



## **MUNICIPALITY OF WALVIS BAY**

# **AGENDA**

### **ORDINARY COUNCIL MEETING**

**To be held in the  
Kuisebmond Council Chambers,  
Nathaniel Maxuilili,  
Kuisebmond**

**ON THURSDAY  
23 MARCH 2023  
AT 11:00**



# Municipality of Walvis Bay

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Date 17 March 2023

## NOTICE

His Worship the Mayor and Councillors  
General Managers

### FEBRUARY AND MARCH 2023 - 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 at the Kuisebmond Council Chamber, Nathaniel Maxuillili Avenue, Kuisebmond on:

Thursday 23 March 2023 at 11:00

Yours faithfully,

**J Esterhuizen**  
Acting Chief Executive Officer

Date	Time
17/03/2023	12:00

Official	Date	Time	Signed off
Compiler	17/03/2023	08:49	
MCS	17/03/2023	11:30	
AGM: HRCS	/03/2023	:	



**Agenda**

1. **Opening by prayer** (File 3/1)
2. **Adoption of agenda and declaration of interest**
3. **Application for leave of absence by members of council** (File 3/3/1/4)
4. **Confirmation of minutes of previous meeting/s** (File 3/3/2/3/1)
  - 4.1 Minutes of the Ordinary Council meeting held on Tuesday, 14 February 2023 to be confirmed and approved.
  - 4.2 Minutes of the Special Council meeting held on Wednesday, 22 February 2023 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)

Title: Motion submission through petition for Council deliberation and consideration. Submitted by Mr Imanuel Shafodino Pombili ya Festus on behalf of Walvis Bay backyard tenants, dated 27 February 2023. (See pages 02 - 04)
8. **Motions of members** (File 3/3/1/1)

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

None.

**WALVIS BAY BACKYARD TENANTS**  
**WALVIS BAY**  
**EMAIL: backyardtenants@yahoo.com**  
**CELL: 081 388 4314**  
**CELL: 081 388 1604**

**27 February 2023**

**TO: MUNICIPALITY OF WALVIS BAY**  
**CORPORATE SERVICES**  
**PRIVATE BAG 5017**  
**WALVIS BAY**

To the chairperson of council

**RE: Motion submission through petition for council deliberation and consideration**

We, the residents of Walvis Bay, who resides as backyard tenants at our respective residential areas would like to submit to your office a crucial matter of concern to be submitted to council as a motion on our behalf.

**MOTION: Allocation of un-serviced land to Walvis Bay Backyard Tenants who wish to develop it at own cost while residing on that particular land herein referred to Extension 7.**

For too long we, the residents of Walvis Bay, have been hearing about farm 37, Yet no tangible and fruitful results are before our eyes. We thought the previous council was to be blamed, but it became clear that there is a contagious disease of hating poor residents of Walvis Bay particularly backyard tenants. Backyard tenants has for far too long, been second guessed by both previous and current leadership of our town, just because most of us were not born here. Item 10.3 of minutes for council ordinary meeting that took place on 29 November 2022 is one of the evidence to that.

Further, it will be correct to assume that issues concerning housing are taken lightly because very few councilors are affected by housing backlog. Majority have been benefiting from housing backlog, in a form of Rental businesses. Hence, motions regarding housing backlog are either put on hold, dismissed or postponed indefinitely.

The current council have been on the driving seat for three years now. Leaving them with only two years for their office term to expire. It is very much saddening to learn that so far, only 50 beneficiaries are planned to be relocated to farm 37. After eight years of Walvis Bay council's

two different leadership fighting hard to ensure the decongestion of Kuisebmond. These 50 beneficiaries are not from majority electorates' areas. These beneficiaries will be relocated in a desert more than 10 KM away from Walvis Bay CBD, No clinic, No schools, No shops, No police station and No emergency services like fire brigade. This is not to DE campaign the project, but it is worrisome to learn that only 50 beneficiaries are being relocated and the action of relocation is only taking place now, even when situations were similar years back.

Some councilors will go to parliament in 2025, question will be; is that the achievement of relocating a few number of people after 5 years of service at Walvis Bay municipality council you will be proud to tell? Therefore, we ask you to put us in to confidence, to vote for you again in 2024-2025. Councilors must showcase that they indeed determined to decongest Kuisebmond and reduce housing backlog by taking the following proposal in to considerations.

1. For the council to resolve to allocate extension 7 in Narraville free of charge to us the under signed group of Walvis Bay backyard tenants and we will mobilize funds to service such land at our own cost.
2. For council to resolve to allow us to occupy such land while awaiting to develop our land. This will allow us to save more money, which we now spent on rental fees, so that we utilize such funds in to land servicing.
3. For the council to approve cheaper building materials to be used to construct our houses instead of using boards which are flammable and catches fire easily, should we fail to afford bricks.
4. For the council to stop mandatory brick house because most of us will not afford brick houses, yet we need a place to call home.
5. **ALTERNATIVELY**, For the council to consider giving us (Walvis Bay Backyard Tenants) any other available land for free on condition that we relocate to that specific land on or before 17 March 2023 e.g. Extension 8 and 9, if councilors are human enough. Graveyard is for dead people; it must go to farm 37. We are living human beings, we must be allocated Extension 7 or 8 and 9. These extensions are much closer to schools, hospitals, police stations and much importantly workplaces.
6. For the council to resolve to provide water and mobile toilets to us (Walvis Bay Backyard Tenants) at our portion of land which council will allocate us while awaiting to service such land.

**Council must avoid by all means the repeat of 10 December 1959 old location history because it was inhuman.**

Should council resolve the above, we are going to do the following:

- (a) Fund raising by contributing N\$ 500 per month per group member to service our plots.
- (b) Fund raising by doing scratch and win competition and month end braais. In fact, we will start on Easter weekend with our first braai at the sea and this should be regarded pre-

application to host a fund raising event at independence beach on 7 to 10 April 2023 as well as 28 April 2023 to 7 May 2023.

- (c) Further we will ask the central government to allocate 5 000 metric tons of governmental objective quotas to a certain right holder we will nominate and the profit made will be channeled to servicing of our land, which we will occupy by then.

It should be noted that, the council of Walvis Bay for almost a decade now, failed us and it is time for council to listen to electorates and put all our suggestions as we give them to you (No amendments) into considerations.

It should further be noted that, these are ideas of Walvis Bay Backyard Tenants whose names and contact details are here attached and that priority to benefits from this demands must be given to the beneficiaries here attached and that should council wish to implement or use our ideas elsewhere, consultations with us, through the spokesperson must be necessitated. In other words, we claim copyrights of these ideas.

We are calling the council to convene an urgent meeting to discuss this motion submitted through petition, deliberate on it, consider thereto and make a final decision as soon as possible. Should the council fail to address the above on or before Friday 17 March 2023, the way forward will be announced on the 20<sup>th</sup> of March 2023.

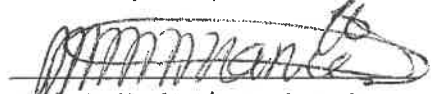
We are open for further explanations and presentation. For more information, contact:

1. Imanuel Shafodino Pombili ya Festus (spokesperson) 081 388 4314
2. Gustaf Kandonga group leader 081 388 1604
3. Malakias Namboga group leader 081 340 5988
4. Olvia Gabriel group leader 081 438 1897

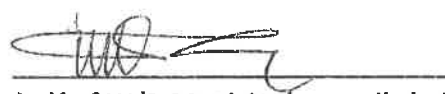
We hope our motion through petition will find your favorable attention.

