



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

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

**ON TUESDAY
09 MAY 2023
AT 18:00**



Municipality of Walvis Bay

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Date 26 April 2023

NOTICE

His Worship the Mayor and Councillors
General Managers

APRIL 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 in the Civic Centre Council Chamber, Nangolo Mbumba Drive, Walvis Bay on: -

Tuesday 09 May 2023 at 18:00

Yours faithfully,

J. Esterhuizen
Acting Chief Executive Officer

Date	Time
27/04/2023	11:30

Official	Date	Time	Signed off
Compiler	27/04/2023	08:30	
MCS	27/04/2023	09:40	
AGM: HRCS	1/04/2023	09:40	



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 Thursday 23 March 2023 to be confirmed and approved.
 - 4.2 Minutes of the Special Council meeting held on Wednesday 12 April 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)

No petitions received.
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.

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

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

10.1 **Review of Staff Housing Policy** (Add. 6; M/C Meeting 14/02/2023; File 4/5/4/1)

RESOLVED:

That, as the report leading the submission did not provide any information on the proposed amendments, nor any motivations for such proposed amendments, the matter be referred back for a detailed and properly motivated report highlighting each amendment in comparison the existing policy, within the existing (July 2010) policy document.

10.2 **Application to purchase a Portion of Erf 4688, Walvis Bay: Namibian Ports Authority**
(Add. 8; M/C Meeting 06/04/2023; File 4688W)

RESOLVED:

That the matter be referred back and that the applicant be invited to make a presentation at Informal discussions.

11. **Recommendations of the Management Committee for April 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 **Inter-municipal partnership and cooperation with a City in Japan** (Add.1; M/C Meeting 14/02/2023; File 2/17/36)

The purpose of this report is to consider the proposal submitted by the Embassy of the Republic of Namibia in Japan through the Ministry of International Relations and Cooperation for Walvis Bay to enter into a cooperation agreement with a city in Japan. The Ministry of Urban and Rural Development in a letter dated 13 January 2023 informed the Municipality of Walvis Bay of the proposal by the Embassy of the Republic of Namibia in Japan through the Ministry of International Relations and Cooperation for the Municipal Council of Walvis Bay to pursue a twinning agreement with a selected city or prefecture in Japan.

The intention of the cooperation as stated in the letter of 7 November 2022 by the Ministry of International Relations and Cooperation, is to promote cultural, trade and tourism between Namibia and Japan.

Upon scrutiny of the 6 cities proposed by the Embassy, the focus should be on a city with synergy to Walvis Bay, namely port and industrial activities and an active fishing industry. For that reason, the cities of Miyako, Wakayama and Osaka is further pursued for such purpose.

Mikayo

- The city has an estimated population of around 50,000.
- The local economy is based mainly on commercial fishing and food processing.
- The Port of Miyako is a small port in Japan focussing mainly on fishing and tourism.
- It has inter-municipal relationships with:
 - Yantai, China (friendship city since 1966)
 - Benguet, Philippines (friendship city since 1992)

Wakayama

- The city has an estimated population of around 350,000.

- The local economy is based mainly on agriculture and commercial fishing, while secondary industries are centred around electronics and heavy industry.

The Shimotsu-Wakayama serve as the port for Wakayama City, Kainan City and Arida City. The port is mainly used to ship cargo and it also has a tanker berth, while it serves as a ferry terminal and for fishing vessels.

- It has inter-municipal relationships with regional authorities of:
 - Pyrenees Orientales, France
 - Galicia, Spain
 - Sinaloa, Mexico
 - Florida, USA
 - Sichuan, Shandong and Jinuan, China

Osaka

- The city has an estimated population of around 2,600,000.
- The local economy is based on commerce, services and manufacturing.
- The Port of Osaka is the main port in Japan with 70 oceangoing berths, and is an international cargo hub and also serve the cruise ship industry, while it also has extensive ship repair facilities.
- It has inter-municipal relationships with:
 - Shanghai, China
 - Melbourne, Australia
 - Hamburg, Germany
 - Milan, Italy
 - St. Petersburg, Russia
 - Chicago, USA
 - Sao Paulo, Brazil

No direct contact had been established with the administration of any of the proposed cities as the final selection of an international partnership with one of these proposed must still be concluded, hence all contact would initially be channelled through the Ministry of International Relations and Cooperation.

The Municipal Council of Walvis Bay adopted a policy decision on the subject matter. At an Ordinary Council meeting held on 7 November 2006 and under item 11.1, the following decision was taken:

- “(b) That the Municipal Council of Walvis Bay re-iterates its recognition of the importance of inter-municipal relations and co-operation with other local authorities, which includes the concept of “Friendship Cities”, as a means of the sharing of information and the transfer of skills and knowledge, of recognising the value to have relationships with other local authorities on regional, local and international level, as well as to act as ambassadors for Namibia in this regard.*
- “(c) That the Municipal Council further recognises the importance to have inter-municipal relationships structured in such a way that it is beneficial to the local authority and the people of Walvis Bay and that it adds value to Walvis Bay as a whole.*
- “(d) That the need to be selective and restrictive in co-operating with other local authorities due to geographical, political, historical, financial and logistical reasons, as well as capacity to execute projects under such co-operation, be acknowledged”.*

The benefit of such a relationship for Walvis Bay would have to add value to Walvis Bay and the Council now need to consider whether such a relationship would be beneficial, and if so, that the normal friendship city agreement be concluded with a selected city or prefecture in Japan, or whether it must be elevated to a full twinning relationship.

RECOMMENDED:

- (1) That it be approved that a proposed inter-municipal twinning relationship by way of a friendship city agreement be entered into with Wakayama City in Japan, to the value:
 - of having inter-municipal relationships with other local authorities on international level.
 - of exchanging mutually beneficial ideas and sharing experiences.
 - of recognition of the potential of all its people to promote quality of life for the greater common good.
 - of a relationship to support and encourage opportunities for mutually beneficial exchanges; and
 - to act as ambassadors for Namibia.
- (2) That the modalities of the signing of the agreement and further specific cooperation projects be left to the administrations of both cities and that, the Chief Executive Officer be authorised to approve all matters relating to the execution of such projects where action and activities are required from the Municipality of Walvis Bay.
- (3) That the Ministries of Urban and Rural Development and of International Relations and Cooperation be informed of this decision

11.2 **Donation of motor vehicle to Namibian Police Force: Erongo Region** (Add. 2; M/C Meeting 14/02/2023; File 5/16/1/1/1 & 6/2/1/1/1)

The purpose of this report is to obtain approval from Council to donate a vehicle to the Namibian Police Force in the Erongo Region.

On the 12th of January 2023 a request was received from the Namibian Police Force in the Erongo region, through the mayor's office, for a donation of a motor vehicle. The vehicle will be used to alleviate the shortage of cars experienced by the police force and hopefully lead to an improvement in the combating of crime.

Our Stores section identified a vehicle, Chevrolet Aveo, M323 with Registration: M10446WB, which can be donated to the Namibian Police Force. It is for this vehicle that authorization for donation is being sought for.

RECOMMENDED:

- (1) That the Municipal Council supports the request from the Namibian Police Force for the donation of a motor vehicle.
- (2) That the request for by the Namibian Police Force in the Erongo Region for the donation of a motor vehicle, identified as M323 (Chevrolet Aveo – reg. N10446WB) be approved subject to approval by the Minister of Urban and Rural Development.
- (3) That the Municipal Council of Walvis Bay under section 30(1)(z)(i) and (ii) of the Local Authorities Act, 1992 (Act No. 23 of 1992) request the Minister of Urban and Rural Development for an approval regarding the donation of the motor vehicle to the Namibian Police Force in the Erongo region.

11.3 **Application for extension on signing of agreements of sale for Erven 3071 Walvis Bay and 3076 Walvis Bay: Neptune Property Developments (Pty) Ltd** (Add. 3; M/C Meeting 14/02/2023; File 3071 W & 3076 W)

The purpose of this report is to recommend, among others, that the request from Neptune Property Developments (Pty) Ltd (the applicant), for extension on signing of agreements of sale and payment of 10% deposit and landscaping fees be considered.

Council at its meeting held on 31 October 2019 resolved under item 12.4, inter alia, as follows:

“(1) That erven 3071 and 3076 Walvis Bay, in extent 1,199 m² and 1,147 m² respectively (2,346m² in total), be sold by private transaction to Messrs Neptune Property Developments (Pty) Ltd (the applicant), for the development of a new hotel and associated parking, for an amount of N\$3,519,000.00 (N\$1,500.00/m²) plus N527,850.00 (15% VAT).”

Neptune Property Developments (Pty) Ltd, applied to purchase Erf 3071 Walvis Bay and 3076 Walvis Bay for development of a new hotel and associated parking. Council approved the sale of the erven and the applicant was advised accordingly.

Amongst others, Council resolved that the applicant advertise the sale of the erven for objections in terms of Section 63 (2)(b) of the Local Authorities Act (Act 23 of 1993). Also, the applicant had to advertise the permanent closure of the public parking areas on erven 3071 and 3076 Walvis Bay for objections in terms of Section 50(3)(a)(ii) of the Local Authorities Act (Act 23 of 1993)

There were objections received for the sale, however the Minister of Urban and Rural Development granted approval to Council for the sale of erf 3071 Walvis Bay and 3076 Walvis Bay to Neptune Property Developments (Pty) Ltd.

