



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

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

**ON TUESDAY
01 NOVEMBER 2022
AT 18:00**



Municipality of Walvis Bay

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Date 26 October 2022

NOTICE

His Worship the Mayor and Councillors
General Managers

OCTOBER 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 01 November 2022 at 18:00

Yours faithfully,

D Uushona
Acting Chief Executive Officer

Date	Time
27/10/2022	11 : 50

Official	Date	Time	Signed off
Compiler	26/10/2022	14 : 43	!Gaoses
MCS	27/10/2022	10 : 20	



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 28 September 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**
7. **Petitions** (File 3/2/1/6)

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

No motions were received.

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

10. **Report of the Management Committee for October 2022**

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

None.

11. **Recommendations of the Management Committee for October 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 **Renewal of lease of office space at Narraville Municipal Offices – Namibia University of Science and Technology** (Add. 1; M/C Meeting 18/10/2022; File 7/1/5/1/1/2/3)

The purpose of this report is to consider the request by the Vice Chancellor of the Namibia University of Science and Technology (hereinafter called NUST) to extend the current lease agreement for a further period of 24 months.

NUST is leasing the upper floor of the Narraville Municipal Office Complex for use as its coastal satellite campus where classroom teaching is conducted, and examinations are written. The area measures 184 m² in extent and the history of the lease periods and lease amounts are as follows:

Council resolution	Lease period	Rental amount / m ²	Monthly rental amount
12.4 of 28/10/2008	01/01/2008 – 31/12/2010	N\$ 40.00	N\$ 7,360.00
12.10 of 28/09/2010	01/01/2011 – 31/12/2012	N\$ 40.00	N\$ 7,360.00
12.13 of 27/11/2012	01/01/2013 – 31/12/2014	N\$ 40.00	N\$ 7,360.00
12.4 of 16/12/2014	01/01/2015 – 31/12/2015	N\$ 40.00	N\$ 7,360.00
	01/01/2016 – 31/12/2016	N\$44.00	N\$ 8,096.00
4.2 of 13/12/2016	01/01/2017 – 31/12/2017	N\$48.40	N\$ 8,905.60
	01/01/2018 – 31/12/2019	N\$53.24	N\$ 9,796.16
12.6 of 03/09/2019	01/01/2020 – 31/12/2020	N\$55.90	N\$ 10,285.00
	01/01/2021 – 31/12/2021	N\$58.70	N\$ 10,800.00
	01/01/2022 – 31/12/2022	N\$61.63	N\$ 11,340.00

NUST requested an extension of the lease as per a letter dated 20 September 2022. It is advisable to extend the lease period for 3 years, as was done with the current lease period) as it would underline the commitment of the Municipal Council of Walvis Bay towards the hosting of the satellite campus of NUST in Walvis Bay.

It is to ease the burden of the administrative procedures, as the approval of the Minister of Urban and Rural Development is required for each lease period more than 12 months as per section 63(2) of the Local Authorities Act, 1992. The lease must also be advertised in 2 newspapers on 2 occasions and although the cost of such advertising is paid by NUST, it could amount to as much as N\$ 20,000.00.

The leasing is in line with clause 8.1.2 of Council's revised policy adopted at a Council meeting on 8 June 2022, namely the leasing of Council buildings/offices by private treaty.

The lease amounts over the proposed 36-month lease period are set out below if the current lease increase percentage of 5.0% is maintained, all amounts rounded up.

Lease period	Monthly rental amount @ 5% increase	N\$/m ² rate
01/01/2023 – 31/12/2023	N\$ 11,907.00	64.71
01/01/2024 – 31/12/2024	N\$ 12,503.00	67.95
01/01/2025 – 31/12/2025	N\$ 13,128.00	71.35

RECOMMENDED:

- (1) That the lease of the upper floor at the Narraville Municipal Building to the Namibia University of Science and Technology for the purpose of operating a regional centre for open and distance learning, be approved for a period of 36 months commencing on 1 January 2023 and terminating on 31 December 2025.
- (2) That the lease amount be increased with 5% per annum and be determined as follows, as the contribution and commitment of the Municipality of Walvis Bay towards the advancement of tertiary education in the Walvis Bay area, which include municipal utility services but exclude the cleaning of the area:
 - (i) From 1 January 2023 to 31 December 2023 at N\$ 11,907.00 per month (N\$64.71/m²)
 - (ii) From 1 January 2024 to 31 December 2024 at N\$ 12,503.00 per month (N\$67.95/m²)
 - (iii) From 1 January 2025 to 31 December 2025 at N\$ 13,128.00 per month (N\$71.35/m²)
- (3) That the Minister of Urban and Rural Development be consulted on the intention of the Municipality of Walvis Bay to lease 184m² of office area to the Namibia University of Science and Technology, and that once the approval of the Minister is received, the Namibia University of Science and Technology at its own cost advertise the lease for objections in terms of section 63(2) of the Local Authorities Act, 1992 (Act No. 23 of 1992).
- (4) That the normal lease agreement be entered into with the Namibia University of Science and Technology upon conclusion of the legalities as set out in (3) above.

11.2 Official Policy on the Management and Usage of Information Communication Technology Resources (Add. 2; M/C Meeting 18/10/2022; File 3/3/1/1)

The purpose of this report is to recommend the introduction of an official policy on the management and usage of Council's Information Communication Technology (ICT) Resources.

The transition to an ever-evolving knowledge economy requires a well-developed ICT platform that supports the Municipality of Walvis Bay's strategic objectives and general administration. To ensure that the ICT resources are used appropriately, the Municipality of Walvis Bay has developed this policy document. Broadly speaking, the policy addresses the following aspects:

- To ensure that ICT governance forms an integral part of the institutional governance.
- ICT services provisions are in line with the organisation's business requirements based on existing eGovernment standards and best practices.
- All the Institution information resources and services are well secured using appropriate controls.
- To ensure the members of the Institution use ICT facilities and services in an appropriate and responsible manner and to ensure that other persons do not misuse those ICT facilities and services.

RECOMMENDED:

That the *Official Policy on the Management and Usage of ICT Resources* be approved by Council and implemented with immediate effect.

11.3 **Internal Communication Guide** (Add. 3; M/C Meeting 18/10/2022; File 10/1/P)

The purpose of this report is to formalise the application of an Internal Communication Guide (previously also known as Communication Protocol).

