



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

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

**ON TUESDAY
29 AUGUST 2023
AT 18:00**



Municipality of Walvis Bay

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Date	21 August 2023

NOTICE

His Worship the Mayor and Councillors
General Managers

AUGUST 2023 - ORDINARY COUNCIL MEETING OF THE LOCAL AUTHORITY COUNCIL OF WALVIS BAY

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

Tuesday 29 August 2023 at 18:00

Yours faithfully,

J. Esterhuizen
Acting Chief Executive Officer

Date	Time
21/08/2023	12:45

Official	Date	Time	Signed off
Compiler	21/08/2023	16 : 26	
AGM: HRCS	21/08/2023	16 : 58	



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, 25 July 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.

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

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

11. **Recommendations of the Management Committee for August 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 **Transfer of funds from Narraville Extension 8 for the supply and delivery of a water truck.** (Add. No. 1; M/C Meeting 16/08/2023; File: No. 8/26/4)

The purpose of the report is to obtain approval from Council to transfer funds from the Narraville Extension. 8 vote to supplement the under budgeted vote for the supply and delivery of a Water Truck for Roads & Building Control under Bid No: W/ONB/MWB-136/2022

A bid for the supply and delivery of heavy vehicles closed on 27 June 2023, During the bid evaluation process it was noted that the vote was under budgeted to source this water truck.

The acquisition of the water truck is a critical action to be undertaken by the Roads Department as it will improve our road maintenance activities including assisting the Water Department in mitigating flooding and sewer overflows within the town.

The current two water trucks which have a holding capacity of about 3 500l are not designed to operate in operating with sewer discharge which contain solids. The frequency of breakdown on these two water trucks is about one break down every second week.

RECOMMENDED:

- (1) That the Council takes note that the vote to be utilised for the supply & delivery of heavy vehicles (Water Truck) vote B575/5498/0000 was under-budgeted and where the available amount is N\$ 1,860,000.00.
- (2) That the Council takes note that there is a shortfall of N\$ 485,763.45 to procure this vehicle for the Department Roads & Building Control.
- (3) That the Council approves the transfer of N\$ 485,763.45 from vote C626/9952/000 (Narraville Ext 8) where an amount of N\$ 7,535,822.00 is available, to vote B575/5498/000 where the shortfall is noted.

11.2 **Residential Density Policy Review** (Add. No. 2; M/C Meeting 16/08/2023; File:15/2/P/1)

The purpose of the report is to obtain the Municipal Council's approval for the revised Walvis Bay Residential Density Policy (hereinafter referred to as the Policy).

The Residential Density Policy is an existing policy was adopted by Council in 1995 and was last reviewed in 2008. The objectives of the Policy are to:

- (a) provide opportunities for various housing typologies and densities in Walvis Bay,
- (b) manage residential developments within Walvis Bay in a coordinated manner,
- (c) establish criteria for assessing applications for rezoning to higher densities,
- (d) encourage a compact urban area (instead of urban sprawl) and
- (e) ensure appropriate balance between residential developments and the capacity of infrastructure required to service residential developments.

The Policy is only applicable to new residential developments of more than one dwelling house or unit by means of consent and rezoning. The revisions to the Policy mainly include the following:

- (a) addition of new definitions to make the Policy clearer,
- (b) addition of the introduction section,
- (c) amendment of the objectives,
- (d) reference to new statutes, specifically the Urban and Regional Planning Act,
- (e) introduction of urban design guiding principles for high density residential developments,
- (f) deletion of specific control measures in terms of the Walvis Bay Town Planning (Zoning) Scheme,
- (g) additions of new areas that can be considered as special cases,
- (h) amendment of the actual densities (Residential Densities Zones) - the review has slightly increased the residential densities throughout Walvis Bay and
- (i) increase of the endowment fees (fees paid due to the subdivision of properties) from 7.5% to 10%.

The Policy was advertised in local newspapers, municipal website and social media (Facebook). The Policy was also discussed at two public meetings held on 31 August 2022 (in the Town Hall) and 01 September 2022 (in the Kuisebmond Training Centre). The meeting arranged to take place on 30 August 2022 in the Narraville Community Hall could not take place as no members of the public attended it. Nevertheless, the Policy was open for inspection at the Town Planning Offices and on the municipal website throughout September 2022.

RECOMMENDED:

That the Municipal Council approves the revised Walvis Bay Residential Density Policy.

11.3 Encroachments on Public Places Policy (Add. No. 3; M/C Meeting 16/08/2023 File: 17/19/2/1/4)

The purpose of the report is to obtain the Municipal Council's approval of the Walvis Bay Encroachments on Public Places Policy (hereinafter referred to as the Policy).

The Encroachments on Public Places Policy is a new Policy that has been formulated and subsequently require to be adopted by the Municipal Council. One of the key objectives of the Policy are as follows:

- (a) to encourage low profile temporary constructions on land reserved for local authority for streets, public open places, parking or municipal purposes; and properties zoned as Undetermined in terms of the Walvis Bay Zoning Scheme,
- (b) to promote economic development within the Central Business District (CBD) and rejuvenate the CBD and
- (c) to legalise existing encroachments (especially at Langstrand and its extensions and Dolphin Beach).

Pursuant to the Policy, encroachments are temporary in nature. That is, what will be considered are the temporary structures and objects such as landscaping, fencing, furniture, planters, patios, decks, etc. No permanent buildings or structural elements of a building (such as permanent walls, roofs, structural supports, balconies, stairwells, etc) will be allowed.

There are two types of encroachments, being the *Residential* and *Commercial Encroachments*. *Residential Encroachments* are applicable to areas adjoining selected areas (such as the beachfront erven abutting the public open spaces at Langstrand or Dolphin Beach).

On the other hand, *Commercial Encroachments* are applicable to the CBD area. One of the purposes of *Commercial Encroachments* within the CBD is to rejuvenate the CBD.