Subsequently further execution of the Council resolution, in respect of, signing of the agreements of sale and payment of 10% deposit of the purchase price, 10% of the purchase price contribution toward the landscaping fund and 15% VAT of the purchase price was communicated to the applicant on 18 October 2022.

The applicant in their response requested that Council consider an extension of time until 30 April 2023 to sign the agreements of sale. The primary basis of their request is that they need additional time to consider a revised development proposal for a scaled down hotel-casino development, from their initial proposal.

After an internal assessment, the applicant has observed that though COVID -19 pandemic had a negative impact on the hospitality and tourism industry, a scaled down hotel-casino development would still be feasible.

The opinion is held that Council considers the request of the applicant, as they have already vested funds in the statutory processes. Also, the COVID-19 pandemic has not only stressed the Namibian business forum but had an impact globally.

In conclusion, the request of Neptune Property Developments (Pty) Ltd (the applicant), for extension on signing of agreements of sale be considered.

RECOMMENDED:

- (1) That the Municipal Council takes note of the report.
- (2) That the request of Neptune Property Developments (Pty) Ltd (the applicant), for an extension on the payment of the 10% deposit of the purchase price, the 10% contribution of the purchase price toward the landscaping vote and the 15% VAT on the purchase price, be approved.

- (3) That the extension period be for three (3) months only, from the date of notification of Council resolution.
- (4) That the applicant acknowledge receipt and accept the conditions of this Council resolution within fourteen (14) days from the date of communication of this Council resolution to the applicant, failing to comply then that this Council resolution will be regarded as null and void without any further notice to the applicant.

11.4 Transfer of funds for engineering consultancy services for municipal services infrastructure in Narraville Extension 11 (Add. 4; M/C Meeting 14/02/2023; File 15/2/2/4)

The purpose of this request approval from Council for the transfer of funds between two (2) capital votes.

Conselect Engineering (hereinafter “the Consultant”) were appointed on 7 July 2022 for the design, contract administration and construction supervision of the municipal services infrastructure in Narraville Extension 11, on behalf of the Shack Dwellers Federation of Namibia (SDF) and Namibia Housing Action Group (NHAG).

The contract amount is N\$ 2,460,750.00 (excl. VAT), which is paid as per the payment schedule in **Table 1**.

Table 1: Payment Schedule

Stages	Amount, excl. VAT (N\$)	% of Total
Stage 1 – Inception	123,037.50	5%
Stage 2 – Preliminary design	369,112.50	15%
Stage 3 – Detailed design	738,225.00	30%
Stage 4 – Bidding documentation	369,112.50	15%
Stage 5 – Construction supervision	738,225.00	30%
Stage 6 – End of defects liability period	123,037.50	5%
Total	2,460,750.00	100%

Substantial progress has been made to date, with detailed design of the infrastructure currently being finalised between the two (2) Engineering Departments and the Consultant. Construction is however not anticipated to commence before the 30 June 2022.

A summary of the progress payments made to date, and the balance still to be claimed by the Consultant is presented in **Table 2** overleaf.

Table 2: Summary of Payments

Description	Amount, excl. VAT (N\$)
Contract amount	2,460,750.00
Total payments to date	1,322,653.13
Balance still to be claimed	1,138,096.87
Balance still to be claimed in 2022/2023	276,834.37
Balance still to be claimed in 2023/2024	861,262.50

There is however a shortfall of funds on Vote C633/9951/0000 (Planning & Surveying), from which payments to the Consultant are made, as indicated in **Table 3**.

Table 3: Funding Shortfall

Description	Amount, excl. VAT (N\$)
Funds available on Vote C633/9951/0000	177,346.87
Balance still to be claimed in 2022/2023	276,834.37
Funding shortfall	(99 487.50)

RECOMMENDED:

- (1) That the assistance provided to the Shack Dwellers Federation of Namibia (SDF) and Namibia Housing Action Group (NHAG) by funding the consultancy services for the provision of municipal services infrastructure be noted.
- (2) That the shortfall of N\$ 99,487.50 on Vote C633/9951/0000 (Planning & Surveying) be noted.
- (3) That provision of an additional amount of N\$ 50,521.50 be made to cover any unforeseen planning and surveying expenditure for the period ending 30 June 2023.
- (4) That an amount of N\$ 150,000.00 be from Vote C633/9952/0000 (Roads & Earthworks), where N\$ 2,000,285.97 is available, to Vote C633/9951/0000 (Planning & Surveying), from which remaining payments to the Consultant for the period ending 30 June 2023 will be defrayed.
- (5) That budgetary provision of N\$ 861,262.50 for Stage 5 (construction supervision) and Stage 6 (end of defects liability period) of the consultancy services be made in the 2023/2024 budget in anticipation of the SDF and NHAG securing funding to commence with construction work.
- (6) That further budgetary provision for support to this project, such as for assistance with earthworks, also be made in the 2023/2024 budget.

11.5 Recommendations of the Policy Review Committee: Abolishing of Council resolutions relating to appointment of family members and then annual increase of allowances (Add. 5; M/C Meeting 14/02/2023; File 12/1/5/3/42; 4/5/1; 4/3/2/4; 4/5/2/10; 4/5/2/11; and 5/12/3/4)

The purpose of this report is to consider the recommendations of the Policy Review Committee on the abolishing of certain Council resolutions.

The Policy Review Committee at its meeting held on 1 December 2022 agreed that the following Council resolutions pertaining to outdated staff matters, be abolished (rescinded):

Appointment of family members

The Council on 25 May 1993 under item E.1(e) adopted the following resolution:

“That appointments on scales 1 – 8 (now Band A to F) with family relations with an existing employee of the Council or a Councillor, be considered by the Management Committee.”
(direct translation from the Afrikaans}.

The Policy Review Committee expressed the opinion that this Council decision is outdated as it is in conflict with Article 21(1)(j) of the Namibian Constitution where the practicing of any profession is guaranteed as a fundamental right, and also with the Recruitment and Selection Regulations for Local Authority Councils.

The Committee recommended that this Council resolution be rescinded.

Annual increase of allowances

The Council on 31 July 2001 under item 15.3 adopted the following resolution:

“(a) That, as a matter of policy, the following allowances be annually increased with the higher of 10% or the annualized consumer price index for the previous calendar year:

- Cellular Phone
- Standby
- Councillors
- Vehicle
- Temporary workers
- Scholars/Students.

(b) That such increases be implemented with effect from the first day of July of each year.”

The Policy Review Committee expressed the opinion that this Council decision is outdated as the increase of allowances are either negotiated annually with the salary and wage negotiation process, or in the case of the Councillor allowances, it is directed by the line Minister, and therefore recommended that this Council resolution be rescinded.

The Acting Chief Executive Officer on 7 December 2022 under clause 5 of the Policy Committee Terms of Reference, instructed that the 2 matters be submitted to Council for consideration.

RECOMMENDED:

That, as recommended by the Policy Review Committee on 1 December 2022, the Municipal Council rescinds and abolishes, with effect from date of this resolution, the following outdated Council resolutions (policy issues) pertaining to staff matters:

- (1) Council resolution item E.1(e) dated 25 May 1993 on the appointment of family members of employees of the Council or of Councillors as it is in conflict with Article 21(1)(j) of the Namibian Constitution and the Recruitment and Selection Regulations for Local Authority Councils, 2019.
- (2) Council resolution item 15.3 dated 31 July 2001 on the automatic annual increase of the following allowances as such increases are dealt with individually and through individual decisions on an annual basis:
 - Cellular Phone
 - Standby
 - Councillors
 - Vehicle
 - Temporary workers
 - Scholars/Students

11.6 **Bad debts write-off** (Add. 1; M/C Meeting 06/04/2023; File 5/17/1)

The purpose of this report is to obtain necessary Council approval to write off irrecoverable and doubtful debts.

It is normal business practice to identify on an annual basis and write off all debts that are considered irrecoverable, doubtful of being collected or simply not being economically

worthwhile to pursue. In this way the total debtors' book will reflect a more realistic position of actual debts that need to be subjected to debt collection efforts

Non-writing off bad debts regularly may result in a number of negative effects, amongst others;

- (1) The actual size of debtors balance will be overstated onto Annual Financial Statements.
- (2) Annual impairment for bad debts will be unrealistically high and will negatively affect Appropriation account.
- (3) It may result in a negative audit opinion.

The credit Control Policy of Council under clause 5.17.1 makes provision for writing off of debts under following circumstances:

- "1. Where there is no or insufficient estate assets to settle the outstanding debt;
2. Where a company is liquidated and the claims cannot be recovered from any assets;
3. Where according to available information, a debtor is untraceable;
4. Where the costs involved in tracing the debtor or implementing debt collection efforts are not cost-efficient, e.g., small outstanding amounts with high collection costs;
5. Where notification has been received from the courts that the debt is under prescription;
6. Where the council is not in a position to prove and/or substantiate the debt;
7. Where, in the opinion of council, it can be proven beyond reasonable doubt that the debt is irrecoverable."

The memo received from the properties division of CED department, is self-explanatory.

Based on the above considerations, the list attached to the total value of N\$ 3 894 447.57 are recommended for write-off. The amount to be written off will therefore differ marginally at the time this submission is approved due to ongoing monthly levies.