Effective communication is an essential part of the success of any institution, hence the decision to adopt an internal communication guide to ensure that relevant information pertaining to the Municipality of Walvis Bay is always available to employees.

The guide targets all employees of the organisation, while the opportunity exists to include Councillors in some key aspects of communication (see *Feedback Meetings on p.5*).

The primary responsibility of local authorities is to serve their community, which often leads to a stronger focus on external communication while the importance of internal communication is often overlooked. This has again been evident in the results of a recent climate survey which was conducted by an independent consultant. A strong internal communications framework is therefore essential to implement a successful municipal agenda. Although an internal communication protocol (endorsed by Executive Management) has been in place for many years, it is important to refresh this aspect of communication periodically.

The newly revised guide focuses on the following aspects:

- Communication Needs and Expectations
- Methods of Communication
- Feedback/Consultative Meetings
- Guidelines (Template) for Internal Communications Planning

RECOMMENDED:

(1) That the Internal Communication Guide be approved by Council and implemented.

(2) That it be noted that a separate, revised policy will address the subject of external communication.

11.4 **Disputed case: Building line relaxation: Erf 165 Dolphin Beach** (Add. 4; M/C Meeting 18/10/2022; File 165 DB)

The purpose of the report is to obtain approval of the Management Committee in accordance with Clause 1.1.1 of the *Delegation of Powers and Assignment of Duties and Responsibilities* for the relaxation of the building line on Erf 165 Dolphin Beach from 3.0m to 0.0m on common boundary with Erf 155 Dolphin Beach.

The owner of Erf 165 Dolphin Beach through his draughtsperson (Mr Paul Wandera of Eco Designs) approached the owner(s) of Erf 155 Dolphin Beach for consent to build on the common boundaries of their erf. This means a relaxation of the building line from 3,0m to 0,0m on the common boundaries in order to construct the proposed Boat Shed. The locality plan of Erven 155 and 165 Dolphin Beach is depicted by **Figure 1** on the next page.



Figure 1: Locality Plan of Erven 155 & 165 Dolphin Beach

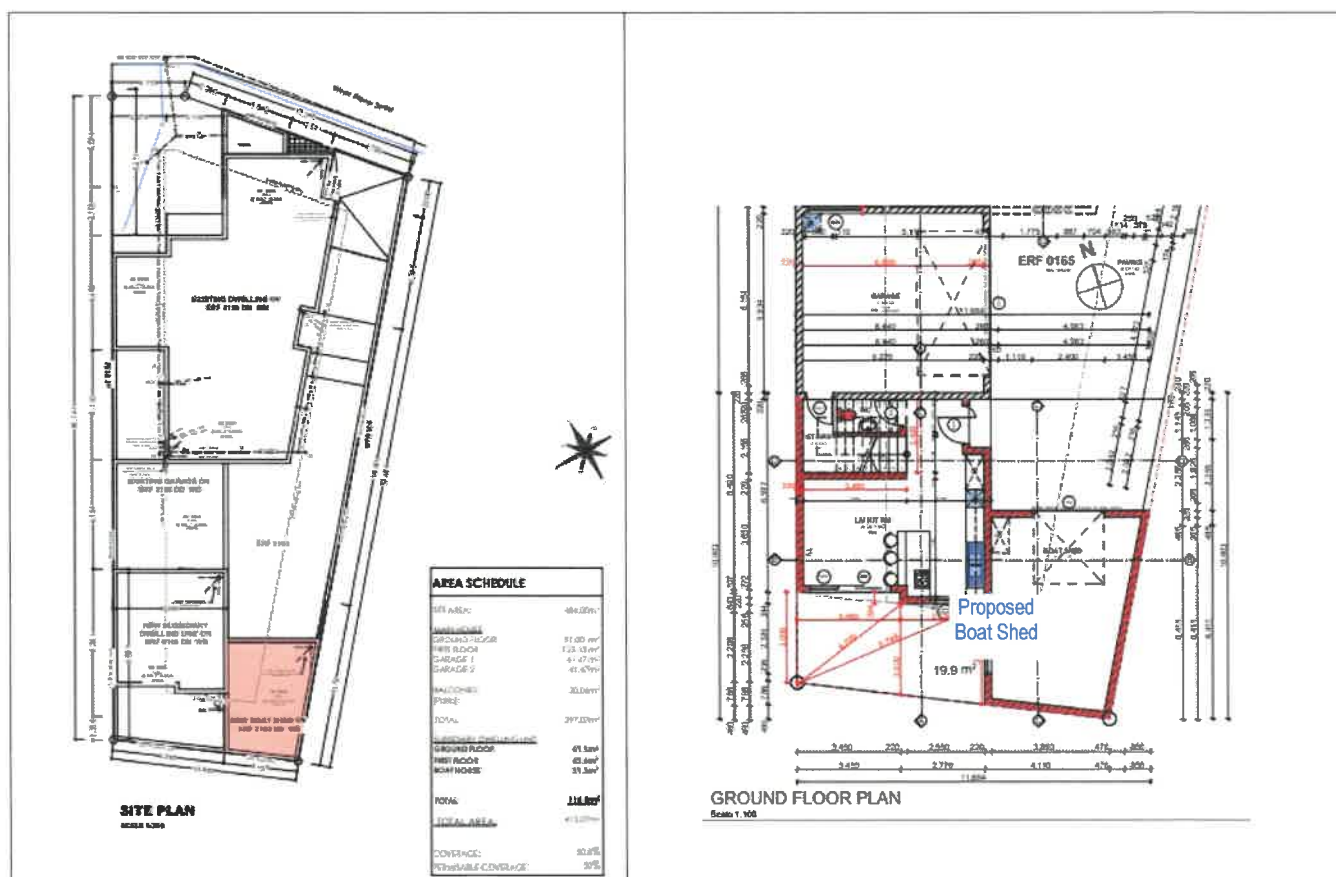


Figure 2: Proposed Extensions to Erf 165 Dolphin Beach



In summary, the owners of Erf 155 Dolphin Beach objected to the relaxation of the building line for the proposed extension to Erf 165 Dolphin Beach based on the following issues:

- As a result of the objections received, a hearing took place on Site (on Erf 155 Dolphin Beach). The hearing was attended by the applicant and his architect, the objectors, and municipal staff. No consensus could be reached at the hearing.

