



## **MUNICIPALITY OF WALVIS BAY**

# **AGENDA**

### **ORDINARY COUNCIL MEETING**

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

**ON WEDNESDAY  
06 APRIL 2022  
AT 10:00**





# Municipality of Walvis Bay

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Date	29 March 2022

## NOTICE

His Worship the Mayor and Councillors  
General Managers

### MARCH 2022 - ORDINARY COUNCIL MEETING OF THE LOCAL AUTHORITY COUNCIL OF WALVIS BAY

Notice is hereby given that the Ordinary Council meeting of the Local Authority Council of Walvis Bay will be held in the Council Chambers, Civic Centre, Nangolo Mbumba Drive, Walvis Bay on: -

**Wednesday 06 April 2022 at 10:00**

Yours faithfully,

**J Esterhuizen**  
Acting Chief Executive Officer

Date & time
31/03/2022 @ 12h30

Official	Date & time	Signed off
Compiler	30/03/2022 @ 11:30	
MCS	30/03/2022 @ 14:25	
GM: HRCS		





**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 08 March 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)

None.
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 March 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 **Over-payments to Omle Security Services CC** (Add. 3; M/C Meeting 08/03/2022; File 7/1/6/2)

**RESOLVED:**

That the matter be referred back to the relevant department for more details on the matter as a thorough investigation is warranted, to be followed by remedial action.

10.2 **Revised composition of Mayoral Relief Fund** (Add. 1; M/C Meeting 23/03/2022; File 5/8/6)

**RESOLVED:**

That the matter be referred back for the Mayoral charter to be amended by the current members.

10.3 **Way forward: Temporary designated Truck Parking area in Walvis Bay Ext 14** (Add. 6; M/C Meeting 23/03/2022; File, 5/1/4)

**RESOLVED:**

That should Erven 5221 to 5227 Walvis Bay Extension 14 not be developed further, all expenditures incurred so far be added to the upset price of the subject erven, on pro-rata basis.





**11. Recommendations of the Management Committee for March 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 Sale of unimproved light erven in Walvis Bay by way of private treaty in terms of section 63 of the Local Authorities Act, 1992 (Add. 1; M/C Meeting 08/03/2022; File, 7/2/3/2/5)**

The purpose of this report is to recommend that a 16,7% discount on the upset price for all unsold and available light industrial erven be offered to interested developers/individuals and that such erven be sold by way of private treaty.

Council at its meeting held on 28 April 2021 under item 12.17 *inter alia* resolved that Council's available light industrial erven be sold by way of public bidding as per the standard conditions contained in Council's Sale and Lease of Land Policy, at an upset price of N\$ 600.00/ m<sup>2</sup>.

The available erven were advertised for sale through the printed media to be sold on 6 August 2021. Although numerous enquiries from interested entrepreneurs/individuals for the possible purchase of light industrial erven were received, only one bidder eventually purchased three (3) erven during the bidding process. The remaining 27 light industrial erven were again advertised through the print media, to be sold as from November 2021, through private treaty as per the Sale and Lease of Land Policy of Council. A total of 33 light industrial erven in Extension 14, were first offered to the public through a tender process as far back as 2015. To date, only 6 of these erven were sold.

Since 2015, numerous enquiries were received from entrepreneurs to purchase light industrial erven, but it should be clear that few of these inquiries became a reality. It was noted that financial institutions were not eager to finance the potential buyers and purchasers found it difficult to pay the 10% deposit or the balance of the purchase price of the properties offered to them. The economic downturn affected the property market drastically and a clear slowdown in property sales on the open market has been experienced over the past years.

In an effort to address this situation and to endeavor to make the sale of these erven more attractive to potential buyers, Council during 2021 resolved to offer the properties in Extension 14 to the public, at a reduced rate of N\$ 600.00 per m<sup>2</sup>. As mentioned above, no clear appetite for investment in this regard has been experienced. To facilitate development, to promote further sales and to assist in reducing financial and other risk for investors, it is recommended that a discount of 16.7% be considered on the upset prices of all light industrial erven and that the erven be offered through private treaty on a first come first serve basis.

Given the above, and in terms of Sale/Lease of Land Policy of Council, the following conditions are also proposed for the sale of light industrial and business erven:

1. All erven are sold "voetstoots/as is" without any warranty whatsoever.
2. All erven are for sale to natural persons, companies, close corporations and businesses.
3. All buyers must have reached the age of 18 years and no minors may participate in the process.



4. A 10% deposit, calculated on the discounted purchase price, must be paid on the day of sale, failing in which the proposed sale shall be regarded as null and void.
5. A 15% VAT must be paid on the day of registration of the erven, to be requested by the conveyancing attorneys and paid over to Municipality of Walvis Bay or Ministry of Finance.
6. The balance of the purchase price must be settled within a period of 36 months in equal monthly installments at an interest rate of 5%, provided that an agreement be signed on the date of the sale, and further provided that the purchaser may start with development on date of sale and on own risk.
7. Buyers should indemnify the Municipality of Walvis Bay against any loss and damages that may result as a result of property not being transferred in their name.
8. Failing to comply with clause (6) above, shall result in the sale to be cancelled and 10% deposit and all down payments made be forfeited to the Municipality of Walvis Bay.
9. Failing to pay two (2) consecutive months of the 36 equal instalments, the sale agreement be cancelled automatically by reason of failure to comply with the sale agreement, and the full deposit or all the down payments made thus far shall be forfeited.

**RECOMMENDED:**

- (1) That, in order to facilitate development and to promote the sale of the remaining light industrial erven in Walvis Bay Extension 14, a 16,7% discount on the upset price for all such light industrial erven be offered to interested developers/individuals.
- (2) That the available light industrial erven be sold by way of private treaty in terms of Section 63 of the Local Authorities Act, 1992, subject to following conditions of sale:
  - (i) All erven are sold "voetstoots/as is" without any warranty whatsoever.
  - (ii) All erven are for sale to natural persons, companies, close corporations, and businesses.
  - (iii) All buyers must have reached the age of 18 years and no minors may participate in the process.
  - (iv) A 10% deposit, calculated on the discounted purchase price, must be paid on the day of sale, failing in which the proposed sale shall be regarded as null and void.
  - (v) A 15% VAT must be paid on the day of registration of the erven, to be requested by the conveyancing attorneys and paid over to Municipality of Walvis Bay or Ministry of Finance.
  - (vi) The balance of the purchase price must be settled within a period of 36 months in equal monthly installments at an interest rate of 5%, provided that an agreement be signed on the date of the sale, and further provided that the purchaser may start with development on date of sale and at own risk and indemnify Municipality of Walvis Bay against any loss and damages that may result as a result of property not being transferred in their name.
  - (vii) Failing to comply with (6) above shall result in the sale to be cancelled and 10% deposit and all down payments made be forfeited to the Municipality of Walvis Bay.
  - (viii) Failing to pay two (2) consecutive months of the 36 equal installments, the sale agreement be cancelled automatically by reason of failure to comply with the sale agreement, and the full deposit or all the down payments made thus far shall be forfeited.



- (3) That the conditions of sale be made applicable to all light industrial erven.
- (4) That the conditions of sale under (1) above be and remain in force until this resolution is rescinded by the Municipal Council of Walvis Bay.

**11.2 Application for lease of land on Farm 38: Tidle Wave Investments One Hundred and Forty-Nine (Pty) Limited (Add. 2; M/C Meeting 08/03/2022; File Farm 38)**

The purpose of this report is to recommend, amongst others, that 5 ha of Farm 38 be leased to Tidal Wave Investments One Hundred and Forty-Nine (Pty) Ltd (the applicant), for the purpose of establishing a charcoal bagging plant and briquette manufacturing.

Tidal Wave Investments One Hundred and Forty-Nine (Pty) Ltd is a Namibian company registered with the Ministry of Industrialisation, Trade and SME Development. The company is a joint venture between King Charcoal Namibia (Pty) Ltd and Carbobois, a major charcoal distributor in Europe.

The applicant applied to lease or purchase a portion of Farm 38 for a charcoal bagging plant and briquette manufacturing. Tidal Wave Investments will duplicate the current activities of King Charcoal Namibia and plans to build substantial warehousing to build up market ready stock, locally. Currently King Charcoal exports an average of 3000 metric tons of charcoal per month. The joint venture will create at least 60 job opportunities, as well as potential employment in the transportation sector. Additionally, the joint venture would have an impact on container transport, clearing agents and other general business areas of the local economy of the town.

The application to lease 5 ha of Farm 38 by Tidal Wave Investments One Hundred and Forty-Nine (Pty) Ltd for establishing a charcoal bagging plant and briquette manufacturing, is supported.

In determining the monthly rental, the rate of N\$ 0.80/m<sup>2</sup> plus 15% VAT with a 10% escalation annually, as recently approved by Council for Farpoint Investments (Pty) Ltd during 2021, can be used as a baseline. Therefore, the lease of 5 ha (50,000 m<sup>2</sup>) of Farm 38, will amount to a monthly rental of N\$ 44 000.00 (0.88 cents/m<sup>2</sup>) plus N\$ 6 600.00 (15 % VAT). It is further submitted that all future applications for lease of land at Farm 38, be set at N\$ 0.88 cents/m<sup>2</sup>, due to the annual escalation of 10% as per previous approvals.

**RECOMMENDED:**

- (1) That 5 ha (50 000 m<sup>2</sup>) of Farm 38 be leased to Tidle Wave Investments One Hundred and Forty-Nine (Pty) Limited (the applicant) at a rental of N\$ 44 000.00 (0.88 cents/m<sup>2</sup>) plus N\$ 6 600.00 (15 % VAT) per month, escalating with 10% per annum, for establishing a charcoal bagging plant and briquette manufacturing.
- (2) That a deposit equal to the monthly rental be paid, which deposit will be withheld on expiry/termination of lease if the last monthly rental is not paid.
- (3) That the lease term be for a period of ten (10) years with an option to renew, which renewal must be applied for in writing by the applicant.
- (4) That the applicant be informed that the lease agreement would not constitute an automatic sale after the lease of 10 years have lapsed.
- (5) That the applicant, at own cost, advertise the lease by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992).



- (6) That the Ministry of Urban and Rural Development be consulted on the proposed lease and its conditions and approval in terms of Section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992).
- (7) That the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007, from the Ministry of Environment and Tourism, Directorate: Environment Affairs, for the development of this land.
- (8) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 5 ha of Farm 38 surveyed, at the applicant's own cost.
- (9) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control for the erection of any such structures.
- (10) That the applicant must, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.
- (11) That a refundable, non-interest-bearing deposit of N\$ 10,000.00 be paid by the applicant on date of signing the lease agreement, to cover the costs of rehabilitation of the site should the applicant fail to do so.
- (12) That the applicant must, at own cost, provide all services and adhere to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (13) That the applicant must, at own cost, enclose the leased area.
- (14) That electrical/water requirements/services and/or other information in this regard be taken up by the applicant with NAMPOWER/NAMWATER.
- (15) That the applicant at all times comply with all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.
- (16) That the Municipal Council of Walvis Bay is not held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended after the initial lease period.
- (17) That the applicant guarantees and indemnify the Municipality of Walvis Bay against any action, claim or loss, injury or damage which the applicant or any third party may suffer as a direct or indirect result of the development covered by the lease agreement.
- (18) That the applicant accepts the conditions of this approval within 14 days after the notification of the Council resolution, and if no response is received the approval will be regarded as null and void.
- (19) 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.
- (20) That, as a policy decision on the lease of land at Farm 38, all future applications for lease of land at Farm 38, be set at N\$ 0.88 cents/m<sup>2</sup>.





**11.3 Financial assistance from Central Government on development of Remainder Farm 37 (Add. 4; M/C Meeting 08/03/2022; File Farm 37)**

The purpose of the report is to provide the financial implications for the development of Portions 10 and 11 of Remainder Farm 37 and to recommend that Council submit a formal request to Central Government (Ministry of Urban and Rural Development), for financial assistance towards township establishment for ultra-low-income groups on Portion 10 and 11 of Remainder Farm 37.

Walvis Bay predominantly has backyard shacks (informal structures) compared to informal settlements elsewhere in Namibia. Backyard shacks existed in Walvis Bay since 1994, despite various efforts of Council and Government to provide the urban poor with formal housing. The scenario is likely to continue in the future, as a result of rapid household formations, migration, and financial constraints.

Some of the backyard structures are categorized as unsuitable for human habitation and the ideal forward path in this regard, is for eventual or immediate and complete relocation. Relocation affects people directly and frequently results in loss of income, increased cost of living and disruption of social links that provide insurance and support for livelihoods where incomes are low or irregular.

In 2020, Council undertook a Socio-Economic and Affordability Study, to determine the demand for, and affordability of, housing by backyard dwellers in Walvis Bay. The study also identified the housing backlog and total number of informal dwellers/backyard shacks in all categories. The backyard shack survey, amongst others, identified the following:

• Total shacks surveyed	-	10,922
• Total employed occupants	-	7,805
• Total unemployed occupants	-	3,117
• Total average households as per survey	-	32,640

Between 1997 and the end of 2020 the backyard shack problems worsened, and this situation, as well as interventions from Government, led to the establishment of a new township in Walvis Bay, on Farm 37.

