



MUNICIPALITY OF WALVIS BAY

AGENDA

ORDINARY COUNCIL MEETING

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

**ON TUESDAY
04 MARCH 2025
AT 18:00**



Municipality of Walvis Bay

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Date: 26 February 2025

NOTICE

His Worship the Mayor and Councillors
General Managers

FEBRUARY 2025 - 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 at the Kuisebmond Council Chambers, Nathaniel Maxuillili Avenue: -

Tuesday 04 March 2025 at 18:00

Yours faithfully,

Victoria N Kapenda
Chief Executive Officer



Date	Time
26/02/2025	10 : 10

Official	Date	Time	Signed off
Compiler	26/02/2025	08 : 42	
M: CS	26/02/2025	09 : 24	



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 Special Council Meeting held on Tuesday 28 January 2025, to be confirmed and approved.

4.2 Minutes of the Ordinary Council Meeting held on Tuesday 28 January 2025, 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)

Tuesday 11 February 2025
Green Earth Trading and Farming

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

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

None.

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

Motion Number 28 – Titled: “Ring-fencing of Council revenue streams for the betterment of roads and parks”, submitted by Councillor Ronald Bramwell. See Page 3.

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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: 28
(to be completed by the administration)

MOTION: RING-FENCING OF COUNCIL REVENUE STREAMS FOR THE BETTERMENT OF ROADS AND PARKS

Motion submitted by: Councillor Ronald Bramwell

Objective of Motion: To promote sound financial and administrative discipline in the finance department of the Walvis Bay Municipality

Rationale and motivation: At present we have three revenue streams which are not being properly utilised for the purpose for which they were created.

- 1. ENDOWMENT / BETTERMENT FEES:** The Municipality charges a 7.5 % endowment fee against the land value of a new portion resulting from a subdivision, and a 20% to 75% betterment fee based on the increase in land value resulting from a rezoning application These fees are levied due to the added load on services such as water and sewerage, which require bulk upgrades and maintenance as the town continues to expand
- 2. LANDSCAPING / GREENBELT FEE:** When the Municipality sells property through a private transaction, a 10% landscaping / greenbelt fee is charged on top of the purchase price. This fee helps fund the overall landscaping and beautification of parks and contributes to maintaining the greenbelt on the edge of town, which offers protection against wind and sand.
- 3. PARKING FEES:** If a developer cannot provide all parking requirements on their erf, then the Municipality may charge the developer a fixed fee for each parking bay not provided. The intention is to allocate all revenue generated from parking fees into a "parking fund" to enable the Municipality to create public parking areas and/or maintain existing parking areas in town.

Proposal to be considered by Council: My proposal is that the above three revenue streams be ring-fenced and put into dedicated Votes in the budget as they are charged for specific purposes and must be used accordingly. This will stop the practice of using these monies which are generated being put into the different Departmental Votes and possibly used for other purposes and possibly salaries. The expenditure of any monies from these three votes should reflect under the monthly income and expenditure which will appear in the Monthly report to Council.

Chairperson of Council. I so move

Cllr *insert name here* R.N.Bramwell



13/2/2025
Date

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10. **REPORTS OF THE MANAGEMENT COMMITTEE FOR FEBRUARY 2025**

Invitation to participate in Seatrade Cruise Global 2025: Request for approval in principle for the Chief Executive Officer to attend the event (Add. No. 20; M/C Meeting 18/02/2025; File 3/4/6)

The Management Committee RESOLVED:

That the Management Committee approves, under Clause 1.1.7 of the Councils Delegation of Powers Policy, the attendance of the Seatrade Cruise Global 2025 that will be held in Miami, Florida, USA from 7 to 10 April 2025, by the Chief Executive Officer, provided that a full travel plan and expenditure for the trip submitted to the next Management Committee Meeting.



11. **RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE FOR FEBRUARY 2025**

11.1 **Outcome of the Namibian Association of Local Authority Officials 21st Annual General Meeting – Conference Declaration/Communique and election of National Executive Committee and Regional representatives** (Add. No. 1; M/C Meeting 18/02/2025; File 12/1/2/1/11)

The purpose of this report is for the Municipal Council of Walvis Bay to be informed of the outcome of the 21st Annual General Meeting of the Namibian Association of Local Authority Officials (NALAO) with regards to the Conference Declaration/Communique and the election of the National Executive Committee as well as regional representatives. A further purpose is for the Council to condone the attendance of the NALAO National Executive Committee Induction and Annual Planning Session by the Chief Executive Officer from 28 to 30 January 2025.

1.1 **Annual General Meeting and election of office bearers**

The 21st Annual General Meeting of NALAO took place in Windhoek from 20 to 22 November 2024. All the staff members of management of the Municipality of Walvis Bay (Chief Executive Officer, General Managers and Managers) are members of NALAO by virtue of a 2008 Council resolution, and the Council was represented at Annual General meeting by the Chief Executive Officer, the General Managers of Water, Waste and Environmental Management and Community and Economic Development, the Human Resources Manager and the Town Planner.

The theme of the Conference was “*Inspiring Public Leadership for the Attainment of Sustainable Development Goals 2023*” and “*Empowering Local Heroes for Global Impact*”. A total of 10 key areas of focus were presented, while participants made 7 distinct commitments.

1.2 **Election of EXCO members and Regional Representatives/Chairpersons**

At that meeting the National Executive Committee of the Association for the period 2025-2026 was conducted, and the Chief Executive Officer of the Municipality of Walvis Bay, Mrs Victoria Nelago Kapenda, was elected as the Vice President. It is worth noting that the last time Walvis Bay held an EXCO position in the Association, was for the period 2011-2014 when Mr AT Victor held the position of Vice President, and for 2015-2018 when he held the position of President.

The Council’s normal policy with regards to the attendance of meetings and events of NALAO by its newly elected Vice President applies, namely special leave to the maximum of 10 days per twelve-month period of tenure in such representative capacity.

In the case of the attendance of such meetings, the normal subsistence and travelling allowances as per Council's policy remains applicable and payable by the Council.

1.3 Attendance of Induction and Annual Planning Session

An invitation for the attendance of the NALAO National Executive Committee Induction and Annual Planning Session dated 18 December 2024 was received, which event took place from 28 to 30 January 2025. The attendance by the Walvis Bay Chief Executive Officer as newly elected vice president of the association was essential and the Council now need to condone her attendance of the event and the payment of the subsistence and travelling costs as per Council's S&T Policy.

The Management Committee RECOMMENDED:

- (1) That the feedback report of the 21st Annual General Meeting and Conference of the Namibian Association of Local Authority Officials (NALAO) be noted.
- (2) That the election of the Chief Executive Officer of the Municipality of Walvis Bay, Mrs Victoria Nelago Kapenda, as Vice President of the Association for the period 2025-2026 be noted with appreciation, and that the Council re-affirms that its Subsistence and Travelling Policy remains applicable for the expenses incurred for her attendance of events of the Association in her role and capacity of vice President for the 2025-2026 term of office.
- (3) That special leave be granted to Mrs Victoria Nelago Kapenda to the maximum of 10 days per twelve-months period to attend any meetings or event of NALAO, provided that the usual proof of invitation to attend such meetings is presented.
- (4) That should the 10 days in any twelve-month period be exhausted before the end of that period, any additional special leave that may be required, be dealt with administratively by the Chairpersons of the Council and the Management Committee as per clause 1.2.1 of the Council's Delegation of Powers Policy dated 2 December 2008, as amended.
- (5) That the Municipal Council condones both the attendance of the NALAO National Executive Committee Induction and Annual Planning Session held in Windhoek from 28 to 30 January 2025 by Mrs Victoria Nelago Kapenda, and the payment of the necessary subsistence and travelling expenses as per the Council's Subsistence and Travelling Policy.

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11.2 **Amendment of Delegation of Powers regarding the control and use of public halls to ensure efficiency and timeous action where needed** (Add. No. 2; M/C Meeting 18/02/2025; File 2/7/2 & 7/1/5/1/1/1)

The purpose of this report is for the Municipal Council of Walvis Bay to amend the existing powers delegated for the control and use of the public halls to ensure efficiency and timeous action where needed.

The control and the use of the public halls is regulated by promulgated regulations, and in these regulations certain actions are required in the control and use processes of such facilities.

In past regulations the definition of "Council" included the "General Manager" (of Human Resources and Corporate Services) and "any other official of the Council authorised by the Council".

The current regulations were promulgated in Government Gazette No. 5900 under General Notice No. 559 on 11 December 2015, and on the advice of the legal drafters in the Ministry of Justice at the time, officials of the Council were removed from the definition of "Council" as the Council should delegate any powers prescribed in the regulations to specific officials.

The Council then delegated the powers to consider approval of the facilities to the General Manager: Human Resources and Corporate Services (DoP 4.1.13) and to the actual functionary responsible for the facilities, the Manager: Corporate Services (DoP 4.2.1).

1. Current practice

All actions relating to the control and the use of the facilities were since then, to ensure efficiency and timeous actions, executed by either of the delegated functionaries, including the approval of reservations, refusal of use, termination of reservations, cancellation of use, subletting of facilities, and the exemption from payment of tariffs, all as prescribed in the regulations.

Of late it was experienced that some members of the public do not accept such actions by the delegated functionaries as it is not explicitly stated in the Council's Delegation of Powers Policy, therefore the need to amend the policy to include these actions.

The current delegated powers in effect only cover the approval of reservations under Regulation 4(3), which reads as follows:

"The Council approves a reservation if a person complies with subregulation (1) ..."

The reference to sub regulation (1) is that the reservation can only be approved if the mandatory reservation form is completed, and the deposit is paid. Subregulation (2) provides for the submission of the mandatory reservation form within 4 working days from date of verbal or telephonic reservation (which in today's world of technology include letters and emails).

2. Current undelegated powers

The regulations and sub-regulations stated hereunder are the bone of contention, and the delegated powers should be extended to include these, as it is not good governance and administrative practice to have to refer each such to the Council for consideration. Moreover, it is also not good practice for the Council to have to become involved on normal day-to-day administrative operative issues, while it would also impede efficiency and timeous service delivery.

2.1 Refusal of an application under Regulation 2(3):

"The Council may refuse an application for the use of a facility if the application does not comply with these regulations".

2.2 Imposition of conditions under Regulation 2(4):

"The Council may impose any other condition for the use of the facility not contained in these regulations, as and when it considers it necessary".

2.3 Termination of approved letting under Regulation 2(8):

"The Council may, in writing, terminate an approved letting of a facility with immediate effect if-

(a) it is found during an inspection that the lessee has violated or is violating these regulations; or

(b) *the Council is of the opinion that the reservation is not in the public interest”.*

2.4 Cancellation of use under Regulation 2(9):

“The Council may cancel the use of a facility if-

- (a) it is found during an inspection that the lessee has violated or is violating these regulations; or*
- (b) the facility is used for purposes other than the purpose for which the facility has been reserved and paid for”.*

2.5 Subletting under Regulation 2(11):

“A lessee may not sublet a facility or any part of it without first obtaining the written approval of the Council to do so”.

Exemption from payment of tariff under Regulation 3(2):

“The Council may exempt a lessee from paying the Gazetted tariffs if the Council:

- (a) receives a written motivation to do so from the lessee; and*
- (b) is of the view that the exemption-*
 - (i) is in the interest of the Council and community; or*
 - (ii) is for the purpose of a bona fide welfare organisation registered for that purpose with the Ministry responsible for the registration of welfare organisations, but the lessee must still pay the deposit ...”.*

2.6 Cleaning of facility under Regulation 4(9):

“The Council must allow a lessee an opportunity to clean the facility and hand it back to the caretaker on the day following the date for which the facility is reserved ...”.

