

Minutes

of the Ordinary Council Meeting of the Local Authority Council of Walvis Bay, held in the Kuisebmond Council Chambers, Nathaniel Maxuilili Avenue, Kuisebmond on Thursday 08 May 2025 at 18:00

Present:

Councillors

Councillor S Mutondoka (Chairperson)
Councillor R Hoaeb
Councillor L Victor
Councillor O Andrews
Councillor P Kauhondamwa
Councillor A Nkoshi
Councillor E Shozi
Councillor R Gordon

Officials

Chief Executive Officer (VN Kapenda)
General Manager: Roads and Building Control (T Potgieter)
General Manager: Community and Economic Development (E Mwanyekange)
General Manager: Finance (F I !Gonteb)
Manager: Corporate Services (J Kruger)
Acting Manager: Public Relations (A Kaihiva)
Personal Assistant to the Mayor (S Tjaveondja)

Other:

Members of the public: Twenty (20) Members



1. **OPENING** (File 3/1)

Upon invitation, Mrs Sharon Roodt, a member from the gallery, opened the meeting with a prayer. Thereafter the Chairperson welcomed all members present and declared the meeting as officially open.

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2. **ADOPTION OF AGENDA AND DECLARATION OF INTEREST**

On a proposal by Councillor R Gordon, seconded by Councillor P Kauhondamwa, it was:

RESOLVED:

That the agenda be adopted as is.

No interests were declared.

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3. **APPLICATION FOR LEAVE OF ABSENCE BY MEMBERS OF COUNCIL** (File 3/3/1/4)

Councillor T Forbes and Councillor R Bramwell.

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4. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

4.1 On a proposal by Councillor O Andrews, seconded by Councillor A Nkoshi, it was:

RESOLVED:

That the minutes of the Ordinary Council Meeting held on Tuesday 25 March 2025 be confirmed and approved with no corrections.

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5. **INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND MEETING** (File 3/3/2/3/2)

None.

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6. **STATEMENTS AND COMMUNICATIONS**

- Honorable Regional Councilors
- Fellow Honorable Councillors
- Mrs. Victoria Nelago Kapenda, Chief Executive Officer of the Municipality of Walvis Bay
- Members of Management and staff of the Municipality of Walvis Bay
- Members of the Media
- Ladies and Gentlemen

Good evening,

Before we begin our discussion today, I ask that we stand and observe a moment of silence for the three innocent lives that were tragically lost in Okahandja over the past few weeks.



This heartbreaking loss has left an indelible mark on our community, reminding us all of the pressing need to protect our children and ensure their safety.

It is utterly devastating that the very individuals who are meant to safeguard our youth have instead become perpetrators of violence and harm.

As a society, we must unite in our responsibility to do better for the future of our children. Their safety and well-being should be our top priority, and it is imperative that we work together to create a nurturing environment where they can grow up free from fear and violence. This tragedy serves as a wake-up call for us all to be vigilant, to speak out against abuse and to reinforce our commitment to protecting the most vulnerable among us.

Now, turning our attention to another pressing matter that is important and remains high on our priority list: the cleanliness of our beloved town. We acknowledge that we are facing significant challenges regarding waste management and the overall cleanliness of our environment.

Firstly, I want to address the health hazards posed by the refuse lying around our streets and public areas. This issue is not just about aesthetics; it directly impacts the health and well-being of our community.

To tackle this, the Municipality has increased our cleaning frequency, particularly in hot spots, mainly in Kueseibmond, through the Team-Up-2-Clean-Up weekly campaign and going forward, we will consider extending this initiative by engaging all available and willing residents and stakeholders to collaborate with our Solid Waste Section in more efforts of this kind. Furthermore, we must admit that the refuse removal is not at the standard it should be, and a lot needs to be done to improve this aspect of service delivery.

I understand the frustration regarding overflowing waste bins. To improve this situation, we have evaluated our current waste collection schedule and identified areas that are particularly problematic.

By reallocating resources and optimising our collection routes, we look forward to some improvements in refuse collection. To add further on, our efforts to enhance service delivery, I am glad to inform our residents that we have received confirmation that the five compactor trucks that were procured will be in Walvis Bay end of July 2025. However, due to the refuse backlog, it may take time before improvements are noticeable and operations begin to run like a well-oiled machine, and as such, we plead with the community to be patient as we work to bring this arm of service delivery to an improved standard.

While we address these issues, I also want to take a moment to express my heartfelt gratitude to the community members and business community who have volunteered their time, effort, and money in various clean-up campaigns over the past two months. Your commitment to improving our town does not go unnoticed and is truly commendable. I believe it is vital that we support these initiatives by providing resources and assistance, such as gloves, refuse bags, and necessary equipment, to empower more residents to join in these efforts.

Additionally, I kindly urge all residents to refrain from littering and take pride in their surroundings and the community at large. Littering not only harms our environment and clogs our drainage systems but also undermines the beauty and health of our community.

Let us continue to foster a community spirit where we work collaboratively towards a cleaner and healthier environment for everyone.

