



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

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

**ON TUESDAY
06 SEPTEMBER 2022
AT 18:00**



Municipality of Walvis Bay

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Date	30 August 2022

NOTICE

His Worship the Mayor and Councillors
General Managers

AUGUST 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 Civic Centre Council Chambers, Nangolo Mbumba Drive, Walvis Bay on: -

Tuesday 06 September 2022 at 18:00

Yours faithfully,

D Uushona
Acting Chief Executive Officer

Date	Time
31/08/2022	08 :30

Official	Date	Time	Signed off
Compiler	30/08/2022	16:30	
MCS	30/08/2022	17:00	



Please address all correspondence to the Chief Executive Officer

Agenda

1. **Opening by prayer** (File 3/1)
2. **Adoption of agenda and declaration of interest**
3. **Application for leave of absence by members of council** (File 3/3/1/4)
4. **Confirmation of minutes of previous meeting/s** (File 3/3/2/3/1)
 - 4.1 Minutes of the Ordinary Council meeting held on Wednesday 03 August 2022 to be confirmed and approved.
 - 4.2 Minutes of the Special Council Meeting held on Thursday 25 August 2022 to be confirmed and approved.
5. **Interviews with deputations or persons summoned or requested to attend meeting**
(File 3/3/2/3/2)

Tuesday 16 August 2022

 - Bakersville – Bakersville Township Development
 - Seventy7 Consulting
6. **Official announcements, statements, and communications**

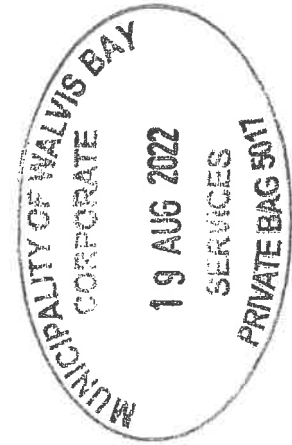
Announcements by His Worship the Mayor, Trevino Forbes.
7. **Petitions** (File 3/2/1/6)

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

Motion: Affordable sale of serviced or unserviced plots to the very low-income group. (See attached motion Number 16 on Page 2)

Submitted by Councillor Ryan Gordon

MOTION FORM



To submit a motion for consideration by the Municipal Council of Walvis Bay, please complete and sign this form and submit it to the Chief Executive Officer at least 6 working days prior to the date of the next ensuing Council meeting as contemplated in Rule 13 of the Standing Rules of Order

Motion sequence number: 16
(to be completed by the administration)

MOTION: Affordable sale of serviced or unserviced plots to the very low income group

Motion submitted by: Councillor Ryan Gordon

Objective of Motion: Request Council to avail the following land:

Extension 11, Erf 4609N that's 3.8 hectares and Erf 4608N, that's 4.6 hectares. If made available 280 residential plots can be sold. The low-income group covers taxi drivers, domestic workers, petrol attendees, security guards and the list go on and on.

Most of them did not have the opportunity to finish their school career or a lack of financial aid crippled their dreams and desire to further their studies. People with a little or no possibility to empower themselves economically. Land is the ultimate resource.

Rationale and motivation: What is an erf? It means a portion of land registered in the Deeds registry as an erf. In the Constitution of the Republic of Namibia under Property Article 16, Section 1 and I quote, all persons shall have the right in any part of Namibia to acquire or own property under Housing Schemes part 12.

Section 57 subsection

1(a) Construct or acquire dwelling and maintain sell or subject to such conditions as may be determined by the Local Authority Council.

The Namibian Constitution support access to secure land tenure, Flexible land

Tenure Act no. 4 of 2012. The Bill seeks to accelerate access to and delivery of secure tenure in informal urban areas to people without any rights to the land they are presently occupying. Plots become houses and houses are turned into homes with a character. We are aware of the shack fires and the loss of lives and personal belongings that goes hand in hand. We really want our people out of shacks and into their own houses which they can call 'HOME'

Proposal to be considered by Council: The purpose of this motion is for Council to avail land. It's time for Council to step forward and restore hope and dignity in our people, the residents of Walvis Bay.

Chairperson of Council. I so move.


Cllr Ryan Gordon

18 / 08 / 2022
Date

9. **Answers to questions of which notice has been given** (File 3/3/1/2)

10. **Report of the Management Committee for August 2022**
[Report referred to in section 26(1)(e) of the Local Authorities Act]

10.1 **Report of the Management Committee for August 2022**
the original ... 2020, 74324 ...
Meeting ...

RESOLVED:

That the item be referred to the ...
... 724 ...

10.2 **Transfer of funds from the 2021/2022 Capital budget to the 2022/2023 Capital budget: building materials for informal market on Erf 2188 Kuisebmond** (Add. 6; M/C Meeting 24/08/2022; File: 17/06/4/3/3)

RESOLVED:

That the item be referred to administration to address the technicalities of the funding, and report back to the Management Committee if needed.

10.3 **Rates and taxes levied against Erven 4743 and 4746 Walvis Bay, Extension 5: Wakuna Investment CC** (Add. 14; M/C Meeting 24/08/2022; File: 4743 W & 4746 W & 17/5/3/1/1 Low-Cost)

RESOLVED:

That item be referred back for the inclusion in the resubmission of the financial details of the amounts to be considered for reversal and writing-off, as well as the legal requirements for such reversal and writing-off.

