



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

**To be held in the
Kuisebmond Council Chambers,
Nathaniel Maxuili Avenue**

**ON THURSDAY
15 JUNE 2023
AT 18:00**



Municipality of Walvis Bay

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Date	12 June 2023

NOTICE

His Worship the Mayor and Councillors
General Managers

MAY AND JUNE 2023 - ORDINARY COUNCIL MEETING OF THE LOCAL AUTHORITY COUNCIL OF WALVIS BAY – TABLING OF 2023/2024 BUDGET & TARIFFS

Notice is hereby given that the Ordinary Council meeting of the Local Authority Council of Walvis Bay will be held in the Kuisebmond Council Chamber, Nathaniel Maxuilili Avenue on: -

Thursday 15 June 2023 at 18:00

Yours faithfully,

J Esterhuizen
Acting Chief Executive Officer

Date	Time
12/06/2023	11:10

Official	Date	Time	Signed off
Compiler	12/06/2023	11:06	
MCS	12/06/2023	11:10	
AGM: HRCS	12/06/2023	11:10	



Agenda

1. **Opening by prayer** (File 3/1)
2. **Adoption of agenda and declaration of interest**
3. **Application for leave of absence by members of council** (File 3/3/1/4)
4. **Confirmation of minutes of previous meeting/s** (File 3/3/2/3/1)
 - 4.1 Minutes of the Ordinary Council meeting held on Tuesday 09 May 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 May 2023 and June 2023**
[Report referred to in section 26(1)(e) of the Local Authorities Act]

- 10.1 **Application for acquisition of industrial land at heavy industrial area behind Dune 7: Farm 58 for the construction of a fuel and gas reserve plant - JDP Fuel and Gas Reserve (Pty) Ltd** (Add. 6; M/C Meeting 24/05/2023; File 17/28/2)

RESOLVED:

That the matter be referred back to re-affirm the sizes and the allocation of portions and for resubmission thereafter.

11. **Recommendations of the Management Committee for May and June 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 **Erf 17 Kuisebmond – Encroachment of toilet into neighbouring erf** (Add. 1; M/C Meeting 24/05/2023; File 17 K)

The purpose of this report is for Council to consider shouldering the cost of the construction of a new Toilet within the correct allocated boundary lines of Erf 017K. The current owner of erf 017K purchased the property from the Municipality in its present condition. The existing toilet for the subject erf sits outside the erf boundaries.

The toilet in question was built in the corner of the adjoining properties where four toilets abutted each other (Erf 16 to Erf 19). Currently the toilet is the sole ablution facility used by residents of Erf 17, a previous municipal property, and built by the Municipality. The neighbours on Erf 16K have started constructing a new building to house a pharmacy, where it was discovered that the existing toilet of erf 17 encroaches entirely onto erf 16.

At present, there are multiple illegal shacks on erf 17, and they have since repositioned the illegal shacks which were encroaching over the boundary line of erf 16 for construction to continue. After the issuing of the Notice of Removal, the owner of erf 17 communicated that they are unable to completely remove the shacks from the site and are also not in a financial position to build a new toilet on their property. Quotations obtained are as follows:

Name	Total Construction of W.C. Excl. VAT	Total Construction of W.C. Incl. VAT
1. VJAY INVESTMENT CC	N\$ 36,046.80	N\$ 41,453.82
2. SM TRADING	N\$ 24,400.00	N\$ 28,060.00
3. BAY HOME IMPROVEMENTS CC	N\$ 29,766.00	N\$ 34,230.90
4. NAMITAL CONSTRUCTION CC	N\$ 23,375.00	N\$ 27,500.00

RECOMMENDED:

- (1) That the Council considers the request to cover the cost of building a new toilet within the correct allocated boundary lines of Erf 17 Kuisebmond, on condition that all illegal temporary structures (shacks) are demolished and removed from site, while it is noted that Bay Home Construction CC who is currently constructing the new building on Erf 16 Kuisebmond, has informed our offices that they will demolish the existing encroaching toilet.
- (2) That the Council covers the cost of the construction of the toilet on erf 17 Kuisebmond.

11.2 **Subdivision of Erf 688 Meersig into Portion 1 and Remainder and rezoning of Portion 1 from Single Residential with a density of 1:500 to utility services** (Add. 2; M/C Meeting 24/05/2023; File 688 M)

The purpose of the report is to obtain the approval of the Municipal Council for the subdivision of Erf 688 Meersig into Portion 1 and Remainder and Rezoning of Portion 1 from Single Residential with a density of 1:500m to Utility Services.

Application and Registered Owner: The applicant on behalf of Erongo RED (Pty) Ltd is Stewart Town Planning CC, the owner of Erf 688 Meersig is the Municipality of Walvis Bay. The owner(s) has given Power of Attorney to Stewart Town Planning CC, P O Box 2095 Walvis Bay, to submit the application on behalf of Erongo RED (Pty) Ltd.

Location: The Erf is located in Meersig, along Nossob Steet as shown by the figure below.



Existing Zoning: Single Residential

Title Deed Conditions: The usual Single Residential conditions no restrictions, Erf 688 Meersig.

Existing Land Uses: Except for the substation that is situated on Erf 688 Meersig, the site is undeveloped with no predominant features.

Subdivision Proposal: Erf 688 Meersig is proposed to be subdivided into Portion 1 and Remainder, as outlined by the table below:

Portion Number	Township	Zoning	Size (m ²)
Erf 688	Meersig	Single Residential	125
Portion 1	Meersig	Single Residential	1072
Remainder Erf 688	Meersig	Single Residential	1197

Rezoning Proposal: It is proposed that the subdivided Portion 1 be rezoned from “Single Residential” with a density of 1:500 to “Utility Services” as shown by the table below:

Portion Number	Township	Current Zoning	Proposed Zoning
Portion 1 (a portion of sub-divided Erf 688 Meersig)	Meersig	Single Residential	Utility Services
Remainder Erf 688	Meersig	Single Residential	Single Residential

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 688 Meersig into Portion 1 and Remainder Erf 688 Meersig, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 688_M/SP dated 22 February 2023, which bears the approval stamp of the Municipal Council.
- (2) That the following conditions be registered against the proposed Portion 1 (a Portion of Erf 688 Meersig), in favour of the Municipal Council:
 - (a) The portion 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 Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act No.5, 2018).
- (3) That the Municipal Council recommends to the Urban and Regional Planning board, the application for the Rezoning of Portion 1 from Single Residential with a density of 1:500 to Utility Services., in accordance with Section 56(1)(b)(2) of the Urban and Regional Planning Act (Act No. 5, 2018), as generally shown on drawing number 688 /M /ZP, dated 24 February 2023.
- (4) 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.
- (5) That all costs regarding the above be borne by the applicant.

11.3 Subdivision of Erf 1788 Kuisebmond into Portion 1 and Remainder, permanent closure of Portion 1 as Public Open Space and Rezoning of Portion 1 from Public Open Space to utility services (Add. 3; M/C Meeting; 24/05/2023 File 1788 K)

The purpose of the report is to obtain the approval of the Municipal Council for the subdivision of Erf 1788 Kuisebmond into Portion 1 and Remainder, permanent closure of Portion 1 as Public Open Space and Rezoning of Portion 1 from Public Open Space to Utility Services.

Application and Registered Owner: The applicant on behalf of Erongo RED (Pty) Ltd is Stewart Town Planning CC, the owner of Erf 1788 is the Municipality of Walvis Bay. The owner(s) has given Power of Attorney to Stewart Town Planning CC, P O Box 2095 Walvis Bay, to submit the application on behalf of Erongo RED (Pty) Ltd.

Location: The Erf is located in Kuisebmond, and enclosed by Tormalyn Crescent as shown by the figure below:



Existing Zoning: Public Open Space

Title Deed Conditions: The usual Public Open Space conditions no restrictions, Erf 1788 Kusebmond.

Existing Land Uses: Erf 1788 Kusebmond is partially fenced off with no predominant features, there are scattered trees throughout the site and a substation on the south-eastern corner of the erf.

Subdivision Proposal: Erf 1788 Kusebmond is proposed to be subdivided into Portion 1 and Remainder, as outlined by the table below:

Portion Number	Township	Zoning	Size (m ²)
Erf 1788	Kusebmond	Public Open Space	6104
Portion 1	Kusebmond	Public Open Space	103
Remainder Erf 1788	Kusebmond	Public Open Space	6001

Permanent Closure Proposal: It is proposed that the subdivided Portion 1 be permanently closed as a Public Open Space.