Best regards

Walvis Bay Backyard Tenants as signed on the attached list.



On behalf of W/B Backyard tenants  
Imanuel Shafodino Pombili ya Festus  
081 388 4314



On behalf of W/B Municipal council chairperson

10. **Report of the Management Committee for March 2023**

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

10.1 **Review of the Staff Housing Policy** (Add. 2; M/C Meeting 08/03/2023; File 4/5/4/1)

**RESOLVED:**

That the matter be referred to Informal discussions and later be resubmitted to Management Committee.

10.2 **Application to purchase Portions 12 and 13 of Farm 37 Walvis Bay: Tulipamwe Community Saving Group** (Add. 8; M/C Meeting 08/03/2023; File Farm 37)

**RESOLVED:**

That the matter be referred back for Tulipamwe Community Saving Group to follow the correct process of legally formalizing the group, whereafter the matter be submitted for consideration.

10.3 **Application for acquisition of Unsurveyed/Unserviced single residential erven of Erf 8635, Kuisebmond: Tunacor Limited** (Add. 11; M/C Meeting 08/03/2023; File 8635)

**RESOLVED:**

That the matter be referred back to the submitting department for more details and sufficient information.

11. **Recommendations of the Management Committee for February and March 2023**

*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 **Request for Council's consent for Seawork Fish Processors (Pty) Limited to construct a desalination plant** (Add.1; M/C Meeting 22/02/2023; File16/1/1/16)

The purpose of this report is to obtain Council approval for the application of consent for construction of a desalination plant for Seawork Fish Processors (Pty) Ltd in terms of Section 34(1)(f) of the Local Authorities Act (Act 23 of 1992), as amended by the substitution for paragraph (f) of subsection (1) which state that; A local authority council may "(f) generally perform or carry out any other function, including the prohibition, restriction, regulation and control of the sinking, maintenance or use of boreholes or wells, which is necessary for, or conducive to, the power of supplying water to the residents in its area".

The rapid expansion and increased rate of urbanisation places an intense demand on the infrastructure of the town to the point where Water Security of supply have become severely strained. Water supply is critical to economic growth, social development for the town in line with the Council's Strategic Plan. The fulfilment of these important roles is, however, subject to two main factors, namely, supply risk and reliability.

Catastrophic water supply interruptions experienced during November/December 202, recent have coincided with many major challenges with Namwater infrastructure, such as physical equipment damage, severe weather (east wind and inadequate rainfall) which have a direct impact on security of water supply.

The only bulk water supply infrastructure, supplying the town, is located in the Kuseb River. When the river is in full flow, the infrastructures are at risk of being flooded and washed away. The risk of depending on one source of supply, has led to a series of contingency measures taken by Council and the local industries to mitigate the risk.

The recent concluded Walvis Bay Water Security Study pointed out the specific strong-growing concerns of the risk of potable water supply that is concentrated on a single source.

From the study, three alternative water augmentation strategies emerged as appropriate to address the water supply concertation risk for the town. These are:

1. Demand Management.
2. Sea Water Desalination; and
3. Water Reclamation

In light of the above, Council has been in consultations with all relevant stakeholders pursuing various strategies aimed at accelerating the implementation of the water augmentation plans. In parallel, Namwater with the Central Government has embarked upon strategies to address the Coastal and Central Areas water augmentation through Sea Water Desalination. Success of these plans are seeming to be medium and long-term developments. However, the present incidence of water supply disruptions has risen to a point where it is likely to affect the key economic activities of the town. To counter supply interruptions for the short-term, water augmentation solutions needed urgently.

The reliability of water supply to Walvis Bay has been communicated extensively and requires urgent action. Overall water demand is steadily rising as can be expected with the urban growth being experienced.

The total water demand recorded for the past five years is shown below.

Year	Demand - m <sup>3</sup> /a	Percentage Change - %
2018	6 661 245	0
2019	6 527 937	-2
2020	6 673 363	2
2021	6 818 961	2
2022	7 041 360	3

The effect of extended and unplanned water supply interruptions has an absolute and often unforeseeable financial implications for businesses operations.

**RECOMMENDED:**

- (1) That the application of Seawork Fish Processors (Pty) Ltd be considered as an individual as there are a number of potential levels of severity involved as a permanent solution for the short term is not available from Council nor NamWater.
- (2) That Seawork Fish Processors (Pty) Ltd be allowed to apply for an extraction/ discharge permit to produce desalinated water of 450m<sup>3</sup> /day maximum, for own consumption only.
- (3) That the private sector (businesses, industries, persons, etc) be invited for consultation on possible available contingencies for their activities from which NamWater and Council shall provide a joint understanding of the supply and security of water deficiency in this period.



- (4) That the Department of Water, Waste and Environmental Management be authorised to also apply for an abstraction/discharge permit for the desalination of sea water for municipal use according to the provisions of Section 34 of the Local Authorities Act, 1992.

11.2 **Application for acquisition of industrial land at the heavy industrial area behind Dune 7 on Farm 58 for the construction of a hydrogen pilot plant: Cleanergy Namibia (Pty) Limited** (Add. 2; M/C Meeting 22/02/2023; File 17/28/2)

The purpose of this report is to recommend, amongst others, that 24 ha of Portion 8 of Farm 58 be leased to Cleanergy Namibia (Pty) Ltd (the applicant), for a period of 25 years for purposes of a Hydrogen Pilot Plant.

At its meeting held on 06 September 2022, Council resolved under item 11.10, inter alia, as follows:

“

- (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
  - Financial capability that funds are available to 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.

A self-explanatory update and application were received from the applicant to lease Portion 8 of Farm 58 while some of the processes are still ongoing. The applicant has indicated in their update, that they want to continue with the lease of 24 ha (240,000 m<sup>2</sup>) of Portion 8 of Farm 58 for 25 years, with an option to buy after all the planning and other related matters has been attended to and completed. The request for a lease is necessitated by the fact that the sale of land will take too long due to the services that still needs to be installed. This process will ultimately cause delay in the envisaged project.

To underscore the above, management had discussions with the applicant on 19 January 2023 and were updated on the progress of the project, which can be summarized as follows.

- |                          |   |   |
|--------------------------|---|---|
| • EIA                    | - | Submitted to MEFT – expected ECC March 2023 |
| • Plant design           | - | 95 % completed.                             |
| • Construction start     | - | March/April 2023 subject to ECC             |
| • Energy system          | - | In EPC contracting phase                    |
| • Grid/water con.        | - | Planned to be ready by Nov 2023             |
| • Civils/training Centre | - | Planned to be ready by December 2023        |

• Electrolyzer	-	Ordered to arrive Nov 2023
• Refueling station	-	Ordered to arrive Nov 2023
• Storage tanks	-	Ordered to arrive October 2023
• Commissioning	-	Jan/Feb 2024
• Start of production	-	March/April 2024

Further to the above, the applicant's intention is to start with the development while some of the requirements are still ongoing. This is due to tight time plan to make the Hydrogen plant in Walvis Bay a reality. The idea of the applicant is to start with earthworks and some construction work on site immediately following the ECC approval that is expected next month. The applicant has also indicated that they will provide bulk services and road infrastructure to Farm 58 and other developers that will follow must refund them proportionally for the investment.