11. **Recommendations of the Management Committee for August 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 **Topnaar Traditional Authority Community Trust Fund: Appointment of member of the board** (Add. 1; M/C Meeting 24/08/2022; File 12/1 & 12/1/4/1 & 12/1/4/2/1)

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:

- (a) the chief or head leading the traditional community in respect of which the Fund has been established, who shall be the chairperson;
- (b) two senior traditional councillors of that traditional community, designated by its traditional authority;
- (c) the person appointed as secretary of that traditional authority in terms of section 10(3) of the Act;
- (d) the regional council member elected as contemplated in section 4 of the Regional Councils Act, 1992 (Act No. 22 of 1992) in respect of the constituency in which the area of the traditional community concerned is situated;
- (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;
- (f) one church leader who is ordinarily resident in the communal area of such traditional community, designated by the relevant church authority;
- (g) one person who has in the opinion of that traditional authority knowledge and experience in a financial sphere, designated by the traditional authority, to be the secretary of the Board; and (h) not more than three other persons representing the residents (inclusive of the professional and businesspeople) in the communal area of that traditional authority, designated by that traditional authority.

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

RECOMMENDED:

That the Municipal Council of Walvis Bay designate Councillor Olivia Andrews as representative on the Board of the Topnaar Traditional Authority Community Trust Fund as contemplated in Regulation 5(1)(e) of the Regulations to the Traditional Authorities Act, 2000 (Act No. 5 of 2000).

11.2 Request for sponsor partnership towards hosting the 14th Erongo Business and Tourism Expo, planned for 26-29 October 2022 in Walvis Bay, under the theme: Rethink, reimagine & reinvent value chains for economic development post the COVID-19 pandemic (Add. 2; M/C Meeting 24/08/2022; File 3/4/6)

The purpose of this report is for the Council to consider the request received from the organizing committee of the Erongo Business & Tourism Expo to partner with them by sponsoring the Walvis Bay Civic Centre Facility to host the 14th Erongo Business & Tourism Expo planned for the 26th to the 29th of October 2022.

For the Municipality of Walvis Bay to partner with Erongo Business & Tourism Expo in hosting this event, and the requirements for such support as detailed by them in their letter dated 22 July 2022, specific provision must be made for the anticipated expenses.

The following items of support are therefore addressed:

- (i) Walvis Bay Civic Centre Facility (Main Hall, side hall, parking area, lawn in front of the building)
The Walvis Bay Town Hall was reserved for this purpose and the utilisation cost would amount to N\$39,205.18 for the duration of the event. That future funding for this come from a marketing vote.

(ii) Representative on the Local organising committee

Two representatives from Council serve on to the LOC (one for economic development and the other for infrastructure management) to ensure that compliance and due diligence is applied during the preparation and the event so our facilities remain in the same conditions before the event.

An amount of N\$39,205.18 be waived from being charged for the hosting of the Erongo Business and Tourism Expo 2022 as part of Council's social responsibility in the promotion of business and tourism in the town.

RECOMMENDED:

- (1) That the Municipal Council agrees to partner with the Erongo Business & Tourism Expo for the hosting of the event from 26 to 29 October 2022.
- (2) That the amount of N\$39,205.18 be waived from being charged for the hosting of the Erongo Business and Tourism Expo 2022 as part of Council's social responsibility in the promotion of business and tourism in the town.
- (3) That the Chief Executive Officer appoint two representatives from Council's staff to serve on the organising committee to ensure that compliance and due diligence is applied during the preparation and the event to ensure our facilities remain in the same condition as before the event.
- (4) That the Council approves partnering with the Erongo Business & Tourism Expo for future hosting of the event in Walvis Bay, and that provision be made in Council's future Budget for this partnership.

11.3 Resubmission: Historic overview of representation of the Municipality of Walvis Bay on the Erongo Regional Electricity Distributor Board of Directors (Add. 3; M/C Meeting 24/08/2022; File: 1/2/2/4/1 & 12/1)

The purpose of this report is to provide a historic background and overview on the representation of the Municipality of Walvis Bay on the Erongo Regional Electricity Distributor (hereinafter referred to as ERED). The item was first tabled to the Ordinary Council meeting held on 8 June 2022 where it was resolved as follows:

"That the item be withdrawn for the Erongo Regional Electricity Distributor team to come do introductions of the new Chief Executive Officer, at which platform Councillors can pose questions to get clarity and the item then be resubmitted. In the meantime, Councillors were advised to scrutinise the Shareholders Agreement."

The Informal Discussions meeting where clarity was sought from the Erongo Regional Distributor team as per the resolution was held on 21 June 2022.

The Namibian Cabinet has approved the establishment of Regional Electricity Distributors (RED) in Namibia in 2000. The owners/shareholders of the RED are the beforementioned distributors in the RED's geographic area. The various distributors undertook to transfer their electricity networks, vehicles, staff and other assets, as well as its customers to the RED.

In exchange for such transfer, they received shares in the RED proportionate to their contributions towards the new RED.