Rezoning Proposal: It is proposed that the subdivided Portion 1 be rezoned from “Public Open Space” to “Utility Services” as shown by the table below:

Portion Number	Township	Current Zoning	Proposed Zoning
Portion 1 (a portion of subdivided Erf 1788 Kusebmond)	Kusebmond	Public Open Space	Utility Services
Remainder Erf 1788	Kusebmond	Public Open Space	Public Open Space

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 1788 Kuisebmond into Portion 1 and Remainder Erf 1788 Kuisebmond, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 1788_K/SP dated 22 February 2023, which bears the approval stamp of the Municipal Council.
- (2) That the following conditions be registered against the proposed Portion 1 (a Portion of Erf 1788 Kuisebmond), in favour of the Municipal Council:
 - (b) The portion 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 Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act No.5, 2018).
- (3) That, in terms of Section 50 of the Local Authorities Act (Act No.23, 1992), as amended, the Municipal Council grants approval for the permanent closure of Portion 1 (a Portion of Erf 1788 Kuisebmond), measuring approximately 103m², as generally shown on drawing number 1788_K/SP dated 22 February 2023., subject to the following condition:
 - (a) That the Town Planning Division issues the Closure Certificate to the offices of the Registrar of Deeds and Surveyor General.
- (4) That the Municipal Council recommends to the Urban and Regional Planning board, the application for the Rezoning of Portion 1 from Public Open Space to Utility Services., in accordance with Section 56(1)(b)(2) of the *Urban and Regional Planning Act (Act No. 5, 2018)*, as generally shown on drawing number 1788/K/ZP, dated 24 February 2023.
- (5) 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.
- (6) That all costs regarding the above be borne by the applicant.

11.4

Establishment of Township: President's Links Golf Course Estate [President's Links Estate (Pty.) Ltd. (Reg. No. 2020/0869)]: Subdivision of Undeveloped Street: Portion of Remainder of Portion 193 Walvis Bay Town & Townlands No. 1 into Portion X and Remainder; Permanent Closure of Undeveloped Street: Portion X of Remainder of Portion 193 Walvis Bay Town & Townlands No. 1; Subdivision of Portion 221 Walvis Bay Town & Townlands No. 1 into Portion 1, Portion 2 (Street) and Remainder; Consolidation of Portions 217, 218, 219, 220, Portion 1 of Portion 221 and Portion X of Remainder of Portion 193, Walvis Bay Town & Townlands No. 1, into Consolidated Erf A; and approval of Need and Desirability and Township Subdivision layout on Consolidated Portion A Walvis Bay Town and Townlands No. 1 to be known as President's Links (Add. 4; M/C Meeting 24/05/2023; File PTN 195/7/2/3/1/1/4)

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

- (a) Subdivision of Undeveloped Street: Portion of Remainder of Portion 193 Walvis Bay Town & Townlands No. 1 into Portion X and Remainder.
- (b) Permanent Closure of Undeveloped Street: Portion X of Remainder of Portion 193 Walvis Bay Town & Townlands No. 1.

- (c) Subdivision of Portion 221 Walvis Bay Town & Townlands No. 1 into Portion 1, Portion 2 (Street) and Remainder.
- (d) Consolidation of Portions 217, 218, 219, 220, Portion 1 of Portion 221 and Portion X of Remainder of Portion 193, Walvis Bay Town & Townlands No. 1, into Consolidated Erf A.
[The creation of the new street has been approved in terms of an ECC.] and,
- (e) Approval of Need and Desirability and Township Subdivision layout on Consolidated Portion A Walvis Bay Town and Townlands No. 1 to be known as President's Links as indicated on layout plans 263-PLS-TL-S1/S2/S3 dated 16 December 2022.

Following lengthy and detailed negotiations between the Council and President's Links, the Council has allocated a total of ± 148 ha. of land for the development of the President's Links Golf Course Estate. (Item 11.7 dated 29.09.2020 and Item 12.8 dated 8.07.2021)

In a letter dated 1 November 2022, this ± 148 ha. land allocation application has also been approved by the Minister of Urban and Rural Development. In a subsequent letter dated 25 November 2022 the Council has confirmed the Minister's land allocation decision and has authorised President's Links to attend to the requirements of the Council's land allocation conditions, including the statutory land assembly and township establishment procedures.

For the applicant to develop the Golf Course Estate as per the Municipal Council's above approval, it is obligatory for the applicant to attend to town planning matters. Hence, the applicant (President's Links Golf Course Estate) has appointed Stewart Town Planning Consultant (t/a Stewart Planning) to submit the aforementioned subdivision, consolidation, closure and township establishment applications for the consideration of the Municipal Council.

The aim of the applications is to assemble the portions of land approved for sale into one site for the President's Links Golf Course Estate and to subsequently "subdivide" the consolidated site into individual erven for development and sale as part of the President's Links Golf Course Estate as part of the township establishment process.

The assemblage process involves subdividing out the streets within the proposed estate (and subsequently closing those streets), subdividing Portion 221 Walvis Bay Town and Townlands No. 1 and consolidating the closed streets with a Portion of Portion 221 Walvis Bay Town and Townlands No. 1 and Portions 217-220 Walvis Bay Town and Townlands No. 1 into one site for Presidents Links Golf Course Estate.

The subsequent President's Links Golf Course Estate township establishment development proposals comprise:

1. An 18-hole links golf course with associated club-house facilities and golf academy.
2. A secure, limited access predominantly residential golf course estate of:
 - a. ± 659 Single Residential erven.
 - b. ± 200 erven have direct golf course frontage.
 - c. Erf sizes of $\pm 600\text{m}^2$ to $1,000\text{m}^2$ with golf course frontage.
 - d. Erf sizes of $\pm 300\text{m}^2$ and $\pm 500\text{m}^2$ off the golf course.
3. 1 General Residential 1 erf and 1 Institutional erf for Retirement Village facilities of freehold erven, sectional title townhouses and frail-care.
4. 2 additional General Residential 1 erven for flats/townhouses – density at $1/150\text{m}^2$.
5. A "business node" (General Business and General Residential 2 – density at $1/100\text{m}^2$) for retail/medical centre/hotel/time share/luxury apartments.
6. 1 Special erf for the workshop/maintenance area for the golf course.
7. 1 security entrance to the estate off First Road Meersig.
8. An internal road layout that provides direct street access to all erven:
 - a. First Road Meersig entrance/exit road of $\pm 25\text{m}$.
 - b. Main circular estate access road of $\pm 15\text{m}$.
 - c. Internal access roads of $\pm 12.5\text{m}$.

The applications have been assessed from the town planning point of view based on conformity of the applications with the Municipal Council's Strategic Plan and town planning regulatory framework, being the Walvis Bay Zoning (Town Planning) Scheme and Integrated Urban Spatial Development Framework.

Conformity of the Applications with the Walvis Bay Strategic Plan: The 2021 to 2026 Walvis Bay Strategic Plan contains 8 strategic objectives, 3 of which are relevant to this township establishment application. These relevant strategic objectives are noted as follows:

- Create a conducive business environment, including an improved service delivery strategy, to attract investment, and increase economic and employment opportunities.
This township establishment application will assist with service delivery, attract investment, increase economic development and increase employment opportunities.
- Provide sufficient serviced land and infrastructure for housing and business, at affordable prices, to cater for the needs of a growing population.
This township establishment application will provide for additional serviced land and infrastructure for housing and business, although not in the affordable sector.

Provide, maintain and improve municipal infrastructure and assets to suitable, acceptable and feasible standards.

This township establishment application will provide, maintain and improve a small selective part of the municipal infrastructure to suitable, acceptable and feasible standards.

Assessment Criteria	Conformity of Applications with the Walvis Bay Zoning Scheme
Zoning Clause 6.1 – All Portions are zoned as “Undetermined”.	<u>Conforms:</u> The subdivision and consolidation applications are not changing the zoning of the Portions. The streets that are proposed to be closed do not need to be rezoned as they will automatically get the zoning of the properties they will be consolidated with (i.e. the zoning of a Portion of Erf 221 and Portions 217-220, which is “Undetermined”).
Land Uses Clause 6.1: All uses are allowed, but subject to the consent of the Municipal Council.	<u>Conforms:</u> The applications are for the subdivision, street closure and consolidation and thus does not involve any new land uses. Land uses will be influenced by the zoning; and this matter will be taken up when the application for township establishment is submitted to the Municipal Council for consideration.
Density & Min. Erf Size Clauses 24.2.4-24.2.5: Density and minimum erf size restrictions are not specified and should be determined by the Municipal Council	<u>Conforms:</u> The end result of the applications is to create a larger site, measuring 1,483,669m ² . Although the minimum erf or portion size is not specified for Undetermined zoned portions of land, the proposed consolidated portion is larger than all the specified erven/portions sizes as per the Walvis Bay Zoning Scheme. No change of density is proposed.
Endowment Fees Clause 35.3 – Any applicant subdividing land shall pay to Council an endowment fees of 7.5% of the value of the new portions created prior to registration of new portions.	<u>Conforms:</u> In terms of Section 66(7) of the <i>Urban and Regional Planning Act</i> , endowment fees must be used to establish public places or to carry out improvements or maintenance on public places. One of the conditions of the sale of land (of the subject portions) states that <i>the applicant pays 10% of the purchase price towards the landscaping fund on the date of sale.</i> Since the applicant is required to pay 10% of the purchase price towards landscaping (of which landscaping features are generally located within public open spaces or streets), there is no need for the applicant to pay endowment fees.