I believe that by working together, we can turn our town into a shining example of pride, responsibility, and care.



We would also like to give feedback on the Mayor's condition after the accident he was involved in 2 weeks ago. He is recovering well at home, although he needed to undergo surgery on Monday. We wish him a speedy recovery.

Thank you for your time and commitment to making our town a better place for all. I look forward to working with all of you as we move forward on these important issues.

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

No petitions were received.

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8. **MOTIONS OF MEMBERS** (File 3/3/1/1)

No motions were received.

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9. **ANSWERS TO QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN** (File 3/3/1/2)

The Chairperson informed the meeting that the response of the Mayor to the questions submitted by Councillor E Shozzi on 25 March 2025 was sent earlier in the day to all Council Members as provided for under Rule 20(5).

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10. REPORT OF THE MANAGEMENT COMMITTEE FOR APRIL 2025

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

The Chairperson of the Management Committee must put the report to the Council for information. The report may be discussed but no motion or proposal on the report may be introduced.

10.1 Application to lease Erf 4618 Walvis Bay NaTIS Centre (Add. No. 13; M/C Meeting 22/04/2025; File 4618 W)**It was noted that the Management Committee RESOLVED:**

That the item be withdrawn for the drafting and gazetting of lease rates applicable to government institutions, and that the item be resubmitted thereafter.

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11. RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE FOR APRIL 2025

The Chairperson of the Management Committee individually proposed the recommendations of the Management Committee to the Council for consideration - Rule 22(2), and unless there are dissentient votes against a recommendation each recommendation is regarded as seconded Rule 22(5) and adopted by general consensus.

11.1 Amendment to Municipal Council resolution on item 11.8 pertaining to Erf 6253 Walvis Bay, Extension 19 dated 29 October 2025 (Add. No. 1; M/C Meeting 22/04/2025; File 6253W) (OCM No. 37/2025/05/08)**The Municipal Council RESOLVED:**

That the item heading, (1) and (3) (I) of Council Resolution dated 29 October 2024: Item 11.8 be amended to:

11.8 Rezoning of Erf 6253 Walvis Bay Extension 19 from Light Industrial with a Bulk of 1.5 to Special with a Bulk of 2 and consent to use Erf 6253 Walvis Bay Extension 19 in accordance with the new zoning while rezoning is formally being completed

- (1) That the Municipal Council recommends for approval the application for the rezoning of Erf 6253 Walvis Bay, Extension 19 from "Light Industrial" with a bulk of 1.5 to "Special" with a bulk of 2, to the Urban and Regional Planning Board, in accordance with Sections 56(2) and 109(2)(a) of the *Urban and Regional Planning Act* (Act No. 5 of 2018).
 - (a) That the rezoning of 6253 Walvis Bay, Extension 19 be proclaimed in the Government Gazette. (provided that the applicant has obtained an Environmental Clearance Certificate)
 - (b) That the applicant obtains the Environmental Clearance Certificate from the Ministry of Environment, Forestry and Tourism prior to the submission of the rezoning application to the Urban and Regional Planning Board.
 - (c) That the Special land use zoning will be as stipulated in the table below
- (2) That the applicant pays a betterment fee being 20% of the increase in value of the rezoned erf.
- (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 handwritten signature consisting of a stylized 'X' and a cursive 'PQ'.

- (a) That only after conclusion of (c) and (d) below the building plans be submitted to the Municipal Council and assessed in terms of the building regulations and municipal by-laws, and a building permit be issued prior to the commencement of development.
- (b) That the fuel Facility should consist of the following:
 - (i) Facilities for the storage and handling Diesel 50ppm.
 - (ii) The total tank capacity proposed for the site is ± 14000 L.
 - (iii) There will be 1 - 2 dispensing points.
 - (iv) The facility will only operate during normal business hours.
 - (v) The site will be under 24-hour security, fenced in and gated with access control on a 24-hour basis.
 - (vi) The tank be a double wall tank in accordance with EN12285 standards.
 - (vii) Spill containment infrastructure, with an oil/water separator will be installed to protect against spillages in accordance with the Ministry of Mines and Energy's Requirements.
 - (viii) The proposed facility will include bund walls and floors with traps to contain spillages which might happen during the handling of diesel.
 - (ix) The tank will be linked via underground pipes to the relevant fuel dispenser points (curbside pump).
 - (x) The curbside pump will be installed over a spill slab with a trap to prevent any spilled diesel from leaching into the soil. The trap sump will be linked to a 3-chamber separator which will collect any spilled diesel for proper disposal.
 - (xi) The driveway areas will be paved. The tank will be supplied with fuel by road tankers (operated by properly licensed operators and drivers) which will discharge via filler points.
 - (xii) A concrete slab will be constructed around the island, under the canopy (around pumps), over the tank and around the filler point.
 - (xiii) The refuelling area is covered by an overhead canopy.
 - (xiv) The entire driveway area, the area surrounding the dispensing points and area below the canopy will be raised by land infill and sloped and landscaped and provided with proper drainage in order not to be subject to storm water damage/flooding.
 - (xv) Vehicles will be parked on site
 - (xvi) Oil for trucks must be stored on site not exceeding 210 litres per type of oil
- (c) That the applicant obtains the Environmental Clearance Certificate from the Ministry of Environment, Forestry and Tourism, prior to the commencement of development.
- (d) That, the applicant shall comply with Fire and Safety Regulations to the satisfaction of the Chief: Protection Services.
- (e) That the applicant shall provide parking and access to the satisfaction of the General Manager: Roads and Building Control.
- (f) Should washing bays be established, that the applicant provides grease and oil traps to the satisfaction of the General Manager: Water, Waste and Environmental Management.
- (g) That the applicant complies with all stipulations of the Atmospheric Pollution Prevention Ordinance No.11 of 176 and the Public and Environmental Health Act, Act No.1 of 2015.



