DOCUMENT 1

CITY OF WINDHOEK

✉ 59, Windhoek ☎ +264 61 2902911

NOTICE is hereby given of the monthly meeting of the

MUNICIPAL COUNCIL OF WINDHOEK

scheduled to be held on **Thursday, 30 March 2023**, but rescheduled to be held on **Monday, 3 April 2023 at 17:30**, in the new Council Chambers, Windhoek.

.....

ACTING CHIEF EXECUTIVE OFFICER

ENQUIRIES:	Ms T Edward/jr Ms M Garises	**REF:**	03-04-2023.ca
TELEPHONE:	2902597/2902557	**DATE:**	2023-03-28

INDEX

		PAGE
1	**OPENING BY PRAYER**	
2	**OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS BY THE MAYOR - COUNCILLOR J UAPINGENE**	
3	**APPLICATIONS FOR LEAVE OF ABSENCE**	
4	**DECLARATION OF INTEREST**	
5	**CONFIRMATION OF MINUTES**	
5.1	SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 09 FEBRUARY 2023	1
5.2	MUNICIPAL COUNCIL MEETING HELD ON 28 FEBRUARY 2023	1
5.3	SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 02 MARCH 2023	2
5.4	SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 16 MARCH 2023	2
6	**PETITIONS**	
7	**MOTIONS**	
8	**ANSWERS TO QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**	
9	**OUTSTANDING MATTERS ARISING FROM THE SPECIAL MANAGEMENT COMMITTEE MEETING (SMC 16/2022) HELD ON 18 NOVEMBER 2022**	
9.1	SOP.2 [CEO/FIN/HPH] CONFIDENTIAL MATTER	3
9.2	IND.1 [UTP] EVALUATION AND APPROVAL OF APPLICATIONS FOR THE RENAMING OF STREETS IN HONOUR OF MERITORIOUS RESIDENTS WITHIN THE JURISDICTION OF THE MUNICIPAL COUNCIL OF WINDHOEK	3
10	**OUTSTANDING MATTER ARISING FROM THE SPECIAL MANAGEMENT COMMITTEE MEETING (SMC 17/2022) HELD ON 30(25) NOVEMBER 2022**	
10.1	SOP.2 [EDC] CONFIDENTIAL MATTER	6

		PAGE
11	**OUTSTANDING MATTER ARISING FROM THE COUNCIL MEETING HELD ON 28 FEBRUARY 2023**	
11.1	ITEM 9.2 GOV.2 [CEO] STAFF MATTER	7
12	**OUTSTANDING MATTER ARISING FROM THE SPECIAL COUNCIL MEETING HELD ON 16 MARCH 2023**	
12.1	ITEM 6.1 ITEM 9.1 GOV.1 [HCC] STAFF MATTER	7
13	**MINUTES OF MANAGEMENT COMMITTEE**	
13.1	**APPROVAL OF MINUTES (MC 04/2023)**	
13.1.1	GOV.1 [INF] MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE MUNICIPAL COUNCIL OF WINDHOEK AND THE ENGINEERING PROFESSIONS ASSOCIATION (EPA)/ NAMIBIAN ADJUDICATORS LIST (NAL) AND THE ASSOCIATED COSTS	8
13.1.2	GOV.5 [HPH] EXEMPTION OF PROPERTIES FROM PAYMENT OF ASSESSED RATES FOR THE 2022/2023 FINANCIAL YEAR FOR NON-RATEABLE PROPERTIES	13
13.1.3	GOV.6 [HPH] EXEMPTION OF PROPERTIES FROM PAYMENT OF ASSESSED RATES FOR THE 2021/2022 FINANCIAL YEAR FOR NON-RATEABLE PROPERTIES	18
13.1.4	GOV.7 [HPH] EXEMPTION OF PROPERTIES FROM PAYMENT OF ASSESSED RATES FOR THE 2020/2021 FINANCIAL YEAR FOR NON-RATEABLE PROPERTIES	23
13.1.5	GOV.8 [CEO] STAFF MATTER	29
13.1.6	FNS.1 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF 1083, KHOMASDAL EXTENSION 10 FOR CONSOLIDATION WITH ERF 878, KHOMASDAL EXTENSION 10	30
13.1.7	FNS.2 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF 1153, ACADEMIA EXTENSION 2 FOR CONSOLIDATION WITH ERF 1130, ACADEMIA EXTENSION 2	40
13.1.8	FNS.3 [HPH] APPLICATION TO PURCHASE PORTIONS OF THE REMAINDER OF ERF 1241, PIONIERSPARK FOR CONSOLIDATION WITH ERVEN 704 AND 705, PIONIERSPARK	52

		PAGE
13.1.9	FNS.4 [INF] PROJECT UPDATE AND REQUEST FOR THE SOURCING OF FUNDING: FEASIBILITY STUDY, DESIGN AND CONSTRUCTION OF THE POSSIBLE FURTHER OPTIMISATION OF THE KUPFERBERG GENERAL AND HAZARDOUS WASTE DISPOSAL FACILITY	64
13.1.10	FNS.5 [UTP] APPLICATION FOR THE SUBDIVISION OF ERVEN 855 AND 856, AUASBLICK EXTENSION 1 INTO PORTIONS A AND B AND THEIR RESPECTIVE REMAINDERS; RESERVATION OF PORTIONS A AND B AS 'STREET'; SUBDIVISION OF JASON HAMUTENYA NDADI STREET INTO PORTIONS C AND D AND THE REMAINDER; PERMANENT CLOSURE OF PORTIONS C AND D ZONED AS 'STREET' AND REZONING TO 'RESIDENTIAL'; AND THE SUBSEQUENT CONSOLIDATION OF PORTIONS C AND D WITH ERVEN 911 AND 912, AUASBLICK EXTENTION 1 INTO CONSOLIDATED ERVEN X AND Y RESPECTIVELY	69
13.1.11	FNS.6 [UTP] SUBDIVISION OF ERF 890, AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER	74
13.1.12	FNS.7 [UTP] APPLICATION FOR THE REZONING OF ERF 3576, KATUTURA FROM 'RESIDENTIAL'WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4	80
13.1.13	FNS.9 [HPH] APPLICATION FOR THE SALE OF ERF 8413, WINDHOEK TO QUIVER TREE INVESTMENT 26 CC: APPEAL AGAINST THE PURCHASE PRICE	86
13.1.14	FNS.10 [HPH] APPLICATION TO LEASE PORTIONS OF ERVEN 849 AND 1763, ROCKY CREST; ERF 6268, KATUTURA; ERF 3529, OTJOMUISE; ERF 1108, HAVANA AND PORTION R OF PORTION B OF KLEIN WINDHOEK TOWN AND TOWNLANDS NO. 70 TO ERECT COMMUNICATION TOWERS	94
13.1.15	FNS.11 [HPH] APPLICATION FOR THE SUBDIVISION OF FARM 1028 (A PORTION OF THE REMAINDER OF FARM 508) INTO PORTION A AND THE REMAINDER AND THE NEED AND DESIRABILITY FOR THE ESTABLISHMENT OF A TOWNSHIP (TO BE KNOWN AS HAVANA EXTENSION 13) ON PORTION A (A PORTION OF FARM 1028)	106

		PAGE
13.1.16	FNS.12 [HPH] APPLICATION TO LEASE ERF 6287, KATUTURA TO OPERATE A KINDERGARTEN	117
13.1.17	FNS.13 [UTP] APPLICATION FOR THE REZONING OF PORTION 17 OF FARM KRUMHUK NO. 30 FROM 'LIGHT INDUSTRIAL' TO 'INDUSTRIAL' AND CONSENT FOR A NOXIOUS TRADE (RECYCLING OR CLEANING OF OIL)	124
13.1.18	FNS.14 [HPH] REPORT ON OBJECTION RECEIVED ON THE LEASE OF A PORTION OF ERF 330, KLEINE KUPPE - NOTICE NO. 4/2020	135
13.1.19	FNS.15 [HPH] APPLICATIONS TO LEASE PORTIONS OF ERVEN 332 AND 331, KLEINEKUPPE FOR RECREATIONAL PURPOSES	139
13.1.20	FNS.16 [HPH] REPORT ON OBJECTIONS RECEIVED ON THE SALE OF A PORTION OF ERF 1729, WANAHEDA BY PRIVATE TREATY - NOTICE NO. 69/2014	153
13.1.21	FNS.17 [HPH] APPLICATION THE FOR REZONING OF ERF R/5546, WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF 1:900 m² TO 'HOSPITALITY' (GUESTHOUSE WITH SEVEN (7) ROOMS)	157
13.1.22	FNS.18 [UTP] APPLICATION FOR THE REZONING OF ERF 9094, WECKE STREET, WINDHOEK FROM 'OFFICE' WITH A BULK OF 1.0 TO 'BUSINESS' WITH A BULK OF 1.0, CONSENT FOR A PUBLIC RESTAURANT, HOTEL AND FREE RESIDENTIAL BULK WHILE THE REZONING IS BEING PROCESSED	164
13.1.23	FNS.19 [UTP] APPLICATION FOR THE REZONING OF ERF 2757, WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF ONE (1) DWELLING PER ERF TO 'RESIDENTIAL' WITH A DENSITY OF 1:700 m² AND CONSENT FOR MORE THAN ONE (1) DWELLING	173
13.1.24	SOP.1 [HPH] NOMINATION OF WINDHOEK AS A PARTNER LOCAL AUTHORITY IN THE TECHNICAL CO-OPERATION PROJECT ON INCLUSIVE AND SUSTAINABLE URBAN DEVELOPMENT (ISUD) AND THE NEED TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) TO FORMALISE AND REGULATE THE RELATIONSHIP	179