2.7 Entry waiver under Regulation 4(10):

“Despite subregulation (9), the Council may allow a lessee entry to a facility (preceding an event) if the lessee gives written confirmation to the Council that it will not hold the Council responsible for the cleanliness or usability of the facility”.

2.8 Cancellation of confirmed reservation under Regulation 4(12):

“The Council may cancel a confirmed reservation of a facility if that facility is needed for a national event”.

This usually applies to a use request by the Electoral Commission for the use of a facility of presidential, national and local authority elections, or similar type of national events, and not for events of a social nature.

The Management Committee RECOMMENDED:

That Delegation of Powers 4.1.13 and 4.2.1 (reservation approval) be replaced and substituted with the following delegated powers and it be numbered appropriately in the Delegation of Powers Policy:

- (1) To the Chief Executive Officer: Regulation 4(12) – cancellation of confirmed reservation for availing facility for a national event.
- (2) To the Chief Executive Officer: Regulation 2(4) – imposition of additional conditions, 3(2) – exemption for payment of tariff.
- (3) To the General Manager: Human Resources and Corporate Services and the Manager: Corporate Services: Regulation 2(3) – refusal due to non-compliance with regulations, 2(8) – termination of approved

reservation due to violation of rules or against public interest, 2(9) – cancellation of use due to violation of rules or deviation from approved use, 2(11) – subletting of facility, 4(3) – approval of reservation application (existing delegated power).

- (4) To the Manager: Corporate Services: Regulation 4(9) – cleaning of facility, 4(10) – entry waiver for cleaning of facility.

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11.3 **Request to avail the Narraville Community Hall for the African Continental Dart Tournament from 20 to 22 June 2025** (Add. No. 3; M/C Meeting 18/02/2025; File 7/1/5/1/1/1)

The purpose of this report is for the Municipal Council to consider the request by the ADS Cheetahs Dart Francise and the African Darts Club for the free use of the Narraville Community Hall from 20 to 22 June 2025 for the hosting of the 2025 African Continental Darts tour's Namibia leg of the competition.

An application for the free use of the Narraville Community Hall was received from ADS Cheetahs Dart Francise. They have also completed the mandatory application form as well and indicated that they would need the facility from 18 June 2025 for preparations and registration, with the tournament taking place from 20 to 22 June 2025. It is thus 5 full days of use.

The current tariff for the use of the facility in question for such purposes is N\$ 2,285.00 per day of the event and N\$ 390.00 per day for preparations (excluding the use of the kitchen and crockery and cutlery), with a refundable deposit of N\$ 1,000.00 for the event.

Council's Regulations relating to the control and use of halls, 2015 as published in Government Gazette #5900 of 11 December 2015, under Regulation 3(2) determines that the Council may exempt a lessee from paying the regulated tariff if the Council:

- (a) receives a written motivation to do so from the lessee; and
- (b) is of the view that the exemption –
 - (i) is in the interest of the Council and community; or
 - (ii) is for the purpose of a *bona fide* welfare organisation registered for that purpose with the Ministry responsible for such registrations,

However, the lessee must still pay the (refundable) deposit.

The Council now need to consider the granting of an exemption from the payment of the rental rate which for this purpose in the amount of N\$ 7,635.00 (Hall rental of N\$ 2,285 per day x 3 and preparation rental of N\$ 390.00 per day x 2).

The Management Committee RECOMMENDED:

- (1) That the Municipal Council of Walvis Bay under Regulation 3(2) of its Regulations relation to the Control and Use of Public Halls, grants a once-off approval to the ADS Cheetahs Dart Francise and the African Darts Club for the free use of the Narraville Community Hall from 18 to 22 June 2025 for the hosting of the 2025 African Continental Darts tour's Namibia leg of the competition, as it is in the larger interest of Walvis Bay.
- (2) That a refundable deposit of N\$ 4 000.00 be paid.

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11.4 **Report on the questions relating to the visit of the Mayor to Ethiopia in September 2024** (Add. No. 21; M/C Meeting 18/02/2025; File 3/3/1/3)

The purpose of this report is for the Municipal Council of Walvis Bay to consider the report on the questions submitted by Hon. Shozi on the visit of the Mayor to Ethiopia in September 2024.

Covenant of Mayors in Sub-Saharan Africa

An honour was bestowed on Walvis Bay and Namibia when the Mayor of Walvis Bay, Cllr Trevino Forbes, was in August 2023 elected as the representative of the Southern Africa region of the Regional Mayors Forum of the Covenant of Mayors for Sub-Saharan Africa, and this brought along certain general responsibilities.

Invitation to attend Africa Urban Forum, in Addis Ababa from 4 – 6 September 2024

An invitation to Cllr Forbes to attend the Africa Urban Forum as part of the delegates of the Regional Mayors Forum of the Covenant of Mayors in Sub-Saharan Africa was received from the CoM SSA Secretariat. Of importance is that this invitation was supported by a communique dated 10 April 2024 between the Minister of Urban and infrastructure of the Federal Democratic Republic of Ethiopia and the Namibian Minister of Foreign Affairs, in honouring their undertaking to invite the mayor of Walvis Bay to attend the Forum. This invitation also stated that his travel and accommodation costs would be funded by CoM SSA, and the travel arrangements for the delegates were then made by the Com SSA Secretariat and within the available flight availability.

Management Committee consideration

The Management Committee that was scheduled for 20 August 2024 and at which the matter would have been discussed, with ample time to the conclude the rest of the process, due to the urgent intervention workshop for Councillors and Management from 19 to 22 August 2024 (with traveling dates 18 and 23 August 2024) only convened on Wednesday 28 August 2024 and only then considered the matter.

The minutes of the meeting was only prepared on 29 August 2024 with no time left to prepare the agenda for the Council meeting and thus to meet the mandatory 72-hour notice period.

From the investigation it became clear that the addition of Dire Dawa was not included in the submission, although it was already received by the Office of the Mayor.

Application to Minister

A letter was addressed to the Executive Director of the Ministry of Urban and Rural Development on 28 August 2024 in which the details of the intended foreign travel to attend the Africa Urban Forum in Ethiopia, detailing the departure date as 31 August 2024 and the arrival back home on 9 September 2024. The letter also indicated that Council approval could not be obtained due to time constraints and that Council's condonation would be obtained for this, while the urgent approval of the Minister is required.

Questions by Councillor Shozi

On 20 November 2024 the Hon Shozi submitted questions under Rule 20 of the Standing Rules of Order to the Chief Executive Officer, attached as Annexure F. At the Ordinary Council meeting of 3 December 2024, the Chief Executive Officer thanked Councillor Shozi for the questions and the opportunity to answer the questions and admitted to some errors in the procedure of the Chairperson's trip and assured the

meeting that going forward correct, lawful decisions would be made and that answers of administrative nature would be answered at the first Ordinary Council Meeting 28 January 2025.

As the Chief Executive Officer could not attend the Ordinary Council meeting on 28 January 2025 as she was engaged in other official duties of NALAO, the meeting noted that she will provide answers to the questions at the Ordinary Council Meeting scheduled for 25 February 2025.

The following feedback is submitted as received for consideration of the matter under discussion:

Feedback from the then Acting Chief Executive Officer

The clarification by then Acting Chief Executive Officer dated 23 January 2025 together with its own supporting documents was included in the Management Committee agenda of 18 February 2025.

Feedback from the Office of the Mayor

The clarification by the Mayor dated 17 January 2025 was included in the Management Committee agenda of 18 February 2025.

The Management Committee RECOMMENDED:

That the subsistence allowance amounting to N\$ 4,305.60, as paid to Councillor T Forbes for 31 August and 01 September 2024, for his visit to Dire Dawa, Ethiopia, for which no formal approval was granted, be refunded to Council.

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11.5 **Amendment of Council resolution for Erven 368 and 426 Langstrand Extension 1**
(Add. No. 4; M/C Meeting 18/02/2025; File 368/426 L)

The purpose of the report is to amend the Municipal Council's decision for the abovementioned erven as per the request of the Urban and Regional Planning Board.

The subdivision and consolidation application for Erven 368 and 426 Langstrand Extension 1, was approved by the Municipal Council at an Ordinary Council Meeting held on 15 August 2024. However, the application was referred back by the Urban and Regional Planning Board (U&RPB) requesting the amendments of paragraphs 1 and 2 of item 11.13 of the council resolution. Item 11.13 should include "Langstrand Extension 1".

The Management Committee RECOMMENDED:

That the item heading of Council Resolution dated 15 August 2024: Item 11.13 be amended to read as:

- (1) That, in accordance with *Section 109(2)(e) of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the application for the subdivision of Erf 368 Langstrand Extension 1 into Portion A and Remainder Erf 368 Langstrand **Extension 1** be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan 368.426LB/SP dated 14 May 2024, which bears the approval stamp of the Municipal Council.

- (2) That, in accordance with *Section 105(1)(e) of the Urban and Regional Planning Act (Act No. 5 of 2018)*, the application for the consolidation of Portion A (a portion of Erf 368 Extension 1) and Erf 426 Langstrand **Extension 1**, into Portion X be recommended to the Urban and Regional Planning Board for approval, as generally indicated on locality sketch plan 368.426LB/CP dated 14 May 2024, which bears the approval stamp of the Municipal Council, subject to the following conditions:
- (a) That the conditions presently registered against the erven be cancelled, and be replaced by the following conditions:
 - (i) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Walvis Bay Town Planning (or Zoning) Scheme prepared and approved in terms of the *Urban and Regional Planning Act (Act No. 5 of 2018)*.
 - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the proposed consolidated erf shall be at least four times the municipal valuation of that proposed consolidated 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 portion.
 - (f) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
 - (g) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
 - (h) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
 - (i) That the consolidation application be lodged with the Urban and Regional Planning Board in accordance with *Section 109(5) of the Urban and Regional Planning Act (Act No. 5 of 2018)*.
- (3) That all costs related to the above conditions be borne by the applicant.

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11.6 **Amendment of Council resolution for Erven 474 and 475 Langstrand Extension 2**
(Add. No. 5; M/C Meeting 18/02/2025; File 474/475 L)

The purpose of the report is to amend the Municipal Council's decision for the abovementioned erf as per request by the Urban and Regional Planning Board.

The consolidation application for Erven 474 and 475 Langstrand Extension 2 was approved by the Municipal Council, at an Ordinary Council Meeting held on 16 July 2024, however, the application was referred back by the Urban and Regional Planning Board (U&RPB) requesting to amend the paragraph 1 of item 11.6 of the council resolution. Item 11.6 should include "Langstrand Extension 2".

The Management Committee RECOMMENDED:

That the item heading of Council Resolution dated 16 July 2024: Item 11.6 be amended to read as:

- (1) That, in terms of Section 105(1)(e) of the Urban and Regional Planning Act (Act No. 5 of 2018), the application for the consolidation of Erven 474 and 475 Langstrand **Extension 2**, into New Erf X be recommended to the Urban and Regional Planning Board for approval, as generally indicated on locality sketch plan Annexure B 474_475_LB dated August 2023, which bears the approval stamp of the Municipal Council, subject to the following conditions:
 - (a) That the conditions presently registered against the erven be cancelled, and be replaced by the following conditions:
 - (i) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Walvis Bay Town Planning (or Zoning) Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act No. 5 of 2018).
 - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the proposed consolidated erf shall be at least four times the municipal valuation of that proposed consolidated 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 portion.
 - (f) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
 - (g) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
 - (h) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
 - (i) That the consolidation application be lodged with the Urban and Regional Planning Board in accordance with Section 109(5) of the Urban and Regional Planning Act (Act No. 5 of 2018).