(a) The **coverage** of existing and proposed developments on Erf 165 Dolphin Beach is about 62%, because areas used for parking purposes are excluded from coverage the calculation. The proposed extensions therefore indeed exceed the permissible coverage by 12% and thus **does not comply** with the maximum permissible coverage (being 50%).

The Walvis Bay Town Planning Scheme as amended in 2015 no longer refers to the relaxation of coverage. However, a precedent has been created where building permits and completion certificates have been issued where coverage has been exceeded, throughout Walvis Bay.

The coverage matter, including provisions for relaxation of coverage will be included in the next review (amendment) of the Walvis Bay Town Planning Scheme.

- (b) In terms of the Walvis Bay Town Planning Scheme, relaxation of the building line is allowed on at most 2 boundaries. However, a precedent has also been created, not only in the Dolphin Beach area, but across the whole Walvis Bay to relax the building lines on more than 2 sides of the Erf. Furthermore, it should be noted that Boats Sheds are common developments within the Long Beach and Dolphin Beach area, thus they are developed on a few rather most of erven in Long Beach and Dolphin Beach. Also, to note on the Erf 165 Dolphin Beach is the narrowness of the erf, consequently developing the erf as proposed is the only logical way to do. Therefore, it will only be fair to also enable the owner of Erf 165 Dolphin Beach to also encroach the building line.
- (c) The proposed extensions comply with the Aesthetics Committee Guidelines for Long Beach and Dolphin Beach. Furthermore, the proposed developments fits with the existing developments within the overall Dolphin Beach area.
- (d) The relaxation of the building line will not impact the neighbours negatively in terms of the sun. The applicant's architect has redone the plans, by reducing the height of the Boat Shed from 4 meters to 3.3 meters to reduce shadow impact on Erf 155 Dolphin Beach.
- (e) The owner of the proposed boat shed has also redesigned the boat shed in such a way that no windows overlook onto the neighbour's property to comply with the objectors' request. The proposed extensions will therefore ensure privacy for the neighbours.

Based on the abovementioned and as stipulated by Clause 12.2.7.2 of the Walvis Bay Town Planning (Zoning) Scheme, the relaxation of the building line on Erf 165 Dolphin Beach is supported and recommended for approval.

RECOMMENDED:

- (1) That the Department: Roads and Building Control be mandated to have a final meeting with the developer and complainant where it is proposed that the owner rather consider not to encroach to the 0.0m common boundary but to a distance that is amicable for all parties concerned, and that upon failing of reaching an amicable agreement the following resolutions of (2) to (5) come into effect on the date of such a meeting.
- (2) That, in accordance with Clause 12.2.7.2 of the Walvis Bay Town Planning (Zoning) Scheme, and Clause 1.1.1 of the *Delegation of Powers and Assignment of Duties and Responsibilities* the Management Committee grants approval for the relaxation of the building line on Erf 165 Dolphin Beach from 3.0 m to 0.0 m on common boundaries with Erf 155 Dolphin Beach.
- (3) That in accordance with Clause 9.5 of the Walvis Bay Town Planning (Zoning) Scheme, if the objectors are aggrieved by the decision of the Management Committee, they may lodge a written appeal with the Municipal Council.
- (4) That the written appeal as per Condition 2 shall be given within twenty-eight (28) days from the date of notification of the Management Committee's decision.
- (5) That, in accordance with Clause 9.6 of the Walvis Bay Town Planning (Zoning) Scheme, the decision of the Management Committee shall not take effect until the appeal period against the Management Committee's decision has lapsed and no appeal is received, or such appeal has been disposed of.

11.5 **Declaration of Erven 436 - 444 Dolphin Beach Extension 2 as Aquaculture Development Zone** (Add. 5; M/C Meeting 18/10/2022; File Farm 46)

The purpose of the report is to obtain the Municipal Council's decision for the declaration of Erven 433 to 444 Dolphin Beach Extension 2 as Aquaculture Development Zone.

The Municipal Council has set aside Erven 433 To 444 Dolphin Beach Extension 2 for aquaculture developments and the aforesaid erven are zoned as "Aquaculture" in terms of the Walvis Bay Town Planning Scheme. The sites are located between the new SADC Gateway Port (North Port) and Dolphin Beach Extension 1 (Aphrodite Beach), and generally just across the guano platform. The locality plan of the subject erven and associated sizes are illustrated by Figure 1 below.

