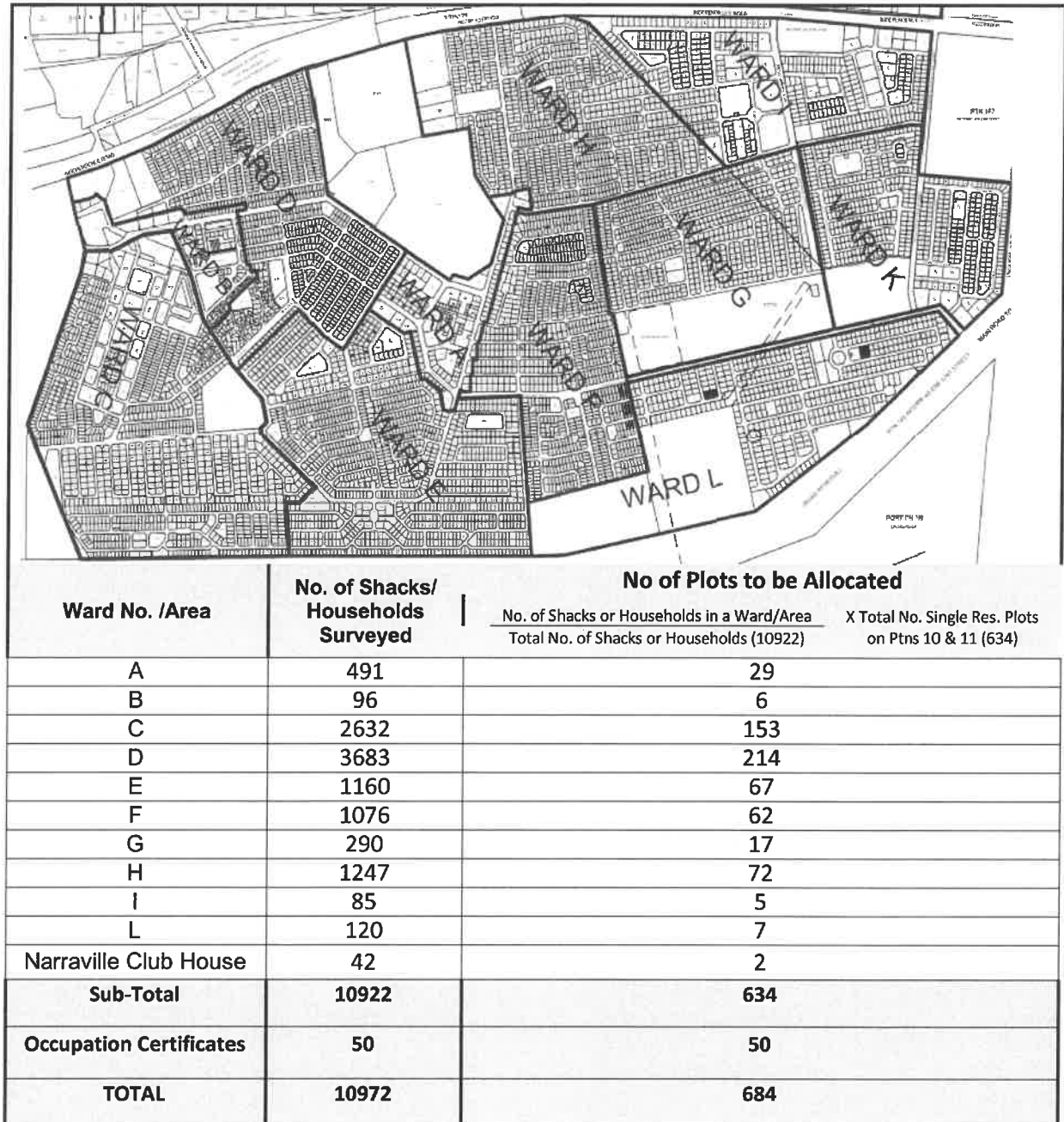
Partial servicing involves the provision of communal services (excluding electricity) to each parcel of land. Portion 10 is already provided with gravel roads as well as communal water and sewer connection points. However, Portion 11 will need to be provided with such services. The financial implications for partially servicing are demonstrated by **Table 3**.

Table 3: Amount Spent and Required to Partially Service Portions 10 and 11

Description	Amount SPENT on Portion 10 (N\$)	Amount REQUIRED for Portion 11 (N\$)
Planning & Surveying	690,123	674,495
Roads & Earthworks	5,093,817	7,640,726
Water	1,047,499	1,571,249
Sewer	808,275	1,212,413
Total (N\$)	7,639,714	11,098,882

If a firm decision is made to relocate residents to Portions 10 and 11, the allocation of the parcels of land on Portions 10 and 11 can be based on the Shacks Survey that was conducted by the Municipality of Walvis Bay in 2020. That is, it is important to ensure that the people who may be allocated with the plots on Portions 10 and 11 are those currently residing in shacks in highly congested areas of Kuisebmond and in the Narraville Club House. Portions 10 and 11 consist of 684 "Single Residential" plots. However, 50 Occupation Certificates were issued in 2020 to some residents (to potentially occupy 50 plots on Portion 10). Hence, it is only 634 new households (to be allocated) and 50 pre-allocated households will be relocated to Portions 10 and 11. The allocation guiding plan and table are illustrated by **Figure 1**.

Figure 1: Allocation of Portions of Land on Portions 10 and 11



Apart from that, it is understandable that Portions 10 and 11 plots are for ultra-low-income groups. However, for sustainable continuation of the provision of the services to these areas, it is recommended that Council should make it mandatory for the recipients of the subject plots to pay for such services.

The following challenges should be noted:

Geotechnical

Highly variable gypcrete layer that covers most of the site will affect the construction of roads and sewer.

The area has shallow and variable rock formation, which cannot be excavated with conventional earthmoving plant and requires expensive and time-consuming methods, such as blasting or rock hammers.

Sand dunes and sand transportation by wind could cause difficulty in transportation and trafficability; therefore, due cognisance should be taken in the design of roads. A buffer zone of 500m from existing quarry to the east of the site should be maintained. The geotechnical conditions will make development on Farm 37 (including on Portions 10 and 11) more costly compared to townships closer to the built-up area.

Sewerage, Water and Roads

A number of lifting stations, bulk pump station and rising main will be required.

Alternatively, on-site treatment may be required.

Holding tanks and daily trucking will be required for communal sanitation facilities. However, daily trucking will not be feasible if the number of the households and volumes are to increase.

Water requires a balancing reservoir to ensure consistent and proper pressures.

There is uncertainty regarding the effective use of in-situ material experimented on Portion 10 roads.

Electricity

The original Erongo RED estimates for the servicing of Green Valley Proper, Extensions 1 and 2 are N\$35 million for bulk line from Ruby (which Erongo RED pledged to fund themselves) and N\$55 million for internal distribution (for which Erongo RED requires upfront payment).

Funding

Internal funds are limited, and external sources of funding will be required.

Any development on Farm 37 is not expected to render a return on financial investment, but a social project.

Erongo Red requires upfront payment of about N\$50 million. It will take a minimum of 18 month to provide bulk electricity from the Ruby substation to Farm 37.

Community/Social

No formal Environmental Impact Assessment (EIA) was conducted. The Environmental Clearance Certificate (ECC) for the township establishments on Farm 37 was issued. However, the impacts of nearby quarries and blasting, climate impacts (such as East weather and strong Southwesterly winds) an impacts of soil conditions on infrastructure costs were not fully determined).

Other potential threats such as potential use of Telecom overhead poles as a source of firewood as well as illegal harvesting of firewood and! Nara fruits in the Kuiseb River have also not been assessed.

Transportation costs will impact on cost of living of the residents.

Lack of social facilities such as mobile fire station or truck, mobile clinic, police station, pre-school, etc should be taken into account.