The proposal by the applicant is of such a magnitude to be supported by Council with relation to Local Economic Development, whereby value addition as well as a Hydrogen plant will create much needed job opportunities in Walvis Bay. This project will further underscore the Government initiative on green energy and hydrogen projects in Namibia, that will ultimately create employment and skills transfer to Namibians in our region and Walvis Bay in particular.

**RECOMMENDED:**

- (1) That 240,000 m<sup>2</sup> (24 hectares) of portion 8 of Farm 58 be leased to Cleanergy (Pty) Ltd (the applicant), at a rental of N\$213,600.00 (N\$0.89.00 cents/m<sup>2</sup>) plus N\$32,040.00 (15 % VAT) per month, escalating with 10% per annum, for the construction of a hydrogen plant, with an option to buy the land.
- (2) That the applicant, 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 Urban and Rural Development be obtained.
- (4) That, prior to the signing of a Lease Agreement, the applicants obtain an Environmental Clearance in terms of section 56 of the Environmental Management Act 7 of 2007 from the Ministry of Environment and Tourism, Directorate: Environment Affairs.
- (5) That the Lease Agreement be signed within 3 months from this approval, and that the monthly rental be levied once the agreement has been signed by all parties.
- (6) That the lease period be for 25 years, to be extended for a further period as agreed upon between the Municipality of Walvis Bay and the applicants.
- (7) That a Notarial Deed of Lease be registered at the costs of the applicant.
- (8) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 24 ha of portion 8 of Farm 58 be surveyed at the applicants' costs and that the lease diagram be submitted to Council before lease agreement is signed.
- (9) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.

- (10) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.
- (11) That a refundable, non-interest bearing, deposit of N\$10 000.00 be paid by the applicant on date of signing the Lease Agreement, to cover the costs of rehabilitation of the site should it fail to do so.
- (12) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (13) That the applicant shall be refunded proportionally by other developers in the area for infrastructure provided to Farm 58 and that verification thereof be done by Department of Roads and Building Control.
- (14) That the applicant shall, at own cost, enclose the leased area.
- (15) That electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (16) That the applicant must at all times comply with all the relevant requirements of Council's Standard Building Regulations, Health Regulations and any other Municipal By-law and Regulations.
- (17) 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 cement factory covered by the Lease Agreement.

11.3 **Application to acquire a portion of Remainder Erf 4611 Walvis Bay (street): Walvis Bay Medipark (Pty) Limited** (Add. 3; M/C Meeting 22/02/2023; File 4611 W)

The purpose of this report is to recommend that Council resolution dated 29 November 2022, under item 11.14 be reconsidered.

Council at its Ordinary meeting held on 29 November 2022 under item 11.14, inter alia, resolved as follows:

“

- (1) That principle approval be granted that a portion of Remainder Erf 4611 Walvis Bay (street), in extent  $\pm 76 \text{ m}^2$ , be sold, by private transaction, to Walvis Bay Medipark (Pty) Ltd (the applicant) for N\$79, 743.00 plus 15% VAT.
- (2) That the applicant, at its own cost, advertises 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.
- (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.”

The applicant was informed of the Council resolution. Messrs Walvis Bay Medipark (Pty) Limited as per the letter dated 03 January 2023 has requested that Council review the purchase price of the Remainder Erf 4611, Walvis Bay (street). The applicant has indicated that they want Council to review the purchase price based on institutional erf price.

However, it is important to note that the applicant has applied for a road reserve and not for institutional erf. The road reserve has to be consolidated with adjacent property to become institutional.

Therefore, the purchase price offered to the applicant was based on the recently approved rate by Council to sell a portion of Fifth street in Walvis Bay to an applicant, which did not continue with the sale due to the high price per m<sup>2</sup>. Our opinion is that the request from the applicant can be regarded as reasonable and fair.

**RECOMMENDED:**

- (1) That, after consideration of the merits of the request by Walvis Bay Medipark (Pty) Limited, paragraph (1) of Council resolution item 11.14 dated 29 November 2022, be rescinded.
- (2) That approval be granted that a portion of Remainder Erf 4611, Walvis Bay (street) in extent  $\pm 76$  m<sup>2</sup>, be sold by private transaction to Walvis Bay Medipark (Pty) Limited (the applicant), for N\$ 300.00 /m<sup>2</sup> (N\$ 22, 800.00) plus 15% VAT, as the erf portion will only be used as an internal street.

11.4 **Application to purchase unserviced Erven 6230 and 6231 Walvis Bay, Extension 19 (formerly known as a Portion of Portion 196 of Walvis Bay Town and Townlands No.1): BPO Logistics CC** (Add. 4; M/C Meeting 22/02/2023; File 7/2/3/2/1,6230&6231)

The purpose of this report is to recommend amongst others that erven 6230 and 6231 Walvis Bay, Extension 19, in extent 40,841 m<sup>2</sup>, be sold by private transaction to BPO Logistics (the applicant) for N\$30/m<sup>2</sup>.

Council at its meeting held on 29 May 2012 under item 12.6 inter alia resolved as follows:

- “(1) That the application of BPO Logistics CC to purchase  $\pm 40\,000$  m<sup>2</sup> of municipal land on Portion 196 of the Remainder Walvis Bay Town & Townlands No.1 for container terminal activities not be considered favorably at this stage.
- (2) That Council resolution 11.1 dated 31 July 2007 be re-affirmed.
- (3) That, should BPO Logistics CC still be interested, the lease of approximately 40,000 m<sup>2</sup> on Portion 196 of the Remainder Walvis Bay Town & Townlands No. 1 at N\$16,000.00 (0.40 cents/m<sup>2</sup>) plus N\$2,400.00 (15% VAT) per month, escalating with 10% per annum, be approved for the next 10 (ten) years from date of this resolution until such time that all town planning issues has been address.”

Furthermore, Council at its Extra Ordinary meeting held on 30 June 2020 under item 6.4 resolved as follows:

- “(1) That the Council take note of the renewed application received from BPO Logistics CC to purchase 4,0890 ha of Municipal land “Lease No. 1” and “Lease No. 3” situated on Portion 196 Walvis Bay Town and Townlands No.1.
- (2) That, once the Town Planning procedures has been completed a comprehensive report with recommendations be submitted to Council for consideration.”

Council at its meeting held on 29 November 2022 under item 11.13 inter alia resolved as follows:

- “1. That although the Municipal Council support the idea in principle the site is not suitable for the purpose of this application, and that the applicant be informed that they must consult the Town Planning Division for an alternative and suitable site, and then launch a fresh application.
2. That the applicant be invited to Informal discussions with the Councillors on the matter.”

A ten-year Lease Agreement for the lease of 4,0890 ha of Municipal land “Lease No. 1” and “Lease No. 3” situated on Portion 196 Walvis Bay Town and Townlands No. 1, has been entered into with BPO Logistics CC in 2012. The lease agreement with BPO Logistics has expired 31 October 2022. Based on the aforementioned and the Council resolution dated 29 November 2022, the applicant presented their development proposal to Council on 8 February 2023 to give clarity on their intended project.