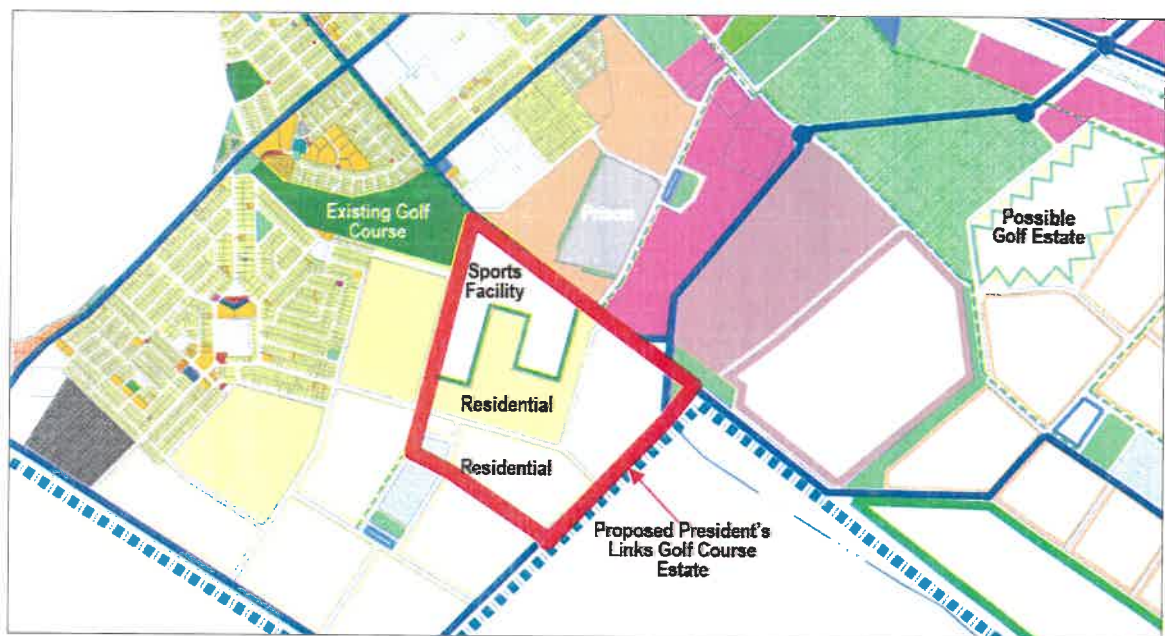
Conformity of the Applications with Walvis Bay Integrated Urban Spatial Development Framework (IUSDF):

Section 4.2 of the IUSDF states that future housing in Meersig should incorporate the extension of the existing golf course into a golf estate.

Section 5.2(2) of the IUSDF proposes the extension of the existing golf course into a golf-estate development.

Section 4.2 of the IUSDF further proposes a possible future golf estate, in an area of land adjacent to or within an area which is currently used for the dumping of semi-purified water from sewage works.

Additionally, the IUSDF land use map shows that the subject portions are earmarked for residential and sport facility associated developments. Below is a map depicting the IUSDF land use proposals.



Therefore, although the submitted applications do not involve any change of zoning or land use in terms of the Walvis Bay Zoning (Town Planning Scheme), such applications to assemble the sites into one site for the proposed President's Links Golf Course Estate contribute towards putting the IUSDF proposals into practice.

Other Town Planning Approval Criteria are:

Economic Impact

The economic impact of President's Links relates to the following:

- Development opportunities
- The Living Desert Fund – Corporate Social Responsibility
- Job creation

Township Establishment Application – Need and Desirability

Motivation in support of the township establishment application relates to the following:

- Suitability of the site for a golf course
- Development contributes to Walvis Bay's strategic growth.
- There is a demand for lifestyle/golf course estates.
- The golf course is a replacement golf course.
- Development complies with all required environmental considerations.
- Essential bulk services can be provided.

Public Notification

The applicant has provided proof of giving notice of application in terms of Section 107(1) of the Urban and Regional Planning Act (Act No.5 of 2018) and its Regulations.

The application was advertised in the following manner:

- **Regulation 10(1): Notice in the Gazette for 1 Week.**
A notice was published in Government Gazette No.8021 dated 1 February 2023.
- **Regulation 10(2): Notices in 2x Newspapers for 2 Weeks.**
Notices were published in the Namibian and the Namib Times. The first notices were published on Friday 27 January 2023 and the second notices were published the following week on Friday 3 February 2023.
- **Regulation 12(b): Notice at the Local Authority.**
For establishment of township applications, it is not necessary to give notice at the municipal notice board (Reg. 12(b)). Nevertheless, notices were placed on the notice boards of the Walvis Bay Municipality (Head Office and Kuisebmond Satellite Office) and were on display from Friday 27 January 2023 to Friday 24 February 2023.
- **Regulation 10(4): Notice to neighbouring landowners.**
For establishment of township applications, it is not necessary to give notice to neighbouring landowners (Reg. 10(4)). Nevertheless, notice was given to neighbouring landowner (Unregistered State Land) via email dated 3 February 2023 to the Ministry of Works and Transport (landowner) and the Ministry of Environment, Forestry and Tourism (Dorob National Park).

The only other neighbouring landowner is the Municipality of Walvis Bay.

- **Regulation 12(a): Notice(s) on Site.**
As the site is isolated from the urban area (in shifting sand dunes), A3 "site" notices were placed at strategic locations near to the site. These notices were placed on display from Friday 27 January 2023 until Friday 24 February 2023.
- **Regulation 12(c): Additional method of giving notice (optional).**
Interested and affected parties were also given the opportunity to download the complete application from www.sp.com.na/projects.

The last publication date in the newspapers was Friday 3 February 2023 and the deadline for objections was before or on 17:00 on Friday 24 February 2023. This afforded interested and affected parties more than 14 working days to make comments, representations and/or objections as required by Regulation 11(d) of the Act.

No written objections were received during the notification period.

Notice was given to the general public for proposed President's Links in accordance with the Urban and Regional Planning Act (No.5 of 2018). No written objections were received during the notification deadline; therefore, the establishment of township application for President's Links can be considered favourably by the Walvis Bay Municipality.

RECOMMENDED:

- (1) That, in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act of 2018), the Municipal Council recommends to the Urban and Regional Planning Board for approval the applications for the:
 - i. Subdivision of Undeveloped Street: Portion of Remainder of Portion 193 Walvis Bay Town & Townlands No. 1 into Portion X and Remainder.
 - ii. Subdivision of Portion 221 Walvis Bay Town & Townlands No. 1 into Portion 1, Portion 2 (Street) and Remainder.

- iii. Consolidation of Portions 217, 218, 219, 220, Portion 1 of Portion 221 and Portion X of Remainder of Portion 193, Walvis Bay Town & Townlands No. 1, into Consolidated Erf A.
 - iv. Approval of Need and Desirability and Township Subdivision layout on Consolidated Portion A Walvis Bay Town and Townlands No. 1 to be known as President's Links.
- (2) That the subdivision and consolidation applications and the township subdivision application are subject to the following conditions:
- (a) That the following conditions be registered against Consolidated Portion A
 - (i) The portion 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 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 portion shall be at least four times the municipal valuation of the portion.
 - (b) That the portion/s be provided with one bulk electricity, water and sewerage connection only, at the cost of the applicant.
 - (c) That the applicant be responsible for new entrances.
 - (d) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
 - (e) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any private sewers and private water pipes traversing the newly created portion/s.
 - (f) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electrical cables and connections.
 - (g) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
 - (h) 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.
 - (i) That the Municipal Council shall not be responsible to provide a drainage connection to the newly created Consolidated Erf A.
 - (j) That the applicant submits the subdivision and consolidation applications and the township subdivision application to the Urban and Regional Planning Board in accordance with the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), after the street closure procedures have been completed and a Closure Certificate is issued by the Municipal Council.
- (3) That, in terms of Section 50 of the Local Authorities Act (Act 23 of 1992), as amended, the Municipal Council grants approval for the permanent closure of Portion X (a Portion of Remainder Portion 193) Walvis Bay Town and Townlands No. 1, measuring 63,559m² as generally shown on drawing number 263-PL-SP dated 29 September 2021 that bears the Municipal Council's stamp, as a "Street", subject to the following conditions:

- (a) That the applicant completes all closure procedures, including public notification, in accordance with Section 50 of the Local Authorities Act (Act 23 of 1992).
 - (b) That the applicant shall not submit the subdivision and consolidation applications and the township subdivision application to the Urban and Regional Planning Board in accordance with the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), until all street closure procedures have been completed and a Closure Certificate is issued to the Registrar of Deeds and the applicant by the Municipal Council.
- (4) That all costs associated with the subdivision, consolidation, township establishment and street closure applications be borne by the applicant.
 - (5) That the Municipal Council, through Delegation of Powers and Assignment of Duties and Responsibilities dated March 2008, issues the Power of Attorney to Stewart Planning Consultant CC to prepare and submit the applications contained in conditions (1) to (2) to the Urban and Regional Planning Board and/or Minister of Urban and Rural Development.
 - (6) That these approvals come into effect immediately after the Municipal Council has taken a resolution and prior to the confirmation of the Municipal Council's minutes.