Irrespective of the type of encroachment, any interested applicant will have to follow the procedures set out in the Policy as well adhere to the conditions contained therein.

The Policy was advertised in local newspapers, municipal website and social media (Facebook). The Policy was also discussed at two public meetings held on 31 August 2022 (in the Town Hall) and 01 September 2022 (in the Kuisebmond Training Centre). The meeting arranged to take place on 30 August 2022 in the Narraville Community Hall could not take place as no members of the public attended it. Nevertheless, the Policy lied open for inspections at the Town Planning Offices and on the municipal website throughout September 2022.

The general view of the public is that the Policy is more geared towards Langstrand and Dolphin Beach areas. The public proposed that the Policy should also be made applicable to Kuisebmond in general and Kuisebmond Extension 7 in particular, as well as Narraville. Apart from that, the Kuisebmond Extension 7 residents would like to be provided with opportunities (through the Policy) to purchase the land in the proximity of the fuel pipeline for subsequent consolidation with their properties.

The public inputs were investigated. However, the public's proposals could not be accommodated into the Policy based on the following:

- The areas between Narraville and the B2 Road as well as between Kuisebmond and the B2 Road are part of the national road reserves and thus could not be made applicable to the Policy.
- The area between the high-water mark and municipal land (next to Walvis Bay Extensions 16-18 and 20, also known as "Wakuna" areas") is narrow and is earmarked for the development of the Independence Beach (Kuisebmond) Promenade. Hence, no encroachments will be supported.
- The area between Kuisebmond Extensions 7, 10 and 11 comprises of the fuel pipeline. No structures will be permitted closer to the fuel pipeline, especially in the absence of detailed Environmental Impact Assessment as well as Hazard and Risks Assessments.
- The Kuisebmond local business centres are already congested; and any encroachments will create conflicts with pedestrian traffic.

RECOMMENDED:

- (1) That the Municipal Council approves the Walvis Bay Encroachments on Public Places Policy.
- (2) That the objectors be advised that, if they are aggrieved by the decision of the Municipal Council, they may appeal against that decision to the Minister of Urban and Rural Development within twenty-one (21) days of the notification of the Municipal Council's decision, and in the manner set out in the *Urban and Regional Planning Act, 2018*.
- (3) That, the decision of the Municipal Council shall not take effect until the appeal period against the Municipal Council's decision has lapsed and no appeal is received, or such appeal has been disposed of.
- (4) That the General Manager: Community and Economic Development, in conjunction with the General Manager: Finance, establishes a tariff structure for encroachments in accordance with the Public Places Policy and submits the tariff structure to the Council for consideration and eventual publication in the Government Gazette.

- (5) That until such time that the tariffs are published in the Government Gazette and after the implementation of the policy, all applications be submitted to the Management Committee with the powers to determine the tariff per application.

11.4 **Report to Council regarding the participation of the Walvis Bay Municipal sports team at the Southern African Inter Municipal games in Gaborone – Botswana from 03 - 09 September 2023** (Add. No. 4; M/C Meeting 16/08/2023; File: 11/2/16)

The purpose of the report is to submit the financial implications of participation in SAIMSA Games 2023 in Gaborone, Botswana, as well as to request special leave for this purpose.

SAIMSA Games was established to annually bring together local authorities in the SADC region through participation in sports activities. The SAIMSA Games is aimed at cross-border networking, knowledge-sharing, competing on sports level and strengthening existing bi-lateral relationships formed by the respective governments.

Member Countries of the SADC region were encouraged to affiliate to the SAIMSA body. The Municipality of Walvis Bay has been affiliated to SAIMSA and participated in the annual events presented by this body, since 2006. Since its first participation in 2006, the teams and officials of this Council have made a lot of contributions and inroads towards the competition and the Municipality of Walvis Bay is today a household name when it comes to the SAIMSA Games. This led to regular invitations to the SAIMSA Games, every year, since 2006. The Games is hosted every year by one of the member countries.

The Municipality of Walvis Bay has again been invited to participate in this annual event and this year the games are to be presented in the Gaborone, Botswana, from 03 - 09 September 2019.

The Council already on 31 July 2012 resolved "*That Council approve annual participation in the NALASRA and SAIMSA Games*". This is a standing approval and is only subject to conditions set out in the Council resolution.

Participation in the last SAIMSA Games before the Covid – 19 pandemics in 2019, hosted by Lusaka City Council – Zambia, resulted in one gold and one bronze medal won by Fun Walk team. The Pool team, Darts team and the Netball team finished second in their respective competitions and were crowned the silver medalists. The Volleyball Ladies combined with Municipality of Swakopmund, was crowned the gold medalist.

This year, the officials in the following sports codes indicated their wish to participate.

Volleyball (Female and Mix)	2 x teams consisting of 12 players.
Pool/Snooker	1 x team consisting of 6 players.
Fun Walk/Marathon	3 participants
Netball	1 x teams consisting of 14 players.
Darts	1 x team consisting of 7 players.
Fishing	1 x team consisting of 4 players.
Soccer	1 x team consisting of 20 players.

Councillor R Bramwell at the Management Committee stated that the JWRA and him as their representative do not support the recommendation as the funds could be used for more essential maintenance works, and his dissenting vote against this recommendation is recorded in the Management Committee minutes under Rule 35(1) of the Standing Rules of Order.