The applicant in his application indicated his future plans and re-emphasized their intentions to purchase the lease area. The Council resolution dated 30 June 2020 also noted the applicant’s intention to purchase the lease area, but only to be considered once all Town planning matters has been attended to. The establishment of Township on Extension 19 Walvis Bay was approved by the Urban and Regional Board on 14 February 2022.

The applicant in their application indicated that they want to purchase the erven to establish a fully-fledged logistics hub in Walvis Bay. This will be in line with the Government initiative under NDP 5 and Harambee Prosperity Plan for Walvis Bay to become the industrial hub of the Country.

**RECOMMENDED:**

- (1) That erven 6230 and 6231 Walvis Bay, Extension 19, 40,841 m<sup>2</sup> in extent, be sold by private transaction to BPO Logistics CC (the applicant) at a purchase price of N\$30.00 (Thirty Namibian Dollars) per m<sup>2</sup>.
- (2) That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 30 (t) read with section 63 (2) of the Local Authorities Amendment Act, 2018 (Act No.3 of 2018).
- (3) That the applicant, at its own cost, advertises the sale by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (4) That after all approvals have been obtained, the agreement of sale be signed and a 10% deposit of the purchase price be paid on the date of sale, and the balance be paid within 120 days from the date of sale.
- (5) That the applicant shall commence with development within twenty-four (24) months from the date of transfer in the Deeds Office, and that such development be completed within thirty-six (36) months from such date of transfer; failing to comply would result in the undeveloped erf/erven to revert back to Council at the cost of the applicant.
- (6) That any outstanding electrical requirements/services and/or any other information in this regard, be taken up with Erongo RED and be provided by the applicant to their satisfaction.
- (7) That applicant attends to any outstanding Town Planning matters at its own cost.

- (8) That the applicant reimburses Council proportionally for planning cost already incurred for the development of erven 6230 and 6231 Walvis Bay, Extension 19.
- (9) That the applicant contributes actual cost in the provision of any outstanding bulk services.
- (10) That the applicant contributes towards the road that leads to erven 6230 and 6231, Walvis Bay.
- (11) That the applicant further contributes 10% of the purchase price towards landscaping and establishment of a green belt.
- (12) That the applicant, at own cost, do all and/or or any required ground works, provides all outstanding services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electrical reticulation, tarred roads and that such services be donated to Council, free of charge.
- (13) 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 **Approval request to declare amnesty** (Add. 1; M/C Meeting 08/03/2023; File 5/17/1)

The purpose of this report is to obtain Council approval to declare a period of amnesty interest from the date of approval to 31 December 2023.

In an effort to assist customers in reducing their outstanding debts by writing off interest levied in case of settling capital amount, it is imperative to have interest amnesty in place. The existing interest amnesty period has lapsed on the 31 December 2022. There is however a need from the customers side for the additional interest amnesty period.

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

Year	Amnesty period	Capital settled (N\$)	Interest amount written off (N\$)
2015	10/09/2014 - 31/12/2014	6,117,427.00	1,378,770.00
2016	30/09/2014 - 03/12/2015	1,666,027.83	412,153.27
2017	01/12/2016 - 28/02/2017	727,581.90	130,957.54
2018	01/12/2017 - 30/04/2018	2,849,886.07	543,154.09
2019	01/12/2018 - 31/04/2019	1,145,975.00	136,065.00
2019	01/05/2019 - 31/08/2019	1,451,259.56	187,133.00
2020	01/12/2019 - 31/12/2020	2,264,774.32	450,487.34
2021	02/02/2021 - 31/12/2021	11,590,487.25	2,433,557.43
2022	01/02/2022 - 31/12/2022	3,346,225.00	795,884.00
<b>Total</b>		<b>31,159,644.00</b>	<b>6,468,162.00</b>

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

**RECOMMENDED:**

- (1) That Council take note of the results of the total amnesty interest amounting to N\$795 884.00 which has been reversed and the principle amount of N\$3 346 225.00 of which has been settled in full for the period under review.
- (2) That the new amnesty interest period be declared as effective from the date of approval to 30 June 2024.
- (3) That the existence of interest amnesty be made known to the public at large through all available means.

**11.6 Rezoning of Erf 3196 Walvis Bay from Single Residential (1:300) to office and consent to operate a home-based office and permission to proceed with development while the rezoning is in progress** (Add. 3; M/C Meeting 08/03/2023; File 3196)

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

- (a) rezoning of Erf 3196 Walvis Bay from “Single Residential” with a density of (1:300m<sup>2</sup>) to “Office”; and
- (b) consent to operate a Home-Based Office and permission to proceed with development while rezoning is in progress.

The applicant and owner is Karin Finkeldeh (Red Falcon Property Number Fifty One CC) of P.O Box 222 Walvis Bay an. The owner has given the Power of Attorney to Stewart Planning Town and Regional Planners (the Consultant) to submit the application on their behalf.

Erf 3196 Walvis Bay is located on the corner of Sixth Street and Sixth Road, as illustrated in Figure 1



**Figure 1 Locality Plan of Erf 3196 Walvis Bay**

Erf 3196 Walvis Bay is zoned as Single Residential and measures 1004m<sup>2</sup> in extent.

The erf a main dwelling unit. The owner intends to redevelop the site to consist office space for their own business and rental office space. The development will be done in phases.

The application submitted by the consultant, is made up of two components, rezoning and consent.

The first part of the application is for the rezoning of Erf 3196 Walvis Bay from "Single Residential" with a density of 1:300 to "Office" and is made in terms of the *Urban and Regional Planning Act, 2018* (Act No. 5, 2018). The rezoning will be in accordance with the plan. The applicant will pay a betterment fee deposit of N\$ 100,400.00, being 40% of the increase in value of the rezoned property. Valuation received.

The second part of the application is for the consent to operate a Home-Based Office and permission to proceed with development while rezoning is in process and is made in terms of the Town Planning Scheme.

The application was advertised for comments and objections in the Namib Times, the Namibian, and Government Gazette. Notices of the consolidation, rezoning and consent were displayed on the site and on the Municipality of Walvis Bay's notice board. Furthermore, adjacent landowners and occupiers were notified about the application by hand-delivered mail and some by standard mail. The closing date for comments/objections were 13 January 2023. No objections were received and one letter from the public supporting application was received.

The application for the rezoning and consent use has been evaluated from the town planning point of view based on conformity of the proposed development with the Town Planning Scheme.

Clause 12.1 of the Walvis Bay Town Planning (Zoning) Scheme makes provisions for the establishment of a Home-Based Office (as consent uses) on Single Residential properties.

The application is for consent to operate a Home-Based Office and permission to proceed with development and will thus comply with the Town Planning (Zoning) Scheme.

The rezoning will enable the site to be used for its primary land use which will be office space on Office zoned erf.

**RECOMMENDED:**

- (1) That the Municipal Council recommends for approval the application for the rezoning of 3196 Walvis Bay from "Single Residential" with a density of 1 dwelling per 300m<sup>2</sup> to "Office", to the Urban and Regional Planning Board, in accordance with Section 109(2)(a) of the Urban and Regional Planning Act (Act No. 5 of 2018), subject to the following conditions:
  - (a) That the applicant pays a betterment fee deposit of N\$ 100,400.00, being 40% of the increase in value of the rezoned property after obtaining the Environmental Clearance Certificate, but prior to the inclusion of the rezoning application into an Amendment Scheme or prior to the submission of the rezoning application to the Urban and Regional Planning Board, whichever is earlier.
  - (b) That the applicant obtains the Environmental Clearance Certificate from the Ministry of Environment, Forestry and Tourism prior to the inclusion of the rezoning application into an Amendment Scheme or prior to the submission of the rezoning application to the Urban and Regional Planning Board, whichever is earlier.