In order to address further possible development of Portions 10 and 11 of Farm 37, Council, at its Ordinary Meeting held on 21 September 2021 under item 11.1, resolved as follows:

*"That it be referred to the Councillors to discuss the way forward informally, whereafter, it must be submitted to the Management Committee for a report to the Council under subrule 18(1)(b) of the Standing Rules of Order"*

The decongestion and relocation of backyard shacks to more acceptable conditions, has become a necessity.

Council has up to date provided the following services to Portions 10 and 11 of Farm 37;

• Planning & Surveying	-	N\$ 690 123.00
• Roads & Earthworks	-	N\$ 5 093 817.00
• Water	-	N\$ 1 047 499.00
• Sewer	-	N\$ 808 275.00

Council therefore spent about N\$ 7 639 714.00, in an effort to provide basic services as indicated above. A further provision to the tune of N\$ 500 000.00 was made in the current budget (2021/2022 financial year), for further planning and surveying.



The Department of Roads and Building Control presented financial implications regarding further and proper development of Portions 10 and 11 of Farm 37 to Council at Informal Discussions held on 14 December 2021. It was submitted that additional funding to the tune of N\$ 108 980 654.00, will be required to provide proper services to these portions.

Given the magnitude of investment to provide proper services to Portions 10 and 11, the opinion is held that Central Government and in particular the Ministry of Urban and Rural Development be approached with the request to assist Council with the further development of Farm 37.

**RECOMMENDED:**

- (1) That the motion to request financial assistance from Central Government through the Ministry of Urban and Rural Development, for the further township development of Portions 10 and 11 Remainder Farm 37, be supported.
- (2) That a comprehensive motivation letter be forwarded to the Ministry of Urban and Rural Development for financial assistance in this regard.

11.4 **Withdrawal of six (6) uncompleted single residential erven to be under the Massive Urban Land Servicing Project (MULSP)** (Add. 5; M/C Meeting 08/03/2022; File 7/2/3/2/10)

The purpose of the report is to withdraw six (6) erven from the list of 102 improved single residential erven under the Massive Urban Land Servicing Project.

Council at its Ordinary meeting held on 8 June 2021 under item 12.11 resolved as follows:

- “(1) That the Municipal Council takes note of the report.*
- (2) That approval be granted in principle for the following Council's available improved erven under the Massive Urban Land Servicing (MULS) Project in Kuisebmond and Narraville, to be sold “voetstoots” by way of public bidding”.*

As per the Council resolution dated 8 June 2021 under item 12.11, 102 improved single residential erven under the Massive Urban Land Servicing were identified as vacant to be sold through public bidding process.

However, it should be noted that six (6) of the listed improved single residential erven, have not yet been completed and handed over to Council. Therefore, no completion certificates have been issued on these houses and the opinion is held that these properties, for the time being and until completed, be withdrawn from the list of 102 erven to be sold.

The Contractor, Uunongo Technologies, has not been remunerated for the construction of improvements on these properties.

The six (6) houses are situated on erven 7219, 7224 to 7228 Kuisebmond, Extension 5. The opinion is further held that the Contractor be given 90 days from the date of Council approval to complete the houses for handing over to Council. Failure to comply with this condition, should lead to these properties to be valued as is, and offered for sale to the public on a “voetstoots” basis, with the valuation as upset price. The Contractor to be compensated according to the valuation, for improvements effected up to date.



**RECOMMENDED:**

- (1) That erven 7219 and 7224 to 7228 Kuisebmond Extension 5 be withdrawn from the list of 102 improved single residential erven to be sold under the Massive Urban Land Servicing Project.
- (2) That the Contractor (Uunongo Technologies) be given 90 days from date of this Council resolution to complete the houses.
- (3) That should the Contractor fail to comply with the condition in (2) above, the uncompleted properties be valued as is, and offered for sale to the public on a "voetstoots" basis, with the valuation as upset price; and that the Contractor to be compensated according to the valuation, for improvements effected up to date.

11.5 **Legal Opinion: Narraville Extensions 12 and 14** (Add. 6; M/C Meeting 08/03/2022; File, 15,2/2/5,15/2/2/7,3/3/1/1)

The purpose of the report is to submit the legal opinion required by Council regarding the possible rescindment of a Council resolution dealing with the sale of land, Narraville Extensions 12 and 14, to Amko Investments Four CC.

At its meeting held on 8 July 2021, a motion "To rescind Council Resolution dated 24 June 2014, under Item 12.9: Narraville Extensions 12 and 14", was submitted to and unanimously carried by, Council. The motion was tabled by Clr. Saara Mutondokwa.

Consequently, and at the same meeting held on 8 July 2021, Council resolved as follows;

*"That legal advice be sought on the intended cancellation of the sale agreement, taking all events to date into consideration before a final decision on the way forward is made".*

In execution of the above Council resolution, a legal opinion was requested and from the opinion provided, it should be clear that the legal consultant is of opinion that it is not necessary to cancel any agreement between Council and Amco Investments Four CC, as no valid agreement was signed and thus concluded. Instead, it is submitted that the possible rescission or revocation of Council resolution of 2014 will be addressed in the legal opinion.

Summarized, the legal opinion indicates that the encroachment of Extensions 12 and 14 on Portion 195, which was erroneously sold to Sunn Properties and which sale are in process to be rectified, could constitute reason for withdrawal of Council resolution of 2014. However, it is advised that Council approach a Court of Law to set aside the resolution as legally invalid, based on the encroachment issue.

The legal opinion further advises that restitution from Amco Investments Four CC is probable, should Council resolution of 2014 be rescinded.

**RECOMMENDED:**

- (1) That the legal opinion received from Messrs. Fouché-VanVuuren Legal Practitioners to rescind Council Resolution dated 24 June 2014, under Item 12.9: Narraville Extensions 12 and 14, regarding the sale of this land to Amco Investments Four CC, be noted.
- (2) That the Municipal Council consent to the continuation of the project without further delay.



**11.6 Subdivision of Erf 4171 Kuisebmond into Portions 1 – 26 and Remainder (street) and rezoning of Portions 1 – 26 of Erf 4171 Kuisebmond** (Add. 7; M/C Meeting 08/03/2022; File 4171 K)

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

- (a) subdivision of Erf 4171 Kuisebmond, into Portions 1-26 and Remainder (Street) and
- (b) rezoning of proposed Portions 1-26 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Light Industrial", "General Business", "Local Business", "Office" (for Municipal Purposes), "Institutional" and "Public Open Space".

Erf 4171 Kuisebmond is located along Sam Nujoma Avenue between the Kuisebmond suburb and the Walvis Bay Industrial Area and is currently zoned as "Undetermined" in terms of the Walvis Bay Town Planning Scheme. It measures about 21 hectares (i.e. 209,751m<sup>2</sup>) in extent. Erf 4171 Kuisebmond comprises of the Fire Station, powerlines and some illegal (unregistered) businesses (i.e. carwashes, informal traders, etc.). The application is made up of two components, being the subdivision and rezoning.

The first part of the application is for the subdivision of Erf 4171 Kuisebmond into Portions 1-26 and Remainder (Street) and is made in terms of the Urban and Regional Planning Act (Act No.5, 2018). The subdivision will be in accordance with the plan and the following table.

<b>PORTION NUMBER</b>	<b>SIZE (m<sup>2</sup>)</b>	<b>ZONING/ LAND RESERVATION</b>	<b>DENSITY</b>
Portion 1	±19,749	Undetermined	N/A
Portion 2	±1,620	Undetermined	N/A
Portion 3	±7,865	Undetermined	N/A
Portion 4	±16,133	Undetermined	N/A
Portion 5	±8,214	Undetermined	N/A
Portion 6	±5,516	Undetermined	N/A
Portion 7	±3,267	Undetermined	N/A
Portion 8	±3,821	Undetermined	N/A
Portion 9	±5,949	Undetermined	N/A
Portion 10	±5,860	Undetermined	N/A
Portion 11	±6,343	Undetermined	N/A
Portion 12	±4,807	Undetermined	N/A
Portion 13	±4,331	Undetermined	N/A
Portion 14	±1,133	Undetermined	N/A
Portion 15	±1,208	Undetermined	N/A
Portion 16	±1,965	Undetermined	N/A
Portion 17	±10,909	Undetermined	N/A
Portion 18	±17,294	Undetermined	N/A
Portion 19	±6,866	Undetermined	N/A
Portion 20	±8,483	Undetermined	N/A
Portion 21	±10,515	Undetermined	N/A
Portion 22	±1,724	Undetermined	N/A
Portion 23	±300	Undetermined	N/A
Portion 24	±1,290	Undetermined	N/A
Portion 25	±240	Undetermined	N/A
Portion 26	±430	Undetermined	N/A
Remainder of Erf 4171 Kuisebmond	±53,919	Undetermined	N/A

The second part of the application is for the rezoning of the following:

- (a) Portions 1 and 5-9 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Light Industrial",





- (b) Portions 2 and 3 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Offices" (to be reserved for Municipal Purposes),
- (c) Portion 4 (Portion of Erf 4171) Kuisebmond from "Undetermined" to "General Business" (to be reserved for Municipal Purposes),
- (d) Portions 10-13 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "General Business",
- (e) Portions 14-16 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Local Business",
- (f) Portion 17 (Portion of Erf 4171) Kuisebmond from "Undetermined" to "Institutional" and
- (g) Portions 18-26 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Public Open Space".

The rezoning was advertised for 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 was on 09 January 2022. No objections were received.

The application for the subdivision and rezoning has been evaluated from the town planning point of view based on conformity of the proposed development with the Town Planning Scheme and Integrated Urban Spatial Development Framework.

#### **Conformity with the Walvis Bay Integrated Urban Spatial Development Framework (IUSDF)**

According to the IUSDF, the site is indicated as Combined Land Use. See **Figure 1** below for the IUSDF proposals. The proposed subdivision and rezoning are for a mixed (combined) land uses such as, Light Industrial, Local Business, General Business, Office (to be reserved for Municipal Purposes) and Institutional.

The minimum size of all light industrial erven that will be used for industrial purposes is 1000m<sup>2</sup> and thus complies with Clause 20.2.5.1 of the Walvis Bay Town Planning Scheme. Furthermore, the minimum size of all General Business, Local Business, Offices (to be reserved for Municipal Purposes) and Institutional erven is 1500m<sup>2</sup> and thus complies with Clauses 17.2.5.1, 18.2.5.1 and 23.2.5.1 of the Walvis Bay Town Planning Scheme.

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

- (a) Erf 4171 Kuisebmond is zoned as Undetermined to allow for future expansion and zoning of the site.
- (b) The site is occupied by the Fire Station and Taxi Rank. The proposed uses compliment these existing uses.
- (c) The proposed site has high potential to be developed to integrate the Kuisebmond suburb with the Walvis Bay Township.
- (d) The proposed subdivision and rezoning will address colonial planning that focused on segregating townships - by creating opportunities for development on the "buffer area".
- (e) The proposed subdivision and rezoning will create opportunities for SME's by creating Light Industrial and Local Business erven.
- (f) The subdivision will allow for the connectivity of Kabeljou Street to link with Hidipo Hamutenya Road in the Light Industrial area.
- (g) The subdivision and rezoning will enable residents and other potential buyers to acquire legal ownership of these erven.



- (h) The proposed subdivision of Erf 4171 Kuisebmond will improve the walkability between the Kuisebmond and Light Industrial area of Walvis Bay.
- (i) The proposed subdivision and rezoning will allow for infill development which in turn will prevent urban sprawl.
- (j) The subdivision and rezoning will not conflict with the Walvis Bay Town Planning Scheme.
- (k) The sizes of the proposed erven resulting from the subdivision (Portions 1-26 of Erf 4171 Kuisebmond) are large enough to accommodate the proposed activities.
- (l) The proposed subdivision and rezoning will not negatively affect the amenity of the area.
- (m) The creation of the proposed portions will in the future generate revenue for Council in terms of rates and taxes.
- (n) No objections were received against the subdivision, closure and rezoning.