11.5 Application to purchase a Portion of Erf 4688, Walvis Bay: Namibian Ports Authority
(Add. 5; M/C Meeting 24/05/2023; File 4688W)

The purpose of this report is to recommend that a Portion of Erf 4688, Walvis Bay be reserved for Namibian Ports Authority (the applicant).

Namibian Ports Authority (Namport) is a state-owned enterprise, established in terms of Namibian Ports Authority Act (Act No. 2 of 1994). The institution manages both the Port of Walvis Bay and the Port of Lüderitz. Namport with the establishment of the SADC Gateway Port, have applied to purchase Remainder Farm 39 from Council, which also borders with 4688 Walvis Bay.

The applicant has identified and applied to purchase a Portion of Erf 4688, Walvis Bay measuring approximately 4942m² to provide access for future underground pipelines to offshore jetties.

Council at its meeting held 09 May 2023 under item 10.2 inter alia resolved as follows: *It was noted that the matter was referred back and that the applicant be invited to make a presentation at Informal discussions.*

Erf 4688, Walvis Bay is geographically located next to the Remainder Farm 39 where the new SADC Gateway Port will be developed. The applicant would like to purchase a Portion of Erf 4688, Walvis Bay to provide access for future underground pipelines to offshore jetties. The applicant was invited for informal discussions to present their proposed development on Portion of Erf 4688 Walvis Bay, which was held on 16 May 2023.

Erf 4688, Walvis Bay has been allocated to Turnkey Water Solutions & Innosun and University of Namibia respectively. The portion by Namport forms part of the land allocated to Turnkey Water Solutions & Innosun thus, consultations were done with Turnkey Water Solutions & Innosun as they would be affected by the application.

Turnkey Water Solutions & Innosun had no objection to Namport's application, and the correspondence is available.

Furthermore, the applicant reiterate that security and access remain a huge concern for the SADC Gateway Port, particularly the recently commissioned new tanker berths with product pipelines. The purchase of a Portion of Erf 4688, Walvis Bay will enable Namport to have adequate land for establishment of future underground pipelines to offshore jetties. The tanker jetty at Remainder Farm 39 is the country's only source of bulk fuel support and security measures to the facility is of utmost importance.

The applicant has not made an offer to purchase in their application, however, Council recently offered ervens to Tunacor Limited and Seawork Fish Processors both with "single residential" zoning for N\$50.06/m². Moreover, Council also on 03 August 2022 resolved to grant a conditional approval for land to TIBA Gas Terminals (Pty) Ltd at a purchase price of N\$ 50.00/m².

Therefore, the purchase price that was offered to Tunacor Limited, Seawork Fish Processors and TIBA Gas Terminals can be use as baseline to make an offer to the applicant. Hence, the purchase price be set at N\$ 55.00/m², which is an increase of 10% per annum.

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

In conclusion, considering the significance of the port safety and magnitude of development on the border of Remainder Farm 39, the application for sale of a Portion of Erf 4688, Walvis Bay to Namport is supported.

RECOMMENDED:

- (1) That a Portion of Erf 4688, Walvis Bay zoned "Single Residential" measuring approximately 4942m², be sold by private transaction to Namibian Ports Authority for N\$ 55.00/m².
- (2) That the applicant, at its own cost advertises the sale, by private transaction, for objections in terms of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That the Minister of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 (2) of the Local Authorities Amendment Act, 2018 (Act No.3 of 2018).
- (4) That, on date of sale, the applicant contributes 10% of the purchase price towards the landscaping and green belt vote.
- (5) That 10% of the purchase price be paid on date of sale, and the balance of the purchase price be secured within 120 days from date of sale.
- (6) That any new additions to, alterations to, or relocation of municipal services shall be the responsibility and for the account of the applicant.
- (7) That, in the event the purchaser fails to pay the 10% deposit on date of sale which will be on 14 days from the date of notice, the sale be regarded as null and void.
- (8) That the applicant, at its own cost, provides all outstanding services and adheres to the guidelines and standard requirements for all services, i.e. water connection and water/sewerage/electrical reticulation.
- (9) That electrical requirements/services and/or any other information in this regard be taken up by the applicant with Erongo RED.

- (10) That the development shall commence within 24 months from date of sale and be completed within 48 months. Failing to comply that the erf be revert back to Council at the cost of the developer and the full deposit shall be forfeited to the Municipality for administrative cost and as pre-estimated damages.
- (11) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.
- (12) That the applicant accepts the conditions of this approval within 14 days after the notification of the Council resolution and if no response is received the approval will be regarded as null and void.

11.6 **Relocation of the 50 certificate holders to Farm 37** (Add. 7; M/C Meeting 23/05/2023; File Farm 37)

The purpose of the report is for Council to consider requests from the beneficiaries regarding relocation criteria.

Council at its meeting held on 01 November 2022 under item 11.8 inter alia resolved as follows:

- (1) *That the contents of the report and minutes of the Housing Advisory Committee be noted by Council.*
- (2) *That recipients of the 50 allocation certificates, homeless recyclers at landfill site, occupants of Narraville Club house and backyard shacks be relocated to Portion 10 of Farm 37.*
- (3) *That verification be done for homeless recyclers at landfill site, occupants of the Narraville Club House and backyard shacks.*

Council further resolved at its meeting held on 23 March 2023, inter alia that the Plan of Action/Framework to relocate 50 certificate holders be approved. This plan includes the relocation procedures and financial directives for the people to be relocated.

Various meetings were held with the Club house tenants, the office of the Mayor and officials to address this complex matters and the way forward with regard to their stay at the club house. Two meetings were also held with the 50 certificate holders to explain the modalities of relocation with them. Both these meetings were overwhelmingly attended by the certificate holders.

The 50 certificate holders have indicated their willingness to be relocated to Portion 10 of Farm 37. However, the following concerns were raised by the beneficiaries to be re-considered to Council:

- The price of the land must be reduced from N\$96,291.00 to N\$40,000.00.
- Council to allow dry toilet facilities on each erf (pit latrine)
- Council to consider grace period.

The price of N\$96,291.00 was based on the estimation to provide services (infrastructure) to Portion 10 of Remainder Farm 37. The total cost to provide infrastructure to Portion 10 of Remainder Farm 37 is N\$ 72,774,422.00.

The request for the dry toilet facilities to be built on each erf can be considered favorably subject to that standard construction plans be provided to each beneficiary. Furthermore, the grace period can be allowed subject to that the beneficiaries can only start with the repayment after the structures has been constructed.

RECOMMENDED:

- (1) That Council considers the concerns and request from the beneficiaries.]
- (2) That the price of the unserviced erven be reduced to 50% of N\$96 291.00, which is N\$ 48 145.50.
- (3) That the beneficiaries be allowed to build their own toilets as per Council specifications.
- (4) That water connection provisions be rolled out to individual erven in the next twelve months on Portion 10
- (5) That Council grants a grace period whereby the beneficiaries may not pay for erven for a period of not more than six months after occupation of the erven.

11.7 Application to purchase unserviced Erf 6215 Walvis Bay, Extension 19 (formerly known as Portion of Portion 196 of Walvis Bay Town and Townlands No.1): Baard Group (Add. 8; M/C Meeting 24/05/2023; File 7/2/3/2/1 & 6215 W)

The purpose of this report is to recommend amongst others that Erf 6215 Walvis Bay, Extension 19, in extent 15,605 m², be sold by private transaction to Baard Group (the applicant), for N\$30/m².