- (2) That all costs related to the above conditions be borne by the applicant.

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11.7 **Consolidation of Erven 3120 and 3121 Walvis Bay Proper into Portion X and rezoning of consolidated Portion X Walvis Bay from “Single Residential” with a density of (1:300m2) to “Local Business” with a bulk of 1.0** (Add. No. 6; M/C Meeting 18/02/2025; File 3120/3121 W)

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

- (a) consolidation of Erven 3120 & 3121 Walvis Bay into Portion X.
- (b) rezoning of consolidated Portion X Walvis Bay from “Single Residential” with a density of (1:300m²) to “Local Business” with a bulk of 1.0

Application and registered owner: The owner of Erven 3120 and 3121 Walvis Bay is Carapau Fishing (PTY) LTD of P.O Box 5867 Walvis Bay. The applicant has given the Power of Attorney to Stewart Planning Town and Regional Planners (the Consultant) to submit the application on their behalf.

Location: Erven 3120 and 3121 Walvis Bay are located along Sixth Street, as illustrated by Figure 1 on the next page:



Figure 1. Locality Plan of Erven 3120 and 3121 Walvis Bay.

Existing Zoning and Density: Erf 3121 is zoned as Single Residential and measures 1131m² in extent, and Erf 3121 Walvis Bay is zoned Single Residential and measures 1132m² in extent both erven with a density of (1:300).

Title Deed Conditions: The usual “Single residential” conditions - no restrictions.

Size: The size of Erf 3120 Walvis Bay is 1131 m² and Erf 3121 Walvis Bay is 1132 m²

Existing Land Uses: Both erven have dwelling units.

Applicant’s Motivation: The applicant’s letter of motivation (excluding the Annexures) was submitted in the Management Committee agenda.

Public Consultation: The relevant neighbours have been contacted for comments or objections for the consolidation application. The period for objections expired on 13 June 2024 during which time no objections were received.

The application is for the consolidation of Erven 3120 and 3121 Walvis Bay into Erf X as shown. The application is assessed based on its conformity with the Walvis Bay Town Planning Scheme (TPS).

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

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Land Uses	The property is zoned as general business	<u>Will Conform:</u> The application is for the consolidation of Erven 3120 and 3121 Walvis Bay into Erf X and subsequent rezoning to change the land use.
Consolidation	35 - This clause makes provision for consolidation of erven, subject to conditions.	<u>Conforms:</u> The consolidation will generally comply with the Town Planning Scheme, because the consolidation will not change any land use or zoning. Relevant conditions relating to services will need to be imposed.

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

Erven 3120 and 3121 Walvis Bay are within an existing township. The planning proposals is for change of land use to establish office premises and storage space where items such as PPE gear and spare vessel parts will be stored. Therefore, the proposed consolidation conforms with the IUSDF.

Rezoning Component: The **second** part of the application is for the rezoning of consolidated Portion X Walvis Bay from “Single Residential” with a density of 1:300 to “Local Business,” with a bulk of 1,0 and is made in terms of the *Urban and Regional Planning Act, 2018* (Act No. 5, 2018). The rezoning will be in accordance with the plan and the following table:

PORTION NUMBER	SIZE (m ²)	CURRENT ZONING/DENSITY	PROPOSED ZONING/DENSITY
Portion X	2263	Single Residential (1:300)	Local Business with a bulk of 1.0

PUBLIC CONSULTATION:

The application was advertised for comments and objections in the Namib Times, the Namibian, and Government Gazette. Notices of the consolidation, 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 on 13 June 2024. No written comments or objections were received.

The application for the consolidation, rezoning has been evaluated from the town planning point of view based on conformity of the proposed development with the Town Planning Scheme, Integrated Urban Spatial Development Framework, and the Accommodation Establishment Policy.

Conformity with the Walvis Bay Town Planning Scheme: The proposed consolidated site will be used for larger office premises operation. The application will therefore conform with the Walvis Bay Town Planning (Zoning) Scheme in terms of the permitted land uses under the “General Business” zoning including other provisions such as coverage, minimum erf size, height, building lines, and on-site parking. The rezoning will enable the site to be use for its primary land use which will be office premisses on General Business zoning.

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Land Uses	<u>Clause 12.1:</u> The properties are currently zoned as Single Residential, and this zoning makes provision for the establishment of office premises.	<u>Conforms:</u> The application is in line with the Town Planning Scheme.
Consolidation	<u>Clause 5:</u> This clause makes provision for consolidation of erven, subject to conditions.	The application is for the consolidation of Erven 3120 and 3121Walvis Bay into Portion X and to rezone Portion X from Single Residential to Local Business with a bulk of 1.0.

MOTIVATION FOR THE CONSOLIDATION AND REZONING:

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

- (a) The consolidation of Erven 3120 and 3121 Walvis Bay will enable the applicant to create a larger site.
- (b) Erven 3120 and 3121 Walvis Bay are in close proximity with the CBD.
- (c) Erven 3120 & 3121 Walvis Bay are suitably located for the operation of accommodation establishment and will help meet the demand for the growing tourism hospital industry.
- (d) The proposed development has a potential to create employment opportunities to local people.
- (e) No major traffic related issues will occur as the result of the proposed rezoning and consolidation.
- (f) The proposed rezoning will generate income for the Municipal Council in terms of Betterment Fees and Rates and Taxes.
- (g) The consolidation and rezoning use will not conflict with the Walvis Bay Town Planning Scheme.
- (h) The proposed consolidation and rezoning will not negatively affect the amenity of the area.

The Management Committee RECOMMENDED:

- (1) That in accordance with Section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act No. 5, 2018), the Municipal Council recommends to the Urban and Regional Planning Board the application for the consolidation of Erven 3120 and 3121 Walvis Bay Proper into Portion X, as generally shown on sketch plan 3120WB/CP dated 02 April 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 erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Walvis Bay Town Planning (or Zoning) Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act No. 5 of 2018).
 - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.
 - (b) That the newly created erf be provided with one electricity, water, and sewerage connection.
 - (c) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf.
 - (d) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
 - (e) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the newly created erf.
 - (f) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
 - (g) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
 - (h) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
 - (i) That all cost regarding the above be borne by the applicant.
- (2) That the Municipal Council recommends for approval the application for the rezoning of Portion X (Erven 3120 and 3121 Walvis Bay Proper) from "Single Residential" with a density of 1 dwelling per 300m² to "Local Business" , 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 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 imposed Betterment Fee be submitted to the Minister of Urban and Rural Development simultaneously with the submission of the rezoning application for approval.
- (3) That the Municipal Council grants approval to Stewart Planning to submit the application for the rezoning of Portion X Walvis Bay to the Urban and Regional Planning Board.
- (4) That all cost related to the above conditions be borne by the applicant.

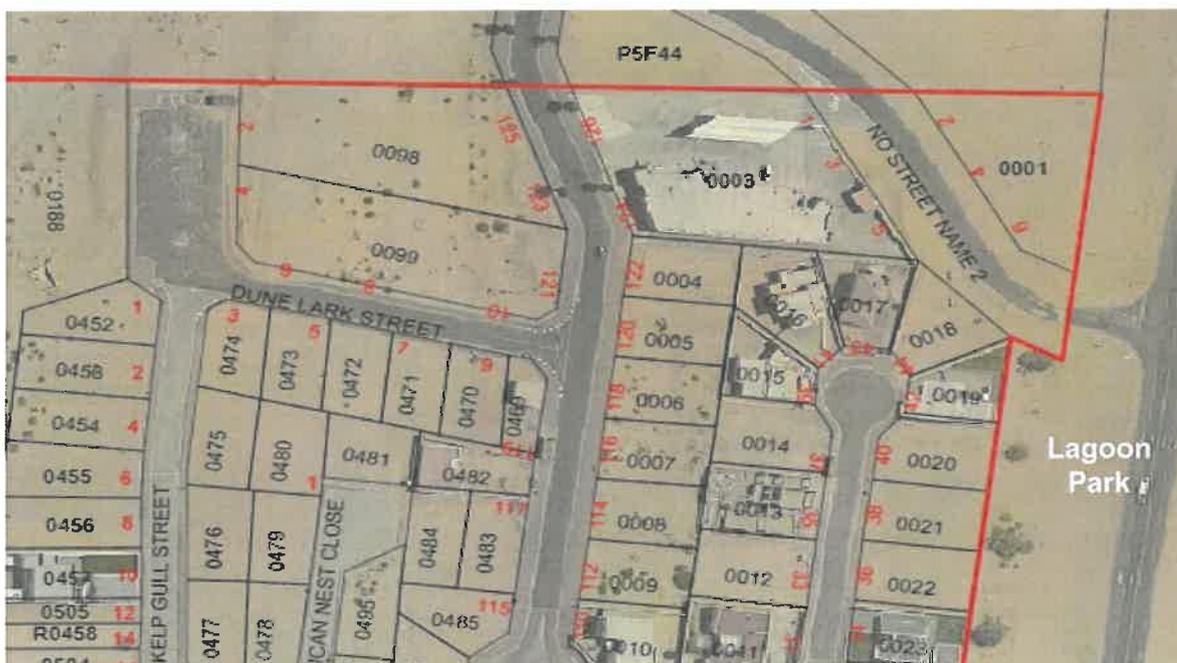
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11.8 **Consolidation of Erven 98 and 99 Dolphin Beach into New Erf X** (Add. No. 7; M/C Meeting 18/02/2025; File 98/99 DB)

The purpose of the report is to obtain the Municipal Council's recommendation on the application for the consolidation of Erven 98 and 99 Dolphin Beach, into new Erf X.

Applicant & Registered Owner: The registered owner of Erven 98 and 99 Dolphin Beach is Look Up Planning of P.O. Box 3608, Swakopmund. The registered owner has given Power of Attorney to Look Up Planning (the consultant) to apply for the consolidation on their behalf.

Location: Erven 98 and 99 Dolphin is situated along Dune Lark Street and Damara Tern Street, as illustrated by **Figure 1** below:



Applicant's Motivation: The applicant's letter of motivation was attached to the Management Committee agenda.

Public Consultation: The immediate neighbours have been contacted for comments and objections for the consolidation application of which, no objections were received.

The application is for the consolidation of Erven 98 and 99 Dolphin Beach into new Erf X. The application is assessed based on its conformity with the Walvis Bay Town Planning Scheme (TPS).

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

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Land Uses	The property is zoned as Single Residential.	<u>Will Conform:</u> The application is for the Consolidation of Erven 98 and 99 Dolphin Beach into new Erf X and no changes to the land uses are proposed.
Consolidation	35 - This clause makes provision for consolidation of erven, subject to conditions.	<u>Conforms:</u> The consolidation will generally comply with the Town Planning Scheme, because the consolidation will not change any land use or zoning. Relevant conditions relating to services will need to be imposed.