ERED was formed by merging the service of electricity distribution from the various municipalities and town councils in the Erongo region namely:

- the municipalities of Walvis Bay, Swakopmund, Henties Bay and Omaruru,
- the town councils of Karibib, Usakos and Arandis,
- the Erongo Regional Council (for the rural areas), and

- NamPower.

ERED started trading as an independent legal entity on 1 July 2005 (to coincide with the end and start of the financial years of the participating local authorities). It was created under the Companies Act, 1973 (Act 61 of 1973) with 9 board members (hereinafter referred to as "directors") as prescribed in clause 4.3.1.1 of the Shareholders Agreement read with article 49 of the Articles of Association. Under clause 4.3.1.1(e) of the Shareholders Agreement the Municipality of Walvis Bay can have representation by 2 persons (and their alternates) and under subclause (d) the same applies to Swakopmund. All the other shareholders only have 1 representative on the board, with the 3 smallest local authorities combined having only 1 representative.

Moreover, clause 4.1.5 determines that any shareholder only has 1 vote. The 2 seats on the Board of Directors does not have any relevance to the 1 vote per shareholder at shareholder meetings. Clause 4.1.6 determines that the chairperson of any shareholders meeting shall be the duly authorised person of the Municipality of Walvis Bay.

Clause 4.3.1.7 determines that any shareholder may remove any of its directors and to replace them at any time during the term of office of such director.

Clauses 4.3.1.4 and 4.3.1.7 is clear that the fiduciary duties rests with the directors, who under any law has the full, complete and exclusive authority and discretion to manage the affairs of the company and to make all decisions regarding the business of the company. This means that no single shareholder, irrespective of the number of shares held by it, has any control of the ERED. Clause 3.2.1.1 only attaches the right of entitlement to shareholders to receive dividends on the number of share that it holds.

RECOMMENDED:

- (1) That the Municipal Council of Walvis Bay takes note with great concern of the lack of formal and documented annual feedback by its duly appointed representative (chairperson of the shareholders' meetings) to the Council on the status/activities of the Erongo RED, with a quarterly report on such activities to be submitted to the Municipal Council of Walvis Bay by the Erongo RED.
- (2) That the Municipal Council also, due to the tenure of Cllr R Hoaeb as Board Member, appoints the Chief Executive Officer in the place and stead of Cllr R Hoaeb as duly appointed representative (chairperson of shareholders' meetings) under Clause 4.1.6 of the Shareholders Agreement, and that the decision adopted under item 12.3 at the Ordinary Council meeting of 25 August 2015 that the Chairperson of the Management Committee shall be the duly authorised representative of the Municipality of Walvis Bay, be rescinded.

11.4 Application to purchase a portion of street for provision of housing: Eagle Builders & Renovations (Add. 5; M/C Meeting 24/08/2022; File: 7/2/3/2/2 & 6627 & 6628 N)

The purpose of this report is to recommend, amongst others, that Council approves the sale of erven 6626 and 6627 Narraville, with a total of 1050 m², by private transaction, to Eagle Builders & Renovations (the applicant) for N\$126,000.00 plus N\$18,900.00 - VAT (N\$120.00/m²).

Council at its ordinary meeting held on 2 July 2013 under item 12.6 inter alia resolved as follows:

- "(1) That principle approval be granted that a portion of the Remainder of Portion 1 of the Farm Wanderdunen No. 23 (street) be sold, by private transaction, to Eagle Builders & Renovations (the applicant) for N\$120.00/m² plus 15% VAT.

- (2) That the applicant, at its own cost, advertise the sale by private transaction in terms of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That the applicant, at its own cost, attends to all town planning and other related legal procedures, such as permanent closure of the street portion, surveying, subdivision, rezoning, etc.”

The applicant was informed of the Council resolution dated 02 July 2013 of the principle approval and they have attended to most of the conditions of sale, amongst others, the advertisement for objections of the sale of land and attending to Town Planning matters. The adverts for sale were placed in terms of the Local Authorities Act, Act 23 of 1992 for objections. We did not receive any objection for the sale on closing date of the advertisements. Kindly take note that no specific portion of land was allocated to the applicant. It should also be noted that sale of land by local authorities is guided by the Local Authorities Act, Act 23 of 1992.

Subsequently, the applicant had to proceed with the town planning matters including closure of the street, incorporation, subdivision, and rezoning. During the planning processes, the intent of such applications must be advertised for objections in terms of the Planning Ordinance. The intent of the planning processes was advertised, and objections were received for the closure of the street and rezoning.

The objections received was submitted to Council and considered at its meeting held on 02 April 2019.

Note should be taken that objection(s) for sale of land cannot be lodged/entertained with the advertisements of the town planning matters. The department of Roads and Building Control, Town Planning section had various meetings with the objectors and consensus was reached amongst the parties.

In terms of the agreement that was reached, the applicant will purchase erven 6626 & 6627 Narraville while Erf 6628, Narraville will be zoned “Institutional” and revert back to Council and be offered to Catholic Church on application.

RECOMMENDED:

- (1) That the Council approves the sale of erven 6627 and 6628 Narraville, with a total size of 1537m², by private transaction, to Eagle Builders & Renovations (the applicant) for N\$184,440.00 plus N\$27,666.00 - VAT (N\$120.00/m²).
- (2) That the Council takes note that the applicant already complied with resolution 2 and 3 of the Council resolution dated 2 July 2013.
- (3) That resolutions 4 to 12 of Council resolution dated 2 July 2013 remains in force.
- (4) 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.