RECOMMENDED:

- (1) That the total debts amounting to N\$ 3 894 447.57 as per the lists attached to the Management Committee agenda and marked as Annexure B, C, and D, be written off.
- (2) That due to the continuing monthly interest charges, Council also approves marginal deviations in final amounts due to ongoing monthly levies.
- (3) That the above debt be written off as per Credit Control Policy, under 5.17.1(3): "Where according to available information, a debtor is untraceable".
- (4) That the list of names be handled according to the ICT arrangements in the credit policy and that the policy be strictly enforced.
- (5) That the Finance Department perform monthly account audits and report the findings to Council monthly.

11.7 **Inter-Municipal partnership and cooperation with La Possession in the French Territory of reunion Island** (Add. 2; M/C Meeting 06/04/2023; File 2/17/31)

The purpose of this report is to consider the invitation by the Mayor of La Possession in the French Territory of Reunion Island for a working mission to visit it and to sign a letter of intent.

The Municipal Council of Walvis Bay, at an Ordinary Council meeting held on 8 June 2021 under item 12.4, adopted the following decision on the subject matter:

- “1. That the request for a partnership and cooperation in the format of a Friendship City with the town of La Possession in the Réunion Islands, be approved provided that the Namibian Ministries of Urban and Rural Development and of International Relations and Cooperation, within a reasonable time, consent to such partnership.*
- 2. That the modalities of the signing of the agreement and further specific cooperation projects be left to the administrations of both cities and that the Chief Executive Officer of Walvis Bay be authorised to approve all matters relating to the execution of such projects where action and activities are required from the Municipality of Walvis Bay.”*

The Council resolution was then, on 23 June 2023, formally conveyed to both the Executive Directors of the Ministry of Urban and Rural Development and the Ministry of International Relations and Cooperation, as well as to the proposer of the cooperation project, the Hon. Albertus Aochamub, Ambassador of the Republic of Namibia to France.

The Namibian Embassy to France, as the proponent of the cooperation, then on 27 September 2021 informed the Mayor of La Possession of Council's decision, while a reply that the approval of the relevant Ministries is still awaited, was then send to the Namibian Embassy in France on 26 October 2021.

Follow-up letters were again addressed to of the Ministry of Urban and Rural Development and the Ministry of International Relations and Cooperation on 26 October 2021, supplying them a copy of the letter of Ambassador Aochamub and requesting their further inputs. The Embassy then on 28 October 2021 provided the Municipality of Walvis Bay with a letter from the Ministry of International Relations and Cooperation to it dated 16 August 2021.

The Ministry of Urban and Rural Development then on 4 November 2021 informed the Municipality of Walvis Bay to commence with the discussion on the proposed Memorandum of Understanding with La Possession, which draft agreement must then be submitted to the Office of the Attorney General via the Ministry of Urban and Rural Development for legal scrutiny.

The letter from the Ministry of Urban and Rural Development now empowered the Municipality of Walvis Bay to commence with the process, and a letter requesting assistance from the Embassy of the Republic of Namibia in France was sought on 1 March 2022 and upon them providing contact details on 9 March 2022, a letter was addressed to the Deputy Mayor of La Possession on 10 March 2022.

A follow-up letter was addressed to the Deputy Mayor of La Possession on 23 September 2022, with a further follow-up letter on 3 February 2023, and eventually a response was received from the Mayor of La Possession, Vanessa Miranville, on 3 March 2023. In this letter she invites a delegation from Walvis Bay to visit it for a working mission and to sign a letter of intent during the visit.

Usually such initial delegation normally consists of the Mayor or the Deputy Mayor, another Council member, and the staff member responsible for inter-municipal cooperation (or if he is not available, a person deputised in his place and stead).

The purpose of such 1st visit is that of fact-finding, drafting of the memorandum of Understanding, and the signing of a letter of intent. Such letter of intent will then also include the condition that the MoU must still be submitted to the Office of the Attorney General for legal scrutiny, and that a final International Municipal Cooperation Agreement be concluded and signed during a reciprocal visit by La Possession to Walvis Bay.

RECOMMENDED:

- (1) That the invitation by the Mayor of La Possession for a working visit, including the drafting of a Memorandum of Understanding and the signing of a Letter of Intent, be approved for a date after the commencement of the 2023/2024 financial year.
- (2) That the Mayor or Deputy Mayor be appointed as delegation leader, and that the Council nominate one Councillor as a 2nd member of the delegation and that the Chief Executive Officer or his nominee shall be the 3rd member of the delegation.
- (3) That considering financial constraints the normal subsistence and travelling costs are not borne by the Council.
- (4) That the Embassy of Namibia in France as well as the Ministries of Urban and Rural Development and the Ministry of International Relations and Cooperation be informed of the Council's decision in this regard, and that a comprehensive report be submitted to the Council upon the return of the delegation, which report must include the terms of reference for the Memorandum of Understanding which is to be submitted through the Ministry of Urban and Rural Development to the Office of the Attorney general for legal scrutiny.
- (5) That the Manager: Corporate Services present to Council all Inter Municipal partnership agreements, their purposes, and benefits to be derived therefrom.

11.8 **Consolidation of Erven 2614, 2615 and 2616 Walvis Bay Extension 1 into consolidated Portion X** (Add. 3; M/C Meeting 06/04/2023; File 2614/2615/2616W)

The purpose of the report is to obtain the Municipal Council's recommendation on the application for the consolidation of Erven 2614, 2615 and 2616 Walvis Bay Extension 1 into consolidated Portion X.

Applicant & Registered Owner: The applicant is Cornelius Blueprints, P. O Box 7257, Kuisebmond, Walvis Bay, Namibia, and the registered owner of Erven 2614, 2615 and 2616 Walvis Bay Extension 1 is SCRAP METAL SALES CC, P.O. Box 129, Walvis Bay, Namibia.

Location: The erven 2614, 2615, 2616 Walvis Bay Extension 1 are situated within Walvis Bay Extension 1, Light Industrial area along Hidipo Hamutenya Drive as illustrated in **Figure 1**.



Figure 1. Locality Plan of Erven 2614, 2615 and 2616 Walvis Bay

Existing Zoning and Density: The erven are zoned as Light Industrial in terms of the Walvis Bay Town Planning (Zoning) Scheme.

Title Deed Conditions: The usual “Light Industrial” conditions - no restrictions.

Size: The size of Erven 2614 & 2615 Walvis Bay Extension 1 is 1,500m² and Erf 2616 Walvis Bay Extension 1 is 1,600m².

Existing Land Uses: The Erven 2615 and 2616 Walvis Bay Extension 1 are currently vacant whilst, Erf 2614 Walvis Bay is developed.

Public Consultation: Public consultation was completed. As recommended by section 107 and Regulation 10 of the Urban and Regional Planning Act, that public notice of the abovementioned subdivision be sent only to the adjacent affected neighbouring landowners. Letters have been sent to the affected neighbours for objection or comments. No on objections have been received.

Conformity of Proposed Development with the Walvis Bay Town Planning Scheme (TPS)

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Zoning	The erven are zoned as Light Industrial.	<u>Will Conform:</u> The application is only for the consolidation of Erven 2614, 2615 and 2616 Walvis Bay into consolidated Portion X. No changes to the proposed zoning or land uses are proposed.
Consolidation	35 - This clause makes provision for consolidation of erven, subject to conditions.	<u>Conforms:</u> The consolidation will generally comply with the Town Planning Scheme, because the consolidation will not change any land use or zoning. Relevant conditions relating to services will need to be imposed.

Conformity of Proposed Development with the Walvis Bay Integrated Urban Spatial Development Framework (IUSDF)

Erven 2614, 2615 and 2616 Walvis Bay Extension 1 are within an existing township, Walvis Bay. The owner purchased the Erven 2614, 2615 and 2616 Walvis Bay Extension 1. There are no specific planning proposals within this township. No changes to the land uses or zoning are proposed. Therefore, the proposed consolidation conforms with the IUSDF.

RECOMMENDED:

That, in terms of Section 109(2)(a) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*, the application for the consolidation of Erven 2614, 2615 and 2616 Walvis Bay Extension 1 into consolidated Portion X be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 2614WB/CP, dated 01 January 2023, which bears the approval stamp of the Municipal Council, subject to the following conditions:

- (a) That the conditions presently registered against the erven be cancelled, and be replaced by the following conditions:
 - (i) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times, be subject to, the provisions of the Walvis Bay Town Planning (or Zoning) Scheme prepared and approved in terms of the *Urban and Regional Planning Act (Act No. 5 of 2018)*.
 - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.
- (b) That the newly created erf be provided with one electricity, water, and sewerage connection.
- (c) That the applicants shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf.
- (d) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicants.
- (e) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the newly created Erf.
- (f) That the applicants shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (g) That the applicants shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (h) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
- (i) That all cost regarding the above be borne by the applicant.
- (j) That the consolidation application be lodged with the Urban and Regional Planning Board in accordance with Section 109(5) of the *Urban and Regional Planning Act (Act No. 5 of 2018)*

11.9 **Subdivision of Erf 4688 Walvis Bay Extension 5 into Erf "X" and Remainder Erf 4688 Walvis Bay, registration of a 10M wide servitude over Erf "X", Rezoning of Erf "X" from Single Residential to Institutional and consent to commence with construction while subdivision and rezoning are in progress** (Add. 4; M/C Meeting 06/04/2023; File 4688W)

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

- Subdivision of Erf 4688 Walvis Bay Extension 5 into Erf "X" and Remainder Erf 4688 Walvis Bay;
- Registration of a 10m wide servitude over Erf "X";
- Rezoning of Erf "X" from Single Residential to Institutional; and
- Consent to commence with construction while the subdivision and rezoning are in progress.