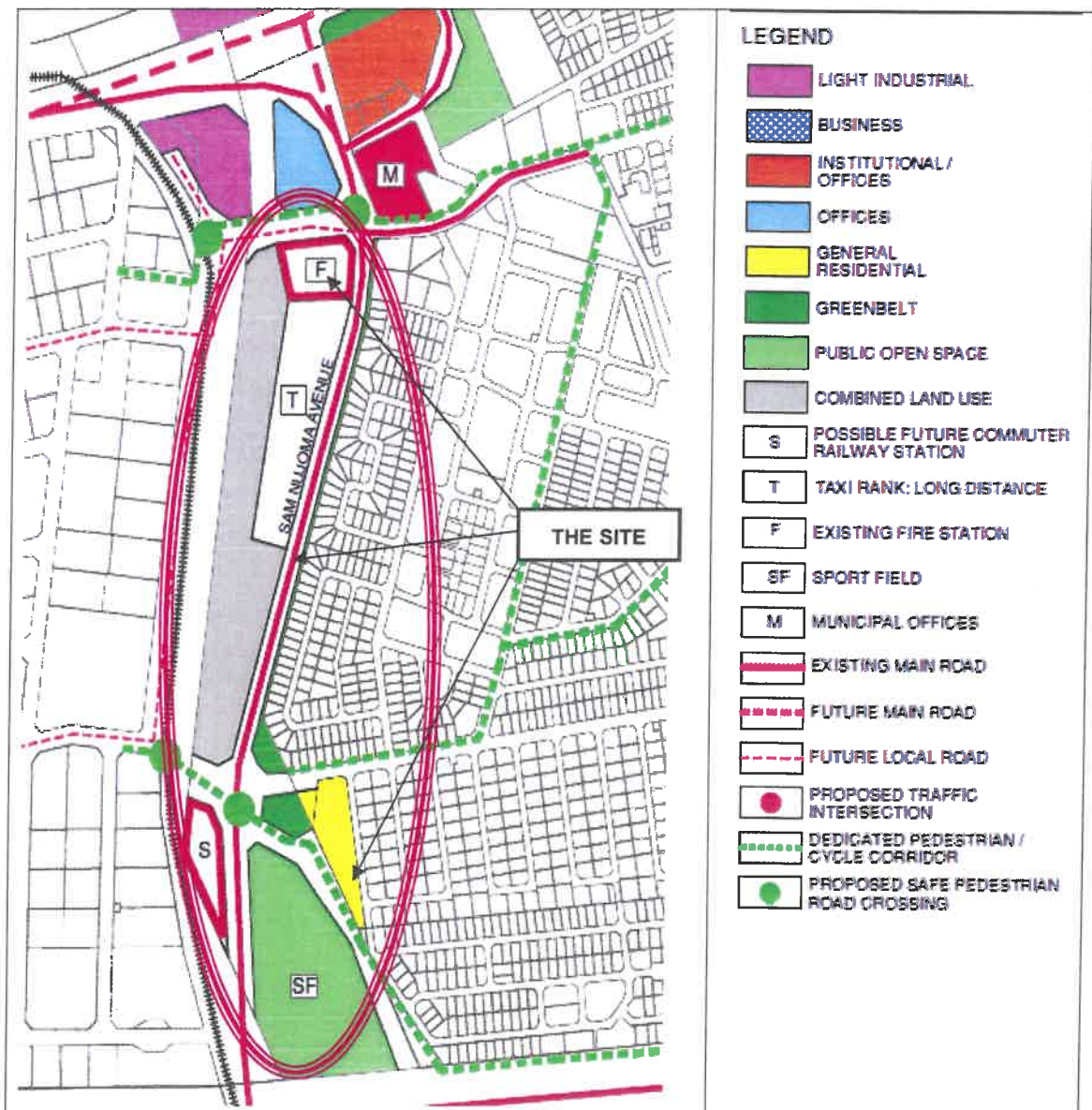


Figure 1: Proposed Land Uses as per the IUSDF (Adopted from the Walvis Bay IUSDF)



**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 recommend to the Urban and Regional Planning Board the application for the subdivision of Erf 4171 Kuisebmond into Portions 1-26 and Remainder (Street, free of conditions), as generally shown on sketch plan R4171K/SUB dated 25 August 2021, subject to the following conditions:
  - (a) That the following conditions be registered against the proposed Portions 1, 5-9 and 10-16 of Erf 4171 Kuisebmond in favour of the Municipal Council:
    - (i) 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).
    - (ii) 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.
- (2) That in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5, 2018)*, as generally shown on drawing number R4171K/SUB dated 25 August 2021 the Municipal Council recommends to the Urban and Regional Planning Board, the application for the rezoning of:
  - (a) Portions 1 and 5-9 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Light Industrial",
  - (b) Portions 2-4 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Offices" (for Municipal Purposes),
  - (c) Portions 10-13 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "General Business",
  - (d) Portions 14-16 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Local Business"
  - (e) Portion 17 (a Portion of Erf 4171) Kuisebmond from "Undetermined" to "Institutional" and
  - (f) Portions 18-26 (Portions of Erf 4171) Kuisebmond from "Undetermined" to "Public Open Space".
- (3) That Portions 2-4 of Erf 4171 Kuisebmond be reserved for a Local Authority for Municipal Purposes.
- (4) That Portions 18-26 of Erf 4171 Kuisebmond be reserved for Local Authority for Public Open Space purposes.
- (5) That the subdivision and rezoning application be submitted to the Minister of Urban and Rural Development (through the Urban and Regional Planning Board) for approval.

**11.7 Subdivision of Remainder Portion B of the Farm Walvis Bay Town and Townlands No.1 into Portions 238-254, alteration of the boundaries of the approved township and rezoning of Portions 238-253 (Portions of Remainder Portion B) of the Farm Walvis Bay Town and Townlands No.1 (Add. 8; M/C Meeting 08/03/2022; File PTN. B)**

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

- (a) subdivision of Remainder Portion B of the Farm Walvis Bay Town and Townlands No. 1, into Portions 238-253 and 254 (Street),
- (b) alteration of the boundaries of the approved township (Walvis Bay Extension 5) by including Portions 238-254 (Portions of Remainder Portion B) Walvis Bay Town and Townlands No. 1 as erven and



- (c) rezoning of proposed Portions 238-253 (Portions of Remainder Portion B) of the Farm Walvis Bay Town and Townlands No. 1 from "Undetermined" to "Light Industrial".

Remainder Portion B of the Farm Walvis Bay Town and Townlands No. 1 is located within the Industrial area of Walvis Bay Extension 5, along Independence Road, is currently zoned as "Undetermined" in terms of the Walvis Bay Town Planning Scheme and measures about 4.1 hectares (i.e. 40,748m<sup>2</sup>) in extent.

Remainder Portion B of the Farm Walvis Bay Town and Townlands No. 1 comprises of the Municipal Industrial stalls, Erongo Logistics development and the rest of the site is used to temporary store building sand.

This application is made up of three components, being the subdivision, alteration and rezoning.

The **first** part of the application is for the subdivision of Remainder Portion B of the Farm Walvis Bay Town and Townlands No. 1 into Portions 238-253 and 254 (Street) and is made in terms of the Urban and Regional Planning Act (Act No.5, 2018).

The subdivision will be in accordance with Figure 1 and the following table:

PORTION NUMBER	SIZE (M <sup>2</sup> )	CURRENT ZONING	DENSITY
238	±5,591	Undetermined	N/A
239	±11,161	Undetermined	N/A
240	±5,015	Undetermined	N/A
241	±1,116	Undetermined	N/A
242	±1,116	Undetermined	N/A
243	±1,116	Undetermined	N/A
244	±1,116	Undetermined	N/A
245	±1,116	Undetermined	N/A
246	±1,116	Undetermined	N/A
247	±703	Undetermined	N/A
248	±1,604	Undetermined	N/A
249	±1,141	Undetermined	N/A
250	±1,142	Undetermined	N/A
251	±1,143	Undetermined	N/A
252	±1,145	Undetermined	N/A
253	±1,282	Undetermined	N/A
254 (Street)	±4,125	Undetermined	N/A

The **second** part of the application is for the alteration of the boundaries of the approved township (Walvis Bay Extension 5) by including Portions 238-253 (Portions of Remainder Portion B) of the Farm Walvis Bay Town and Townlands No. 1 as erven. The Portions (Portions 238-253) to be incorporated into the approved township (Walvis Bay Extension 5).

The **third** part of the application is for the rezoning of the proposed Portions 238-253 (Portions of Remainder Portion B) of the Farm Walvis Bay Town and Townlands No. 1 from "Undetermined" to "Light Industrial" and is made in terms of the Urban and Regional Planning Act (Act No. 5, 2018).

The rezoning and alterations of the township boundaries application was advertised for comments and/or objections in the Namib Times, New Era and Government Gazette. 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.

The application for the subdivision, alteration and rezoning has been evaluated from the town planning point of view based on conformity of the proposed development with the Town Planning Scheme and Integrated Urban Spatial Development Framework (IUSDF).

According to the IUSDF, the site is indicated as "Businesses". Please see Figure 1 for the IUSDF proposals. However, the Municipal Council constructed industrial stalls and leased part of the land to light industrial developer (Erongo Logistics). Hence the need to formalise the area into a light Industrial area. The "vacant" part of the site is across the cemetery therefore, no significant impacts to residential area. The minimum size of all light industrial erven that will be used for industrial purposes is 1000m<sup>2</sup>, however all other uses have no prescribed minimum erf size. Therefore, the proposed erven thus comply with Clause 20.2.5.1 of the Walvis Bay Town Planning Scheme.

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

- (a) Remainder Portion B of the Walvis Bay Town and Townlands No. 1 is zoned as Undetermined to allow for future expansion and zoning of the site.
- (b) The site is occupied by Municipal Industrial stalls and Erongo Logistics development.
- (c) The vacant Portions have high potential to be developed to integrate the Walvis Bay Township.
- (d) No significant traffic related issues will occur as the result of the proposed subdivision and rezoning.
- (e) The subdivision and rezoning will enable residents and other potential buyers to acquire legal ownership of these erven.
- (f) The subdivision, alteration and rezoning will not conflict with the Walvis Bay Town Planning Scheme.
- (g) Light Industrial erven have potential to create employment opportunities to local people.
- (h) Small Light Industrial erven require less capital compared to larger Industrial erven. It is therefore easier for the proposed erven to be developed by emerging or small and medium entrepreneurs who usually have limited resources.
- (i) The proposed subdivision, alteration and rezoning will not negatively affect the amenity of the area.
- (j) The creation of Light Industrial erven will in the future generate revenue for Council in terms of rates and taxes.
- (k) No objections were received against the subdivision, closure, and rezoning.



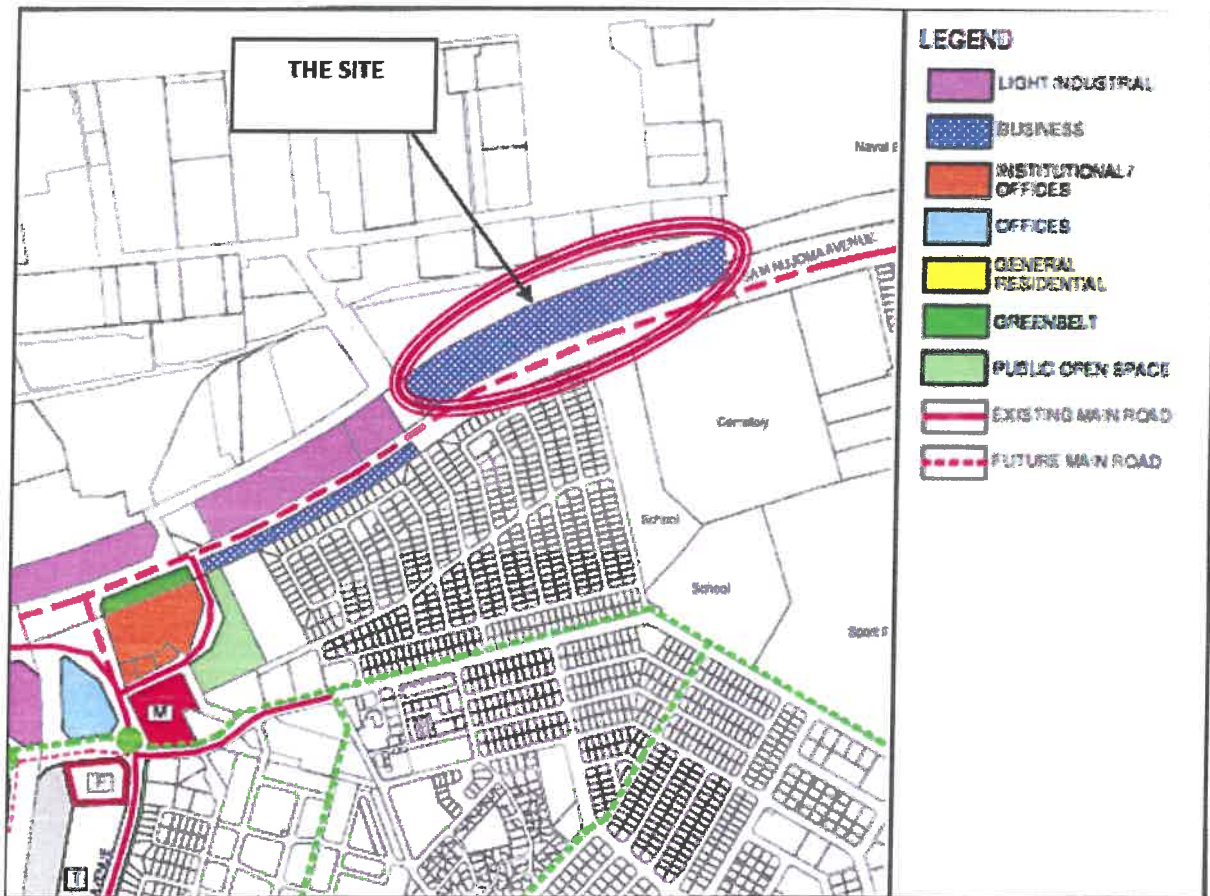


Figure 1: Proposed Land Uses as per the IUSDF

**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 subdivision of Remainder Portion B of the Farm Walvis Bay Town and Townlands No. 1 into Portions 238-253 and 254 (Street, free of conditions), as generally shown on sketch plan SUB/LEASE/PB dated 20 November 2021, subject to the following conditions:
  - (a) That the following conditions be registered against the proposed Portions 238-253 of Remainder Portion B of the Farm Walvis Bay Town and Townlands No.1 in favour of the Municipal Council:
    - (i) 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).
    - (ii) 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.
  - (b) That Portion 254 (a Portion of Remainder Portion B) of the Farm Walvis Bay Town and Townlands No. 1 be reserved for the local authority for street purposes.