RECOMMENDED:

- (1) That the total expenditure regarding participation in the SAIMSA Games 2023 be noted.
- (2) That the budgeted amount of N\$ 400 000.00 be allocated towards participation in the SAIMSA Games 2023, in order to partially cover the costs of participation.
- (3) That the expenditure of N\$ 400 000.00 be defrayed from the Vote No 0336/0766/0000 –SAIMSA, where an amount of N\$ 400 000.00 was budgeted for and an amount of N\$ 400 000.00 is still available.
- (4) That the expenditure be allocated as follows:
 - N\$ 11 000.00 – SAIMSA Registration Fees;
 - N\$ 389 000.00 – Accomodation, meals and transort for 64 officials and 2 Councilors.
- (5) That special leave be granted from 01 September – 11 September 2023, to the 64 officials and the two Councillors attending the SAIMSA Games 2023.
- (6) That special leave be granted to Mr Daniel A Mouton from 28 August 2023 – 11 September 2023 to attend the preparational meetings prior to the SAIMSA Games 2023

11.5 Familiarisation visit: Cape Town Studios (Add. No. 5; M/C Meeting 16/08/2023; File Farm 37)

During discussions at the Council meeting held on 15 June 2023 regarding the approval of a portion of Land at Farm 37 for the establishment of a motion pictures film studio, it was clear that certain members of Council did not have a clear picture of the magnitude and/or extent of such a development.

During July 2023, a request was submitted that the possibility be considered that Council undertake a familiarization visit to Cape Town, where a film studio, similar as to what is to be proposed for Walvis Bay, already exist.

The following information is submitted to provide a broader background as to the coming about and extent, of the Cape Town motion pictures film studio:

- Since the 1970's, commercial television and South Africa's growing advertising, communications, IT, hospitality, and transport sectors, have developed and achieved global recognition.
- Originally, the film industry was mostly concentrated in Johannesburg. Since then, Cape Town and the Western Cape emerged as the industry's growth center, particularly with the building of the Cape Town Film Studios as its catalyst.
- The Cape Town Film Studio is today reckoned as the only custom build, high-end motion picture studio of its kind in Africa and the first investment in permanent film infrastructure in South Africa's history.
- Main players in the development of this studio were private sector investment, as well as the SA Department of Trade and Industry, the International Development Corporation of SA, the City of Cape Town and the Provincial Government of the Western Cape (WESGROW).
- Today this studio has been used to make a host of motion film pictures, resulting in some staggering figures.
 - In the last 4 years 47 000 people have been employed at the studio (mostly from previously disadvantaged communities).
 - In the past 4 years N\$ 2 billion was invested, to realize an economic impact of N\$ 6 billion.

- WESGROW will continue to concentrate marketing strategies around and focus on, the Cape Town Film Studios and so also further promote the Western Cape as an ideal film production destination, targeting both local and international markets.

The desire expressed for Councilors to visit the above motion picture studio and to see firsthand what such development entails, would enable Council to visualize the impact, size and magnitude of such a film studio and consequently form a pretty good picture as to what such development could mean for Walvis Bay, and in the broader sense, Namibia. Such a visit should also include meetings with the industry and governing bodies currently managing and administering the film industry in the Western Cape.

Contact was made with the former CEO of the Cape Town Film Studios, Mr. Nico Dekker, to facilitate such a visit for Council. He was kind enough and in fact enthusiastic, to suggest a possible program and make the arrangements for Walvis Bay Council representatives to visit and experience the impact of the motion picture business in the Western Cape. He suggested that such a visit take place on Friday 1 September 2023.

The following program is proposed:

1. Meeting with the CEO of the Cape Town Film Studio, Mr. Makkie Slamong: Mr Slamong would mainly elaborate on the establishment of the studio, its achievements up to date, immediate future programs in the pipeline and future prospects and developments of the studio.
2. Extensive tour of the Cape Town Film Studio.
3. Discussions after the tour with Mr. Nico Dekker, former CEO of Cape Town Film Studios and now international consultant: Mr. Dekker would further elaborate on the tour and questions emanating from the tour. He will discuss with Councilors issues related to job creation at the studio, economic input, skills transfer as well as sharing some of his wide experience in the global film industry (Mr. Dekker would have just returned from the City of Rome, where he is currently consulting on a similar development for Rome).
4. Meeting with Me. Monica Rovric, Head of WESTGROW (Provincial Government) Film Division: Me. Rovric will provide background on the role of the marketing arm of the Western Cape in the film industry. She will address the benefits brought by the studio to the Western Cape and she will also touch on certain administrative and formal procedures being followed, not only to control the filming industry, but to make it a streamlined and a client friendly environment for potential film makers.

Mr. Dekker indicated that the Council's visit could be arranged in such a way that all the above interested parties would avail themselves at the offices of the Cape Town Film Studios. Council delegates will therefore only have to travel to one meeting destination.

Councillors R Bramwell and L Victor voted against this recommendation are requested that their dissenting votes be recorded in the minutes of the Management Committee under Rule 35(1) of the Standing Rules of Order.

RECOMMENDED:

- (1) That the Council takes note of the possible itinerary for a familiarization visit to the Cape Town Motion Picture Film Studio and support the initiative for 2 Councillors and an official to undertake the visit.
- (2) That the Council nominates two (2) Councilor's and the Chief executive Officer nominate one (1) official as its delegates to embark on such visit to Cape Town.
- (3) That the expenditure of the trip be defrayed from Vote 0740/0783/0000 and Vote 0300/0783/0000.

11.6 **Request for permission to cease leasing the Langstrand Restaurant on a one (1) year lease term and halt operation for at least two (2) months** (Add. No. 6; M/C Meeting 16/08/2023; File: 17/19/2/3/5/1)

The purpose of this report is to; obtain approval from the Council, for the Department of Community and Economic Development (CED) to cease leasing the Langstrand Restaurant on a one (1) year lease term, and further advertise it and enter a five (5) year lease term. Cease operations for at least two (2) months to allow for rectification of electrical matters and renovate the facility.

November 2021, the Department of Community and Economic Development requested approval from Council, in terms of Section 63(1)(a) of the Local Authorities Act (Act 23 of 1992), to apply to the Minister of Urban and rural Development (MURD) for permission to lease the properties below for more than one (1) year and for a period not exceeding ten (10) years:

- (a) Langstrand restaurant
- (b) Langstrand Jetty Bar.
- (c) Langstrand Launderette.