- (h) That the applicant shall always ensure, the prevention of the escape of noxious, injurious, or offensive gases, fumes, vapours, or dust on the premises, as well as the prevention of fly breeding.
- (i) That the activities on site be limited to separating/segregating and/or processing of different recyclable materials from waste collected from households and businesses.
- (j) That the applicant shall adhere to the Environmental Clearance Certificate conditions and Environmental Management Plan as amended throughout the duration of this consent use.
- (k) The restriction of only handling following materials/products listed below:
 - (i) Plastic - LDPE Mix Plastic, LDPE Clear Plastic, LDPE Heavy Print, LDPE Console Plastic, LDPE Plastic Rolls, LLDPE Plastic Cling Wrap, HDPE Plastic Bottles, HDPE Plastic Crates, HDPE Plastic Bins, HDPP Plastic Caps, PET Clear Plastic Bottles, PET Green Plastic Bottles, PET Brown Plastic Bottles, HDPE small oil containers
 - (ii) Paper - HL1 Shredding Paper, SMX White Paper, Latex Glazy Paper, SBM Magazines Paper, Flat News Paper, Tissue Broke Paper
 - (iii) Glass - Mix Glass
 - (iv) Metals - Cans Metal, Aerosol, Aluminum, Scrap Metal
 - (v) Additional Items - Poly Prop Woven Bags, Tetra Pack, Polly Board
 - (vi) Carton - K4 Box, CMW Cores, CMW Mix, CMW Pallet Dividers
- (l) That no hazardous or noxious substances may be handled on Erf 6253 Walvis Bay, Extension 19 including:
 - (i) Hazardous liquids - Slops and cuttings from the rigs.
 - (ii) Liquid mud - a liquid drilling compound which is used by offshore oil rigs.
- (m) Any addition to the above list first be approved by the General Manager of Water, Waste and Environmental Management.

(4) That the Walvis Bay Zoning Scheme be amended to include the following in Appendix 1:

Description of Property	Primary Uses	Consent Uses	Prohibited Uses
Erf 6253 Walvis Bay Extension 19	<p>Waste management, treatment, handling, and disposal activities limited to the following:</p> <p>(k) The restriction of only handling following materials/products listed below:</p> <p>Plastic - LDPE Mix Plastic, LDPE Clear Plastic, LDPE Heavy Print, LDPE Console Plastic, LDPE Plastic Rolls, LLDPE Plastic Cling Wrap, HDPE Plastic Bottles, HDPE Plastic Crates, HDPE Plastic Bins, HDPP Plastic Caps, PET Clear Plastic Bottles, PET Green Plastic Bottles, PET Brown Plastic Bottles, HDPE small oil containers</p> <p>ii. Paper - HL1 Shredding Paper, SMX White Paper, Latex Glazy Paper, SBM Magazines Paper, Flat News Paper, Tissue Broke Paper</p> <p>iii. Glass - Mix Glass</p> <p>iv. Metals - Cans Metal, Aerosol, Aluminum, Scrap Metal</p> <p>v. Additional Items - Poly Prop Woven Bags, Tetra Pack, Polly Board</p> <p>vi. Carton - K4 Box, CMW Cores, CMW Mix, CMW Pallet Dividers</p>	None	Hazardous/Noxious substance treatment, handling, and storage.

(5) That all cost regarding the above be borne by the owner (applicant).

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11.2 Rezoning of Erf 3129 Walvis Bay Proper from "Single Residential" with a density of (1:300m²) to "General Business" with a bulk factor of 2, and consent for home-based business (office) while the rezoning is in progress (Add. No. 2; M/C Meeting 22/04/2025; File 3129 W) (OCM No. 38/2025/05/08)

The Municipal Council RESOLVED:

(1) That the Municipal Council recommends for approval the application for the rezoning of Erf 3129 Walvis Bay Proper from "Single Residential" with a density of 1 dwelling per 300m² (1:300) to "General Business" with a bulk factor of 2, to the Urban and Regional Planning Board, in accordance with Section 105 of the Urban and Regional Planning Act (Act No. 5 of 2018), subject to the following conditions:



- (a) That, in terms of the *Policy on the Levying of Betterment Fees for Local Authorities in Namibia*, the applicant pays a betterment fee of 40% of the increase in the municipal land value of the rezoned property, once the rezoning application has been approved by the Minister of Urban and Rural Development.
- (b) That the applicant obtains an Environmental Clearance Certificate for the proposed rezoning prior to submission of the application to the Urban and Regional Planning Board.