11.5 Application for the lease of land, to establish regional office on Erf 4618 Walvis Bay: Road Fund Administration (Add. 7; M/C Meeting 06/07/2022; File: 4618 W)

The purpose of this report is to submit a request from the Road Fund Administration (RFA), to erect a small building on a portion of Erf 4618 WB, and to lease such portion of land from Council.

The RFA currently makes use of two cubicles within the Walvis Bay NaTIS Centre, to collect and process relevant Road User Charges and RFA related administration. Such space is rented from the Roads Authority (RA), current custodians of the NaTIS Centre.

The RFA has for some time now recognized the need for bigger space from where its operations could be handled. A first application was received from the RFA during 2020, to be allocated a small portion of land directly adjacent to the western corner of the current NaTIS Centre, to erect a building to use as offices from which RFA matters could be managed.

From the outset, there was doubt as to the approval of such a request, particularly as the future of the RA (NaTIS) presence within the Traffic offices, is unclear. Various requests from the RA have been received over the past few years regarding possible land for a fully-fledged, one-stop, NaTIS Registering Authority. These requests have all been addressed, but no firm commitment has up until now been received from the RA.

The RFA however persisted to request a portion of land and various meetings took place since February 2020, in this regard. This resulted in building plans to be drawn up for such a building and such plans have in the meantime been approved.

Although the erection of a small building, 154,2 m² in size, will not present an aesthetically pleasing environment, the portion of land applied for is currently not utilized. It is also accepted that this is Council property and a building, although established by the RFA at the cost of the RFA, will become the property of Council, once completed. The opinion is further held that should the RFA in the future elect to vacate this premises, the building could, giving its proximity, be easily linked to the current Traffic building.

It is also acknowledged that the RFA currently experience challenges to manage its affairs from the small space available within the NaTIS Centre.

From a service delivery point of view, a separate building, with adequate space, therefore makes sense and the opinion is held that the request of the RFA be considered favorably.

It is submitted that a formal lease agreement be entered into and between Council and the RFA, to address lease and other conditions. Council currently leases land within Town and Townlands at a monthly rental of N\$ 0.77 cents/m². It is also recommended that a long-term lease of 10 years be approved. Such lease period will necessitate the approval of the Minister.

RECOMMENDED:

- (1) That approval be granted to the Road Fund Administration to erect a building, 154,2m² in size, on a portion of Erf 4618 Walvis Bay, directly adjacent to the western corner of the NaTIS Centre, and to lease such portion of land from Council, by private transaction.
- (2) That the RFA, at its 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), as amended.
- (3) That, in terms of Section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, the approval of the Minister of Regional and Local Government, Housing and Rural Development be obtained.
- (4) That a formal Lease Agreement be entered into and between Council and the RFA.
- (5) That the monthly rental be determined at N\$ 120.00 per month, plus N\$ 18.00 (VAT), escalating with 10% per annum.

- (6) That the lease amount be levied once the agreement has been signed by both parties.
- (7) That the lease period be for a period of 10 years, to be extended for a further period as agreed upon between the Municipality of Walvis Bay and the RFA.
- (8) That the applicant guarantees and indemnifies 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 land so covered by the Lease Agreement.

11.6 Application to lease portion of the old hostel kitchen situated on Erf 5654 Kuisebmond for the establishment of a youth and vocational training centre: Sage-Dee Entrepreneurs Academy (Add. 8; M/C Meeting 24/08/2022; File: 5654 K)

The purpose of this report is to recommend that approval be granted for the lease, by private transaction of Portion 3 of Erf 5654 Kuisebmond, with improvements, in extent 1659 m², to Sage-Dee Entrepreneurs for the establishment of a Youth Centre.

Council at its Ordinary meeting held on 17 November 2020, under item 12.7 resolved as follows:

- (1) That principle approval be granted that a Portion of Erf 5654 Kuisebmond, be reserved to be leased to Sage by Dee Entrepreneurs Academy (the applicant), for an envisaged Youth/Vocational Training Centre.
- (2) That the applicant submits within six (6) months after this principle approval a concise project proposal that indicates the timeline of the planning/activities, as well as the financial and technical capability of Sage by Dee Entrepreneurs Academy.
- (3) That, once the abovementioned planning/activities have been received, a further comprehensive report with recommendations be submitted to Council for consideration.
- (4) That, in the event the applicant fails to perform in accordance with (2), this resolution shall be deemed cancelled and of no further force and effect.

The potential developer/applicant was informed of the Council resolution dated 17 November 2020. Further consultative meetings were held with the applicant on their proposed development and subdivision of the old hostel buildings. The applicant was requested to prepare conceptual plans linked with timeframe for the development of the youth center. This process has delayed the submission of the final development proposal to Council.

The land surveyor was appointed to subdivide the old hostel buildings. Portion 3 of Erf 5654 Kuisebmond was preliminary allocated to Sage by Dee Entrepreneurs.

The applicant has submitted their detailed development proposal including their financial capability to start with the development of the envisaged Youth Centre in Kuisebmond.