- (2) That, in accordance with Section 74 to 76 of the Urban and Regional Planning Act (Act No. 5 of 2018), the Municipal Council grant approval for the alterations of township boundaries of Walvis Bay Extension 5 by including Portions 238-254 (Portions of Remainder Portion B) of the Farm Walvis Bay Town and Townlands No. 1 as an Erven, as generally shown on drawing number SUB/LEASE/PB dated 20 November 2021.
- (3) That the Municipal Council recommend to the Urban and Regional Planning Board, the application for the rezoning of Portions 238-253 (Portions of Portion B) of the Farm Walvis Bay Town and Townlands No. 1 from "Undetermined" to "Light Industrial", in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5, 2018)*, as generally shown on drawing number SUB/LEASE/PB dated 20 November 2021.

11.8 **Subdivision of Erf 3127 Kuisebmond into Portion A and Remainder, permanent closure of Portion A of Erf 3127 Kuisebmond as public open space and Subdivision of Erf 8634 Kuisebmond into Portion B and Remainder** (Add. 9; M/C Meeting 08/03/2022; File 3127K / 8634K)

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

- (a) subdivision of Erf 3127 Kuisebmond into Portion A (Street) and Remainder (Public Open Space),
- (b) permanent closure of Portion A of Erf 3127 Kuisebmond as Public Open Space and
- (c) subdivision of Erf 8634 Kuisebmond into Portion B (Street) and Remainder.

Erf 3127 Kuisebmond is located on the north-eastern corner of Tataleni settlement and on the corner of "Ongulumbashe Street" and Johanna Benson Street. Erf 8634 Kuisebmond is located on the opposite side of Tataleni and houses the Tataleni pump station. Erf 3127 Kuisebmond is reserved for Public Open Space purposes, while Erf 8634 Kuisebmond is zoned as "Institutional" in terms of the Walvis Bay Zoning Scheme. The locality plan is shown by Figure 1.

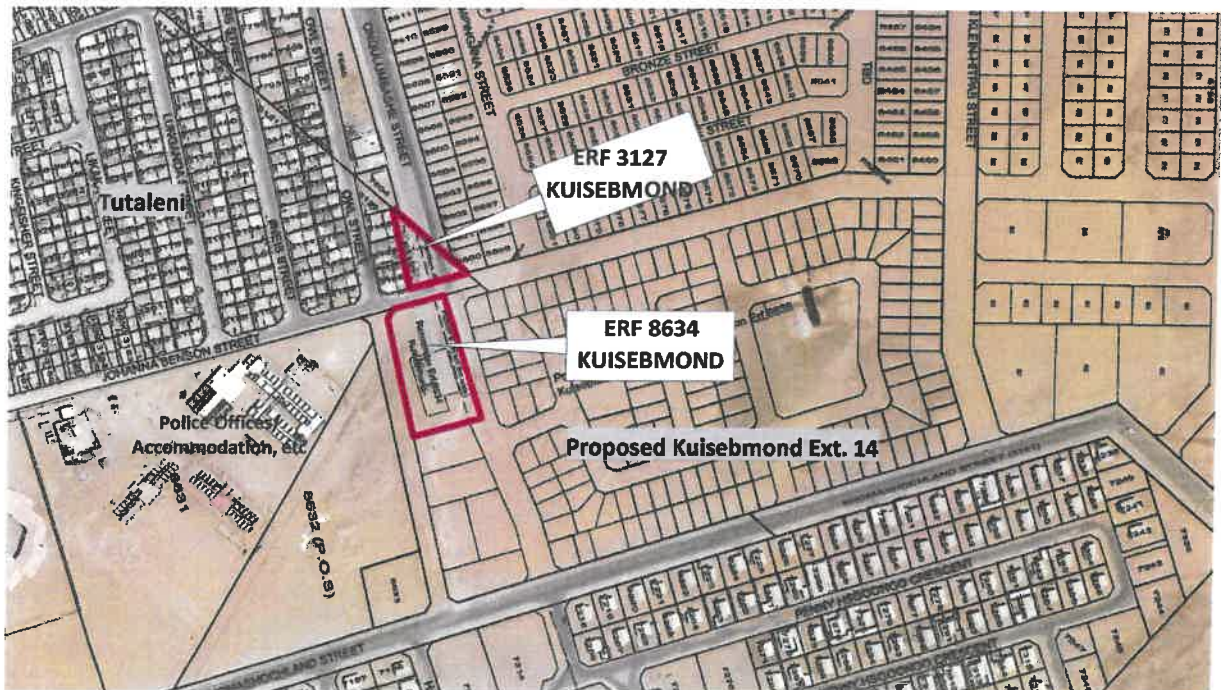


Figure 1: Locality Plan of Erven 3127 and 8634 Kuisebmond





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**RECOMMENDED:**

- (1) That in accordance with Section 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act of 2018)*, the Municipal Council recommends to the Urban and Regional Planning Board for approval, the applications for the subdivision of:
  - (a) Erf 3127 Kuisebmond into Portion A (street, free of conditions) and Remainder (Public Open Space, free of conditions), as generally shown on sketch plan SUB/3127K dated 13 September 2021 that bears the Municipal Council's stamp;
  - (b) Erf 8634 Kuisebmond into Portion B (street, free of conditions) and Remainder, as generally shown on sketch plan SUB/8634K dated 13 September 2021 that bears the Municipal Council's stamp.
- (2) That any conditions presently registered against Erf 3127 Kuisebmond and Erf 8634 Kuisebmond be retained for Remainder Erf 3127 Kuisebmond and Remainder Erf 8634 Kuisebmond, respectively.
- (3) That the subdivision applications of Erf 3127 and 8634 Kuisebmond be lodged with the Urban and Regional Planning Board in accordance with the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018).
- (4) That, in terms of Section 50 of the Local Authorities Act (Act 23 of 1992), as amended, the Municipal Council grant approval for the permanent closure of Portion A (a Portion of Erf 3127 Kuisebmond), measuring 516m<sup>2</sup>, as a "Public Open Space", which is generally shown on drawing number SUB/3127K dated 13 September 2021.
- (5) That a Closure Certificate for Portion A of Erf 3127 Kuisebmond be issued to the Offices of the Registrar of Deeds and Surveyor General.
- (6) That the Municipal Council obtain the Environmental Clearance Certificate from the Ministry of Forestry, Environment and Tourism for the closure of Portion A of Erf 3127 Kuisebmond as a Public Open Space, prior to the submission of subdivision application to the Minister of Urban and Rural Development.
- (7) That, in accordance with Section 128 of the Urban and Regional Planning Act (Act No. 5 of 2018), the Municipal Council delegate the Chief Executive Officer to endorse minor changes made to the subdivision layouts or applications as and when required by the Urban and Regional Planning Board (provided that the changes are not more than 10%).
- (8) That these approvals come into effect immediately after the Municipal Council has taken a resolution and prior to the confirmation of the Municipal Council's minutes.

**11.9 Topnaar Traditional Authority Community Trust Fund: Appointment of member of the Board** (CSAdd. 1; M/C Meeting 08/03/2022; Ref. No. Pers. File; 4/2/2 and 1/1/1/4/1,12/1)

The purpose of this report is to consider the request of the Topnaar Traditional Authority for the appointment of a member of the Community Trust Fund Board.

The Municipality of Walvis Bay was informed by the Topnaar Traditional Authority to appoint a municipal council member as a representative on the Board of its Community Trust Fund.

Section 18(3) of the Traditional Authorities Act, 2000 (Act of 25 of 2000), provides that a traditional authority may with the consent of the members of its traditional community establish a Community Trust Fund, to be held in trust for the members of that traditional community.



Regulation 5(1) of the Regulations to the Traditional Authorities Act provides for the appointment of members of the board of a Community Trust Fund, as follows:

*"If a traditional authority of a traditional community has established a Community Trust Fund as contemplated in section 18(3) of the Act, that traditional authority shall for the purpose of managing and controlling the affairs of the Fund establish a Board of Trustees, comprising:*

*(e) one member of the local authority council of the local authority area situated in the communal area of that traditional community, designated by that local authority council".*

The Municipal Council of Walvis Bay must now designate one of its members as board member under regulations 5(1)(e). For the interim, Councillor Olivia Andrews had been acting in that capacity.

**RECOMMENDED:**

That Councillor Olivia Andrews be appointed as the local authority representative on the Board of the Topnaar Traditional Authority Community Trust Fund as contemplated in Regulation 5(1)(e) of the Traditional Authorities Act, 2000 (Act No. 5 of 2000).

**11.10 Appointment of Council member to serve as a Board member of the Erongo Regional Electricity Distributor Board of Directors (CSAdd. 2; M/C Meeting 08/03/2022; File, 1/22/4/1/12/1)**

The purpose off the report is for the appointment of Council members to serve on the Erongo RED Board of Directors for the remainder of its term of office.

Councillor L Victor has tendered his resignation from the board, while Councillor O Andrews also resigned as Alternate Member.

There is also a governance challenge, as per the advice of the Erongo RED, with Councillor R Hoaeb serving as both a board member thereby representing the Municipality of Walvis Bay as shareholder, as well as being the Chairperson of the Annual General Meeting of Shareholders (a position held under the Shareholders Agreement by any sitting Chairperson of Management Committee of the Municipality of Walvis Bay).

**RECOMMENDED:**

- (1) That the Municipal Council of Walvis Bay accept the resignations of Councillor L Victor as Council appointed member and of Councillor O Andrews as alternate member on the Board of Directors of the Erongo RED, as effective end of April 2022.
- (2) That the Municipal Council appoint Councillor Trevino Forbes in the place and stead of Cllr R. Hoaeb as Chairperson of the ERED Annual General meeting.



**11.11 Rectification of upset price: Light industrial erven sold through private treaty** (Add. 2; M/C Meeting 23/03/2022; File 7/2/3/2/5)

To submit the erroneous calculation of upset prices for light industrial erven, as depicted in a Council resolution dated 12 December 2019, item 5.1, and to rectify such upset prices.

Council at its meeting held on 19 December 2019, under item 5.1 resolved

- “(1) That the Municipal Council takes note of the report.
- (2) That all the available erven as per the Management Committee report be advertised and be sold by private treaty in terms of sale/lease policy of Council.

The report submitted to Council as referred to above, amongst others, indicated the upset price for all light industrial erven to be sold by private treaty. It was however picked-up that these upset prices were indicated erroneously in the report, as the 15 % VAT was calculated twice on the upset price.

As per the Local Authorities Act, Act 23 of 1992, the sale of these erven was advertised in January 2020. Unfortunately, the advert also depicted the erroneous upset prices.

Since the advertisement of these erven to be sold by private treaty, only one (1) erf, Erf 5213 Walvis Bay, Extension 14, was sold to Ndume Trading CC. The agreement of sale was concluded with Mr. Ndume subject to condition of sale that the purchaser can pay off the property in three (3) years. In the meantime, the erroneous upset price was picked up, and the upset sale price to Ndume Trading CC will also have to be rectified.

It is therefore necessary to rectify the upset prices of industrial erven in order to enable the Division Housing and Properties, to conclude the proposed sale with Ndume Trading as well as to offer erven at the correct selling price to future prospective buyers.