- (c) That the rezoning of Erf 3196 Walvis Bay be included in the next Walvis Bay Amendment Scheme to be submitted to the Minister of Urban and Rural Development for approval (provided that the applicant has obtained an Environmental Clearance Certificate and betterment fees have been paid, prior to the inclusion of the rezoning of Erf 3196 Walvis Bay into the next Walvis Bay Amendment Scheme).
  - (d) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.
  - (e) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
  - (f) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor should it bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the Town Planning Ordinance 18 of 1954 therefore still apply.
  - (g) That no completion/compliance certificate be issued until an Environmental Clearance Certificate has been obtained.
- (2) That consent be granted for the applicants to proceed with the development while the rezoning is in progress, at their own costs and risks, provided that:
- (a) That building plans be submitted to the Municipal Council and assessed in terms of the building regulations and municipal by-laws, and a building permit be issued prior to the commencement of development.
  - (b) That the applicant obtains the Environmental Clearance Certificate from the Ministry of Environment, Forestry and Tourism, prior to the commencement of development.
  - (c) That the applicant pays the required betterment fees, prior to the commencement of development.
- (3) That consent be granted in terms of Clauses 6.1.2 and 12.1 of the Walvis Bay Town Planning Scheme for the establishment of a Home-Based Business (Office) on Erf 3196 Walvis Bay subject to the following conditions:
- (a) That the applicant or person operating the business must reside on the premises.
  - (b) That the Home-Based Business may employ up to 2 full time employees.
  - (c) Not more than one third of the total floor area of the dwelling shall be utilised for non-residential purpose (Home Based Business).
  - (d) The Home-Based Business must be clearly incidental and secondary to the residential use of the dwelling.

- (e) The residential character and appearance of the dwelling and the property on which it is located shall not be changed in any visible manner. No advertisement of the existence of the Home-Based Business shall be displayed on the dwelling or the erf on which it is located, except for one sign as permitted by the Town Planning Scheme. In particular, only an advertising board, indicating the name, trade name and profession or occupation of the resident, may be displayed on the premises.
  - (f) No materials or products shall be stored on the erf outside the buildings in such a manner as to be visible from any adjacent property.
  - (g) Display of merchandise or products for the Home-Based Business for sale may be permitted at the discretion of Council in keeping with Condition (d) above.
  - (h) The Home-Based Business shall not create any objectionable noise, odour, vibration or unsightly conditions.
  - (i) The Home-Based Business shall not create a health or safety hazard.
  - (j) The Home-Based Business shall not create any interference with communication transmission or reception in the vicinity.
  - (k) That parking facilities must be provided to the satisfaction of the General Manager: Roads and Building Control.
  - (l) That the use of the buildings as well as the required parking bays for the Home-Based Business must be indicated on building plans and submitted to the Department of Roads and Building Control prior to commencing with the consent use.
  - (m) That this approval is subject to the applicable laws and regulations of both the Government and the Municipality.
  - (n) That this permission lapses when the property is sold, leased or alienated in whatever process engaged or when the property is rezoned to Institutional.
  - (o) That should valid complaints be received, or the imposed conditions not be complied with and after giving the owner 14 days written notice, consent may be withdrawn.
  - (p) That the consent approval lapses after 5 years.
- (4) That all cost regarding the above be borne by the owner (applicant).

11.7 **Capital Budget 2022/2023 –Transfer of budgeted funds between vote Refurbishment of carport at the Solid Waste Section** (Add. 4; M/C Meeting 08/03/2023; File Budget & 8/28/25)

The purpose of this report is to obtain Council approval for an application in terms of Section 84(5)(a) of the Local Authorities Act (Act 23 of 1992) for the revised utilisation of budgeted capital funds in the current financial year and to obtain approval for the transfer of funds between votes.

Bid No. W/RFQ/MWB-25/2022, Refurbishment of carport at Solid Waste Section was advertised but could not be awarded as it was found that the budgeted amount is under market price.

On 22 November 2022 the Procurement Committee recommended that the department first obtain Council approval for the transfer of funds. The lowest bidder total amount was N\$ 107 604.00 (exclude 15% VAT) which exceed the amount of budget available under the current financial year. The current budget provision is N\$ 100 000.00, hence a shortfall to complete the project.

The award of the project has been delayed due to the insufficient funds from which the anticipated expenditure for the project could not be executed.

In addition, through unforeseeable circumstances of the ever-changing economic landscape and price changes, an extra amount is required to fund the project. The current scope mainly consists of the construction of new open carport. Therefore, a supplement budget in the total amount of N\$ 110 000.00 (exclude 15% VAT) is required to complete the project.

The department has identified the capital vote from which funds could be transferred.

Although the project of the identified vote is still important, but due to delays to the implementation of the project, it will be unlikely that the budgeted amount in the current financial year will be spent. The project funds from which the transfer is made, will be adjusted in the next financial year's budget.

An amount of N\$10 000.00 be transferred from vote B620/5502/0000 (Replace LDV M414) of which N\$49,000.00 is available.

The budget for the replacement of LDV M414 is expected to run over into the next financial year (2023/24) and will be budgeted accordingly.

**RECOMMENDED:**

- (1) That Council takes note that the budgeted amount under Vote B6620/5328/0000 (Structural repairs to carport) is insufficient for the anticipated project.
- (2) That approval be granted for the transfer of N\$10 000.00 from vote B620/5502/0000 (Replace LDV M414) where N\$49 000.00 is available to cover the shortfall to award the Bid and complete the project on vote B620/5328/0000.

11.8 **Application to lease 5 Ha of Remainder Farm 38 for the development of a storage facility for dangerous goods: Desert Storage CC** (Add. 5; M/C Meeting 08/03/2023; File Farm 38)

The purpose of this report is to recommend, amongst others, that 5 ha of Remainder Farm 38 be leased to Desert Storage CC (the applicants), for a period of ten (10) years, for purposes of establishing a storage facility for dangerous goods.

Council at its meeting held on 09 November 2021 under item 11.12 resolved as follows:

- (1) That in-principle approval be given to Desert Storage CC (the applicant) to lease 5 hectares of Farm 38 for the development of a storage facility for dangerous/hazardous goods.
- (2) That the applicant submits within six (6) months after this in-principle approval a concise project proposal that indicates the timeline of the planning activities and approvals from relevant authorities such as the Explosive/Radiation Unit of the Namibian Police and consent from NACOMA, with consent/support from the Ministry of Mines and Energy and the Namibian Ports Authority.

- (3) That the applicant obtains consent/support from the Namibian Defence Force, Airports Company, Native Storage Facility and any other relevant offices within six (6) months.
- (4) That the applicant conducts an Environmental Impact Assessment Study for the envisaged storage facility for dangerous/hazardous goods and obtain an Environmental Clearance Certificate in terms of section 56 of the Environmental Management Act, 2007 (Act 7 of 2007), from the Ministry of Environment and Tourism, Directorate: Environmental Affairs within twelve months of the notification of Council's in-principle approval.
- (5) That, in the event the applicant fails to perform in accordance with points (2) to (4), this resolution shall be deemed cancelled and of no further force and effect.