Council at its meeting held on 31 July 2012 under item 12.4 inter alia resolved as follows:

- (1) *That paragraphs (3) and (7) of Council resolution item 12.5 dated 29 May 2012 be amended to read as follows:*
 - (3) *That the lease of 15,625 m² of Portion 196 of the Remainder Walvis Bay Town & Townlands No. 1 to the Baard Group, at N\$6,250.00 (0.40 cents/m²) plus N\$937.50 (15% VAT) per month, escalating with 10% per annum, be approved for the next 10 (ten) years from date of this resolution until such time that all town planning issues had been addressed.*
 - (7) *That the applicant appoints a Land Surveyor to survey the required 15,625 m² of municipal land, Portion 196 of the Remainder Walvis Bay Town and Townlands No.1.*
- (2) *That paragraph (1), (2), (4), (5), (6) (8) and (9) of Council resolution item 12.5 dated 29 May 2012 be re-affirmed.*
- (3) *That the applicant submits mitigating plans that will address the air and noise pollution, to the satisfaction of the General Manager: Water, Waste and Environmental Management.*

For the purpose of the batching and brick-making plant, a ten-year lease agreement for the lease of 1,5625 ha of Municipal land "Lease No. 2" situated on Portion 196 Walvis Bay Town and Townlands No. 1, was entered into with Baard Group. The lease agreement with Baard Group has expired 08 October 2022. The Notarial lease couldn't be extended while the township is in process to be establish.

The Deeds Registry Act does not allow leases over land that is in the process for township to be established. Therefore, the applicant submitted their application for the purchase of the area leased now known as Erf 6215 Walvis Bay, Extension 19.

The applicant in his application has indicated their future plans and that he wants to purchase the lease area. The Council resolution dated 31 July 2012 is clear, that the applicant's intention to purchase the lease area only be considered once all Town planning matters has been attended to. The establishment of Township on Extension 19 Walvis Bay was approved by the Urban and Regional Board.

The applicant in their application indicated that they want to purchase the erf and continue with the operations of the proper functioning Batching and Brick-making Plant. This will be in line with the Government initiative under NDP5 and Harambee Prosperity Plan for Walvis Bay to become the industrial hub of the Country.

The vision of the applicant is to inter alia develop the following on the erven they want to purchase from Council:

- Truck workshop
- Truck wash bay
- Driver ablution facility
- Offices
- Open cargo and Building material storage.

It is further important to note that the applicant since they were allocated the land for lease has made various investments including to fully service the land as follows:

• Dune sand filling	-	N\$ 687,500.00
• Gypsum filling	-	N\$ 737,500.00
• Sewer reticulation	-	N\$ 110,000.00
• Electricity reticulation	-	N\$ 205,000.00
• Water reticulation	-	N\$ 60,000.00
• Sand screen/bins	-	N\$1,800,000.00
• Batching plant/bins	-	N\$1,730,000.00

Regarding the purchase price, the applicant has made an offer of N\$30.00/m² to purchase the erf from Council. This offer is equal to other offers made by Council to other developers in the area. Therefore, the 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 erf.

It is further important that the applicant at its own cost attend to any outstanding Town planning matters.

RECOMMENDED:

- (1) That Erf 6215 Walvis Bay, Extension 19, 15,605 m² in extent, be sold by private transaction to Baard Group (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 erven 6215 Walvis Bay, Extension 19.
- (9) That the applicant contributes actual cost in the provision of any outstanding bulk services.
- (10) That the applicant further contributes 10% of the purchase price towards landscaping and establishment of a green belt.
- (11) 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.
- (12) 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.

11.8 **Covid-19: Quarantine site municipal water account – BIP Container Terminal CC**
(Add. 9; M/C Meeting 23/05/2023; File Farm 17/1/5/2)

The purpose of the report is for Council to consider the request from BIP Container Terminal CC of Council's contribution towards the Covid-19 municipal water and service account.

During the beginning of the year 2020, Covid-19 was declared a global pandemic, and on 17 March 2020 with new regulations and directives that governed movements within the country were promulgated. These led to the restriction of movement throughout the whole Namibia, and Erongo region was the first to experience a lockdown. Furthermore, the movement of trucks especially international trucks that discharged and load cargo at the Port of Walvis Bay was heavily compromised and needed a quarantine area to curb this pandemic.

The Municipality of Walvis Bay, Namport, Ministry of Health and Social Services and other stakeholders, on directives from the Governor's Office had to urgently convene to make provision for a quarantine site where trucks should park and control and monitor the situation as there was no approved truck parking area that could accommodate especially the foreign trucks.

The responsibility to chair this very important meeting was given to Namport. The first meeting took place on 06 April 2020 at the Namport Terminals Centre, where Walvis Bay Municipality was represented by Mr Muronga Haingura and Mr Aghostinho Victor.

During these meetings BIP Container Terminal CC availed part of their land to the transport industry for free provided that the parties, Municipality of Walvis Bay, Namport, Ministry of Health and Social Services shares the running costs.

BIP Container Terminal CC

Assisted by hiring a genset and lights to light up the facility as well as the stabilization of the area at their own costs.

Namport & Nampol

- Assisting with security issues for the site
- Demarcation / fencing of the area
- Arrange for a canteen on site
- Testing station in conjunction with the W/Bay Corridor Group
- OP standard procedures

Municipality of Walvis Bay

- Setting up of water points
- Ablution facilities (mobile toilets)
- Removal of refuse services (skips)
- Health personnel to inspect the site regularly

BHL & A van der Walt Transport

To transport the containers to the quarantine site, i.e. to fence the area for proper security. Maersk and CMA committed a total of 85 empty containers.

An urgent meeting was called on 06 November 2020 to find a solution for the high Municipal water and services bill for this temporary truck port. The parties who attended this meeting were Namport, Municipality of Walvis Bay, BIP Container Terminal CC and The Ministry of Health and Social Services.

As previously mentioned, the only point for discussion on the agenda of the last meeting was the high municipal water and services bill that needed to be paid. BIP kept the water connected at their own, who in fact volunteered already to avail their site at no cost as assistance towards the curbing of Covid – 19. BIP Container Terminal CC later had to disconnect the water because the parties involved were not forth coming.

The water bill from April 2020 – October 2020 was estimated at the amount of N\$ 50 000.00. This amount was later reconciled and concluded at N\$ 55 356.80 which was equally divided between Municipality of Walvis Bay and Namport. Namport and the Ministry of Health has in the meantime paid their contribution, hence the request for Municipality of Walvis Bay to honor theirs. The Ministry of Health and Social Services committed itself to pay for the November 2020 and December 2020 water bill.

- Min Health & Social Services (Inv: 3637) N\$ 16 421.00 (Nov 2020-Dec 2020)
- Namport (Inv: 3409) N\$ 27 678.40 (April 2020-October 2020)
- Walvis Bay Municipality (Inv: 3408) N\$ 27 678.40 (April 2020-October 2020)

BIP Container Terminal CC submitted their request for payment already in 2021 to the Department of Finance which could not process any payment. The reason was understandable as they had no knowledge of these Covid -19 arrangement. Therefore, this overdue request.

RECOMMENDED:

- (1) That the Council takes note of the report.
- (2) That the water and services account of BIP Container Terminal CC be credited with the amount of N\$ 27 678.40.

11.9 Application to lease portion of Farm 38: Omuti Biomass (Add. 10; M/C Meeting 23/05/2023; File Farm 38)

The purpose of this report is to recommend, amongst others, that 30 000 m² (3 Ha) of Farm 38 be leased to Omuti Biomass (the applicant), for a period of ten (10) years for the purpose of establishing a Charcoal Processing Plant.

An application was received from the applicant to lease 30,000 m² (3 Ha) on a Portion of Farm 38 for the purpose of establishing a Charcoal Processing Plant. The applicant intends to lease the property for ten (10) years. The plant will be used for repacking charcoal products. The offloading and loading of the materials will be done on site.

It is believed that this plant will create much needed job opportunities for Walvis Bay and Erongo as a whole. The plant of 30,000 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 to the broader Walvis Bay, especially with the envisaged developments in the future. Therefore, the application for production and packaging of charcoal on Farm 38 is supported.

Council has recently 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 30,000 m² of Farm 38 must be set at a monthly rental of N\$26,700.00 (0.89 cents/m²) plus N\$4005.00 (15% VAT), as it is in line with previous rentals recommended to Council for business activities on Farm 38.

Seeing that the applicant has requested to enter into an agreement with the Municipality of Walvis Bay for a lease period of ten (10) 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 10 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 30,000 m² (3 Ha) of Farm 38 be leased to Omuti Biomass (the applicant), at a rental rate of N\$26,700.00 (0.89 cents/m²) plus N\$ 4005.00 (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), 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 Certificate in terms of section 56 of the Environmental Management Act (Act 7 of 2007) from the Ministry of Environment and Tourism, Directorate: Environmental Affairs.
- (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 ten (10) 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 30,000 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 not be held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended after 10 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 if the applicant fails to attend to conditions of this Council approval, the approval be regarded as null and void.
- (19) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay

11.10 **Application to purchase a portion of Erf 3696 Kuisebmond (Public Open Space):
Rodrey Tuhafeni Shafuda** (MULSP (Add. 11; M/C Meeting 23/05/2023; File 3696 K)

The purpose of this report is to recommend, amongst others, that approval in- principle be granted for a portion of Erf 3696, Kuisebmond zoned "Public Open Space" to be sold, by private transaction to Rodrey Shafuda.