**RECOMMENDED:**

That Annexure ‘E’ of the Council’s resolution dated 12 December 2019, under item 5.1, be rectified to read as follows:

No.	Erf No.	Size (m <sup>2</sup> )	Upset Price (excluding VAT)	15% VAT	Total
1	5163	4470	3,576,000.00	536,400.00	4,112,400.00
2	5164	3750	3,000,000.00	450,000.00	3,450,000.00
3	5165	3750	3,000,000.00	450,000.00	3,450,000.00
4	5166	81555	65,244,000.00	9,786,600.00	75,030,600.00
5	5173	4689	3,751,200.00	562,680.00	4,313,880.00
6	5174	4731	3,784,800.00	567,720.00	4,352,520.00
7	5176	3947	3,157,600.00	473,640.00	3,631,240.00
8	5177	3949	3,159,200.00	473,880.00	3,633,080.00
9	5178	4332	3,465,600.00	519,840.00	3,985,440.00
10	5182	3638	2,910,400.00	436,560.00	3,346,960.00
11	5183	3642	2,913,600.00	437,040.00	3,350,640.00
12	5184	3965	3,172,000.00	475,800.00	3,647,800.00
13	5185	4366	3,492,800.00	523,920.00	4,016,720.00
14	5187	4290	3,432,000.00	514,800.00	3,946,800.00
15	5188	4290	3,432,000.00	514,800.00	3,946,800.00
16	5189	4290	3,432,000.00	514,800.00	3,946,800.00
17	5190	4290	3,432,000.00	514,800.00	3,946,800.00
18	5201	4018	3,214,400.00	482,160.00	3,696,560.00



No.	Erf No.	Size (m <sup>2</sup> )	Upset Price (excluding VAT)	15% VAT	Total
19	5202	4251	3,400,800.00	510,120.00	3,910,920.00
20	5204	4408	3,526,400.00	528,960.00	4,055,360.00
21	5205	6102	4,881,600.00	732,240.00	5,613,840.00
22	5206	9726	7,780,800.00	1,167,120.00	8,947,920.00
23	5207	8711	6,968,800.00	1,045,320.00	8,014,120.00
24	5208	8711	6,968,800.00	1,045,320.00	8,014,120.00
25	5209	8711	6,968,800.00	1,045,320.00	8,014,120.00
26	5210	8711	6,968,800.00	1,045,320.00	8,014,120.00
27	5211	8649	6,919,200.00	1,037,880.00	7,957,080.00
28	5212	8462	6,769,600.00	1,015,440.00	7,785,040.00
29	5213	3524	2,819,200.00	422,880.00	3,242,080.00
30	5214	3733	2,986,400.00	447,960.00	3,434,360.00
31	5215	3748	2,998,400.00	449,760.00	3,448,160.00
32	5216	3750	3,000,000.00	450,000.00	3,450,000.00
33	5217	3750	3,000,000.00	450,000.00	3,450,000.00
34	5218	3750	3,000,000.00	450,000.00	3,450,000.00
35	5219	3750	3,000,000.00	450,000.00	3,450,000.00
36	5221	6246	4,996,800.00	749,520.00	5,746,320.00
37	5222	5105	4,084,000.00	612,600.00	4,696,600.00
38	5223	5021	4,016,800.00	602,520.00	4,619,320.00
39	5227	5085	4,068,000.00	610,200.00	4,678,200.00
40	5228	5296	4,236,800.00	635,520.00	4,872,320.00
41	5229	5022	4,017,600.00	602,640.00	4,620,240.00
42	5230	5022	4,017,600.00	602,640.00	4,620,240.00
43	5231	5024	4,019,200.00	602,880.00	4,622,080.00

**11.12 Application for extension on payment of the balance of the purchase price** (Add. 3; M/C Meeting 23/03/2022; File 3657 K)

The purpose of the report is to submit various applications received for extension on the payment of the balance of the purchase price of erven acquired and to make a recommendation in this regard.

During October 2021, the sale of erven was advertised by Public Notice: MWB10/2021: Sale of Unimproved Single Residential, Local Business, Undetermined and Light Industrial erven in Meersig, Kuisebmond, Narraville and Walvis Bay. The sale of these erven was by private transaction. Various erven were sold at the time according to Council's policy on the sale of land. Amongst others, purchasers of erven had to pay a 10% deposit on the purchase price of the erf. A further condition of sale was that purchasers should secure the balance of the purchase price, 60 days from date of sale.

Some of the purchasers of these erven have now approached Council with the request to extend the due date for securing the balance of the purchase price. These applications are:

Name	Erf	Zoning
Teopolina L Emvula	824 Meersig	Single Residential
Mesag L & Taleni F Mikka	1426 Meersig	Single Residential
Gerhard B Ndala	1346 Meersig	Single Residential
Lasarus T Emvula	2938 Narraville	Undetermined
Onamatanga Earthmoving & Construction CC	5176 Walvis Bay	Light Industrial
Georgina A Swartbooi	1451 Meersig	Single Residential





In considering the applications for extension of the due date for securing of the balance of the purchase price for erven acquired, one should bear in mind that the economic downturn and the consequences of the COVID-19 pandemic had a dramatic effect on many individuals and businesses in Walvis Bay and in fact the whole country. It is also submitted that Council has already received 10% deposits from these buyers, which will be forfeited should the balance of the purchase price not be paid.

To facilitate land sales and also taking into consideration the difficult financial circumstances facing the economy, the opinion is held that the applications listed above, for extension of payment towards final purchase price, be favorably considered. It is further suggested that an extension period of 90 days from notification of Council resolution, be granted the respective applicants.

It is also submitted that Council may receive further applications in this regard and in order to be consistent, it is suggested that all possible further requests for the extension of payments towards final purchase price, be approved with the same conditions.

**RECOMMENDED:**

- (1) That the applications received for the extension of payment on the balance of the purchase price of erven required, be noted.
- (2) That applications for extension by the following individuals, be noted:
  - Teopolina L Emvula
  - Mesag L & Taleni F Mikka
  - Gerhard B Ndala
  - Lasarus T Emvula
  - Onamatanga Earthmoving & Construction CC
  - Georgina A Swartbooi
- (3) That an extension period of 90 days from the date of notification of the Council resolution, be granted the applicants listed in (2) above.

**11.13 Transfer of funds between capital votes for the new intersection from Kuisebmond to Trunk Road 2/1 (Add. 4; M/C Meeting 23/03/2022; File 8/26/04)**

To request approval from Council for the transfer of funds between two capital votes for the final payment of the Contractor who constructed the new intersection linking Kuisebmond to Truck Road 2/1 (B2 road).

Namibia Construction (hereinafter "the Contractor") was appointed to construct the new intersection linking Kuisebmond to Truck Road 2/1 (also referred to as B2) for a contract amount of N\$ 4,543,460.20 (excl. VAT). Contrary to normal practice for such a project, there was no provision made for contingencies under this contract.

In May 2021, a request for a contract price adjustment (CPA) was sent to the Procurement Committee, which was recommended by them and subsequently approved by the Accounting Officer on 21 May 2021.

While there were savings under some sections from the Bill of Quantities, there was similarly over expenditure in others during the execution of the project, which required a CPA. The estimated final expenditure at the time, on which the request for CPA was based, is presented in Table 1.



Section	Description	Bid Amount (N\$)	Estimated Final Expenditure
1300	Contractor's Establishment on Site and General Obligations	575,000.00	654,950.00
1500	Accommodation of Traffic	316,883.00	622,492.00
1800	Dayworks	76,500.00	132,201.32
2200	Prefabricated Culverts	212,478.20	276,044.00
2300	Concrete Kerbing, Channeling, Chutes, Downpipes and Lining for Open Drains	233,090.00	244,788.00
3300	Mass Earthworks	538,150.00	348,153.00
3400	Pavement Layers of Gravel Material	540,900.00	473,837.80
3600	Crushed Stone Base	235,800.00	258,423.05
4100	Prime Coat	51,000.00	51,000.00
4600	Bituminous Single Seal with Slurry (Cape Seal)	501,650.00	501,650.00
5600	Road Signs	52,449.00	45,585.00
5700	Road Markings	134,210.00	138,545.00
5900	Finishing the Road Reserve and Treating Old Roads	19,350.00	38,700.00
7300	Concrete Block Paving for Roads	111,000.00	120,250.00
10200	Provisional Amounts	945,000.00	1,364,747.55
	Variation Order No. 1	0.00	127,493.19
<b>Total Amounts (excl. VAT)</b>		<b>4,543,460.20</b>	<b>5,398,859.91</b>

**Table 1: Estimated Final Expenditure at 21 April 2021**

The summary of work completed is indicated in Table 1 translates to an additional final estimated expenditure of N\$ 855,399.71 (excl. VAT).

The reasons for the over expenditure are given below:

- (a) Section 1300: Contractor's Establishment on Site and General Obligations
  - Additional one (1) day to the original contract duration due inclement weather.
  - Additional fourteen (14) days to the original contract duration as a result of the instruction to the Contractor to slurry the entire portion of TR0201 (B2), as later required by the Roads Authority (RA). Original designs and approvals given were later found to be below the required standard for a national road.
- (b) Section 1500: Accommodation of Traffic
  - Additional bypass constructed to ensure safe movement of traffic when work was in progress, as requested by the Traffic Department.
- (c) Section 1800: Dayworks
  - Ripping into an additional 30 meters stretch of the existing Khomas Hochland Street for the new intersection to properly tie-in.
  - Reinstalling of an existing water valve, not known prior to the contract.
  - Supply and re-routing of a 110 mm diameter water line and bends.
  - Removal of contract nameboard.
  - Watering of palm trees when purified effluent (PE) line was out of operation due to construction activities
  - Pumping of water from unexpected rainfall.



- (d) Section 2200: Prefabricated Culverts
  - Excavation for additional services sleeves as later required by RA.
  - Excavation for rerouting of water line.
  - Soil-cement backfill to sleeve trenches.
- (e) Section 3600: Crushed Stone Base
  - Additional crushed stone base materials required for ripping and re-doing existing 30 meters stretch of Khomas Hochland Street
- (f) Section 5700: Road Markings
  - Additional road marking required for the newly slurried entire portion of TR0201 (B2) as later required by RA.
  - Additional road studs placed along the roadway as later required by RA.
- (g) Section 10200: Provisional Amounts
  - The quotations received during construction for the installation of streetlights were much higher than the provisional amount provided at bidding stage.
  - Additional palm trees, outside the ones affecting the project, were replanted.
- (h) Variation Order No. 1
  - The variation order was necessitated by the RA later insisting that a slurry seal be applied across the entire portion of TR0201 (B2) onto which the new intersection ties into to give a uniform look after the installation of sleeves.

A portion of the CPA was claimed and paid under Payment Certificate No. 5, from Vote B562/9917/0000 (Access from Kuisebmond to Main Road B2) in the 2020/2021 financial year as approved.

An amount of N\$ 339,527.15 (incl. VAT), based on the balance of the already approved CPA was always due to the Contractor as summarised in Table 2.

**Table 2: Summary of Contractual Expenditure**

Description	Amount (N\$)
<b>Original contract amount</b>	<b>4,543,460.20</b>
Approved contract price variation (18.8%)	855,399.71
<b>Revised contract amount</b>	<b>5,398,859.91</b>
less Retention @ 5%	269,943.00
<b>Sub-total</b>	<b>5,128,916.91</b>
less Previous payments	4,833,675.91
<b>Amount now due (excl. VAT)</b>	<b>295,241.00</b>
add VAT @ 15%	44,286.15
<b>Amount due from approved CPA (incl. VAT)</b>	<b>339,527.15</b>

The Department of Roads and Building Control however, missed to have the balance of the already approved CPA, transferred to the 2021/2022 capital budget.

The Engineering Consultants appointed to oversee the contract were subsequently instructed to remeasure the completed works.

A breakdown of the final project cost, based on the remeasurement, is presented in Table 3.



**Table 3: Final Contract Value**

<b>Section</b>	<b>Description</b>	<b>Bid Amount (N\$)</b>	<b>Estimated Final Expenditure</b>
1300	Contractor's Establishment on Site and General Obligations	575,000.00	642,403.23
1500	Accommodation of Traffic	316,883.00	546,094.00
1800	Dayworks	76,500.00	169,157.68
2200	Prefabricated Culverts	212,478.20	303,252.60
2300	Concrete Kerbing, Channeling, Chutes, Downpipes and Lining for Open Drains	233,090.00	356,099.00
3300	Mass Earthworks	538,150.00	380,488.00
3400	Pavement Layers of Gravel Material	540,900.00	474,976.00
3600	Crushed Stone Base	235,800.00	258,423.05
4100	Prime Coat	51,000.00	51,000.00
4600	Bituminous Single Seal with Slurry (Cape Seal)	501,650.00	501,650.00
5600	Road Signs	52,449.00	51,938.89
5700	Road Markings	134,210.00	209,956.84
5900	Finishing the Road Reserve and Treating Old Roads	19,350.00	38,700.00
7300	Concrete Block Paving for Roads	111,000.00	109,705.00
10200	Provisional Amounts	945,000.00	1,350,051.65
	Variation Order No. 1	0.00	127,493.19
<b>Total Amounts (excl. VAT)</b>		<b>4,543,460.20</b>	<b>5,571,389.12</b>

The breakdown of the final project cost indicated in Table 3 translates to a final over-expenditure of additional final estimated expenditure of N\$ 1,027,928.92 (excl. VAT).

A breakdown of the amount required to be transferred to cover all moneys owed to the Contractor is presented up in Table 4.

