



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

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

**ON WEDNESDAY
06 MARCH 2024
AT 18:00**



Municipality of Walvis Bay

Civic Centre • Nangolo Mbumba Drive • Private Bag 5017 • Walvis Bay • Namibia
Phone +264 (0)64 201 3111 • Fax +264 (0)64 204 528 • www.walvisbaycc.org.na

Enquiries Gwenneth !Gaoses
Phone (064) 201 3236
E-mail ggaoses@walvisbaycc.org.na
Date 28 February 2024

NOTICE

His Worship the Mayor and Councillors
General Managers

FEBRUARY 2024 - ORDINARY COUNCIL MEETING OF THE LOCAL AUTHORITY **COUNCIL OF WALVIS BAY**

Notice is hereby given that the Ordinary Council meeting of the Local Authority Council of Walvis Bay will be held in the Civic Centre Council Chamber, Nangolo Mbumba Drive, Walvis Bay on: -

Wednesday 06 March 2024 18:00

Yours faithfully,

J Esterhuizen
Acting Chief Executive Officer



Agenda

1. **Opening by prayer** (File 3/1)

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2. **Adoption of agenda and declaration of interest**

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3. **Application for leave of absence by members of council** (File 3/3/1/4)

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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 06 February 2024 to be confirmed and approved.
- 4.2 Minutes of the Special Council meeting held on Friday 09 February 2024, to be confirmed and approved.

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5. **Interviews with deputations or persons summoned or requested to attend meetings** (File 3/3/2/3/2)

None.

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6. **Official announcements, statements, and communications**

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

No petition received.

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8. **Motions of members** (File 3/3/1/1)

- 8.1 Motion number 23: To cap all staff salaries and wages until the implementation and acceptance of the performance management system for the Walvis Bay Municipality, submitted by Councillor R Bramwell. See Page 4.
- 8.2 Motion number 24: To close the old cemetery in the industrial area, submitted by Councillor R Bramwell. See Page 5.
- 8.3 Motion number 25: Execution of motions by Councillors, submitted by Councillor R Gordon. See Pages 6 - 20.

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

None.

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MOTION FORM

To submit a motion for consideration by the Municipal Council of Walvis Bay, please complete and sign this form and submit it to the Chief Executive Officer at least 6 working days prior to the date of the next ensuing Council meeting as contemplated in Rule 13 of the Standing Rules of Order

Motion sequence number: 23
(to be completed by the administration)

MOTION: TO CAP ALL STAFF SALARIES AND WAGES UNTIL THE IMPLEMENTATION AND ACCEPTANCE OF THE PERFORMANCE MANAGEMENT SYSTEM FOR THE WALVIS BAY MUNICIPALITY.

Motion submitted by: Councillor R.N.Bramwell

Objective of Motion: The high cost of staff salaries and wages is a constant drain of the Walvis Bay Municipality revenue income for services rendered to the community and results in the non-filling of key management posts which leads to higher costs for personnel acting in higher grades and acts as a deterrent for the appointment of staff in permanent positions. This motion is a follow up on my motion tabled on the 27 November 2023 to implement a Performance Management system for the staff of the Walvis Bay Municipality as soon as possible which was un-opposed.

Rationale and motivation: For the past 30 years there has been no performance management system in the municipality of Walvis Bay. This has led to situation in which we find ourselves today where we can barely afford the staff which we presently have. This situation is aggravated by the inability to collect the monies owing to us by debtors who are in arrears with payments for services rendered. It has a direct impact on our cash flow which would otherwise have been used to develop land and infrastructure from which we can generate more income to spend on low income housing schemes, sewerage repairs and road infrastructure

Without a performance management system all staff have been receiving the same salary and wage increases across the board for the past 30 years.

In essence this means that if you work you will get an annual increase and if you don't work you will still get an annual increase. This has led to the position in this municipality where there is little motivation to do a day's work

Proposal to be considered by Council: The purpose of this proposal is to curb unnecessary expenditure on salary and wage increases until it is possible to measure the work rate and efficiency of all our staff and give recognition with it's just reward where it is due.

Chairperson of Council. I so move.

Cllr R.N.Bramwell



Date

3 / 1 / 2024



MOTION FORM

To submit a motion for consideration by the Municipal Council of Walvis Bay, please complete and sign this form and submit it to the Chief Executive Officer at least 6 working days prior to the date of the next ensuing Council meeting as contemplated in Rule 13 of the Standing Rules of Order

Motion sequence number: 24
(to be completed by the administration)

MOTION: TO CLOSE THE OLD CEMETERY IN THE INDUSTRIAL AREA

Motion submitted by: Councillor R.N.Bramwell

Objective of Motion: To close the old unused cemetery in the industrial area so that the land can be used for industrial development.

Rationale and motivation: The old cemetery in the industrial area is no longer in use and it is situated on prime property which is surrounded by thriving industries.

Proposal to be considered by Council: My proposal to Council is to 1. Obtain a register and list all the names of citizens of Walvis Bay who were interred there. 2. Exhume all the remains which are still in the ground and inter them in a single grave in the present cemetery. 3. Remove all surviving tombstones and place them in a line against the wall to the right of the entrance to the cemetery. 4. Erect a single tombstone with the names of all the deceased who were buried in the old cemetery and maintain it along with all the other tombstones in the present cemetery.

Chairperson of Council. I so move.

R.N. Bramwell
Cllr R.N.Bramwell

Date 3 / 1 / 2024





MOTION FORM

To submit a motion for consideration by the Municipal Council of Walvis Bay, please complete and sign this form and submit it to the Chief Executive Officer at least 6 working days prior to the date of the next ensuing Council meeting as contemplated in Rule 13 of the Standing Rules of Order

Motion sequence number: 25
(to be completed by the administration)

MOTION: EXECUTION OF MOTIONS BY COUNCILLORS

Motion submitted by: Councillor Ryan Gordon

Objective of Motion: To seek a firm commitment from the Chief Executive Officer, the General Managers and the Divisional Managers for the timeous attention to motions submitted by Councillors and referred to the Management Committee by the Municipal Council, and the speedy execution of subsequent Management Committee recommendations to the Council by senior staff members of the Municipality.

Rationale and motivation:

1. The only way for Councillors to introduce matters relating to the administration and operations of a municipality is through a motion. The law is very clear on this and on how motions must be handled. Since the current Council was sworn in in December 2020 a total number of 22 motions were submitted by Councillors to the Council, all of them unopposed motions.

2. From the Motions Register which I attach to this form, it is clear that there is a lack of seriousness from the CEO and senior officials when it comes to motions. According to the register, of the 22 motions filed since this Council came into office, 3 were withdrawn and 6 completed, with another 3 marked as "ongoing", meaning that there is no conclusion on those yet.

3. That leaves us with 10 motions that were either ignored in total or only half-heartedly dealt with. Its details are:

Motion 5 – Management Committee considered on 26/06/2021 and Council resolved on 08/07/2021 that CED must get legal advice and bring it for a final decision. Action by Management: None to date (almost 3 years).

Motion 8 – Informal Discussions on 08/02/2022, no report by Management Committee. Action by Management: No feedback (2 years).

Motion 9 – Management Committee considered on 16/02/2022 and Council resolved on 08/03/2022. Action by Management – No feedback to Council on the request to MURD (2 years).

Motion 11 – Council referred it to Management Committee on 02/12/2021. Action by Management – No report yet to Management Committee, Council resolution total ignored (more than 2 years).

Motion 12 – Council referred it to Management Committee on 02/12/2021. Action by Management – No report yet to Management Committee, Council resolution total ignored (more than 2 years).

Motion 18 – Management Committee considered on 27/09/2023 and Council resolved on 05/10/2023 that CED must execute. Action by Management: No feedback to date.

Motion 19 – Council resolved on 14/02/2023 that the CEO must engage with Namwater. Action by Management: No feedback to date (1 year).

Motion 21 – Council referred it to Management Committee on 05/10/2023. Action by Management – No report to Management Committee yet.

Motion 22 – Council referred it to Management Committee on 02/11/2023. Action by Management – No report to Management Committee yet.

4. Section 26 subsection 1 (e) of the Local Authority Act - It is the responsibility of the Management Committee to report at meetings of the Council on its powers, duties and functions, why is the Management Committee quiet on these motions because no reports are submitted to it? Should the Management Committee not hold the CEO and senior management accountable for the execution of the Council resolutions on these motions, or is the Management Committee not competent to do its work?

5. We as members of the Council need to keep our CEO and executive accountable and we see that the CEO and senior managers are not all performing when it comes to motions, and it's been going on for a long time. And the staff members on the lower ranks should not be blamed and punished for this obvious neglect of duties by the CEO and senior management. We as Councillors should not be receiving our monthly allowances if we are not fulfilling our duties.

6. We as Council members have more important issues to focus on and should not all the time have to remind our senior management to do their work, important things like:

- housing to the poor
- fixing of potholes and streets
- sewerage blockings
- job creation.

7. Councillors, I am also concerned about the seriousness with which our senior officials carry out Council resolutions, and this I base on the lack of information from management on the execution of resolutions documents which is supposed to be updated regularly. That is the only way in which we as councillors can check progress on our decisions, but whenever I search that database, I only see blank spaces. This is something that our CEO must seriously address with senior management.



Proposal to be considered by Council:

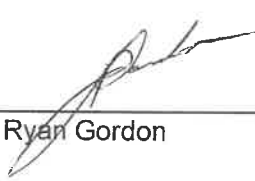
Councillors, as this motion of mine does not affect laws and would not result in any expenses from the Council's budget, my recommendation if unopposed should be adopted as a decision of this Council without having to refer the motion to the Management Committee.

My recommendation to the Council for adoption is as follows:

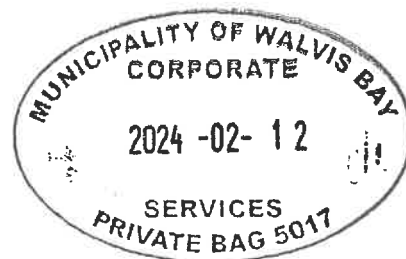
1. For the execution of all outstanding motions on the Motions Register by the Chief Executive Officer through his departmental management to the next Management Committee meeting of 19 March 2024, and recommendations of the Management Committee to the March 2024 Ordinary Council meeting, and the giving of feedback by the Chief Executive Officer to the March 2024 Ordinary Council meeting on all motions that has not been fully executed.
2. For the Council to adopt as a management and operation policy, as from the date of this Council meeting, for all reports from Motions by Councillors that are approved by the Council, must be submitted to the very next Management Committee meeting after the Council meeting. If the reports are not submitted, then the CEO and senior staff should be held to answer on their reluctance or inability to execute such Council resolutions.

Council members, for the sake of empowering us as Councillors, I request that you support this motion.

Chairperson of Council. I so move.