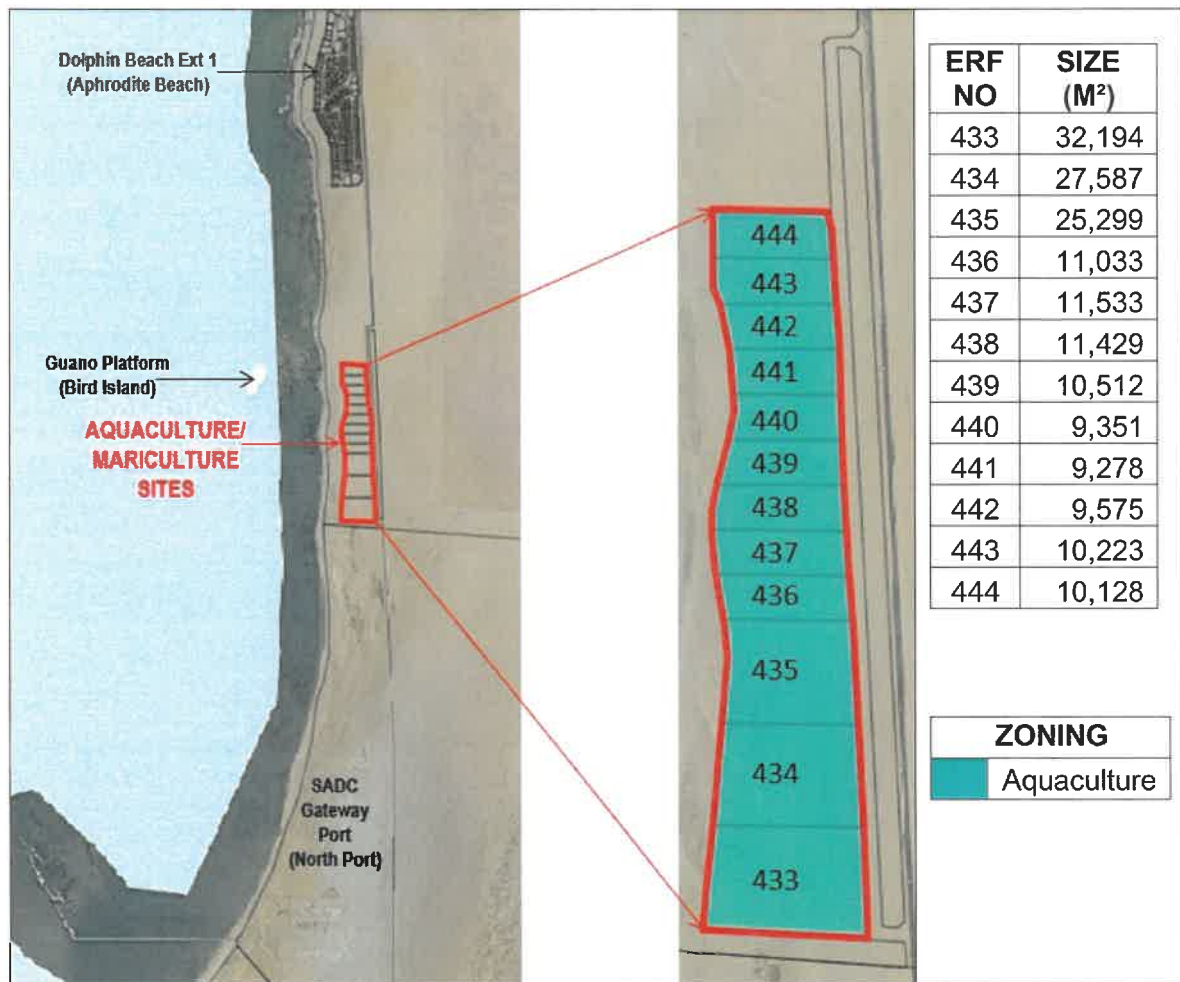


Figure 1: Locality Plan and Sizes of Aquaculture Plots

Erven 433 to 444 Dolphin Beach Extension 2 are indeed zoned as "Aquaculture" in terms of the Walvis Bay Town Planning Scheme and in accordance with Urban and Regional Planning Act (Act No. 5 of 2018). However, the erven have not been officially declared as Aquaculture Development Zone in terms of the Aquaculture Act (Act No. 18 of 2002). The Minister of Fisheries and Marine Resources is the one responsible for the declaration of areas as Aquaculture Development Zones.

The purposes of Aquaculture Development Zones as per Section 32 of the *Aquaculture Act* are as follows:

- (a) to attract, promote or increase the development of aquaculture facilities in areas which are particularly suitable for aquaculture;
- (b) to manage and control aquaculture in those areas;
- (c) to encourage the transfer of technology and the development of responsible aquaculture practices;

- (d) to generate or increase employment in aquaculture;
- (e) to protect aquaculture developments;
- (f) to ensure responsible planning of aquaculture.

That is, once the area is declared as an Aquaculture Development Zone, it will only strictly be used for mariculture/aquaculture purposes. This will also make it difficult for the plots to be rezoned to any other purposes.

In view of the above, it is important for Erven 433 to 444 Dolphin Beach Extension 2 to be declared as an Aquaculture Development Zone to prevent the area from being utilised for non-aquaculture activities. It is therefore recommended for the Municipal Council to support the proposed declaration.

RECOMMENDED:

- (1) That the Municipal Council grants approval for Erven 436 to 444 Dolphin Beach Extension 2 to be declared as an Aquaculture Development Zone in terms of the *Aquaculture Act (Act No. 18 of 2002)*.
- (2) That an application for the declaration of Erven 436 to 444 Dolphin Beach Extension 2 as an Aquaculture Development Zone be submitted to the Minister of Fisheries and Marine Resources.

11.6 Possible turnaround strategies for managing Dolphin Park Resort (Add. 6; M/C Meeting 18/10/2022; File 2/10/4/1)

The purpose of the report is to brief Council on identified alternative model to manage Dolphin Park Resort profitably and sustainably.

The Department of Community and Economic Development has been managing, Dolphin Park Resort, for the last 22 years. The resort was built to provide affordable accommodation and recreational facilities for the inhabitant of Walvis Bay. Although Council has invested significantly in improving the facility for the benefit of the local community, Council has been struggling financially and the resort has not recorded profit for the past years prior to Covid-19. This is partly because managing accommodation facilities is not part of Council's core mandate. As a result, adequate resources (human and financial) were not allocated to the upkeeping and marketing of the resort, which is also not properly equipped to compete in the mainstream market.

The utilization of the resort has also been declining, coupled with high maintenance cost, which makes it very expensive to manage. The closing of the swimming pool due to maintenance challenges has also worsened the situation further. Cognizant should also be taken that, the utilization of the swimming pool which is the pull factor to the resort is seasonal and only operate eight (8) months annually. The remaining four months do not really attract a lot of visitors which is worsen by a lack of modern facilities (TV, Wi-Fi, restaurant/bar) to complement the accommodation facilities. As a result, Council has directed the Department of Community and Economic Development to identify alternative ways to manage the Dolphin Park in a profitable and sustainable way.

To salvage the situation, CED is proposing two turn-around strategies, while engaging Deb-Marine who has shown interest to assist the municipality financially to repair the Day Park in June 2022. The Department of Community and Economic Development is required to make a presentation to Deb-Marine on the financial need for the Day Park repair. This presentation was delayed affording CED to submit options and the way forward in term of the status of Dolphin Parks. The options are as follow:

- a. Outsourcing through Expression of Interest to source for reputable companies to manage Dolphin Park.

- b. Council continues managing the Dolphin Park Resort but treat it as business entity of the Council.

RECOMMENDED:

- (1) That Council continue to manage Dolphin Park.
- (2) That Council make adequate budgetary provision for Dolphin Park annually.
- (3) That Council grant the Department of Community and Economic Development permission to approach Deb Marine or any potential developer for possible funding.

11.7 **Walvis Bay Sport and Recreation Club: Constitution** (Add. 7; M/C Meeting 18/10/2022; File 7/2/3/1/1/4)

The purpose of this report is to recommend for the Walvis Bay Municipality Council to approve the Constitution for the Walvis Bay Sports and Recreation Club.