**Table 4: Summary of Contractual Expenditure**

<b>Description</b>	<b>Amount (N\$)</b>
<b>Original contract amount</b>	<b>4,543,460.20</b>
Over-expenditure after remeasurement	1,027,928.92
<b>Revised contract amount</b>	<b>5,571,389.12</b>
less Retention @ 5%	278,569.46
<b>Sub-total</b>	<b>5,292,819.66</b>
less Previous payments	4,833,675.91
<b>Amount now due after remeasurement (excl. VAT)</b>	<b>459,143.75</b>
add VAT @ 15%	68,871.56
<b>Amount now due after remeasurement (incl. VAT)</b>	<b>528,015.32</b>





The combined total required for transfer to Vote B562/9917/0000 (Access from Kuisebmond to Main Road B2) is N\$ 528,015.32 (incl. VAT). This can be defrayed from Vote B562/5311/0000 (Rebuilding of Existing Surfaced Roads) where N\$ 1,076,696.50 is still available.

**RECOMMENDED:**

- (1) That Council takes note of the previously approved outstanding payment of N\$ 339,527.15 (incl. VAT) owed to the Contractor, and which amount was not carried over to the 2021/2022 budget.
- (2) That Council further takes note of the subsequent remeasurement undertaken by the Engineering Consultant appointed to oversee the contract, which confirms an estimated final contract value of N\$ 5,571,389.12 (excl. VAT), meaning N\$ 459,143.75 (excl. VAT) is in fact due to the Contractor.
- (3) That Council therefore approves the transfer of N\$ 528,015.32 (incl. VAT) due to the Contractor from Vote B562/5311/0000 (Rebuilding of Existing Surfaced Roads), where N\$ 1,076,696.50 is available, to Vote B562/9917/0000 (Access from Kuisebmond to Main Road B2).

**11.14 Transfer of funds: Surveys of Narraville Extensions 9, 10, 13 and 16 ((Add. 5; M/C Meeting 23/03/2022; File 15/2/11))**

The purpose of the report is to obtain the Municipal Council's approval to transfer funds to enable the surveys of Narraville Extensions 9, 10, 13 and 16 to take place.

Narraville Extensions 9, 10, 13 and 16 were reserved for Public Private Partnership (PPP) purposes through the Ministry of Finance, being the Ministry that supports public entities in preparing feasibility studies and marketing the PPP projects. The locality plan of the said extensions is depicted by Figure 1 below.

Land surveyors were appointed by the then Local Tender Board on 08 November 2016. This appointment was done before the township layouts were approved by Council on 26 November 2018.

Although the land surveyors were appointed, it appears as there were perplexities regarding the reservations of the four extensions for PPP purposes that all planning and surveying processes were put on hold since the reservations of the townships. That is, after the townships were reserved for PPP, the planning procedures were frozen to the point that the approvals for Narraville Extensions 9 and 10 lapsed and Narraville Extensions 13 and 16 were not resubmitted to MURD at the time. Subsequently, the Environmental Clearance Certificates (ECCs) issued for all extensions also lapsed.

As a result, since 2016, the land surveyors could not complete the survey processes for the four townships because approvals for Narraville Extensions 9 and 10 lapsed and MURD has not granted approval for Narraville Extensions 13 and 16.

The projects were revived towards the end of 2020. ECCs were renewed by the Ministry of Environment, Forestry and Tourism mid-2021. Furthermore, approvals have now been obtained from MURD for Narraville Extensions 13 and 16, and the lapsed applications for Narraville Extensions 9 and 10 were tabled at the meeting of the Urban and Regional Planning Board during December 2021. MURD's approval for Narraville Extensions 9 and 10 is expected by the end of March 2022.



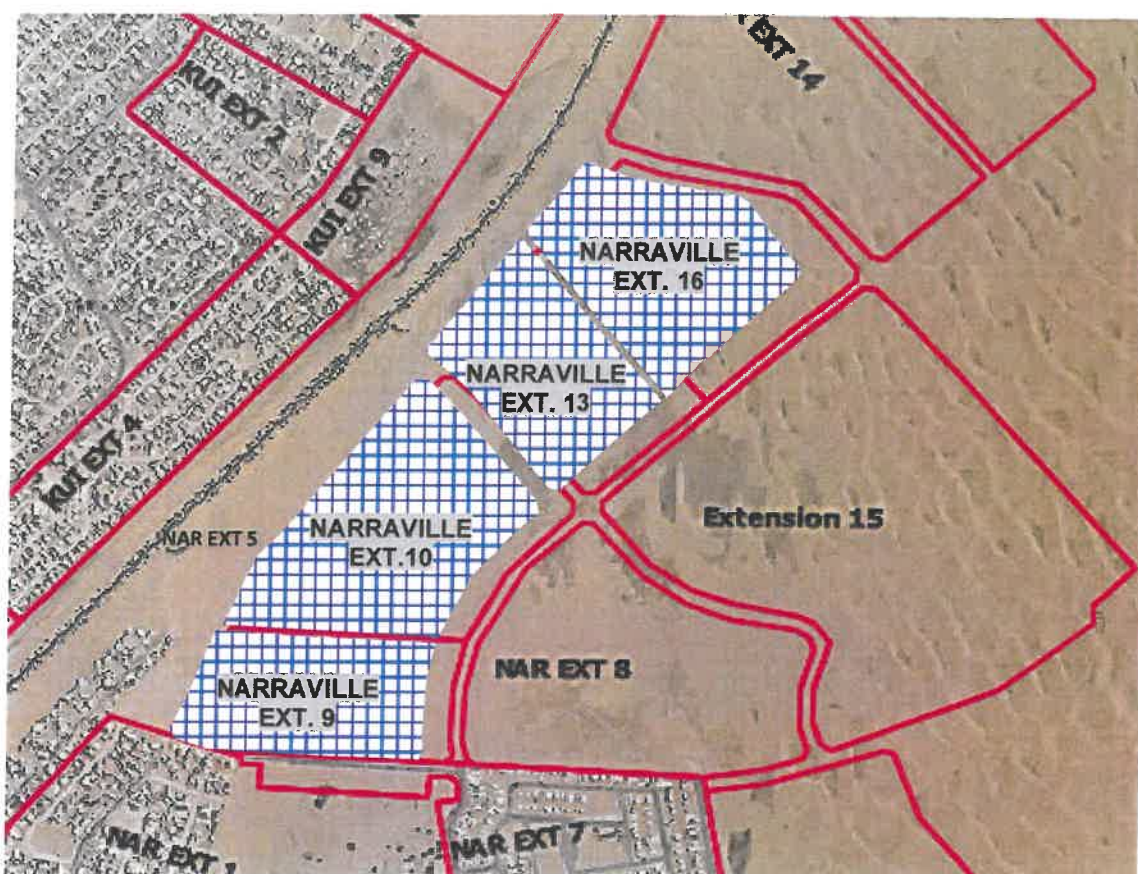


Figure 1: Narraville Extensions 9, 10, 13 and 16

The projects were not budgeted for in the 2021/2022 capital budget. However, it is necessary to bring these four projects forward to ensure that the four townships are surveyed during this financial year. Hence, this submission requesting the Municipal Council's approval for the transfer of funds for the survey of Narraville Extensions 9, 10, 13 and 16.

The funds can be transferred from Farms 38 and 78 projects. Farm 38 project (township) cannot be surveyed now, because it still needs an ECC. Farm 78 is reserved for the Ministry of Safety and Security and the said Ministry will be required to carry out planning and surveying procedures at their own costs. Funding details for Farms 38 and 78 projects are outlined by the Table below.

Vote No	Details of the Project	Budgeted (N\$)	Available (N\$)
C801/9951/0000	Planning & Surveying - for Farm 38	650,000	600,076.00
C645/9951/0000	Planning & Surveying - for Farm 78 (Portville)	500,000	500,000

**RECOMMENDED:**

- (1) That the Municipal Council grants approval to transfer N\$250,000 from Farm 78 (Portville), Vote C645/9951/0000 (Planning & Surveying), where N\$500,000 has been budgeted and which amount is still available to **Narraville Extension 9**, Vote No C627/9951/0000 (Planning and Survey).
- (2) That the Municipal Council grants approval to transfer N\$250,000 from Farm 78 (Portville), Vote C645/9951/0000 (Planning & Surveying), where N\$500,000 has been budgeted and which amount is still available to **Narraville Extension 10**, Vote No C628/9951/0000 (Planning and Survey).





- (3) That the Municipal Council grants approval to transfer N\$300,000 from Farm 38 Vote No C801/9951/0000 (Planning & Surveying), where N\$650,000 has been budgeted and of which 600,076.00 is still available to **Narraville Extension 13** (Planning and Survey).
- (4) That the Municipal Council grants approval to transfer N\$300,000 from Farm 38, Vote No C801/9951/0000 (Planning & Surveying), where N\$650,000 has been budgeted and of which 600,076.00 is still available to **Narraville Extension 16** (Planning and Survey); and that the General Manager: Finance creates a new Planning and Survey Vote for **Narraville Extension 16**.

**11.15 Rezoning of Erf 800 Meersig: Single residential with a Density of 1 per 500m<sup>2</sup> to General residential 1 with a Density of 1 per 250m<sup>2</sup> (Add. 7; M/C Meeting 23/03/2022; File 800M)**

The purpose of the report is to obtain the Municipal Council's decision on the application for the rezoning of Erf 800 Meersig from Single Residential with a density of 1 per 500m<sup>2</sup> to General Residential 1 with a density of 1 per 250m<sup>2</sup>.

The application for the rezoning of Erf 800 Meersig from Single Residential with a density of 1 per 500m<sup>2</sup> to General Residential 1 with a density of 1 per 300m<sup>2</sup> has been received from HEH Urban Nest Creations CC on behalf of the registered owner of Erf 800 Meersig, Mr Andreas Hashiyana Nashitati.

Erf 800 Meersig is situated on the corner of Nossob and Oryx Street, as illustrated by Figure 1.

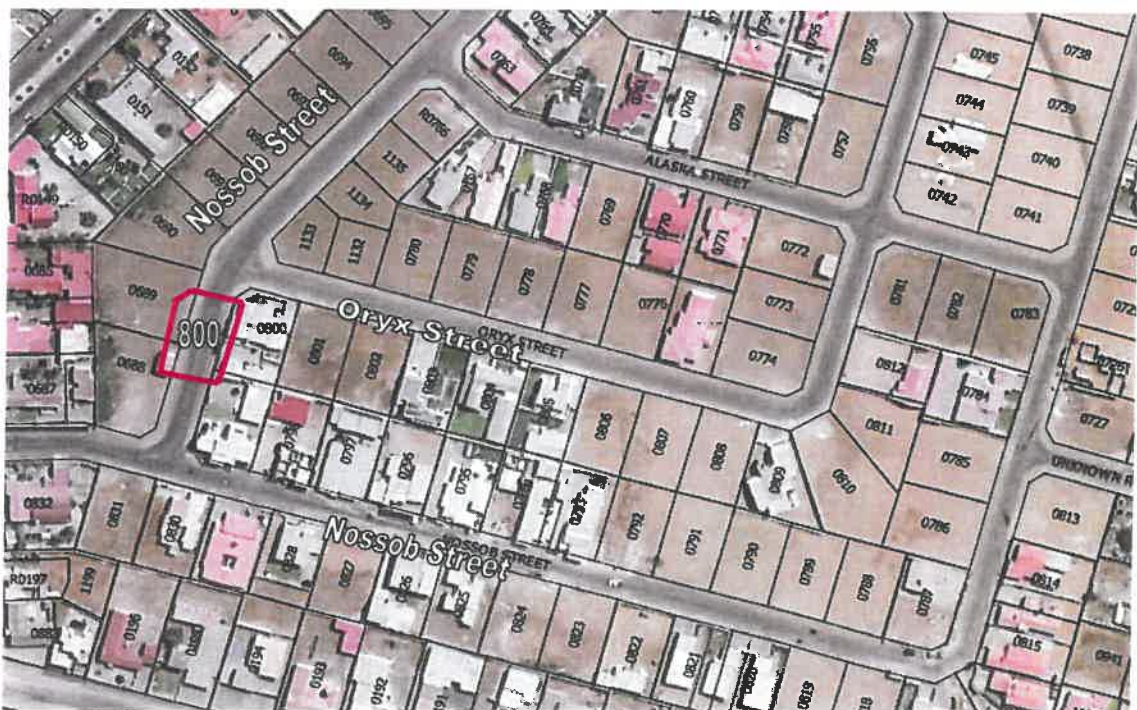


Figure 1: Locality Plan of Erf 800 Meersig

Erf 800 is zoned as Single Residential with a density of 1 per 500m<sup>2</sup> in terms of the Walvis Bay Town Planning Scheme.



There are currently three dwellings on the site. The Town Planning Scheme allows for one main dwelling and one subsidiary dwelling unit. The size of the subsidiary dwelling unit is required to be less than 50% of the total floor area of the main dwelling (and is not allowed to exceed more than 100m<sup>2</sup> in size).

Therefore, the three dwelling units that are more or less the same size have exceeded the number of units permitted on "Single Residential" erven. The existing units do not comply with the Building Permit issued and thus the applicant is required to rezone the property in order to legalise the existing developments on the site.