(2) That consent be granted in terms of Clauses 6.1.2 and 12.1 of the Walvis Bay Town Planning Scheme for the establishment of a Home-Based Business (Office) on Erf 3129 Walvis Bay Proper subject to the following conditions:

- (i) That the applicant or person operating the business must reside on the premises.
- (ii) That the number of on-site employees be restricted to two persons.
- (iii) That the floor area to be used for business purposes be restricted to 33% of the total area of the dwelling unit.
- (iv) 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.
- (v) That only an advertising board, indicating the name, trade name and profession or occupation of the resident, may be displayed on the premises.
- (vi) That parking facilities must be provided to the satisfaction of the General Manager: Roads and Building Control.
- (vii) That the use of the buildings as well as the required parking bays for the home-based business must be indicated on building plans and submitted to the Department of Roads and Building Control prior to commencing with the consent use.
- (viii) That this approval is subject to the applicable laws and regulations of both the Government and the Municipality.
- (ix) That this permission lapses when the property is sold, leased or alienated in whatever process engaged.
- (x) That all rates and service charges for business purposes be made applicable for as long as the consent applies.

11.3 Request: Conditions for accepting pro-bono infrastructure repair requests from the community (Add. No. 3; M/C Meeting 22/04/2025; File 16/3/4) (OCM No. 39/2025/05/08)

The Municipal Council RESOLVED:

That the Municipal Council of Walvis Bay grants principle approval for pro-bono work to be undertaken on a case-by-case basis, with the procedures and conditions set out in this submission.



11.4 **Subdivision of Erf 5314 Walvis Bay Extension 18 into Portion A and Remainder Erf 5314 Walvis Bay Extension 18** (Add. No. 4; M/C Meeting 22/04/2025; File 5314 W) (OCM No. 40/2025/05/08)

The Municipal Council RESOLVED:

- (1) That, in accordance with Section 109(2)(a) of the *Urban and Regional Planning Act, 2018* (Act No. 5 of 2018), the application for the subdivision of Erf 5314 Walvis Bay Extension 18 into Portion A and Remainder Erf 5314 Walvis Bay Extension 18 not be recommended to the Urban and Regional Planning Board for approval.
- (2) The access for the newly created Portion A will not be sufficient for vehicular traffic.
- (3) That the applicant be advised that, in terms of Section 110 of the Urban and Regional Planning Act, 2018, if they are aggrieved by the decision of the local authority, they may appeal against that decision to the Minister of Urban and Rural Development within twenty-one (21) days of the notification of the Municipal Council's decision, and in the manner set out in Section 129 of the Urban and Regional Planning Act, 2018.

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11.5 **Rezoning of Erf 2326 Kuisebmond Proper from Single Residential with a density of 1:150 to General Residential 1 as a special case** (Add. No. 5; M/C Meeting 22/04/2025; File 2326 K) (OCM No. 41/2025/05/08)

The Municipal Council RESOLVED:

- (1) That the Municipal Council does not recommend for approval the application for the rezoning of Erf 2326 Kuisebmond Proper from Single Residential with a density of 1 per 150m² to General Residential 1 as a special case.
- (2) That the applicant be instructed to rectify the current buildings on site to comply with the approved building plans dated 13 September 2021 and be penalised as per the building regulations.
- (3) That the applicants be advised that, in terms of Section 110 of the *Urban and Regional Planning Act, 2018*, if they are aggrieved by the decision of the local authority, they may appeal against that decision to the Minister of Urban and Rural Development within twenty-one (21) days of the notification of the Municipal Council's decision, and in the manner set out in Section 129 of the *Urban and Regional Planning Act, 2018*.

Councillor E Shozzi recorded his dissenting vote against the resolution.

11.6 **Rezoning of Erf 517 Walvis Bay Proper from “General Residential 1” with a density of (1:300m²) to “General Business” with a bulk factor of 2; consent to proceed with the development while the rezoning is in progress; and deletion of redundant title deed conditions** (Add. No. 6; M/C Meeting 22/04/2025; File 517 W) (OCM No. 42/2025/05/08)

The Municipal Council RESOLVED:

- (1) That the Municipal Council of Walvis Bay recommends for approval the rezoning of Erf 517 Walvis Bay Proper from “General Residential 1” with a density of 1 dwelling unit per 300m² to “General Business” with a bulk factor 2, to the Urban and Regional



Planning Board, in accordance with Section 105(a) of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), subject to the following conditions:

- (a) That, in terms of the Policy on the Levying of Betterment Fees for Local Authorities in Namibia, the applicant pays a betterment/compensation fee of 40% of the increase in the municipal land value of the rezoned property, prior to the submission of the application to the Urban and Regional Planning Board.
- (b) That the applicant obtains an Environmental Clearance Certificate for the proposed rezoning prior to the submission of the application to the Urban and Regional Planning Board.
- (c) That the rezoning of Erf 517 Walvis Bay Proper be proclaimed in the Government Gazette.