As per council resolution of 07 March 2000, the Establishment of the Municipal social club was approved. The Council also resolved that a constitution needed to be drawn up by the Social club committee. The club has been in existence ever since but without an approved Club Constitution.

On 21 September 2022 the Social club had its first ever annual general meeting. The purpose of the Municipal social club is to create a platform where municipal employees and councillors can interact at a social level, through social events to improve the team spirit of council. To cater for all avenues of team building, the Interim committee resolved to rename the municipal social club to The Walvis Bay Municipality Sports and Recreation club, herein onwards referred to as The Social Club.

The Walvis Bay municipality is a subscribed member of Namibia Local Authority Sport and Recreation Association 'NALASRA' and Southern African Inter Municipal Sport Association 'SAIMSA'. This bodies arrange annual sport games nationally and internationally to which Walvis Bay municipality participates as per approve council resolution on 31/07/2012.

The Social Club will be responsible to arrange for the annual participation in the NALASRA and SAIMSA games as per club constitution. It should be noted that as per the constitution, only Club members qualify participate in the NALASRA and SAIMSA games. Since the inception of these games' council has always budgeted a certain amount to subsidise the transport and accommodation cost for the travelling teams and our humble request is for council to continue with this good gesture.

Although these games are social, they are competitive and are taken seriously, therefore proper preparations are required well in advance. Over there years Walvis Bay municipality has proved to be successful in the sport codes we participated in, sport codes such as pool brought home gold, darts won silver while netball and volleyball scoping in bronze. Marathon also won various medal ranging from gold to bronze. With these achievements we are proud to represent the Municipality of Walvis Bay at these national and international events.

The council availed the club House and Hall at Jan Wilken Stadium to The Social Club to be used for fund-raising events as well as create fun and social events for the employees of council. It is the mandate of the Social Club to bring back a culture of Fun and wellness activities for council employees because it is through these that we can create team building and bring back the spirit of Ubuntu. The Social Club currently has members in excess of 160.

Councillors are hereby invited to subscribe to The Social Club. The current monthly membership fee is N\$100.00

RECOMMENDED:

- (1) That Council approves the constitution as adopted by the members at the annual general meeting held on 21 September 2022.
- (2) That Council further permit the Club to continue utilising the premises at Jan Wilkens stadium as currently set up for club function and fundraising activities to achieve the club's financial needs, namely the hall and the bar facilities.

11.8 **Housing Advisory Committee** (Add. 8; M/C Meeting 18/10/2022; File12/1/2/3/5)

The purpose of this report is for Council to consider recommendations of the Housing Advisory Committee meeting held on 13 June 2022.

Section 26(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), provides for the appointment of dedicated committees consisting of members of the Management Committee and such other persons as the Management Committee may deem fit, to advise it (the Management Committee) in the exercise of its powers or performers of its duties. Such committees are commonly known as "Advisory Committees". This section reads as follows:

"A Management committee...may establish from time to time such committees as it may deem necessary to advise it on the exercise of any of its duties and functions and may appoint such members of the management committee or such other persons as it may deem fit to be members of such committee"

The Housing Advisory Committee thus act in an advisory capacity to the Management Committee and advises the Management Committee on issues relating to housing matters that they have deliberated on.

The Housing Advisory Committee held its meeting on 13 June 2022 to consider issues relating to relocation of low-income earners to Portion 10 and 11 of Remainder Farm 37, Walvis Bay. The following items were discussed and is submitted to Council for consideration:

Development of Farm 37 and relocation of beneficiaries

The Housing Advisory Committee has noted the progress made about the installation of bulk infrastructure and communal services to Portion 10 of Remainder Farm 37. The Committee has also raised concerns regarding the slow pace of installation of the outstanding services to Portion 10 of Farm 37 and has requested that the bid for electrical services be expedited.

The committee is further of the opinion that the following criteria be made a condition for those that will be relocated:

- Only first-time homeowners be relocated.
- That people in hot-spot areas be the first to be relocated, such as recipients of the 50 allocation certificates, scavengers at landfill site and occupants of Narraville Club house.
- That a contract be signed with all beneficiaries.
- That shacks or houses only be built with pre-scribe material.

Housing Schemes of Council

The Housing Advisory Committee has taken note that the following housing schemes are still in existence and must be re-activated once serviced erven are available and budgetary provision is made in the new financial year:

- Decentralized Build Together Schemes (Administered on behalf of Government)
- Low-cost Housing Scheme of Council
- Alienation Scheme of Old Rental Stock
- Twahangana Housing Scheme for Otto Gawanab Flats (OGF)
- Sub-Economic housing Scheme

RECOMMENDED:

- (1) That the contents of the report and minutes of the Housing Advisory Committee be noted by Council.
- (2) That recipients of the 50 allocation certificates, homeless recyclers at landfill site, occupants of Narraville Club house and backyard shacks be relocated to Portion 10 of Farm 37.
- (3) That verification be done for homeless recyclers at landfill site, occupants of the Narraville Club House and backyard shacks.
- (4) That Farm 37 Technical Committee meeting be convened to address technical matters such as the material to be used for construction and lease amount based on Council investment and communal services provision.
- (5) That the low-cost housing schemes of Council be re-activated, and budgetary provision be made in the new financial year.

11.9 Walvis Bay business and labour survey (Add. 9; M/C Meeting 18/10/2022; File 9/3/6)

The purpose of the report is to inform Council of the planned Business and Labour Survey that will be carried out by the Namibia Statistic Agency (NSA).

The Municipality of Walvis Bay has recently launched its Strategic Plan, Council is also in the process of finalising the Local Economic Development (LED) Strategy and reviewing the Urban Structure Plan (USP). These planning tools outline developmental targets that needs to be achieved at the end of their periods. Some of the LED as well as the USP's objectives are employment creation; investment promotion; provision of housing, land delivery, and infrastructures; rejuvenation of the Walvis CBD area; as well as positioning Walvis Bay as a logistic transit of choice.

To achieve the abovementioned objectives, the Municipality of Walvis Bay needs to investigate and understand the current business environment in terms of:

- available business sectors or industries,
- the current operating environment,
- present opportunities and challenges faced by the business sector,
- existing gaps that the current business sector cannot fill without the involvement of the international industry players and
- the role that the industry would like the municipal council to play,
- local labour force market,
- challenges faced by the business sector,
- how the Municipality of Walvis Bay can influence the industries as well as educational institutions in producing and retaining sector specific skills and training required for the desired business environment.