The following budgetary provisions have been made in the 2021/2022 Capital Budget for Portions 10 and 11 of Farm 37:

PROJECT DETAILS	FARM 37 (PORTION 10)		FARM (PORTION 11)	
	Vote Number	2021/2022 Budget (N\$)	Vote Number	2021/2022 Budget (N\$)
Planning & Surveying	C802/9951/0000	200,000	C803/9951/0000	300,000
Roads & Earthworks	C802/9952/0000	-	C803/9952/0000	-
Water	C802/9953/0000	-	C803/9953/0000	-
Sewerage	C802/9954/0000	-	C803/9954/0000	-
Electricity	C802/9955/0000	-	C803/9955/0000	-

RECOMMENDED:

- (1) That the Municipal Council approves the development of Portions 10 and 11 Green Valley in two phases namely to provide communal services to enable the faster settlement of people, to be followed by a phase where full municipal services are provided to each erf (excluding electricity which is the responsibility of Erongo RED).
- (2) That the 1st phase be to provide communal services to both Portions 10 and 11 in the estimated amount of N\$ 11,098,882.00, in addition to the amount of N\$ 7,639,714.00 that was already spent on Portion 10.
- (3) That the Minister of Urban and Rural Development be requested to assist with a contribution from central government in the estimated amount of N\$ 108 980 654.00 towards the project to ensure that both Portions are fully serviced.

11.5 Consent: Accommodation establishment (Self-catering establishment): Erf 138 Dolphin Beach (Add. 6; M/C Meeting 16/02/2022; Ref 138 DB)

The purpose of the report is to obtain the Municipal Council's approval for the Accommodation Establishment (Self Catering Establishment) on 138 Dolphin Beach.

An application has been received from Ms. Tanja Botha, to establish an Accommodation Establishment (Self-catering) on Erf 138 Dolphin Beach. Tanja Botha is the applicant, and the owners of Erf 138 Dolphin Beach are Mr. Michiel C Eloff; Mrs. Martha A.M Eloff; Ms. Stephanie Eloff and Ms. Christina Eloff.

Erf 138 Dolphin Beach is located in a predominantly residential area, along Oystercatcher Street as depicted by the locality plan. The Erf consists of one dwelling house, the owners propose to use the dwelling house for self-catering purposes.



The application has been advertised as required on site and in the press, and the adjacent neighbours contacted for objections. The period for objections expired on 03 December 2021 during which time objections were received from neighbouring landowners, some Dolphin Beach residents as well as the owners of Dolphin Beach properties.

Issues raised in the objections letters and petitions submitted are as follows:

- noise pollution,
- damage to property,
- disruptive behaviour of guests,
- overcrowding,
- public urination,
- indecent behaviour of guests,
- littering,
- the police and armed forces are unable to stop or quiet the guests or take action,
- reckless driving,
- Airbnb affects the peace and amenity of the neighbourhood,
- Hosts do not manage the guests properly,

As the result of the objections received, a hearing took place on 24 November 2021 across Erf 138 Dolphin Beach.

The previous owners of Erf 138 Dolphin Beach were granted consent on 13 September 2019. However, **Condition (k)** of the approval states:

That this permission lapses when the property is sold, leased or alienated in whatever process engaged.

Erf 138 Dolphin Beach was transferred to new owners during November 2021. Based on the aforesaid **Condition (k)** and the fact that ownership has changed, the new owners have consequently embarked on re-applying for consent for a self-catering establishment on Erf 138 Dolphin Beach.

The consent application for a self-catering establishment on the subject erf has been evaluated from the town planning point of view based on:

- conformity with the Council's regulatory framework (i.e. Town Planning Scheme, Accommodation Establishment Policy, Walvis Bay Integrated Urban Spatial Development Framework (IUSDF));
- influence of the development on the environment, neighbours and neighbourhood; and
- the objections lodged.

In terms of Clause 12.1 of the Town Planning Scheme, Self-Catering Establishments are allowed on Single Residential erven subject to Council's special consent. Therefore, the application is for consent for a Self-Catering Establishment conforms with the Town Planning (Zoning) Scheme.

According to the IUSDF, urban development along the coastline is limited to up market residential developments and tourism related and high-density developments. The proposed Accommodation Establishment will be located on the beachfront erf (Erf 138 Dolphin Beach) and therefore conforms with the IUSDF's recommendations. Accommodation establishments such as Self-Catering Establishments are residential in nature and generally complement existing residential suburbs.

The objections were collectively assessed from the town planning point of view and discussed during the hearing. In order to address the issues raised, control measures need to be put in place. In particular, most of the issues raised by the objectors are attributed by the lack of presence of the operator or manager on the site. It is important for a person operating the accommodation establishment to reside on the premises in order to address the issues as soon as they arise

RECOMMENDED:

- (1) That the Municipal Council grants consent in terms of Clauses 6.1.2 and 12.1 of the Walvis Bay Town Planning (Zoning) Scheme for the establishment of an Accommodation Establishment (Self Catering Establishment) on Erf 138 Dolphin Beach subject to the following conditions:
 - (a) Access to and from the site shall be to the satisfaction of the General Manager: Roads and Building Control.
 - (b) The area of the public/service areas (kitchen/lounge/dining room) shall not exceed the area of the rooms for accommodation purposes.
 - (c) On-site parking shall be provided in the ratio of 1 bay per room for accommodation purposes.
 - (d) No signs shall be erected without the consent of the General Manager: Roads and Building Control.
 - (e) The public/service areas shall only be used by bona-fide residents and their guests and not by the general public.
 - (f) Neither the buildings nor grounds shall be used as an entertainment hall, amusement area or for any other similar use.
 - (g) The scale and appearance of the buildings and grounds shall be residential in character.
 - (h) That the applicant or person operating the accommodation establishment shall reside on the premises.
 - (i) The Municipal Council requires the registration of this Self-Catering Unit with the Namibia Tourism Board in terms of the Namibia Tourism Board Act, 2000 (Act No. 21 of 2000).
 - (j) The approval is subject to the applicable laws and regulations of both the Government and the Municipality.
 - (k) All rates and services charges for business be made applicable.
 - (l) That this permission lapses when the property is sold, leased or alienated in whatever process engaged.
 - (m) That should valid complaints be received, or the imposed conditions not be complied with and after giving the owner 14 days written notice, consent may be withdrawn.
 - (n) That this approval lapses after 5 years.
- (2) That in accordance with Clause 9.5 of the Walvis Bay Town Planning (Zoning) Scheme, if the objectors and/or applicant are aggrieved by the decision of the Municipal Council, they may lodge written appeal with the Municipal Council within twenty-eight (28) days from the date of notification of the Municipal Council's decision, which will be referred to the Minister of Urban and Rural Development, whose decision shall be final.
- (3) That, in accordance with Clause 9.6 of the Walvis Bay Town Planning (Zoning) Scheme, the decision of the Municipal Council, shall not take effect until the expiration of twenty-eight (28) days from the date on which the applicant and objectors are notified thereof; and if an appeal is lodged, until such appeal is disposed of.
- (4) That all costs related to the above conditions be borne by the applicant.

11.6 **Alteration of the boundaries of the Municipality of Walvis Bay** (Add. 7; M/C Meeting 16/02/2022; File 7/2/1/1)

The purpose of the report is to update the Municipal Council on the status of the extension of the Municipal boundaries.

The Municipality of Walvis Bay Council started with the process of extending the municipal boundaries in 2007. Various consultative meetings were held with the staff of the Municipality of Walvis Bay, Ministry of Environment, Forestry and Tourism (MEFT), Ministry Works and Transport (MWT) and Ministry of Urban and Rural Development (MURD) from 2008 to 2015. As a result of the consultative meetings, the Municipality of Walvis Bay submitted the first application for the extension of municipal boundaries to MURD in 2016.