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

Erven 98 and 99 Dolphin Beach are within an existing township, Dolphin Beach Proper. There are no specific planning proposals within this township. No changes to the land use or zoning are proposed. Therefore, the proposed consolidation conforms with the IUSDF.

The Management Committee RECOMMENDED:

- (1) That, in terms of Section 105(1)(e) of the Urban and Regional Planning Act (Act No. 5 of 2018), the application for the consolidation of Erven 98 and 99, Dolphin Beach into New Erf X be recommended to the Urban and Regional Planning Board for approval, as generally indicated on locality sketch plan LOC/98/99DB/LP dated 06 January 2025, which bears the approval stamp of the Municipal Council, subject to the following conditions:
 - (a) That the conditions presently registered against the erven be cancelled, and be replaced by the following conditions:
 - (i) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Walvis Bay Town Planning (or Zoning) Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act No. 5 of 2018).
 - (ii) The minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.

- (b) That the newly created erf be provided with one electricity, water, and sewerage connection.
- (c) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf.
- (d) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (e) That the applicant shall make suitable arrangements with and to the satisfaction of the Municipal Council, regarding any existing private sewers and private water pipes traversing the newly created erf.
- (f) That the applicant shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (g) That the applicant shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (h) That the Municipal Council accepts no responsibility for the accuracy of the figures and/or dimensions shown on the sketch plan which bears the Municipal Council's stamp of approval.
- (i) That all cost regarding the above be borne by the applicant.
- (j) That the consolidation application be lodged with the Urban and Regional Planning Board in accordance with Section 105(1)(e) of the Urban and Regional Planning Act (Act No. 5 of 2018).

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11.9 **Subdivision of Erf 81 Walvis Bay into Portion A, B, C and Remainder Erf 81 Walvis Bay Proper** (Add. No. 8; M/C Meeting 18/02/2025; File 81 W)

The purpose of the report is to obtain the Municipal Council's recommendation on the application for the subdivision of Erf 81 Walvis Bay into Portion A, B, C and Remainder Erf 81 Walvis Bay.

Applicant & Registered Owner: The applicant is Stewart Planning, and the registered owner of Erf 81 Walvis Bay is Mr Stefanus Shitumbapo. The owner has given the Power of Attorney to Stewart Planning to submit the application on his behalf.

Location: Erf 81 Walvis Bay is situated at along JJ Cleverly Street, Walvis Bay, as illustrated.

Existing Zoning and Density: Erf 81 Walvis Bay is zoned as General Residential 1 with a density of 1 per 300m² in terms of the Walvis Bay Town Planning (Zoning) Scheme.

Title Deed Conditions: The usual "General Residential" conditions - no restrictions.

Size: The size of Erf 81 Walvis Bay is 1155m².

Existing Land Uses: The site is currently vacant.

Applicant's motivation: The applicant's letter of motivation was attached on the Management Committee agenda.

Public Notification: The relevant neighbours have been contacted for objections. The period for objections expired on 2 September 2024 during which time no objections were received.

The application is for the subdivision of Erf 81 Walvis Bay into Portion A, B, C and Remainder Erf 81 Walvis Bay, as shown by the subdivision plan. The application is assessed based on its conformity with the Walvis Bay Town Planning Scheme (TPS).

Control Measure	TPS Clause & Requirements	Conformity of Proposed Development with the TPS
Density	12.2.4 - Densities ranging from 1 per 300m ² are allowed on Single Residential erven.	<u>Conforms:</u> The subdivision application does not propose any change in the density zoning. Nevertheless, the density zoning for Erf 81 Walvis Bay is 1 per 150m ² .
Min. Erf Size	12.2.5.1 – conforms in terms of the National Housing Policy.	<u>Conforms:</u> The proposal is to subdivide Erf 81 Walvis Bay into Portion A, B.C and Remainder Erf 81 Walvis Bay. Portion A will be is 295m ² , Portion B 244m ² Portion C 252m ² while Remainder Erf 81 Walvis Bay will be 364m ² .
Endowment Fees	35.3 – Landowners subdividing land are required to pay to Council an endowment fee as provided for in the Urban and Regional Planning At (Act No. 5 of 2015) prior to the registration of the new portions.	<u>Will Conform:</u> The property owner(s) will be required to pay the Endowment Fees after the Urban and Regional Planning Board has granted approval to the subdivision application, but prior to the registration of the new property (Portion A). In terms of the <i>Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)</i> , “an endowment . . . must be used to establish public places or to carry out improvements or maintenance on public places or . . . for any other prescribed purposes.”

The Management Committee RECOMMENDED:

- (1) That, in accordance with Section 109(2)(a) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*, the application for the subdivision of Erf 81 Walvis Bay Proper into Portion A,B,C and Remainder Erf 81 Walvis Bay be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan ERF 81 WB/SP/ dated 12 September 2024, which bears the approval stamp of the Municipal Council.
- (2) That the following conditions be registered in favour of the Municipality of Walvis Bay:
 - (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 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 minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.

- (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 newly created portion be provided with one electricity, water and sewerage connection.
- (5) That the applicants shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf.
- (6) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (7) That the applicants 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 portion.
- (8) That the applicants shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (9) That the applicants shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (10) That the applicants be held liable for the construction of a firewall where structures are closer than 1,50m to the boundary, if not such structures on boundaries be demolished.
- (11) That the subdivision application be lodged with the Urban and Regional Planning Board in accordance with Section 109(5) of the *Urban and Regional Planning Act, 2018 (Act No. 5 of 2018)*.
- (12) That the applicant/owner pay a 7.5% Endowment Fee for Portion A, in terms 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 Portion A.
- (13) That all costs regarding the above be borne by the owner (applicant).

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11.10 **Amendment of Council resolution for Erf 2192 Narraville Extension 1** (Add. No. 9; M/C Meeting 18/02/2025; File 2192 N)

The purpose of the report is to amend the Municipal Council's decision heading for the abovementioned erf as per request by the Urban and Regional Planning Board.

The subdivision application for Erf 2192 Narraville Extension 1 was approved by the Municipal Council at an Ordinary Council Meeting held on 6 March 2024, however application was referred back by the Urban and Regional Planning Board (U&RPB) requesting to amend the Item heading and bullet 2 of the council resolution. The item heading and bullet 2 should include "Narraville Extension 1".

The Management Committee 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 Extension 1:
 - (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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11.11 **Amendment of Council resolution for Erf 4208 Walvis Bay, Extension 10** (Add. No. 10; M/C Meeting 18/02/2025; File 4208 W)

The purpose of the report is to amend the Municipal Council's decision for the abovementioned erf as per request by the Urban and Regional Planning Board.

The subdivision application for Erf 4208 Walvis Bay Extension 10 was approved by the Municipal Council at an Ordinary Council Meeting held on 27 November 2023, however application was referred back by the Urban and Regional Planning Board (U&RPB) requesting to amend the bullet 11 of the council resolution. Bullet 11 should include "Walvis Bay Extension 10".

The Management Committee RECOMMENDED:

That the item heading of Council Resolution dated 07 November 2023: Item 4.5 be amended to:

- (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 4208 Walvis Bay Extension 10 into Portion A and Remainder Erf 4208 Walvis Bay Extension 10 be recommended to the Urban and Regional Planning Board for approval, as generally indicated on sketch plan ERF 4208 WB/SUB/DIM/MAP dated October 2023, which bears the approval stamp of the Municipal Council.
- (2) That the following conditions be registered in favour of the Municipality of Walvis Bay:
 - (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 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 minimum value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.
- (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 newly created portion be provided with one electricity, water and sewerage connection.
- (5) That the applicants shall make suitable arrangements with and to the satisfaction of the Municipal Council regarding road infrastructure, including access to the newly created Erf.
- (6) That any new additions to, alterations to or relocation of municipal services shall be the responsibility of the applicant.
- (7) That the applicants 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 portion.

- (8) That the applicants shall make suitable arrangements with and to the satisfaction of Telecom Namibia regarding telephone cables and connections.
- (9) That the applicants shall make suitable arrangements with and to the satisfaction of Erongo RED regarding all electricity cables and connections.
- (10) That the applicants be held liable for the construction of a firewall where structures are closer than 1,50m to the boundary, if not such structures on boundaries be demolished.
- (11) That a right of way servitude measuring 16m² in extent be registered over new Portion A in favour of Remainder Erf 4208 Walvis Bay Extension 10, as indicated in sketch plan no ERF 4208WB/SUB/DIM/MAP.
- (12) That the subdivision application be lodged with the Urban and Regional Planning Board in accordance with Section 109(5) of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018).
- (13) That the applicant/owner pay a 7.5% Endowment Fee for Portion A, in terms 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 Portion A.
- (14) That all costs regarding the above be borne by the owner (applicant).

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11.12 **Application to purchase lease areas, No. 12, 17 and 29 of Farm 38 Walvis Bay: King Charcoal Namibia** (Add. No. 11; M/C Meeting 18/02/2025; File Farm 38)

The purpose of this submission is to recommend to Council to grant approval for the sale of lease areas No. 12, 17 and 29 of Farm 38, in extent approximately 63,000 m², be sold by private transaction to King Charcoal Namibia (the applicant), for N\$50/m².

Council at its Ordinary meeting held on 29 May 2018 under item 12.6 inter alia resolved as follows:

- “(1) That 1 ha (10,000 m²) of Farm 38 be leased to King Charcoal Namibia (Pty) Ltd (the applicant) at a rental of N\$5,000.00 (N\$0.50/m²) plus N\$750.00 (15% VAT) per month, escalating with 10% per annum, for production and packaging of charcoal.
- (2) That the applicant, at its own cost, advertises the lease by private transaction for objections in terms of the provisions of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (3) That, in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, the approval of the Minister of Urban and Rural Development be obtained.

...”

Furthermore, Council at its meeting held on 17 November 2020 under item 12.4 resolved as follows:

- “(1) That additional 2 ha (20,000 m²) of Farm 38 be leased to King Charcoal Namibia (Pty) Ltd (the applicant) at a rental of N\$11,000.00 (0.55 cents/m²) plus N\$1,650.00 (15 % VAT) per month, escalating with 10% per annum, for establishing a charcoal bagging plant and briquette manufacturing.
 - (2) That the remaining term of 8 years and 7 months, 2 hectares of Farm 38 be leased to King Charcoal Namibia (Pty) Ltd with an option to renew and that addendum be signed with the applicant.
 - (3) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 2 ha of Farm 38 surveyed at the applicant’s cost.
- ...”

Council at its Ordinary meeting held on 08 October 2024 under item 11.4 inter alia resolved as follows:

- “(1) That additional 3.3 ha (33,000 m²) of Farm 38 be leased to King Charcoal Namibia (Pty) Ltd (the applicant) at the rental of N\$35 310.00 (1.07 cents/m²) plus N\$5 296.50 (15% VAT) per month, escalating with 10% per annum, for establishing a charcoal bagging plant and briquette manufacturing
- (2) That the lease period for an additional 3.3 ha be set at the remaining period of the original lease term of 3 years and 8 months, to be leased to King Charcoal Namibia (Pty) Ltd with an option to renew.”

The applicant (King Charcoal Namibia) has applied to purchase the lease areas from Council. The purchase option will grant the applicant security to access more funding for their long-term strategic growth and investment on the property. Therefore, the applicant is a Namibian company leasing land on Farm 38 from Council for the past seven (7) years. It only makes business sense if the applicant is allowed to own the property for further investment.