Our opinion is that the portion of the Erf be lease to the applicant for 10 years, with the option of renewal after the initial period of lease. The application is supported as it is believed that the facility will create much needed opportunities for the youth in Walvis Bay. In addition, the facility will also serve as a Vocational Training Centre that will produce technicians for the industry in Walvis Bay.

Council currently leases land within Town and Townlands at the monthly rental of N\$0.77 cents/m², escalating with 10% per annum. It would thus only be fair to lease the land to Sage by Dee Entrepreneurs at N\$0.77 cents/m².

RECOMMENDED:

- (1) That approval be granted for the lease, by private transaction, of Portion 3 of Erf 5654 Kuisebmond with improvements, in extent 1659 m², to Sage by Dee Entrepreneurs for the establishment of a Vocational Training/Youth Centre for a period of 10 years as from the date of signing the lease agreement with the option to, after the initial period of 10 years, to negotiate with the Municipality Council of Walvis Bay for the further lease of Portion 3 of Erf 5654 Kuisebmond.
- (2) That the rent be set at N\$1,277.43 per month plus N\$192.00 (15%), escalating with 10% per annum, which rent shall become payable as from the date of commencement of the operations of the facility.
- (3) That the applicant advertises 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), as amended.
- (4) That, in terms of Section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, and Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018), the approval of the Minister of Urban and Rural Development be obtained.
- (5) That the applicant, at its own cost, provide all services and adheres to the guidelines/standards requirements for all services, i.e water connection, water/sewerage/electricity reticulation.
- (6) That the electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (7) That the applicant shall, at own cost, renovate the old hostel and not held Municipal Council of Walvis Bay liable for any reimbursement.
- (8) That the applicant shall, at all times, comply with all Government and/or all relevant requirements of Council's standard Building, Health and Municipal Regulations.
- (9) That the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads and Building Control.
- (10) That the applicant shall, at own cost, relocate known and/or unknown services.
- (11) That the Municipal Council of Walvis Bay not be held liable to reimburse the applicant for any improvements affected on the erven should the lease not be extended.
- (12) That the applicant guarantees and indemnifies 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 activities emanating from the Vocational Training/Youth Centre.
- (13) That the applicant shall start with the development within six months after all approvals have been obtained and that such business be operational within 12 months, failing to start with the operations this Council resolution will be regarded as null and void and of no further force and effect.

11.7 Application to lease a portion of the old hostel kitchen situated on Erf 5654 Kuisebmond for the establishment of a youth and vocational training centre: Walvis Bay Youth Forum (Add. 9; M/C Meeting 24/08/2022; File: 5654 K)

The purpose of this report is to recommend that approval be granted for the lease, by private transaction of Portion 2 of Erf 5654 Kuisebmond, with improvements, in extent 2404 m² to Walvis Bay Youth Forum for the establishment of a Youth Centre.

Council at its Ordinary meeting held on 17 November 2020, under item 12.8 resolved as follows:

- (1) That principle approval be granted that the Old Kitchen Building and a portion of Erf 5654 Kuisebmond, be reserved to be leased to Walvis Bay Youth Forum (the applicant), for an envisaged Youth/Vocational Training Centre.
- (2) That the applicant submits within six (6) months after this principle approval a concise project proposal that indicates the timeline of the planning/activities, as well as the financial and technical capability of the Walvis Bay Youth Forum.
- (3) That, once the abovementioned planning/activities have been received, a further comprehensive report with recommendations be submitted to Council for consideration.
- (4) That, in the event the applicant fails to perform in accordance with (2), this resolution shall be deemed cancelled and of no further force and effect.

The potential developer/applicant was informed of the Council resolution dated 17 November 2020. Further consultative meetings were held with the applicant on their proposed development and subdivision of the old hostel buildings. The applicant was requested to prepare conceptual plans linked with the timeframe for the development of the youth center. This process has delayed the submission of the final development proposal to Council.

The land surveyor was appointed to subdivide the old hostel buildings as per the attached layout and surveyor invoice. Portion 2 of erf 5654 Kuisebmond was preliminary allocated to Walvis Bay Youth Forum.

The applicant has submitted their detailed development proposal including their financial capability to start with the development of the envisaged Youth Centre in Kuisebmond.

Our opinion is that the Portion of the Erf be leased to the applicant for ten (10) years, with the option of renewal after the initial period of lease. The application is supported as it is believed that the facility will create much needed opportunities for the youth in Walvis Bay. In addition, the facility will also serve as a Vocational Training Centre that will produce technicians for the industry in Walvis Bay.

Council currently leases land within Town and Townlands at the monthly rental of N\$0.77 cents/m², escalating with 10% per annum. It would thus only be fair to lease the land to the Walvis Bay Youth Forum at N\$0.77 cents/m².

RECOMMENDED:

- (1) That approval be granted for the lease, by private transaction, of Portion 2 of Erf 5654 Kuisebmond with improvements, in extent 2404 m², to Walvis Bay Youth Forum for the establishment of a Vocational Training/Youth Centre for a period of 10 years as from the date of signing the lease agreement with the option to, after the initial period of 10 years, negotiate with the Municipality Council of Walvis Bay for the further lease of the Portion 2 of erf 5654 Kuisebmond.