(2) That consent be granted to the applicant to proceed with development on Erf 517 Walvis Bay Proper while the rezoning is in progress, subject to the following conditions:

- (a) That building plans be submitted to the Municipal Council and be assessed in terms of the building regulations and municipal by-laws, and a conditional building permit be issued prior to commencement with development.
- (b) That the applicant pays a betterment/compensation deposit before a conditional building permit will be issued.
- (c) That the applicant obtains an Environmental Clearance Certificate for the proposed rezoning prior to the issuance of a conditional building permit.
- (d) That no building completion or occupation certificate be issued prior to the proclamation of the rezoning in the Government Gazette.

(3) That the Municipal Council of Walvis Bay recommends for approval the deletion of conditions 1 to 3 registered against Erf 517 Walvis Bay Proper under Deed of Transfers No.1934/2023 and No.1937/2023, to the Urban and Regional Planning Board, in terms of Section 105(f) of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), and that the following conditions be registered:

IN FAVOUR OF THE LOCAL AUTHORITY

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



11.7 Rezoning of Erf 61 and 63 Walvis Bay from "Single Residential 1" with a density of (1:500m²) to "General Residential 2" with a density of (1:150m²); rezoning of Erf 62 Walvis Bay from General Residential 1 with a density of 1:150m² to General Residential 2 with a density of 1:150m², consent to operate a hotel on Erven 61, 62 and 63 Walvis Bay, deletion and alteration of redundant title deed conditions and consolidation of Erf 61, 62 and 63 Walvis Bay into consolidated Erf X(Add. No. 7; M/C Meeting 22/04/2025; File 61/62/63W) (OCM No. 43/2025/05/08)

The Municipal Council RESOLVED:

- (1) That the Municipal Council recommends for approval the application for the rezoning of Erven 61 and 63 Walvis Bay from "Single Residential" with a density of 1 dwelling per 500m² to "General Residential 2" with a density of 1 dwelling per 150m², to the Urban and Regional Planning Board, in accordance with Section 109(2)(a) of the Urban and Regional Planning Act (Act No. 5 of 2018), subject to the following conditions:
 - (a) That, in terms of the Policy on the Levying of Betterment Fees for Local Authorities in Namibia, the applicant pays a betterment fee deposit of 20% of the increase in the municipal land value of the rezoned property, prior to the submission of the application to the Urban and Regional Planning Board.
 - (b) 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.
 - (c) 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.
 - (d) That the applicants note that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the Urban and Regional Planning Act (Act No. 5 of 2018) therefore still apply.
- (2) That the Municipal Council recommends for approval the application for the rezoning of Erf 62 Walvis Bay from "General Residential 1" with a density of 1 dwelling per 150m² to "General Residential 2" with a density of 1 dwelling per 150m², to the Urban and Regional Planning Board, in accordance with Section 109(2)(a) of the Urban and Regional Planning Act (Act No. 5 of 2018), subject to the following conditions:
 - (e) That, in terms of the Policy on the Levying of Betterment Fees for Local Authorities in Namibia, the applicant pays a betterment fee deposit of 20% of the increase in the municipal land value of the rezoned property, prior to the submission of the application to the Urban and Regional Planning Board.
 - (f) 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.
 - (g) 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.



(h) That the applicants note that the payment of the betterment fee deposit should neither create an expectation nor bind the Minister of Urban and Rural Development to consider and approve the Amendment Scheme; and the provisions of the Urban and Regional Planning Act (Act No. 5 of 2018) therefore still apply.

(3) That consent be granted in terms of Clauses 6.1.2 and 12.1 of the Walvis Bay Town Planning Scheme for the establishment of an Accommodation Establishment (Hotel) on (Erven 61, 62 and 63 Walvis Bay) 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) On-site parking shall be provided in the ratio of 2 parking bays plus 1 per room for accommodation purposes.
- (d) No signs shall be erected without the consent of the General Manager: Roads and Building Control.
- (e) The public/service areas shall only be used by bona-fide residents and their guests and not by the general public.
- (f) Meals may only be supplied to bona-fide residents and their guests and not to the general public.
- (g) Neither the buildings nor grounds shall be used as an entertainment hall, amusement area or for any other similar use.
- (h) The Municipal Council requires the registration of this hotel with the Namibia Tourism Board in terms of the Namibia Tourism Board Act, 2000 (Act No. 21 of 2000).
- (i) The approval is subject to the applicable laws and regulations of both the Government and the Municipality.
- (j) 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.

(4) That the Municipal Council recommends for approval the application for the deletion and alteration of redundant title deed condition.