In March 2021, CED responded to NSA's request to submit their needs for planned surveys for the 2022/23 financial year by informing NSA that it planned to conduct a Business and Labour Survey. NSA further requested the department to indicate what kind of assistance is required from NSA, and CED responded by requesting the following:

- compilation of the required survey budget,
- compilation of the survey questionnaires,
- recruitment of the required personnel (enumerator) and supervision of the whole process,
- collation and interpretation of the data (compilation of the survey report) and
- any other activity that is necessary for the successful execution of this exercise.

In April NSA responded by requesting a Project Briefing Document, which they used to assess the viability of the project, which they have since confirmed that the project is viable. NSA has already started working on the project planning and has so far worked on the concept note and the associated budget.

The project is a collaboration between the Department of Community and Economic Development and the Department of Roads and Building Control. The project will therefore be funded by the two departments.

The outcome of the survey is listed below:

- (a) Mapping of the data associated with businesses and labour on the municipal GIS.
- (b) Develop policy recommendations or business development strategies that will be incorporated into the following:
 - (i) Review of the Urban Structure Plan
 - (ii) Review of the Town Planning Scheme
 - (iii) Review of the Businesses in Walvis Bay Policy
 - (iv) Formulation of the Walvis Bay Investment Promotion Policy and Strategy
 - (v) Formulation of the Walvis Bay Tourism Strategy and
 - (vi) Formulation of the Walvis Bay CBD Rejuvenation Strategy.
- (c) Develop a business retention initiative.
- (d) Formulate business development incentives policy
- (e) Improve town responsiveness as well as identify needs and priorities for the business sector.
- (f) Growth in Assessed Value of Tax Base
- (g) Launch other market analysis initiatives with business owners
- (h) Provide information to create market synergy and vitality.
- (i) Know the availability of Qualified Workers
- (j) Develop a skill and labour force data base for the town
- (k) Create an unemployment & Labour Participation data

In summary, and consistent with the LED and USP goals, the Council's Business and Labour Survey places a priority on generating data to support public sector planning and service improvement for business. The information will also be used in formulating development plans such as the Walvis Bay Investment Promotion Policy and Strategy, Walvis Bay Tourism Strategy and Walvis Bay CBD Rejuvenation Strategy.

RECOMMENDED:

- (1) That Council take note of the planned business and labour survey and the payment of such services are not supported.
- (2) That the planning costs for the scope of the already done for the business and labour survey be resubmitted to the Management Committee.

11.10 **Rates and taxes levied against Erven 4743 and 4746 Walvis Bay, Extension 5: Wakuna Investment CC** (Add. 10; M/C Meeting 18/10/2022; File 4743W& 4746 W 17/5/3/1/1 Low- Cost)

The purpose of this report is to recommend, amongst others, that Council consider the request from Wakuna Investment CC, to reverse the rates and taxes plus the interest charged against erven 4743 and 4746 Walvis Bay, Extension 5.

Council at its meeting held on 7 May 2013 under item 12.8, inter alia, resolved that unsurveyed/unserved block erven 4746, 4743 and 4686 Walvis Bay, ±31.38 Ha in extent, be sold to Wakuna Investment CC by private transaction.

Wakuna Investment CC was informed of the above-mentioned Council resolution dated 7 May 2013 and they have attended to several conditions of sale, amongst others, the advertisement for objections of the sale of land and Town Planning matters. The adverts for sale were placed in terms of the Local Authorities Act, Act 23 of 1992 for objections and no objections for the sale were received on closing date of the advertisements.

Subsequently, the agreement of sale was signed with the applicant on 25 January 2016, after the planning process was completed by Wakuna Investment CC. During the transfer process of the properties, it was picked up by the Conveyancing Attorneys that Farm 51 which is Government land was part of the land offered to the applicant. The sizes of the erven indicated on the deed of sale were as follows:

- Erf 4743 W - 94,538 Hectares (Inclusive of Farm 51)
- Erf 4746 W - 13,3673 Hectares (Inclusive of Farm 51)

The abovementioned sizes of the erven were erroneous as it included Farm 51 which was not part of Council land but Government. Farm 51 was offered to the Municipality through a land swap transaction and at the time the deed of sale was signed with Wakuna Investment CC, the transfer of the said land to Council was still pending. Moreover, the consolidation of Farm 51 and erven 4746 and 4743 Walvis Bay was done on paper but never officially Gazetted in the Government Gazette. This has prompted for the transfer process not to go ahead, and as a result Farm 51 was only transferred to the Municipality of Walvis Bay on 18 December 2020.

In the meantime, since the agreement of sale was signed, the rates and taxes were charged and has accrued for the past 6 years. Furthermore, various meetings were also held with the applicant as per the attached email correspondence, but no consensus could be reached on the matter.

Hence, the applicant's request for discussions with Council to resolve the rates and taxes matter with the applicant. The first informal meeting in which Wakuna Investment CC presented their case to Council was held on 21 September 2021. Subsequently the technical departments had a meeting with Wakuna Investment CC on 4 March 2022 to again investigate the matter especially the fact that they have loss of opportunities on the development and professional fees due to the transfer delays over the past seven (7) years.

Please see below the verbatim request from Wakuna Investment CC:

"1. From the time the deed of sale was signed until 4 July 2016 when it was detected that Farm 51 belongs to the Government of the Republic of Namibia. Wakuna Investment will however appreciate it if this period can also be exempted from paying rates and taxes if possible.

2. From 18 December 2020 to date with no interest charged due to negotiations taking place.

Wakuna Investment members further proposed that the Walvis Bay Municipality nullify the rates and taxes as well as the accumulative interest rates and any penalties for the period 4 July 2016 until 18 December 2020."

The request from Wakuna Investment CC for Council to investigate their challenges come a long way without being attended to. Therefore, the rates and taxes that has accrued since the agreement of sale was signed on 25 January 2016 to date when the problem was detected of Farm 51 on 4 July 2016 can be corrected. Furthermore, Farm 51 was only officially transferred to Municipality of Walvis Bay on 18 December 2020, therefore the rates and taxes accrued at that period be reversed.