- (2) That the rent be set at N\$1,851.08 per month plus N\$278.00 (15%), escalating with 10% per annum, which rent shall become payable as from the date of commencement of the operations of the facility.
- (3) That the applicant advertises 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), as amended.
- (4) That, in terms of Section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, and Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018), the approval of the Minister of Urban and Rural Development be obtained.
- (5) That the applicant, at its own cost, provides all services and adheres to the guidelines/standards requirements for all services, i.e water connection, water/sewerage/electricity reticulation.
- (6) That the electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (7) That the applicant shall, at own cost, renovate the old hostel and not held Municipal Council of Walvis Bay liable for any reimbursement.
- (8) That the applicant shall, at all times, comply with all Government and/or all relevant requirements of Council's standard Building, Health and Municipal Regulations.
- (9) That the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads and Building Control.
- (10) That the applicant shall, at own cost, relocate known and/or unknown services.
- (11) That the Municipal Council of Walvis Bay not be held liable to reimburse the applicant for any improvements affected on the erven should the lease not be extended.
- (12) That the applicant guarantees and indemnifies 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 activities emanating from the Vocational Training/Youth Centre.
- (13) That the applicant shall start with the development within six months after all approvals have been obtained and that such development will be operational within 12 months, failing to start with the operations this Council resolution will be regarded as null and void and of no further force and effect.

11.8 Application for reservation of industrial land at the heavy industrial area behind Dune 7: Farm 58, for the construction of Green Energy Complex: Ikhaya Somandla Trading Enterprise (Pty) Ltd (Add. 10; M/C Meeting 24/08/2022; File: 17/28/2)

The purpose of this report is to recommend that approval be granted to reserve ± 3,404,217 m² of Portion 46 of Remainder Farm 58 for Ikhaya Somandla Trading Enterprise (Pty) Ltd (the applicant), for the construction of a Green Energy Complex in Walvis Bay.

In their updated application dated 1 August 2022, the applicant indicated that they wish to establish a Green Energy Complex that will consist of the following:

- Oil Refinery
- Power Plant (Renewable Energy)
- Storage Facility (Tank Farm – Crude, Refined & Additives / lubricants)
- Site Office

- Agro-Industrial activity

The applicant has presented their development proposal for the envisaged Green Energy Complex to Council at the informal discussions held on 7 June 2022.

The applicant, Ikhaya Somandla Trading Enterprise (Pty) Ltd together with their private Technical and Financial Investor (partners) from Australia wants to establish and develop a Green Energy Complex in Namibia. They have identified Walvis Bay as an ideal location in Namibia to construct their complex.

This initiative responds to the second Harambee Prosperity Plan and an announcement that was made by His Excellency the President of Namibia, that Namibia is investigating the feasibility of green energy projects as a strategic intent. Therefore, the application of the applicant is supported.

The process of township establishment of Farm 58 has been partially completed and the registration of portions is now with the Deeds Office. However, the Town Planning process for the Remainder of Farm 58 still needs to be attended to. The preliminary subdivision was completed and with the inputs from other stakeholders and the final layout will be prepared by Town Planning. The applicant in their application indicated that they require 395 Ha of Portion 7 and 8 of Remainder Farm 58. However, the applicant was advised that these two portions are too small and portion 8 has already been allocated to another developer.

It is further important to note that the application is for a *Green Energy Complex* however, in our opinion the activities such as Oil Refinery, Tank Farms and LPG Plant as listed are not green and must be at the far end of Farm 58. Therefore, a new proposal for allocation of land was made to the developer through consultations and the applicant has agreed to be allocated Portion 46 of Remainder Farm 58.

What is being sought from Council for Ikhaya Somandla Trading Enterprise (Pty) Ltd, is the allocation of $\pm 3,404,217$ m² of Portion 46 of Remainder Farm 58 for the purpose of establishing a Green Energy Complex.

Walvis Bay has been experiencing significant growth over the past six (6) years and this is expected to continue. The Government of Namibia, in terms of the second Harambee Prosperity Plan, has identified Walvis Bay as the growth point for industrialization.

From an economic development point of view the establishment of a Green Energy Complex will contribute massively to employment creation and poverty alleviation in Walvis Bay and is supported.

The opinion is therefore held that once the subdivision of the required portion and other related matters have been finalized, that negotiations be entered into with the applicant for the lease or outright sale of $\pm 3,404,217$ m² of land and a further comprehensive report be submitted to Council.

RECOMMENDED:

- (1) That conditional approval be granted that $\pm 3,404,217$ m² of Portion 46 of Remainder Farm 58 be reserved for Ikhaya Somandla Trading Enterprise (Pty) Ltd (the applicant) for the envisaged Green Energy Complex.
- (2) That, the applicant attends to subdivision of $\pm 3,404,217$ m² of Portion 46 of Remainder Farm 58 at own cost.