The request was approved and Council resolve that, (Add. 2; M/C Meeting 26/10/2021; File 17/19/2/3/5/1); *"That, pursuant to Section 63(1)(a) of the Local Authorities Act (Act 23 of 1992), the Municipal Council seeks approval from the Minister of Urban and Rural Development to allow the Municipal Council of Walvis Bay to let the following immovable properties for a period not exceeding ten (10) years:"*

A letter was sent to the Ministry of Urban and Rural Development requesting for such permission, but the Ministry directed that as follows:

- a) Each application must be tabled at a Council meeting in which a decision regarding the lease period, lease amount and any other conditions attached to the lease are determined.
- b) Council is further advised to advertise all sales, donations, and lease of immovable properties in accordance with section 63 (2) of the Local Authority Act, 199 (Act 23 of 1992) as Amended, before submitting the request for ministerial approval.
- c) The request for ministerial approval should be accompanied by confirmed Council minutes clearly outlining the following in the resolution:
 - The Erf Number/Portion number
 - The name of the buyer/lessee (person/entity)
 - The size of the Erf/portion
 - The zoning purpose/use
 - The purchase price per lease amount including the rate per square meter, and condition placed by Council on an erf/portion, if any.

Calling for Expression of Interest and following the Minister's Directives

To this end the Department of Community and Economic Development has processed the lease for Langstrand Jetty Bar and Kiosk following the above directive but was unable to do the same for the Langstrand restaurant. During the past four (4) years, the restaurant has changed ownership from the initial lessee Frank Kruger to Albert Mills and Yvette Loots by way of subletting which created a lot of challenge for CED. The challenges include illegal transfer of the lease and the new tenant not complying with the condition of the initial lease agreement. The contravention includes *"the lessee shall not make alterations to the property hereby leased and no alteration work to the interior or exterior of the building shall be done by the lessee unless the lessor has given written permission to do so"*. The lessee has carried out alteration and now feel they should now be exempted from requirement of advertising before being awarded a five (5) year lease.

Due to the above, the lessee lobbied for their lease to not be terminated but rather for it to be extended for another year for the last three years, even though they were informed well in advance (since September 2020), of the Council's intention to offer the facility via Expression of interest. However, the situation changed in April 2022 where they wrote a letter to CED requesting that they be offered to lease the Jetty Bar and their lease be extended to five (5) years without being advertised. CED again informed that Council has decided to call for Expression of Interest at the end of their term and they are encouraged to apply. To which they are again objecting, citing that they have spent too much money on the premises, however permission was not sought for with Council for them to carry out any renovation as stated in the lease agreement.

Emails have been received from the Joint Walvis Bay Residents Association (JWBRA), advocating for the department to sidestep the minister's directive which Council sought for, and instead sign the five years lease extension to which the department has once again affirm Council's position. However, this situation is persisting with request being send to different divisions and wrong advise being dispensed, once again preventing the division from following the Minister's directives. Against the above-mentioned background, CED is hereby seeking Council support on the matter of calling for Expression of Interest.

Halt operation for at least two (2) months

Currently, the Department of Finance is Paying Erongo Red ±N\$ 54, 000.00 per month, for facilities at Langstrand which comprises of the Camping Site, the municipal office and staff quarters, the public lighting around these facilities, the pump station, the Jetty Bar as well as a portion of the restaurant's usage. All these facilities are billed together on a municipal account.

The Jetty Bar does not have an electrical meter at the moment; however, the restaurant has two meters, one for the Kitchen and one for the Bar, which is also where the Jetty Bar Electrical Consumption is connected to the restaurant's kitchen electrical meter and paid for by Council. CED would also like to bring to the Council's attention that the Electrical Distribution Board for all these facilities is currently located inside the restaurant which is not ideal for normal operation nor is it safe. Given the above, CED is hereby notifying Council that there is a need to halt operation at the restaurant for at least two (2) months to allow for the rectification electrical issues and maintenance work to take place.

To date Council receive an average income of N\$ 22, 163.33.

- Camping site ± N\$ 5, 000.00
- Restaurant N\$ 6, 037.50
- Jetty Bar N\$ 3, 833.33
- Kiosk N\$ 1, 955.00
- Staff accommodation N\$ 5 337.50

Considering the above income, the electrical and maintenance expenditure associated with the upkeep of these facilities, does not justify the monthly electrical bill of N\$ 54, 000.00, and therefore CED would like to work toward ensuring that each lessee pay for their utility and market related rent for Council to at least break even. The above can only be achieved by opening up the lease of these facilities by public participation through Expression of Interest.

The Department of Community and Economic Development acknowledge that the process of calling for Expression of Interest and rectifying electrical issue will take time and may not be fully completed before the start of the festive season. To avoid interruption of services during this time, CED suggests that the current lease be extended for four (4) months until 31 January 2024. This should run concurrently with the advertisement for Expression of Interest and maintenance work. The new contract should then start 01 April 2024 without any delay.

RECOMMENDED:

- (1) That, Council grants approval for the Department of Community and Economic Development to advertise the lease for the Langstrand Restaurant as per Section 63 of the Local Authorities Act, 1992 (Act No.23 of 1992), to call for an Expression of Interest for such lease, and to enter a five (5) year lease agreement with the successful entity, commencing on 1 April 2024.
- (2) That the current contract be extended for four (4) months until 31 January 2024 to allow for advertisement and rectification of electrical matters as well as for general renovation.
- (3) That, as contemplated in (1) above, the Division: Economic Development commences with the process of calling for an Expression of Interest and to ensure that the process is completed on time for the new lease to commence on 1 April 2024.
- (4) That all electrical matter be attended to, before a contract is signed with the new tenants and that, all tenant pays for their utilities.

11.7 Sale of Erf 1395 Meersig: Wilhelmina Jyaalo Dapandula William (Add. No. 7; M/C Meeting 16/08/2023; File: 1395 M)

The purpose of this report is to recommend that sale of Erf 1395 Meersig 14 May 2021 between the Municipality of Walvis Bay and Wilhelmina William (the applicant), be concluded.