Joint consultative meetings were further organised and attended by Deputy Ministers (of MEFT and MURD), MEFT officials, Registrar of Deeds; as well as the former mayor and Councillors, Chief Executive Officer and other staff of the Municipality of Walvis Bay (MWB). Additionally, a Technical Working Group (made up of MEFT, MURD and MWB staff) was set up and convened meetings regarding the extension of boundaries for the Municipality of Walvis Bay.

The outcome of the consultative meetings is summarised by MURD's letter dated 19 March 2020. That letter states that the areas indicated as Areas E1-E2 and N1 be accepted for extension, while Area N2 (being the area between the end of current municipal boundaries and Swakop River mouth) be further discussed in terms of future de-proclamation and expansion. The areas supported in principle cover a small area and thus will not address future land needs of the Municipality of Walvis Bay.

As a result, another consultative meeting was held on 18 November 2021 and attended by the Minister of Urban and Rural Development, the Mayor of the Municipality of Walvis Bay, the former Chief Executive Officer and Town Planner of the Municipality of Walvis Bay as well as other staff from MURD. the meeting concluded that a new application be submitted to MURD for consideration. Consequently, and due to the urgency of the matter, an application was resubmitted to the Minister of Urban and Rural Development (towards the end of November 2021) for the approval of the extension of the Municipality of Walvis Bay's boundaries to the original municipal area.

The original municipal area required and as applied for, as per the November 2021 application, is based on the original definition of Walvis Bay pursuant to the Walvis Bay and Off-Shore Islands Act 1 of 1994 and the original declaration of Walvis Bay as a municipality in accordance with Notice No. 16 published in the Government Gazette No. 873 dated 10 June 1994 (see Annexure E for the definition, declaration and plan). The alteration of the municipal boundaries of Walvis Bay to its original municipal area is required based on the following:

The area within the current municipal boundaries is approximately 90% built up (excluding Farms 37, 38 and Farm 39 that has been allocated to NamPort for the future development of the North Port of Walvis Bay (SADC Gateway Development). This means that if the boundary of the municipal area of Walvis Bay is not extended, there will be no land for future urban development in less than 5 years.

The urban growth of Walvis Bay is physically constrained on the West by the Atlantic Ocean and on the immediate North by the North Port of Walvis Bay. The only area for possible growth is therefore on the eastern side. However, the eastern side is largely state land. Hence, the necessity to extend the existing municipal boundaries to the original municipal boundaries.

Kuisebmond suburb is almost built up and only two residential blocks remaining. The Municipality of Walvis Bay is already in the process of establishing townships on those two remaining blocks. Hence, land for future low-income housing is urgently required.

The area on the eastern side of Narraville, is reasonably flat and easier to develop into low to medium income housing areas compared to the dunes area towards the north. However, the said area is state land.

The land required for urban growth is not only for residential development, but also for other land uses, including industrial development. The existing "Industrial" area is already built up. The existing Light Industrial is already 50% developed. Therefore, additional industrial land is also required. The area along the C14 Road (between Walvis Bay and the Airport) is ideal for industrial and commercial development. However, the area is state land and is not within the municipal area of Walvis Bay. This contributes to the need to expand the municipal boundaries of Walvis Bay.

Part of the area required for the extension is the area bordered by the B2 Road on the East, the sea on the West, Langstrand on the south and the Swakop River on the north. The aforementioned area is a national tourist spot. Access issues have been experienced on the area, especially during the tourist peak festive seasons. However, as the area is not within the boundaries of the Municipality of Walvis Bay, the municipality is not in position to maintain the roads to make it easier for tourists and residents at large to maneuver the area. Hence, if the area is incorporated into the Municipality of Walvis Bay, the municipality will be able to maintain such roads and subsequent promote tourism.

Additionally, Dune 7 forms part of the area that is required to be included into the Walvis Bay municipal area. The inclusion of Dune 7 into the municipal area will enable the Municipality of Walvis Bay to manage and control the activities on and around Dune 7, including matters relating to cleanliness, access, etc.

Additionally, it is usually difficult to regulate the vehicles from driving in environmental sensitive areas that are not within the municipal area of Walvis Bay. Hence, the extension of the municipal area onto those areas will also ensure that the areas are better protected through municipal regulations and enforcement.

The intention to extend the municipal boundaries to include the entire area of jurisdiction of Walvis Bay is required in order to avoid future submission of applications to MURD for the extensions of boundaries.

The Municipality of Walvis Bay acknowledges that Walvis Bay town is located in an environmentally sensitive area and will ensure that the environmental sensitive areas are protected by all means. The Municipality of Walvis Bay has already statutory measures in place to safeguard the environment, as outlined below:

The Walvis Bay Peri-Urban Land Use Policy regulates land uses beyond the built-up environment and has identified the areas that can be developed and those that should be left free from development.

The Walvis Bay Urban Structure Plan (Integrated Urban Spatial Development Framework) makes provisions for areas that are considered as environmental hotspots to protected and not to be developed. The Structure Plans are now statutory documents in terms of the Urban and Regional Planning Act (Act No, 5 of 2015).

The Walvis Bay Zoning Scheme (Town Planning Scheme) promotes the protection of environmentally sensitive areas by zoning the properties as "Conservation Area". In terms of the Walvis Bay Zoning Scheme, "Conservation Area" means any land with ecological and cultural habitat values that shall be retained and protected for natural land management purposes. This means that the Municipality of Walvis Bay will zone all the

areas that need to be protected as “Conservation Areas” so that no development can take place. Nevertheless, any proposal to rezone the area from Conservation will also first need to go through the Ministry of Environment, Forestry and Tourism for approval. That is, an Environmental Impact Assessment will be required and MEFT will be required to issue an Environmental Clearance Certificate (ECC) prior to any submission of the application to MURD for approval in terms of the Urban and Regional Planning Act and prior to commencement of any use.

The Municipality of Walvis Bay further acknowledges that the alterations of the municipal boundaries do not mean the partial de-proclamation of the Dorob National Park. No development will occur on the area declared as Dorob National Park, until the partial de-proclamation is approved by MEFT in terms of the Nature Conservation Ordinance (Ordinance 4 of 1975).

The Municipality of Walvis Bay is willing to survey the area required at its own cost, as soon as the in-principle approval for the extension of boundaries is granted by the MURD.

In conclusion, to contribute towards Vision 2030, NDP5 and Harambee Prosperity Plan II (2021-2025), it is important for MURD to approve the application for the extension of Walvis Bay Municipal Boundaries back to its original municipal area in accordance with Section 4(1)(b) of the Local Authorities Act (Act No. 23 of 1992), as amended.

RECOMMENDED:

- (1) That the submission of the new application for the extension of the Walvis Bay Municipal Boundaries to its original municipal area to the Minister of Urban and Rural Development be noted.
- (2) That the Municipal council endorses the decision to apply to the Minister of Urban and Rural Development for the extension of the Walvis Bay Municipal Boundaries to the original municipal area in accordance with Section 4(1)(b) of the Local Authorities Act (Act No. 23 of 1992) as amended.

11.7 Permanent closure of a portion of a street, alterations of the boundaries of an approved township, subdivision, consolidation and rezoning: Meersig golf course erven – Phase 2 (Add. 8; M/C Meeting 16/02/2022; File R637 M)

The purpose of the report is to obtain the approval of the Municipal Council for the following:

Subdivision of Remainder Portion 94 of the Farm Walvis Bay Town and Townlands No. 1 into Portion A and Remainder,

Permanent closure of Portion A (a Portion of Remainder Portion 94) of the Farm Walvis Bay Town and Townlands No.1, situated along First Road Meersig, as “Street”,

Alterations of the township boundaries of Meersig by including Portion A (a Portion of Remainder Portion 94) of the Farm Walvis Bay Town and Townlands No. 1 as an Erf, consolidation of Portion A (a Portion of Remainder Portion 94) of the Farm Walvis Bay Town and Townlands No. 1 with Remainder Erf 637 Meersig into Consolidated Portion X Meersig, Remainder Portion 94 of the Farm Walvis Bay Town and Townlands No. 1 (hereinafter referred to as Remainder Portion 94) forms part of First Road in Meersig, while Remainder Erf 637 Meersig is located along First Road within Meersig suburb and abuts the existing Golf Course.