As per the Council resolution dated 09 November 2021, Desert Storage CC (the applicant), has started with the consultation process with all affected parties. As part of the consultations, the applicant was required to conduct an Environmental Impact Assessment Study and the Environmental Clearance.

It is further important to note that the applicant has only obtained the approval from the Ministry of Home Affairs, Immigration, Safety and Security on 07 February 2023.

Therefore, the application of the applicant to establish a storage facility for dangerous goods at Farm 38 in Walvis Bay is now submitted to Council for consideration. The applicant has indicated as per the self-explanatory letter that they want to lease 5 ha of Farm 38 for ten (10) years. It is further important to note that safety and security is very important for Council and all relevant regulations with regard to safety must be adhered to. The rehabilitation of the site after the applicant has vacated the property must be rehabilitated at the cost of the client. If the applicant fails to rehabilitate the site, the cost thereof can be defrayed from the rehabilitation deposit and the deposit equal to the rent paid by the applicant.

It should also be noted with grave concern that if the cost of rehabilitation is higher than the deposit paid, the applicant will be held responsible for the additional cost if any, to completely rehabilitate the approved area.

It is further important to note that the potential goods to be stored at the Desert Storage Facility will be as follows:

- Ammunition Detonators, Emmulsion
- Batteries containing Sodium
- Ammonium Nitrate
- Uranium Oxide
- Batteries Sulphuric Acid

The current rentals/rate for leases at Farm 38 that was approved by Council is set at N\$0.89 cent/m<sup>2</sup>. Therefore, the lease of 5 ha (50,000 m<sup>2</sup>) of Farm 38 must be set at a monthly rental of N\$44,500.00 (0.89 cents/m<sup>2</sup>) plus N\$6,675.00 (15 % VAT).

Seeing that the applicant has to enter into an agreement with the Municipality of Walvis Bay for a lease period of ten (10) years, a Notarial Deed of Lease has to be registered in the Deeds Office. All costs would be for the account of the applicant.

Bearing in mind that 5 ha of Farm 38 is to be leased for a period exceeding one (1) year, the approval of the Minister of Urban and Rural Development is required in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.

**RECOMMENDED:**

- (1) That 5 Ha (50,000 m<sup>2</sup>) of land situated on Remainder Farm 38, be leased for ten (10) years at N\$0.89 cents/m<sup>2</sup> plus 15% VAT to Desert Storage CC (the applicant) for storage facility.
- (2) That a refundable, non-interest-bearing deposit equal to monthly rental be paid by the applicant on date of signing the lease agreement, to cover the last month rent.
- (3) That a refundable, non-interest-bearing deposit of N\$100,000.00 be paid by the applicant on date of signing the Lease Agreement, to cover the costs of rehabilitation of the site: provided that if such rehabilitation cost exceeds N\$ 100,000.00, the lessee be held liable for the excess amount.
- (4) 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.
- (5) That the applicant advertised for objections within 14 days after having received the letter of approval.
- (6) That the applicant complies at all times with the National safety Regulations as well as to all relevant requirements of Council's Standard Building, Health, Fire and any other Municipal Regulations.
- (7) That the Ministry of Urban and Rural Development be consulted on the proposed lease and its conditions in terms of Section 63 of the Local Authorities Amendment Act, 2018 (Act 3 of 2018).
- (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 dangerous goods storage facility covered by the Lease Agreement.
- (9) That the applicants, in conjunction with the Department of Roads & Building Control, have the required 5 ha of Farm 38 surveyed at the applicants' costs and submit the surveyed map to Council.
- (10) That the term of lease only be for 10 years and be extended only on application after expiry of the initial period.
- (11) That, after the lease has been advertised, the applicant be granted three (3) months' time as from date of letter of notice, to enter into a Lease Agreement with the Municipality of Walvis Bay and to accept responsibility for the payment of monthly rental.
- (12) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (13) That the applicant shall, at own cost, enclose the leased area.
- (14) That electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (15) 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.

- (16) That the Municipal Council of Walvis Bay not be held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended for another term.
- (17) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads and Building Control, failing which the deposit paid as per clause (b) and (c) will be used to rehabilitate the site.
- (18) That the applicant will be held responsible for any excess cost for rehabilitation of the site and such cost must be paid on presentation of the invoice.
- (19) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.
- (20) That a 10% annual escalation be applied to the lease
- (21) That Council be indemnified against any loss, damage or harm arising in connection with the development and/ or operations of Desert Storage CC.

11.9 **Application to purchase Erf 1413 Meersig and erf 1539 Meersig: Eco Med CC** (Add. 6; M/C Meeting 08/03/2023; File 1413 M& 1539 M)

The purpose of this report is to recommend amongst others that erven 1413 Meersig and 1539 Meersig, be sold by private transaction to ECO MED CC (the applicant), to establish medical facilities.

Council, during December 2017 resolved for sale of eight (8) Institutional erven and the properties were advertised for sale during 2019. The remaining five (5) erven were re-advertised for sale during March 2022.

Two development proposals were received after the sale advert in March 2022. The two proposals were recommended to Council for sale, which Council resolved to sell accordingly.

Erf 1413 Meersig and Erf 1539 Meersig were two of the remaining three (3) erven.

Initially an application was received from Austin Helao Elindi for purchase of Erf 1413 Meersig and 1539 Meersig to establish medical facilities. However, Management Committee revert back the application.

The applicant further applied under the company name; ECO MED CC as required. ECO MED CC is a Namibian registered company and have identified Erf 1413 and Erf 1539 Meersig for the purpose of establishing an envisaged state-of-the-art medical facility and have applied accordingly.

The subject erven are zoned "Institutional" and have access to municipal services. The properties have been advertised for sale on previous occasions and there was minimum interest for the erven. Since the properties were offered to the public, only one (1) proposal was received from the public, of which the applicant could not secure the purchase price of the erven. Significantly it can be stated that access to institutional erven in Meersig is of low demand.

The erven are strategically located with regards to access of medical facilities. Meersig is vastly growing by population and size, and the absence of medical establishments can be observed. These locations will allow sizable buildings that will cater to various medical services.

The applicant has indicated their financial standing and from the proposal, they are in a position to purchase the erven. The applicant indicates that during the project stage, their project will employ approximately 90 skilled and unskilled residents of Walvis Bay. Thereafter, approximately 105 people will be employed once the establishments are operational.

Furthermore, the applicant states that they intent to commence with development within twelve (12) months from the date of purchase of the erven.

The opinion is therefore held that the sale of Erf 1413 Meersig and Erf 1539 Meersig to be alienated to the applicant is recommended. There is no other applicant that participated during the time the erf was advertised for Expressions of Interest and these properties have been vacant for approximately six (6) years.

The applicant made an offer to purchase the institutional erven from Council equal to the development cost. Meersig Extension 2 was developed at the cost of N\$181.00/m<sup>2</sup> during 2016. The Sale/Lease of land Policy of Council provides that Institutional erf be offered to developers at development cost. As this erf were developed during 2016, opinion is held that the development cost be escalated with 10% over the period 7 years and that the institutional Erf 1413 Meersig and Erf 1539 Meersig be offered to the applicant for N\$352.72/m<sup>2</sup>.