- (3) That the applicant at its own risk and on its own cost conduct Environmental Impact Assessment (EIAs), Environmental Management Plans (EMPs), Risk Management Plans (RMPs) and any other statutory assessment, studies and processes, and obtain clearance from the Environmental Commissioner.
- (4) That the applicant submits within twelve (12) months after this conditional approval the following:
 - The Environmental Clearance;
 - Feasibility study whether the project is viable; and
 - Financial capability that funds are available to start and complete the project.
- (5) That the method of sale/lease and all other conditions including but not limited to price be considered with final submission.
- (6) That the applicant updates Council on the progress of the project every third month.
- (7) That once (2) and (4) above has been completed, a further comprehensive report with recommendations be submitted to Council for consideration.
- (8) That in the event the applicant fails to perform in accordance with (2), (3) and (4) above this conditional approval be regarded as null and void and of no further force and effect.

11.9 Application for reservation of industrial land at heavy industrial area behind Dune 7: Farm 58, for the construction of a Chlor-Alkali Plant: Erochem Chemicals (Pty) Ltd
(Add. 11; M/C Meeting 24/08/2022; File: 17/28/2)

The purpose of this report is to recommend that conditional approval be granted to reserve 6.12 Ha of Portion 7 of Remainder Farm 58 for Erochem Chemicals (Pty) Ltd (the applicant), for the establishment of an Chlor-Alkali Plant in Walvis Bay.

In their application dated 18 July 2022, the applicant indicated that they wish to establish a Chlor-Alkali Plant in Namibia, Walvis Bay.

The applicant, Erochem Chemicals (Pty) Ltd plans to establish and develop a 45 ton per day Chlor-Alkali Plant in Walvis Bay. The Plant will produce the following primary products:

- Caustic Soda and Chlorine from a brine mixture of salt and water
- Caustic Flakes, Hydrochloric Acid and Sodium Hypochlorite

The Chlor-Alkali process is a chemical process applied to produce the electrolysis of sodium chlorite or salt. It is a technology used to produce chlorine and sodium hydroxide. Therefore, the development of a Chlor-Alkali Plant in Walvis Bay will facilitate the processing of local salt/brine to produce sodium hypochlorite products locally. These will ensure that value addition occurs in Namibia as per the Growth at Home Strategy of the Government. The establishment of this plant will also act as a catalyst for industrial growth in downstream industries such as the following:

- Cleaning products
- Water treatment
- Chemical & pharmaceutical production
- Paper production
- PVC manufacturing
- Plastics, soap, glass production etc.

This initiative responds to the second Harambee Prosperity Plan under pillar two, economic advancement and call by Ministry of Industrialization and SME Development on value addition of raw materials. Therefore, the application of the applicant is supported.

The process of township establishment of Farm 58 has been partially completed and the registration of the portions is now with the Deeds Office.

However, the 6.12 Ha required by the applicant must be subdivided from Portion 7 of Remainder Farm 58 before final allocation can be considered by Council for long term lease or alienation.

What is being sought from Council for Erochem Chemicals (Pty) Ltd, is the allocation of 6.12 Ha of Portion 7 of Remainder Farm 58 for the purpose to establishing an Chlor-Alkali Plant that will create 200 permanent jobs as per their proposal.

Walvis Bay has been experiencing significant growth over the last six years and this is expected to continue. The Government of Namibia, in terms of second Harambee Prosperity Plan, has identified Walvis Bay as the growth point for industrialization.

From an economic development point of view the establishment of a Chlor-Alkali Plant will contribute massively to employment creation and poverty alleviation in Walvis Bay and is supported.

The opinion is therefore held that once subdivision of 6.12 Ha required and other related matters have been finalized, that negotiations be entered into with the applicant for the lease or outright sale of 6.12 Ha of land and a further comprehensive report be submitted to Council.

RECOMMENDED:

- (1) That conditional approval be granted that 6.12 Ha of Portion 7 of Remainder Farm 58 be reserved for Erochem Chemicals (Pty) Ltd (the applicant), for the envisaged Chlor-Alkali Plant.
- (2) That, the applicant attends to subdivision of 6.12 Ha of Portion 7 of Remainder Farm 58 at own cost.
- (3) That the applicant at its own risk and on its own cost conduct Environmental Impact Assessment (EIAs), Environmental Management Plans (EMPs), Risk Management Plans (RMPs) and any other statutory assessment, studies and processes, and obtain clearance from the Environmental Commissioner.
- (4) That the applicant submits within twelve (12) months after this conditional approval the following:
 - The Environmental Clearance;
 - Feasibility study whether the project is viable; and
 - Financial capability that funds are available to start and complete the project.
- (5) That the method of sale/lease and all other conditions including but not limited to price be considered with the final submission.
- (6) That the applicant updates Council on the progress of the project every third month.
- (7) That once (2) and (4) above has been completed, a further comprehensive report with recommendations be submitted to Council for consideration.

- (8) That in the event the applicant fails to perform in accordance with (2), (3) and (4) above, this conditional approval be regarded as null and void and of no further force and effect.

11.10 Application for reservation of industrial land at the heavy industrial area behind Dune 7: Farm 58, for the construction of a hydrogen pilot plant: Cleanergy Namibia (Pty) Ltd (Add. 12; M/C Meeting 24/08/2022; File: 17/28/2)

The purpose of this report is to recommend that the remaining portion of Portion 8 of Farm 58, be reserved for Cleanergy Namibia (Pty) Ltd (the applicant), for future expansion.