Application and Registered Owner: The applicants on behalf of the University of Namibia (UNAM) are Kamau Town Planning & Development Specialist, the owner of Erf 4688 is the Municipality of Walvis Bay. The owner(s) has given Power of Attorney to Kamau Town Planning & Development Specialist, P O Box 22296 Windhoek, to submit the application on behalf of UNAM.

Location: The erf is in Walvis Bay, as indicated by **Figure 1**.

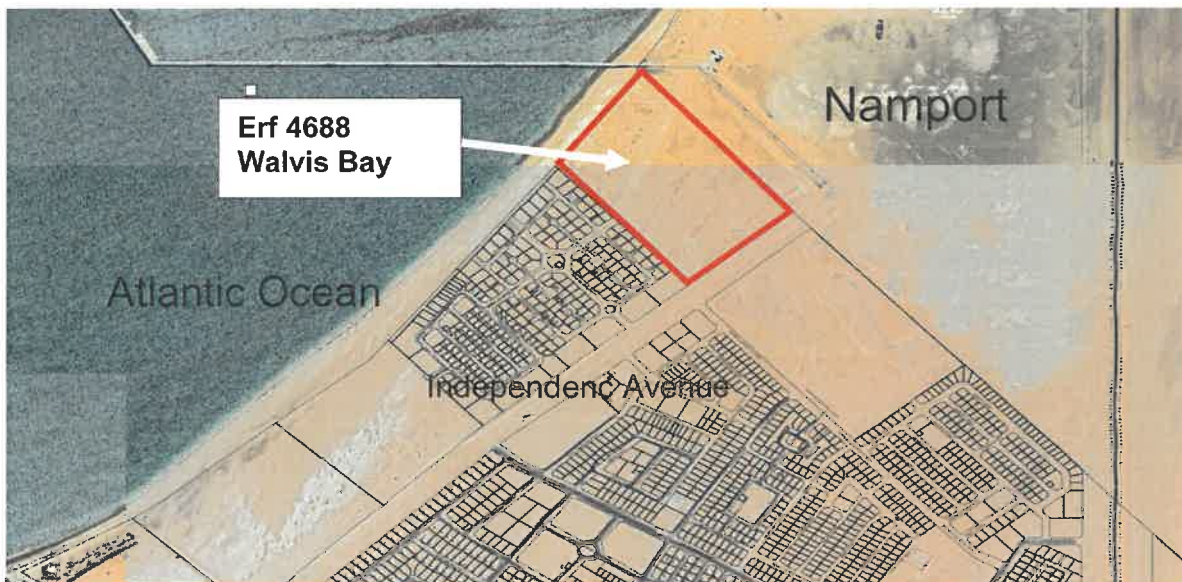


Figure 1: Locality Plan of Erf 4688 Walvis Bay

Existing Zoning and Density

ERF NO.	TOWNSHIP	SIZE (m²)	Zoning	Density
4688	Walvis Bay Extension 5	137,632	Single Residential	1:300

Title Deed Conditions: The usual Single Residential conditions no restrictions, Erf 4688 Walvis Bay Extension 5.

Existing Land Uses: Erf 4688 Walvis Bay is currently vacant.

Future Land Uses: In terms of the Walvis Bay's Integrated Urban Spatial Development Framework the area is demarcated for Residential uses.

Topography: The area is covered by soft dune sand.

Fauna and Flora: The erf consists of no vegetation and have a typical desert landscape.

Access: Erf 4688 Walvis Bay Extension 5 is accessible from Independence Avenue.

Services: The erf is connected to municipal services (water and sewerage) and electrical services.

Subdivision Proposal: Erf 4688 Walvis Bay is proposed to be subdivided into Erf X and Remainder Erf 4688 Walvis Bay, as outlined by the table below:

Portion Number	Township	Zoning	Size (m²)
Erf 4688	Walvis Bay Ext. 5	Single Residential	137,632
Erf X	Walvis Bay Ext. 5	Single Residential	93,000
Remainder Erf 4688	Walvis Bay Ext. 5	Single Residential	44,632

Registration of a Servitude Proposal: There are proposed developments of boreholes along the northwestern boundary of the proposed Erf "X" of Erf 4688 Walvis Bay Extension 5, which is to be utilised by both Erf "X" and Remainder Erf 4688 Walvis Bay Extension 5. This will require a 10m servitude to be registered over the proposed Erf "X" in favour of both Portions. The servitude will be a total size of approximately 1,699m².

Rezoning Proposal: Erf "X" Walvis Bay Extension 5 is proposed to be rezoned from "Single Residential" to "Institutional".

RECOMMENDED:

- (1) That in accordance with Section 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the application for the subdivision of Erf 4688 Walvis Bay Extension 5 into Erf "X" and Remainder Erf 4688 Walvis Bay, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan SUBDIVISION PLAN dated 11 April 2022, which bears the approval stamp of the Municipal Council.
 - (a) That the proposed portion (new Erf X) be provided with one electricity, water, and sewerage connection, by the applicant.
 - (b) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the proposed portions.
 - (c) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
 - (d) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the proposed portion.
 - (e) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
 - (f) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
 - (g) That the subdivision application be lodged with the Urban and Regional Planning Board in accordance with Section 109(5) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*.

- (2) That the following conditions be registered against Erf "X" (a Portion of Erf 4688) Walvis Bay Extension 5 and Remainder Erf 4688, Walvis Bay Extension 5:
 - (a) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subjected to, the provision of the Walvis Bay Town Planning Scheme (Zoning Scheme) prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018).
 - (b) The building value of the main building, excluding the outbuildings to be erected on the erf be at least four times the valuation of the erf.
 - (c) That a 10-meter-wide Borehole servitude be registered against Erf "X" in favour of both Erf "X" and Remainder Erf 4688 Walvis Bay Extension 5 as indicated on sketch plan SERVITUDE PLAN dated 11 April 2022, which bears the approval stamp of the Municipal Council.
- (3) That in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the application for the rezoning of Erf "X" Walvis Bay, Extension 5 from "Single Residential" to "Institutional" be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan PROPOSED ZONING PLAN dated 14 April 2022, which bears the approval stamp of the Municipal Council.
- (4) That consent be granted to establish a Place of Instruction on Erf "X" (a Portion of Erf 4688) Walvis Bay Extension 5, in accordance with Clauses 6.1.2 and 12.1 of the Walvis Bay Town Planning (Zoning) Scheme.
- (5) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plans which bear the Municipal Council's stamp of approval.
- (6) That all costs regarding the above be borne by the owner (applicant).

11.10 **Progress report: Housing Allocation Committee** (Add. 5; M/C Meeting 06/04/2023; File 7/2/3/2/10)

The purpose of the report is to provide an interim feedback report on the progress of the alienation of the remaining 102 MULS Housing properties, as well as to address certain specific issues which emanated during the recent allocation process.

The current Housing Allocation Committee (HAC) was appointed during August 2022. Previous allocation processes were co-ordinated, new allocation procedures were put in place and the first allocations by the HAC were successfully executed during September 2022. Allocation is done strictly according to the waiting list.

During the period September 2022 up until today, certain specific issues pertaining to the allocation of properties had to be dealt with. To expedite the alienation process, most of these issues have been dealt with by the HAC, but a few of these cases need Council intervention to ensure unhindered progress. These cases will be dealt with individually in this report.

Alienated Properties: From a HAC point of view, 53 properties have been successfully alienated up until today. A breakdown of these houses is as follows;

- 14 Properties have been registered with the deeds office and total payments to the tune of N\$ 6 774 115.00 have been made into the municipality's account.
- Contracts for 30 properties have been signed, final approval obtained from the banks and are currently with the attorneys for registration and transfer of the properties.
- Home loan confirmations have been received for another 9 properties. These properties have been allocated and the signing of contracts in this regard is awaited. After signing with the beneficiaries, final approval will be obtained from the banks, after which registration and transfer will take place.

The above 53 properties form part of a number of 503 beneficiaries on the beneficiary waiting list, whom have received home loan pre-approval from banks. In other words, only about 10% of beneficiaries on the waiting list, eventually qualifies and receives final approval from the banks.

It should be mentioned that the final bank approvals and the registration and transfer processes with attorneys, are quite cumbersome and time consuming. The HAC submits a number of 100 to 150 potential beneficiaries to the banks at a time and follows up the processing thereof personally and by telephone, in order to expedite matters.

Another 150 pre-approved beneficiaries have most recently been submitted to the banks for final approval. It is anticipated that the HAC could dispose of all 102 houses by June/July 2023.

Special cases: As mentioned, the HAC dealt with some special cases in the allocation process in order to expedite the alienation process. The following cases however need Council intervention;

Outstanding Water accounts: This matter has already been submitted to Council and a firm resolution obtained. All involved cases will be handled accordingly.

Damages to properties: Due to weather conditions, poor workmanship and in some cases uncompleted construction, certain houses have defects that prevent such properties to be appreciated and valuated by the banks. There is no other option but to rectify such defects afore they could be sold (It should be noted that these cases do not represent vandalism cases. All vandalism cases have been addressed by the Security companies).

The defects also do not represent major defects. Currently 9 houses are involved and the defects range from foundations, drain and other piping being blown open by the wind, significant cracks in walls, electricity connections not completed and excessive sand ingress. The total amount necessary to fix these defects should not amount to more than N\$ 100 000.00.