Bearing in mind that the said erf is to be sold by private transaction, the standard additional 10% contribution calculated on the purchase price will apply for landscaping and the establishment of green belt, which amount is to be utilised at Council's discretion.

**RECOMMENDED:**

- (1) That Erf 1413 Meersig and Erf 1539 Meersig zoned "Institutional" measuring 2759m<sup>2</sup> and 3009m<sup>2</sup> respectively, be sold by private transaction to ECO MED CC, to establish medical facilities for N\$352.72/m<sup>2</sup>.
- (2) That the applicant, at its own cost:
  - (i) Advertises the sale, by private transaction, for objections in terms of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 (2) of the Local Authorities Amendment Act, 2018 (Act No.3 of 2018).
- (4) That, on date of sale, the applicant contributes 10% of the purchase price towards the landscaping and green belt fund.
- (5) That 10% of the purchase price be paid on date of sale, and the balance of the purchase price be settled in 24 equal monthly installments from date of sale at an interest rate of 5% per annum.
- (6) That any new additions to, alterations to, or relocation of municipal services shall be the responsibility and for the account of the applicant.

- (7) That, in the event the purchaser fails to pay the 10% deposit on date of sale which will be on 14 days from the date of notice, the sale be regarded as null and void.
- (8) That the applicant, at its own cost, provides all outstanding services and adheres to the guidelines and standard requirements for all services, i.e. water connection and water/sewerage/electrical reticulation.
- (9) That electrical requirements/services and/or any other information in this regard be taken up by the applicant with Erongo RED.
- (10) That the development shall commence within 24 months from the date of sale and be completed within 48 months, and that upon failing to comply, that the erf revert back to Council at the cost of the developer and the full deposit shall be forfeited to the Municipality for administrative cost and as pre-estimated damages.
- (11) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.
- (12) That the applicant develops a state - of - the - art medical facility as per the application and no other development is permitted.

**11.10 Application to purchase a Portion of unnamed street adjacent to Erf 5016 Walvis Bay: Frans Immanuel !Gonteb**(Add. 7; M/C Meeting 08/03/2023; File 5016)

The purpose of this report is to recommend, amongst others, that conditional approval be granted for the sale by private transaction of a Portion of unnamed street adjacent to Erf 5016, Walvis Bay to Mr. Frans Immanuel !Gonteb.

An application has been received from Mr !Gonteb (hereinafter referred to as the applicant), to purchase a Portion of unnamed street in Walvis Bay. The applicant is the owner of Erf 5016, Walvis Bay. The required street portion is unnamed and currently zoned as "Street" in terms of the Walvis Bay Zoning Scheme.

The street portion should be subdivided into two portions and owner of Erf 5015, Walvis Bay must be consulted of the intention of the applicant as it will affect the view of Erf 5015, Walvis Bay if the whole erf is offered to the applicant. The street portion applied for should be closed as "street" in terms of section 50 (1) of the Local Authorities Act, Act 23 of 1992. Thereafter, prior to the sale of the Portion, the applicant must complete all town planning procedures, such as application to the Urban and Regional Board for cadastral survey. All costs related hereto are to be for the account of the applicant.

Furthermore, due to the unpredictability of the municipal services on the unnamed street, it must be noted that if conditions change with regards to the water and/or sewer networks or if water and/or lines are discovered during or after the sale of the street portion the applicant be responsible to relocate or upgrade such services.

It is further important to note that there are no accurate site measurements to determine the actual size of the proposed area/street portion. Therefore, the applicant must attend to planning process and once it is completed, a comprehensive report be submitted to Council for consideration.



**RECOMMENDED:**

- (1) That the applicant consult the owner of Erf 5015 (the neighbour), Walvis Bay of his (applicant's) intention to purchase a portion of the street as proposed and that the neighbour should give consent in writing that the portion in front of his/her (neighbour's) property be purchased.
- (2) That prior to the re-submission of the application to Council for consideration, the applicant provide a detailed layout sketch and size of the precise area of the proposed street portion.

11.11 **Cancellation of Council resolution dated 30 September 2014, item number 6.6: Erongo Quarry and Civil Works (Pty) Ltd** (Add. 9; M/C Meeting 08/03/2023; File Farm 38)

The purpose of this report is to recommend that Council resolution dated 30 September 2014 be cancelled in toto.

Council at its Ordinary meeting held on 30 September 2014 under item 6.6 resolved as follows:

(18) That clause 1 of the Council resolution dated 3 April 2012 be cancelled in toto and be replaced with the following:

- That 150 hectares of Farm 38 be leased to Erongo Quarry and Civil Works (Pty) Ltd (the applicant) at a rental of N\$40,026.19 (0,02668413) cents/m<sup>2</sup> plus N\$6,003.92 (15% VAT) per month, escalating with 10% per annum, for the construction of an aggregate quarry mining.
- That the applicant, in conjunction with Department of Roads and Building Control, has the require 150 Ha of Farm 38 surveyed and produce a lease diagram before new lease agreement can be signed.
- That the applicant be invited for informal discussions with regard to the additional 570 hectares.

The applicant was informed of the above Council resolution as per the letter dated 01 October 2014. In terms of clause two of the Council resolution dated 03 April 2014, the lease agreement was signed with the applicant.

The applicant over the years have fallen in arrears to pay their monthly installments as stipulated in the lease agreement dated 13 November 2014. The latest municipal bill of Erongo Quarry stand at N\$8,226,744.48 and this amount as per the Credit Policy of Council must be recoup from the lessee.

The lessee as per the letter dated 04 August 2022 were served with notice to make arrangements to pay his outstanding bill or the lease will be cancelled. The lessee has not made any arrangements with credit control and as this matter is long overdue, it is recommended that the lease be cancelled in toto.

**RECOMMENDED:**

- (1) That it be noted that Messrs Erongo Quarry and Civil Works (Pty) Ltd, allocated with a portion of land on Farm 38, have not conformed to the conditions as specified in the lease agreement dated 13 November 2014.
- (2) That all efforts be made to source these outstanding amounts from the Erongo Quarry and Civil Works (Pty) Ltd.

- (3) That Council resolution dated 30 September 2014 under item 6.6 be cancelled in toto.

11.12 **Housing allocation Committee: Outstanding water accounts on some of the Mass Urban Land Servicing (MULS) Project Houses** (Add. 10; M/C Meeting 08/03/2023; File 5/17/1)

The purpose of this report is to obtain approval from Council to deal with outstanding water accounts of the building contractors involved with the Mass Urban Land Servicing Project (MULSP) Housing Scheme.

During the construction of the MULSP Houses as from 2015, different contractors were given opportunities to build these houses. The contractors connected the water accounts on their names for the construction of the houses. The houses were finalized and given back to Council for selling. Some of these contractors did not pay their water bills and left.

The Housing Allocation Committee has since allocated forty-six (46), out of the 102 houses. Some of these houses, in the final process of being transferred into the new owner's names, however there is an issue of outstanding water accounts, complete with interest, due to non-payment of the contractors.

In order to effect transfer, the current situation is that the outstanding water bills accrued by the contractors will have to be included in the cost schedule, and paid for, by the new owners (buyers). It should be clear that the new owners now need to pay costs that they have not incurred and all new owners in such position are complaining and regard this as unfair. This also causes a delay in the transfer and payments of these houses, with concomitant impact on Council cash flow.