Council on 23 April 2021 advertised the sale of unimproved single residential in Kuisebmond and Meersig by public bidding in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, and Council's Sale/Lease of Land Policy. Through this public bidding process, twelve (12) single residential erven in Kuisebmond and fifty-seven (57) single residential erven in Meersig was offered to the public.

The applicant secured Erf 1395 Meersig on 14 May 2021 and paid the 10% deposit of N\$44,000.00 and the agreement of sale was signed on the same date. The applicant started with the down payments from the date of sale as follows:

No	Date of payment	Amount Paid
1	06/07/2021	44,000.00 (deposit paid)
2	23/07/2021	13,500.00
3	02/08/2021	11,000.00
4	04/08/2021	6,300.00
5	09/08/2021	1,100.00
6	09/09/2021	1,200.00
7	13/09/2021	2,200.00
8	07/10/2021	9,523.00
9	08/11/2021	8,100.00
10	20/12/2021	15,000.00
11	03/01/2022	16,000.00
12	07/04/2022	5,000.00
13	26/04/2022	3,000.00
14	14/07/2022	17,500.00
15	10/08/2022	12,000.00
16	26/09/2022	12,800.00
	Total	178,223.00

The applicant was notified as per the letter dated 30 May 2022, that she has breached the agreement of sale and must remedy the breach as per clause 7.1 of the sale agreement. The applicant has notified the Finance department about her breach and has made arrangements for her arrears to be paid. However, the arrangements were not honoured and the breach of clause 2.1.2 of the agreement has to be affected, and the Finance department was instructed to cancel the sale but the cancellation has not been concluded.

In the meantime, the applicant has written to Council to be given an opportunity to proceed with the repayment on the property. However, as this arrangement is not part of the Sale/Lease of Land Policy of the Council, hence the submission to Council for consideration. Therefore, the opinion is held that the account of the applicant be reinstated, and further arrangements be made with the Finance department.

RECOMMENDED:

- (1) That the Agreement of Sale for purchase of Erf 1395 Meersig dated 14 May 2021, signed between the Municipality of Walvis Bay and Wilhelmina William (the applicant), be continued with and be concluded.
- (2) That, acknowledging the humanitarian circumstance of the matter, the account of Wilhelmina Jyaalo Dapandula William be reinstated.
- (3) That for future similar cases where a purchaser has defaulted due to specific humanitarian circumstances, which may have resulted in arrear accounts on repayment of erven, be dealt with administratively through the discretion of the Chief Executive Officer.

11.8 Application to lease Portion of Farm 38: Rent-A-Drum (Add. No. 8; M/C Meeting 16/08/2023; File: Farm 38)

The purpose of the report is to recommend, amongst others, that 26 Ha of a portion of Farm 38 be leased to Rent-A-Drum (the applicant), for a period of twenty-five (25) years for the purpose of establishing a Waste Management Facility.

A self-explanatory application was received from the applicant for the purpose of establishing a Waste Management Facility on a portion of Farm 38, to render support service to the oil and gas industry. The applicant intends to lease the property for twenty-five (25) years.

The applicant applied to lease 26 Ha of Farm 38 for the purpose of establishing a specialist Waste management Facility that will inter alia provide the following services:

- The collection, acceptance, storage, cleaning and recycling of waste originating from the offshore and onshore oil and gas mining.
- Providing of waste management services to Namport and the vessels entering the port, in line with the MARPOL Convention.
- The provision of specialist spill response services which will include equipment and trained staff to offer specialist hydrocarbon and chemical clean-up services.

The applicant required 26 Ha in extent that will inter alia accommodate the following onsite activities:

- Weighbridge for weighing and recording of waste coming in or going out the site.
- Office facilities for the staff working on the site.
- Warehousing facilities for the storage and servicing of vehicles and equipment.
- Warehousing facilities for the sorting, cleaning, packaging, and storage of waste – both solid waste and liquid waste.
- Space for the movement and parking of vehicles.
- Open areas for the storage of large section of waste like steel.

It is believed that this 26 Ha Waste Management Facility will create much needed job opportunities for Walvis Bay and Erongo as a whole, and this project will further underscore the Government's initiative of industrialization. The applicant indicated in his application that they want to purchase available land on Farm 38. However, the township has not been established on Farm 38 and portions of land can only be leased. Therefore, the application for establishing a Waste Management Facility for oil and gas industry in Walvis Bay on Farm 38 is supported.

Council has in the past approved leases for King Charcoal and Charcoal Warehouse on Farm 38 at a rental of 0.89 cents/m² plus 15% VAT. Therefore, the lease of 26 Ha of Farm 38 must be set at a monthly rental of N\$ 231,400.00 (0.89 cents/m²) plus N\$ 34,710.00 (15 % VAT), as it is in line with rentals recommended in the case of the applications Council has received for the activities on Farm 38.

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

Bearing in mind that 26 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 26 ha (260,000 m²) of Farm 38 be leased to Rent-A-Drum (the applicant), at a rental of N\$ 231,400.00 (0.89 cents/m²), plus N\$ 34,710.00 (15 % VAT) per month, escalating with 10% per annum, for establishing a Waste Management Facility.
- (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).
- (3) That, in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), the approval of the Minister of Urban and Rural Development be obtained.
- (4) That the Ministry of Urban and Rural Development be consulted on the proposed lease and its conditions in terms of Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018).
- (5) That, 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.
- (6) That the lease agreement be signed, and the monthly rental be levied once the agreement has been signed by all parties.
- (7) That the lease period be for 25 years, to be extended for a further period as agreed upon between the Municipality of Walvis Bay and the applicant.
- (8) That a Notarial Deed of Lease be registered and the applicant to bear all costs.
- (9) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 260,000 m² of Farm 38 surveyed at the applicant's cost.