The applicant in his application indicated his future plans and re-emphasized their intentions to purchase the lease area. The Urban and Regional Planning Act as well as the Municipality of Walvis Bay Town Planning Scheme provides that a planning process be followed before land can be alienated to the applicant. Therefore, the applicant on his own risk and cost will be required to attend to the planning process of the leased areas.

The applicant in their application has indicated that they want to purchase the lease area to enhance their operational stability, support economic development and position their long-term growth. This venture will underscore and support the Government initiatives under NDP 5 and Harambee Prosperity Plan for Walvis Bay to become the industrial hub of the Country.

It is further important to note that according to the applicant that, since they were allocated the land for lease, has made various investments on the land as follows:

- Construction of warehouses - N\$13 million
- Purchase of equipment - N\$9 million
- Storage containers - N\$866, 000.00
- Other improvements to machinery - N\$10,000.00

The applicant currently employs 80 permanent staff, and with acquisition and expansion, the company will increase the employees with 40 new jobs.

As part of the corporate social responsibility, the applicant intends to build retail shops and accommodation for their employees on Farm 37, once the land is fully serviced or portion of land is allocated to them.

Regarding the purchase price, the applicant has not made an offer to purchase the lease areas from Council.

However, opinion is held looking at the investment the applicant has made on the land and comparing to what Council has offered to other applicants for unserviced/unsurveyed industrial land, the N\$50.00/m² is regarded as fair and reasonable. This price is also based on the rate received from the sworn valuers and our opinion is that N\$50/m² be set as purchase price for the lease areas.

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

Organizational implications:

This development talks to industrialization and value addition which culminates employment creation. These types of initiatives are strongly supporting our five (5) year Strategic Plan as well as the Local Economic Development Strategy.

Governance or procurement implications:

There is no procurement implications associated with the exercise. However, the provision of Section 63 (2) read together with Section 30 (1) (t) of the Local Authorities Act (Act, No. 23 of 1992) as amended, and the Council's Land alienation policy shall prevail.

Financial implications:

There are no negative financial implications associated with this exercise. However, Council shall generate income to the value of N\$ 3 465 000.00, from this transaction.

The Management Committee RECOMMENDED:

- (1) That lease areas No. 12, 17 and 29 of Farm 38, in extent 63,000 m², be sold by private transaction to King Charcoal Namibia (the applicant), at a purchase price of N\$50.00 (Fifty Namibian Dollars) per m² plus 15% VAT.
- (2) That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 30 (t) read with section 63 (2) of the Local Authorities Amendment Act, 2018 (Act No.3 of 2018).
- (3) That the applicant, at its own cost, advertises the sale by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (4) That, after all approvals have been obtained, the agreement of sale be signed and a 10% deposit of the purchase price be paid on the date of sale, and the balance be paid within 120 days from the date of sale.
- (5) That the applicant shall commence with development within twenty-four (24) months from the date of transfer in the Deeds Office, and that such development be completed within thirty-six (36) months from such date of transfer; failing to comply would result in the undeveloped erf/erven to revert back to Council at the cost of the applicant.

- (6) That any outstanding electrical requirements/services and/or any other information in this regard, be taken up with Erongo RED and be provided by the applicant to their satisfaction.
- (7) That applicant attends to all outstanding Town Planning matters at its own cost.
- (8) That all costs related to registration and transfer costs, be to the responsibility of the applicant.
- (9) That the applicant contributes to actual cost in the provision of any outstanding bulk services and so required by the Municipality of Walvis Bay.
- (10) That the applicant further contributes 10% of the purchase price towards landscaping and the establishment of a green belt.
- (11) That the applicant, at own cost, do all and/or any required groundworks, provides all outstanding services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electrical reticulation, tarred roads and that such services be donated to Council, free of charge
- (12) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read together with Section 26 of the said Act, is complied with, and that it is required from the applicant to provide such information at such time and in such format as instructed by the Anti-Money Laundering Compliance Officer of the Municipality of Walvis Bay.

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11.13 **Application to lease portion of Farm 38: logistics and cargo operations – truck port: NKNO Fuels Namibia (Pty) Ltd** (Add. No. 12; M/C Meeting 18/02/2025; File Farm 38)

The purpose of this submission is to recommend to Council to grant approval, amongst others, for the lease of a portion of Farm 38, in extent 6 ha (60,000 m²), to NKNO Fuels Namibia (Pty) Ltd (the applicant).

An application letter, as well as a detailed business proposal was received from the applicant, for the purpose of establishing a truck staging and service facility (truck port), on a Portion of Farm 38. The applicant intends to lease the property for ten (10) years.

The applicant applied to lease 6 ha of Farm 38 for the primary purposes of establishing a truck staging and services facility that will;

- Create an area for truck staging
- Eliminate chaotic queuing of trucks in town
- Manage tanker movements
- Improve drivers' welfare
- Reduce idling times of truckers in town

The applicant has 20 years' experience in cross logistics, shipping and terminal management for fuel operations. Therefore, the facility will create much-needed job opportunities for Walvis Bay and Erongo as a whole, and the applicant has indicated that the new terminal will employ 40 people. The facility of 6 Ha will underscore the Government's initiative of industrialization. Therefore, the application for establishing a truck port (truck staging area) in Walvis Bay on Farm 38 is supported.

Council has in the past approved leases for King Charcoal and Charcoal Warehouse on Farm 38 at a rental of 1.07 cents/m² plus 15% VAT. Therefore, the lease of 6 Ha of Farm 38 must be set at a monthly rental of N\$64,200.00 (1,07 cents/m²) plus N\$9,630.00 (15 % VAT), as it is in line with rentals recommended in the case of the applications Council has received for the activities on Farm 38.

The application was considered on the merits of the proposal having taken the business proposition as well as the socio-economic benefits for the community. Therefore, it is herewith argued that the application is sound for the to redress issues of trucks in Walvis Bay. To strengthen their business proposition, the applicant proposes to develop a fuel station as an anchor to support their business operations.

Ironically, it is common knowledge that the process of establishing such facilities will not in any way generate income for the developers and owed to the fact that this development is aimed to address serious problem of trucks within the town of Walvis Bay, it is important to incentivize this development during construction period. Therefore, it is proposed that the monthly lease be charged only when the facility becomes operational. Further that the developer will sign a development agreement with the Council which stipulates the development timeframe.

Seeing that the applicant has requested to enter into an agreement with the Municipality of Walvis Bay for a lease of ten (10) years, a Notarial Deed Lease has to be registered in the Deeds Office. All costs would be for the account of the applicant.

Bearing in mind that 6 Ha of Farm 38 is to be leased for a period exceeding one year, the approval of the Minister of Urban and Rural Development is required in compliance with the with the provision of Section 63 (2) as well as Section 30(1)(t) of the Local Authorities Act, (Act No. 23 of 19992), as amended.

Organizational implications:

The undertaking of truck port development ties with the Council's overall Strategic Plan 2022-2026, as well as its Local Economic Development Strategy which calls for economic advancement mechanisms aimed to stimulate the local economy. On the other hand, this initiative addresses the challenge of trucks trafficking in and around the town of Walvis Bay.

Governance or procurement implications:

There is no procurement implications associated with the exercise. However, the provision of Section 63 (2) read together with Section 30 (1) (t) of the Local Authorities Act (Act, No. 23 of 1992) as amended, and the Council's Land alienation policy shall prevail.

Financial implications:

There are no negative financial implications for this exercise. The council shall generate income per month to the value of N\$64,200.00 (lease price), through this lease. Thereafter, Council will than generate more income when the sale clause is applied.

The Management Committee RECOMMENDED:

- (1) That 6 Ha (60,000 m²) of Farm 38 be leased to NKNO Namibia (Pty)Ltd (the applicant), at a rental of N\$64,200.00 (1,07 cents/m²) plus N\$9,630.00 (15 % VAT) per month, escalating with 10% per annum.
- (2) That a credit rating certificate from a reputable Namibian banking institution be provided prior to the next Ordinary Council Meeting.

- (3) That the applicant, at its own cost, advertises the lease by private transaction for objections in terms of the provisions of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (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 lease and its conditions in terms of Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018).
- (6) That, prior to the signing of a lease agreement, the applicants obtain an Environmental Clearance Certificate in terms of section 56 of the Environmental Management Act (Act 7 of 2007) from the Ministry of Environment and Tourism, Directorate: Environmental Affairs.
- (7) That the lease agreement be signed and the monthly rental be levied once the facility becomes operational.
- (8) That the parties enter into a six (6) months Development Agreement, concurrent to the signing of the lease agreement.
- (9) That the applicant in conjunction with Namibia Ports Authority and other private truck port owners implement a ticketing/terminal management system to control trucks coming to town.
- (10) That the lease period be for ten (10) years, with an option to purchase, to be extended for a further period as agreed upon between the Municipality of Walvis Bay and the applicant.
- (11) That a Notarial Deed of Lease be registered and the applicant to bear all costs.
- (12) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 60,000 m² of Farm 38 surveyed at the applicant's cost.
- (13) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.
- (14) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.
- (15) That a refundable, non-interest-bearing deposit of N\$10,000.00 be paid by the applicant on the date of signing the lease agreement, to cover the costs of rehabilitation of the site, should the applicant fail to do so.
- (16) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (17) That the applicant shall, at own cost, enclose the leased area.
- (18) That electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.

- (19) That the applicant has to comply at all times to all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.
- (20) That the Municipal Council of Walvis Bay not be held liable to reimburse the applicant for any improvements affected on the site, should the lease not be extended after 10 years.
- (21) That the applicant guarantees and indemnifies the Municipality of Walvis Bay against any action, claim or loss, injury, or damage which the applicant or any third party may suffer as a direct or indirect result of the development covered by the lease agreement.
- (22) That in the event the applicant fails to meet the conditions of this Council approval, the approval be regarded as null and void.
- (23) 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.

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11.14 **Application to lease portion of Farm 38 for a truck port: Swarie Continental Investments CC** (Add. No. 13; M/C Meeting 18/02/2025; File Farm 38)

The purpose of this submission is to recommend to Council to grant approval, amongst others, for the lease of a portion of Farm 38, in extent 2 Ha (20,000 m²), to Swarie Continental Investments CC (the applicant).

A self-explanatory application was received from the applicant for the purpose of establishing a commercial truck port facility on a portion of Farm 38 in Walvis Bay. The applicant has not indicated the lease period, but the lease period of ten (10) years is sufficient and proposed.

The applicant applied to lease 2 Ha of Farm 38 for the primary purposes of establishing a commercial truck port facility that will inter alia include the following:

- Parking area
- Ablution facilities
- Cooking areas
- Logistics support for drivers

Swarie Continental Investment CC is a Namibian company and has identified the need to establish a truck port in Walvis Bay to address the congestion of trucks in and around the town of Walvis Bay.

Therefore, the facility will create much-needed job opportunities for Walvis Bay and Erongo as a whole. The facility of 2 Ha will underscore the Government's initiative of industrialization. Therefore, the application for establishing a commercial truck port in Walvis Bay on Farm 38 is supported.

Council has in the past approved leases for King Charcoal and Charcoal Warehouse on Farm 38 at a rental of 1.07 cents/m² plus 15% VAT. Therefore, the lease of 2 Ha of Farm 38 must be set at a monthly rental of N\$21,400.00 (1,07 cents/m²) plus N\$3,210.00 (15 % VAT), as it is in line with rentals recommended in the case of the applications Council has received for the activities on Farm 38.