Council at its meeting held on 08 June 2022 under item 12.3 inter alia resolved as follows:

- (9) *That approval in-principle be granted that an area measuring 20 Ha of Portion 8 of Remainder Farm 58 be reserved for Cleanergy Namibia (Pty) Ltd (the applicant) for the envisaged Hydrogen Pilot Plant.*
- (10) *That the applicant at its own risk and on its own cost conduct Environmental Impact Assessment (EIAs), Environmental Management Plans (EMPs), Risk Management Plans (RMPs) and any other statutory assessment, studies and processes, and obtain clearance from the Environmental Commissioner.*
- (11) *That, the applicant attends to subdivision of 20 Ha of Portion 8 of Remainder Farm 58 at own cost.*
- (12) *That once (2) and (3) above has been completed, a further comprehensive report with recommendations be submitted to Council for consideration.*

The applicant was informed of the Council resolution. The applicant has requested Council to reserve the remaining portion of Portion 8 of Farm 58 for their future expansion and phase two of the project. The request by the applicant is supported for this first and important Green Hydrogen Project.

RECOMMENDED:

- (1) That the remaining portion of Portion 8 of Farm 58, Walvis Bay, be reserved for Cleanergy Namibia (Pty) Ltd (the applicant) for the future expansion.
- (2) That the applicant submits within twelve (12) months after this reservation the following:
- The Environmental Clearance for the pilot project;
 - Feasibility study whether the project is viable; and
 - Financial capability that funds are available start with the project.
- (3) That the method of sale/lease and all other conditions including but not limited to price be considered with the final submission.
- (4) That the applicant updates Council on the progress of the project every third month.
- (5) That in the event the applicant fails to perform in accordance with clause (3) of Council resolution dated 08 June 2022 and (2) above, this reservation and Council approval dated 08 June 2022 under item 12.3 be regarded as null and void and of no further force and effect.
- (6) That once (2) above has been completed, a further comprehensive report with recommendations be submitted to Council for consideration.

11.11 Application for reservation of industrial land at the heavy industrial area behind Dune 7: Farm 58 for the construction of a hydrogen plant: Chiffon Trading (Pty) Ltd
(Add. 13; M/C Meeting 24/08/2022; File: 17/28/2)

The purpose of this report is to recommend that conditional approval be granted to reserve 200 Ha of Portion 7 of Remainder Farm 58 for Chiffon Trading (Pty) Ltd (the applicant), for the establishment of a Hydrogen Plant in Walvis Bay.

In their application dated 18 July 2022, the applicant indicated that they wish to establish a Hydrogen Plant in Namibia, Walvis Bay.

The applicant, Chiffon Trading (Pty) Ltd is a Namibian company which intends to establish and operate a hydrogen Plant in Namibia. They have identified Walvis Bay as the ideal location for the project.

This initiative responds to the second Harambee Prosperity Plan and an announcement that was made by His Excellency the President of Namibia, that Namibia is investigating feasibility of green hydrogen as a strategic intent. Therefore, the application of the applicant is supported.

The process of township establishment of Farm 58 has been partially completed and the registration of portions is now with the Deeds Office. However, the 200 Ha required by the applicant must be subdivided from Portion 7 of Remainder Farm 58 before final allocation can be considered by Council for long term lease or alienation.

What is being sought from Council for Chiffon Trading (Pty) Ltd, is the reservation of 200 Ha of Portion 7 of Remainder Farm 58 for the purpose to establishing a hydrogen Plant.

Walvis Bay has been experiencing significant growth over the last six (6) years and this is expected to continue. The Government of Namibia, in terms of second Harambee Prosperity Plan, has identified Walvis Bay as the growth point for industrialization.

From an economic development point of view the establishment of a hydrogen Plant will contribute massively to employment creation and poverty alleviation in Walvis Bay and is supported.

The opinion is therefore held that once subdivision of 200 Ha required and other related matters have been finalized, that negotiations be entered into with the applicant for the lease or outright sale of 200 Ha of land and a further comprehensive report be submitted to Council.

RECOMMENDED:

- (1) That conditional approval be granted that 200 Ha of Portion 7 of Remainder Farm 58 be reserved for Chiffon Trading (Pty) Ltd (the applicant) for the envisaged Hydrogen Plant.
- (2) That, the applicant attends to subdivision of 200 Ha of Portion 7 of Remainder Farm 58 at own cost.
- (3) That the applicant at its own risk and on its own cost conduct Environmental Impact Assessment (EIAs), Environmental Management Plans (EMPs), Risk Management Plans (RMPs) and any other statutory assessment, studies and processes, and obtain clearance from the Environmental Commissioner.

- (4) That the applicant submits within twelve (12) months after this conditional approval the following:
- The Environmental Clearance;
 - Feasibility study whether the project is viable; and
 - Financial capability that funds are available start with the project.
- (5) That the method of sale/lease and all other conditions including but not limited to price be considered with the final submission.
- (6) That the applicant updates Council on the progress of the project every third month.
- (7) That once (2) and (4) above has been completed, a further comprehensive report with recommendations be submitted to Council for consideration.
- (8) That in the event the applicant fails to perform in accordance with (2), (3) and (4) above, this conditional approval be regarded as null and void and of no further force and effect.
- (9) That the applicant be invited to present his development proposal to Council before the item is submitted for consideration.

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

None.

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.