(5) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the Municipal Council recommends to the Urban and Regional Planning Board the application for the Consolidation of Erven 61, 62 and 63 Walvis Bay Proper into Erf X, as generally shown on sketch plan 61, 62 63WB/CP dated 25 July 2024, subject to the following conditions:

- (a) That the conditions presently registered against the erven be cancelled, and be replaced by the following conditions:

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

11.8 Amendment of Delegation of Powers Policy relating to consideration and approval of working overtime, and granting of time off instead of the payment for overtime worked
 (Add. No. 8; M/C Meeting 22/04/2025; File 2/7/2 & 4/5/1) (OCM No. 44/2025/05/08)

The Municipal Council RESOLVED:

That the Municipal Council as a policy decision effective as from date of approval, amends its Delegation of Powers Policy as follows:

1. Chief Executive Officer

By the insertion as clause 2.1.23 of the following:

To consider and approve or decline requests for both planned and emergency overtime work, and after consultation with the relevant employee/s through its line management, direct in the approval granted for overtime worked, that time off in lieu of the hours worked (flexitime) be granted instead of the payment of overtime.

2. General Managers

By replacing the wording in clauses 3.1.14 (Finance), 4.1.12(HRCS), 5.1.12 (CED), 6.1.12 (RBC) and 7.1.12 (WWEM) by the following:



To recommend to the Chief Executive Officer the approval or declining of a request for overtime work.

3. Divisional Managers

By the insertion of the following wording as new clauses under the delegations to each divisional manager numbered 3.2.3 (MRCC), 3.3.3 (MFA), 4.2.5 (MCS), 4.3.4 (MHR), 5.2.3 (MCD), 5.3.3 (MED), 5.4.4 (MHP), 6.2.12 (TP), 6.3.13 (Engineers: RBC), 7.2.3 (Engineers (WWEM), 7.3.3 (MSWEM), 7.4.9 (CHS):

To indicate supporting or not supporting the request for overtime work as submitted by section heads.

4. Section Heads

By the insertion of the following wording as a new clause 8.1.2:

- (a) *That, in the event of planned overtime, the relevant Section Head must prepare a submission in the prescribed format, duly motivated and indicating the number of persons that would be required for the activity for which overtime is required, the full names and employee pay numbers of those employees required to work overtime, as well as the specific date/s for which the working of such overtime is required; Provided that this must be submitted to the Chief Executive Officer at least 2 working days prior to the anticipated date/s and period/s for which such overtime work is required.*
- (b) *That, in the event of emergency overtime, the relevant Section Head must prepare a submission in the prescribed format, duly motivated and indicating the number of persons that were required for the activity for which the working of overtime was required, the full names and employee pay numbers of those employees who worked such emergency overtime, as well as the specific date/s for which such emergency overtime was worked; Provided that this must be submitted to the Chief Executive Officer the next working day after which the emergency overtime worked had occurred.*

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11.9 Cancellation and rescinding the Municipal Council decision of allocating Narraville Extension Number 10 to Nansunga Properties (Add. No. 9; M/C Meeting 22/04/2025; File 17/5/3/1/1 Low Cost) (OCM No. 45/2025/05/08)

The recommendation of the Management Committee was amended upon a two-thirds majority of members of the Management Committee present under Rule 22(3) and with Councillor L Victor abstaining, to read as follows:

The Municipal Council RESOLVED:

That the Municipal Council resolution dated 25 July 2023 under item 11.15 for the sale of erven 4394-4468, 4483-4549, 4551-4558, 4559, 4586-4590, 4571 & 4603, 4561-4566, 4568-4570 and 4591-4599 Narraville, Extension 10, to Nansunga Properties, be upheld provided that the sale agreement be signed by the purchaser no later than 30 May 2025, failing in which the approval will be regarded as null and void.

Councillor L Victor recorded his dissenting vote against the resolution.

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11.10 **Request for exemption of camping fees – Langstrand Resort** (Add. No. 10; M/C Meeting 22/04/2025; File 5/16/1/1/6 & 17/9/2/3/2) (OCM No. 46/2025/05/08)

The Municipal Council RESOLVED:

- (1) That Council sponsors three (3) campsites for nineteen (19) campers for Maranatha Evangelical Parish Sunday School at Langstrand Resort, from 03 to 05 May 2025.
- (2) That the value of sponsorship be set at 50% of the initial amount of N\$ 3 171.80, which totals N\$ 1,585.90.
- (3) All standard conditions of leasing the site be adhered to.