Ironically, it is common knowledge that the process of establishing such facilities will not in any way generate income for the developers and owed to the fact that this development is aimed to address serious problem of trucks within the town of Walvis Bay, it is important to incentivize this development during construction period. Therefore, it is proposed that the monthly lease be charged only when the facility becomes operational. Further that the developer will sign a development agreement with the Council which stipulates the development timeframe.

Seeing that the applicant has requested to enter into an agreement with the Municipality of Walvis Bay for a lease of ten (10) years, a Notarial Deed Lease has to be registered in the Deeds Office. All costs would be for the account of the applicant.

Bearing in mind that 2 Ha of Farm 38 is to be leased for a period exceeding one year, the approval of the Minister of Urban and Rural Development is required in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.

Organizational implications:

The undertaking of truck port development ties with the Council's overall Strategic Plan 2022-2026, as well as its Local Economic Development Strategy which calls for economic advancement mechanisms aimed to stimulate the local economy. On the other hand, this initiative addresses the challenge of trucks trafficking in and around the town of Walvis Bay.

Governance or procurement implications:

There is no procurement implications associated with the exercise. However, the provision of Section 63 (2) read together with Section 30 (1) (t) of the Local Authorities Act (Act, No. 23 of 1992) as amended, and the Council's Land alienation policy shall prevail.

Financial implications:

There are no negative financial implications for this exercise. Council shall generate income per month to the value of N\$21,400.00 (lease price), through this lease.

The Management Committee RECOMMENDED:

- (1) That 2 Ha (20,000 m²) of Farm 38 be leased to Swarie Commercial Investments CC (the applicant), at a rental of N\$21,400.00 (1,07 cents/m²) plus N\$3,210.00 (15 % VAT) per month, escalating with 10% per annum.
- (2) That a credit rating certificate from a reputable Namibian banking institution be provided prior to the next Ordinary Council Meeting.
- (3) That the applicant, at its own cost, advertises the lease by private transaction for objections in terms of the provisions of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (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 lease and its conditions in terms of Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018).

- (6) That, prior to the signing of a lease agreement, the applicants obtain an Environmental Clearance Certificate in terms of section 56 of the Environmental Management Act (Act 7 of 2007) from the Ministry of Environment and Tourism, Directorate: Environmental Affairs.
- (7) That the lease agreement be signed and the monthly rental be levied once the facility becomes operational.
- (8) That parties enter into a six (6) months Development Agreement, concurrent to the signing of the lease agreement.
- (9) That the applicant in conjunction with Namibia Ports Authority and other private truck port owners implement ticketing/terminal management system to control trucks coming to town.
- (10) That the lease period be for 10 years, to be extended for a further period as agreed upon between the Municipality of Walvis Bay and the applicant.
- (11) That a Notarial Deed of Lease be registered and the applicant to bear all costs.
- (12) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 20,000 m² of Farm 38 surveyed at the applicant's cost.
- (13) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.
- (14) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.
- (15) That a refundable, non-interest-bearing deposit of N\$10,000.00 be paid by the applicant on the date of signing the lease agreement, to cover the costs of rehabilitation of the site, should the applicant fail to do so.
- (16) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (17) That the applicant shall, at own cost, enclose the leased area.
- (18) That electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (19) That the applicant has to comply at all times to all relevant requirements of the Council's Standard Building Regulations, Health and Municipal Regulations.
- (20) That the Municipal Council of Walvis Bay not be held liable to reimburse the applicant for any improvements affected on the site, should the lease not be extended after 10 years.
- (21) That the applicant guarantees and indemnifies the Municipality of Walvis Bay against any action, claim or loss, injury, or damage which the applicant or any third party may suffer as a direct or indirect result of the development covered by the lease agreement.
- (22) That in the event the applicant fails to meet the conditions of this Council approval, the approval be regarded as null and void.

- (23) 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.

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11.15 **Application to lease portion of Farm 38 for the construction of a truck port facility: Nambaza Investments CC** (Add. No. 14; M/C Meeting 18/02/2025; File Farm 38)

The purpose of this submission is to recommend to Council to grant approval, amongst others, for the lease of Portion 2 of Farm 38, in extent 15 ha (150,000 m²), to Nambaza Investments CC (the applicant), for construction of a Truck Port Facility.

Council at its ordinary meeting held on 29 of November 2022 under item 11.11 inter alia resolved as follows:

- (1) That conditional approval be granted that an area measuring 15 Ha of land at Farm 38 be reserved for Nambaza CC (the applicant) for the envisaged Truck Port Facility.
- (2) That the applicant attends to subdivision of 15 Ha of a Portion of Farm 38 at own cost.
- (3) That the applicant at its own risk and on its own cost conduct Environmental Impact Assessment (EIAs), Environmental Management Plans (EMPs), Risk Management Plans (RMPs) and any other statutory assessment, studies, and processes, and obtain clearance from the Environmental Commissioner.

The applicant was informed of the Council resolution, and to attend to the conditions as stipulated in the Council resolution dated 29th of November 2022. The applicant has appointed Steward Planning: Town & Regional Planners to attend to the subdivision and rezoning of the 15 Ha of land required by Nambaza CC for the development of a truck port. The planning consultant has confirmed that the application for planning matters was submitted to the Urban and Regional Planning Board for approval. The final approval is still being awaited.

The applicant as per the Council resolution has further attended to the Environmental Impact Assessment Study, and the Environmental Clearance Certificate has been submitted. The applicant has also conducted the market feasibility study to determine the viability of the project.

The applicant desired to purchase the property to enable him to structure his financial obligations for the financing of the truck port. However, this couldn't be accomplished as the planning process and approvals thereof are still ongoing. The applicant has indicated that they opted for the lease while the planning process is being completed.

Therefore, the development of a truck port in Walvis Bay is long overdue and approval for lease is supported that the much-needed facility be constructed.

The proposed Truck Port Facility will include the following facilities:

- A NAMCOR branded fuel station and convenience store
- Tyre repair and truck repair services
- Accommodation and ablution facilities

- Parking spaces for 300 trucks
- Wellness Clinic
- Cargo warehouse and other support facilities

It is believed that this facility will create much-needed job opportunities for Walvis Bay and Erongo as a whole. The facility of 15 ha can create much-needed jobs, and this project will further address the issue of truck parking in the buildup areas in Walvis Bay. The applicant indicated in their application that they want to lease Portion 2 of Remainder Farm 38, as per the surveyor's diagram.

Council has in the past approved leases for King Charcoal and Charcoal Warehouse and other industrial related activities on Farm 38 at a rental of 1.07 cents/m² plus 15% VAT. Therefore, the lease of 15 ha of Portion 2 of Farm 38 must be set at a monthly rental of N\$160,500.00 (1,07 cents/m²) plus N\$24,075.00 (15 % VAT), as it is in line with rentals recommended in the case of the applications Council has received for the activities on Farm 38.

Ironically, it is common knowledge that the process of establishing such facilities will not in any way generate income for the developers and owed to the fact that this development is aimed to address serious problems of trucks within the town of Walvis Bay, it is important to encourage this development during the construction period. Therefore, it is proposed that the monthly lease be charged only when the facility becomes operational. Further that the developer will sign a development agreement with the Council which stipulates the development timeframe.

Seeing that the applicant has requested to enter into an agreement with the Municipality of Walvis Bay for a lease of ten (10) years, a Notarial Deed Lease has to be registered in the Deeds Office. All costs would be for the account of the applicant.

Bearing in mind that 15 Ha of Farm 38 is to be leased for a period exceeding one year, the approval of the Minister of Urban and Rural Development is required in compliance with the provision of Section 63 (2) as well as Section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.

Organizational implications:

The undertaking of truck port development ties with the Council's overall Strategic Plan 2022-2026, as well as its Local Economic Development Strategy which calls for economic advancement mechanisms aimed at stimulating the local economy. On the other hand, this initiative addresses the challenge of trucks trafficking in and around the town of Walvis Bay.

Governance or procurement implications:

There is no procurement implications associated with the exercise. However, the provision of Section 63 (2) read together with Section 30 (1) (t) of the Local Authorities Act (Act, No. 23 of 1992) as amended, and the Council's Land alienation policy shall prevail.

Financial implications:

There are no negative financial implications for this exercise. The council shall generate income per month to the value of N\$160,500.00 (lease price), through this lease.

The Management Committee RECOMMENDED:

- (1) That Portion 2 of Remainder Farm 38, in extent 15 Ha (150,000 m²), be leased to Nambaza Investments CC (the applicant), with option to buy at a rental of N\$160.500.00 (1,07 cents/m²) plus N\$24,075.00 (15 % VAT) per month, escalating with 10% per annum, for a Truck Port Facility.
- (2) That a credit rating certificate from a reputable Namibian banking institution be provided prior to the next Ordinary Council Meeting.
- (3) That the applicant, at its own cost, advertises the lease by private transaction for objections in terms of the provisions of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (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 lease and its conditions in terms of Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018).
- (6) That the lease agreement be signed and the monthly rental be levied once the facility becomes operational
- (7) That parties enter into a six (6) months Development Agreement concurrent to the signing of the lease agreement.
- (8) That the lease period be for ten (10) years, to be extended for a further period as agreed upon between the Municipality of Walvis Bay and the applicant.
- (9) That a Notarial Deed of Lease be registered and the applicant to bear all costs.
- (10) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 150,000 m² of Farm 38 surveyed at the applicant's cost.
- (11) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.
- (12) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.
- (13) That a refundable, non-interest-bearing deposit of N\$10,000.00 be paid by the applicant on the date of signing the lease agreement, to cover the costs of rehabilitation of the site should the applicant fail to do so.
- (14) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (15) That the applicant in conjunction with Namibia Ports Authority and other private truck port facility owners implement ticketing (terminal operating) system to control trucks coming into town.
- (16) That the applicant shall, at own cost, enclose the leased area.

- (17) That electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (18) That the applicant has to comply at all times to all relevant requirements of the Council's Standard Building Regulations, Health and Municipal Regulations.
- (19) That the Municipal Council of Walvis Bay not be held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended after 10 years.
- (20) That the applicant guarantees and indemnifies the Municipality of Walvis Bay against any action, claim or loss, injury, or damage which the applicant or any third party may suffer as a direct or indirect result of the development covered by the lease agreement.
- (21) That in the event the applicant fails to meet the conditions of this Council approval, the approval be regarded as null and void.
- (22) 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.

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11.16 **Application for lease of land on lease Farm 38: Authentic Farmers CC** (Add. No. 15; M/C Meeting 18/02/2025; File Farm 38)

The purpose of this submission is to recommend to Council to grant approval, amongst others, that 1.9 ha of Farm 38 be leased to Authentic Farmers CC (the applicant), for purpose of firewood and charcoal production.

The council at its meeting held on 29 October 2024 under item 11.3 resolved that the item be withdrawn for the applicant to be invited to informal discussions for a presentation on their existing business expansion and employment plans. Informal discussions were held on 12 November 2024 with the applicant, and they have presented their current development plans to the full Council.

Authentic Farmers CC is a registered Namibian company with the Ministry of Industrialization, Trade and SME Development. The company is already operational and would like to expand their business to Walvis Bay.

Authentic Farmers CC is a privately owned company that is primarily in the business of firewood and charcoal production and export products to Saudi Arabia markets.