- (10) 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.
- (11) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control, and that the applicant be held liable and shall contractually accept responsibility for any costs for such rehabilitation which are in excess of the deposit under (12) below.
- (12) 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.
- (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 must always comply 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 25 years.
- (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 in the event the applicant fails to meet the conditions of this Council approval, the approval be regarded as null and void.
- (20) 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.

11.9 **Amendment of lessee's name: Lease agreement with RJM Vermaak to MC Vermaak and the extension of lease period to ten (10) years** (Add. No. 9; M/C Meeting 16/08/2023; File: Farm 37)

The purpose of this report is to recommend amongst others: That for lease of 1 hectare of Remainder Farm 37 to "RJM Vermaak" be rephrased to read as "MC Vermaak". That the lease agreement be extended for ten (10) years.

Municipality of Walvis Bay under the delegation of power by the General Manager: Community and Economic Development approved in 2014 the lease for 2 hectares of Remainder Farm 37 to RJM Vermaak for one (1) year, which was also renewed annually. Mr. RJM Vermaak took occupation of the site and was operational since 2014.

It further occurred that Council resolved for subdivision of Remainder Farm 37 for township establishment. The resolution was communicated to the lessees on Remainder Farm 37, and they were informed that their leases would be on a month-month basis until the township establishment process is completed.

Ms. MC Vermaak has submitted a request to Council for a name change. The request for name change is because Mr. RJN Vermaak passed away in 2021 and the applicant's widow continued with the business. The applicant and late Mr. RJ Vermaak have planted over 500 olive trees on the leased land and have made investment of N\$ 500 000.00, the client indicates olive trees have a life span of 100 years making them one of the most valuable investments for job creation.

The client further applied for a long-term lease of ten (10) years, which is due to the significant progress made and long lifespan of the project. The ten (10) years lease period is supported.

Therefore, we don't see any consequences in amending the lease from "RJM Vermaak" to "MC Vermaak. On the contrary, it makes business sense as RJM Vermaak is late and any future matters that might arise on the lease cannot be resolved with him.

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 comparable to Manuel Fernandes rate, leasing 2 ha (20,000 m²) of Farm 37.

RECOMMENDED:

- (1) That 1 ha (10 000 m²) of Farm 37 be leased to MC Vermaak (the applicant), at a rental of N\$ 1 392.08 (0.139208/m²) plus N\$ 208.81 (15 % VAT) per month, escalating with 10% per annum, for cultivation of olive trees.
- (2) That the lease term be for ten (10) 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 ten (10) 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).
- (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 lease 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 1 ha 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 the 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 must always comply to all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.
 - (17) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.
12. **Reports and recommendations of Advisory Committees and the Chief Executive Officer**
- See next page.
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.*

Report of the Suburb and Street Naming Committee (Ref. 12/1/5/3/22)

The report of a meeting of the Suburb and Street Naming Committee that took place on 1 August 2023, in the usual format of its minutes, is attached for consideration by the Council.

The Suburb and Street Naming Committee is an advisory committee of the Council established under section 31(4) of the Local Authorities Act, 1992, and appointed by virtue of Council resolution 12.6 dated 30 March 2021.

RECOMMENDATION:

That the report of the Suburb and Street Naming Committee of its meeting held on 1 August 2023 as contained in its minutes, be considered and be approved by the Municipal Council.

MINUTES

OF A MEETING OF THE WALVIS BAY SUBURB AND STREET NAMING COMMITTEE HELD IN THE NAMIB CONFERENCE ROOM, CIVIC CENTRE, NANGOLO MBUMBA DRIVE, WALVIS BAY ON TUESDAY 1 AUGUST 2023 AT 17:30

1. OPENING AND ATTENDANCE

As a quorum as prescribed by the Council's Policy was present, the meeting was properly constituted.

The Chairperson welcomed all members to the meeting.

1.1 PRESENT

Cllr Trevino Forbes (Chairperson)
Cllr Florian Donatus
Mrs Nadja Figueiredo
Mr Petrus Bonnie Ipinge
Mr Salom Namwandi
Ms Nelmari Simon
Cllr Sara Mutondoka
Cllr Olivia Andrews

1.2 ALSO IN ATTENDANCE

Mr J Kruger (Secretary)

1.3 APOLOGIES

None submitted.

2. DISCLOSURE OF INTEREST OF COMMITTEE MEMBERS

No disclosure of interest by the members present were declared.

3. APPROVED NAMES NOT YET ALLOCATED

The meeting noted that the following names as already approved by the Council on 27 June 2018, have not yet been allocated to streets:

- (i) Wilfried Emvula Street
- (ii) Absalom /Uiseb Street
- (iii) Samuel Thaniseb Street
- (iv) Lukas Hangula Muatunga Street

These names were allocated to Walvis Bay Extension 16 as per 4.3 hereunder.

4. STREET NAME PROPOSALS RECEIVED

4.1 Proposals received from the community

Recommended: That the following names be approved:

- (i) Charles Quill (*for a new street in Narraville*)
- (ii) Philly Steenkamp (*for a new street in Narraville*)
- (iii) BA de la Harpe (*for a new street in Narraville*) – the request to rename Kruis Street not be approved.

4.2 Proposals received from committee members

4.2.1 Dune theme (tallest dunes in the world, from base to summit)

Recommended: That the tallest dune theme and the following names be approved:

- (1) Kirbus (*located in Argentina and tallest sand dune in the world at 1230 meters*)
- (2) Cerro Blanco (*located in Peru at 1176 meters tall*)
- (3) Cerro Marcha (*located in Peru at 924 meters tall*)
- (4) Yalan (*located in Iran at 480 meters tall*)
- (5) Dune 7 (*tallest sand dune in the Namib Desert at 388 meters tall*)
- (6) Big Daddy (*tallest sand dune in the Sossusvlei area at 325 meters tall*)
- (7) Star Dune (*tallest sand dune in North America at 225 meters tall*)
- (8) Eureka (*tallest in California at 210 meters and the 2nd tallest in North America*)
- (9) Pilat (*located in France at 102 meters tall*)

These names were allocated to Walvis Bay Extension 19 as per 4.5 hereunder.