Although all of these properties are sold voetstoots, and as mentioned, the banks are not prepared to finance buildings with these defects. It is not fair to expect from new buyers to fix such defects. To expedite the selling of the houses, it is therefore recommended that Council fix these defects and sell the houses.

Assistance to a vulnerable person: The Office of the Mayor received a letter from the Ministry of Gender Equality and Social Welfare during May 2022, requesting the Walvis Bay Municipal Council to assist a very vulnerable person, Mr. John Hamutenya.

The Office of the Deputy Minister: Disability Affairs was also informed about the very dire situation of Mr. John Hamutenya (D.O.B, 25 March 2005) and during an outreach (Individual Support Program) the Ministry met John and provide him with nappies.

John has cerebral palsy, is in a wheelchair, is wearing nappies and is staying in Walvis Bay with his family. According to the Ministry, the Hamutenya family's circumstances turned for the worse since his last visit with them. The place where they stayed, in a backyard shack in Kuisebmond, was sold and they are on the street now where they live in a makeshift shelter made from disposable material. The current living conditions of the Hamutenya family are appalling and unbearable and the extreme weather conditions caused the health condition of John to further deteriorate. Since they moved from a more protected environment, John suffers more frequently from multiple seizures of epileptic attacks. John does not have an income, his mother is a seasonal worker at Etosha Fishing and his father has been unemployed since 2014.

The Request for assistance was referred to the Housing Allocation Committee and at its meeting held on the 27th of February 2023, the Housing Allocation resolved that the family be assisted, but that the request be referred to Council for final decision. In the meantime, the HAC committee reserved Erf 7195K for the Hamutenya family, pending Council's decision.

The property, Erf 7195K, is for sale for N\$ 452 300.00.

RECOMMENDED:

- (1) That the progress regarding alienation of the remaining 102 MULS Properties, be noted.
- (2) That the significant damages to the 9 (nine) identified houses be fixed at a cost not exceeding N\$ 100 000.00 to enable such houses to be evaluated by financial institutions and thereby speeding up selling the houses, provided that such costs be recouped from the homeowners.
- (3) That an approval in principle be given that the Housing Committee recommend to the office of the Chief Executive Officer that significant damage to other houses be fixed at Council's cost, provided that such cost be recouped from the homeowners.
- (4) That Erf 7195 K be reserved for Mr John Hamutenya (vulnerable person living with disabilities) and that such reservation must not exceed 12 (twelve) months from the date of communication to Mr Hamutenya and his family and that he and his family be allowed to source funds to purchase the house from the Council during the 12 (twelve) months reservation period.
- (5) That the Ministries of Urban and Rural Development and that of Gender Equality and Child Welfare be informed of Resolution No.4 (four) above.

11.11 Amendment of purchaser's name in respect of the sale of Portion 232 Meersig: Prosperity Education (Pty) Ltd (Add. 6; M/C Meeting 06/04/2023; File PTN 216)

The purpose of this report is to recommend that the name "Prosperity School Properties (Pty) Ltd" in paragraph (1) of Council resolution item 12.13 dated 8 June 2021 be rephrased to read "Prosperity Education (Pty) Ltd".

At its meeting held on 8 June 2021, Council resolved under item 12.13, inter alia, as follows:

"(1) That point 1 of Council resolution item 5.4 dated 12 December 2019, be amended to read as follows:

That approximate 10 hectares of Portion 216 Walvis Bay Town and Townlands No. 1, referred to as Portion B, on the attached layout (Annexure g), be sold by private transaction

to Prosperity School Properties (Pty) Ltd. (the applicant) at a purchase price of N\$ 30.00 (Thirty Namibian Dollars) per m² in the approximate amount of N\$ 3,000,000.00.)”

Prosperity School Properties (Pty) Ltd after the statutory processes were completed during April 2022, requested for a name change before the Agreement of Sale can be concluded. The request for name change is that at the time of application Ms Marcolette Rieckert was the 100 % shareholder of both Prosperity School Properties (Pty) Ltd and Prosperity Education (Pty) Ltd.

In the meantime, the shareholding was finalized, as well as the investment structure simplified, making Prosperity School Properties obsolete in their structure. Prosperity Education (Pty) Ltd in addition to Ms Marcolette Rieckert has appointed new directors namely, Mr Johannes J. Brand, Mrs. Toini N. Ghirmatsion and Mr Ferdinand N. Nghiyolwa. With the above updated structure, Prosperity School Properties is outdated, and the sale of Portion 232 Meersig can now directly be held in Prosperity Education (Pty) Ltd.

Therefore, we don't see any consequences in the transaction between Council and Prosperity School Properties (Pty) Ltd by amending the name “Prosperity School Properties (Pty) Ltd” to “Prosperity Education (Pty) Ltd”. On the contrary, it makes business sense to register the properties on the latter, and for that reason it is recommended that paragraph (1) of Council resolution item 12.13 dated 8 June 2021 be amended as such. A copy of the founding statement of Prosperity Education (Pty) Ltd.

RECOMMENDED:

- (1) That the name “Prosperity School Properties (Pty) Ltd” in paragraph (1) of Council resolution item 12.8 dated 27 November 2012 be amended to read “Prosperity Education (Pty) Ltd”.
- (2) That the sale agreement be entered with Prosperity Education (Pty) Ltd as per resolution 1.

11.12 Application to purchase Erf 5613, Kuisebmond: Family Garden Investment Group
(Add. 7; M/C Meeting 06/04/2023; File 5613k & 5/16/1/1/1)

The purpose of this report is for Council to consider the application received from Family Garden Investment Group (the applicant), to purchase Erf 5613, Kuisebmond, 260 m² in extent, for the purpose of establishing a SME business Park.

The Management Committee at its meeting held on 24 January 2023 under item 5.18 resolved that a visit to the site be arranged for the Councilors, and thereafter the matter be resubmitted to the Management Committee with detailed information. The site visit was held on 08 March 2023 and the Councilors and Executive Management familiarized themselves with the area. Therefore, the application received from Family Garden is resubmitted to the Council for consideration.

An application was received from Family Garden Investment Group in March 2018 to establish a SME business Park on Erf 5613, Kuisebmond on a lease basis. The applicant further proposed as part of social responsibility to build a public toilet with administrative offices for the Windhoek taxi on Erf 277, Kuisebmond. The applicants' application was considered by the General Manager: Community and Economic Development in terms of item 5.15 of the Delegation of Powers and approval was granted to the applicants to establish the SME Park and to build the Taxi rank Facility, the Lease agreement was signed with the applicant on 25 July 2018. The account was opened and paid up to date from 2018, but with COVID-19 in the year 2020, the lease was not renewed. However, the applicant is still interested in pursuing the idea to construct the SME facility in Kuisebmond.

The Taxi rank facility was completed but is not operational as the initial idea of leasing the facility to Windhoek taxi operators was affected by the Covid-19 pandemic. Meanwhile, the development of the SME Park on Erf 5613, Kuisebmond couldn't also start as envisaged, as the high mass pole had to be relocated from the erf at the cost of the applicant.

A self-explanatory request was received from the applicant to purchase Erf 5613, Kuisebmond from Council. The application from the applicant is supported as it will uplift the conditions of traders in the area. This initiative by the private sector is welcomed in terms of the local economic support to our Small and Medium Enterprises.

The request by the applicant that Erf 5613, Kuisebmond be sold to them is further considered as a good gesture to allow them to develop a much-needed SME Park on the property. However, the opinion is held that Erf 5613, Kuisebmond be offered to the applicant at the rate the business erven were offered recently to buyers in Kuisebmond. Therefore, Erf 5613, Kuisebmond, in extent 260 m², can be offered to the applicant at N\$500/m² plus 15% VAT by private transaction.

RECOMMENDED:

That Council does not support the selling of the property to the applicant seeing that the property can accommodate a wider community in terms of Council's planning for informal traders.

11.13 Application to lease Portion of Farm 38: Sugar Room Namibia Trading CC (Add. 9; M/C Meeting 06/04/2023; File Farm 38)

The purpose of this report is to recommend, amongst others, that 20 000 m² of Farm 38 be leased to Sugar Room Namibia Trading CC (the applicant), for a period of 25 years for the purpose of establishing a Warehouse Plant.

An application was received from the applicant for the purpose of establishing a Warehouse Plant on a portion of Farm 38. The applicant intends to lease the property for (25) years.

The applicant applied to lease 20,000 m² of Farm 38 for the purposes of establishing a Warehouse Plant. The plant will be used to store bulk products such as sugar, maize, rice, and beans. The applicant is currently leasing four warehouses in the Walvis Bay town area and want to relocate their business to Farm 38.

It is believed that this plant will create much needed job opportunities for Walvis Bay and Erongo as a whole. The plant of 20,000 m² can create much needed jobs and this project will further underscore the Government's initiative of value addition to Namibian products and ultimately result in skills transfer to Namibians. This should be beneficial to Council, and also to the broader Walvis Bay, especially with the envisaged developments in future. Therefore, the application for warehousing facility on Farm 38 is supported.

Council has in the past approved leases for King Charcoal and Charcoal Warehouse on Farm 38 at a rental of 0.89 cents/m² plus 15% VAT. Therefore, the lease of 20,000 m² of Farm 38 must be set at a monthly rental of N\$17,800.00 (0.89 cents/m²) plus N\$2,670.00 (15 % VAT), as it is in line with rentals recommended in the case of the applications Council has received for the activities on Farm 38.