One should also take cognisance of the history of these houses and how long they have been unoccupied. The longer these houses remain unoccupied, the more they deteriorate resulting in additional expenses to Council.

The table below depicts the outstanding amounts per erven, and the responsible contractor.

<b>Erf Number</b>	<b>Amount</b>	<b>Contractor</b>
7193K	13974.77	Versatile Trading CC
7226K	1819.12	Uunongo Construction
7255K	19758.71	Uunongo Construction
7340K	1021.91	Dunamis Consulting Engineers
7470K	9850.50	Eland Construction
7480K	9229.18	Pepena Construction
7519K	1767.64	KK Construction
7553K	3213.67	KK Construction
7589K	1840.15	KK Construction
3565N	18983.78	Bay Construction CC
3567N	16767.78	Bay Construction CC
3582N	14796.39	Bay Construction CC
3586N	1956.21	Bay Construction CC
3591N	1140.76	Bay Construction CC
3593N	3199.59	Bay Construction CC
3596N	3218.61	Bay Construction CC
3598N	7702.57	Bay Construction CC
3605N	36333.87	Bay Construction CC
3617N	2306.92	Bay Construction CC
3622N	2291.82	Bay Construction CC
3623N	2212.02	Bay Construction CC
3626N	3283.53	Bay Construction CC

3628N	14848.92	Bay Construction CC
3641N	3265.34	Bay Construction CC
3642N	1859.57	Bay Construction CC
3647N	3262.46	Bay Construction CC
3649N	15464.86	Bay Construction CC
3663N	2329.48	Bay Construction CC
3665N	3265.33	Bay Construction CC
3679N	321.52	Bay Construction CC
3681N	6746.34	Bay Construction CC
3691N	8109.39	Bay Construction CC
<b>Total</b>	<b>236 142.71</b>	

It is not fair to recoup above outstanding water accounts from new house owners in the MULS Housing Scheme.

In order not to further delay the selling of these last few houses from the MULS Scheme, the opinion is held that the outstanding water accounts not be made the responsibility of the new owners and that only the respective property prices as determined in the MULS Housing Scheme, be charged new owners.

However, the opinion is also held that all efforts should be made to source these outstanding amounts from the contractors. The Finance department should further pursue these defaulters through its Credit Control Policy, even if the properties are transferred to new owners. It is confirmed that if these amounts are not included in the cost schedules, the transfers can be done faster, and Council can receive payments sooner.

It is also submitted that certain of the default contractors absconded to South Africa and should it not be possible or cost effective to recoup outstanding water accounts or to persecute these contractors, it is suggested that such outstanding monies be written off.

**RECOMMENDED:**

- (1) That Council takes note of the report and the consequence of delayed selling and transfer of the remaining MULS Houses as well as the impact on Council cash flow.
- (2) That in order not to further delay the selling of these last few houses from the MULS Scheme, the outstanding water accounts not be made the responsibility of the new owners and that only the respective property prices as determined in the MULS Scheme, be charged to new owners.
- (3) That the selling of properties to new owners proceed forthwith.
- (4) That precise water meter reading be done and that the date of occupation by the new owners be used to determine the new owners' account for billing purposes.
- (5) That all efforts be made to source these outstanding amounts from the contractors.

**11.13 Framework to relocate beneficiaries to Farm 37 (Add. 12; M/C Meeting 08/03/2023; File Farm 37)**

The purpose of the report is to seek Council approval for the relocation plan of Beneficiaries to Farm 37, inclusive of rental charges.

The Management Committee at its meeting held on 08 November 2022 under item 5.5 resolved as follows:

*“ That the matter be referred to informal discussions for more detailed deliberations and to enable the Councillors as a collective to strategize on the way forward, for a unified instruction to the Administration on the way forward.”*

The informal discussions was held on 16 February 2023 to discuss the framework in detail with the Councillors.

The creation of a reception area at Portion 10 and 11 of Farm 37 is as a result of Council approach to accelerate land delivery program and empowering vulnerable families, focusing on overcrowded residential properties with backyard shacks and at Council owned facilities such as the Club house and landfill site. Many families have limited access to quality services, e.g. water and sanitation. These critical factors contributed to the formation of a reception area related to several major challenges, such as:

- Rapid urbanization and influx of people.
- The lack of low-cost housing and serviced land etc.

Many families are living under unhygienic conditions and this situation is a cause of great health concerns.

Various meetings were held between Municipal Councillors and officials to address this complex matter and Portion 10 and 11 of Farm 37 was identified for the first phase to relocate the people who currently stays at the Narraville club house, landfill site and the 50 recipients of allocation certificates. Portion 10 and 11 of Farm 37 will yield 677 single residential erven and the opinion is held that a pilot project be started on Portion 10 within the next six (6) months.

### **Plan of Action/Framework**

The pertinent issues to be included in the "Relocation Plan" are as follows:

#### **Manpower**

##### **Personnel to run the project**

1. The appointment of personnel on a contractual basis for the duration of the relocation process to manage and co-ordinate the relocation of informal settlers to Farm 37.
2. Job description of members of this team to be compiled.
3. Housing and Properties and Housing Committee to assist and form part of this team.
4. Attributes such as language proficiency and basic communication skills and the ability to read and write should be criteria for selection of these personnel.
5. Project team to re-survey people to be relocated.

#### **Site Office**

A container of at least 12m<sup>2</sup> and equipped with toilet, washing facilities and furniture will be placed on portion 157 of Portion 10 of Farm 37 from where the relocation team will operate. This container can also serve as office for Council officials.

#### **Policies**

##### **Financial directives**

1. The normal billing system will apply as with other consumers.
2. Rental charge - lease/rental will be based on full cost recovery principle and on full-service provision.

3. The cost for developing Portion 10 of Farm 37 is estimated at N\$72,774,422.00. Therefore, the cost of the erven is estimated at N\$96,291.00 for the saleable/leasable land.
4. The cost recovery of the project over a period of twenty (20) years at a fixed interest rate would apply.

Period	Cost of Erven
20 years	N\$ 96 291.00
Yearly rate	N\$ 7 625.76
Monthly rate	N\$ 635.48
Interest Rate	5% (Derived from the Build Together Project.)

The implementation guidelines of the Build Together Programme will be used as a baseline (5% fixed interest rate) for the repayment of erven/land to make the installments/monthly repayment affordable.

#### **Relocation Framework**

1. Beneficiaries, as per the final survey list, will be notified by the project team to sign the lease agreements.
2. Beneficiaries to provide own labour and transport towards transfer of their property.
3. The residue of vacated shacks be demolished by house owners.
4. That the standards lease agreements be used to enter into contract with the people to be relocated.
5. The General Manager: Roads and Building Control to advice/assist people to be relocated on which materials may be used on the new site.

#### **RECOMMENDED:**

- (1) That the contents of the report be noted by Council.
- (2) That the appointment of the project team consisting of a team leader and two (2) assistants, to manage and co-ordinate the relocation be approved.
- (3) That appointment of the project team be on a contractual basis for the duration of one year.
- (4) That an amount of N\$ 1000 000.00 be dedicated to the project for operational activities and that such amount be realized from savings.
- (5) That the Office of the Mayor engage stakeholders and Ministries to build satellite facilities (Clinic, Police Station etc.) on Farm 37.
- (6) That Council approves the Plan of Action/Framework as outlined in the report.

#### **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.*