The application was advertised once a week for two consecutive weeks in the Namib Times and the Confidante local newspapers. A notice regarding the rezoning application was placed on the site as well as a notice which was placed at the Municipality of Walvis Bay's notice board.

Written notices were delivered by hand to adjacent landowners of which, one adjacent landowner objected to the proposed rezoning application.

One objection was received against the proposed rezoning from Mr. Kevin Harry as shown by the objection letter dated 4 February 2022. The objection raised by the adjacent landowner, Mr. Harry, specifically relates to their privacy being invaded due to the double storey units on the erf proposed to be rezoned. The objector stated that he objects to the rezoning application, because he requires the applicant to erect a higher wall to conceal the window and door of the unit on Erf 800 Meersig, which currently directly face Erf 799 Meersig.

No hearing meeting was scheduled as the objectors' remarks were clear and the applicant (through their appointed town planners) have confirmed that they do not have objections to construct a high wall on the common boundary with the objector's erf.

The application to rezone Erf 800 Meersig from Single Residential to General Residential 1 will be assessed from the town planning point of view based on: conformity of proposed development with the Residential Density Policy; conformity of proposed development with the Walvis Bay Town Planning Scheme; objections received, influence of the land use on the neighbourhood and need of the subject development.

Erf 800 Meersig is located in Zone 6 of the Residential Density Policy. In terms of aforesaid Policy, sites that are less than 2500m<sup>2</sup> can accommodate a maximum of 1 unit per 500m<sup>2</sup>. The application is for a density of 1 unit per 300m<sup>2</sup>, which does not conform with the above policy. Nevertheless, the density applied for of 1 dwelling unit per 300m<sup>2</sup> will only enable a maximum of 2 dwelling units on the site (because the erf is 878m<sup>2</sup> in size). Hence, in order to legalise the current 3 dwelling units, a density of 1 dwelling unit per 250m<sup>2</sup> is required (and not 1 dwelling unit per 300m<sup>2</sup>).

The proposed rezoning will not have a significant effect on the neighborhood as it is legalising existing uses (dwelling units). The applicant has agreed to extend the wall height in accordance with the objector's requirements.

The *Policy on the Levying of Betterment Fees for Local Authorities in Namibia* as well as the *Urban and Regional Planning Act and Regulations* make provision for the levying of betterment fees against any property that increase in land value due to the new zoning. In accordance with the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, the betterment levy for properties rezoned to General Residential 1 is usually 20% of the increase in the land value. However, for properties that are rezoned in order to regularise the existing illegal land uses, the betterment fee is 75% of the increase in the land value.





According to Lyapi Real Estates, Properties & Trading CC, the **municipal** land value of Erf 800 Meersig will increase from N\$93,068.00 to N\$ 278,326.00 as a result of the new zoning (being an increase of N\$185,258.00). Since there are illegal dwelling units on the site, this means that a betterment fee of 75% (instead of 20%) of the increase in the land value will be imposed against Erf 800 Meersig. That is, the betterment fee for Erf 800 Meersig will be **N\$138,943.50** (i.e., 75% of N\$185,258.00). Such amount will be imposed against the Erf due to added load on the Municipal Council's service infrastructure.

In conclusion, the preceding assessment demonstrates that the application to rezone Erf 800 Meersig from Single Residential to General Residential 1 can be recommended for approval.

**RECOMMENDED:**

- (1) That the Municipal Council does not recommend for approval the application for the rezoning of Erf 800 Meersig from "Single Residential" with a density of 1 dwelling per 500m<sup>2</sup> to "General Residential 1" with a density of 1 dwelling per 300m<sup>2</sup> to the Urban and Regional Planning Board, because the density as applied for will not legalise the number of existing dwelling units on the Erf 800 Meersig.
- (2) That the Municipal Council recommends for approval the rezoning of Erf 800 Meersig from "Single Residential" with a density of 1 dwelling per 500m<sup>2</sup> to "General Residential 1" with a density of 1 dwelling per 250m<sup>2</sup>, to the Urban and Regional Planning Board, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5 of 2018)* subject to the following conditions:
  - (a) That, prior to the submission of the application to the Urban and Regional Planning Board, the applicant extends the height of the boundary wall between Erven 799 and 800 Meersig as to obscure the window and the door of the unit on Erf 800 Meersig, which currently faces the courtyard of Erf 799 Meersig and consequently compromises the privacy of the owner and residents of Erf 799 Meersig.
  - (b) That, in terms of the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, the applicant pays a betterment fee deposit of N\$138,943.50, being 75% of the increase in the municipal land value of the rezoned property, prior to the submission of the rezoning application to the Urban and Regional Planning Board.
  - (c) That the imposed Betterment Fee be submitted to the Minister of Urban and Rural Development simultaneously with the submission of the rezoning application for approval.
  - (d) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.
  - (e) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
  - (f) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the rezoning application; and the provisions of the *Urban and Regional Planning Act (Act No. 5 of 2018)* therefore still apply.



- (3) That the applicant and objector be advised that, in terms of Section 110 of the Urban and Regional Planning Act, 2018, if they are aggrieved by the decision of the local authority on the rezoning application, they may appeal against that decision to the Minister of Urban and Rural Development within twenty-one (21) business days of the notification of the Municipal Council's decision, and in the manner set out in Section 129 of the Urban and Regional Planning Act, 2018.

**11.16 Subdivision of Erf 7809 Kuisebmond and permanent closure of a Portion of Erf 7809 Kuisebmond as “public open space” (Add. 8; M/C Meeting 23/03/2022; File 7809 K)**

The purpose of the report is to obtain the approval of the Municipal Council for the: subdivision of Erf 7809 Kuisebmond into Portions A (Street) and B, and Remainder Erf 7809 Kuisebmond and permanent closure of Portion A (a Portion of Erf 7809) Kuisebmond as Public Open Space.

Erf 7809 Kuisebmond is bordered by Independence Road, Gendev Street and Hendrik Witbooi Street. Erf 7809 Kuisebmond is currently reserved for a local authority as Public Open Space (POS) in terms of the Walvis Bay Town Planning Scheme. Erf 7809 Kuisebmond measures 5,574.82m<sup>2</sup> in extent. Erf 7809 Kuisebmond is currently vacant and comprises an informal road leading to Independence Road.

This application is made up of two components, being the subdivision, closure, and rezoning.

The **first** part of the application is for the subdivision of Erf 7809 Kuisebmond into Portions A (Street) and B, and Remainder Erf 7809 Kuisebmond, which is made in terms of the Urban and Regional Planning Act (Act No.5, 2018)

The subdivision will be in accordance with the plan at the following table:

PORTION NUMBER	SIZE (M <sup>2</sup> )	LAND RESERVATION
Portion A	±397	Street
Portion B	±611	POS
Remainder Erf 7809 Kuisebmond	±4,567	POS

The **second** part of the application is for the Closure of Portion A (a Portion of Erf 7809) Kuisebmond measuring 397m<sup>2</sup> as “POS” and is made in terms of Sections 50(1)(c) and 50(2) of the Local Authorities Act (Act No. 23, 1992), as amended.

The application for the rezoning and permanent street closure was advertised for comments and 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 dates for objections were on 09 January 2022 (for the newspaper, site and municipality notice board notices) and 01 February 2022 (for the adjacent landowner's notices).

Objections were received against the proposed development from various adjacent landowners. The objection specifically relates to the conversion of a portion of the POS (earmarked for a playground) to residential and street purposes.

The original application was for the following:

- subdivision of Erf 7809 Kuisebmond into Portions 1-7 and Remainder (Street),
- permanent closure of Portions 1-4 (Portions of Erf 7809) Kuisebmond as “POS” and
- rezoning (conversion) of Portions 1-4 (Portions of Erf 7809) Kuisebmond from “POS” to “Single Residential”.



A hearing was arranged and after consultation with the concerned adjacent landowners, it was agreed that Erf 7809 Kuisebmond should be subdivided into Portions A (Street) and B (POS) as well as the Remainder Erf 7809 Kuisebmond (POS). That is, the subdivision should only be for the creation of the road that will allow for the formal connection of Gendev Street to Independence Road, as to regularise the existing situation.

The application for the subdivision and permanent closure has been evaluated from the town planning point of view based on conformity of the proposed development with the Local Authorities Act (Act No.23, 1992), objections received and general motivation for the aforesaid applications.

Section 50(1)(c) of the Local Authorities Act (Act No.23, 1992) stipulates that the Municipal Council may permanently close any public place subject to the provisions of subsections (2), (3) and (4). However, before any public place 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.

The objections received were assessed and further discussed with the community members who objected. A consensus was reached that the subdivision should only be for the creation of the road connecting Gendev Street to Independence Road.

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

Although the proposed Portions A and B, and Remainder Erf 7809 Kuisebmond are legally reserved as "POS", The subdivision of Erf 7809 Kuisebmond into Portions A and B, and Remainder Erf 7809 Kuisebmond will enable the Municipality of Walvis Bay to formalise the existing informal road connecting to Independence Road.

The subdivision and closure will improve the traffic flow in the neighbourhood.

The proposed closure of Portion A of Erf 7809 Kuisebmond complies with the Local Authorities Act. The subdivision and permanent closure of Portion A (a Portion of Erf 7809) Kuisebmond as POS will not conflict with the Walvis Bay Town Planning Scheme. The sizes of the proposed POS erven resulting from the subdivision (Portions B and Remainder Erf 7809 Kuisebmond) are still large enough to accommodate public space activities.

The proposed subdivision and permanent closure of Portion A will not negatively affect the amenity of the area.

**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 subdivision of Erf 7809 Kuisebmond into Portions A (Street) and B, and Remainder Erf 7809 Kuisebmond, as generally shown on sketch plan 7809K/SUB dated 09 November 2021, which bears stamp of the Municipal Council.
- (2) That the following condition be registered against the proposed Portion B (a Portion of Erf 7809 Kuisebmond) and Remainder Erf 7809 Kuisebmond in favour of the Municipal Council:
  - (a) The erven 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).



- (3) That Portion B (a Portion of Erf 7809 Kuisebmond) and Remainder Erf 7809 Kuisebmond be reserved for a local authority for "Public Open Space" purposes.
- (4) That Portion A (a Portion of Erf 7809 Kuisebmond) be reserved for a local authority for "Street" purposes.
- (5) 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 Erf 7809) Kuisebmond, measuring approximately 397m<sup>2</sup>, as "Public Open Space" as generally shown on drawing number CL/7809K dated 09 November 2021, subject to the following condition:
  - (a) That the Town Planning Division issues the Closure Certificate to the Offices of the Registrar of Deeds and Surveyor General.
- (6) That the Environmental Clearance Certificate be obtained prior to the submission of the application to the Urban and Regional Planning Board.

**11.17 Permanent closure of a portion of a street, subdivision and rezoning of Erf 5766 Kuisebmond (Add. 9; M/C Meeting 23/03/2022; File 5766 K)**

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

- (a) subdivision of Erf 5766 Kuisebmond, into Portions 1-17 and Remainder (Street),
- (b) closure of Portions 1-17 (Portions of Erf 5766) Kuisebmond as "Street" and
- (c) rezoning (conversion) of proposed Portions 1-17 (Portions of Erf 5766) Kuisebmond from "Street" to "Local Business".

Erf 5766 Kuisebmond is part of Independence Road reserve. Erf 5766 Kuisebmond is currently reserved for "street" purposes (part of Independence Road) in terms of the Walvis Bay Town Planning Scheme. Erf 5766 Kuisebmond measures 3,8052.84 Hectare (38,052.84m<sup>2</sup>) in extent and is currently occupied by illegal unregistered businesses.

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

The first part of the application is for the subdivision of Erf 5766 Kuisebmond into Portions 1-17 and Remainder (Street) and is made in terms of the Urban and Regional Planning Act (Act No.5, 2018). The subdivision will be in accordance as indicated in the following table:

PORTION NUMBER	SIZE (M <sup>2</sup> )	ZONING/ LAND RESERVATION	DENSITY
Portion 1	±2,520	Street	N/A
Portion 2	±625	Street	N/A
Portion 3	±625	Street	N/A
Portion 4	±625	Street	N/A
Portion 5	±625	Street	N/A
Portion 6	±625	Street	N/A
Portion 7	±629	Street	N/A
Portion 8	±628	Street	N/A
Portion 9	±422	Street	N/A
Portion 10	±325	Street	N/A
Portion 11	±328	Street	N/A
Portion 12	±371	Street	N/A
Portion 13	±379	Street	N/A
Portion 14	±300	Street	N/A
Portion 15	±317	Street	N/A
Portion 16	±423	Street	N/A





PORTION NUMBER	SIZE (M <sup>2</sup> )	ZONING/ LAND RESERVATION	DENSITY
Portion 17	±604	Street	N/A
Remainder Erf 5766	±27,682	Street	N/A

The **second** part of the application is for the Closure of Portions 1-17 (Portions of Erf 5766) Kuisebmond measuring 3.8 hectares (38,053.84m<sup>2</sup>) as "Street" in terms of Section 50(3)(a)(ii) of the *Local Authorities Act, 1992* (Act No. 23 of 1992), as amended. The portions to be closed (Portions 1-17).