		PAGE
13.1.25	IND.1 [UTP] APPLICATION FOR BUILDING LINE RELAXATION ON ERF 3284, 10 BANTING STREET, WINDHOEK	184
13.2	**APPROVAL OF MINUTES (MC 05/2023)**	
13.3	**MINUTES (MC 05/2023)**	
13.3.1	GOV.4 [FCS] PROPOSED SCHEDULE TO PREPARE THE STATEMENT OF ESTIMATED INCOME AND EXPENDITURE FOR THE 2023/2024 FINANCIAL YEAR	187
13.3.2	FNS.1 [UTP] AMENDMENT OF COUNCIL RESOLUTION 26/02/2019 IN ACCORDANCE WITH THE URBAN AND REGIONAL PLANNING BOARD APPROVAL FOR CADASTRAL CHANGES TO GOREANGAB EXTENSION 4	189
13.3.3	FNS.2 [UTP] APPLICATION FOR THE REZONING OF ERF R/8161, WINDHOEK, JULIUS NYERERE STREET, WINDHOEK FROM 'GOVERNMENT' TO 'INDUSTRIAL' WITH A BULK OF 1.0 AS WELL AS CONSENT TO USE THE ERF FOR BUSINESS, RESTRICTED BUSINESS, OFFICE, RESTAURANT AND WAREHOUSING LAND USE ACTIVITIES WHILE THE REZONING APPLICATION IS BEING PROCESSED	193
13.4	**APPROVAL OF MINUTES (SMC 06/2023)**	
13.5	**MINUTES (SMC 06/2023)**	
13.5.1	GOV.1 [CEO/HCC] STAFF MATTER	205

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[Municipal Council Agenda: 2023-04-03(3003)]

1 **OPENING BY PRAYER**
(3/2/1)

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[Municipal Council Agenda: 2023-04-03(3003)]

2 **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS BY THE MAYOR - COUNCILLOR J UAPINGENE**
(3/1/6/8)

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[Municipal Council Agenda: 2023-04-03(3003)]

3 **APPLICATIONS FOR LEAVE OF ABSENCE**
(3/1/5/1)

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[Municipal Council Agenda: 2023-04-03(3003)]

4 **DECLARATION OF INTEREST**
(3/1/5/1)

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5 **CONFIRMATION OF MINUTES**

[Municipal Council Agenda: 2023-04-03(3003)]

5.1 **SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 09 FEBRUARY 2023**
(3/2/1)

The minutes of the special meeting of the Municipal Council of Windhoek held on 09 February 2023 are submitted for confirmation.

[Municipal Council Agenda: 2023-04-03(3003)]

5.2 **MUNICIPAL COUNCIL MEETING HELD ON 28 FEBRUARY 2023**
(3/2/1)

The minutes of the monthly meeting of the Municipal Council of Windhoek scheduled to be held on **Thursday, 26 January 2023**, rescheduled to be held on **Tuesday, 31 January 2023**, but postponed until further notice, which was combined with the monthly meeting of **Tuesday, 28 February 2023**, are submitted for confirmation.

[Municipal Council Agenda: 2023-04-03(3003)]

5.3 **SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 02 MARCH 2023**
(3/2/1)

The minutes of the special meeting of the Municipal Council of Windhoek held on 02 March 2023 are submitted for confirmation.

[Municipal Council Agenda: 2023-04-03(3003)]

5.4 **SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 16 MARCH 2023**
(3/2/1)

The minutes of the special meeting of the Municipal Council of Windhoek held on 16 March 2023 are submitted for confirmation.

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[Municipal Council Agenda: 2023-04-03(3003)]

6 **PETITIONS**
(3/2/1)

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[Municipal Council Agenda: 2023-04-03(3003)]

7 **MOTIONS**
(3/2/1)

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[Municipal Council Agenda: 2023-04-03(3003)]

8 **ANSWERS TO QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**
(3/1/6/3) (16/15/1)

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9 OUTSTANDING MATTERS ARISING FROM THE SPECIAL MANAGEMENT COMMITTEE MEETING (SMC 16/2022) HELD ON 18 NOVEMBER 2022

[Municipal Council Agenda: 2023-04-03(3003)]

9.1 SOP.2 [CEO/FIN/HPH] CONFIDENTIAL MATTER
(L/Debt Swap)

This matter, submitted to the Councillors under separate cover, is to be dealt with in terms of section 14(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which reads as follows:

Every meeting of a local authority council shall be open to the public, except on any matter relating to -

(ii) any offer to be made by the local authority council by way of tender or otherwise for the purchase of any property;

unless the local authority council by a majority of at least two-thirds of its members present at the meeting in question determines such a meeting to be so open.

[Municipal Council Agenda: 2023-04-03(3003)]

9.2 IND.1 [UTP] EVALUATION AND APPROVAL OF APPLICATIONS FOR THE RENAMING OF STREETS IN HONOUR OF MERITORIOUS RESIDENTS WITHIN THE JURISDICTION OF THE MUNICIPAL COUNCIL OF WINDHOEK
(16/3/7/1)

Background

Management Committee at its meeting held on 8 June 2022, during the discussion of numerous street renaming items *inter alia* resolved as follows:

That this matter be kept in abeyance in order for the Strategic Executive: Urban and Transport Planning to submit a brief motivation to Council on how an application to name/rename a street should be dealt with in line with Council Resolution 76/04/2017, whereafter this matter be concluded, depending on the outcome of Council.

In response this submission has been prepared to propose a feasible mechanism for the future evaluation of street renaming applications. The submission served at the Heritage Committee on 21 September 2022 and is herewith submitted for consideration.

Council furthermore per Resolution 290/10/2022 *inter alia* resolved as follows:

1 That this matter be referred back in order for Management Committee to investigate the process of street renaming and why it is problematic, and accordingly advice Council on what needs to be done.

2 *That all pending street naming applications in compliance with the Policy, be submitted to the next Management Committee/Council meeting, for consideration.*

3 *That the resolution be implemented prior to approval of the minutes.*

Introduction

Historically the renaming of streets, upon application by the public or otherwise, were realised by means of approval by the Municipal Council of Windhoek upon recommendation by Management Committee.

Further to the above Council by virtue of Resolution 76/04/2017 established a Policy as guideline towards the evaluation of street renaming applications. Amongst other the policy allows for the establishment of a Councillors Committee in terms of section 30(1)(w) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) to preside over matters covered by the policy.

*** The practice ever since has been for the committee established as per the above to make recommendations to the Council based on following the procedures and guidelines as laid down in the Street and Place Naming Guidelines, **attached as pages 29 - 39 to the agenda**.

Point at issue

Currently each recommendation from the Councillors Heritage Committee translates into a submission to Management Committee for consideration and potential onwards recommendation to Council. As per the latest round of evaluations this resulted in approximately thirty (30) individual submissions which had to be considered at a single meeting.

Regardless of the content of any meeting agenda of Management Committee or the Municipal Council of Windhoek an addition of this magnitude is likely to expand the agenda beyond what is manageable for a single meeting or even multiple meetings.

Given recent sentiments expressed regarding the focus of Council on matters of critical importance the question was raised as to whether the current procedure is efficient and results in the most optimal use of Council meeting time and resources.

Proposal for amended procedure

The legal mechanism for the renaming of streets in honour of residents who are deemed to comply with the criteria as laid down in the applicable policy is section 30(1)(q) as follows:

30(1) Subject to the provisions of subsections (2) and (3), a local authority council shall have the power -

(q) to confer honours upon any person who has in the opinion of the local authority council rendered meritorious service to its residents;

Given that a formal policy has been established by the Municipal Council of Windhoek providing a solid framework for the execution of work under the policy, which policy also include the instituting of a Councillors Committee to deal with matters pertaining the mandate of the Council to deal with street renaming in honour of distinguished residents lends itself to safe delegation, thereby freeing up Council meetings for matters of a more discerning nature.

Interestingly enough, and given that the Committee in question comprise of Councillors the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) does not allow the delegation of powers by the Municipal Council of Windhoek to Councillors or Committees made up of Councillors.

The law does however allow for the Municipal Council of Windhoek to delegate its powers under section 31(1) to Management Committee as follows:

31(1) A municipal council or a town council may delegate or assign in writing, in writing and on such conditions as it may determine, to its management committee or its chief executive officer or any other staff member, any power conferred or any duty imposed upon it by or under this Act or any other law.

Management Committee in return has the authority under section 31(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) to delegate any powers conferred upon it by the Municipal Council of Windhoek to Council members as follows:

31(3) A management committee may delegate, in writing and with the prior written approval of and on the conditions determined by the municipal council or town council concerned –

(a) any power conferred upon it by this Act; or

(b) any power which has been delegated to it under subsection (1),

to any member of the municipal council or town council, or to the chief executive officer or any staff member of the municipal council or town council concerned, or to any two or more of such persons conjointly.