Remainder Portion 94 is reserved for “street” purposes (part of First Road, Meersig). Remainder Erf 637 Meersig is zoned as Single Residential and is vacant.

This application is made up of six components, being the subdivision, permanent street closure, alteration, consolidation, subdivision and rezoning.

RECOMMENDED:

- (1) That in accordance with Section 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5, 2018)*, the Municipal Council recommends to the Urban and Regional Planning Board the application for the:
 - (a) subdivision of Remainder Portion 94 of the Farm Walvis Bay Town and Townlands No. 1 into Portion A and Remainder, as generally shown on sketch plan SUB/PA dated 09 November 2021, which bears the stamp of approval of the Municipal Council,
 - (b) alterations of the township boundaries of Meersig by including Portion A (a Portion of Remainder Portion 94) of the Farm Walvis Bay Town and Townlands No. 1 as an Erf, as generally shown on sketch plan SUB/PA dated 09 November 2021, which bears the stamp of approval of the Municipal Council,
 - (c) consolidation of Portion A (a Portion of Remainder Portion 94) of the Farm Walvis Bay Town and Townlands No. 1 with Remainder Erf 637 Meersig into consolidated Portion X Meersig, as generally shown on sketch plan CON/PA_R637M dated 28 October 2021 which bears the stamp of approval of the Municipal Council,
 - (d) subdivision of the consolidated Portion X Meersig into Portions 1-36, 37-42 (Street, free of conditions) and Remainder (Street, free of conditions), as generally shown on sketch plan R637/PX/SUB dated 28 October 2021, which bears the stamp of approval of the Municipal Council and
 - (e) rezoning of Portion 36 (a Portion of Consolidated Portion X) Meersig from "Single Residential" with a density of 1 per 500m².to "General Residential 1" with a density of 1 per 150m², as generally shown on sketch plan R637/PX/SUB dated 28 October 2021, which bears the stamp of approval of the Municipal Council
- (2) That the following conditions be registered against the proposed Portions 1-36 of Consolidated Portion X in favour of the Municipal Council:
 - (a) The portions 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 prepared and approved in terms of the Urban and Regional Planning Act (Act No.5, 2018).
 - (b) The minimum value of the main building, excluding the outbuilding to be erected on the portions shall be at least two times the municipal valuation of the portions.
- (3) That, in terms of Section 50 of the Local Authorities Act (Act No.23, 1992), as amended, the Municipal Council grants approval for the permanent closure of Portion A (a Portion of Remainder Portion 94) of the Farm Walvis Bay Town and Townlands No. 1, situated along First Road Meersig, as "Street" as generally shown on drawing number SUB/PA dated 09 November 2021, subject to the following condition:
 - (a) That the Town Planning Section issues the Closure Certificate to the offices of the Registrar of Deeds and Surveyor General.

11.8 Subdivision, of permanent closure and rezoning of portions of Remainder Erf 2073 Narraville Extension 3 (Add. 9; M/C Meeting 16/02/2022; File 2073 N)

The purpose of the report is to obtain the approval of the Municipal Council for the following:

subdivision of Remainder Erf 2073 Narraville Extension 3, into Portions 1-34 and Remainder (Street),
closure of Portions 1-34 (Portions of Remainder Erf 2073) Narraville Extension 3 as "Street",

rezoning (conversion) of proposed Portions 1-18 and 20-34 (Portions of Remainder Erf 2073) Narraville Extension 3 from "Street" to "Single Residential" with a density of 1 per 300m², and

rezoning (conversion) of proposed Portion 19 (a Portion of Remainder Erf 2073) Narraville Extension 3 from "Street" to "General Residential 1" with a density of 1 per 150m².

Remainder Erf 2073 Narraville Extension 3 is part of Jan Opperman and Roman Streets reserves.

Remainder Erf 2073 Narraville Extension 3 is currently reserved for "Street" purposes in terms of the Walvis Bay Town Planning Scheme.

Remainder Erf 2073 Narraville Extension 3 measures about 4.3678 Ha (43,676m²) in extent.

Remainder Erf 2073 Narraville Extension 3 is currently vacant.

The site is relatively flat with some vegetation.

The application is made up of three components, being the subdivision, closure and rezoning.

The first part of the application is for the subdivision of Remainder Erf 2073 Narraville Extension 3 into Portions 1-34 and Remainder (Street). The subdivision will be in accordance with the plan shown below:

PORTION NUMBER	SIZE (M ²)	LAND RESERVATION	DENSITY
Portion 1	±520	Street	N/A
Portion 2	±410	Street	N/A
Portion 3	±410	Street	N/A
Portion 4	±410	Street	N/A
Portion 5	±410	Street	N/A
Portion 6	±410	Street	N/A
Portion 7	±410	Street	N/A
Portion 8	±410	Street	N/A
Portion 9	±410	Street	N/A
Portion 10	±410	Street	N/A
Portion 11	±410	Street	N/A
Portion 12	±410	Street	N/A
Portion 13	±410	Street	N/A
Portion 14	±410	Street	N/A
Portion 15	±410	Street	N/A
Portion 16	±410	Street	N/A
Portion 17	±416	Street	N/A
Portion 18	±549	Street	N/A
Portion 19	±2,185	Street	N/A
Portion 20	±419	Street	N/A
Portion 21	±475	Street	N/A
Portion 22	±319	Street	N/A
Portion 23	±377	Street	N/A
Portion 24	±366	Street	N/A
Portion 25	±337	Street	N/A
Portion 26	±337	Street	N/A
Portion 27	±319	Street	N/A
Portion 28	±377	Street	N/A
Portion 29	±337	Street	N/A
Portion 30	±338	Street	N/A
Portion 31	±376	Street	N/A
Portion 32	±318	Street	N/A
Portion 33	±333	Street	N/A
Portion 34	±371	Street	N/A
Remainder Erf 2073 Narraville	±28,486.85	Street	N/A

Please Note: Portions 1-18 and 20-34 are further proposed to be converted (rezoned) to Single Residential with a density of 1 per 300m² and Portion 19 is to be converted (rezoned) to General Residential 1 with a density of 1 per 150m².

The second part of the application is for the permanent Street closure of Portions 1-34 (Portions of Remainder Erf 2073) Narraville Extension 3, measuring 15,189m² as "Street" in terms of Sections 50(1)(c) and 50(2) of the *Local Authorities Act, 1992* (No. 23 of 1992), as amended.

The third part of the application is for the rezoning (Conversion) of proposed Portions 1-18 and 20-34 (Portions of Remainder Erf 2073) Narraville Extension 3 from "street" to "Single Residential" with a density of 1 dwelling per 300m², and Portion 19 (a Portion of Remainder Erf 2073) Narraville Extension 3 from "street" to "General Residential 1" with a density of 1 dwelling per 150m² and is made in terms of the *Urban and Regional Planning Act, 2018* (Act No.5, 2018).

The rezoning and closure applications were advertised for comments and/or objections in the Namib Times, New Era and Government Gazette. Rezoning and closure notices were also displayed on the site and on the Municipality of Walvis Bay's notice board. Furthermore, adjacent landowners were notified about the subdivision application. The closing date for objections were on 09 January 2022 and 01 February 2022. No objections were received during the public notification.