Erf 3696 Kuisebmond is an underutilized Public Open Space (P.O.S) and has been a health and crime hazard for surrounding property owners. Although the erf is zoned POS it had not formally been developed as a park. Thus, the unrestricted access to this land has posed a security risk to Erf 5827, Kuisebmond (new consolidated Erf 8400 Kuisebmond), which is owned by the applicant.

Initially Mr Shafuda applied for the liner portion, but it was not supported by the Department of Water, Waste and Environmental Management due to the manholes on the site. Thus, it was recommended that we only offer an alternative piece of land. The intent of the applicant is to put up stalls for small businesses and provide accommodation to some of his employees.

The applicant has to attend to the closure of the P.O.S portion, surveying as well as all town planning and other related legal procedures at his own cost.

The applicant made an offer to purchase the P.O.S portion from Council at a rate of N\$ 400.00/m². However, Council has conducted a valuation of the portion the applicant applied for, which was valued at N\$ 132 900.00 (N\$ 1 329.00/m²). Council have also recently sold business erven in Kuisebmond for N\$ 500.00/m².

Therefore, it is recommendable that the two rates per meter square be averaged and the average rate be set as the purchase price of the P.O.S portion. Thus, $N\$ 1\,329.00 + N\$ 500.00 / 2 = N\$ 914.50/m^2$ be the purchase price.

The opinion is held that the application to purchase a portion of Erf 3696, Kuisebmond zoned "Public Open Space" ($\pm 100\text{ m}^2$ in extent) can be considered by way of private transaction for N\$ 91 450.00 plus 15% VAT.

Seeing that the P.O.S is to be sold by private transaction, the standard 10% contribution towards the landscaping fund, which is N\$ 9 145.00 and calculated on the purchase price, will also apply.

RECOMMENDED:

- (1) That approval in-principle be granted that a portion of Erf 3696 measuring 100m² Kuisebmond zoned "Public Open Space" be sold, by private transaction, to Rodrey T Shafuda (the applicant), for N\$ 91 450.00 plus 15% VAT.
- (2) That the applicant, at its own cost, advertises the sale by private transaction in terms of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That the applicant, at its own cost, attends to all town planning and other related legal procedures, such as permanent closure of the Public Open Space, surveying, subdivision, rezoning, etc.
- (4) That, in terms of Section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, and Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018), the approval of the Minister of Urban and Rural Development be obtained.

- (5) That, once all town planning and other related legal procedures have been attended to, 10% deposit of the purchase price be paid on date of sale, plus 15% VAT, and the balance of the purchase price be settled or secured by an acceptable bank guarantee within one hundred and twenty (120) days from date of sale.
- (6) That, on date of sale, an additional 10% calculated on the purchase price, be paid by the applicant as a contribution to the landscaping and establishment of green belt funds.
- (7) That, in the event the applicant fails to pay the 10% deposit and secure the balance of the purchase price by means of cash or an acceptable bank guarantee within one hundred and twenty (120) days from date of notice, the sale be regarded as null and void.
- (8) That the applicant, at own cost, provides all and/or any outstanding services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electrical reticulation and transfer the services free of charge to the Municipality of Walvis Bay.
- (9) That the applicant consults Erongo RED regarding electrical requirements/services and/or any other information in this regard.
- (10) That the applicant, at own cost, relocate known and/or unknown services.
- (11) That the applicant shall commence with development within twelve (12) months from date of sale, and that such development be completed within twenty-four (24) months from such date of sale, failing to comply would result in the undeveloped portions of land to revert to Council at the cost of the applicant.
- (12) 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.
- (13) That any future applications for sale of erf 3696 Kuisebmond or a portion thereof not be considered by Council and a servitude be registered.

11.11 **Application for lease of land on Farm 37: HSA Investments CC** (Add. 12; M/C Meeting 23/05/2023; File Farm 37)

The purpose of this report is to recommend, amongst others, that 2000m² of Remainder Farm 37 be leased to HSA Investments CC (the applicant), for the purpose of poultry farming.

HSA Investments CC is a Namibian company registered with the Ministry of Industrialisation, Trade and SME Development. The company is already operational on a plot outside Omaruru for the past two years but would like to move their business to Walvis Bay.

HSA Investment CC is a small privately owned company that is primarily in the business of food production, particularly poultry farming. They produce quarter legs, chicken wings, fillets, breast portions and whole chickens. The company consist of five workers including the founder of the business.

The applicant with this relocation from Omaruru would like to expand their broiler holding capacity and employ more workers. HSA further indicates that most of their business is conducted in Walvis Bay, therefore it makes business sense if the poultry farm is also relocated to Walvis Bay. The applicant thus applied to lease 2000m² of Remainder Farm 37 from Council for a period of five (5) years.

In determining the monthly rental, the rate of N\$ 0.139208/m² plus 15% VAT with 10% escalation annually can be used as a baseline. This rate is a comparable to Manuel Fernandes rate leasing 2 ha (20,000 m²) of Farm 37.

Therefore, the application to lease 2000 m² of Farm 37 by HSA Investments CC for food production, particularly poultry farming is supported.

RECOMMENDED:

- (1) That 2000 m² of Farm 37 be leased to HSA Investments CC (the applicant), at a rental of N\$ 1780.00 (0.89/m²) plus N\$ 267.00 (15 % VAT) per month, escalating with 10% per annum, for food production, particularly poultry farming.
- (2) That the lease term be for five (5) years with an option to renew, which renewal be applied for in writing by the applicant.
- (3) That the applicant be informed that the lease agreement would not constitute an automatic sale after the lease of five (5) years have lapsed.
- (4) 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.
- (5) 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.
- (6) That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018).
- (7) That the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007, from the Ministry of Environment and Tourism, Directorate: Environment Affairs, for the development of this land.
- (8) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 2000m² of Farm 37 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 deposit equal to the monthly rental be paid, which deposit will be withheld on expiry/termination of lease if the last monthly rental is not paid.

- (12) That a refundable, non-interest-bearing deposit of N\$ 5,000.00 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.
- (13) 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.
- (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 has to comply at all times to all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.
- (17) That the Municipal Council of Walvis Bay is not held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended after the initial lease period.
- (18) 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.
- (19) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.

11.12 **Application for acquisition of unserviced/unsurveyed Portion 30 and 31 of Remainder Farm 37, Walvis Bay: Walvis Bay Motion Pictures Studio – Starting Right Investments Three Seven Two (Pty) Ltd** (Add. 13; M/C Meeting 23/05/2023; File Farm 37)

The purpose of this report is to recommend amongst others that unserviced/unsurveyed Portion 30 and 31 of Remainder Farm 37, Walvis Bay, 1,161,458 m² (116,1458 Ha) in extent, be sold by private transaction to Starting Right Investments Three Seven Two (Pty) Ltd (the applicant), for the construction of film studios in Walvis Bay.

In an application dated 20 February 2023, the applicant indicated that they wish to acquire land on Farm 37 to build film studios/campus in Walvis Bay.

In their application, the applicant indicated that they wish to acquire land on Farm 37 to build world class TV and motion picture studios in Walvis Bay. The applicant has identified Portion 30 and 31 of Remainder Farm 37 for their envisaged development. The development of Walvis Bay Motion Pictures will inter alia include the following:

- Four soundstages with attached production offices
- Three support buildings
- One, three floor administrative building which will house the classrooms, Postproduction studio, credit union, offices and board rooms, cafeteria, security, and ground crew offices, 20 units residential and 25 units living facility.

Portion 30 and 31 of Remainder Farm 37 was approved by the Surveyor General. Therefore, opinion is held that Portion 30 and 31 of Remainder Farm 37 be allocated to Starting Right Investments Three Seven Two (Pty) Ltd.

The portion of land identified on Remainder Farm 37 is not formalized in terms of the Urban and Regional Planning Act and the applicant has to go through all planning processes to create or establish the township legally.

In their application the developer/applicant indicated that they want to establish film studios in Walvis Bay and this proposal must be seen as a unique development proposition that will significantly contribute to the growth and development of Walvis Bay.

This development in our view will uplift Farm 37 and set a trend for other developments to follow. Therefore, the application by Starting Right Investments Three Seven Two (Pty) Ltd is supported as it will bring about much needed job opportunity to Walvis Bay.

The applicant, in their proposal, has not made any offer to purchase the land from Council. However, Council during 2020 offered land at Remainder Farm 37 to National Housing Enterprises (NHE) and Power Shield (Pty) Ltd for N\$50.06/m². Therefore, this price can be escalated with 10% over the period of three years. Hence, the unsurveyed/unserved Portion 30 and 31 at Remainder Farm 37 be offered to the applicant at N\$66.62/m².