Accordingly, it is proposed that the mandate of the Municipal Council of Windhoek to confer honours onto residents for meritorious service through the renaming of street to Management Committee for the onward delegation to the Municipal Council of Windhoek's Heritage Committee.

Conclusion

The current process whereby each and every application for the renaming of streets in the honour of distinguished residents results in an unnecessarily large administrative burden while the volume of applications is exhausting valuable Council resources which could be much better spent otherwise.

As a result, it is recommended that the mandate of Council be delegated to its Heritage Committee through the applicable allowances under the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

Management Committee,

RECOMMENDED

1 That the Municipal Council of Windhoek delegate its powers in terms of section 30(q) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) to confer honours on residents through the renaming of streets and/or places to its Management Committee in terms of section 31(1) of the said Act for onward delegation to the Heritage Committee established in terms of section 30(1)(w) of the said Act.

2 That any application so received be dealt with by the designated structure in terms of the applicable Council established policy.

3 That the Heritage Committee submit bi-annual reports to the Municipal Council of Windhoek on all its activities pursuant to this delegation of powers.

4 That the resolution be implemented prior to confirmation of the minutes to assist with the dealing of currently outstanding applications.

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10 OUTSTANDING MATTER ARISING FROM THE SPECIAL MANAGEMENT COMMITTEE MEETING (SMC 17/2022) HELD ON 30(25) NOVEMBER 2022

[Municipal Council Agenda: 2023-04-03(3003)]

10.1 SOP.2 [EDC] CONFIDENTIAL MATTER
(16/10/2/2)

This matter, submitted to the Councillors under separate cover, is to be dealt with in terms of section 14(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which reads as follows:

Every meeting of a local authority council shall be open to the public, except on any matter relating to -

(ii) any offer to be made by the local authority council by way of tender or otherwise for the purchase of any property;

unless the local authority council by a majority of at least two-thirds of its members present at the meeting in question determines such a meeting to be so open.

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11 OUTSTANDING MATTER ARISING FROM THE COUNCIL MEETING HELD ON 28 FEBRUARY 2023

[Municipal Council Agenda: 2023-04-03(3003)]

11.1 ITEM 9.2 GOV.2 [CEO] STAFF MATTER
(4/1/1)

This matter, submitted to the Councillors under separate cover, is to be dealt with in terms of section 14(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which reads as follows:

Every meeting of a local authority council shall be open to the public, except on any matter relating to -

(i) the appointment, promotion, conditions of employment and discipline of any particular officer or employee of a local authority council;

unless the local authority council by a majority of at least two-thirds of its members present at the meeting in question determines such a meeting to be so open.

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12 OUTSTANDING MATTER ARISING FROM THE SPECIAL COUNCIL MEETING HELD ON 16 MARCH 2023

[Municipal Council Agenda: 2023-04-03(3003)]

12.1 ITEM 6.1 ITEM 9.1 GOV.1 [HCC] STAFF MATTER
(4/2/2)

This matter, submitted to the Councillors under separate cover, is to be dealt with in terms of section 14(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which reads as follows:

Every meeting of a local authority council shall be open to the public, except on any matter relating to -

(i) the appointment, promotion, conditions of employment and discipline of any particular officer or employee of a local authority council;

unless the local authority council by a majority of at least two-thirds of its members present at the meeting in question determines such a meeting to be so open.

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13 MINUTES OF MANAGEMENT COMMITTEE

[Municipal Council Agenda: 2023-04-03(3003)]

13.1 APPROVAL OF MINUTES (MC 04/2023)

The minutes of the Management Committee meeting (MC 04/2023) held on 13(07&10) March 2023 were approved by the said Committee on 23(22) March 2022 and are submitted for notice with the exception of Items GOV.1, GOV.5, GOV.6, GOV.6, GOV.7, GOV.8, FNS.1, FNS.2, FNS.3, FNS.4, FNS.5, FNS.6, FNS.7, FNS.9, FNS.10, FNS.11, FNS.12, FNS.13, FNS.14, FNS.16, FNS.17, FNS.18, FNS.19, SOP.1 and IND.1, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 04/2023) held on 13(07&10) March 2022, be noted by its members, with the exception of Items GOV.1, GOV.5, GOV.6, GOV.6, GOV.7, GOV.8, FNS.1, FNS.2, FNS.3, FNS.4, FNS.5, FNS.6, FNS.7, FNS.9, FNS.10, FNS.11, FNS.12, FNS.13, FNS.14, FNS.16, FNS.17, FNS.18, FNS.19, SOP.1 and IND.1.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.1 GOV.1 [INF] MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE MUNICIPAL COUNCIL OF WINDHOEK AND THE ENGINEERING PROFESSIONS ASSOCIATION (EPA)/ NAMIBIAN ADJUDICATORS LIST (NAL) AND THE ASSOCIATED COSTS

(13/2/32)

Introduction and purpose

This submission serves to request for approval to renew the Memorandum of Agreement (MoA) between the Municipal Council of Windhoek and the Engineering Professions Association of Namibia (EPA) for the period 2022 to 2024, for the nomination of dispute Adjudicators on City's construction contracts, and to request for approval of the new fee structure and adjustments to categories as recommended and published by the Engineering Professions Association of Namibia (EPA), the administrators of the Namibia Adjudicators' List (NAL), for the appointed of the Dispute Adjudication Board (DAB) Member(s) (Dispute Adjudicator(s).

Background

Paragraph 4 of Council Resolution 106/05/2008 dated 7 May 2008 *inter alia* resolved as follows:

4 *That it is noted that the City of Windhoek would register as employer on the National Adjudicator List (NAL) and that the annual registration fee payable to the nominating authority, Engineering Professions Association (EPA) would be budgeted for.*

Pursuant to the above, the Municipal Council of Windhoek has, since 2008, entered into a Memorandum of Agreement (MoA) with the Engineering Professions Association of Namibia (EPA), which administrates the Namibia Adjudicators' List (NAL) for the purpose of recommending suitable Adjudicators, who are duly registered with the Namibia Adjudicators' List (NAL), for appointment on the City's Infrastructure Projects.

The said Memorandum of Agreement (MoA) is renewed every two (2) years, with the current signatories on behalf of the Municipal Council of Windhoek being the Chief Executive Officer and the Strategic Executive: Infrastructure, Water and Technical Services and on behalf of the Engineering Professions Association of Namibia (EPA), the elected President. The current Memorandum of Agreement (MoA) expired on 30 April 2022.

Discussion

The Namibia Adjudicators' List (NAL), through the Engineering Professions Association of Namibia (EPA), is mandated from time to time to review its recommended fee and category structure, the last review having been in 2010.

In saying so, and due to the prolonged period since the last review, the Engineering Professions Association of Namibia (EPA) in June 2021 began a process of consultation with the Namibia Adjudicators' List (NAL) Committee members and input from external stakeholder to review and recommend a new proposed recommended fee and category structure. This process was concluded, and the amended fee and category structure was approved by the Engineering Professions Association of Namibia (EPA) with effective date 25 October 2021.

At the same time, the Engineering Professions Association of Namibia (EPA) also reviewed its own internal procedures and Terms of Reference (ToR) and published all documents relating to the application and nomination of registered Adjudicators on its website during early 2022.

In terms of the Memorandum of Agreement (MoA) between Employer organisations and the Engineering Professions Association of Namibia (EPA), the Engineering Professions Association of Namibia (EPA) shall subscribe the Employer to the National Adjudicators' List for a period of two (2) years, within which period the Engineering Professions Association of Namibia (EPA) will provide impartial Adjudicator nomination services to the Employer/Contractors jointly, upon application for such nomination. The establishment of Dispute Adjudication Boards (DAB) on construction contracts is a standard requirement, with the majority of DAB's on City project being 'sole' or single-member Dispute Adjudication Boards (DAB), rather than the alternative three-member Dispute Adjudication Boards (DAB).

The Memorandum of Agreement (MoA) also allows for a reduced nomination service fee, as mentioned above, as the City is a registered Employer compared to higher fee for unregistered Employers.

*** The new recommended fees structure, **attached as page 109 to the agenda**, is incorporated into the Memorandum of Agreement (MoA).

Strategic implications/significance

Since the inception of the Namibia Adjudicators' List (NAL) on 27 November 2007 the City, as a founding member, has had a representative on the Namibia Adjudicators' List (NAL) Committee together with other stakeholders, e.g. Roads Authority, Local Consultants, Ministry of Works and Transport.

The Namibia Adjudicators' List (NAL) provides a service to the industry through the accreditation, registration and continuous development of Adjudicators and the impartial, rules-based nomination of Adjudicators to a Dispute Adjudication Boards (DAB).

The Dispute Adjudication Boards (DAB) are a standard provision of the International Federation of Consulting Engineers (FIDIC) general conditions of contract and are essential for the smooth running of construction projects, and deal with disputes in a quick and simple as well as cost-effective manner, with as little disruption to construction activities as possible.