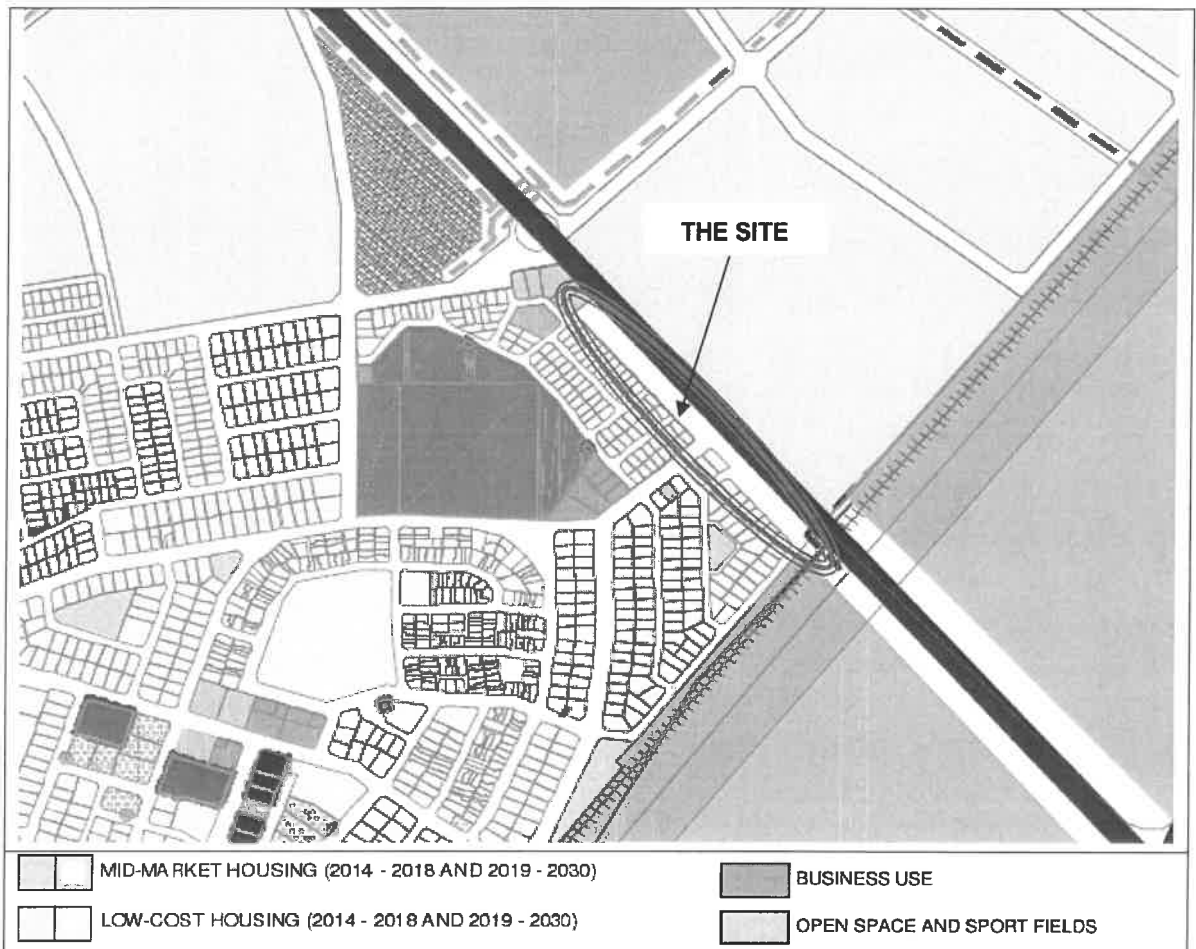
The application for the subdivision, closure and rezoning has been evaluated from the town planning point of view based on conformity of the proposed development with the Town Planning Scheme, Integrated Urban Spatial Development Framework and Local Authorities Act (Act No.23, 1992).

Section 50(1)(a)(ii) of the Local Authorities Act (Act No.23, 1992) stipulates that the Municipal Council may permanently close any portion of a street for any purpose which in its opinion requires it to be so closed. However, before a portion of the Street can be closed, public notification is required. In particular, a notice is required to be published in the Government Gazette and in at least two newspapers circulating within the local area; and neighbours need to be consulted. As mentioned in Section 4 (Public Notification), the public and neighbours have notified about the closure the portions of the street and no objections were received.

In terms of the Walvis Bay Town Planning Scheme, the minimum size of Single Residential erven in Narraville is 300m². All erven created are more than 300m². Furthermore, in terms of Clause 14.2.5.1 of the Walvis Bay Town Planning Scheme, the minimum size of a General Residential 1 erf that can potentially be used for block of flats purposes for instance, is 1000m². The only General Residential 1 erf that is part of this application (being proposed Portion 19) measures about 2,185m².

Based on the Walvis Bay Town Planning Scheme provisions, the proposed application (and its sub-components) generally conform with the aforesaid zoning scheme.

Remainder Erf 2073 Narraville Extension 3 is indicated as street, while the surrounding Narraville Extension 3 is specifically earmarked for "low-cost housing" in terms of the IUSDF, as demonstrated below.



Proposed Land Uses as per the IUSDF - adapted from the Walvis Bay IUSDF

From the Town Planning Point of view, the subdivision, closure and rezoning is supported based on the following:

The portion to be permanently closed as a street is not “physically” a street (but just legally a street as per the General Plan).

The eastern portion of Jan Opperman Street is currently about a 40m wide road, which is too wide for a residential street. Hence, the closure of Remainder Erf 2073 Narraville Extension 3 will narrow the road to 15m, which is still wide enough for motorised and non-motorised transportation.

Portions 1-34 (Portions of Remainder Erf 2073) Narraville, will cater for more residential development within the Narraville Extension 3 Suburb of Walvis Bay.

No traffic related issues will occur as the result of the proposed subdivision, closure and rezoning.

The creation of more residential erven is a form of urban infill and will thus minimise urban sprawl.

It will be easier to provide services to the proposed erven, because the proposed erven are located in the proximity of serviced land and thus no need for provision of bulk services.

The proposed closure of Portions 1-34 of Remainder Erf 2073 Narraville Extension 3 complies with the Local Authorities Act.

The subdivision, closure and rezoning will not conflict with the Walvis Bay Town Planning Scheme.

The proposed subdivision, closure and rezoning will not negatively affect the amenity of the area.

The creation of Single and General Residential erven will in the future generate revenue for Council in terms of rates and taxes.

No objections were received against the subdivision, closure and rezoning.

RECOMMENDED:

- (1) That in accordance with Section 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5, 2018)*, the Municipal Council recommends to the Urban and Regional Planning Board the application for the:
 - (a) subdivision of Remainder Erf 2073 Narraville Extension 3 into Portion 1-34 and Remainder, as generally shown on sketch plan Sub/2073N dated 11 August 2021, which bears the stamp of approval of the Municipal Council,
 - (b) rezoning of Portions 1-18 and 20-34 (Portions of Remainder Erf 2073) Narraville Extension 3 from "Street" to "Single Residential" with a density of 1 per 300m² and rezoning of Portion 19 (a Portion of Remainder Erf 2073) Narraville Extension 3 from "Street" to "General Residential 1" with a density of 1 per 150m², as generally shown on sketch plan RZ/2073N/34P dated 11 August 2021, which bears the stamp of the Municipal Council.
- (2) That the following conditions be registered against the proposed Portions 1-34 of Remainder Erf 2073 Narraville Extension 3 in favour of the Municipal Council:
 - (a) The portions 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 prepared and approved in terms of the *Urban and Regional Planning Act, 2018 (Act No. 5, 2018)*.
 - (b) The minimum value of the main building, excluding the outbuilding to be erected on the portions shall be at least two times the municipal valuation of the portions.
- (3) That, in terms of Section 50 of the *Local Authorities Act, 1992 (Act No. 23, 1992)*, as amended, the Municipal Council grants approval for the permanent closure of Portions 1-34 of Remainder Erf 2073 Narraville Extension 3, situated along Jan Opperman and Roman Streets, as "Streets" as generally shown on drawing number CLOSURE/2073N/34P dated 11 November 2021, subject to the condition:
 - (a) That the Town Planning Section issues the Closure Certificate to the offices of the Registrar of Deeds and Surveyor General.