RECOMMENDED:

- (1) That 1,161,458 m² of unserved/unsurveyed Portion 30 and 31 of Remainder Farm 37 (Green Valley), be sold by private transaction to Starting Right Investments Three Seven Two (Pty) Ltd (the applicant), at N\$66.62/m².
- (2) 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.
- (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 the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007, from the Ministry of Environment, Forestry and Tourism, Directorate: Environment Affairs, for the development of Portion 4 of Remainder Farm 37.
- (5) 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.
- (6) That, the applicant pays 10% of the purchase price towards the landscaping fund at the date of sale.
- (7) That the applicant commits to contribute to the actual cost of the provision of bulk services. The Department Roads and Building Control determine the exact contribution when final designs of bulk services are approved.
- (8) 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.

- (9) That electrical requirements/services and/or any other information in this regard, be taken up with ERONGO RED.
- (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.

11.13 Application to lease with an option to buy industrial land at heavy industrial area behind Dune 7: Farm 58 for the construction of railway manufacturing plant: Namibia Rail Construction and Perway Material Supplies (Add. 14; M/C Meeting 23/05/2023; File 17/28/2)

The purpose of this report is to recommend that approval be granted to reserve 16, 8895 Ha of Portion 11 of Remainder Farm 58 for Namibia Rail Construction and Perway Material Supplies (the applicant), for the establishment of a manufacturing Plant in Walvis Bay.

In their application dated 08 February 2023, the applicant indicated that they wish to establish a manufacturing Plant in Namibia, Walvis Bay. The applicant, Namibia Rail Construction and Perway Material Supplies is a Namibian company who intends to establish and operate a manufacturing Plant in Namibia. They have identified Walvis Bay as the ideal location for the project.

This initiative responds to the second Harambee Prosperity Plan and announcement by the Minister of Industrialization for the industrial hub of Namibia to create jobs for Namibians through putting up new industries. Therefore, the application of the applicant is supported.

The process of township establishment for Remainder of Farm 58 still must be completed. However, Portion of Portion 11 (16, 8895 Ha) can be offered subject to completion of the Town Planning matters before final allocation can be considered by Council for a long-term lease or alienation.

What is being sought from Council for Namibia Rail Construction and Perway Material Supplies is the reservation of Portion of Portion 11 (16, 8895 Ha) in extent of Remainder Farm 58 for the purpose of establishing a manufacturing Plant.

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

The opinion is therefore held that Portion of Portion 11 of Remainder Farm 58 be reserved for the applicant, subject to that town planning related matters be finalised and negotiations be entered into with the applicant for the lease or outright sale of the land.

RECOMMENDED:

- (1) That approval be granted that Portion of Portion 11 (16, 8895 Ha) in extent of Remainder Farm 58, to be offered and reserved for Namibia Rail Construction and Perway Material Supplies (the applicant), for the envisaged manufacturing Plant and that such plant be constructed within a period of twenty-four months from date of signing the contract.
- (2) That, the applicant in conjunction with the Town Planning section attends to Town planning related matters.
- (3) That the applicant at its own risk and on its own cost conduct Environmental Impact Assessment (EIAs), Environmental Management Plans (EMPs), Risk Management Plans (RMPs) and any other statutory assessment, studies, and processes, and obtain clearance from the Environmental Commissioner.
- (4) That once (2) and (3) above has been completed, a further comprehensive report with recommendations be submitted to Council for consideration.
- (5) That the applicant be invited to present his development proposal to Council before the item is submitted for consideration.

11.14 Consideration of the capital estimates and operating estimates for revenue and expenditure for the 2023/2024 financial year (Add No. 1; M/C Meeting 08/06/2023; Ref 5/3/1/2)

The purpose of this report is to recommend that the capital estimates and the operating estimates of revenue and expenditure for the 2023/2024 financial year, be considered by the Council.

The estimates for the 2023/2024 financial year, which commences on 1 July 2023, are as follows:

- Total capital: N\$ 608,846,809.00
- Anticipated capital project spending: N\$ 312,743,361.00
- Operating expenditure: N\$ 577,108,800.00 (excluding non-cash items as per IPSAS of N\$ 214,125,123.00)
- Operating income: N\$ 577,108,800.00 (excluding non-cash items as per IPSAS of N\$ 63,508,403.00).

RECOMMENDED:

That, subject to the conditions of section 83(1) of the Local Authorities Act, 1992, the Municipal Council of Walvis Bay adopts, for subsequent approval by the Minister of Urban and Rural Development:

- (i) Total Capital Project estimates amounting to N\$ 608,846,809.00.
- (ii) Anticipated spending for Capital estimates for the 2022/2023 financial year amounting to N\$ 312,743,361.00.
- (iii) Operating Budget (Expenditure) for the 2023/2024 financial year amounting to N\$ 577,108,800.00, excluding non-cash items of N\$ 214,125,123.00.
- (iv) Operating Budget (Income) for the 2023/2024 financial year amounting to N\$ 577,108,800.00, excluding non-cash items of N\$ 63,508,403.00.

11.15 **Consideration of the tariffs for the 2023/2024 financial year** (Add No. 2; M/C Meeting 08/06/2023; Ref 5/5/2/18)

Tariffs are the main income for the local authority and ensures that projects can be implemented, and maintenance and operations continue unabated. Due to the economic situation, it was attempted to keep tariff increases as low as possible. In the case of community driven use of facilities, fire brigade, sport and recreational fees, library fees, plan fees etc. increases were only made to counter actual expenditure and not with a profit intent, while most of the tariffs reflect a 0% increase.

The proposed increase for land rates and taxes is only 3%, up from N\$ 0.011225 per N\$ of land value per annum to N\$ 0.011562, and for improvements from N\$ 0.004059 per N\$ of improvement value per annum to N\$ 0.004181.

The statutory penalty rates levied under Section 76A of the Local Authorities Act, of 2 times and 4 times the approved rate, therefore also increases with 3%.

The average proposed increase for health inspection services. Keeping of dogs, refuse removal sewerage disposal and water supply is around 5%, and in the event of the water tariff from Namwater to be higher than the 5%, which is still to be announced, then the Council should reconsider the local tariff at that point in time.

RECOMMENDED:

That the tariffs for the 2023/2024 financial year for all operating services as set out in the attached schedule, be adopted by Municipal Council under section 30(1)(u) of the Local Authorities Act, 1992 (Act No. 23 of 1992), to become effective from the date that it is published in the Government Gazette.

6.3 **Request for inter-municipal partnership and cooperation by Bethanie Village Council** (Add No. 3; M/C Meeting 08/06/2023; Ref 2/17/24)

The purpose of the report is to consider a letter that was received from the Bethanie Village Council, requesting the Municipality of Walvis Bay to consider forming an inter-municipal agreement (twinning) with it.

The Council need to consider this request under the guidance of previous Council resolutions regarding formal inter-municipal agreements with Namibian Village Councils under the Lighthouse Project, as well as previous requests of a similar nature by the Bethanie Village Council.

The Municipal Council of Walvis Bay, already on 22 April 2003, adopted as a policy principle, a decision that the Lighthouse Project be part of its inter-municipal cooperation as per a Project Directive that was used at the time. The Lighthouse Project in essence is for the Municipality of Walvis Bay to be a guide to those small local authorities who lack internal capacity, similarly to a lighthouse guiding a sailor to safe shores. This principle was also to be of assistance as and when the need arises, and not to be bound by rigid formal cooperation agreements. This was also in response to the numerous requests for assistance and support by these smaller village councils.

A request by the Bethanie Village Council for a twinning relationship, was considered by the Municipal Council of Walvis Bay and at an Ordinary Council meeting held on 27 February 2007, where it adopted a resolution that it be approved that the Lighthouse project be extended to include the Bethanie Village Council as part of the Inter-Municipal relationships with other Namibian Local Authorities. This decision was conveyed to them on 7 March 2007.

On 12 June 2012 a letter was again received from the Bethanie Village Council, with a reply dated 24 July 2012 to the effect that they can participate under the Lighthouse Project, forwarded to them.

The Council must now consider whether it will consider the request of the Bethanie Village Council, and this consideration should bear in mind the limited capacity of the Municipality of Walvis Bay, both from a logistical and financial perspective and in terms of available resources and manpower, as well as the expectation that a decision may create with other Namibian Village Councils for formal agreements instead of participation in the Lighthouse Project.

RECOMMENDED:

That the Municipal Council of Walvis Bay re-affirm its policy decision on the Lighthouse Project as a means of support to Namibian Village Councils, as well as Council resolution 11.8(a) of 27 February 2007 which relates specifically to the Bethanie Village Council.