Financial implications

Proposed new recommended fees and categories

*** As mentioned above, the Engineering Professions Association of Namibia (EPA) is mandated from time to time, after industry assessment, to issue a Notice of Amendments to its recommended fees and categories. Such a notice, **attached as page 109 to the agenda**, was issued on 25 October 2021 and is summarised as follows:

Table 1: New category of registered employer and their respective annual registration fees and nomination administrative fees:

Category type	New category type	Current annual registration fee (N$)	New annual registration fee (N$)
Major employer	Registered employer	15 000.00	**15 000.00**
Minor employer	Discontinued	8 000.00	-

Category type	New category type	Current nomination fee per request (N$)	New nomination fee per request (N$)
Major employer	Registered employer	2 000.00	**2 250.00**
Minor employer	Discontinued	1 500.00	-
None registered	Standing DAB	2 500.00	**3 000.00**
None registered	ADHOC DAB	2 500.00	**5 000.00**

Table 2: Adjudicator recommended hourly per Adjudicator category

Category type	Current gazetted fee (N$)	Current recommended hourly (N$)	New recommended hourly fee (N$)
Junior Adjudicator	1 577.00	1 577.00	**1 892.40**
Adjudicator	1 577.00	1 892.00	**2 207.80**
Senior Adjudicator	1 577.00	2 208.00	**2 523.20**
Senior Adjudicator (large projects)*	1 577.00	-	**3 750.00**
***Subject to agreement by the parties**			

Table 3: Adjudicator recommended monthly retainer fees

Current bid value (N$)	Current recommended retainer fee (N$)	New bid value (N$)	New recommended retainer fee (N$)
< 20 million	No retainer fee	< 100 million	8 000.00
20 million to 60 million	3 000.00	Up to 100 000 000	15 140.00
> 60 million	4 000.00	Between 100 000 001 and 300 000 000	17 670.00
Introduced new		Between 300 000 000 and 750 000 000	20 190.00
Introduced new		From 750 000 001 and above	37 500.00

It is to be noted that costs associated with an appointment of an Adjudication Board (DAB) Member(s) is shared equally by the Employer (Council) and the appointed Contractor, i.e. 50/50 share.

Proposed amended Memorandum of Agreement (MoA)

*** The Memorandum of Agreement (MoA) has been amended such, as to incorporate the proposed new recommended fee structure and adjustments to categories, **attached as pages 110 - 118 to the agenda**.

The period of the Memorandum of Agreement (MoA) will be for a period two (2) years.

It is to be noted that the Memorandum of Agreement (MoA) has been vetted by the Corporate Legal Adviser as noted further below.

Possible risks

In every construction contract there is a possibility of a dispute arising between the parties. As disputes leading to litigation can be very disruptive, time consuming and expensive, adjudication as a means of alternative dispute resolution has been introduced.

As such, the Municipal Council of Windhoek resolved in 2008 that a Dispute Adjudication Board (DAB) consisting of one (1) member is to be established on its infrastructure Project. The Dispute Adjudication Boards (DAB) member (the Adjudicator) is nominated by the Namibia Adjudicators' List (NAL) through a prescribed nomination process.

Risk to Council in terms of financial and time constraints is significantly reduced when the prescribed Adjudication Process is followed, and when Arbitration and Litigation can be largely eliminated.

Compliance check/legal implications

It should be noted that the Memorandum of Agreement (MoA) for the period 1 March 2022 until 29 February 2024 has been vetted by the Corporate Legal Adviser.

*** The Memorandum of Agreement (MoA) is **attached as pages 110 - 118 to the agenda**.

Consultation with Stakeholder departments and other interested parties

The Roads and Stormwater Division under the Department of Infrastructure, Water and Technical Services has widely circulated the content of this submission amongst its Divisional Heads as well as other stakeholder departments, with comments as follows:

Comments from the Strategic Executive: Urban and Transport Planning

Given that this is an existing mechanism the department has no input to make.

Comments from the Chief Executive Officer (Corporate Legal Adviser)

There can be an issue with the appointment of the Adjudicators. The Procurement Management Unit (PMU) needs to be contacted in that regard.

Comments from the Procurement Management Unit (PMU)

The process of appointing an Adjudicator is not a procurement activity/process.

Management Committee after due consideration of the matter

RECOMMENDED

*** 1 That it be noted that the Engineering Professions Association (EPA), administrators of the National Adjudicators' List (NAL), issued a Notice for Change in Fee Structure and Adjustment to Categories effective 25 October 2021, **attached as page 109 to the agenda.**

*** 2 That the Memorandum of Agreement (MoA) for the period 2022 and 2023, **attached as pages 110 - 118 to the agenda**, be approved for signature by the Chief Executive Officer and Strategic Executive: Infrastructure, Water and Technical Services.

3 That the resolution be implemented prior to approval of the minutes to allow immediate implementation.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.2 GOV.5 [HPH] EXEMPTION OF PROPERTIES FROM PAYMENT OF ASSESSED RATES FOR THE 2022/2023 FINANCIAL YEAR FOR NON-RATEABLE PROPERTIES
(5/3/1)

Management Committee, at its meeting held on 23(22) March 2023 per Item AM.5.1 *inter alia* resolved as follows:

1 That, following the explanation provided by the Strategic Executive: Housing, Property Management and Human Settlement why exemption is recommended/granted for the late applications received after 31 May 2022 as per recommendation 3 of the agenda submission, while the law takes preference, the new recommendation not granting exemption for applications received after 31 May annually below...

Introduction

The Local Authorities Act, 1992 (Act 23 of 1992) (as amended) provides under section 75 that all immovable property in a local authority area is rateable property except for exempted ones, which for purposes of this submission, are termed as non-rateable properties. For the purpose of the Act, non-rateable properties are vacant land owned by Government or Regional Council, land or building occupied for public purposes belonging to the former two, a property used exclusively for worship, and not for profit school or hostel, a state library or museum, a property belonging to the state or state aided health institution used as such, a local authority owned property, and any rateable property, which, upon application to Council in terms section 75 of the Act, may be exempted from time to time.

*** Given the above, the purpose of this item is to seek Council's approval for the exemption of qualifying properties from payment of rates for the 2022/2023 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). An extract of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), is **attached as pages 119 - 120 to the agenda.**

Background

Every financial year, property owners may apply to Council to be exempted from the payment of rates and taxes. To ensure consistency in assessing exemption applications, Council per Resolution 35/02/2003 amongst others *inter alia* resolved as follows:

1 *That the owners of properties that qualify for exemption from the payment of assessment rates continue to apply for such exemption annually by 31 May of each year.*

2 *That late applications be treated according to section 75(3) of the Local Authorities Act, 1992 (Act 23 of 1992).*

3 *That applications for exemption from the payment of assessment rates involving transactions which occur after 31 May be accepted provided there is adequate proof of the transaction having occurred after 31 May.*

4 *That all properties which are non-rateable as defined in the Local Authorities Act, 1992 (Act 23 of 1992) be inspected in April every year to confirm their status.*

5 *That the owners of properties, which are non-rateable by definition, need not apply for exemption, but should apply for confirmation of the non-rateable status of their properties.*

6 *That a list of non-rateable properties be compiled by 31 May of each year and submitted to Management Committee.*

7 *That upon receipt of an application for either exemption or confirmation of the non-rateable status the following procedures be followed:*

7.1 *Carry out an inspection of the property;*

7.2 *The activities on the property be noted;*

7.3 Unannounced spot checks be carried out;

7.4 Where properties do not comply or a portion thereof does not comply, rates should be levied.

8 That the Strategic Executive: Planning, Urbanization and Environment add any new non-rateable properties created after the deadline of 31 May to the list of non-rateable properties after confirming the status of the properties.

Applications for exemption

*** A total of one hundred and ninety four (194) applications were received for exemption for the 2022/2023 Financial Year. The applications are listed under List A (non-rateable properties by definition) and List B (properties qualifying for exemption under section 75) **attached as pages 121 - 124 and 125 - 126 respectively to the agenda**. Out of the applications received, eleven (11) applicants submitted their application after the due date, seven (7) applicants did not submit proof of ownership as required, and thirty (30) did not qualify for exemption per section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). State-aided institutions such as schools, clinics and hospitals are handled in terms of section 75(1)(a)(iii). Table 1 below provides a summary of applications received for exemption, Table 2 covers those that did not submit required documentation and Table 3 presents a list of applicants that submitted their application after the due date of 31 May 2021. In keeping with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), erven listed on Table 4 do not qualify for exemption.

Table 1: Summary of applications received for exemption for the 2022/2023 Financial Year

2022/2023 Financial Year			
Locality	**List A**	**List B**	**Total**
Academia	1	2	3
Auasblick	0	1	1
Dorado Park	7	2	9
Elisenheim	1	0	1
Erospark	1	4	5
Farm Brakwater	0	1	1
Farm Döbra	1	0	1
Farm Nubuamis	0	1	1
Finkenstein	0	0	30
Goreagab	2	1	3
Hakahana	1	0	1
Hochland Park	4	0	4
Katutura	15	1	16
Khomasdal	14	4	18
Kleine Kuppe	2	1	3
Klein Windhoek	4	3	7
Okuryangava	2	1	3
Olympia	0	3	3
Omeya	1	0	1
Otjomuise	3	1	4
Pionierspark	4	4	8
Rocky Crest	2	1	3
Suiderhof	3	1	4
Wanaheda	4	1	5
Windhoek	34	24	58

2022/2023 Financial Year			
Locality	**List A**	**List B**	**Total**
Windhoek Town and Townlands	0	1	1
Total	**106**	**58**	**194**

Table 2: List of applications without proof of ownership

Erf No.	Suburb	Comment
2072	Katutura	No proof of ownership was submitted.
2030	Katutura	
4071	Katutura	
8081	Katutura	
326	Okuryangava	
1374	Pionierspark	
3016	Windhoek	Wrong Title Deed submitted.