Cllr. Ryan Gordon

06 / 02 / 2024
Date



MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
1	Cllr RN Bramwell	Increase the efficiency and lead to better service delivery by the employees of the Municipality of Walvis Bay	24/03/2021	Item 9.1 30/03/2021 Referred to MC	20/04/2021	<p>Item 12.2 - 28/04/2021 <u>Resolved:</u></p> <p>1. <i>That the Municipal Council in principle supports the motion to increase the efficiency and lead to better service delivery by the employees of the Municipality of Walvis Bay.</i></p> <p>2. <i>That the strategic issues and critical maintenance projects be discussed at the next Strategic Planning Workshop and that sufficient provision be made in the 2021/2022 operational budget for the funding of these issues, including Human Resources related consultancy services.</i></p>	HRCS	<ul style="list-style-type: none"> - Bid advertised in Nov 2021. - Consultants appointed and busy with project. - In progress and ongoing. <p>Ongoing</p>

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
2	Cllr A Bikeur	Access to safe drinking water and sanitation as a very fundamental right to human dignity	25/03/2021	Item 9.2 30/03/2021 Referred to MC	20/04/2021	<p>Item 12.1 - 28/04/2021 <u>Resolved:</u> 1. That the Municipal Council in principle supports the motion on access to safe drinking water and sanitation as a fundamental right to human dignity.</p> <p>2. That the Municipal Council acknowledges the instruction by the Minister of Urban and Rural Development dated 20 July 2020 that all services must be provided on a cost recovery basis, taking cognisance of all the other municipal services that is subsidized from any excess income derived from water sales.</p> <p>3. That the writing-off of debts be done within the provisions and requirement of Council's Credit Control Policy, 2002.</p> <p>4. That the Association of Local Authorities in Namibia (ALAN) as the mouthpiece for local authorities in Namibia, be requested to approach the Ministry of Urban and Rural Development and the Ministry of Agriculture, Water and Forestry for relief measures on national level for all affected consumers throughout Namibia, and that local authorities then be assisted to fund such relief measures.</p>	OCEO	<p>Council resolution executed.</p> <p>Motion completed</p>

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
3	Cllr EZ Shoji	Acts contrary to the Local Authorities Act, 1992, and to Code of Conduct for Members of Local Authority Councils	22/04/2021	Item 9.1 08/06/2021 <i>Referred back to proposer for better motivation</i>	Motion resubmitted to Council 08/07/2021	Item 9.1 - 08/07/2021 <u>Resolved:</u> <i>That a workshop be arranged (MURD) to clarify the matter with regard to the roles and/or responsibility of Management Committee and Council.</i>	HRCS	Referred to MURD for workshop: - MURD obtained Legal opinion from Office of the AG. - Legal opinion discussed at informal discussions of 7 December 2021. - Implemented. Motion completed
4	Cllr R Hoaeb	Assisting the fishermen with prepaid water meters and application of amnesty on interest that has accumulated on their accounts, and consider writing-off their water accounts	28/05/2021	Item 9.2 08/06/2021 <i>Referred to MC</i>	29/06/2021	Item 14.1 - 21/07/2021 <u>Resolved:</u> <i>That, as a relief measure, pre-paid water meters be provided to and installed at the residences of those fishermen identified to receive such relief.</i>	Finance	All 24 fishermen's prepaid water meters installed. Motion completed

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
7	Cllr SN Mutondoka	Obtain legal clarity of Walvis Bay Waterfront Property (Pty) Limited from and independent and professional legal expert	31/05/2021	Item 9.5 08/06/2021 Referred to MC	29/06/2021	Item 12.5 - 08/07/2021 <u>Resolved:</u> <i>That legal advice be sought on the intended cancellation of the sale agreement, taking all events to date into consideration before a final decision on the way forward is made.</i>	CED	Legal opinion to Council 16/02/22: Resolved to take note and to provide further information to lawyers. Further report to Council 05/10/23: Resolved that efforts to address questions, be noted, answers to be provided to lawyers as per their request, and OCEO to engage Afri-Kuumba on contractual agreement pertaining to Council's interests. Ongoing

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
5	Cllr SN Mutondoka	Rescind Council resolution dated 24 June 2014 under item 12.9: Narraville Extensions 12 & 14	31/05/2021	Item 9.3 08/06/2021 Referred to MC	26/06/2021	Item 12.4 - 08/07/2021 <u>Resolved:</u> <i>That legal advice be sought on the intended cancellation of the sale agreement, taking all events to date into consideration before a final decision on the way forward is made.</i>	CED	
6	Cllr SN Mutondoka	Obtain the status of all Council's developed and undeveloped land sold or leased	31/05/2021	Item 9.4 08/06/2021 Referred to Informal Discussions	Informal Discussions 08/02/20212	Item 6.2 Informal Discussions 08/02/20212 <ul style="list-style-type: none"> • The list of status of vacant blocks of land with missing information to be inserted in. • Councilors to get time to inspect the vacant land. • Councilors to relook the sale agreements. 	CED	Motion completed

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
8	Cllr R Hoaeb	Sale of Mass Erven Land Services (MULS) houses	27/07/2021	Item 9.1 05/08/2021 <i>Referred to MC</i>	Informal discussions 08/02/2022	<p>Item 6.3 - Informal discussions 08/02/2022 Councillors deliberated on the matter and the following was suggested as a way forward:</p> <ul style="list-style-type: none"> • That Council use the current waiting list in place and sell the houses as soon as possible as per the Ministerial directives • That the twenty houses be put on hold pending the Minister response on the request to sell them to the staff members • That the houses to be sold voetstoots after new valuation is made. 	CED	

MUNICIPALITY OF WALVIS BAY

MOTIONS REGISTER

(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
9	Cllr O Andrews	Financial assistance from Government – Development of Farm 37	14/09/2021	Item 11.1 21/09/2021 Referred to MC	16/02/2022	<p>Item 14.11 - 08/03/2022</p> <p><u>Resolved:</u></p> <p>(1) That the Municipal Council approve the development of Portions 10 and 11 Green Valley in two phases, namely to provide communal services to enable the faster settlement of people, to be followed by a phase where full municipal services are provided to each erf (excluding electricity which is the responsibility of Erongo RED).</p> <p>(2) That the first phase be to provide communal services to both Portions 10 and 11 in the estimated amount of N\$ 11,098,882.00, in addition to the amount of N\$ 7,639,714.00 that was already spent on Portion 10.</p> <p>(3) That the Minister of Urban and Rural Development be requested to assist with a contribution from central government in the estimated amount of N\$ 108 980 654.00 towards the project to ensure that both Portions are fully serviced.</p>	<p>CED / RBC / WWEM</p>	<p>Resolution (1) implemented.</p> <p>Resolution (2) – 2023/24 budget.</p> <p>Resolution (3) - any feedback from MURD on the letter??</p>

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
10	Cllr RN Bramwell	High personnel costs	11/10/2021	Item 8.1 09/11/2021	N/A	Withdrawn by Cllr Bramwell	N/A	Motion withdrawn
11	Cllr SN Mutondoka	Land and service delivery: Roads	19/11/2021	Item 8.1 02/12/2021 <i>Referred to MC</i>			RBC	
12	Cllr SN Mutondoka	Speed up land delivery on Farm 37	19/11/2021	Item 8.2 02/12/2021 <i>Referred to MC</i>			RBC	

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
13	Cllr O Andrews	Aims to offer financial relief to both single residential and business rate payers of Walvis Bay	08/12/2021	Item 8.1 16/12/2021 Referred to MC	16/02/2022	Item 11.1 – 08/03/2022 <u>Resolved:</u> (1) That the Municipal Council grant approval for the writing-off of all outstanding interest for improved residential properties, namely the whole outstanding interest amount as from the date from when the interest accumulated up to the end of February 2022. (2) That the Municipal Council grant approval for the writing-off of all outstanding debt of all pensioners who are registered in the municipal database for such purpose, for all outstanding debts up to the end of February 2022. (3) That a submission be made to the Council through the Management Committee on the exact total amount written-off under (1) and (2) above, for a firm decision in this regard.	FIN	Item 11.2 28/09/2022 N\$ 16,20 million for registered pensioners and N\$ 49 million for interest on improved residential properties written-off -17- Motion completed
14	Cllr R Gordon	Affordable serviced plots for residential use	02/06/2022	Item 8.1 08/06/2022	Withdrawn by Cllr Gordon	N/A	N/A	Motion withdrawn

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
15	Cllr SN Mutondoka	Alienation of Ext 17 to institutional workers in government schools	26/07/2022	Item 8.1 03/08/2022		Motion was opposed by Cllr Kauhondamwa. Council referred it for discussions amongst Councillors.	Office of the Mayor	No feedback from Office of the Mayor
16	Cllr R Gordon	Affordable sale of serviced or unserviced plots to the very low-income group	19/08/2022	06/09/2022 Referred to MC	08/06/2023	Item 11.17 – 15/06/2023 <u>Resolved:</u> 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.	CED	Motion completed
17	Cllr RN Bramwell	To review all the Walvis Bay Municipal Council policies and agreements	18/09/2022	Item 8.1 28/09/2022	23/11/2022	Item 11.7 - 29/11/2022 <u>Resolved:</u> (1) That the Chief Executive Officer to ensure that the Policy Review Committee, at its next meeting, prioritise ALL employee related policies and provide a sequence and plan of action for the review of all these policies. (2) That the reporting be guided by the Strategic Plan.	HRCS	Continuous, reports to Council via MC as and when policies are amended. Ongoing

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
18	Cllr R Gordon	Development of Farm 37 by developers	24/01/2023	Item 8.1 14/02/2023	27/09/2023	Item 11.5 – 05/10/2023 <u>Resolved:</u> (1) That in its consideration of the motion, it be noted that Council had made land available to various groups including low-income groups in Walvis Bay. (2) That the specific groups of people (taxi drivers, petrol attendants, security guards and domestic workers) be encouraged to join the existing formalised housing groups.	CED	
19	Cllr RN Bramwell	Protection of water supply to Walvis Bay from Namwater and the Rooibank/Dorop South Water Scheme	06/02/2023	Item 8.2 14/02/2023		<u>Resolved:</u> That the proposal of the motion be accepted, namely that Namwater be made aware of the perilous situation that Walvis Bay finds itself in at present, and to get a commitment in writing from Namwater that they will restore the backup power station at Rooibank and maintain is, as well as the boreholes and pipeline to the Mile 7 and High Dune reservoirs to an acceptable standard, so as to guarantee a 24/7 water supply to Walvis Bay.	OCEO	-19-
20	Cllr RN Bramwell	Rescinding of Council resolution and re-constitution of a new negotiating team	03/05/2023	Withdrawn	N/A	Motion withdrawn by Cllr Bramwell	N/A	Motion withdrawn

MUNICIPALITY OF WALVIS BAY
MOTIONS REGISTER
(2020 – 2025 term of office)

No	Tabler	Topic	Date received by CS	Tabled at Council meeting	Considered by Management Committee	Council resolution	Executor	Progress / Timelines / Completed
21	Cllr RN Bramwell	Rescinding of Council resolution on annual participation in NALASRA and SAIMSA Games	04/09/2023	Item 8.1 05/10/2023			CED	
22	Cllr RN Bramwell	Implementation of a performance management system for the staff of the Municipality of Walvis Bay	10/10/2023	Item 8.1 27/11/2023			HRCS	

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10. **Reports of the Management Committee for February 2024**

10.1 **Recommendation for ministerial approval: Decentralized Build Together Programme Committee** (Add. No. 10; M/C Meeting 20/02/2024; File: 17/5/3/2/10)

RESOLVED:

That the item be referred to the submitting department for the inclusion of the procedure of the Act and the attendance register and minutes of the meeting.