11.9 **European Union (EU) opportunity for the construction of the Independence Beach promenade in Walvis Bay as part of the Erongo Sustainable Governance Lab: Participatory urban resilient, safe and inclusive multi-functional public spaces in Namibia action** (Add.10; M/C Meeting 16/02/2022; File 2/18/2)

The purpose of this report is to brief the Municipal Council on the approved funding from the European Union and subsequently obtain the Municipal Council's in principle approval for the signing of the Memorandum of Understanding (MoU) between the Municipality of Walvis Bay and the City of Czerowenok, Poland for project implementation thereof.

The Municipality of Walvis Bay has long planned for the upgrading of the Independence Beach promenade in Kuisebmond. However, the implementation for this project has been delayed due to the lack of funds.

Hence, in a quest to source funding opportunities, the Municipality of Walvis Bay in collaboration with the City of Czerwonok, Poland responded to a call for proposals by the European Union (EU) under the theme "Local Authorities Partnership for Sustainable Cities 2021".

In line with the EU criteria, the two Cities proposed for the establishment of a project termed "Erongo Sustainable Governance". The project will entail the construction of urban green infrastructure at the Independence Beach as well as capacity building for key Council officials as well as officials from other Local Authorities in Erongo Region, with Walvis Bay as the focal town.

The proposal has since been selected for awards in January 2021 to the tune of **EUR 1,386,492** for an implementation period of 36 months. About 45% of the funds will be used for the facility development while 55% will be for capacity building of the Municipality of Walvis Bay's officials as well as representatives from other Local Authorities in Erongo Region.

The project was designed to establish a long-term and practical partnership for urban development between the Municipality of Walvis Bay and the City of Czerwonok. The project will be implemented in line with the EU procedures and protocols. The City of Czerwonok will act as the development partner and the Municipality of Walvis as the focal area. The partnership and associated funding for the facility development and capacity building and other related activities will be subjected to a Memorandum of Understanding (MoU) which will provide direction on the project implementation plan, budget breakdown and payment scheme. The draft MoU will be availed once drafting is completed within the next two (2) weeks for scrutiny and/or in-principal approval.

A kick-off hybrid (online and or in person) meeting involving the Municipality of Walvis Bay, the City of Czerwonok and EU delegation to the Republic of Namibia is scheduled for 17 February 2022. The Municipality of Walvis Bay is expected to nominate representatives to this hybrid (preferable online) meeting in order to deliberate on the MoU.

RECOMMENDED:

- (1) That the Municipal Council takes note and *in-principle* approves participation to the European Union (EU) funded: "ERONGO SUSTAINABLE GOVERNANCE LAB: PARTICIPATORY URBAN GOVERNANCE FOR RESILIENT, SAFE AND INCLUSIVE MULTI-FUNCTIONAL PUBLIC SPACES IN NAMIBIA" Action, which entails the construction of green urban infrastructure on Kuisebmond Independence Beach Promenade.
- (2) That the Municipal Council grants in-approval for the Municipality of Walvis Bay to enter into a Memorandum of Understanding (MoU) with the City of Czerwonok, Poland in accordance with the Municipal Council of Walvis Bay's *Delegation of Powers and Assignment of Duties and Responsibilities* Policy.
- (3) That Council be kept updated and informed on the project progress on a two-monthly basis through Council's informal information sessions.
- (4) That the approval of the Minister of Urban and Rural Development be sought in terms of section 30(1)(z)(i) of the Local Authorities Act, 1992 (Act No. 23 of 1992), for the donation in kind through the European Union's Erongo Sustainable Governance Lab.

11.10 **Application to purchase a portion of Erf 5166 Walvis Bay Extension 14: Transworld Cargo (Pty) Limited** (Add.11; M/CMeeting16/02/2022; File 5166 W)

The purpose of this report is to recommend that a portion of Erf 5166 Walvis Bay, Extension 14 be sold by private transaction to Transworld Cargo (Pty) Ltd (the applicant).

Transworld Cargo (Pty) Ltd is a Namibian company and one of the leading logistics companies in Namibia with operations in South Africa, Botswana, and Germany. The applicant through the Public Bidding Process of Council during August 2021 purchased erven 5163, 5164 and 5165 Walvis Bay, Extension 14.

However, the combined size of the three erven is not sufficient to accommodate their strategic expansion plan. The applicant has now identified and applied to purchase a portion of Erf 5166 Walvis Bay, measuring 26,042 m² to complement their strategic expansion plan.

Erf 5166 Walvis Bay is a light industrial Erf that has access to all municipal services. This property has been advertised for sale since 2014, with significant interest shown but no concrete sale secured by any developer. Significantly, it can be stated that the size of the Erf has impacted the purchase price not to be affordable because of the high upset price of the Namibian Dollar.

This strategically located property is next to the railway line with the location and infrastructure that are good for logistic operations.

Although Transworld Cargo has purchased erven 5163, 5164 and 5165 Walvis Bay, they still require additional land hence the application for a portion of Erf 5166 Walvis Bay.

The three erven already sold, and the portion of Erf 5166 Walvis Bay will be consolidated into one Erf. Additionally, the applicant will construct a railway siding from their property through Erf 5238 Walvis Bay, Extension 14 that will connect to the existing railway line. Transworld Cargo has already engaged TransNamib on its intent and received support for the development.

The anticipated development will generate additional employment opportunities in Erongo Region and also expedite the development at Extension 14. Also, this expansion will be another step towards achieving the NDP5, Vision 2030 and Sustainable Development Goals (SDG 9).

Regarding the purchase price, the applicant has not made an offer, but Council during October 2021 advertised for the sale of light industrial erven at Walvis Bay Extension 14 for N\$ 600/m² plus 15% VAT. Based on the last mentioned, we are of the opinion that the N\$ 600.00/m² be set as the purchase price for the sale of a portion of Erf 5166 Walvis Bay.

In conclusion, considering the motivations of the applicant, the application for sale of a portion of Erf 5166 Walvis Bay by Transworld Cargo (Pty) Ltd is supported.

RECOMMENDED:

- (1) That a portion of Erf 5166 Walvis Bay Extension 14 approximately 26,042 m² be sold by private transaction to Transworld Cargo (Pty) Ltd (the applicant) at N\$ 500.00m² plus 15% VAT.
- (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).

- (3) That the Ministry of Urban and Rural Development be consulted, and approval be obtained on the proposed sale and its conditions in terms of Section 63 of the Local Authorities Act, 23 (Act 23 of 1992).
- (4) That the applicant attend to all Town Planning matters.
- (5) 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 and/or secured by an acceptable bank guarantee within 60 days from the date of sale.
- (6) That an amount equal to 10% of the purchase price be paid on the date of sale toward the landscaping fund.
- (7) That the applicant, at own cost, do all and/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.
- (8) That electrical requirements/services and/or any other information in this regard, be taken up with Erongo RED.
- (9) 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.
- (10) That the applicant acknowledge receipt and accept the conditions of this Council resolution within fourteen (14) days and advertise as point (2) within 30 days from the date of communication of this Council resolution. Failing to comply, this Council resolution will be regarded as null and void without any further notice.

11.11 Application for extension on payments for Erf 6288 Kuisebmond: Sekamee Vandu Investment (Add. 12; M/C Meeting 16/02/2022; File 6288 K)

To recommend, amongst others, that the request of Sekamee Vandu Investments (Pty) Ltd (the applicant) for extension on the payment of 10% deposit of the purchase price and 10% of the purchase price contribution toward the landscaping fund be considered.

Council at its meeting which was held on 26 July 2016 resolved under item 12.3, inter alia, as follows:

- (1) *That, for purposes of an envisaged health facility, approximately 15,774 m² of Public Open Space Erf 6288 Kuisebmond be sold, by private transaction, to Sekamee Vandu Investments (Pty) Ltd (the applicant) at N\$ 650.00/m².*

Sekaame Vandu requested Council for a review of the purchase.