Applications received after the due date of 31 May 2022

Section 75(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) states that:

3 *A local authority Council **shall not grant** any exemption, unless the application has been lodged, or actually received by, it on or before 31 May in the year immediately preceding the financial year to which the application relates.*

The Local Authorities Act is very clear that exemption **shall not be granted** if the applications are submitted after the due date.

The following applications under Table 3 were submitted after the due date of 31 May 2022:

Table 3: Applicants that submitted their application after the due date of 31 May 2022

Erf No.	Suburb
8717	Windhoek
8474	Windhoek
A641	Windhoek
6578	Windhoek
4772	Katutura
1026	Goreangab
1662	Goreangab
29	Erospark
93	Elisenheim
R/7349	Katutura (attached motivation letter for late submission)
783	Khomasdal

Table 4: Applications that do not qualify as per provisions of section 75 of the Act

Location	Erf Nos.
Finkenstein	266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 279, 280, 281, 282, 371, 372, 373, 374, 375, 376, 377, 378, 379, 400, 401, 402, 424

Site inspection

Applications received were inspected during the months of June and July to confirm whether applicants are using properties for the purpose for which they applied for. All were found to be in conformity with the purpose of the application except for Erf 660, Academia which is used for equestrian purposes, there is a house used for residential purpose on the premisses, therefore exemption should be granted except 3.1 % on land and 47.28 % on improvements of assessment rate payable. All applications on Table 2 should not be granted exemption as they do not meet the requirements of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

Financial implications

*** The financial implications related to the requested exemption is **attached as pages 127 - 132 to the agenda.**

Conclusion

This item motivated exemption of qualifying properties from payment of rates for the 2021/2022 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). All properties qualify for exemption except for Erf 660, Academia where special consideration is applied.

Management Committee,

RECOMMENDED

*** 1 That exemption from the payment of assessment rates for the period 1 July 2022 to 30 June 2023 be granted to the applicants as per List A, **attached as pages 121 - 124 to the agenda**, as these properties are non-rateable by definition.

*** 2 That exemption from the payment of assessment rates for the period 1 July 2022 to 30 June 2023 be granted to the applicants as per List B, **attached as pages 125 - 126 to the agenda**, as these properties qualify for exemption from the payment of assessment rates under section 75(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

3 That exemption from the payment of assessment rates for the period 1 July 2022 to 30 June 2023 **not be granted** to the applicants who submitted their applications after the due date of 31 May 2022 as follows per Table 3:

Table 3: Applicants that submitted their application after the due date of 31 May 2022

Erf No.	Suburb
8717	Windhoek
8474	Windhoek
A641	Windhoek
6578	Windhoek
4772	Katutura
1026	Goreangab
1662	Goreangab

Erf No.	Suburb
29	Erospark
93	Elisenheim
R/7349	Katutura (attached motivation letter for late submission)
783	Khomasdal

4 That exemption from the payment of assessment rates for the period 1 July 2022 to 30 June 2023 not be granted to the applicants who did not submit proof of ownership per list of erven as follows per Table 2 (submission of proof of ownership is part of the requirement):

Table 2: List of applications without proof of ownership

Erf No.	Suburb	Comment
2072	Katutura	No proof of ownership was submitted.
2030	Katutura	
4071	Katutura	
8081	Katutura	
326	Okuryangava	
1374	Pionierspark	
3016	Windhoek	Wrong Title Deed submitted.

5 That erven listed as follows per Table 4, not be granted exemption as they do not meet the requirements set out under section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended):

Table 4: Applications that do not qualify as per provisions of section 75 of the Act

Location	Erf Nos.
Finkenstein	266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 279, 280, 281, 282, 371, 372, 373, 374, 375, 376, 377, 378, 379, 400, 401, 402, 424

6 That it be noted that Erf 660, Academia is used for equestrian purposes however, there is a residential house, and therefore exemption should be granted except 3.1 % on land and 47.28 % on improvements of the assessment rate payable.

7 That should it be found that an applicant is not complying with the provisions of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), such exemption be revoked immediately.

8 That where an organisation/church is operating from a property that is not registered in their name, an investigation be conducted to determine whether the owner of the property is being paid rent. [If so, the exemption application should be rejected.]

9 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.3 GOV.6 [HPH] EXEMPTION OF PROPERTIES FROM PAYMENT OF ASSESSED RATES FOR THE 2021/2022 FINANCIAL YEAR FOR NON-RATEABLE PROPERTIES
(5/3/1)

Management Committee, at its meeting held on 23(22) March 2023 per Item AM.5.2 *inter alia* resolved as follows:

1 That, following the explanation provided by the Strategic Executive: Housing, Property Management and Human Settlement why exemption is recommended/granted for the late applications received after 31 May 2022 as per recommendation 3 of the agenda submission, while the law takes preference, the new recommendation not granting exemption for applications received after 31 May annually below...

Introduction

The Local Authorities Act, 1992 (Act 23 of 1992) (as amended), provides under section 75 that all immovable property in a local authority area is rateable property except for exempted ones, which for purposes of this submission, are termed as non-rateable properties. For the purpose of the Act, non-rateable properties are vacant land owned by Government or regional council, land or building occupied for public purposes belonging to the former two, a property used exclusively for worship, a not for profit school or hostel, a state library or museum, a property belonging to the state or state aided health institution used as such, a local authority owned property, and any rateable property, which, upon application to Council in terms section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), may be exempted from time to time.

*** Given the above, the purpose of this item is to seek Council's approval for the exemption of qualifying properties from payment of rates for the 2021/2022 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). An extract of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), is **attached as pages 133 - 134 to the agenda.**

Background

Every financial year, property owners may apply to Council to be exempted from the payment of rates and taxes. To ensure consistency in assessing exemption applications, Council per Resolution 35/02/2003 amongst others *inter alia* resolved as follows:

1 That the owners of properties that qualify for exemption from the payment of assessment rates continue to apply for such exemption annually by 31 May of each year.

2 That late applications be treated according to section 75(3) of the Local Authorities Act, 1992 (Act 23 of 1992).

3 *That applications for exemption from the payment of assessment rates involving transactions which occur after 31 May be accepted provided there is adequate proof of the transaction having occurred after 31 May.*

4 *That all properties which are non-rateable as defined in the Local Authorities Act, 1992 (Act 23 of 1992) be inspected in April every year to confirm their status.*

5 *That the owners of properties, which are non-rateable by definition, need not apply for exemption, but should apply for confirmation of the non-rateable status of their properties.*

6 *That a list of non-rateable properties be compiled by 31 May of each year and submitted to Management Committee.*

7 *That upon receipt of an application for either exemption or confirmation of the non-rateable status the following procedures be followed:*

7.1 *Carry out an inspection of the property;*

7.2 *The activities on the property be noted;*

7.3 *Unannounced spot checks be carried out;*

7.4 *Where properties do not comply or a portion thereof does not comply, rates should be levied.*

8 *That the Strategic Executive: Planning, Urbanization and Environment add any new non-rateable properties created after the deadline of 31 May to the list of non-rateable properties after confirming the status of the properties.*

Applications for exemption

*** A total of two hundred and eight (208) applications were received for exemption for the 2021/2022 Financial Year. The applications are listed under List A (non-rateable properties by definition) and List B (properties qualifying for exemption under section 75) **attached as pages 135 - 139 and 140 - 142 respectively to the agenda**. Out of the applications received, twenty three (23) did not submit proof of ownership as required, and three (3) applicants submitted their application after the due date. State-aided institutions such as schools, clinics and hospitals are handled in terms of section 75(1)(a)(iii). Table 1 below provides a summary of applications received for exemption, Table 2 covers those that did not submit required documentation and Table 3 presents a list of applicants that submitted their application after the due date of 31 May 2021.

Table 1: Summary of applications received for exemption for the 2021/2022 Financial Year

2021/2022 Financial Year			
Locality	**List A**	**List B**	**Total**
Academia	1	2	3
Auasblick	0	2	2
Cimbebasia	1	0	1
Dorado Park	5	4	9

2021/2022 Financial Year			
Locality	**List A**	**List B**	**Total**
Elisenheim	1	0	1
Erospark	2	3	5
Farm Brakwater	0	1	1
Farm Döbra	1	0	1
Farm Nubuamis	1	0	1
Goreagab	1	0	1
Hakahana	1	0	1
Hochland Park	5	1	6
Katutura	20	5	25
Khomasdal	16	14	30
Kleine Kuppe	2	1	3
Klein Windhoek	8	2	10
Okuryangava	3	1	4
Olympia	1	4	5
Otjomuise	1	1	2
Pionierspark	4	4	8
Rocky Crest	1	1	2
Suiderhof	3	1	4
Wanaheda	1	2	3
Windhoek	47	30	77
Windhoek Town and Townlands	0	3	3
Total	**126**	**82**	**208**

Table 2: List of applications without proof of ownership

Erf No.	Suburb	Comment	Erf No.	Suburb	Comment
6856	Dorado Park	No proof of ownership submitted	3016	Windhoek	(Wrong Title Deed submitted)
1744	Katutura	No proof of ownership submitted	6172	Windhoek	No proof of ownership submitted
6058	Katutura	No proof of ownership submitted	7950	Windhoek	No proof of ownership submitted
8081	Katutura	No proof of ownership submitted	907	Olympia	No proof of ownership submitted
10506	Katutura	No proof of ownership submitted	1374	Pionierspark	No proof of ownership submitted
684	Khomasdal	No proof of ownership submitted	5031	Suiderhof	No proof of ownership submitted
3727	Klein Windhoek	No proof of ownership submitted	68B	Windhoek	No proof of ownership submitted
327	Klein Windhoek	No proof of ownership submitted	870	Windhoek	No proof of ownership submitted
3781	Okuryangava	No proof of ownership submitted	1934	Windhoek	No proof of ownership submitted
471	Olympia	No proof of ownership submitted	Farm No. 49	Döbra	No proof of ownership submitted
1942	Windhoek	No proof of ownership submitted	658	Windhoek	No proof of ownership submitted
55/31	Windhoek	No proof of ownership submitted			

Applications received after the due date of 31 May 2021

Section 75(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) states that:

3 *A local authority Council **shall not grant** any exemption, unless the application has been lodged, or actually received by, it on or before 31 May in the year immediately preceding the financial year to which the application relates.*

The Local Authorities Act is very clear that exemption **shall not be granted** if the applications are submitted after the due date.