10.2 **Application to acquire portion of Kovambo Nujoma Avenue (Street): Flamingo Cottages** (Add. No. 13; M/C Meeting 20/02/2024; File: 17/6/4/1)

RESOLVED:

That the item be withdrawn for further consultations with the new information that was received.

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11. **Recommendations of the Management Committee for February 2024**

11.1 **Erongo Regional Energy Distributor: (1) Amendments to Shareholders Agreement; (2) Amendments to Board of Directors' Charter; (3) Appointment of members and alternate members to serve on the Board of Directors; and (4) Declaration of dividends** (Add. No. 1; M/C Meeting 20/02/2024; File: 1/2/2/4/1 & 12/1)

The purpose of this report is for the Municipal Council of Walvis Bay to: take note of the amendments to the Shareholders Agreement; take note of the amendments to the Board of Directors' Charter; consider the appointment of 2 members and 2 alternate members to serve on the Erongo RED Board of Directors for the next period of 3 years; and recommend the declaration of dividends.

1.1 **Amendments to Shareholders Agreement**

Underlining denotes additions/amendments.

~~Strikethrough~~ means deletion.

1.1.1 The Council to take note of the following additions to the Shareholders Agreement with regards to the skills and experience of Board Members and their term of office:

4.1.1 Appointment of Board of Directors

4.1.1.1 The Board Charter of the company's Board of Directors has been adopted into the Shareholders Agreement by the shareholders as a governance tool or guideline for consistency when appointing and/or nominating Board members.

4.1.1.2 The Board members shall be nominated for appointment to the Board based on their skills, knowledge and experience to meet the needs of the Board. The composition of the Board shall, in terms of good governance principles, collectively include but not limited to, the following mandatory and/or preferred professional skill sets:

(i) Electrical Engineering (with experience in Energy, Electricity Distribution and Supply Industry)

- (ii) Accounting, Finance, Audit and/or Economics
- (iii) Human Resources
- (iv) Law including experience in Governance
- (v) Public Administration with Stakeholder Engagement experience

4.1.1.3 The term of office for all Board members shall be a minimum of one (3 year) term and a maximum of two consecutive terms without eligibility for a 3rd term while ensuring continuity of the board.

2.2.2 The Council to take note of the following amendments with regards to the management of the company:

4.4 MANAGEMENT

4.4.1 The day-to-day management structure of the Company is stated in the Board approved Organisational Structure and Business Plan.

4.4.3 The ~~Executive Managers~~ Managers of the Company are appointed by the Board of Directors in accordance with the relevant provisions in the Recruitment Policy and Business Plan.

1.2 Amendments to Board of Directors' Charter

The Council to take note of the following additions and amendments to the Board of Directors' Charter, to be in line with the Shareholders Agreement:

1.4 As a good governance tool or guideline this Charter has been adopted into the Shareholders Agreement by Shareholders as a governance tool or guideline for consistency when appointing and/or nominating Board members.

2.1 The purpose of this Charter is to set out the Board's role, responsibilities as well as the requirements for its composition, its meeting and other procedures. The Board is also responsible for discharging the responsibilities of the Company as set out in the Shareholders Agreement and in the strategic plan. The Company Secretary, Executive and Senior Management and staff exist to support the Board in executing its responsibilities.

2.2 The Charter will also ensure that the practices of the Board are consistent with and reflect the Board's commitment to ethical and effective leadership aligned to good corporate governance practices as stipulated in the NamCode and King IV.

3.1 The composition of the Board shall consist of nine (9) members inclusive of the Chief Executive Officer as an ex officio member prescribed by the provisions in the Shareholders agreement and will be non-executive Directors, excluding the Chief Executive Officer who is a non-voting ex officio director. The Board will define, and will keep under ongoing review, its skill requirements and communicate this to the Shareholders. The Board will seek to augment its skills as required based on the existing skills.

3.2 The composition of the Board shall, in terms of good governance principles, collectively include, but are not limited to, the following mandatory and/or preferred professional skill sets:

- (i) Electrical Engineering (with experience in Energy, Electricity Distribution and Supply Industry)
- (ii) Accounting, Finance, Audit and/or Economics Commerce
- (iii) Human Resources Economics
- (iv) Law including experience in Governance
- (v) Public Administration with Stakeholder Engagement experience
- (vi) Governance and ESG
- (vii) Consumer Affairs.

3.3 ~~Potential Directors will be nominated for appointment to the Board based on their identified skills, knowledge and experience to meet the needs of the Board at the time their appointment is proposed. The identification and appointment of Directors will be done in line with performed as per the Shareholders Agreement.~~

3.4 ~~In terms of clause 4.3.1.4 of the Shareholders Agreement, a shareholder may appoint a substantive director and an alternate director for each director appointed by the respective Shareholder.~~

4.1 ~~In accordance with good governance the prescribed the term of office of appointed members of the Board is prescribed to be three (3) years, with eligibility for reappointment at the expiration of that term, however but a member may not hold office for more than two consecutive terms.~~

4.2 ~~In the spirit of complying with the above governance guideline the shareholders at the annual general meeting adopted the Board Charter of the Board of Directors of Erongo RED as a governance guidance tool for the appointment of Directors and resolved as follows:~~

4.2.1 ~~The shareholders approved the adoption of the Board Charter of the Board of Directors of Erongo RED IN TO THE Shareholder Agreement in relation to director appointments.~~

4.2.2 ~~The term of office for directors shall be a minimum of one three (3) year term and a maximum of two consecutive terms without eligibility for a third (3rd) term while ensuring continuity of skills on the Board.~~

4.2.3 ~~That the shareholders be informed of the expiry of the terms of office of the directors to ensure preparation for confirmation and/or new nominations and appointments.~~

14 ~~This Charter The Charter will be subject to approval of the Board and will be reviewed every 3 years was approved by the Board on 13 September 2013 and will be annually reviewed thereafter.~~

1.3 Appointment of members and alternate members to serve on the Board of Directors

The Municipal Council of Walvis Bay has two non-executive directors (board members) and an alternate each, serving on the Board of Directors of the Erongo RED since 31 March 2021, and their 1st 3-year term of office therefore comes to an end on 30 March 2024.

They are Mr Leroy Victor, and the alternate member position is vacant due to the resignation of Mr RN Bramwell as alternate director, and Mr Richard Hoaeb with his alternate Mrs Olivia Andrews.

The Council must thus consider their re-appointment for a final term of office, for the sake of continuity, while it must also nominate and appoint a person in the vacant position of alternate director.

RECOMMENDED:

- (1) That the Municipal Council of Walvis Bay takes note of the additions and amendments to the Shareholder Agreement and the Board of Directors' Charter.
- (2) That the Municipal Council of Walvis Bay takes note of the expiry of the 1st term of office of its appointed Erongo Regional Energy Distributor Board Members on 30 March 2024 and for the sake of continuity extends their term of office to a 2nd and final term as provided for under clause 4.1.1.3 of the Shareholders Agreement.
- (3) That the Municipal Council of Walvis Bay nominates and appoints as an alternate board member in the place and stead of Mr RN Bramwell who vacated his position, Mr Johannes Shimbilinga and, if he is ineligible to become an alternate director due to his past tenure as Alternate Director at Erongo Regional Energy Distributor from 2014 to 2018 and as Director from 2018 to 2021, Mr Adolf Kahmann.
- (4) That the Municipal Council takes note of and supports the recommendation for the declaration of dividends.
- (5) That it be made an express condition that the persons representing the Municipal Council of Walvis Bay on the Board of Directors of the Erongo Regional Energy Distributor, must submit their feedback report on its activities as Board members annually to the Council.

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11.2 Review of partnering with Erongo Business and Trade Expo (Add. No. 2; M/C Meeting 20/02/2024; File: 3/4/6)

The purpose of this report is to review the partnership with Erongo Business and Trade Expo.

The Erongo Business and Trade EXPO was presented at the Civic Centre premises for 15 years, where they annually leased the Town Hall and parking areas for the event. On 24 July 2022 they requested the Council to partner with them in this regard for the 2022 event, and on 6 September 2022 the Council adopted a decision to agree to partnering with them for the hosting of the event from 26 to 29 October 2022 (4 days) and that the usage fees for the area required in the amount of N\$ 39,205.18 be waived.

The Council then also approved partnering with them for the future hosting of the event in Walvis Bay, and that specific provision be made in the operating budget for such a partnership, and the facilities were again subsidized by the Council for the 2023 event, which took place from 21 to 31 October 2023 (10 days). The monetary value amounted to N\$ 50,818.82 for the 2023 event.

No partnering agreement for the future hosting of the event was concluded between the Municipality and Erongo Business and Trade EXPO, and no budgetary provision was made in the current budget for this purpose. Instead, the Council on 25 July 2023 approved to host its own event, the Maritime Festival, which was held from 4 to 5 August 2023 and for which the Council approved a budgetary provision of N\$ 200,000.00.

The Council also approved that this event should be hosted annually, and the 2024 event is scheduled from 24 to 29 June 2024.

Erongo Business and Trade EXPO has now applied for the use of the facilities from 16 October 2024 to 3 November 2024 (19 days), and consideration should be given as to whether the Council would again waive the facility fees, or whether the fees should be paid.

A meeting between staff from the Office of the Mayor, Corporate Services and Community Development was held on 9 February 2024 and the general sentiment was Erongo Business and Trade EXPO expressed that, as the Erongo Business and Trade EXPO is a business and is earning income from the hosting of the event, and as it has been in existence for the 17th year, no further support be granted to them and that our resources rather be channeled to our own event, the annual Maritime Festival.

RECOMMENDED:

- (1) That the Council rescinds its decision adopted on 6 September 2022 under item 12.2 resolution (4) for the partnering with Erongo Business and Trade EXPO and any financial contribution towards this event, in lieu of the fact that it is a commercial enterprise in existence for at least 17 years, as well as the fact that the Municipality of Walvis Bay under Council resolution item 11.16 dated 25 July 2023 approved the annual hosting of its own event, the Maritime Festival, for which funds are set aside.
- (2) That the Erongo Business and Trade EXPO be informed of the decision in (1) above that the Council will not make any contribution towards the hosting of the event and that the normal rental rates for the facility or facilities to be used, shall apply.

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11.3 Approval request for the subdivision of Erf 738 Walvis Bay into new Portion X and Remainder Erf 738 Walvis Bay (Add. No. 3; M/C Meeting 20/02/2024; File: 738 W)

The purpose of the report is to obtain Municipal Council approval for the subdivision of Erf 738 Walvis Bay into new Portion X and Remainder Erf 738 Walvis Bay.

- 1.1 Application and Registered Owner:** The owner of Erf 738 Walvis Bay is Mr Manzur Charles Khan. The owner has given the Power of Attorney to Pro Vision Planning of P.O Box 4161, Walvis Bay to submit the application on his behalf.
- 1.2 Location and Access:** Erf 738 Walvis Bay is located along Sam Nujoma Avenue, as illustrated by **Figure 1**.



Figure 1 Locality Plan of Erf 738 Walvis Bay

1.3 Existing Zoning, Density and Size: Erf 738 Walvis Bay is zoned as Single Residential with a density zoning of 1 dwelling unit per 500m² and measures 1250m² in extent.

1.4 Title Deed Conditions: The usual Single Residential conditions; no restrictions.

1.5 Existing and Future Land Uses: Erf 738 Walvis Bay consist of a main dwelling and out buildings.

In terms of the Walvis Bay's Integrated Urban Spatial Development Framework, the area is demarcated for residential uses.