In conclusion, it is further important to note that this project has been delayed due to the transfer of Farm 51 for almost seven (7) years and through this submission, Wakuna Investment CC will be given the opportunity to start with the development. For the last-mentioned development to commence, a Clearance Certificate should be issued by Council and a new sale agreement should also be signed with the applicant as the old agreement will result into penalties being paid because of time lapse.

Management Committee at its meeting held on 24 August 2022 under item 5.14 resolved that item be referred back for the inclusion in the resubmission of the financial detail of amounts to be considered for reversal and writing-off, as well as the legal requirements for such reversal and writing-off.

The writing-off of the reversal amounts is the prerogative of Council as the amounts were erroneously charged for land that does not belong to Council. The amount to be reverse were calculated by department of Finance and included in the recommendation.

RECOMMENDED:

- (1) That Council take note of the reversal.
- (2) That the Management Committee provide questions to be answered by Management at the next Informal Discussions meeting.

11.11 Inclusion of temporary workers under current group accident policy of council including voluntary fire fighters (Add. 11; M/C Meeting 18/10/2022; File 5/14/1)

The purpose of this report is to seek Council approval to add Temporary workers under the current GAP of Council and to review voluntary fire fighters' benefits which are already included under the scheme.

All staff including Councillors and the 18 voluntary fire fighters are currently covered under the GAP Policy of Council.

The current GAP approved by Council covers only accidents and no sickness or illness. Cover is worldwide and 24 hours per day. This means that should an accident occurs with a staff member/Councillor, Council will submit a claim and the insurance will, based on their calculation, compensate a lump sum to Council which is reimbursed to a staff member. The policy is not a replacement of medical aid as it is only covering accidental injuries or accidental death. Claim payments are thus done as a reimbursement of medical expenses incurred.

Temporary employees are not covered under the GAP cover of Council. Temporary employees are only appointed for maximum period of 3 months and in some cases extended to a period of 6 months due to the type of work they do. This poses a risk to Council if a temporary employee is injured on duty and Council can be held liable if any claim is instituted against Council, especially in cases of death.

RECOMMENDED:

- (1) That the temporary employees be added to the insurance coverage under Personal Group Accident Scheme of Council to the total annual premium of N\$14,475 per annum (excluding VAT).
- (2) That Council covers medical expenses to the maximum of N\$ 10 000 per temporary employee/volunteer fire fighters in case of accidents of which such employee required medical treatment and that such cost be claimed from the insurance for reimbursement.
- (3) That Council recovers any excess amount for medical expenses and recover from the employee's remuneration.
- (4) That the Human Resource division update the employment contract by including point three above.
- (5) That the funds received from insurance claims which arises from Death, Temporary disablement and Permanent disablement be reimbursed to an employee on condition that an employee does not have any arrears debt with Council.

11.12 Procurement of office furniture – Capital Budget 2022/2023 (Add. 12; M/C Meeting 18/10/2022; File 5/1/4 – 2022/2023)

The purpose of this report is to request approval from Council for the utilization of vehicle budget to procure office furniture.

During the finalisation of the Capital Budget for 2022/2023, the amounts budgeted for all office furniture requirements from various departments were removed on request of Councillors. Most of the items budgeted for furniture are for replacements of existing items and some are in a dilapidated state. These items are funded by operational activities.

Reference is hereby made to Section 39(1)(a)(b)(c) of the Labour Act 11 of 2007 which Inter alia; states as follows:

“Provision for the employer to provide a working environment that is safe, without risk to the health of employees; and has adequate facilities and arrangements for the welfare of employees; provide and maintain plant, machinery and systems of work, and work processes, that are safe and without risk to the health of employees. provide and maintain safe entry and exit from places of work.”

The following table indicate the current needs of the different departments:

VOTE	DESCRIPTION	AMOUNT
B360/9232/0000	OFFICE FURNITURE -TSM CENTRE	60,000.00
B380/5237/0000	FURNITURE - TRAFMAN	60,000.00
B500/5294/0000	CABINETS FOR BUILDING PLAN	50,000.00
B500/5457/0000	REPLACE FURNITURE	50,000.00
B332/9765/0000	REPLACEMENT FURNITURE;	37,000.00
B564/5135/0000	REPLACE CHAIRS;	30,000.00
B800/5221/0000	REPLACEMENT - CHAIRS	40,000.00

B600/5140/0000	FURNITURE AND EQUIPMENT;	20,000.00
B609/5063/0000	OFFICE FURNITURE	6,000.00
B700/5422/0000	REPLACE OFFICE CHAIRS (X2)	12,000.00
B321/5442/0000	FURNITURE	10,000.00
B342/5285/0000	FURNITURE FOR FIRE STATION	10,000.00
B740/5508/0000	COUCH - OFFICE SECRETARY	10,000.00
B702/9943/0000	OFFICE FURNITURE -CHAIR	6,000.00
B702/5505/0000	WHITE BOARD	5,000.00
B740/5509/0000	CHAIR - PA TO MAYOR	5,000.00
	TOTAL	411,000.00

The Acting Chief Executive Officer recently planned a moratorium on acquisition sedan vehicles and as the results of the above, the following saving votes on the current capital budget were identified:

These 2 vehicles will not be procured during this current financial year ending 30 June 2023.

- B620/5502/0000 - REPLACE LDV M41, N\$ 400,000.00 and
- B800/5430/0000 - REPLACE - M323 – SEDAN, N\$ 220,000.00

RECOMMENDED:

It is recommended that the savings (funds) under vote/s B6205502000 and B8005430000 to the amounts of N\$400 000 and N\$200 000 respectively be transferred to office furniture vote for the acquisition of office furniture.

11.13 Sale of prepaid water versus payment of current account and disconnection of pre-paid water services (Add. 13; M/C Meeting 18/10/2022; File 6/1/12/3)

The purpose of this report is to discuss and recommend to Council few issues around pre-paid water.

Council at its meeting held on 09 November 2021 under item 4.3 (1) (i) resolved amongst others that a customer must first settle his/her current account (30 days) before pre-paid water is sold to a customer. Complete Council resolution is attached as Annexure A for ease of reference.

Several challenges are experienced with the sale of pre-paid water. Some of these challenges are administrative and some technical.