The **third** part of the application is for the rezoning of proposed Portions 1-17 (Portions of Erf 5766) Kuisebmond from "Street" to "Local Business" and is made in terms of the *Urban and Regional Planning Act, 2018* (Act No. 5, 2018). The proposed zonings of Portions 1-17.

The application for the rezoning and permanent street closure was advertised for comments and 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 dates for objections were on 09 January 2022 and 01 February 2022.

The original application notice submitted to the above-mentioned Newspapers, Government Gazette, adjacent landowners and placed on the Municipality of Walvis Bay's notice board was for the subdivision of Erf 5766 Kuisebmond into Portions 1-17, permanent closure of portions of a street and rezoning of portions 1-22 from "Street" to "Local Business". No objections were received.

However, objections were received from adjacent landowners of Erf 5767 Kuisebmond for the proposed subdivision, permanent closure of portions of a street and rezoning of portions of Erf 5767 Kuisebmond. A hearing was arranged and after consultation with the concerned adjacent landowners, it was agreed that:

- Erf 5767 Kuisebmond should not be subdivided and should thus remain as Street Reserve
- Erf 5766 Kuisebmond should only be subdivided into Portions 1-17 (i.e. from Agaat Street, southward towards the cemetery) as to regularise the existing situation.

The application for the subdivision, permanent street 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).

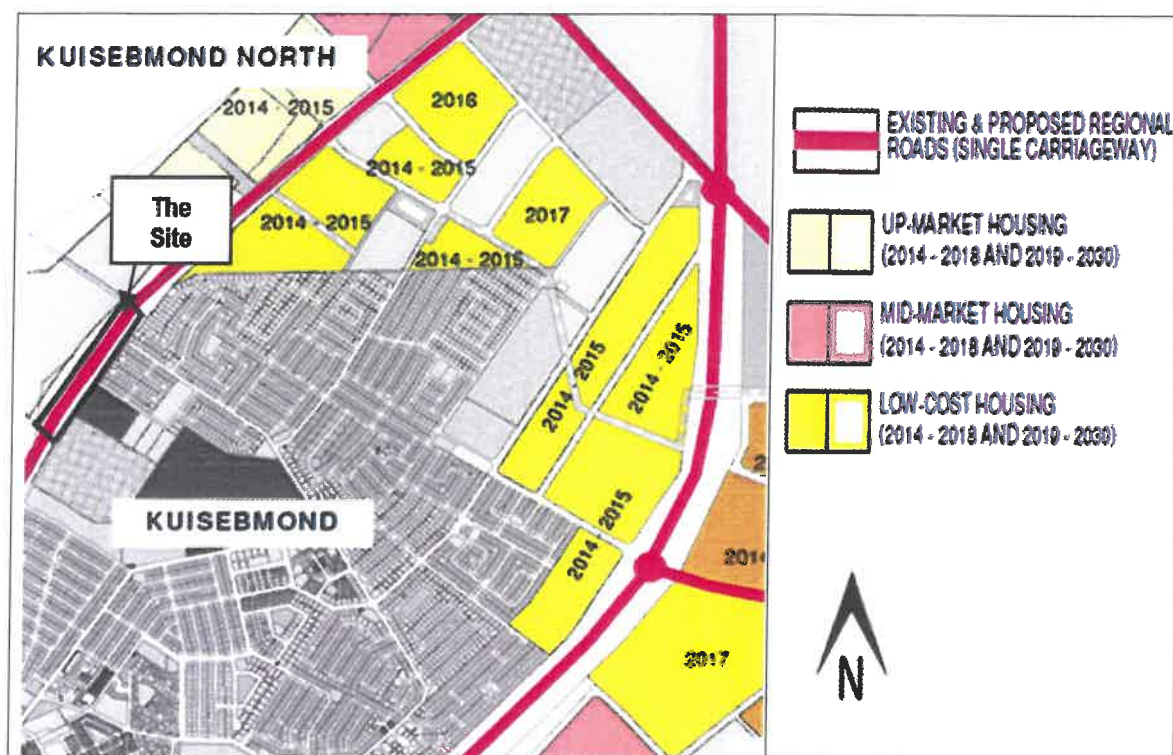
Section 50(1)(a)(ii) of the Local Authorities Act (Act No.23, 1992) stipulates that the Municipal Council may permanently close any portion of a street for any purpose which in its opinion requires it to be so closed. However, before a portion of the Street can be closed, public notification is required. 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 been notified about the closure of the portions of the street.

In terms of Clause 18.2.5.1 of the Walvis Bay Town Planning Scheme, the minimum size of the Local Businesses erven that will be used for "all other uses" has no prescribed minimum erf size.

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



According to the IUSDF, the site is indicated as “Existing and Proposed Regional Roads (Single Carriageway)”. See Figure 1 for the IUSDF proposals.



**Figure 1: Proposed Land Uses as per the IUSDF**

The site (road reserve) is not specifically earmarked for local business uses. It was initially planned to be part of the main entrance into Walvis Bay. However, after Farm 39 was allocated to NamPort (for the North Port/SADC Gateway Development), the road no longer fits to be an entrance road. The site is now occupied by unregistered businesses, of which the proposed rezoning to local business will enable businesses to be established on the site on a legal basis.

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

Although the proposed Portions 1-17 of Erf 5766 Kuisebmond are legally reserved as “Street”, the said portions are not part of the physical street network. Most of the site is occupied by “unregistered” businesses (carwashes, vehicle parking, food kiosks, etc). No traffic related issues will occur as the result of the proposed subdivision, closure and rezoning. The subdivision, closure and rezoning will enable current business operators, residents and other potential buyers to acquire legal ownership of these local business erven.

The proposed closure of Portions 1-17 of Erf 5766 Kuisebmond complies with the Local Authorities Act. The subdivision, closure and rezoning will not conflict with the Walvis Bay Town Planning Scheme.

Local Business erven are often associated with the provision of goods and services to local consumers and thus satisfy the requirements of middle- to low-income communities. Large business erven contribute to inequalities in income distribution and concentration of economic power in many towns, and Walvis Bay is not an exception. Hence, it is important to create smaller sites for small scale businesses that will distribute resources and wealth more equitably. This will result in the equitable distribution of income among many workers and subsequently in economic and social welfare in Walvis Bay.



Many rural dwellers migrate to urban areas due to large scale businesses located in urban areas. Small scale businesses mainly attract the current urban dwellers compared to large scale businesses. Accordingly, small scale businesses contribute towards the minimisation of migration.

The sizes of the proposed erven resulting from the subdivision (Portions 1-17 of Erf 5766 Kuisebmond) are still large enough to accommodate business activities. The proposed subdivision, closure and rezoning will not negatively affect the amenity of the area. The creation of Local Business erven will in the future generate revenue for Council in terms of rates and taxes.

**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 subdivision of Erf 5766 Kuisebmond into Portions 1-17 and Remainder (Street, free of conditions), as generally shown on sketch plan SUB/5766K/P17 dated 21 October 2021, subject to the following conditions:
  - (a) That the following conditions be registered against the proposed Portions 1-17 of Erf 5766 Kuisebmond in favour of the Municipal Council:
    - (i) 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).
    - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the portions shall be at least equal the municipal valuation of the portions.
- (2) 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 Portions 1-17 (Portions of Erf 5766) Kuisebmond, measuring approximately 10,371m<sup>2</sup>, as "Street" as generally shown on drawing number SUB/5766/P17 dated 21 October 2021, subject to the following condition:
  - (a) That the Town Planning Division issues the Closure Certificate to the offices of the Registrar of Deeds and Surveyor General.
- (3) That the Municipal Council recommends to the Urban and Regional Planning Board, the application for the rezoning (conversion) of Portions 1-17 (Portions of Erf 5766) Kuisebmond from "Street" to "Local Business", in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5, 2018)*, as generally shown on drawing number RZ/5766/P17 dated 21 October 2021, subject to the following condition:
  - (a) That the rezoning of proposed Portions 1-17 be included in the Next Walvis Bay Amendment Scheme to be submitted to the Minister of Urban and Rural Development for approval.
- (4) That the Environmental Clearance Certificate be obtained prior to the submission of the application to the Urban and Regional Planning Board.



11.18 **Motion: Aims to offer financial relief to both single residential and business ratepayers of Walvis Bay** (CSAdd. 10; M/C Meeting 23/03/2022; File; Motion)

The purpose of the report is to report back to Council for the purpose of "in principle" decision to be made by Council on the above subject matter.

Council at its' meeting held on 8 March 2022 under item 11.1 resolved as follows:

- "(1) That the Municipal Council grant approval for the writing-off of all outstanding interest for improved residential properties, namely the whole outstanding interest amount as from the date from when the interest accumulated up to the end of February 2022.*
- (2) That the Municipal Council grant approval for the writing-off of all outstanding debt of all pensioners who are registered in the municipal database for such purpose, for all outstanding debts up to the end of February 2022.*
- (3) That a submission be made to the Council through the Management Committee on the exact total amount written-off under (1) and (2) above, for a firm decision in this regard."*

This report is in terms of point 3 of the above resolution and also provides the monetary value of points 1 & 2 of the resolution.

During the Council meeting of 16 December 2021, a motion in terms of rule 12 (1) of the rules of order was submitted by Councillor Olivia Andrews. The Council then accepted the motion as an unopposed motion and was consequently referred to Management Committee for a report to Council. The report to Council on 8 March 2022 has resulted in its' resolution as stated in section 2 above.

The total monetary value of outstanding debt as on 28 February 2022 amounts to N\$ 347 million made up as follows:

- Total interest on improved residential properties amounts to N\$ 54 million and;
- Total registered pensioners debt which amounts to N\$ 6,7 million.

Therefore, the total of the debt in monetary values to be written off amounts to 60,7 million (54 million plus 6,7 million).

Total number of customers who will benefit from written off interest is 102 369 whereas the number of pensioners is 1 026. The above combined total of 103 395 represents 3 - 5 lines per customer depending on the service type. These documents are quite voluminous and due to the confidential nature of debt, no attachments are hereby made to this addendum.

It should also be noted that some pensioners are not currently registered on Councils' data-base and these cases will be handled as it surfaces.

**RECOMMENDED:**

- (1) The estimated amount of N\$ 54 million representing outstanding interest on improved residential properties as on 28 February 2022 be written off.
- (2) The estimated amount of N\$ 6,7 million representing outstanding pensioners debts as on 28 February 2022 be written off.
- (3) That it be noted of unregistered pensioners on Councils' pensioners data-base and that such cases be handled as it surfaces.
- (4) That the Council take note of that the total debt to be written off in 1 & 2 above, represents 17% of total outstanding debt.





11.19 **Strategic Plan July 2021 to June 2026** (CSAdd. 11; M/C Meeting 23/03/2022; File; 2/1)

The purpose of this report is to obtain Council's approval to adopt the new Strategic Plan for the Municipality of Walvis Bay, covering the period *July 2021 – June 2026*.

The strategic plan provides a roadmap to both the political and administrative arms of the organisation to align the municipal's functional activities to achieve set objectives. It guides discussions and decision-making in determining resource and budget requirements to accomplish the set objectives, thus increasing operational efficiency. The last Council approved strategic plan of the Municipality of Walvis Bay covered the 2013/14 – 2017/18 financial years. Although it was reviewed in May 2017, there has not been an officially revised plan in place since then.

Most, if not all Namibian local authorities' strategic plans are developed by external consultants. However, the administration, together with Council, deemed it fit to establish a Strategic Plan Coordinating Committee (SPCC) to facilitate and drive the strategic planning process internally. In addition, an intensive participatory process was conducted during a two-day strategic planning workshop held on the 29 – 30 April 2021, followed by several SPCC meetings and departmental contributions, two sessions with union representatives, as well as presentations at two Informal Discussion sessions with the last one being on 15 March 2022.

The *Municipality of Walvis Bay Strategic Plan: July 2021 – June 2026* will serve as an adaptive and flexible framework inspired by the previously adopted high-level statements (mandate, slogan, vision, mission and core values), and committed to by both the leadership and administration. The unique feature of a SHIP replaces the traditional HOUSE, which will collectively be steered to fulfil the political socio-economic promises to our communities in our harbour town.

The approximately 63 politically inspired promises have been condensed into 8 strategic objectives, which will be realised through the implementation of 47 policies, plans and programmes initiatives by a reformed staff complement under the theme "*Steering the Walvis Bay Ship from the present to a progressive future through transformational leadership*", thus endeavouring to improve the well-being and prosperity of Walvis Bay and its people (*note Annexure attached*). The successful implementation of the plan will be monitored and reported on through multiple avenues to all the stakeholders.

**RECOMMENDED:**

- (1) That the Municipality of Walvis Bay Strategic Plan covering the period July 2021 – June 2026 be noted and approved.
- (2) That the Municipality of Walvis Bay Strategic Plan form the basis of Council's future budgeting considerations.



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.*