1.6 Topography: The area is levelled, and it is the same height as the existing Walvis Bay Proper.

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

SUBDIVISION PROPOSAL:

Erf 738 Walvis Bay is proposed to be subdivided into New Portion X and Remainder Erf 738 Walvis Bay.

Erf Number	Township	Zoning	Size (m²)
Erf 738	Walvis Bay	Single Residential	1250
New Portion X	Walvis Bay	Single Residential	657
Remainder Erf 738	Walvis Bay	Single Residential	593

Access to the proposed Erf X is to be gained via right of way servitude, which is 4.5m wide.

ASSESSMENT OF THE PROPOSED SUBDIVISION IN TERMS OF SECTION 65 OF THE URBAN AND REGIONAL PLANNING ACT:

a) Comments and objections received in response to the notifications of intent to apply for subdivision.

All relevant neighbours have been contacted directly and no objections were received.

b) Potential impact of the proposed subdivision on the environment, socio-economic conditions and cultural heritage.

The potential impacts of the proposed subdivisions on the environment, socio-economic conditions and cultural heritage have been assessed and analysed. The general findings were that there will be no negative impacts.

c) Requirements of other applicable legislation have been complied with.

All relevant applicable legislation were adhered to, which include the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*; the Walvis Bay Integrated Urban Spatial Development Framework and the Walvis Bay (Town Planning) Zoning Scheme. Clause 12.2.5.1 of the Walvis Bay (Town Planning) Zoning Scheme allows for one portion to be smaller than the depicted density, as long as it is not smaller than 10% of the required Erf size. With this said, the subdivision is therefore in line with Clause 12.2.5.1 of the Walvis Bay Zoning Scheme as well as other applicable legislation.

d) Impact of the subdivision on existing or proposed developments/land uses in the area.

The proposed subdivision is within an existing township, being Walvis Bay Proper. The proposed residential erven are similar to surrounding land uses in Walvis Bay Proper, which is predominantly residential. Therefore, it will positively impact the area in the sense that there will be more erven available for residential purposes. The erf is already in an established township hence, it is already connected to Municipal services.

e) Need and desirability of the proposed subdivision.

The subdivision of Erf 738 Walvis Bay is supported in principle from a town planning point of view due to the following reasons:

- There is an ongoing demand for housing in Walvis Bay which is mainly due to the increasing number of people migrating to the town in search of jobs and better living standards.
- The subdivision help reduce urban sprawl and the need to develop greenfield sites.
- Although the current density of 1:500 permits the development of 2 dwelling units on an erf that measures 1250m², there is a need to provide freehold title erven.
- Although the site is accessible from one street, the entrance/exit will have good sight distances of incoming traffic movement. The street has a wide road reserve (25 meters) and can accommodate additional vehicle and pedestrian traffic.
- Subdividing the property to create additional residential erven will further strengthen the residential character of the neighbourhood.

- The Council will also be able to generate income through this subdivision by means of payment of endowment fees by the developer, and by having multiple property owners paying rates and taxes and service charges.
- The proposed subdivision will also provide temporary employment during the construction phase.
- Subdivision and construction of new houses will also generate sales in local wholesale and retail outlets, especially for building materials, furniture and goods. In so doing, the local economy will be positively stimulated.

In conclusion, the proposed subdivision is considered needed and desirable and can be supported in principle.

f) Endowment, if any, which must be made to a local authority.

The applicant will be required to pay a 7.5% Endowment Fee for the proposed New Portion X (a Portion of Erf 738) Walvis Bay, 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 Erf X

g) National Spatial Development Framework and the Applicable Regional Structure Plan approved in terms of the Urban and Regional Planning Act.

Not applicable – the National Spatial Development Framework and Erongo Regional Structure Plan have not yet been prepared and approved by Cabinet and the Minister of Urban and Rural Development, respectively.

h) Applicable zoning scheme approved in terms of the Urban and Regional Planning Act.

The Walvis Bay Zoning (Town Planning) Scheme is applicable to the subject area. In particular, Erf 738 Walvis Bay which is zoned as "Single Residential" with a density of 1 per 500m² in terms of the Walvis Bay Zoning Scheme. The proposed Portion X will remain Single Residential and the density will not be changed.

RECOMMENDED:

- (1) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the application for the subdivision of Erf 738 Walvis Bay into new Portion X and Remainder Erf 738 Walvis Bay, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan WAL/738 dated 03/11/2023, which bear the approval stamps of the Municipal Council.
- (2) That the following conditions be registered against new Portion X and the Remainder of Erf 738 Walvis Bay:
 - (a) The erven shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subjected to, the provision of the Walvis Bay Town Planning Scheme (Zoning Scheme) prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018).
 - (b) The building value of the main building, excluding the outbuildings to be erected on the erf be at least four times the valuation of the erf.

- (3) 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.
- (4) That the new erf be provided with one electricity, water and sewerage connection.
- (5) That a Right of Way Servitude (4.5 metres wide) be registered over Remainder Erf 738 Walvis Bay in favour of New Portion A (a Portion of Erf 738 Walvis Bay).
- (6) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the new erf.
- (7) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (8) 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.
- (9) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (10) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (11) That the applicant be held liable for the construction of a firewall where structures are closer than 1,50m to the erf boundary, if not such structures on boundaries be demolished.
- (12) That the applicant pays a 7.5% Endowment Fee for the proposed New Portion X (a Portion of Erf 738) Walvis Bay 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 Erf X.
- (13) That it should be noted that the above recommendation is also made in terms of Clause 12.2.5.1 of the Walvis Bay Town Planning (Zoning) Scheme that states that the Municipal Council can consent to a subdivision of land for single residential purposes into a portion less than the prescribed minimum, provided that one of the erven created by the subdivision is smaller in area by not more than ten per cent (10%) of the prescribed minimum size.
- (14) That all cost regarding the above be borne by the owner (applicant).

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11.4 **Approval request for the rezoning of Erf 2062 Walvis Bay Extension 6 from "Single Residential" (1:300m²) to "General Residential 1" (1:200m²)** (Add. No. 4; M/C Meeting 24/02/2024; File: 2062 W)

The purpose of the report is to obtain Municipal Council approval for the rezoning of Erf 2062 Walvis Bay Extension 6 from "Single Residential" with a density of 1 dwelling unit per 300m² to "General Residential 1" with a density of 1 dwelling unit per 200m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018.

The application was advertised for comments and objections in the Namib Times, the Namibian, and Government Gazette. Notices of the rezoning and consent were displayed on the site and on the Municipality of Walvis Bay's notice board. Furthermore, adjacent landowners and occupiers were notified about the application by hand-delivered mail and some by standard mail. The closing date for comments/objections were 26 October 2023. No objections were received.

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

Conformity with the Walvis Bay Town Planning Scheme: Clause 14.1 of the Walvis Bay Town Planning (Zoning) Scheme makes provisions for a “Duplex Flats” on General Residential 1 zoned properties, as primary uses.

The application is for the Rezoning of Erf 2062 Walvis Bay from “Single Residential” with a density of (1:300m²) to “General Residential 1” with a density of (1:200m²) complies with the Town Planning (Zoning) Scheme. The Erf size complies with the minimum for duplex flats being 900m². The erf size for Erf 2062 Walvis Bay is 1390m². With the site measuring 1390m², rezoning to General Residential 1 (1:200m²) will allow 6.95 dwelling units for which a very small 0.05 relaxation can be made to allow 7dwelling units.

Conformity with the Walvis Bay Residential Density Policy: The review of the Walvis Bay Residential Density Policy was recommended for approval by the Municipal Council at their meeting held on 29 August 2023 under Item 11.2.

In terms of the reviewed Walvis Bay Residential Density Policy, the site falls in zone 1C within the High-Density Residential Zone. The maximum density permitted is 1:150m². The propose rezoning of the site to General Residential 1 with a zoning density of 1:200m² is therefore permitted within this zone and a lower density than the maximum allowed is proposed,

The Policy also states that the approval of increased densities is subject to the availability of services, where reticulated sewerage and adequate drainage are available. These services are available and taking into consideration that the current zoning and density of the site allows 4 dwelling units through subdivision, the increased service provision will only be for 3 additional units.

The proposed rezoning can be supported as the redevelopment of a site that is suitable to accommodate higher density developments is achieved.

RECOMMENDED:

That the Municipal Council recommends for approval the rezoning of Erf 2062 Walvis Bay Extension 6 from “Single Residential” with a density of 1 dwelling unit per 300m² to “General Residential 1” with a density of 1 dwelling unit per 200m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018, subject to the following conditions:

- (a) That a 20% compensation fee be charged for the rezoning in terms of the Ministerial Betterment Fee Policy of 2009 as contemplated under Part 4 of Chapter 5 of the Urban and Regional Planning Act, 2018.
- (b) That the applicant pays a betterment fee deposit of N\$ 41,700.00, being 20% of the increase in value of the rezoned, prior to the submission of the rezoning application to the Urban and Regional Planning Board, whichever is earlier.
- (c) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.

- (d) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
- (e) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor should it bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the Town Planning Ordinance 18 of 1954 therefore still apply.
- (f) That the rezoning of Erf 2026 Walvis Bay Extension 6 be proclaimed in the Government Gazette.

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11.5 **Approval request for the deletion and/alteration of conditions of title for Erf 1714 Walvis Bay Extension 3, the rezoning of Erf 1714 Walvis Bay Extension 3 from "Single Residential" (1:500m2) To "General Residential 1" (1:150m2) and consent to proceed with development while rezoning is in progress** (Add. No. 5; M/C Meeting 20/02/2024; File: 1714 W)

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

- (a) Application for the deletion of condition "A" registered against Erf 1714 Walvis Bay Extension 3 under Deed of Transfer No.T406/2023 in terms of Section 105(f) of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018).
- (b) Rezoning of Erf 1714 Walvis Bay Extension 3 from "Single Residential" with a density of 1 dwelling unit per 500m² to "General Residential 1" with a density of 1 dwelling unit per 150m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018.
- (c) Consent from the Municipal Council of Walvis Bay to proceed with development while the rezoning is in progress.

Application and Registered Owner: The applicant and owner is Mr MC & Mrs GM Ndumbu of P.O Box 70470, Khomasdal, Windhoek. The owner has given the Power of Attorney to Stewart Planning Town and Regional Planners (the Consultant) to submit the application on their behalf.

Location: Erf 1714 Walvis Bay Extension 3 is located on Sixteenth Road, as illustrated by Figure 1 on the next page.



Figure 1 Locality Plan of Erf 1714 Walvis Bay Extension 3.

Existing Zoning and Density: Erf 1714 Walvis Bay is zoned as Single Residential and measures 1137m² in extent.

Title Deed Conditions: Contained the standard "Single Residential" conditions as well as additional conditions listed in the attached title deed under "**A. SUBJECT**".

Existing Land Uses: The erf has a main dwelling unit with an attached single garage. The owner intends to develop four additional bachelor flats and a large double, overall the development will comprise of a total of 5 dwelling units. The owner intends to develop 2 additional units in the future which will comprise of a maximum of 7 dwelling units.