Council at its meeting which was held on 27 September 2016 resolved under item 12.8, inter alia, as follows:

- (1) That the purchase price be reviewed.
- (2) That clause 1 of the Council resolution item 12.3 dated 26 July 2016 be rephrased to read as follows:

“That, for purposes of an envisaged healthcare facility, approximately 15,774 m² of Public Open Space Erf 6288, Kuisebmond be sold by private transaction to Sekamee Vandu (Pty) Ltd (the applicant) at N\$ 300.00/m².”

Sekamee Vandu Investments (Pty) Ltd, applied to purchase Erf 6288 Kuisebmond for the establishment of a Healthcare Facility. Council approved the sale of Erf 6288 Kuisebmond to Sekamee Vandu Investments (Pty) Ltd and the applicant was advised accordingly on 1 August 2016.

Erf 6288 Kuisebmond was zoned “Public Open Space” and the applicant had to attend to various statutory procedures before the sale of the portion could be concluded.

The Erf was closed as a “Public Open Space” and rezoned to “Institutional”. The applicant completed the statutory processes and confirmation of the completion of the rezoning process was informed by our Town Planning Section.

Subsequently the acknowledgement of the documents and further execution of the Council resolution, in respect of, payment of 10% deposit of the purchase price and 10% of the purchase price contribution toward the landscaping fund was communicated to the applicant on 26 April 2021.

The opinion is held that Council considers the request of the applicant. Sekamee Vandu Investments have already invested funds in the statutory processes that are completed. Also, the economic downturn due to the COVID-19 pandemic has stressed many businesses in Walvis Bay and country at large. It seems as if the last-mentioned elements contributed to the withdrawal of some partners from the project and therefore made it difficult for the project to be implemented. Based on the information provided the request of the applicant can be considered.

In conclusion, the request of Sekamee Vandu Investments (Pty) Ltd (the applicant) for extension on the payment of the 10% deposit of the purchase price and 10% of the purchase price contribution toward the landscaping fund is supported.

RECOMMENDED:

- (1) That the Municipal Council takes note of the report.
- (2) That the request of Sekamee Vandu Investments (Pty) Ltd (the applicant) for extension on the payment of the 10% deposit of the purchase price and 10% contribution of the purchase price toward the landscaping fund be considered.
- (3) That the extension period be for 3 months from the date of notification of Council resolution.
- (4) That if the applicant does not comply with point 2, this resolution be regarded as null and void.
- (5) That the applicant acknowledge receipt and accept the conditions of this Council resolution within fourteen (14) days from the date of communication of this Council resolution: failing to comply, this Council resolution will be regarded as null and void without any further notice.

11.12 Application to purchase Erf 8635 Kuisebmond (to be known as Kuisebmond Extension 14): Tunacor Limited (Add. 13; M/C Meeting 16/02/2022; File 8635 K)

To recommend, amongst others, that single residential erven, 36,238 m² in extent, of Erf 8635 Kuisebmond (to be known as Kuisebmond Extension 14) be reserved for Tunacor Limited.

An application has been received from Tunacor Limited (the applicant), to purchase unserviced/unsurveyed portion of erf 8635 Kuisebmond (to be known as Kuisebmond Extension 14) for employee housing.

The unserviced/unsurveyed erf 8635 Kuisebmond is situated next to the Tataleni pump station.

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

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

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

RECOMMENDED:

- (1) That the unserviced/unsurveyed single residential erven on erf 8635 Kuisebmond (to be known as Extension 14), in extent 36,238 m², be reserved for Tunacor Limited (the applicant).
- (2) That the Town Planning section completes the planning process for the establishment of Township on erf 8635 Kuisebmond (to be known as Extension 14 Kuisebmond).
- (3) That once the planning matters in (2) above has been completed a comprehensive report with recommendations be submitted to Council for consideration of the final application.

11.13 Application to purchase Erf 5757 Kuisebmond (to be known as Kuisebmond Extension 15): Seawork Fish Processors (Pty) Limited (Add. 14; M/C Meeting 16/02/2022; File 5757 K)

To recommend, amongst others, that single residential erven, 30,022 m² in extent, of Erf 5757 Kuisebmond (to be known as Kuisebmond Extension 15) be reserved for Seawork Fish Processors (Pty) Ltd.

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

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

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

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

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

RECOMMENDED:

- (1) That the unserviced/unsurveyed single residential erven on portion of erf 5757 Kuisebmond (to be known as Extension 15), in extent 30,022 m², be reserved for Seawork Fish Processors (Pty) Ltd (the applicant).
- (2) That the Town Planning section completes the planning process for the establishment of Township on erf 5757 Kuisebmond (to be known as Extension 15 Kuisebmond).
- (3) That once the planning matters in (2) above has been completed a comprehensive report with recommendations be submitted to Council for consideration of the final application.

11.14 Application to purchase a portion of portions 111, 141 and 234 of the Farm Walvis Bay Town and Townlands No. 1 (to be known as Walvis Bay Extension 19): International University of Management (Add. 15; M/C Meeting 16/02/2022; File 7/2/3/2/1)

To recommend, amongst others, that a portion of portions 111, 141 and 234 of Farm Walvis Bay Town and Townlands No.1 (to be known as Walvis Bay Extension 19), measuring 63,975 m² be reserved for International University of Management (IUM).

Council at its ordinary meeting held on 6 June 2017 under item 12.5 inter alia resolved as follows:

- (1) "That the unserviced/unsurveyed portion of portion 193 of Walvis Bay Town and Townlands No.1, 5 Ha in extent, be reserved for the International University of Management (the applicant).
- (2) That the applicant with the assistance from the Town Planning section and at its own cost 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 Council for consideration of the final application.
- (4) That a visit to the International University of Management campuses be schedule as per the invitation that they had extended."

During IUM feasibility study, it has been realized that the locality of the area reserved on portion 193 of Walvis Bay Town and Townlands is not suitable for the Walvis Bay Campus. In terms of their current intake in Walvis Bay, it shows that majority of the students are from the Kuisebmond suburb. The reserved area will disadvantage most students with regards to the distance that they need to travel to and from the University.

Hence, they are requesting that the site be exchanged with a portion of land at Walvis Bay Extension 19. Portion 32 provisionally zoned as "Institutional" has been identified by Town Planning and it perfectly suits the needs of the applicant.

The request by the applicant is supported but it is important to note the current status of Walvis Bay Extension 19 in terms of the township establishment process. The Urban and Regional Board has provisionally approved the township establishment of Walvis Bay Extension 19, subject to certain changes to the layout. This resolution has been referred to the sub-committee of the Board.

Once the above final changes have been affected and the township establishment is approved, a land surveyor will be appointed to survey the extension and provides a general plan, thereafter, services can commence. Furthermore, it is utmost important to note that the township will only be declared legal once the general plan has been approved by the Surveyor-General.

Therefore, the opinion is held that the unserviced/unsurveyed portion of portions 111, 141 and 234 of the Farm Walvis Bay Town and Townlands No.1, 63,975 m² in extent, be reserved for the International University of Management. Once the town planning matters are completed, a comprehensive report will be submitted to Council with recommendations.

It is further important that the Council resolution dated 6 June 2017 under item 12.5 be rescinded in toto.

RECOMMENDED:

- (1) That the Council resolution dated 6 June 2017 under item 12.5 be rescinded in toto.
- (2) That the unserviced/unsurveyed portion of portions 111, 141 and 234 of the Farm Walvis Bay Town and Townlands No.1, 63,975 m² extent, be reserved for International University of Management (the applicant).
- (3) That once the planning matters has been completed a comprehensive report with recommendations be submitted to Council for consideration of the final application.

- (4) That the applicant acknowledge receipt and accept the conditions of this Council resolution within fourteen (14) days from the date of communication of this Council resolution. Failing to comply, this Council resolution will be regarded as null and void without any further notice.