Seeing that the applicant requested to enter into an agreement with the Municipality of Walvis Bay for a lease period of 25 years, a Notarial Deed of Lease must be registered in the Deeds Office. All costs would be for the account of the applicant.

Bearing in mind that 25 ha of Farm 38 is to be leased for a period exceeding one 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 20,000 m² of Farm 38 be leased to Sugar Room Namibia Trading CC (the applicant), at a rental of N\$17,800.00 (0.89 cents/m²) plus N\$2,670.00 (15 % VAT) per month, escalating with 10% per annum, for production and packaging of charcoal.
- (2) That the applicant, at its own cost, 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.
- (3) That, in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), the approval of the Minister of Urban and Rural Development be obtained.
- (4) 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 Amendments Act, 2018 (Act 3 of 2018).
- (5) That the lease agreement be signed, and 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 applicant.
- (7) That a Notarial Deed of Lease be registered and the applicant to bear all costs.
- (8) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 20,000 m² of Farm 38 surveyed at the applicant's cost.
- (9) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.
- (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 the applicant 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, 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 has to comply at all times to all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.

- (16) That the Municipal Council of Walvis Bay is not held liable to reimburse the applicant for any improvements affected on the site, should the lease not be extended after 25 years.
- (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 the development covered by the lease agreement.
- (18) 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.

11.14 Amendment to council resolution dated 06 September 2022 under item 11.7: Walvis Bay Youth Forum (Add. 10; M/C Meeting 06/04/2023; File 5654 K)

The purpose of this report is to recommend that clause 1 of the Council resolution dated 06 September 2022 under item 11.7 be amended to read as follows:

- “(1) That approval be granted for the lease, by private transaction, of Portion 2 of Erf 5654, Kuisebmond with improvements, in extent 3271 m², to Walvis Bay Youth Forum for the establishment of a Vocational Training/Youth Centre for a period of 10 years as from the date of signing the lease agreement with the option to, after the initial period of 10 years, to negotiate with the Municipality Council of Walvis Bay for the further lease of Portion 2 of Erf 5654 Kuisebmond.”

Council at its Ordinary meeting held on 06 September 2022, under item 11.7 resolved as follows:

- (1) That approval be granted for the lease, by private transaction, of Portion 2 of Erf 5654 Kuisebmond with improvements, in extent 2404 m², to Walvis Bay Youth Forum for the establishment of a Vocational Training/Youth Centre for a period of 10 years as from the date of signing the lease agreement with the option to, after the initial period of 10 years, to negotiate with the Municipality Council of Walvis Bay for the further lease of the portion 2 of Erf 5654 Kuisebmond.
- (2) That the rent be set at N\$1, 851.08 per month plus N\$278.00 (15%), escalating with 10% per annum.
- (3) That the applicant advertises the lease by private transaction for objections in terms of the provisions of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (4) That, in terms of Section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, and Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018), the approval of the Minister of Urban and Rural Development be obtained.

The Walvis Bay Youth Forum was informed of the Council resolution dated 06 September 2022 and they have adhered to the conditions of the Council resolution. The Minister of Urban and Rural Development has also granted approval for the lease of Portion 2 of Erf 5654, Kuisebmond to Walvis Bay Youth Forum.

However, the Walvis Bay Youth Forum as per the letter dated 24 February 2023 applied to Council that additional 867 m² be added to the area allocated to them as per the Council resolution dated 06 September 2022.

The additional area that they are applying for was initially allocated to another developer, which has indicated that they are no more interested in development of a Youth Centre. Practically the allocation of additional 867 m² will perfectly suit the development by Walvis Bay Youth Forum. The additional space is part of the existing structure and it's crucial that it is allocated to them. Therefore, the request from Walvis Bay Youth Forum is supported.

RECOMMENDED:

- (1) That clause 1 of the Council resolution dated 06 September 2023 under item 11.7 be amended to read as follows:

"That approval be granted for the lease, by private transaction, of Portion 2 of Erf 5654, Kuisebmond with improvements, in extent 3271 m², to Walvis Bay Youth Forum for the establishment of a Vocational Training/Youth Centre for a period of 10 years as from the date of signing the lease agreement with the option to, after the initial period of 10 years, negotiate with the Municipality Council of Walvis Bay for the further lease of the portion 2 of Erf 5654, Kuisebmond".
- (2) That the rent be set at N\$ 2 518.67 (3271m²) per month, plus N\$ 377.80 (15%) escalating with 10% per annum, which rent shall become payable as from the date of commencement of the operations of the facility.
- (3) That resolution 3 to 13 under item 11.7 as per Council meeting held 6 September 2022 remain in force.

11.15 **Ministerial approval to waive the pre-emptive rights registered over various properties: Massive Urban Land Servicing Programme** (MULSP (Add. 11; M/C Meeting 06/04/2023; File 7/2/3/2/10)

The purpose of this report is to recommend that the Minister of Urban and Rural Development consider request from various property owners to waive the pre-emptive rights registered in favour of the Municipal Council of Walvis Bay over erven 7164 Kuisebmond, 7311 Kuisebmond, 7325 Kuisebmond, 7466 Kuisebmond and 3744 Narraville for properties to be alienated to third parties.

Council at its Extra Ordinary meeting held on 30 April 2017 under item 4.2 resolved as follows:

- "(1) That the agreement of sale be approved by Council.
- (2) That the finance Department create a revolving fund/account for the payment received from the financial institutions.
 - (3) That the finance Department verify any financial commitments regarding the construction of the houses with the banks before payment can be processed.
 - (4) That the monies of the land be kept in the revolving fund for future land development projects. "

The houses build under the Massive Urban Land Housing Project were built on land belonging to Government through Ministry of Urban and Rural Development (MURD). The construction of these houses was financed through credit linked structured products from

various financial institutions, and the Ministry of Urban and Rural Development happened to be the founder of the project, that has requested that a right of pre-emption be registered over all the properties to avoid any speculations of properties.

Various requests were received from property owners that they cannot afford the bonds at the financial institutions anymore due to job losses, in fact some beneficiaries have relocated or retired, hence the submission to waive the pre-emptive right registered in favour of the Municipality of Walvis Bay. A copy of the standard agreement of sale as approved by Council is available and clause 9.1.1 of the agreement stipulates the restriction.

The pre-emptive clause 9.1.1 on page 4 in the agreement of sale reads as follows:

A right of pre-emption in favour of the Municipal Council of Walvis Bay in that the purchaser and his/her heirs or successors in title shall not be entitled to sell, dispose of or alienate the aforesaid property in any way whatsoever within a period of 10 (ten) years from date of first registration hereof, except after first offering it for sale to the Municipal Council of Walvis Bay at a value as reflected on the main valuation roll plus the costs of any improvements erected thereon, and the Municipal Council of Walvis Bay rejecting the said offer in writing. In the event the Municipal Council exercising the right of pre-emption such transfer shall be effected at the cost of the purchaser.

Its also well mentioning that a lot of these houses were improved, garages build, bedrooms added as well as boundary walls. This means that the maximum amount of N\$ 500 000.00 that was set as ceiling in the beginning when the houses were first sold as affordable houses, is now compromised and a different valuation should apply.

In our opinion the request from the owners of erven 7164 Kuisebmond, 7311 Kuisebmond, 7325 Kuisebmond, 7466 Kuisebmond and 3744 Narraville can be considered based on the merits provided. Furthermore, as the restriction was imposed in terms of the Ministerial directive, and based on the signed agreement, Council also to resolve on this matter. Thereafter, the request and enquiries received from the property owners under the Massive Urban Land Servicing Project (MULSP) be referred to Ministry of Urban and Rural Development for approval. Lastly, we also want to request that all future approvals to waive the pre-emptive right be delegated to the Municipality of Walvis Bay.

RECOMMENDED:

- (1) That the request from the following property owners be referred to Ministry of Urban and Rural Development for approval of waiving of pre-emptive rights:

Erf 7164 Kuisebmond
Erf 7311 Kuisebmond
Erf 7325 Kuisebmond
Erf 7466 Kuisebmond and
Erf 3744 Narraville
- (2) That Ministry of Urban and Rural Development (MURD), be requested to delegate all future rights of pre-emption to the Municipality of Walvis Bay.
- (3) That each case be considered on its own merits by Council.

11.16 **Application to purchase Erf 6253 Walvis Bay, Extension 19: Rent-a-drum** (Add. 12; M/C Meeting 06/04/2023; File PTN 196 & 6253 W)

The purpose of this report is to recommend amongst others that erf 6253 Walvis Bay, Extension 19, in extent 11,790 m², be sold by private transaction to Rent-A-Drum (the applicant), for N\$30.00/m² to establish a Material Recovery Facility.

Council at its meeting which was held on 14 March 2017, under item 12.4, inter alia resolved as follows:

- (1) That clause (1) of the Council resolution, item 12.5, dated 27 May 2014 be rephrased to read as follows:

That approval be granted for the lease, by private transaction, of approximately 10,000 m² (1 ha) of a portion of portion 196 Walvis Bay Town and Townlands to Rent-A-Drum for the purpose of a material recovery facility for a period of ten (10) years as from the date of signing the lease agreement with the option to, after the initial period of ten years, negotiate with the Municipal Council of Walvis Bay for the further lease/purchase of the area.