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

Deletion of Condition against Erf Component: The **first** part of the application is for deletion of condition "A" registered against Erf 1714 Walvis Bay Extension 3 under Deed of Transfer No.T406/2023 in terms of Section 105(f) of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018). It is recommended that the condition "A registered against Erf 1714 Walvis Bay Extension 3 vide Deed of Transfer No. T406/2023 be deleted by notarial deed and condition "B" be retained.

Rezoning Component: The **second** part of the application is for the rezoning of Erf 1714 Walvis Bay Extension 3 from "Single Residential" with a density of 1 dwelling unit per 500m² to "General Residential 1" with a density of 1 dwelling unit per 150m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018. The rezoning will be in accordance with the plan. The applicant will pay a betterment fee deposit of N\$ 45,480.00, being 20% of the increase in value of the rezoned property.

Consent Component: The **third** part of the application is for the consent to proceed with development while rezoning is in process and is made in terms of the Town Planning Scheme.

The application was advertised for comments and objections in the Namib Times, the Namibian, and Government Gazette. Notices of the rezoning and consent were displayed on the site and on the Municipality of Walvis Bay's notice board. Furthermore, adjacent landowners and occupiers were notified about the application by hand-delivered mail and some by standard mail. The closing date for comments/objections were 26 October 2023. No objections were received.

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

Conformity with the Walvis Bay Town Planning Scheme: Clause 14.1 of the Walvis Bay Town Planning (Zoning) Scheme makes provisions for a “Block of Flats” on General Residential zoned properties, as primary uses.

The application is for the Rezoning of Erf 1417 Walvis Bay from “Single Residential” with a density of (1:500m²) to “General Residential 1” with a density of (1:150m²) and Consent to proceed with development while the rezoning is in process, which will thus comply with the Town Planning (Zoning) Scheme.

Conformity with the Walvis Bay Residential Density Policy: The review of the Walvis Bay Residential Density Policy was recommended for approval by the Municipal Council at their meeting held on 29 August 2023 under Item 11.2.

In terms of the reviewed Walvis Bay Residential Density Policy, the site falls in zone 1B which supports maximum residential densities of 1 dwelling unit per 100m² (1:100m²). The proposed density of 1:150m² is lower than this maximum density, therefore, the proposed development can be supported.

From the Town Planning point of view, the rezoning and consent use are supported based on the following:

- (a) The erf is sufficiently large to accommodate the proposed development and future expansion to 7 units.
- (b) Redevelopment The title deed contains outdated and restrictive conditions which limit the use of the site for the housing of one family only which needs to be deleted to permit the proposed development/rezoning.
- (c) The proposed development/rezoning is supported in terms of the reviewed Walvis Bay Residential Density Policy which was recently approved by the Municipal Council of Walvis Bay.
- (d) No major traffic related issues will occur as the result of the proposed rezoning.
- (e) The proposed rezoning will generate income for the Municipal Council in terms of Rates and Taxes.
- (f) The proposed development will aim to enhance sustainability in terms of redeveloping existing property which has access to existing services and infrastructure which promotes compact city development.
- (g) The proposed development will create short-term employment in the construction and related industries and contribute to the provision of affordable housing.
- (h) The proposed zoning and development is in accordance with the Walvis Bay Strategic Plan.
- (i) The rezoning and consent use will not conflict with the Walvis Bay Town Planning Scheme.
- (j) The proposed rezoning and consent will not negatively affect the amenity of the area.
- (k) Consent is also sought to proceed with development while the rezoning is in progress to fast-track development of affordable housing in Walvis Bay.

RECOMMENDED:

- (1) That the Municipal Council recommends for approval for the application for the deletion of condition "A" registered against Erf 1714 Walvis Bay Extension 3 under Deed of Transfer No.T406/2023 in terms of Section 105(f) of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018).
- (2) That the Municipal Council recommends for approval the rezoning of Erf 1714 Walvis Bay Extension 3 from "Single Residential" with a density of 1 dwelling unit per 500m² to "General Residential 1" with a density of 1 dwelling unit per 150m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018, subject to the following conditions:
 - (a) That a 20% compensation fee be charged for the rezoning in terms of the Ministerial Betterment Fee Policy of 2009 as contemplated under Part 4 of Chapter 5 of the Urban and Regional Planning Act, 2018.
 - (b) That the applicant pays a betterment fee deposit of N\$ 45,480.00, being 20% of the increase in value of the rezoned, prior to the submission of the rezoning application to the Urban and Regional Planning Board, whichever is earlier.
 - (c) That the rezoning of Erf 1417 Walvis Bay Extension 3 be proclaimed in the Government Gazette.
 - (d) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.
 - (e) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
 - (f) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor should it bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the Town Planning Ordinance 18 of 1954 therefore still apply.
- (3) That consent be granted for the applicants to proceed with the development while the rezoning is in progress, at their own costs and risks, provided that:
 - (a) That building plans be submitted to the Municipal Council and assessed in terms of the building regulations and municipal by-laws, and a building permit be issued prior to the commencement of development.
- (4) That all cost regarding the above be borne by the owner (applicant).

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11.6 **Approval request for the rezoning of Erf 113 Meersig from “Single Residential” (1:500m²) to “Single Residential” (1:300m²) and subsequent subdivision of Erf 113 Meersig into Portion 1 and Remainder** (Add. No. 6; M/C Meeting 20/02/2024; File: 113 M)

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

- (a) Rezoning of Erf 113 Meersig from “Single Residential” with a density of 1 dwelling unit per 500m² to “Single Residential” with a density of 1 dwelling unit per 300m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018.
- (b) Subdivision of Erf 113 Meersig into Portion 1 and Remainder Erf 113 Meersig in terms of Section 105(e) of the Urban and Regional Planning Act, 2018.

Application and Registered Owner: The applicant and owner is Mr GG & Mrs MW Williamson (deceased) of P.O Box 1298, Walvis Bay. The owner has given the Power of Attorney to Stewart Planning Town and Regional Planners (the Consultant) to submit the application on their behalf.

Location: Erf 113 Meersig is located on the corner of Fourth Road North and Second Road West as illustrated by Figure 1 below.



Rezoning Component: The **first** part of the application is for the rezoning of Erf 113 Meersig from “Single Residential” with a density of 1 dwelling unit per 500m² to “Single Residential” with a density of 1 dwelling unit per 300m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018. The applicant will pay a betterment fee deposit of N\$ 27,623.60, being 20% of the increase in value of the rezoned property.

Subdivision Component: The **second** part of the application is for the subdivision of Erf 113 Meersig into Portion 1 and Remainder Erf 113 Meersig in terms of Section 105(e) of the Urban and Regional Planning Act, 2018.

Erf Number	Township	Zoning	Size (m ²)
Erf 113	Meersig	Single Residential	1424
New Portion 1	Meersig	Single Residential	974
Remainder Erf 113	Meersig	Single Residential	450

That a firewall be erected along the portion of the proposed subdivision line which goes through the existing double garages. The proposed firewall must be registered as a party wall servitude.

i) Endowment, if any, which must be made to a local authority.

The applicant will be required to pay a 7.5% Endowment Fee for the proposed New Portion 1 (a Portion of Erf 113) Meersig, 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 Portion 1/

The application was advertised for comments and objections in the Namib Times, the Namibian, and Government Gazette. Notices of the rezoning and consent were displayed on the site and on the Municipality of Walvis Bay’s notice board. Furthermore, adjacent landowners and occupiers were notified about the application by hand-delivered mail and some by standard mail. The closing date for comments/objections were 26 October 2023. No objections were received.

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

Conformity with the Walvis Bay Town Planning Scheme: The proposed newly created Erven will continue to be utilised for Single Residential land use purposes as per the Walvis Bay Town Planning Scheme. The proposed rezoning of the zoning density from 1:500m² to 1:300m² is still permitted in terms of the density zones set out in Clause 12.2.4.1 of the Walvis Bay Town Planning Scheme that is allowed for Single Residential zoned properties and therefore complies. The development parameters of the Single Residential Zone will be evaluated with the submission of building plans for the newly created Erven.

Conformity with the Walvis Bay Residential Density Policy: The review of the Walvis Bay Residential Density Policy was approved by the Municipal Council at their meeting held on 29 August 2023 under Item 11.2.

Erf 113 Meersig is situated in Zone 3A, which falls in the Low-Density Residential Zone.

The maximum density permitted is 1:300m². The proposed rezoning of the zoning density from 1:500m² to 1:300m² is therefore permitted within this zone.

The Policy also states that the approval of increased densities is subject to the availability of services, in particular where reticulated sewerage and adequate drainage are available. These services are available and already on site to accommodate the existing 2 dwelling units.

From the Town Planning point of view, the rezoning and consent use are supported based on the following:

- (a) The erf is sufficiently large to accommodate the proposed development and future expansion to 7 units.
- (b) The proposed rezoning of the zoning density from 1:500² to 1:300m², and subsequent subdivision into Portion 1 (±974m²) and the Remainder (±450m²) is supported based on the Policy's guidelines.
- (c) No major traffic related issues will occur as the result of the proposed rezoning.
- (d) The newly created Portion 1 and the Remainder are larger than the required 300m² minimum erf size for single-family housing.
- (e) The rezoning and subdivision will have a direct and indirect positive impact on economic growth in terms of employment creation during the upgrading of the existing dwelling unit on site and additional service connection for the newly created Erf. The subdivision and rezoning can be regarded as a local economic development that will contribute to the overall improvement of the Meersig residential neighbourhood.
- (f) The proposed development will address the demand, need and desirability for smaller, more affordable freehold title detached housing in Meersig.
- (g) The proposed rezoning and subdivision will not negatively affect the amenity of the area.

RECOMMENDED:

- (1) That the Municipal Council recommends for approval the rezoning of Erf 113 Meersig from "Single Residential" with a density of 1 dwelling unit per 500m² to "Single Residential" with a density of 1 dwelling unit per 300m² in terms of Section 105(a) of the Urban and Regional Planning Act, 2018, subject to the following conditions:
 - (a) That a 20% compensation fee be charged for the rezoning in terms of the Ministerial Betterment Fee Policy of 2009 as contemplated under Part 4 of Chapter 5 of the Urban and Regional Planning Act, 2018.
 - (c) That the applicant pays a betterment fee deposit of N\$ 27,623.60, being 20% of the increase in value of the rezoned erf, prior to the submission of the rezoning application to the Urban and Regional Planning Board, whichever is earlier.
 - (c) That, in case the Minister of Urban and Rural Development approves a betterment fee lower than the deposit paid, the Municipal Council shall refund the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant to the Municipal council.

- (d) That, in case the Minister of Urban and Rural Development approves a betterment fee higher than the deposit paid, the Municipal Council shall claim the difference between the betterment fee approved by the Minister of Urban and Rural Development and deposit paid by the applicant from the applicant.
 - (e) That the applicant notes that the payment of the betterment fee deposit should neither create an expectation nor should it bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the Town Planning Ordinance 18 of 1954 therefore still apply.
 - (f) That the rezoning of Erf 113 Meersig be proclaimed in the Government Gazette.
- (3) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the application for the subdivision of Erf 738 Walvis Bay into new Portion X and Remainder Erf 738 Walvis Bay, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan WAL/738 dated 03/11/2023, which bear the approval stamps of the Municipal Council.
- (4) That the following conditions be registered against new Portion 1 and the Remainder of Erf 113 Meersig:

In favour of the Local Authority

- (a) The erven shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subjected to, the provision of the Walvis Bay Town Planning Scheme (Zoning Scheme) prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018).
- (b) The building value of the main building, excluding the outbuildings to be erected on the erf be at least two times the valuation of the erf.