11.15 Application for allocation of erven 294 and 295 Narraville and a portion of Erf 328: Narraville Elderly Home (Add. 16; M/C Meeting 16/02/2022; File 7/2/3/2/2)

The purpose of the report is to To recommend, amongst others, that:

- Erf 294 Narraville, single residential erven measuring approximately 560 square meters,
- Erf 295 Narraville, Public Open Space measuring approximately 2142 square meters and
- A portion of Erf 328 Narraville, Public Open Space approximately 2371.20 square meters

be reserved for Narraville Elderly Home (the applicant), for the establishment of an elderly home.

Narraville Elderly Home is an initiative by private sector primarily focusing on the establishment of an Old Age Home for Narraville. Seeing that Walvis Bay and Kuisebmond already have Old Age Homes, these residents identified a similar need for Narraville.

The applicant has identified and applied for Erf 294 Narraville measuring $\pm 559 \text{ m}^2$, Erf 295 Narraville measuring $\pm 2142 \text{ m}^2$ and a Portion of Erf 328 Narraville measuring $\pm 2371 \text{ m}^2$, The land in question is zoned "single residential" and "Public Open Space" and measures $\pm 5072 \text{ m}^2$.

The establishment of an Old Age Home for Narraville has over the years been a dream for Council and the community of Walvis Bay, more specifically the community of Narraville. Moreover, at the Informal Council meeting held during August 2021, more emphasis was put on the importance of an Old Age Home for Narraville and this discussion accelerated the official application for the identified portions of land.

The applicant indicates that their main aim is to establish/administer an Old Age Home like Kuisebmond that will cater for vulnerable elders. This envisaged development will provide a facility that will consist of 58 living units, a hall with a fully-fledged kitchen plus a medical center.

Furthermore, the Narraville Elderly Home Committee commits itself that the envisaged building will blend in with the surrounding environment. The Old Age Home will also cater for vulnerable/needy people of Walvis Bay. Additionally, the applicant will maintain the Play Park at the Remainder of Erf 326 Narraville.

Therefore, the opinion is held that this Old Age Home will contribute to the growth, especially social development of Walvis Bay. Further to that, this development is in line with the call by the Government to all Namibian citizens for the care and support of senior citizens in their communities.

The Narraville Elderly Home is a registered entity with the Ministry of Trade, Industrialization and SME Development. It is also advisable that the applicant register the Facility as an Old Age Home with Ministry of Health and Social Services in terms of the Age Persons Act, Act 81 of 1967.

In conclusion, the application by Narraville Elderly Home is supported as it will accommodate and bring about a part of a community dream to the senior citizens of Walvis Bay, the call from Council for private sector to support our local social projects is also hereby answered.

RECOMMENDED:

- (1) That, approval be granted for Erf 294 Narraville, Erf 295 Narraville and a Portion of Erf 328 Narraville, be reserved for Narraville Elderly Home (the applicant), for the envisaged Old Age Home.
- (2) That, the applicant submits, within six (6) months after this approval, a concise project proposal that indicates the timeline of the planning/activities, as well as the financial and technical capability of Narraville Elderly Home to complete the project.
- (3) That the applicant submit approval from the Ministry of Health and Social Services that they are registered as an Old Age Home.
- (4) That, once the abovementioned planning/activities have been received, a further comprehensive report with recommendations be submitted to Council for consideration.
- (5) That, in the event the applicant fails to perform in accordance with (2), this resolution shall be deemed cancelled and of no further force and effect.
- (6) That the applicant acknowledge receipt and accept the conditions of this Council resolution within fourteen (14) days from date of communication of this Council resolution. Failing to comply, this Council resolution will be regarded as null and void without any further notice.

11.16 **Motion presented to Council on 08 July 2021: Acts contrary to the Local Authorities Act, 1992 and to the Code of Conduct for members of the Local Authorities Council (by Councilor Ephraim Shoji)** (Add. 17; M/C Meeting 16/02/2022; File 4/2/2 and 3/3/1/1)

The purpose of the report is to present Councilor Shoji motion that he presented to Council, dated 22 April 2021. Subsequently, a letter was written to the line Ministry requesting for the interpretation of Section 26 of the Local Authorities Act, 1992 as well as the Standing Rules of Order 21 and 22.

The line Ministry sought for a legal opinion from the Attorney General's Office, dated 17 November 2021.

A four-page legal opinion from the office of the Attorney General was provided to Councillors and was discussed at an Informal meeting held on 07 December 2021. All-in-all it reads that, the law permits the Management Committee to establish from time to time such committees and may appoint such members of the management committee or such other persons as it may deem fit to be members of such committee as it may deem necessary to advise it on the exercise of any of its powers or on the performance of any of its duties and functions."

Since the motion was discussed at a Council meeting and a resolution passed thereupon, the legal opinion must again be tabled at a Council meeting.

RECOMMENDED:

That Council takes note of the self-explanatory legal opinion from the Office of the Attorney General dated 17 November 2021 on "Acts contrary to the Local Authorities Act, 1992, section 26 and 30 and to the Code of Conduct for members of the Local Authorities Council" as sought by the line Ministry on its behalf.

11.17 Transfer of funds to facilitate the procurement of a mobile public address system and a meeting recording system for Informal, Management Committee and Council meetings (Add. 18; M/C Meeting 16/02/2022; File 6/1/2/1)

The purpose of the report is to obtain the approval of the Municipal Council to transfer funds to a new vote to be created for the procurement of a mobile public address system for use in the Council Chambers and at public meetings in the various Community Halls, as well as a meeting recording system.

A need for a proper public address system to be used in the alternating Council Chambers of Walvis Bay and Kuisebmond and at public meetings that are regularly held in the Community halls, as well as for a proper minute recording system was identified.

On 3rd November 2021 at an informal meeting, among other things, Councillors gave the following instructions to administration:

- *“Council meetings should be recorded verbatim. It appears that this instruction was given in the past to administration but was never carried out.*
- *Installation of microphones in Council chambers. It appears that this instruction was given in the past to administration but was never carried out.”*

A new vote must be created for the procurement of these systems under main vote B105/0000/0000 (Public address and meeting recording systems). The estimated cost of the full package is estimated at around N\$110,000.00. Sufficient funds are available under vote B105/9755/0000 (Information technology), to be transferred to the new vote.

RECOMMENDED:

- (1) That the Municipal Council approves the transfer of an amount of N\$ 110,000.00 from vote B105/9755/0000 (Information technology) to a new vote to be created under main vote
- (2) B105/5439/0000 (Public address and meeting recording systems), and that the equipment and software be procured through the required procurement processes as contemplated in the Public Procurement Act, 2015, as an open advertised bid.
- (3) That due care be taken in regard to achieving and keeping such minutes confidential.

11.18 Creation of new commodities as a store item: Road traffic signs and street name boards (Add. 17; M/C Meeting 16/02/2022; File 4/2/2 and 3/3/1/1)

The purpose of the report is to seek approval to add road traffic signs and street name boards as a new store commodity item.

New road traffic signs were procured and delivered in middle December 2021. In terms of the current financial rules' approval shall be obtained from the Management Committee where new commodities are added to the list.

Extract from the current Financial Rules – Government Gazette 18 November 1997 states amongst others under clause 6.2 as follows:

“(b) The approval of the Management Committee will not be necessary for purchases to replenish such stocks to the approved maxima but shall be obtained where the maxima are increased or where new commodities are added to the list. “

The items in the above subject matter were never store items up until now and was kept at the custodian department, Roads and Building Control and were issued from that department. For the purpose of internal control purposes, it was decided to control the items from Stores.

RESOLVED:

- (1) That approval be granted to add road traffic signs and street name boards as a new store's commodity item.
- (2) That approval be granted under the Delegation of Powers Policy to the General Manager: Finance to add new items to the store list as an when required.

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

No reports have been received.

13. **Minutes of associations**

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

No minutes have been received.

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

No minutes have been received.

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

No minutes have been received.