4.2.2 Desert plant theme

Recommended: That the desert plant theme and the following names be approved for future use and to be allocated by the Town Planner as and when required in new extensions/suburbs, namely: Yucca, Golden Barrel, Brittlebrush, Marigold, Desert Lily, and Aloe Vera.

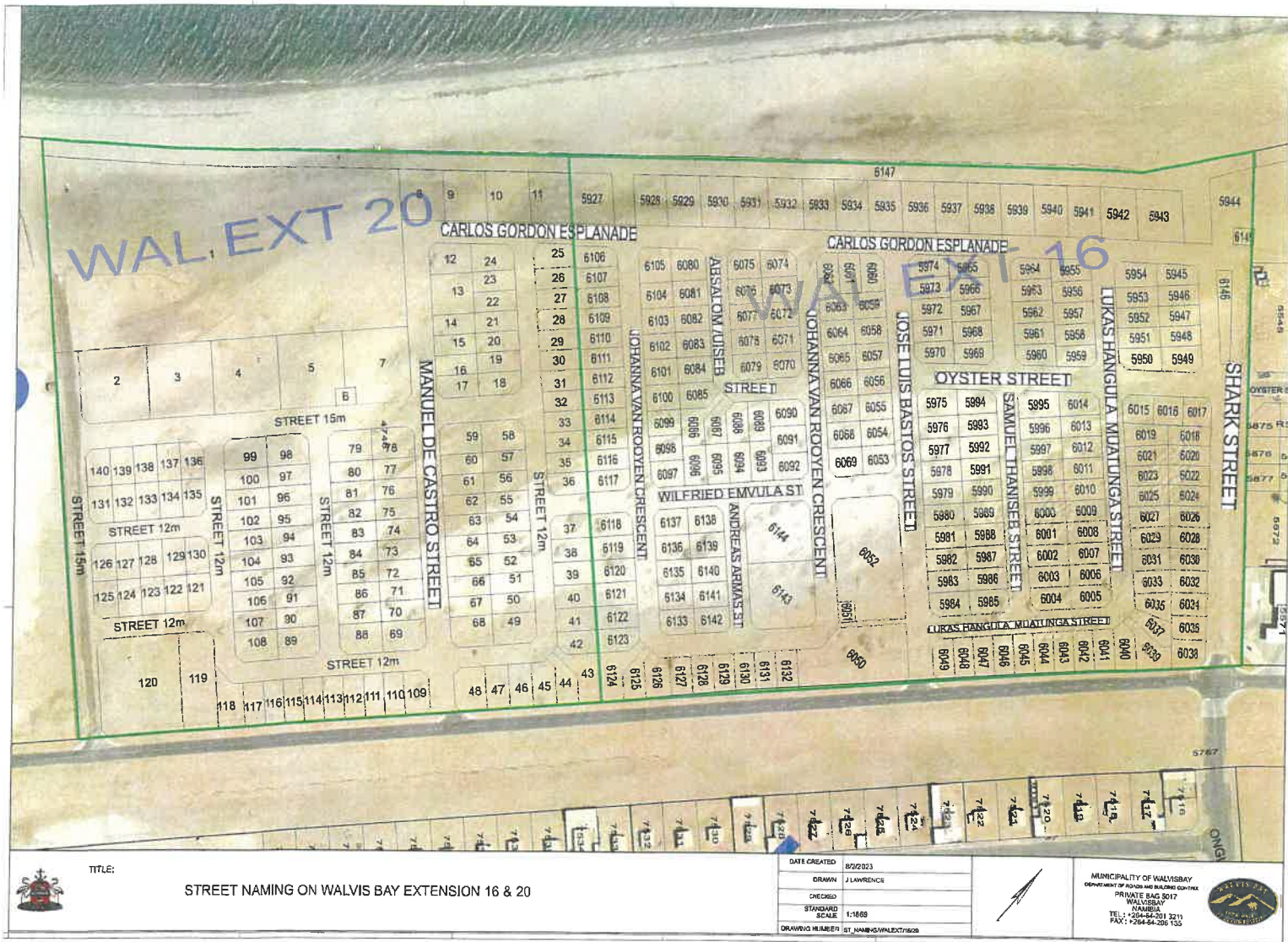
4.2.3 Herb plant theme

Recommended: That the herb plant theme and the following names be approved for future use and to be allocated by the Town Planner as and when required in new extensions/suburbs, namely: Chervil, Barberry, Oregano, Sage, Thyme, Dandelion, Mint, Arugula, Sorrel and Cilantro.

4.3 Walvis Bay Extension 16 (Wakuna Development)

Recommended: That the streets in Walvis Bay Extension 16 be named as proposed by the developer, using the already approved names, and adding new names as follows, as also depicted on the attached drawing, provided that those persons still living must give consent for the use of their names:

- (1) Carlo Gordon Esplanade (*proposed by developer*)
- (2) José Luis Bastos Street (*proposed by developer*)
- (3) Johanna van Rooyen Crescent (*proposed by developer*)
- (4) Wilfried Emvula Street (*already approved*)
- (5) Absalom /Uiseb Street (*already approved*)
- (6) Samuel Thaniseb Street (*already approved*)
- (7) Lukas Hangula Muatunga Street (*already approved*)
- (8) Manuel de Castro Street (*proposed by committee*)
- (9) Andreas Armas Street (*proposed by committee*)
- (10) Oyster Street (*continuation from Extension 17*)