In addition to the above conditions, that the following party wall servitude be surveyed and registered against Portion 1 (a portion of Erf 113 Meersig) and the Remainder of Erf 113 Meersig, as shown on the subdivision plan dated 25 September 2023 with DWG No. 113/M/SP:

- (c) Subject further to the following party wall servitude:
 - c) That the indicated party wall servitude may not be altered, demolished, or be replaced without the written consent of the adjoining property owner, except for minor alterations or paintwork on either side of the party wall, and that the use, ownership, cost, and maintenance of the party wall shall be shared by the adjoining property owners, or successors in title.
- (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 new erf be provided with one electricity, water and sewerage connection.
- (7) That a firewall be erected along the portion of the subdivision boundary which goes through the existing buildings.
- (8) That the proposed firewall be registered as a party wall servitude.

- (9) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the new erf.
- (10) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (11) 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.
- (12) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (13) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.'
- (14) That the applicant pays a 7.5% Endowment Fee for the proposed New Portion 1 (a Portion of Erf 113) Meersig, 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 Portion 1.
- (15) That all cost regarding the above be borne by the owner (applicant).

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11.7 **Approval request for consent application for an accommodation establishment (self-catering establishment) on Erf 402 Langstrand** (Add. No. 7; M/C Meeting 20/02/2024; File: 402 L)

The purpose of this report is to obtain Municipal Council approval for the consent application for an accommodation establishment (self-catering establishment) on Erf 402 Langstrand.

Applicant and Owners: Erf 402 Langstrand is owned by Communard Two cc, whereby the shares in the cc are divided as Luis Johan Gerber 38%, Amori Gerber 37%, Liam Jacobus Smit 13%, and Alicia Smit 12% each. The above-mentioned shareholders have given Power of Attorney to Mrs Lilane Liversage to submit the application on their behalf.

Location: Erf 402 Langstrand is located along Huab Street. The locality plan is demonstrated by **Figure 1 on the next page**.



Figure 1: Location of Erf 402 Langstrand

Existing Zoning and Density

ERF NO.	TOWNSHIP	SIZE (m ²)	Zoning	Density
402	Langstrand Extension 1	469.03	Single Residential	1:300

Title Deed Conditions: The usual Single Residential conditions no restrictions.

Existing & Surrounding Land Uses: The erf consists of one main dwelling unit. Erf 402 Langstrand is suited in a well-established neighbourhood which is predominantly single residential a few general residential erven, as well as a few self-catering establishments.

The application has been advertised as required on site and in the press, and the adjacent neighbours contacted for objections. The period for objections expired on 01 December 2023, and written objections were received from adjacent owners.

The neighbouring owners of Erf 344 Langstrand objected against the consent application. The grounds for objection are as follows:

- Number of vehicles with limited parking, how will the parking issue be addressed?
- No vehicle should be parked on streets and pavements.
- Number of people staying on the premises, especially over the holidays.
- Noise because of quad bikes/other off-road vehicles and late-night parties.
- Rules of the owners not abided to by guests.
- Municipal rules are not strictly enforced by authorities, especially over the holidays.

No further objections were received against the establishment of an accommodation establishment (self-catering) on Erf 402 Langstrand.

A hearing was held on the 19 January 2024, in room 120, Civic Centre where the objectors and applicant representatives were in attendance. The objectors, owners of Erf 344, Mr and Mrs Lombaard, did not withdraw their objection to the Consent Application for an Accommodation Establishment (Self Catering) on Erf 402 Langstrand.

The consent application has been evaluated from the town planning point of view based on; conformity of proposed development with the Council's regulatory framework (i.e., Town Planning Scheme, influence of the development on the environment, neighbours, and neighbourhood; and the objections lodged.

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

Control Measure	Walvis Bay Town Planning Scheme (TPS) Requirements	Conformity of Proposed Development with the TPS
Land Uses	Clause 12.1 – accommodation establishment are allowed on Single Residential Erven subject to Council's consent.	<u>Conforms:</u> The application is for an accommodation establishment (self-catering establishment) on Erf 402 Langstrand.

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS									
Parking	12.2.8.1 – As determined by council.	<p>The Walvis Bay Town Planning Scheme does specify the minimum number of parking bays for self-catering establishment on Single Residential erven, as determined in the table below:</p> <p>TABLE: PROVISION OF PARKING</p> <table> <tr> <th>COLUMN 1</th><th>COLUMN 2</th><th>COLUMN 3</th></tr> <tr> <th>USE ZONE</th><th>USE</th><th>MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED</th></tr> <tr> <td>Single Residential</td><td> <ul style="list-style-type: none"> - All uses not listed below - Dwelling Units - Subsidiary Dwelling Unit - Home Based Business - Residential Building - Guest House - Bed and Breakfast - Self Catering Establishment </td><td> <p>As determined by Council</p> <p>2 per dwellings Unit</p> <p>1 per dwelling Unit</p> <p>for administrative or professional activity: 2 additional per dwelling unit:</p> <p>for home based business, home based general dealer and shoebens: As determined by Council</p> <p>1 per dwelling Unit</p> <p>2 plus one per room</p> <p>2 plus one per room</p> <p>2 plus one per room</p> </td></tr> </table>	COLUMN 1	COLUMN 2	COLUMN 3	USE ZONE	USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED	Single Residential	<ul style="list-style-type: none"> - All uses not listed below - Dwelling Units - Subsidiary Dwelling Unit - Home Based Business - Residential Building - Guest House - Bed and Breakfast - Self Catering Establishment 	<p>As determined by Council</p> <p>2 per dwellings Unit</p> <p>1 per dwelling Unit</p> <p>for administrative or professional activity: 2 additional per dwelling unit:</p> <p>for home based business, home based general dealer and shoebens: As determined by Council</p> <p>1 per dwelling Unit</p> <p>2 plus one per room</p> <p>2 plus one per room</p> <p>2 plus one per room</p>
COLUMN 1	COLUMN 2	COLUMN 3									
USE ZONE	USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED									
Single Residential	<ul style="list-style-type: none"> - All uses not listed below - Dwelling Units - Subsidiary Dwelling Unit - Home Based Business - Residential Building - Guest House - Bed and Breakfast - Self Catering Establishment 	<p>As determined by Council</p> <p>2 per dwellings Unit</p> <p>1 per dwelling Unit</p> <p>for administrative or professional activity: 2 additional per dwelling unit:</p> <p>for home based business, home based general dealer and shoebens: As determined by Council</p> <p>1 per dwelling Unit</p> <p>2 plus one per room</p> <p>2 plus one per room</p> <p>2 plus one per room</p>									

Responses to the Grounds for Objections

Grounds for Objection	Town Planning's Response to Objections
<p>Parking Number of vehicles with limited parking, how will the parking issue be addressed?</p> <p>No vehicle should be parked on streets and pavements.</p>	<p>Based on the number of parking bays allocated for self-catering establishments in the Town Planning Scheme and looking at the building plans provided by the applicant, an average of 6 parking bays will be required. The applicant has not addressed parking issues. Parking can be an issue, because not adequate parking is provided. However, this can potentially be addressed if the applicant makes parking arrangements to the satisfaction of Council.</p>
<p>Number of people staying on the premises, especially over the holidays.</p>	<p>The number of people allowed in the establishment, should be limited to the number of people the 4 rooms in the dwelling unit can accommodate at a time. This should strictly be enforced.</p>
<p>Noise because of quad bikes/other off-road vehicles and late-night parties</p>	<p>Noise should be regulated and visiting hours for guests not residing or booked in at the accommodation establishment should be regulated to a specific hour which will allow immediate neighbours and residents to live in a peaceful and quiet area.</p>
<p>Rules of the owners not abided to by guests.</p> <p>Municipal rules are not strictly enforced by authorities, especially over the holidays.</p>	<p>Owners are expected to notify guests of house rule before and upon arrival at the self-catering establishment. These are rules that the owners need to strictly enforce for their respective establishments.</p> <p>It is said that every Municipality has its own By-laws that should strictly be enforced by the City Police. If guests booked in at any establishment refuse to adhere to Municipal as well as the owners rules, the City Police can and should be notified for the safety and peace of neighbours in the areas.</p>

Therefore, the application can be supported for the following reasons:

- The land use is permitted in terms of the Town Planning Scheme, and it is an acceptable use in a residential area.
- The total floor area of the proposed land use complies with the Walvis Bay Town Planning Scheme.
- The development on the erf will still retain its residential character.
- The Accommodation Establishment activity does not affect the amenity of the area negatively and does not create undue noise due to its existence in a residential area.

RECOMMENDED:

That consent be granted in terms of Clause 12.1 of the Walvis Bay Town Planning Scheme for the establishment of an accommodation establishment (self-catering establishment) on Erf 402 Langstrand subject to the following conditions:

- (a) Access to and from the site shall be to the satisfaction of the General Manager: Roads and Building Control.

- (b) The area of the public/service areas (kitchen/lounge/dining room) shall not exceed the area of the rooms for accommodation purposes.
- (c) That the applicant compensates Council for the two parking bays not provided for.
- (d) No signs shall be erected without the consent of the General Manager: Roads and Building Control.
- (e) That strict noise and traffic regulations be put in place. Any contravention of these regulation will mean immediate closure of the Self-Catering Accommodation Establishment.
- (f) The public/service areas shall only be used by bona-fide residents and their guests and not by the general public.
- (g) Meals may only be supplied to bona-fide residents and their guests and not to the general public.
- (h) Neither the buildings nor grounds shall be used as an entertainment hall, amusement area or for any other similar use.
- (i) The scale and appearance of the buildings and grounds shall be residential in character.
- (j) The Municipal Council requires the registration of this Self-Catering Unit with the Namibia Tourism Board in terms of the Namibia Tourism Board Act, 2000 (Act No. 21 of 2000).
- (k) The approval is subject to the applicable laws and regulations of both the Government and the Municipality.
- (l) All rates and services charges for business be made applicable.
- (m) That should valid complaints be received, or the imposed, conditions not be complied with and after giving the owner 14 days written notice, consent may be withdrawn.
- (n) That this permission lapses when the property is sold, leased or alienated in whatever process engaged.

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11.8 **Approval request for the subdivision of Erf 2192 Narraville into new Portion A and Remainder Erf 2192 Narraville** (Add. No. 8; M/C Meeting 20/02/2024; File: 2192 N)

The purpose of the report is to obtain Municipal Council approval for the subdivision of Erf 2192 Narraville into new Portion A and Remainder Erf 2192 Narraville.

Application and Registered Owner: The owner of Erf 2192 Narraville is Mrs. RR Claasen. The owner has given the Power of Attorney to HEH Urban Nest Creations of P.O Box 4453, Walvis Bay to submit the application on his behalf.

Location and Access: Erf 2192 Narraville is located along Firefish Street Narraville Extension 1, as illustrated by **Figure 1**.



Figure 1 Locality Plan of Erf 2192 Narraville Extension 1

Existing Zoning, Density and Size: Erf 2192 Narraville is zoned as Single Residential with a density zoning of 1 dwelling unit per 300m² and measures 694m² in extent.