To start off, even though interest levied on outstanding capital amount has been written-off, the capital amount outstanding remains high and remains unaffordable for majority of customers. This amount still attracts interest at the approved rate of 24% per annum and because of that, monthly current account (30 days) which is to be settled before pre-paid water is sold, remains unaffordable. It is therefore, suggested that interest be excluded from current payable before pre-paid water is sold.

Pre-paid water meters are vulnerable to be maneuvered and water theft is also suspected as it is noted that some of the pre-paid water meter customers records indicate no movement in terms of water purchases. The question therefore is, where do such customers get water?

A very good example is the one of a staff member who removed the pre-paid water from his premises, obviously no water readings took place as well as no water purchases, hence getting free water for that period. It is therefore, suggested that all meters which will be found to have not purchased pre-paid water for the period, which is at the discretion of GMF, based on the pre-paid water meter be disconnected.

The idea to assist the community access water is quite commendable. The monthly interest levied on the accounts makes the current amount unaffordable to clients with a large capital amount outstanding. It is hence suggested that council consider putting interest levied on prepaid account on hold. This will make it affordable for customers to pay for their actual services and buy water which in turn increases our revenue still.

Perhaps not levying interest as an incentive to residential customers would encourage many more customers to try and pay off their capital debt because as it stands the clients are complaining that they are paying but most of the payment is going to the interest and the capital amount is not decreasing. This demoralises them to commit to payment plans.

RECOMMENDED:

- (1) That the resolution under point (1) (i) of item 4.3 dated 9 November 2021 be amended/ rescinded to be replaced with the following wording:

That a customer has to settle his/her current account which excludes interest before pre-paid water is sold to him/her.

- (2) That all customer who at the discretion of General Manager Finance, based on the report from pre-paid water system, who did not purchase pre-paid water be disconnected.
- (3) That the pre-paid water customers who do not settle their current accounts be disconnected.

11.14 **Sale of shares with Old Mutual and Sanlam** (Add. 14; M/C Meeting 18/10/2022;File5/9/2/2)

The aim of this report is to obtain Councils' principal approval to sell shares held with the two insurance entities, namely Sanlam and Old Mutual Namibia.

Local Authorities Act under section 80 (3) states that a Local Authority may invest any of its unexpected portion of its funds as follows:

- Banking institutions as per banking institution Act, 1998 (Act. No.2 of 1998).
- Building societies as per the Banking Society Act, 1996 (Act. No.2 of 1996).
- Savings Bank as per the Post and Telecommunication Companies Establishments Act, 1992 (Act. No.17 of 1992) Or
- Any other Financial Institution as may be approved by the Minister.

The latter statement implies that any other type of an investment requires ministerial approval.

As far back as 1996, Council made a monetary investment with Sanlam to the value of 5 million.

The initial investment with Old Mutual could not be traced on file. As per the purpose of this submission, the type of an investment which is the result of these should not be a concern for this purpose. The bottom line is that Council has got shares in these institutions.

It is also important to note that Council did not buy nor trade in share markets to acquire these shares, however, with the demutualization of about more than 26 years ago, these shares were acquired. Demutualization is a process by which a privately owned company change its structure via legal means to become public owned via shareholdings.

The table below depicts the value of share for the financial years ended 2019 to June 2022 and to date for 2023.

Sanlam			
Years	# of Share	Price per share	Monetary value
2019	70015	78.16	5,472,372.40
2020	70015	58.94	4,126,684.10
2021	70015	61.37	4,296,820.55
2022	70015	52.87	3,701,693.05
2023	70015	49.92	3,495,148.80

Old Mutual										
Years	# of Share	Price per share	Monetary value	# of Share	Price per share	Monetary value	# of Share	Price per share	Monetary value	Grand Total
2019	8487	21.20	179,924.40	2829	25.08	70,951.32	272	253.20	68,870.40	319,746.12
2020	8487	12.04	102,183.48	2829	29.72	84,077.88	272	101.55	27,621.60	213,882.96
2021	8487	13.50	114,574.50	2829	29.46	83,342.34	272	170.87	46,476.64	244,393.48
2022	8487	11.03	93,611.61	2424	20.12	48,770.88	383	207.26	79,380.58	221,763.07
2023	8487	9.70	82,323.90	2829	17.70	50,073.30	383	198.33	75,960.39	208,357.59

It should be noted that share prices differs/fluctuates on daily basis and that Old Mutual shares are invested and or traded in three different portfolios.

In conclusion, seeing that share prices differ on daily basis and Council stand a risk of losing out if shares are sold while price per share is lower, it is advisable and recommended that share market be monitored, and share be sold when market perform better.

RECOMMENDED

That Council get an investment adviser to advise Council accordingly at an Informal Discussions meeting.

11.15 Outsourcing of the services of an Internal Auditor (Add. 13; M/C Meeting 18/10/2022; File 4/3/3/1/4)

The purpose of this report is to obtain Councils' blessings to procure services of qualified Internal Auditor for the minimum and maximum periods of at least one (1) year and three (3) years respectively.

Since the resignation of a permanent Auditor in 2008, the position of an Internal Auditor has been vacant ever since. These services were later outsourced to an unqualified bookkeeping firm, and it was later terminated in 2016 due to fraudulent actions conducted by this firm and which come to the attention of Council.

An Internal Audit function is based on among others test of controls and substantive testing of transactions whereas External Audit is amongst others, based on fairness of Annual Financial Statements. The latter is performed once a year on a specific financial year whereas Internal Audit is continuous, and it also involves audit of specific assignment as required.

The purpose amongst other of an Internal Audit is to test the existing internal controls to ensure that they are not idle or at the same time to implement new internal controls and or improve on existing internal control.

It is aimed at auditing all the departmental functions within an organisation, whereas it is perceived that only the department of Finance is up for an audit. Detailed current job description (2005) as well as the revised job descriptions (2018) are hereby attached for ease of reference as to the functions of Internal Auditor.

Seeing that all areas within the organisation is up for audit, it is required from an Internal Auditor to maintain independent mental attitude toward his/her co-workers. Appointing an employee on permanent basis will not achieve this objective as each employee is subjected to number of operational challenges which will obviously and easily deter this objective.

RECOMMENDED

That Council approves that the Office of the Chief Executive Officer embark upon a procurement process to source the services of a consultant Internal Auditor to provide internal audit support services for the minimum and maximum periods of 1 year and 3 years respectively.

Councillor R Hoaeb requested that it be recorded that he is not support of this recommendation.

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.