The following applications under Table 3 were submitted after the due date of 31 May 2021:

Table 3: Applicants that submitted their application after the due date of 31 May 2021

Erf No.	Suburb	Comment
684	Khomasdal	(Due to COVID-19, attached Medical Certificate)
3727	Klein Windhoek	None
1/399	Windhoek	None
4233	Windhoek	None

Site inspection

Application received were inspected during the month of June and July to confirm whether applicants are using properties for the purpose for which they applied for. All were found to be in conformity with the purpose of the application except for Erf 660, Academia which is used for equestrian purposes, there is a residential house on the premisses, therefore exemption should be granted except 3.1 % on land and 47.28 % on improvements of assessment rate payable.

Financial implications

*** The financial implications related to the requested exemption is **attached as pages 143 - 151 to the agenda**.

Conclusion

This item motivated exemption of qualifying properties from payment of rates for the 2021/2022 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). All properties qualify for exemption except for Erf 660, Academia where special consideration is applied.

Management Committee,

RECOMMENDED

*** 1 That exemption from the payment of assessment rates for the period 1 July 2021 to 30 June 2022 be granted to the applicants as per List A, **attached pages 135 - 139 to the agenda**, as these properties are non-rateable by definition.

*** 2 That exemption from the payment of assessment rates for the period 1 July 2021 to 30 June 2022 be granted to the applicants as per List B, **attached as pages 140 - 142 to the agenda**, as these properties qualify for exemption from the payment of assessment rates under section 75(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

3 That exemption from the payment of assessment rates for the period 1 July 2021 to 30 June 2022 **not be granted** to the applicants who submitted their applications after the due date of 31 May 2021 as follows per Table 3:

Table 3: Applicants that submitted their application after the due date of 31 May 2021

Erf No.	Suburb	Comment
684	Khomasdal	(Due to COVID-19, attached Medical Certificate)
3727	Klein Windhoek	None
1/399	Windhoek	None
4233	Windhoek	None

4 That exemption from the payment of assessment rates for the period 1 July 2021 to 30 June 2022 **not be granted** to the applicants who submitted their applications after the due date of 31 May 2021 as follows Table 1:

Table 1: Applicants that submitted their application after the due date of 31 May 2021

Erf No.	Suburb	Comment
684	Khomasdal	(Due to COVID-19, attached Medical Certificate)
3727	Klein Windhoek	None
1/399	Windhoek	None
4233	Windhoek	None

5 That exemption from the payment of assessment rates for the period 1 July 2021 to 30 June 2022 not be granted to the applicants who did not submit proof of ownership per list of erven as follows per Table 2 (submission of proof of ownership is part of the requirement):

Table 2: List of applications without proof of ownership

Erf No.	Suburb	Comment	Erf No.	Suburb	Comment
6856	Dorado Park	No proof of ownership submitted	3016	Windhoek	(Wrong Title Deed submitted)
1744	Katutura	No proof of ownership submitted	6172	Windhoek	No proof of ownership submitted
6058	Katutura	No proof of ownership submitted	7950	Windhoek	No proof of ownership submitted
8081	Katutura	No proof of ownership submitted	907	Olympia	No proof of ownership submitted
10506	Katutura	No proof of ownership submitted	1374	Pionierspark	No proof of ownership submitted
684	Khomasdal	No proof of ownership submitted	5031	Suiderhof	No proof of ownership submitted
3727	Klein Windhoek	No proof of ownership submitted	68B	Windhoek	No proof of ownership submitted
327	Klein Windhoek	No proof of ownership submitted	870	Windhoek	No proof of ownership submitted
3781	Okuryangava	No proof of ownership submitted	1934	Windhoek	No proof of ownership submitted

Erf No.	Suburb	Comment	Erf No.	Suburb	Comment
471	Olympia	No proof of ownership submitted	Farm No. 49	Döbra	No proof of ownership submitted
1942	Windhoek	No proof of ownership submitted	658	Windhoek	No proof of ownership submitted
55/31	Windhoek	No proof of ownership submitted			

6 That it be noted that Erf 660, Academia is used for equestrian purposes however, there is a residential house, and therefore exemption should be granted except 3.1 % on land and 47.28 % on improvements of assessment rate payable.

7 That applicants who did not submit proof of ownership not be granted exemption as it was part of the requirement.

8 That should it be found that an applicant is not complying with the provisions of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), such exemption be revoked immediately.

9 That where an organisation/church is operating from a property that is not registered in their name, an investigation be conducted to determine whether the owner of the property is being paid rent. [If so, the exemption application should be rejected.]

10 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.4 GOV.7 [HPH] EXEMPTION OF PROPERTIES FROM PAYMENT OF ASSESSED RATES FOR THE 2020/2021 FINANCIAL YEAR FOR NON-RATEABLE PROPERTIES
(5/3/1)

Management Committee, at its meeting held on 23(22) March 2023 per Item AM.5.3 *inter alia* resolved as follows:

1 That, following the explanation provided by the Strategic Executive: Housing, Property Management and Human Settlement why exemption is recommended/granted for the late applications received after 31 May 2022 as per recommendation 3 of the agenda submission, while the law takes preference, the new recommendation not granting exemption for applications received after 31 May annually below.

Introduction

The Local Authorities Act, 1992 (Act 23 of 1992) (as amended), provides under section 75 that all immovable property in a local authority area is rateable property save for excepted ones, which for purposes of this submission, are termed as non-rateable properties. For the purpose of the Act, non-rateable properties are vacant land owned by Government or regional council, land or building occupied for public purposes belonging to the former two (2), a property used exclusively for worship, a not for profit school or hostel, a state library or museum, a property

belonging to the state or state aided health institution used as such, a local authority owned property, and any rateable property, which, upon application to Council in terms section 75 of the Act, may be exempted from time to time.

*** Given the above, the purpose of this item is to seek Council's approval for the exemption of qualifying properties from payment of rates for the 2020/2021 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). An extract of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), is **attached as pages 152 - 153 to the agenda.**

Management Committee at its meeting held on 16 March 2021 as per Item GOV.3 *inter alia* resolved as follows:

1 That this matter be referred back in order for the Strategic Executive: Housing, Property Management and Human Settlement to re-evaluate Lists A and B, attached as pages 21 – 23 and 23 – 25 respectively to the agenda, to verify whether the companies/private educational institutions listed are Section 21 Companies and whether they are maintained for profit, where after it be resubmitted to Management Committee, for consideration.

2 That the Strategic Executive: Housing, Property Management and Human Settlement:

2.1 Come up with a proper framework by which the City of Windhoek will grant exemption from paying assessment rates in terms of section 75(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and apply due diligence by re-evaluating all applications in line with the set rules;

2.2 Come up with a checklist for future applications for exemption from the payment of rates and taxes to confirm whether the relevant documents, i.e. Articles of Association etc., are attached to the applications; and

2.3 Keep a register for applications received for exemption from the payment of rates and taxes by churches and welfare organisations in order for Council to be aware of those operations in Windhoek.

3 That the resolution be implemented prior to approval of the minutes.

Applicants were requested to submit relevant registration documents confirming ownership and registration status. A register for applications received for exemption from the payment of rates and taxes by churches and welfare organisations is kept in a filling room for safekeeping and ease of access. The approach used to verify ownership for 2020/2021 Financial Year was extended as basis for evaluation of applications for the period 2021/2022 and 2022/2023 Financial Years.

The revised item served at the Management Committee meeting held on 16 March 2021 per Item GOV.3, upon which is was *inter alia* resolved as follows:

1 *That this matter be kept in abeyance to serve simultaneously with the request for exemption of properties from payment of assessed rates for the 2021/2022 and 2022/2023 Financial Years, at the next Management Committee meeting scheduled to be held on 8 November 2022, for consideration.*

1.1 *That the Strategic Executive: Housing, Property Management and Human Settlement confirm the estimated financial implications of the exemptions with the Strategic Executive: Finance and Customer Services and that the same be incorporated in the resubmission.*

The estimated financial implications is incorporated in the item.

The matter is herewith resubmitted.