Title Deed Conditions: The usual Single Residential conditions; no restrictions.

Existing and Future Land Uses: Erf 2192 Narraville is currently underdeveloped and has an old delapidated dwelling structure that is only occupying half of the Erf.

In terms of the Walvis Bay's Integrated Urban Spatial Development Framework, the area is demarcated for residential uses.

Topography: The area is levelled, and it is the same height as the existing Walvis Bay Proper.

Services: The erf is connected to municipal services (water and sewerage) and electrical services. A sewer line is currently running through the proposed Portion A. The Remainder Erf 2192 Narraville must access to the sewer connection situated on the proposed New Portion A.

Erf 2192 Narraville is proposed to be subdivided into New Portion A and Remainder Erf 2192 Narraville, as outlined by the table on the next page.

Erf Number	Township	Zoning	Size (m ²)
Erf 2192	Narraville	Single Residential	694
New Portion A	Narraville	Single Residential	393
Remainder Erf 2192	Narraville	Single Residential	300

Access to the proposed Portion A is to be gained via right of way servitude, which is 4.5m wide.

ASSESSMENT OF THE PROPOSED SUBDIVISION IN TERMS OF SECTION 65 OF THE URBAN AND REGIONAL PLANNING ACT:

(a) Comments and objections received in response to the notifications of intent to apply for subdivision.

All relevant neighbours have been contacted directly and no objections were received.

(b) Potential impact of the proposed subdivision on the environment, socio-economic conditions and cultural heritage.

The potential impacts of the proposed subdivisions on the environment, socio-economic conditions and cultural heritage have been assessed and analysed. The general findings were that there will be no negative impacts.

(c) Requirements of other applicable legislation have been complied with.

All relevant applicable legislation were adhered to, which include the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*; the Walvis Bay Integrated Urban Spatial Development Framework and the Walvis Bay (Town Planning) Zoning Scheme. With this said, the subdivision is therefore in line with Clause 12.2.5.1 of the Walvis Bay Zoning Scheme as well as other applicable legislation.

(d) Impact of the subdivision on existing or proposed developments/land uses in the area.

The proposed subdivision is within an existing township, being Narraville Extension 1. The proposed residential erven are similar to surrounding land uses in Narraville Extension 1, which is predominantly residential. Therefore, it will positively impact the area in the sense that there will be more erven available for residential purposes. The erf is already in an established township hence, it is already connected to Municipal services.

(e) Need and desirability of the proposed subdivision.

The subdivision of Erf 2192 Narraville is supported in principle from a town planning point of view due to the following reasons:

- There is an ongoing demand for housing in Walvis Bay which is mainly due to the increasing number of people migrating to the town in search of jobs and better living standards.
- The subdivision help reduce urban sprawl and the need to develop greenfield sites.
- Subdividing the property to create additional residential erven will further strengthen the residential character of the neighbourhood.
- The Council will also be able to generate income through this subdivision by means of payment of endowment fees by the developer, and by having multiple property owners paying rates and taxes and service charges.

- The proposed subdivision will also provide temporary employment during the construction phase.
- Subdivision and construction of new houses will also generate sales in local wholesale and retail outlets, especially for building materials, furniture and goods. In so doing, the local economy will be positively stimulated.

In conclusion, the proposed subdivision is considered needed and desirable and can be supported in principle.

j) Endowment, if any, which must be made to a local authority.

The applicant will be required to pay a 7.5% Endowment Fee for the proposed New Portion A (a Portion of Erf 2192) Narraville, 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 Portion A

Remainder Erf 2192 Narraville is exempted from endowment fees.

k) National Spatial Development Framework and the Applicable Regional Structure Plan approved in terms of the Urban and Regional Planning Act.

Not applicable – the National Spatial Development Framework and Erongo Regional Structure Plan have not yet been prepared and approved by Cabinet and the Minister of Urban and Rural Development, respectively.

l) Applicable zoning scheme approved in terms of the Urban and Regional Planning Act.

The Walvis Bay Zoning (Town Planning) Scheme is applicable to the subject area. In particular, Erf 2192 Narraville which is zoned as “Single Residential” with a density of 1 per 300m² in terms of the Walvis Bay Zoning Scheme. The proposed Portion A will remain Single Residential, and the density will not be changed.

RECOMMENDED:

- (1) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the application for the subdivision of Erf 2192 Narraville Extension 1 into new Portion A and Remainder Erf 2192 Narraville Extension 1, be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan ERF 2192 NAR/SUB/DIM/MAP dated OCTOBER 2023, which bear the approval stamps of the Municipal Council.
- (2) That the following conditions be registered against new Portion A and the Remainder of Erf 2192 Narraville:
 - (a) The erven shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subjected to, the provision of the Walvis Bay Town Planning Scheme (Zoning Scheme) prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018).
 - (b) The building value of the main building, excluding the outbuildings to be erected on the erf be at least four times the valuation of the erf.

- (3) 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.
- (4) That the new erf be provided with one electricity, water and sewerage connection.
- (5) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the new erf.
- (6) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (7) 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.
- (8) That the Remainder Erf 2192 Narraville Extension 1 be provided with access to the sewer connection situated on the proposed New Portion A.
- (9) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (10) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (11) That the applicant be held liable for the construction of a firewall where structures are closer than 1,50m to the erf boundary, if not such structures on boundaries be demolished.
- (12) That the applicant pays a 7.5% Endowment Fee for the proposed New Portion A (a Portion of Erf 2192) 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 Portion A.
- (13) That all cost regarding the above be borne by the owner (applicant).

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11.9 **Feedback report to Council on the benchmark visit to the City of Windhoek** (Add. No. 9; M/C Meeting 20/02/2024; File: 2/17/1/1)

The purpose of this report is to provide feedback to Council regarding the informal market development and management familiarization visit, to the City of Windhoek (CoW), that took place on 08 September 2023.

The Department of Community and Economic Development (CED) is responsible for creating a conducive environment for the business community in town. This is done through the provision and management of municipal market properties. To date, Council has a total of five (5) informal markets. Although Council has been operating these markets for two decades, managing these markets has been a challenge. To address the matter, Council requested the CoW for a familiarization visit to different entrepreneurial facilities. This was done to provide Council with exposure in the areas of entrepreneurial programs and infrastructure provision as well as management.

The delegation comprised of Her Worship Deputy Mayor, Councillor Saara Mutodoka, Councillor Ryan Gordon, Councillor Elizabeth Nkoshi, and Ms. Eben - Ezer Petrus: Economic Development Officer. The delegation was warmly received by Deputy Mayor, Councillor Magdalena Lambardt and Councillor Bernadus Araeb, who led the CoW delegation. The programme included a presentation by the CoW's Economic Development Division, led by the Strategic Executive Ms. Zurilea Steenkamp, and visits to four (4) categories of markets:

- Bokamoso Centre (SME Incubation)
- Wanahenda Industrial stalls (Micro Enterprises)
- Soweto Market (Micro Enterprises)
- Communal Car Wash (Micro Enterprises)

The above markets are managed by the Micro Entrepreneurial Development and SME Development Section, under the City's Economic Development Division.

RECOMMENDED:

- (1) That the Municipal Council takes note of the benchmark visit report.
- (2) That the report and the matters raised in the recommendations thereof be further discussed at an Informal Discussions meeting.

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11.10 Application to acquire a portion of unnamed street adjacent to Erf 5016 Walvis Bay: Frans Immanuel !Gonteb (Add. No. 11; M/C Meeting 20/02/2024; File: 5016 W)

The purpose of this report is to recommend, amongst others, that principle approval be granted that a portion of unnamed street adjacent to Erf 5016, Walvis Bay, be sold by private transaction to Mr Frans Immanuel !Gonteb (the applicant).

The applicant applied to purchase the portion of the road reserve directly in front of his property, for purposes of expanding his residential erf. To give effect to such a transaction, the road reserve needs to be closed and consolidated with the applicant's property, Erf 5017, Walvis Bay.

Council considered such application and at its Ordinary Council meeting held on 23 March 2023, under item 11.10, resolved as follows:

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

Although it is required that the applicant obtain the neighbours consent for this transaction, it is submitted that such consent would in any event be obtained through the closure and consolidation process and when the sale is advertised for objections.

The applicant must, at own cost, attend to the closure of the street portion, surveying, as well as all town planning and other related legal procedures.

The applicant made an offer of N\$350/m², to purchase the street portion from Council. However, residential properties in Meersig were offered to the public at N\$650/m². The applied for road reserve will be used for residential purposes and the land use determines the value of the land after it has been legally created. Therefore, the opinion is held that the application from the applicant to purchase a portion of an unnamed road reserve (Portion A as per the sketch plan, ±115 m² in extent), be offered by way of private transaction, at N\$650/m².

Seeing that the road reserve is to be sold by private transaction, the standard 10% contribution towards the landscaping fund, will also apply.

RECOMMENDED:

- (1) That the Council resolution of the meeting held on 23 March 2023, item No 11.10 be rescinded.
- (2) That principle approval be granted that a Portion A of unnamed road reserve (street), in extent ±115 m², be sold, by private transaction to Mr Frans Immanuel Gonteb (the applicant), for N\$74,750.00.
- (3) 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.
- (4) That the applicant, at its own cost, attends to all town planning and other related legal procedures, such as permanent closure of the street portion, surveying, subdivision, rezoning, etc.
- (5) 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.
- (6) That, once all town planning and other related legal procedures have been attended to, 10% of the purchase price be paid on date of sale, plus 15% VAT, and the balance of the purchase price be secured by an acceptable bank guarantee within one hundred and twenty days (120) days from date of sale.
- (7) 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.
- (8) That, in the event the applicant fails to pay the 10% deposit and secure the balance of the purchase price by means of an acceptable bank guarantee within hundred and twenty days (120) days from date of notice, the sale be regarded as null and void.
- (9) 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.
- (10) That the applicant consults Erongo RED regarding electrical requirements/services and/or any other information in this regard.
- (11) That the applicant, at own cost, relocate known and/or unknown services.

- (12) 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 portion of land to revert to Council at the cost of the applicant.
- (13) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.
- (14) That no informal structures (shebeens, bars and such illegal structures) be allowed on any part of the development, and that this condition be registered as a title condition.

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11.11 Amendment to council resolution Item 11.8 dated 29 August 2023: Application to lease portion of Farm 38: Rent-A-Drum (Add. No. 12; M/C Meeting 20/02/2024; File: Farm 38)

The purpose of this report is for Council to approve an application from Rent-A-Drum (the applicant) to reduce the size of land originally applied for to lease and to recommend certain amendments to Council resolution, Item 11.8 of 29 August 2023.

Paragraphs (1) and (9) of the Council resolution, Item 11.8 of its meeting held on 29 August 2023, reads as follows:

“(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.

(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.”

The applicant however conducted a further feasibility assessment and realized that the 26 Ha of land originally applied for, is too big for their project.

The applicant then appointed a land surveyor to survey a more realistic required land parcel for their project. Subsequently, the applicant requested that the size of the land be reduced to 7,8133 ha. The survey diagram of the reduced area required has been completed and is also attached with the application.

The applicant’s request to reduce the size of land originally applied for is supported, as it will perfectly suit the needs of the project.