- (2) That clause (3) of the Council resolution item 12.5 dated 27 May 2014, be rescinded in toto and that the rent amount be determined at the time of approval of the lease agreement.
- (3) That Rent-A-Drum commences with the operations of the facility within nine (9) months after all approvals have been obtained, failing that the approval be regarded as null and void.

For establishing a material recovery facility and waste management activities, Council during May 2014 has approved the lease by Rent-A-drum. However, the applicant couldn't start with the development as Council had to attend to Environmental Impact Assessment for the establishment of Township on Extension 19, Walvis Bay. Council further had to attend to Town Planning matters and the establishment of Township on Extension 19 Walvis Bay was approved by the Urban and Regional Board during February 2022.

The applicant as per the letter dated 20 February 2023, has re-submitted his application for the purchase of Erf 6253 Walvis Bay, in extent 11, 790 m². It is important to note that the initial approval of Council was only for 1 Ha. However, the applicant in his final application has indicated that they will need 2,5 Ha (25,000 m²) to establish a waste management facility.

In our opinion, Council has received numerous application from interested developers for land in Extension 19, Walvis Bay and it will not be fair toward all other interested developers that additional land is allocated to Rent-A-Drum.

The available erven in Extension 19, Walvis Bay must be offered to public through Expression of Interest to afford equal opportunity to all interested developers. Therefore, only erf 5253 Walvis Bay must be offered to the applicant.

The vision of the applicant, and to motivate for their application to be allocated with 11,790 m² of land for the facility are as follows:

- Rent-A-Drum recycles 50% of products or waste in Walvis Bay and has reached their capacity for storage.
- Some of the waste are transported to Swakopmund and this are not economically viable.

- There is a need for a facility in Walvis Bay to cater for wastewater trap plant to bailed blue plastic from fishing industry.
- Waste Management Facility in Walvis Bay will divert about 2 000 tons of waste from landfill area per annum.
- The facility will create additional 20 permanent jobs.

Regarding the purchase price, the applicant has made an offer of N\$30.00/m² to purchase the erven from Council. This offer is regarded as reasonable, as Council has recently offered land in Extension 19 to International University of Management and Earth Giants Investment for N\$30.00/m². This price is also based on the rate received from the sworn valuers and our opinion is that N\$30/m² be set as purchase price for the erven.

It is further important that the applicant attends at own cost to any outstanding Town Planning matters.

RECOMMENDED:

- (1) That erf 6253 Walvis Bay, Extension 19, 11,790 m² in extent, be sold by private transaction to Rent-A-Drum (the applicant), at a purchase price of N\$30.00 (Thirty Namibian Dollars) per m².
- (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 for planning cost already incurred for the development of erf 6253 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 erf 6253 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 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 invited for informal discussions to present their development proposal to full Council.
- (14) 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.

11.17 **Application for acquisition of industrial land at the heavy industrial area behind Dune 7: Farm 58 for the construction of a hydrogen pilot plant: Cleanergy Namibia (Pty) Ltd** (Add. 1; M/C Meeting 20/04/2023; File 17/28/2)

To purpose of this report is to recommend, amongst others, that the request by Cleanergy Namibia (Pty) Ltd (the applicant), be considered by Council.

At its meeting held on 23 March 2023 Council resolved under item 11.2, inter alia, as follows:

- (1) That 240,000 m² (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/m²) 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.

The applicant was informed of the Council resolution and also accepted Council's condition to lease on 5 April 2023. However, they are now requesting Council to reconsider clauses 1,5, 6, 10, 13 and 17. These clauses are summarized as follows:

- (1) That 240,000 m² (24 hectares) of portion 8 of Farm 58 be leased to Cleanergy Namibia (Pty) Ltd (the applicant) at a rental of N\$213,600.00 (N\$0.89 cents/m²) plus N\$32,040.00 (15 % VAT) per month, escalating with 10% per annum, for the construction of a hydrogen plant, with option to buy.

The applicant is requesting Council to reduce the lease amount from N\$ 0.89 cents/m² to N\$0.50 cents/m² and that the escalation be linked to the annual inflation index.

The above request has been carefully considered based on the fact that the applicant has to provide bulk infrastructure at Remainder Farm 58 that will benefit some of the future development and Municipality of Walvis Bay. The proposed plant as a pilot project will not be a commercial profitmaking entity for now, in our understanding. Therefore, the request by the applicant to reduce the lease rate is supported. The request to reduce the standard 10% increase is not supported.

The request by the applicant that the purchase option be incorporated as a resolution is already taken care of. That once the township has been established and registered, the option to buy be submitted to Council for consideration.

- (5) That the Lease Agreement be signed, and the monthly rental be levied once the agreement has been signed by all parties.

The applicant requested that the effective date for the lease rate be set when production commences on 1 April 2024. This request is regarded as fair, as the applicant for the first months will only be busy with construction. The request is supported and is therefore submitted to Council for consideration.

- (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.

In our opinion the Council resolution is fair and clear that when the lease expires, the Municipality of Walvis Bay and the lessee will enter into discussion for extension of lease, and this is a standard practice. For now, this is just a pilot project.

- (10) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.

This is a standard condition for any applicant that leases Council land that in case the development cease to exist the area be rehabilitated to its original state. When the purchase of the area kicks into play, this condition will no more be applicable.

- (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 Roads and Building Control.

The applicant requested that the cost they incurred for providing roads and water connection be offset from the lease payment. This is not a standard practice in Local Authorities and is not supported. When unserviced land is allocated to a developer they must provide all outstanding infrastructure and donate it back to Council free of charge. The future developers will refund the developer for the cost they incurred and cannot be offset against the lease. Therefore, the request is not supported.

- (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.

The reference "cement factory" was a typing error and must read "Hydrogen Plant".

The request by the applicant that they be given permission to start with earthworks while the process of lease negotiations is ongoing can be dealt with administratively.

RECOMMENDED:

That Clauses 1, 5 and 17 of Council resolution dated 23 March 2023 be amended and rephrased to read as follows:

- (1) That 240,000 m² (24 hectares) of portion 8 of Farm 58 be leased to Cleanergy Namibia (Pty) Ltd (the applicant) at a rental of N\$120,000.00 (N\$0.50 cents/m²) plus N\$18,000.00 (15 % VAT) per month, escalating with 10% per annum, for the construction of a Hydrogen Plant, with option to buy.
- (2) That clauses 2,3,4,6,7,8,9,10,11,12,13,14,15 and 16 of Council resolution dated 23 March 2023 be re-affirmed.
- (5) That the Lease Agreement be signed, and the monthly rental be levied as from 1st of April 2024.

- (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 a Hydrogen Plant covered by the Lease Agreement.

11.18 **Amendment of purchaser's name in respect of sale of a portion of remainder Farm 39 LPG terminal in Walvis Bay: Tiba Gas terminals (Pty) Ltd** (Add. 2; M/C Meeting 20/04/2023; File Farm 39)

The purpose of this report is to recommend that the name "TIBA Gas Terminals (Pty) Ltd" in paragraph (1) of Council resolution item 12.10 dated 03 August 2022 be rephrased to read "Erongo Liquid Petroleum Gas (Pty) Ltd".

Council at its meeting held on 03 August 2022 under item 12.10 resolved as follows:

- (1) That conditional approval be granted to TIBA Gas Terminals (Pty) Limited (the applicant) for the sale by private transaction of an area of Remainder Farm 39 measuring 35,000m², for construction of a LPG terminal at a purchase price of N\$ 50.00 (fifty Namibian Dollars) per m², i.e. N\$ 1,750,000.00 in total, subject to the following requirements having to be completed:
 - (i) That the concerns raised by the Town Planning Division on behalf of the Municipal Council and contained in the report, be further taken up with the applicant before final approval on land is granted.
 - (ii) That Namport, Namcor and the Ministry of Fisheries and Marine Resources be consulted, and that proof thereof be provided to Council.
 - (iii) That TIBA Gas Terminals (Pty) Limited and Erongo Liquid Petroleum Gas Terminals (Pty) Limited be informed to resolve their ownership issues and submit a written affidavit of rightful applicant /owner to the Council.
- (2) That the final allocation of land and name change only be considered by the Council once (1)(i), (ii) and (iii) above has been completed.
- (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 Act, 1992 (Act No. 23 of 1992).

As per Council resolution dated 03 August 2022, TIBA Gas Terminals (Pty) Ltd (the applicant), was informed and has started the consultation process with all affected parties. As part of the consultations, the applicant was required to conduct an Environmental Impact Assessment Study and Environmental Clearance is available.

It is further important to note that the applicant as per the Council resolution was informed that the name change from TIBA Gas Terminals to Erongo Liquid Petroleum Gas (Pty) Ltd will only be considered after the stakeholders has been consulted. The applicant has submitted an affidavit and related documents addressing the name change request.

The Ministry of Urban and Rural Development was consulted on the proposed sale of a Portion of Remainder Farm 39 and the matter was referred back to Council to first consider the name change before approval can be given.