Background

Every financial year, property owners may apply to Council to be exempted from the payment of rates and taxes. To ensure consistency in assessing exemption applications, Council per Resolution 35/02/2003 amongst others *inter alia* resolved as follows:

1 *That the owners of properties that qualify for exemption from the payment of assessment rates continue to apply for such exemption annually by 31 May of each year.*

2 *That late applications be treated according to section 75(3) of the Local Authorities Act, 1992 (Act 23 of 1992).*

3 *That applications for exemption from the payment of assessment rates involving transactions which occur after 31 May be accepted provided there is adequate proof of the transaction having occurred after 31 May.*

4 *That all properties which are non-rateable as defined in the Local Authorities Act, 1992 (Act 23 of 1992) be inspected in April every year to confirm their status.*

5 *That the owners of properties, which are non-rateable by definition, need not apply for exemption, but should apply for confirmation of the non-rateable status of their properties.*

6 *That a list of non-rateable properties be compiled by 31 May of each year and submitted to Management Committee.*

7 *That upon receipt of an application for either exemption or confirmation of the non-rateable status the following procedures be followed:*

7.1 *Carry out an inspection of the property;*

7.2 *The activities on the property be noted;*

7.3 Unannounced spot checks be carried out;

7.4 Where properties do not comply or a portion thereof does not comply, rates should be levied.

8 That the Strategic Executive: Planning, Urbanization and Environment add any new non-rateable properties created after the deadline of 31 May to the list of non-rateable properties after confirming the status of the properties.

Applications for exemption

*** There are one hundred and ninety four (194) applications were received for exemptions for the 2020/2021 Financial Year. The applications are listed under List A (non-rateable properties by definition) and List B (properties qualifying for exemption under section 75), **attached as pages 154 - 157 and 158 - 159 respectively to the agenda.** Out of the applications received, twenty nine (29) did not submit proof of ownership as required, and eight (8) applicants submitted their application after the due date. State-aided institutions such as schools, clinics and hospitals are handled in terms of section 75(1)(a)(iii). Table 1 below provides a summary of applications received for exemption, Table 2 covers those that did not submit required documentation, and Table 3 presents a list of applicants that submitted their application after the due date of 31 May 2020.

Table 1: Summary of applications received for exemption for the 2020/2021 Financial Year

2020/2021 Financial Year			
Locality	**List A**	**List B**	**Total**
Academia	0	3	3
Auasblick	0	0	0
Cimbebasia	0	0	0
Dorado Park	4	2	6
Elisenheim	0	1	1
Erospark	2	4	6
Farm Brakwater	1	0	1
Farm Döbra	1	0	1
Farm Nubuamis	1	0	1
Goreagab	2	2	4
Hakahana	1	0	1
Hochland Park	5	1	6
Katutura	13	4	17
Khomasdal	17	12	29
Kleine Kuppe	0	2	2
Klein Windhoek	4	3	7
Okuryangava	3	0	3
Olympia	0	4	4
Otjomuise	1	2	3
Pionierspark	3	3	6
Rocky Crest	1	1	2
Wanaheda	1	1	2
Windhoek	32	45	77
Windhoek Town and Townlands	1	3	4
Total	**93**	**93**	**186**

Table 2: List of applications without proof of ownership

Erf No.	Suburb	Comment	Erf No.	Suburb	Comment
1465	Dorado Park	None	3063	Otjomuise	None
455	Eros	None	440	Rocky Crest	None
804	Goreangab	None	428	Windhoek	None
2369	Goreangab	None	764	Windhoek	None
3227	Goreangab	None	1636	Windhoek	None
6232	Katutura	None	1941	Windhoek	None
6620	Katutura	None	2776	Windhoek	None
10617	Katutura	None	4509	Windhoek	None
783	Khomasdal	None	5395	Windhoek	None
3142	Khomasdal	None	5523	Windhoek	None
4351	Khomasdal	None	5564	Windhoek	None
5959	Khomasdal	None	5564	Windhoek	None
118	Klein Windhoek	None	Ptn 95	Windhoek Townlands	None
2165	Klein Windhoek	None	Ptn 213	Windhoek Townlands	None
290	Olympia				

Applications received after the due date of 31 May 2020

Section 75(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) states that:

3 *A local authority Council **shall not grant** any exemption, unless the application has been lodged, or actually received by, it on or before 31 May in the year immediately preceding the financial year to which the application relates.*

The Local Authorities Act is very clear that exemption **shall not be granted** if the applications are submitted after the due date.

The following applications under Table 3 were submitted after the due date of 31 May 2020:

Table 3: Applicants that submitted their application after the due date of 31 May 2020

Erf No.	Suburb	Comment
326	Okuryangava	None
111	Rocky Crest	None
1072	Pionierspark	None
471	Olympia	None
907	Olympia	None
3528	Otjomuise	None
5734	Windhoek	None
403	Omeya	None

Site inspection

Applications received were inspected during the month of June and July to confirm whether applicants are using properties for the purpose for which they applied for. All were found to be in conformity with the purpose of the application except for Erf 660, Academia which is used for equestrian purposes, there is a residential house on the premisses, therefore exemption should be granted except 3.1 % on land and 47.28 % on improvements of assessment rate payable.

Financial implications

*** The financial implications related to the requested exemption is **attached as pages 160 - 163 the agenda.**

Conclusion

This item motivated exemption of qualifying properties from payment of rates for the 2020/2021 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). All properties qualify for exemption except for Erf 660, Academia where special consideration is applied.

Management Committee,

RECOMMENDED

*** 1 That exemption from the payment of assessment rates for the period 1 July 2020 to 30 June 2021, be granted to the applicants as per List A, **attached as pages 154 - 157 to the agenda**, as these properties are non-rateable by definition.

*** 2 That exemption from the payment of assessment rates for the period 1 July 2020 to 30 June 2021, be granted to the applicants as per List B, **attached as pages 158 - 159 to the agenda**, as these properties qualify for exemption from the payment of assessment rates under section 75(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

3 That exemption from the payment of assessment rates for the period 1 July 2020 to 30 June 2021 **not be granted** to the applicants who submitted their applications after the due date of 31 May 2020 aws follows per Table 3:

Table 3: Applicants that submitted their application after the due date of 31 May 2020

Erf No.	Suburb	Comment
326	Okuryangava	None
111	Rocky Crest	None
1072	Pionierspark	None
471	Olympia	None
907	Olympia	None
3528	Otjomuise	None
5734	Windhoek	None
403	Omeya	None

4 That exemption from the payment of assessment rates for the period 1 July 2020 to 30 June 2021 not be granted to the applicants who did not submit proof of ownership per list of erven as follows per Table 2 (submission of proof of ownership is part of the requirement):

Table 2: List of applications without proof of ownership

Erf No.	Suburb	Comment	Erf No.	Suburb	Comment
1465	Dorado Park	None	3063	Otjomuise	None
455	Eros	None	440	Rocky Crest	None
804	Goreangab	None	428	Windhoek	None

Erf No.	Suburb	Comment	Erf No.	Suburb	Comment
2369	Goreangab	None	764	Windhoek	None
3227	Goreangab	None	1636	Windhoek	None
6232	Katutura	None	1941	Windhoek	None
6620	Katutura	None	2776	Windhoek	None
10617	Katutura	None	4509	Windhoek	None
783	Khomasdal	None	5395	Windhoek	None
3142	Khomasdal	None	5523	Windhoek	None
4351	Khomasdal	None	5564	Windhoek	None
5959	Khomasdal	None	5564	Windhoek	None
118	Klein Windhoek	None	Ptn 95	Windhoek Townlands	None
2165	Klein Windhoek	None	Ptn 213	Windhoek Townlands	None
290	Olympia				

5 That it be noted that Erf 660, Academia is used for equestrian purposes however, there is a residential house, and therefore exemption should be granted except 3.1 % on land and 47.28 % on improvements of assessment rate payable.

6 That applicants who did not submit proof of ownership not be granted exemption as it was part of the requirement.

7 That should it be found that an applicant is not complying with the provisions of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), such exemption be revoked immediately.

8 That where an organisation/church is operating from a property that is not registered in their name, an investigation be conducted to determine whether the owner of the property is being paid rent. [If so, the exemption application should be rejected.]

9 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.5 GOV.8 [CEO] STAFF MATTER
(16/15/2/2/5)

This matter, submitted to the Councillors under separate cover, is to be dealt with in terms of section 14(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which reads as follows:

Every meeting of a local authority council shall be open to the public, except on any matter relating to -

(i) the appointment, promotion, conditions of employment and discipline of any particular officer or employee of a local authority council;

unless the local authority council by a majority of at least two-thirds of its members present at the meeting in question determines such a meeting to be so open.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.6 FNS.1 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF 1083, KHOMASDAL EXTENSION 10 FOR CONSOLIDATION WITH ERF 878, KHOMASDAL EXTENSION 10
(L/1083/KD) (L/877/KD) (L/878/KD)

Introduction

The purpose of this item is to submit to Council an application received from Mr R N Snyders, the owner of Erf 878, Khomasdal Extension 10, to purchase a portion of Erf 1083, Khomasdal Extension 10 for consolidation with his erf. The item further seeks Council's approval thereof.