11.11 **Application to purchase industrial land at heavy industrial area behind Dune 7: Portion 8 of Farm 58 for the construction of a Hydrogen Plant: Cleanergy Namibia (Pty) Ltd** (Add. No. 11; M/C Meeting 22/04/2025; File 17/28/2 & PTN 8 of Farm 58) (OCM No. 47/2025/05/08)

The Municipal Council RESOLVED:

- (1) That 175,0311 Ha (1,750,311 m²) of unserviced Portion 8 of Farm 58, be sold by private transaction to Cleanergy Solutions Namibia (Pty) Ltd or Nominee (the applicant) for N\$ 43,757,775.00 (N\$25/m²) plus 15% VAT.
- (2) That the applicant, at its own cost, advertises the sale by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That the Municipal Council institutes a title condition which prohibits the subdivision for the purpose of selling portions of this land, and that the entire portion be developed for the intended purpose.
- (4) That, in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, the approval of the Minister of Urban and Rural Development be obtained.
- (5) That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 of the Local Authorities Amendment Act, 2018 (Act 3 of 2018).
- (6) That the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007.
- (7) That after all approvals have been obtained, the agreement of sale be signed and a 10% deposit of the purchase price be paid on the date of sale, and the balance be paid and/or secured by an acceptable bank guarantee within 120 days from the date of sale.
- (8) That an amount equal to 10% of the purchase price be paid on the date of sale toward the landscaping fund.
- (9) That the applicant and Council enter into a development agreement simultaneously to the signing of the Deed of Sale with timelines.
- (10) That all costs related to registration and transfer costs, be the responsibility of the applicant.

- (11) That the applicant contributes to actual cost in the provision of any outstanding bulk services and so required by the Municipality of Walvis Bay.
- (12) That the applicant, at own cost, do all and/or any required ground works, provides all outstanding services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electrical reticulation, tarred roads and that such services be donated to the Council, free of charge.
- (13) That development agreement be entered into with the applicant that clearly stipulates the development timeframes and responsibilities of each party.
- (14) That electrical requirements/services and/or any other information in this regard, be taken up with ERONGO RED.
- (15) That the applicant shall commence with development within twenty-four (24) months from the date of transfer in the Deeds Office, and that such development be completed within thirty-six (36) months from such date of transfer; failing to comply would result in the undeveloped erf/erven to revert back to the Council at the cost of the applicant.
- (16) 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.
- (17) That parties develop a framework for Socio-Economic support Projects through the applicant's Corporate Social Responsibility (CSR) Programme towards the community of Walvis Bay.

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11.12 Cancellation and rescinding of the Municipal Council resolution of allocating Narraville Extension 13 to Lithon Developers (Add. No. 12; M/C Meeting 22/04/2025; File 17/5/3/1/1 Low Cost) (OCM No. 48/2025/05/08)

The recommendation of the Management Committee was amended upon a two-thirds majority of members of the Management Committee present under Rule 22(3) and with Councillor L Victor abstaining, to read as follows:

The Municipal Council RESOLVED:

That Council resolution dated 25 July 2023 under item 11.15 (clause 3) for the sale of erven 5814-5849, 5862-5867 and 5881-5980 and 4586-4590 Narraville, Extension 13, be upheld provided that the sale agreement be signed by the purchaser no later than 30 May 2025, failing in which the approval will be regarded as null and void.

Councillor L Victor recorded his dissenting vote against the resolution.

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11.13 Donation of Erf 7909 Kuisebmond, Extension 10 to Johannes Niilonga (Add. No. 14; M/C Meeting 22/04/2025; File Erf 7909 K) (OCM No. 49/2025/05/08)

The Municipal Council RESOLVED:

- (1) That Erf 7909 Kuisebmond, Extension 10, in extent 409.78 m² with the value of N\$ 139 518.00 be donated to Mr. Johannes Niilonga.

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- (2) That the request by the Motor Vehicle Accident (MVA) Fund for the donation of Erf 7909 Kuisebmond, 409,78 m² in extent, be approved as a donation in support of Mr. Johannes Niilonga, subject to the approval of the Minister of Urban and Rural Development in terms of Section 30(1)(z)(ii) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That Mr. Johannes Niilonga and the MVA Fund, at their own cost, advertise the donation of Erf 7909 Kuisebmond in terms of Section 63 (2) of the Local Authorities Act, 1992 (Act 23 of 1992) as amended.
- (4) That the MVA Fund attends to land scaping and construction of the house.

11.14 Application to purchase Erf 3045 Narraville: Jeimans Transport CC (Add. No. 15; M/C Meeting 22/04/2025; File 3045 N) (OCM No. 50/2025/05/08)

The recommendation of the Management Committee was amended upon a two-thirds majority of members of the Management Committee present under Rule 22(3), to read as follows:

The Municipal Council RESOLVED:

That the matter be referred to the Management Committee to consider an appropriate site for an operation of the nature that Jeimans Transport CC intend to conduct from the property, given its size and locality of the property near a residential area and opposite the cemetery.