RECOMMENDED:

- (1) That that the name "TIBA Gas Terminals (Pty) Ltd" in paragraph (1) of Council resolution item 12.10 dated 03 August 2022 be amended to read "Erongo Liquid Petroleum Gas (Pty) Ltd."
- (2) That Council confirms that as per Council resolution dated 03 August 2022 under item 12.10, clause 1, that a Portion of Remainder Farm 39, 35,000 m² in extent, be sold to Erongo Liquid Petroleum Gas (Pty) Ltd (the applicant), at N\$50.00/m²
- (3) 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.
- (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 pays 10% of the purchase price towards the landscaping fund at the date of sale.
- (6) That the applicant contributes to the actual cost of the provision of bulk services, with the Department Roads and Building Control to determine the exact contribution when final designs of bulk services are approved.
- (7) 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.
- (8) That electrical requirements/services and/or any other information in this regard, be taken up with ERONGO RED.
- (9) That the applicant attends to all outstanding Town Planning matters for his own account.
- (10) 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.
- (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 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.
- (12) That the applicant to submit the environmental monitoring reports on a six-month basis both to the Ministry of Fisheries and Marine Resources and to the Municipality of Walvis Bay.

11.19 **Rezoning of Erf 7881 Kuisebmond Extension 10 from “general residential 1” with a density of 1:300m² to “single residential” with a density of 1:300m², and the subsequent subdivision of Erf 7881 Kuisebmond Extension 10, into Portions 1 to 8 and remainder Erf 7781 Kuisebmond, Extension 10** (Add. 3; M/C Meeting 20/04/2023; File 7881K)

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

- (a) Rezoning of Erf 7881 Kuisebmond from “General Residential” with a density zoning of 1: 300 m² to “Single Residential” with a density of 1:300m², in terms of Section 56 (1)(b)(2) of the Urban and Regional Planning Act (Act No. 5 of 2018); and
- (b) Subsequent Subdivision of Erf 7881 Kuisebmond Extension 10, into portions 1 to 8 and Remainder Erf 7781 Kuisebmond, Extension 10 in terms of Section 88 (1)(b)(2) of the Urban and Regional Planning Act (Act No. 5 of 2018).

Application and Registered Owner: The owner is Eco Engineering Services CC, P O Box 3813, Vinetta Swakopmund, while the applicant is Dunamis Consulting (Pty) Ltd, P O Box 81108, Olympia, Windhoek. The owners have granted the Power of Attorney to Dunamis Consulting (Pty) Ltd (the Consultant) to submit the application on their behalf.

Location: Erf 7881 Kuisebmond is situated at the corner of Omugulumbashe and Volstruis Streets, Kuisebmond Extension 10, as illustrated by Figure 1 below.



Figure 1: Locality Plan of Erf 7881 Kuisebmond, Extension 10.

Existing Zoning and Density: Erf 7881 Kuisebmond is zoned as “General Residential 1” in terms of the Walvis Bay Zoning Scheme and measures 3117m² in extent.

Title Deed Conditions: The usual “General Residential 1” conditions.

Existing Land Uses: The erf is currently vacant, with no visible structures on it. The owner intends to rezone the erf from General Residential 1 to Single Residential, and subsequently subdivide the erf to create eight (8) Single Residential zoned erven, for possible sale in future. The application will be done in two (2) parts, whereby the first part will look at the rezoning of Erf 7881 Kuisebmond from “General Residential 1” to “Single Residential” with a density of 1 per 300m², subsequent to part 1, part 2 will look at the Subdivision of Erf 7881 Kuisebmond into Portions 1 to 8 and Remainder Erf 7881 Kuisebmond in terms of the Walvis Bay Density Policy and the prescribed sections of the Urban and Regional Planning Act (Act No. 5 of 2018).

The applicant’s motivation is made up of the following two components:

Rezoning Component: The first part of the application is for the Rezoning of Erf 7881 Kuisebmond from “General Residential 1” with a density of 1:300m² to “Single Residential” with a density of 1:300m² and this is made in terms of *Section 56 (1)(b)(2) of the Urban and Regional Planning Act, 2018* (Act No. 5, 2018). The rezoning will be in accordance with the zoning plan and illustrated by Table 1 below, indicating zoning allocations:

ERF NUMBER	SIZE (m ²)	CURRENT ZONING/DENSITY	PROPOSED FUTURE ZONING/DENSITY
Erf 7881	3117m ²	General Residential 1 (1:300)	Single Residential (1:300)

Table 1: Zoning allocation

Subdivision Component:

The second part of the application is for the Subdivision of Erf 7881 Kuisebmond into Portions 1 to 8 and Remainder Erf 7881 Kuisebmond, Kuisebmond Extension 10 in terms of Section 88 (1)(b)(2) of the Urban and Regional Planning Act (Act No. 5 of 2018).

The subdivision is outlined by table 2 below:

Erf	Size	Zoning & Density
7881	31179m²	GR1/SR 1:300
Portion 1	346m ²	GR1/SR 1:300
Portion 2	305m ²	GR1/SR 1:300
Portion 3	305m ²	GR1/SR 1:300
Portion 4	320m ²	GR1/SR 1:300
Portion 5	317m ²	GR1/SR 1:300
Portion 6	302m ²	GR1/SR 1:300
Portion 7	305m ²	GR1/SR 1:300
Portion 8	305m ²	GR1/SR 1:300
Remainder Erf 7881	305m ²	GR1/SR 1:300

Table 2: Subdivision description

The application was advertised for comments and objections in two daily newspapers namely, the Namibian Sun and the Republikein on dates 13 and 20 December 2022 respectively, whereas the closing date was on 03 January 2023. The Government Gazette notice appeared in the Government Gazette of 30 December 2022 and a copy is attached hereon. Neighbours consent letters were sent to the immediate neighbours via registered mail informing them of the intent to rezone and subsequently subdivide Erf 7881 Kuisebmond, Extension 10, and so also requesting for their comments and objections if any. A notice was also displayed onsite of the erf and at Council’s notice board as per copies attached.

The application for the Rezoning and Subdivision has been evaluated from the town planning point of view based on conformity of the proposed development with the Town Planning Scheme, Residential Densities Policy and all relevant Council policies dealing with land development.

Conformity with the Walvis Bay Town Planning Scheme: The proposed rezoning will enable the rezoning of Erf 7881 Kuisebmond from General Residential 1 (1:300) to Single Residential (1:300). Based on the above, the proposed rezoning conforms with the Walvis Bay Town Planning Scheme in terms of the proposed land use, bulk, and minimum erf size.

The proposed subdivision will enable the subdivision of Erf 7881 Kuisebmond to into Portions 1 to 8 and Remainder Erf 7881 Kuisebmond. The application therefore conforms with the Walvis Bay Town Planning (Zoning) Scheme in terms of permitted land uses under the “Single Residential” zoning including other provisions such as coverage, minimum erf size, height, building lines, and onsite parking.

After the subdivision, there will be no need to retain the erf as a General Residential 1 erf. Hence, the rezoning will enable the site to be used for its primary land use which will be dwelling unit on Single Residential zoning.

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
1. Rezoning		
Land Uses	Clause 12.2.1 – Allows for the rezoning of erven to Single Residential, provided that the Single Residential land use restrictions, should be applied.	The application is for the rezoning of Erf 7881 Kuisebmond Extension 10, from “General Residential 1” with a density of 1:300 to “Single Residential” with a density of 1:300. Therefore, the rezoning application will conform with the Walvis Bay Town Planning Scheme.
Density	Clause 12.2.4.1 – Densities vary from 1:100 to 1:900 on Single Residential zone.	The proposed density is 1:300. Therefore, the rezoning application will conform with the Walvis Bay Town Planning Scheme in terms of land uses.
Minimum Erf Size	Clause 12.2.5.1 – The minimum size for Single Residential erven ranges from 300m ² upwards.	The subject site is 3117m ² . Therefore, the rezoning application will conform with the Walvis Bay Town Planning Scheme in terms of minimum erf size.

Table 3: Conformity with the Walvis Bay Town Planning Scheme.

RECOMMENDED:

- (1) That the Municipal Council recommends for approval the application for the rezoning of Erf 7881 Kuisebmond Extension 10 from “General Residential 1” with a density of 1:300 to “Single Residential” with a density of 1:300, in accordance with Section 56(1)(b)(2), Section 88(1)(b)(2) and Section 109(2)(a) of the Urban and Regional Planning Act (Act No. 5 of 2018).
- (2) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the Municipal Council recommends to the Urban and Regional Planning Board the application for the subdivision of Erf 7881 Kuisebmond, Extension 10 into Portions 1 to 8 and Remainder Erf 7881 Kuisebmond, Extension 10, as generally shown on sketch plan No.: 7881Kmond10/2022 dated December 2022, subject to the following conditions:
 - (a) That the following conditions be registered against New Portions 1 to 8 and the Remainder of Erf 7881 Kuisebmond Extension 10:
 - (i) The erven shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subjected to, the provision of the Walvis Bay Town Planning Scheme (Zoning Scheme) prepared and approved in terms of the *Urban and Regional Planning Act, 2018 (Act No.5 of 2018)*.
 - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.
 - (b) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.

- (c) That a 6-meter-wide Right of Way Servitude be registered in favour of the proposed Portions 1, 2, and 3, as generally shown on the Subdivision Layout Plan dated December 2022 that bears the Municipal Council stamp.
- (d) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf.
- (e) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the newly created erven.
- (f) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (g) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (h) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
- (i) That the applicant pays a 7.5% Endowment Fee for the proposed New Portions 1 to 8 (Portions of Erf 7881 Kuisebmond Extension 10), in terms of Clause 35.3 of the Walvis Bay Town Planning (Zoning) Scheme and Section 66(1)(k) of the *Urban and Regional Planning Act, 2018* (Act No. 5 of 2018), prior to the registration/transfer of the proposed New Portions 1 to 8.
- (j) That all cost regarding the above be borne by the applicant.

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.