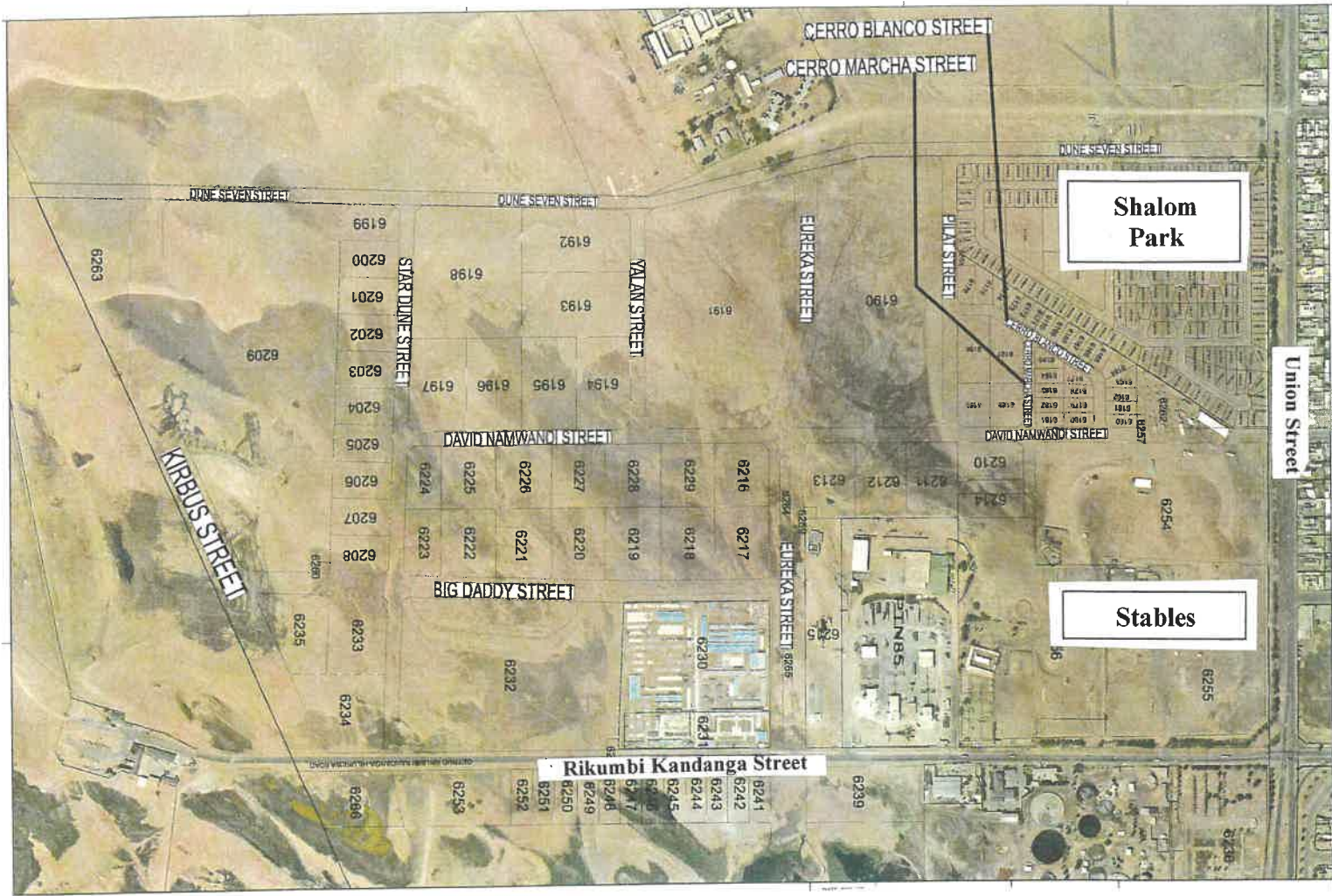
4.4 President's Links

Recommended:

- (1) That the street name theme in President's Links Golf Course Estate of golfing champions as proposed by the developer, be approved.
- (2) That names of golfing champions as proposed for the streets in the development and as depicted on the township layout by the developer, be approved.

4.5 Walvis Bay Extension 19

Recommendation: That using the desert theme as per the Council's approval under item 13.1 on 3 August 2022, and as per 4.2.1 above, the following names as also depicted on the drawing, be approved for Walvis Bay Extension 19:



5. TOWN PLANNING AND CADASTRAL RESPONSIBILITIES AND ERECTION OF STREET NAME SIGNS

Recommended:

- (1) That, as per Rules 9.1 and 9.2 of the Suburb and Street Naming Policy, the Town Planning Division must attend to all town planning and cadastral responsibilities.
- (2) That the Roads Engineering Division must attend to the erection of all the Council approved street name signs, adopted under Council resolution 13.1 dated 25 March 2014, 30 September 2014 and 3 August 2022.
- (3) That the Roads Engineering Division must urgently attend to the erection of the approved suburb name signs for First Industrial (Walvis Bay Extension 12) and Second Industrial (Walvis Bay Extension 14) as per Council resolution item 13.1 dated 25 March 2014.

6. NAMING OF SUBURBS

The committee also discussed the naming of sub-suburbs as the different approved extensions may lead to confusion, for example the locality of Walvis Bay Extensions 16, 17, 18 and 20 to the north-west of the suburb Kuisebmond. The use of names such as Lagoon and Hermes within the Walvis Bay Proper area is also an example, and many areas have names used in popular parlance, especially in Kuisebmond, where the people then identify specific areas with such names.

Recommended:

That, after a public participation process through the Public Relations Division on inputs for suburb identification names, including names already popularly used by residents for certain areas, the Committee at its next meeting consider the name proposals received and the allocation of names as sub-suburb names, as provided for under clauses 5.1 and 5.2 of the Suburb and Street Naming Policy and Guidelines, which reads as follows:

"5.1 A suburb name is an identifying name given to a specific suburb such as Duneville, First Industrial etc. and not like "weighbridge area".

5.2 The naming of suburbs must involve public participation and the final names are to be considered by the Suburb and Street Naming Committee for approval by the municipal council".

7. CLOSING

The Chairperson thanked all members present for offering their time and for their valuable inputs, whereafter the meeting terminated at 18:42.