11.15 Application to purchase Erven 5906 - 5909 Walvis Bay, Extension 14: Eco Engineering Services CC (Add. No. 16; M/C Meeting 22/04/2025; File 5906 – 5909 W) (OCM No. 51/2025/05/08)

The Municipal Council RESOLVED:

- (1) That Erven 5906, 5907, 5908 and 5909 Walvis Bay, Extension 14, in extent 9,179.87 m², be sold by private transaction to Eco Engineering Services CC (the applicant) at N\$650.00/m² plus 15% VAT.
- (2) That the applicant, at its own cost, advertises the sale by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That the Ministry of Urban and Rural Development be consulted, and approval be obtained on the proposed sale and its conditions in terms of Section 63 of the Local Authorities Act, 23 (Act 23 of 1992).
- (4) That, after all approvals have been obtained, the agreement of sale be signed and a 10% deposit of the purchase price be paid on the date of sale, and the balance be paid and/or secured by an acceptable bank guarantee within 120 days from the date of sale.
- (5) That an amount equal to 10% of the purchase price be paid on the date of sale toward the landscaping fund.
- (6) That the applicant and Council enter into a development agreement simultaneously to the signing of the Deed of Sale with timelines.

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- (7) That the applicant, at own cost, do all and/or any required ground works, provides all outstanding services and adheres to the guidelines/standard requirements for all services, i.e., water connection, water/sewerage/electrical reticulation.
- (8) That electrical requirements/services and/or any other information in this regard, be taken up with Erongo RED.
- (9) 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.
- (10) That parties develop a framework for Socio-Economic support Projects through the applicant's Corporate Social Responsibility (CSR) Programme towards the community of Walvis Bay.

11.16 Application to purchase industrial land at heavy industrial area behind Dune 7: Portion 7 of Farm 58, for the construction of a hydrogen plant: HopHydro Energy (Pty) Ltd
(Add. No. 17; M/C Meeting 22/04/2025; File 17/28/2 & PTN 7 of Farm 58) (OCM No. 52/2025/05/08)

The recommendation of the Management Committee was amended upon a two-thirds majority of members of the Management Committee present under Rule 22(3), to read as follows:

The Municipal Council RESOLVED:

- (1) That 219,2226 Ha (2,192,226 m²) of unserviced Portion 7 of Farm 58, be sold by private transaction to HopHydro Energy (Pty) Ltd (the applicant) for N\$ 54 905 650.00 (N\$25/m²) plus 15% VAT.
- (2) That Portions 9 to 24 of Remainder Farm 58 be reserved for HopHydro Energy (Pty) Ltd.
- (3) That after Town Planning and other related matters have been completed for Remainder Farm 58, the method of alienation for portions 9 to 24 of Farm 58 be discussed with the applicant.
- (4) That the applicant applies for consent to utilize portions 9 to 24 of Farm 58 if they want to start with development.
- (5) That the applicant and Council enter into a development agreement simultaneously to the signing of the Deed of Sale with timelines.
- (6) That the applicant, at its own cost, advertises the sale by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (7) That, in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, the approval of the Minister of Urban and Rural Development be obtained.
- (8) That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018).



- (9) That the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007.
- (10) That after all approvals have been obtained, the agreement of sale be signed and a 10% deposit of the purchase price be paid on the date of sale, and the balance be paid and/or secured by an acceptable bank guarantee within 120 days from the date of sale.
- (11) That an amount equal to 10% of the purchase price be paid on the date of sale toward the landscaping fund.
- (12) That all costs related to registration and transfer costs, be the responsibility of the applicant.
- (13) That the applicant contributes to actual cost in the provision of any outstanding bulk services and so required by the Municipality of Walvis Bay.
- (14) That the applicant, at own cost, do all and/or any required ground works, provides all outstanding services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electrical reticulation, tarred roads and that such services be donated to Council, free of charge.
- (15) That development agreement be entered into with the applicant that clearly stipulates the development timeframes and responsibilities of each party.
- (16) That electrical requirements/services and/or any other information in this regard, be taken up with ERONGO RED.
- (17) That the applicant shall commence with development within twenty- four (24) months from the date of transfer in the Deeds Office, and that such development be completed within thirty-six (36) months from such date of transfer; failing to comply would result in the undeveloped erf/erven to revert back to Council at the cost of the applicant.
- (18) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.
- (19) That parties develop a framework for Socio-Economic support Projects through the applicant's Corporate Social Responsibility (CSR) Programme towards the community of Walvis Bay.

11.17 Feedback report: National Urban Land Policy Workshop held in Keetmanshoop from 27 – 28 March 2025 (Add. No. 18; M/C Meeting 22/04/2025; File 17/2/P) (OCM No. 53/2025/05/08)

The Municipal Council RESOLVED:

That Council takes note of the feedback report on Draft Urban Land Policy Consultative Workshop held in Keetmanshoop from 27 – 28 March 2025.



12. **REPORTS AND RECOMMENDATIONS OF ADVISORY COMMITTEES & THE CHIEF EXECUTIVE OFFICER**

No reports were 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 received.

13.2 **National Executive Committee of the Namibia Association of Local Authorities Officers (NALAO)** (File 12/1/2/1/11)

No minutes received.

13.3 **Namibia National Mayors' Forum** (File 12/1/2/1/17)

No minutes received.

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The meeting terminated at 20:49.



CHAIRPERSON

Date: 03/06/2025



CHIEF EXECUTIVE OFFICER

Date: 03/06/2025

Date of confirmation of minutes: 03/06/2025