RECOMMENDED:

- (1) That the request from the applicant to reduce the size of land originally applied for to lease a portion of Farm 38, be approved.
- (2) That paragraph (1) and paragraph (9) of Council resolution item 11.8 dated 29 August 2023, be amended to read as follows:

- “(1) That Portion 160 of Farm 38, in extent 7,8133 ha (78,133 m²), be leased to Rent-A-Drum (the applicant), at a rental of N\$69,538.40 (N\$0.89 cents/m²), plus N\$10,430.80 (15% VAT) per month, escalating with 10% per annum, for establishing a Waste Management Facility.
- (9) That the applicant, in conjunction with the Department of Roads and Building Control, have the required 78,133 m² of Farm 38 surveyed at the applicant’s cost”.

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11.12 **Walvis Bay Waterfront Project: Appointment of Directors** (Add. No. 14; M/C Meeting 20/02/2024; File: 15/2/1/1/2/1)

The purpose of this report is for Council to recommend the appointment of Council representatives to serve as directors on the Walvis Bay Waterfront Properties Pty Ltd. company (The Company).

Council at its Ordinary meeting held on 05 October 2023 under item 15.1, resolved as follows:

- (1) That the efforts to address the questions and information required by the legal opinion, be noted.
- (2) That answers be provided to the lawyers as per their request.
- (3) That the Office of the Chief Executive Officer engages Afrikuumba with regards to the contractual agreement pertaining to Council’s interest.

The above Council resolution was conveyed to Mr Titus Nakuumba of Afrikuumba (Pty) Ltd and Messers Dr Weder, Kauta & Hoveka Incorporated.

Attorneys Dr Weder, Kauta & Hoveka (Weder/Kauta) submitted a formal reply to the Council communication. From the reply of Weder/Kauta, it should be clear that if Council wish to obtain further and final legal opinion with the intent to pursue possible action to withdraw as JV partner in the Company, specific further instructions will have to be provided and such instructions will have further financial implications for Council.

It is also submitted that the Office of the Chief Executive Officer, as per clause (3) of the above Council resolution, had a virtual meeting with Mr Titus Nakuumba from Afrikuumba on 22 November 2023. Mr Nakuumba indicated that Afrikuumba and its directors are still interested and willing to proceed with the Waterfront project in Walvis Bay. They further briefed the Office of the Chief Executive Officer on the status of the project and that the implementation of the project was delayed due do economic downturn in Namibia. Mr Nakuumba was informed of Council’s concerns regarding the development. On request, Afrikuumba also provided Council with the minutes and company registration documents of Walvis Bay Waterfront Properties (Pty) Ltd.

RECOMMENDED:

- (1) That the feedback from Dr. Weder, Kauta and Hoveka and Mr. Titus Nakuumba, on Council resolution 15.1 of 5 October 2023, be noted.
- (2) That the removal of any and all past Directors representing the Municipal Council of Walvis Bay on the Walvis Bay Waterfront Properties (Pty) Ltd., be approved.

- (3) That the appointment of six (6) new competent and knowledgeable directors as Council representatives on the Board of Directors of the Walvis Bay Waterfront Properties (Pty) Ltd., be approved as follows:

- Councillor Saara Mutondoka
- Councillor Ephraim Shozi
- Councillor Paulus Kauhondamwa
- Incumbent General Manager: Human Resources and Corporate Services
- Incumbent General Manager: Finance: GM
- Incumbent Manager: Housing and Properties

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11.13 **Transfer of funds for operations of the Traffic Section** (Add. No. 15; M/C Meeting 20/02/2024; File: 5/1/4(2023-2024))

The purpose of this report is to obtain Council approval for the transfer of funds from various votes within the Traffic Section to supplement under budgeted votes in order to procure vital equipment.

The Road Fund Administration (RFA) allocate funds to Traffic Law Enforcement on a yearly basis. An amount of N\$ 1 940 000.00 was received for this financial year.

The received funds were allocated to various votes to procure different items, as listed below:

VOTE	Amount N\$
B380/5531/0000 Number Plate Recognition Equipment	420 000.00
B380/5290/0000 License scanners x 15	280 000.00
B380/5455/0000 Quad Bikes	300 000.00
B380/5386/000 Patrol vehicles x 2	1 000 000.00

The amount of N\$ 420 000.00 (Vote B380/5531/0000), budgeted for the procurement of Number Plate Recognition Equipment cannot be spent, since such equipment is currently not available because of a backlog in the manufacturing thereof.

The amount of N\$ 300 000.00 (Vote B380/5455/0000), budgeted for the procurement of Quad Bikes, have not been spent yet. There is a more urgent need to procure traffic vehicles and it is suggested that funds be transferred from this vote to another in order to supplement insufficient funds for the procurement of traffic vehicles.

If the funds provided by the RFA is not allocated and spent, the Traffic Section will forfeit such funds. It is therefore necessary that the funds on the abovementioned votes be transferred and distributed to other votes within the Traffic Section.

The transfer of monies between votes is recommended as follows:

1. For the previous financial year an amount of N\$ 50 000.00 was budgeted for under Vote B380/5454/0000 (Body Cam) to procure body cams. These body cams enable traffic officers to record tangible information needed as evidence in court. Only 4 body cams were procured out of 15 that was required, due to insufficient funds available. More funds are required to procure the remainder 11 body cams. N\$ 120 000.00 be transferred to this vote.
2. E- laptops are required to operate the electronic systems to verify vehicle particulars (licence numbers, VIN numbers, engine numbers, ownership of vehicles etc). Previously only N\$ 40 000.00 was budgeted for on Vote B380/5456/0000, which was not sufficient. More funds are needed to purchase 12 e- laptops for traffic officers. N\$ 200 000.00 be transferred to this vote.
3. A bid for 12 x licence scanners to ensure the validity of licences (vehicle and driving licences) could not be awarded due to insufficient funds provided for on Vote B380/5290/0000. N\$ 100 000.00 be transferred to this vote.
4. A bid for two (2) new vehicles need to be advertised. However, the amount budgeted for this purpose on Vote B380/5386/000 is not sufficient due to the new price hikes on vehicles and equipment. N\$ 300 000.00 to be transferred to this vote.

RECOMMENDED:

- (1) That it be noted that funds provided for by the Road Fund Administration and earmarked for the procurement of Number Plate Recognition Equipment to the tune of N\$ 420 000.00, and Quad Bikes to the tune of N\$ 300 000.00, will not be spent during this financial year and in order not to lose these funds, such funds be earmarked for the procurement of other necessary traffic equipment.
- (2) That the re-distribution of funds and the transfer of such funds between votes within the Traffic Section, be approved.
- (3) That the transfer of funds be approved as follows:

VOTE FROM	VOTE TO	AMOUNT
B380/5531/0000 (Number Plate Recognition Equipment) Available Amount: N\$ 420 000.00	B380/5454/000 (Body Cams)	N\$ 120 000.00
B380/5531/0000 (Number Plate Recognition Equipment) Available Amount: N\$ 420 000.00	B380/5456/000 (Laptops E - Natis)	N\$ 200 000.00
B380/5531/0000 (Number Plate Recognition Equipment) Available Amount: N\$ 420 000.00	B380/5456/0000 (Licence Scanners)	N\$ 100 000.00
B380/5455/0000 Quad Bikes Available Amount N\$ 300 000.00	B380/5386/000 (Patrol Vehicles)	N\$ 300 000.00

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11.14 **Ministerial approval for waiving of pre-emptive rights registered over various properties: Massive Urban Land Servicing Programme** (Add. No. 16; M/C Meeting 20/02/2024; File: 7/2/3/2/10)

The purpose of this report is to take note of the Ministerial approval for the Municipality of Walvis Bay to consider request from various property owners to waive the pre-emptive right registered in favour of the Council.

Council at its ordinary meeting held on 09 May 2023 under item 11. 15 resolved as follows: -

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

Erf 7164 Kuisebmond
Erf 7311 Kuisebmond
Erf 7325 Kuisebmond
Erf 7466 Kuisebmond and
Erf 3744 Narraville

- (2) That the future request for waiving of pre-emptive right be delegated to Municipality of Walvis Bay for consideration.
- (3) That each case be considered on its own merits by Council.”

The Ministry of Urban and Rural Development was informed of the Council resolution responded on 10 November 2023 and indicated that the Massive Urban Land Servicing Project was financed by the Ministry and implemented by Council. Therefore, the pre-emptive condition imposed on the sale of properties included in the sale agreement, is between Council and prospective buyers. This in simple terms means that this condition is registered in favour of Council and not in favour of the Ministry.

Council is therefore advised and given the authority to take its own resolutions on the waiving of the pre-emptive right imposed on the properties under the Massive Urban Land Servicing Project. Any and each request in this regard received from property owners can therefore be considered on its own merits, by Council. Such requests could, amongst others, include property owners that have relocated to other towns or owners that have lost work because of the economic downturn.

In view of the directive of the ministry, the opinion is held that in order to expedite requests for the waiving of the pre-emptive right, such requests be considered administratively. It is thus recommended that the General Manager: Community and Economic Development, be delegated to consider pre-emptive right requests.

RECOMMENDED:

- (1) That the Ministerial advice and approval for Council to consider the cancellation of pre-emptive right requests from property owners under the Massive Urban Land Servicing Project, be noted.
- (2) That the powers to consider requests from property owners within the Massive Urban Land Servicing Project, for the cancellation of the pre-emptive right condition imposed on the sale of properties included in the sale agreement, with each case/request to be considered on its own merits, be delegated to General Manager: Community and Economic Development and that the delegation of Powers Policy of Council be amended accordingly.

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11.15 **Amendment of purchaser's name in respect of the sale of Erf 6215 Walvis Bay (Extension 19): Baard Group** (Add. No. 17; M/C Meeting 20/02/2024; File: 6215 W)

The purpose of this report is to recommend that the name "Baard Group" in paragraph (1) of Council resolution item 11.7 dated 15 June 2023 be rephrased to read "Klein Elsenburg CC".

At its meeting held on 15 June 2023, Council resolved under item 11.7 inter alia, as follows:

"(1) That erf 6215 Walvis Bay, 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".

The applicant was informed of the Council resolution as per the letter dated 26 June 2023. The applicant has advertised the sale, and no objections were received and the Ministry of Urban and Rural Development as per the letter dated 29 September 2023, received by Council on 20 November 2023, has approved the sale.

However, Stewart Planning on behalf of Baard Group has submitted application to Council for a name change. The request for the name change is that the adjacent property, Portion 85 Walvis Bay is owned by the applicant and registered in the name of "Klein Elsenburg CC". It will make the process of registration, transfer, and consolidation easier if both properties are registered in the same name. Mr Charl Frederick Baard is the 100% owner of the Close Corporation.

Therefore, we don't see any consequences in the transaction between Council and Baard Group by amending the name "Baard Group" to "Klein Elsenburg CC." On the contrary, it makes business sense to register the properties in the same name, and for that reason it is recommended that paragraph (1) of Council resolution item 11.7 dated 15 June 2023 be amended as such.

RESOLVED:

- (1) That that the name "Baard Group" in paragraph (1) of Council resolution item 11.7 dated 15 June 2023, be amended to read "Klein Elsenburg CC."
- (2) That the sale agreement be entered with Klein Elsenburg CC as per Resolution 1.

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12. **Reports and recommendations of Advisory Committees and the Chief Executive Officer**

None received.

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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.

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