6.4 **Addressing of motion: Development of Farm 37 by developers (Harmony Future Housing Development)** (Add No. 4; M/C Meeting 08/06/2023; Ref 3/3/1/1)

The purpose of the report is for the Council to consider the motion that was introduced by Councillor R Gordon at the Council meeting of 14 February 2023 for the allocation of land at Farm 37 to a private developer for residential development.

RECOMMENDED:

That it be noted that there are set statutory procedures to be followed by private developers when applications are lodged for land development, and that Harmony Future Housing Development be advised to approach the Division Housing and Properties, regarding the correct procedures to be followed to enable development of land at Farm 37.

6.5 **Application to purchase block Erf 4607 Narraville: Shack Dwellers Federation of Namibia** (Add No. 5; M/C Meeting 08/06/2023; Ref 4607 N)

The purpose of the report is for the Council to consider the request by the Shack Dwellers Association of Namibia for the further allocation of an area in Narraville for development.

The applicant indicated in its application that they wish to purchase Erf 4607 Narraville for development for the next group of their members who has not been catered for thus far. This erf is strategically located next to the areas already allocated to them for their 68 members and 200 members.

RECOMMENDED:

- (1) That approval in principle be granted for the allocation and reservation of unserviced/unsurveyed Erf 4607 Narraville, in extent 85,911 m², to the Shack Dwellers Federation of Namibia, subject to the conditions in (2) and (3) below.
- (2) That the applicant at its own cost and with the technical assistance from the Town Planning Division of the Municipality of Walvis Bay, attend to all outstanding and related town planning matters.
- (3) That once the town planning matters in (2) above has been completed, a comprehensive report with recommendations, be submitted to the Council for final consideration of the application.

6.6 **Application to transform the previous oval track facility into a commercial truck port facility: Swarie Continental Investments CC** (Add No. 6; M/C Meeting 08/06/2023; Ref Farm 38)

The purpose of the report is to consider a request by a private developer, Swarie Continental Investments CC, for the leasing of a portion of Farm 38 for the establishment of a truck port.

They applied for the piece of land that was previously used as an oval racing track.

RECOMMENDED:

- (1) That Council resolution 11.11 dated 29 November 2022 to grant conditional approval for the availing of an area measuring 15 Ha at Farm 38 to Nambaza CC as the support of the Council for the development of a truck port development, be re-affirmed.
- (2) That the application of Swarie Continental Investments CC to obtain an area measuring 10 Ha at Farm 38 (old oval track area) for a truck port development, not be supported.

6.7 **Objections to the lease by private transaction, of a portion of Farm 38 Walvis Bay to Desert Storage** (Add No. 7; M/C Meeting 08/06/2023; Ref Farm 38)

The purpose of the report is to consider the objections received against the proposed lease of a portion of Farm 38 for a dangerous/ hazardous goods storage facility by Desert Storage.

Council at its meeting held on 23 March 2023 resolved as follows:

- (1) *That 5 Ha (50,000 m²) of land situated on Remainder Farm 38, be leased for ten (10) years at N\$0.89 cents/m² plus 15% VAT to Desert Storage CC (the applicant) for storage facility.*
- (4) *That the applicant advertises the lease, by private transaction, for objections in terms of the provisions of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992).*

The advertisement for objections against the lease was placed in the printed media, and 2 objections were received, namely from Native Storage Facility and from Ms Julia Eino.

The substance of the objection from Native Storage Facility appears to an implied trade objection as the activities intended by Desert Storage would mean competition to them. As Namibia is a free-market economy where business opportunities are available to all Namibians and the Council should not involve itself in market forces within the private sector, the objection cannot be upheld.

The objection from Ms Eino relates to the close proximity of the site to the intended residential development of Farm 37, as long as the intended site is far away from the residential area. The area is approximately 6 kilometers away from Farm 37 and is located towards the eastern border of Farm 38.

It should be noted that the applicant had engaged the services of National Environmental Health Consultants, Swakopmund, who did a public participation process and environmental impact assessment, and that the Ministry of Environment, Forestry and Tourism issued a Environmental Clearance Certificate and that the Namibian Police also already registered Desert Storage as a Consumer of Explosives, with all its conditions.

RECOMMENDED:

- (1) That Council resolution dated 23 March 2023 (item 11.8) be re-affirmed.
- (2) That, in terms of section 63(3)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, the matter be referred to the Minister of Urban and Rural Development with the request to approve the decision taken by Council on 23 March 2023 (item 11.8), based on the following:
 - (i) The establishment of a dangerous storage facility is seen as of strategic importance for the industrialization of Walvis Bay and in terms of the Harambe Prosperity Plan.
 - (ii) As owner of Remainder Farm 38 Walvis Bay, the Municipal Council of Walvis Bay holds the right and has the prerogative to allocate land for development, based on the needs and with the best interest of the town and its inhabitants in mind.

6.8 **Walvis Bay Traffic Section: Transfer funds from Vote B380/5047/0000 to Vote B380/5387/0000** (Add No. 8; M/C Meeting 08/06/2023; Ref Budget)

The purpose of the report is for the Council to consider the transfer of funds between internal votes to cover the shortfall on the bid for the award for the purchase of traffic vehicles. The funds are provided by the Road Fund Administration and the approval is merely for budgetary purposes.

RECOMMENDED:

- (1) That it be noted that the funding for the purchase of traffic vehicles is provided by the Road Fund Administration and the transfer of funds between votes for this purpose would have no financial implication for the Council.
- (2) That approval be granted that the amount of N\$ 16,767.02 be transferred from vote B380/5047/0000 (Patrol vehicles) to vote B380/5387/0000 (Patrol van).

6.9 **Subdivision of Erf 295 Narraville into Portion 1 and Remainder, permanent closure of Portion 1 as Public Open Space, and rezoning of Portion 1 from Public Open Space to Utility Services** (Add No. 9; M/C Meeting 08/06/2023; Ref 295 N)

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

- Subdivision of Remainder Erf 295 Narraville into Portion 1 and Remainder;
- Permanent closure of the subdivided portion 1 as a Public Open Space; and
- Rezoning of the subdivided portion 1 from Public Open Space to Utility Services.

Erf 295 Narraville belongs to the Council and is a public open space (public park) measuring 2,142m². On the property is a substation of Erongo RED measuring 166m², and the intention is to create a separate erf for the substation, to have it legally closed as a public open space, and to have it appropriately zoned.

RECOMMENDED:

- (1) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the Municipal Council recommends to the Urban and Regional Planning Board the application for the Subdivision of Erf 295 Narraville into Portion 1 and Remainder, as generally shown on sketch plan 295_N/SP, dated 22 February 2022.

- (2) That the following conditions be registered against the proposed Portion 1 (a Portion of Remainder Erf 295 Narraville), in favour of the Municipal Council:
 - (a) The portion 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 Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act No.5, 2018).
 - (b) The minimum value of the main building, excluding the outbuilding to be erected on the portions shall be equal the municipal valuation of the portion.
- (3) That, in terms of Section 50 of the Local Authorities Act (Act No.23, 1992), as amended, the Municipal Council grants approval for the Permanent Closure of Portion 1 (a Portion of Remainder Erf 295 Narraville), measuring approximately 166m², as "Public Open Space" as generally shown on drawing number 295_N/SP dated 22 February 2023, subject to the following condition:
 - (a) That the Town Planning Division issues the Closure Certificate to the offices of the Registrar of Deeds and Surveyor General.
- (4) That the Municipal Council recommends to the Urban and Regional Planning Board, the application for the Rezoning of Portion 1(Portion of Remainder Erf 295 Narraville), from Public Open Space to Utility, in accordance with Section 105(1)(a) of the Urban and Regional Planning Act (Act No. 5, 2018), as generally shown on drawing number 295/N/ZP dated 24 February 2023.
- (5) 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.
- (6) That the applicant pays a 7.5% Endowment Fee for the proposed new subdivided portion, (Portion 1 of the Remainder of Erf 2990 Narraville Extension 1), 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 Portion 1.
- (7) That all costs regarding the above be borne by the applicant.

6.10 **Consolidation of Erven 1658 and 1659 (Portions of Erf 74) Meersig into New Erf X**
(Add No. 10; M/C Meeting 08/06/2023; Ref 1658/1659 M)

The purpose of the report is for the Council to consider the consolidation of erven 1658 and 1659 Meersig.

Erf 1658 measures 499.92m² and erf 1659 measures 465.58m², and the consolidation creates a new erf measuring 959.77m². The application is in conformity to the Walvis Bay Town Planning Scheme and the Walvis Bay Integrated Urban Spatial Development Framework.

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 1658 and 1659 (Portions of Erf 74), Meersig into New Erf X be recommended to the Urban and Regional Planning Board for approval, as generally indicated on locality sketch plan MEE/1658/loc dated 01 April 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 applicant 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 applicant.
- (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 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 all costs 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).

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.