The applicant intends to expand their business and with expansion will employ an additional 30 people. Authentic Farmers have applied for 1.5 hectares, but we have, according to our design layout offered them 1.9 hectares behind King Charcoal's site. The applicant has confirmed that they can proceed with 1 hectare on the corner.

Land is currently leased at Farm 38 at N\$1.07 cents/m². It is suggested that the same lease amount be charged for this application. Therefore, the lease of 1 ha (10000 m²) of Farm 38 must be set at a monthly rental of N\$ 10 700.00 (N\$ 1.07 cents/m²) plus N\$ 1 605.00 (15 % VAT), in line with current rental at Farm 38.

Therefore, the application to lease 1 ha of Farm 38 by Authentic Farmers CC for firewood and charcoal production is supported.

Governance or procurement implications:

There is no procurement implications associated with the exercise, however; the provision of Section 63 (2) reads together with Section 30 (1) (t) of the Local Authorities Act (Act, No. 23 of 1992) as amended, and the Council's Land alienation policy, prevail.

Financial implications:

There are no negative financial implications with this exercise, however; Council shall generate income to the value of N\$ 10,700.00 monthly, for that period.

The Management Committee RECOMMENDED:

- (1) That 1 ha of Farm 38 be leased to Authentic Farmers CC (the applicant) at a rental of \$ 10 700.00 (N\$ 1.07 cents/m²) plus N\$ 1 605.00 (15 % VAT) per month, escalating with 10% per annum, for firewood and charcoal production.
- (2) That the lease term be for ten (10) years with an option to renew, which renewal be applied for in writing by the applicant.
- (3) That the applicant be informed that the lease agreement would not constitute an automatic sale after the sale after the lease of 5 years have lapsed.
- (4) That the applicant, at its own cost, advertises the lease by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
- (5) That, in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, the approval of the Minister of Urban and Rural Development be obtained.
- (6) That the Ministry of Urban and Rural Development be consulted on the proposed sale and its conditions in terms of Section 63 of the Local Authorities Amendments Act, 2018 (Act 3 of 2018).
- (7) That the applicant submits the necessary Environmental Impact Assessment Study (EIAS) and Environmental Clearance Certificate, in terms of Section 56 of the Environmental Management Act, Act 7 of 2007, from the Ministry of Environment and Tourism, Directorate: Environment Affairs, for the development of this land.
- (8) That the applicant, in conjunction with the Department of Roads & Building Control, have the required 1 ha of Farm 38 surveyed at the applicant's cost.
- (9) That no unauthorized structures, or structures not approved in terms of the provisions of the Standard Building Regulations, shall be allowed on the site and the applicant shall, prior to the erection of any structures on the site, obtain the approval from the General Manager: Roads & Building Control.
- (10) That the applicant shall, on vacating the site, rehabilitate the area to the satisfaction of the General Manager: Roads & Building Control.
- (11) That a deposit equal to the monthly rental be paid, which deposit will be withheld on expiry/termination of lease if the last monthly rental is not paid.

- (12) That a refundable, non-interest-bearing deposit of N\$ 10,000.00 be paid by the applicant on date of signing the lease agreement, to cover the costs of rehabilitation of the site should the applicant fail to do so.
- (13) That the applicant, at its own cost, provides all services and adheres to the guidelines/standard requirements for all services, i.e. water connection, water/sewerage/electricity reticulation.
- (14) That the applicant shall, at own cost, enclose the leased area.
- (15) That electrical requirements/services and/or any other information in this regard be taken up with Erongo RED.
- (16) That the applicant has to comply at all times to all relevant requirements of Council's Standard Building Regulations, Health and Municipal Regulations.
- (17) That the Municipal Council of Walvis Bay is not held liable to reimburse the applicant for any improvements affected on the site should the lease not be extended after the initial lease period.
- (18) That the applicant guarantees and indemnifies the Municipality of Walvis Bay against any action, claim or loss, injury or damage which the applicant or any third party may suffer as a direct or indirect result of the development covered by the lease agreement.
- (19) That the applicant accepts the conditions of this approval within 14 days after the notification of the Council resolution and if no response is received the approval will be regarded as null and void.
- (20) That the applicant be informed that the business relationship and transaction can only be concluded and become effective once Section 21 of the Financial Intelligence Act, 2012 (Act No.13 of 2012) read 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.

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11.17 **Rescinding of Council resolutions: Item 11.6, dated 03 November 2020 and Item 14.7, dated 23 February 2021: Power Shield Trading: Application for acquisition of unserviced Green Valley Extension 1 and 2, formerly described as Portion 5 and 6 of Portion 3 of Remainder Farm 37, Walvis Bay** (Add. No. 16; M/C Meeting 18/02/2025; File Farm 37)

The purpose of this submission is to recommend to Council the rescinding of Council resolutions dated 03 November 2020 (under item 11.6), and 23 February 2021 (under item 14.7) in toto.

The Council at its Ordinary meeting held on 03 November 2020 under item 11.6 resolved as shown in the below excerpt:

1. That 129,513m² of unserviced Portion 1 and 2 of Remainder Farm 37, consisting of 476 single residential erven, be sold by private transaction to Power Shield Trading (Pty) Ltd, at N\$50.06/m².
2. That erven earmarked for the following zoning revert back to Council:

- (i) General Residential
- (ii) Local Business
- (iii) Institutional
- (iv) Municipal Purpose
- (v) Private open space and
- (vi) Utility services

3. That the applicant, at its own cost, advertises the sale by private transaction for objections in terms of the provisions of Section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.
4. That on date of sale the 10% deposit of the purchase price be paid, and the balance be paid within 90 days from the date of sale.

Council further at its meeting held on 23 February 2021 under item 14.7 resolved as follows:

That paragraph (1) and (2) of the Ordinary Council resolution, Item 11.6, of 03 November 2020, be amended to read as follows:

“(1) That unserviced Green Valley Extension 1 and 2, formerly described as Portions 5 and 6 of Portion 3 of Remainder Farm 37, as represented by General Plans No’s F157 and F158 respectively, consisting of 476 single residential erven, total size in extent of 129,513 m², be sold by private transaction to Power Shield Trading (Pty) Ltd, at N\$50.06/m²”.

The applicant was informed of the Council resolutions dated 03 November 2020 and 23 February 2021, and to attend to the conditions of sale. The applicant has partially attended to the Council resolution and has advertised the sale by private transaction and Ministerial approval was obtained. However, the applicant has not proceeded with the service design, nor the servicing of land.

Various informal meetings were held with the applicant to encourage them to start with the servicing of the land. A final formal request was sent to Power Shield on 18 April 2024 to update the Council on the land allocation. The applicant has not responded to Council request.

Therefore, opinion is held and based on the demand for land and applications received, the allocation of land to Power Shield be cancelled.

Governance and procurement implications:

There is no procurement or any governance implications associated with this exercise as the land is still in the custodianship and ownership of Council.

Financial implications:

There are no negative financial implications with this exercise, however; Council shall generate income after successfully alienating this land to other developers in the future.

The Management Committee RECOMMENDED:

- (1) That it be noted that Power Shield Trading has not complied with the Council resolution dated 03 November 2020 (under item 11.6) and 23 February 2021 (under item 14.7).
- (2) That Council Resolutions dated 03 November 2020 (under item 11.6) and 23 February 2021 (under item 14.7) be rescinded *in toto*.

- (3) That the applicant be informed accordingly.

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11.18 **Feedback report: Relocation of beneficiaries to Portion 10 of Farm 37** (Add. No. 17; M/C Meeting 18/02/2025; File Farm 37)

The purpose of this submission is to recommend to Council to take note of the feedback report on relocation of beneficiaries to Portion 10 of Farm 37 (green valley).

Council at its Ordinary meeting held on 15 June 2023 under item 11.6 inter alia resolved as follows:

- (1) That the Council takes note of the concerns and requests from the beneficiaries.
- (2) That the price of the (serviced) land in Portion 10 of Farm 37 be reduced to 50% of N\$96 291.00, which is N\$ 48 145.50.
- (3) That the beneficiaries be allowed to build their own toilets as per Council specifications.
- (4) That water connection provision be rolled out to individual erven in the next twelve months on Portion 10 of Farm 37.
- (5) That the Council grants a grace period of not more than six months after occupation of the erven whereby the beneficiaries may, at its own decision, not pay for erven.

Since the inception of the relocation exercise, various meetings and consultations were held with the affected communities to explain the status of land and responsibilities of the beneficiaries. These meetings were held in the form of one-on-one interviews to ascertain the socio-economic status of the affected beneficiaries and combined meetings to determine whether the identified beneficiaries can afford municipal services. The groups that were identified for possible relocation to Portion 10 of Farm 37 are as follows:

- 50 Certificate holders
- Narraville Club house tenants
- Remaining fire victims
- Old hostel tenants
- Residents from the hotspot Erf 5632 Kuisebmond, Pluto/Hansina street

It can be reported that from the abovementioned groups, the old hostel tenants, 95% of the inhabitants are unemployed and will not be able to pay for municipal services or buy material to build their houses if they are relocated to Portion 10 of Farm 37.

The status of the relocation can be reported as follows:

1. Narraville Club house tenants

- A total number of tenants 25
- 21 tenants relocated
- 1 tenant has incomplete structure
- 1 tenant material on site but structure not completed.
- 2 people have not relocated.

2. 50 Certificate holders

- A total number of people 50
- 40 people relocated
- 3 people have incomplete structures
- 4 people have no structures
- 3 people didn't relocate.

3. Fire victims from Twaloloka Area

- A total number of people 25
- 18 people relocated
- 5 people have incomplete structures

4. Hotspot Erf 5632 Kuisebmond (Pluto/Hansina Doeses street)

- A total number of people 68
- 47 people relocated
- 8 people have incomplete structures
- 3 people have material on site
- 8 people have no structures.
- 2 people didn't relocate.

The following are the challenges identified and also reported by the beneficiaries residing at Portion 10 of Farm 37:

- Rolling out of individual water meters
- Emptying of septic tanks
- Rolling out of temporary sewer system
- Regular outreaches visit by Ministry of Health and Social Services
- No police or security measures within the close proximity.
- Transport to and from Farm 37

The following are the achievements with regard to the relocation of beneficiaries to Portion 10 of Farm 37:

- Contracts signed with all relocated beneficiaries
- Rolling out of individual tokens for pre-paid water ongoing
- 3 pre-paid water meters installed
- Public Open Space upgraded with playing equipment

It is further important to note that the agreements signed for the land value to the amount of N\$48,145.50, must be paid off in the form of rent to buy option. This will allow beneficiaries to pay rent that will be regarded as a down payment for the land. This exercise is to allow the Town Planning Section to complete the formalization of the township.

Moreover, further relocation of any groups from hotspot or general fire victims and people occupying Municipal land illegally can't be entertained as the challenges of infrastructure and installation of municipal services are a big constraint. In our opinion if the number of people increases on Portion 10 of Farm 37 without Council providing further services, it will put Council under tremendous pressure. Currently over 500 households are staying at Portion 10 of Farm 37, and these people must be controlled and managed not to allow illegal activities and invasion of people not recorded by the Council. Therefore, the project team contracts must be extended for another year.

Organizational implications:

Notwithstanding all critical challenges, the process of decongesting people to portion 10 of Green Valley assists the Council to positively contribute to the course of housing development and that of the provision of security of tenure to its residents.

Procurement or governance implications:

There is no procurement involved at this stage, however; relocation and provision of land rights is done in accordance with the provision of the National Housing Policy of 2023, the Local Authorities Act (Act No. 23 of 1992), as well as the National Housing Development Act (No.28 of 2000).

Financial implications:

Although this feedback report does not attract any financial obligation to Council, the actual land development and provision of services requires that Council incurs substantive costs.

The Management Committee RECOMMENDED:

- (1) That the contents and feedback report on the relocation of beneficiaries to Portion 10 of Farm 37 be noted by the Council.
- (2) That Council resolution Item 11.6 (5) adopted by the Council on 15 June 2023 be rescinded.
- (3) That the rent payments for the land on Portion 10 of Farm 37 be regarded as rent-to-buy and down payment on the land.
- (4) That the maximum payment period be determined at 5-, 10- or 15-year options as per the specific requirements of each beneficiary, for the rent-to-buy options, at an interest rate similar to the approved rate for the Build Together beneficiaries, effective from 1 March 2025.

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11.19 Feedback report to Council on the Walvis Bay Maritime Week hosted from 03 to 05 October 2024 (Add. No. 18; M/C Meeting 18/02/2025; File 11/2/27)

The purpose of this submission is to recommend to the Council to take note of the feedback report of the Walvis Bay Maritime Week, that took place from 03rd to the 05th of October 2024, at the Civic Center in Walvis Bay.

The Municipality of Walvis Bay hosted the second edition of the Maritime Festival under a name **“Walvis Bay Maritime Week”** in collaboration with NAMPORT, supported by DEBMARINE Namibia and the Namibia Fish Consumption Promotion Trust under the theme: *“30 years of Safely Navigating the Sea”*.

This initiative was first launched on the 4th of August 2023, with the purpose of creating the town's identity by celebrating its rich industry, thereby highlighting its comparative advantage and competitive edge. Prior to the establishment of the Walvis Bay Maritime Festival, the Namibia Ports Authority formed “The Namport Maritime Week” which seeks to educate and create awareness on career prospects in the maritime industry. The event is celebrated annually during the last week of September, with activities concluding on the last Thursday of that month.

In efforts to combine resources and for the purpose of unity, the two (2) institutions agreed to merge these two events after lengthy negotiations which concluded in May 2024, and resulted in successful formation and ultimately hosting of the first Walvis Bay Maritime Week.

The event took place at two different venues, the official opening at Berth 9 solely funded by NAMPORT and the commercial and career fair segment took place at the civic center, funded by the Council with the support of DEBMARINE Namibia and Namibia Fish Consumption Promotion Trust (NFCPT). Despite numerous challenges associated with the event, the festival attracted a total number of 53 exhibitors, which are comprised of Corporates, Commercials, Small Micro and Medium Enterprises (SMME's), as well as local vendors. The Council generated an amount equal to N\$ 83 200.00 from the exhibition. It is worth noting that sponsors contributed immensely to the tune of N\$ 1 049, 196.08 of the project total cost amount to N\$ 3 415 418.56. These sponsorships relieved the Council to spend only about N\$ 457 254.18 of the N\$ 900 000.00 budgeted amounts, whereas; the Namibia Ports Authority spent about N\$ 1 909 968.39 towards the event. Please find details on page number 15 - 16 of the feedback report.

Although Council could only expense above 50% of the initial budgeted amount, it is not guaranteed that sponsors will continue to provide financial support to this effect. Therefore, it is advisable that Council continues to make substantive budgetary provision to enable successfully hosting the event. It is worth mentioning that events plans are to expand and ultimately include other economic development activities which support and stimulate the local economy. Therefore, Council is being advised to consider adequate financial support.

Organisational implications:

The proposed initiative ties in with the Walvis Bay Local Economic Development Strategy Objective No 2; "Principles Required to Stimulate Inclusive Economic Development". This objective "promotes the use of existing infrastructures and assets to stimulate economic growth, by marketing the town as a tourist and event destination". Simultaneously, this event also served as one of the catalysts for unlocking the local economy through SMME's support. Please refer to the online after survey study report as depicted on page number 19 - 20 of the feedback report.

Governance & procurement implications

The process of acquisition of goods, work and services was conducted through the public procurement process and the provision of the Public Procurement Act (Act No. 15 of 2015), were duly followed.

Financial implications:

Council incurred costs amounts to N\$ 457 254.18, towards this undertaking. Most of the costs were incurred by NAMPORT, as well as thirteen (13) other sponsors as listed below in no systematic order:

1. Debmarine Namibia
2. Namibia Fish Consumption and Promotion Trust
3. Erongo Red
4. Telecom Namibia
5. Shell Namibia
6. Manica Group
7. Namdock
8. Seawork Fish Processors
9. Erongo Marine Enterprises

- 10. Terminal Investment Namibia
- 11. Engen Namibia
- 12. Bank Windhoek Namibia
- 13. TotalEnergies

Project funding breakdown

Source	Amounts
Municipality of Walvis Bay contribution	N\$ 457,254.18
Namport contribution	N\$ 1,909,968.39
sponsorship secured	N\$ 1,049,196.08
Total event costs	N\$ 3,416,418.65

The Management Committee RECOMMENDED:

- (1) That, the Council take note of the Walvis Bay Maritime Week Report 2024.
- (2) That Council makes a budgetary provision which amounts to N\$ 1,000,000.00 towards the event and further that, the actual budget breakdown be presented to Council when such is completed.

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11.20 Development of Standard Operating Procedures as well as to formalise leases of Council's SMME stalls/markets in Walvis Bay (Add. No. 19; M/C Meeting 18/02/2025; File Erf 2998 K)

The purpose of this submission is to request the Management Committee to recommend to Council to grant approval of the formalization of alienation by way of lease and the management of Municipal Stalls and SMME's Markets in Walvis Bay.

The Council, through its Department of Community and Economic Development (CED) plays a crucial role in creating an enabling environment for local business to flourish. This can partly be achieved through the provision of municipal markets place and facilities.

Currently, Council owns and manages at least five (5) informal marketplaces which comprises of a total number of 271 stalls. Of the 271 stalls, about 181 open stands, whereas 90 of them are lockable incubation stalls. Of the 181 open stands, only 51 are occupied and 130 of them are not occupied. Whilst with 90 lockable stalls, about 86 of them are occupied and only 4 are still vacant.

Despite two decades of operation, the management of these markets has presented serious challenges. A recent facility management assessment conducted in December 2024 reveals that many lessees are illegally subleasing these properties to third parties without the Council's approval. These findings are supported by the outcomes of numerous consultative meetings held with all lessees and sub-lessees. This issue became more pronounced during our routine inspections and daily meetings, making it increasingly difficult to address. Following several meetings regarding the matter, the Division of Economic Development undertook an exercise to re-register all the traders operating from the Municipal Markets as a way of verifying the credibility of the existing database; establish as well how many lessees were involved with the subleasing saga and determine the number of initial lessees who are still operating from these facilities. After the exercise, the division discovered that out of 90 lockable stalls, about 79 are being subleased by their legal owners, whilst only 11 stalls are still occupied by their rightful lessees.

Furthermore, it was also established that 84 lessee's lease agreements are outdated. This demonstrates further that only seven (7) of those lessees are in possession of valid lease agreements to date.

It is worth noting that the provision of Clause 5 of the initial lease agreement prohibits subleasing, as reads as follows: "The lessee shall not transfer this agreement nor the properties or any portion thereof be sublet without consent of the lessor" lease agreement and notice letter against subletting.

However, the Council's Regulations on Informal Trading is silent on the subleasing. Notwithstanding the regulations, it does not divest Council its rightful position to enforce the provisions of the lease agreement signed between parties.

To address this matter, the office undertook numerous steps, including conducting multiple education awareness, issuing notices to cease and desist subleasing activities, and then finally the notice to evict illegal sub-lessees.

Benchmarking studies with other Council's demonstrates that; most often than not, there is a tendency of people who leases municipal stalls, manipulate the system by subleasing to others and generate money from Council's properties at the expense of people who are in real need to operate from the stalls. Thus, we are of a strong opinion that most of these tenants are practicing the same. Therefore, it is important to recognize those who need the stalls and formalize these relationships with Council.

Throughout our interaction with the lessee and the sub-lessees, the office took cognizant of two common types of business activities, namely; tailoring and beauty salon operating by the way of chair rentals (mini space within the stall). These matters were considered in the review of the Walvis Bay Regulations on Informal Trading of 1998. To address the matter, the Department has introduced Clause 7 (2) (b) (iii) (v) of Walvis Bay Informal Trading Regulation of 2022, which permits subletting a maximum of three (3) chair rentals per stall, provided there is adequate space. However, it is important to emphasize that although the Council approved the 2022 Regulations, it has not yet been gazetted. Therefore, it is herewith proposed that the Council permits the enforcement of Clause 7 (2) (b) (iii) (v), pending gazetted of the regulation to address subletting issues on beauty salons and tailoring activities. This will allow that Council formalize the leases with old lessees who previously signed with Council for them to lease these stalls in line with the revised regulations, given the nature of their business activities.

In relation to other trading activities being conducted through subletting, it is herewith being proposed as follows:

- (a) That Council terminates the lease agreements of the lessees that have contravened Clause (5) of the Lease Agreement with subleasing activities, citing termination terms related to subletting to the sub-lessees.
- (b) That Council formalize the leases with one such sub-Lessees, to enable them to assume the responsibilities of a principal lessee.

Organisational implications:

The proposed initiative ties in with the Walvis Bay Local Economic Development Strategy, specifically the following two objectives.

- (i) Objective No 1; Identify programs that will foster creation of a conducive business environment.

- (ii) Objective No 4: Create special programme for MSME Promotion: This objective promotes the integration of MSMEs into the local economy by providing appropriate trading infrastructures for different sectors of the informal economy.
- (iii) Furthermore, owed to the fact that this issues of the conflict amongst members of the community over stalls have been dragging for a longtime. Therefore, addressing this matter shall restore community's pride in Council affairs.

Governance & procurement implications:

There is no procurement implications involved with this undertaking, however; the provision of Section 63 (2) of the Local Authorities Act (Act No. 23 of 1992), as amended shall prevail.

Financial implications:

Addressing the subletting issues will improve the revenue collection of the Council, as lessees will commit to pay such amounts directly to the Council as per the Council gazetted tariffs.

The Management Committee RECOMMENDED:

- (1) That the Municipal Council grant approval to implement Clause 7 (2) (b) (iii) (v) of the Walvis Bay Informal Trading Regulation of 2022, pending gazetting of the regulations to address subleasing issues, involving beauty salons and barbers as well as tailoring activities and renew agreements with old lessees accordingly.
- (2) That Council terminates the lease agreements of the tenants who contravened Clause 5 of the lease agreement, except for those operating as beauty salon and barbers as well as tailoring activities, to allow new lease agreements with such sub-lessees for the period of one (1) year.
- (3) That all lessees from beauty salons and barbers, as well as tailoring trades should also operate from such facility and not sublease the units at their entirety.
- (4) That the lease costs of the Municipal stalls be determined by Council through its tariffs as gazetted on an annual basis.
- (5) That lessees from beauty salons and barbers, as well as tailoring trades may not charge their sub-lessees more than 50% of the monthly levy of such a stall.
- (6) That the overall lease period of this Municipal stalls be one (1) year, which is eligible for renewal.
- (7) That after Council approval, the provision of Section 63 (2) of the Local Authorities Act (Act No. 23 of 1992), as amended be followed.

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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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