Application

*** An application dated 17 March 2015, **attached as pages 164 - 165 to the agenda**, was received from Mr NR Snyders to purchase portions of Erven 1083 and 877, Khomasdal Extension 10 for consolidation with Erf 878, Khomasdal Extension 10. Mr Snyders is a Namibian Citizen as evidenced by his Identity Document (ID), **attached as page 166 to the agenda.**

Property descriptions and locality

Erf 1083, Khomasdal Extension 10 is zoned 'undetermined', is ± 1 669 m² in extent and is situated in Tortelduif Street.

Erf 877, Khomasdal Extension 10 is zoned 'residential', is ± 360 m² in extent and is situated in Tortelduif Street. This property accommodates an electrical substation.

Erf 878, Khomasdal Extension 10 is zoned 'residential', is ± 294 m² in extent and is situated in Tortelduif Street.

*** The locality of the properties is indicated on the plan, **attached as page 167 to the agenda.**

Council Resolution 251/07/2001

*** Council per paragraph 8.10 of Resolution 251/07/2001, **attached as pages 168 - 170 to the agenda**, *inter alia* resolved as follows:

8.10 That in other cases not involving watercourses or designated parks, 10 metre wide portions of land be acquired for consolidation with adjacent erven provided that:

- *The extent of land taken would not undermine the value of the open space to the community;*
- *Extraction of a portion will not damage or inhibit access of the public to the open space;*

- *Only one 10 metre wide portion may be acquired with no subsequent extraction (small variations from the 10 metre may be permitted to accommodate local features);*

- *Neighbours and other affected parties have no valid objection;*

- *The new usage would not damage any scenic views of the hillside or any valuable natural features; and*

- *Services are not adversely affected.*

Although Erf 1083, Khomasdal is not zoned 'public open space', this application is treated in the same line as if Erf 1083, Khomasdal was zoned 'public open space'. This is given that although Erf 1083, Khomasdal is zoned 'undetermined', the property accommodates municipal services and further serves as a stormwater channel which are normally accommodated on public open spaces. Given the above citation, it is advised that only one (1) 10 metre portion be sold to an immediate adjacent owner and that this application be considered in line with the Public Open Space Policy.

Process flow and reason for delay

The process flow of the item is as follows:

- The application dated 15 March 2015 was circulated on 22 April 2016 to the different departments for technical comments; and

- A submission was prepared on 6 June 2019 but was not finalised and only during the year 2020 when the client followed up. A diagram and Valuation Certificate took time to be received and this has caused a delay in the application to be finalised.

*** Comments from the departments are **attached as pages 171 - 177 to the agenda.**

Technical comments

The application was circulated for comments and the following can be reported:

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

  There is no objection to the purchase of portions of Erven 877 and 1083, Khomasdal Extension 10.

- **Parks**

  There is no objection subject to the comments from the other service departments.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is in principle no objection to the application submitted to purchase portions of Erven 1083 and 877, Khomasdal Extension 10 for consolidation with Erf 878, Khomasdal Extension 10: Provided:

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.
- That only one (1) service connection from the municipal electrical network be allowed per erf, and further distribution be from the main LV kiosk/board of each erf.
- That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

There is no objection for a 3 metre portion for consolidation with Erf 878, Khomasdal Extension 10. The applicant must note that the existing sewer must be 1.5 metre from the boundaries of the new consolidated erf. Any further sewer requirements shall be for the applicant's account.

- **Bulk Water and Waste Water**

No water services are affected. Any further water requirements shall be for the applicant's account.

- **Solid Waste Management**

There is no objection to the application submitted for purchasing a portion of Erven 877 and 1083, Khomasdal Extension 10 to consolidate with Erf 878, Khomasdal Extension 10. However, the owner is advised to make use of solid waste disposal sites near them for building rubble. They were further discouraged from dumping their waste in a riverbed during construction period or when renovating their houses.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Planning**

Erf 1083, Khomasdal Extension 10 is zoned 'undetermined' and is ± 1 669 m^2 in extent.

Erf 877, Khomasdal Extension 10 is zoned 'residential' and is ± 360 m^2 in extent with a density of 1:250 m^2.

Erf 878, Khomasdal Extension 10 is zoned 'residential' and is ± 294 m² in extend with a density of 1:250 m².

The cost of the town planning procedures should be for the account of the applicant.

There is no objection to the application: Provided:

- That Erf 877, Khomasdal Extension 10 be subdivided into Portion A and Remainder to accommodate the existing substation. [The subdivision plan must be date stamped by the Urban Policy Division and the same date stamped plan must be submitted to the Ministry of Urban and Rural Development.]

- That the Remainder of Erf 877, Khomasdal Extension 10 be rezoned to 'municipal' because of the substation.

- That the rezoning of the Remainder of Erf 877, Khomasdal Extension 10 be the responsibility of Council.

- That Portion A of Erf 877, Khomasdal Extension 10 be consolidated with Erf 878, Khomasdal Extension 10.

- That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.

- That the applicant be responsible for all the town planning procedures and cost to the Ministry of Urban and Rural Development costs.

- That the applicant submit copies of the approved erf diagrams and Title Deed to the Strategic Executive: Urban and Transport Planning upon approval of the subdivision and consolidation.

- That the usual short standard conditions of Council, including a minimum building value equal to four (4) times the municipal valuation of the erf be registered against Portion A.

Urban Planning has objection to the sale of a Portion Erf 1083, Khomasdal Extension 10 because it is a stormwater course. Urban Policy recommends that Erf 1083, Khomasdal Extension 10:

- Be fenced off by Council; and

- Rezoned by Council from 'undetermined' to 'municipal'.

Sustainable Development

There is no objection to the proposed application: Provided:

- That the request be granted but due consideration of comments from the Department of Electricity, Stormwater Division and other relevant technical departments, be noted.

- That the portion to be procured from Erf 1083, Khomasdal Extension 10 be limited to only 4.5 metres offset from the boundary of Erf 878, Khomasdal Extension 10 and/or as guided by the Stormwater Division.

- That the portion to be procured from Erf 877, Khomasdal Extension 10 be limited to only 3 metres offset from the boundary of Erf 878, Khomasdal Extension 10 and/or be guided by the Department of Electricity taking in consideration the required distance of electrical services.

- That the following town planning procedures be followed to enable the above:

  - That Erf 1083, Khomasdal Extension 10 be subdivided into Portion A (69.35 m² in extent) and Remainder.

  - That Erf 877, Khomasdal Extension 10 be subdivided into Portion B (60.09 m² in extent) and Remainder.

  - That the newly created Portion A (of Erf 1083, Khomasdal Extension 10), be rezoned to 'residential' with a density of 1:250 m².

  - That the newly created Portion A (of Erf 1083, Khomasdal Extension 10) and Portion B (of Erf 877, Khomasdal Extension 10) be consolidated with Erf 878 into Erf X, Khomasdal.

- That all relevant town planning procedures be undertaken in accordance to planning laws and the Windhoek Town Planning Scheme, and the associated liabilities be accounted for by applicant.

- **Roads Planning, Design and Traffic Flow**

Sale of a portion of Erf 1083, Khomasdal Extension 10 is not supported because there is a stormwater channel. Further directives will be provided by stormwater section.

This division supports the subdivision of Erf 877, Khomasdal Extension 10 into a portion and the Remainder, and consolidation of the portion with Erf 878, Khomasdal Extension 10.

An Urban Arterial Account (UAA) contribution is not applicable.

- **Road and Stormwater**

A stormwater investigation was done, and the following is reported:

Erf 878, Khomasdal Extension 10

- Erf 878, Khomasdal Extension 10 has a general downward slope from the south west towards the north east; and

- There is no stormwater system crossing Erf 878, Khomasdal Extension 10, except for surface stormwater run-off.

Proposed Portion A of Erf 877, Khomasdal Extension 10

- The proposed Portion A of Erf 877, Khomasdal Extension 10 has a general downward slope from the south west towards the north east; and

- There is no stormwater system crossing the proposed Portion A of Erf 877, Khomasdal Extension 10, except for surface stormwater run-off.

Proposed Portion A of Erf 1083, Khomasdal Extension 10

- There is a minor stormwater course flowing along Erf 1083, Khomasdal Extension 10, flowing across the proposed Portion A of Erf 1083, Khomasdal Extension 10, flowing ± 7.5 metres away from the south eastern boundary of Erf 878, Khomasdal Extension 10, flowing from a culvert underneath Tortelduif Street, flowing into a north easterly direction.

There is no objection to the proposed purchase of a portion of Erf 1083, Khomasdal Extension 10 and consolidation with Erf 878, Tortelduif Street Khomasdal Extension 10: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

- That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

This division does not support the sale of a 10 metre wide portion of Erf 1083, Khomasdal Extension 10 to be consolidated with Erf 878, Tortelduif Street, Khomasdal Extension 10.

This division would however reconsider the proposed purchase of a portion of Erf 1083, Khomasdal Extension 10 and subsequent consolidation with Erf 878, Tortelduif Street, Khomasdal Extension 10: Provided:

- That the proposed Portion A of Erf 1083, Khomasdal Extension 10 be no more than 3 metres wide measured parallel from the south eastern boundary of Erf 878, Khomasdal Extension 10.

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

- That the applicant appoint a registered Professional Engineer at his/her own cost and risk, to determine if the proposed portion A of Erf 1083, Khomasdal Extension 10 requires to be protected against any potential flood damage.

It should however be noted that an individual erf can be created from the potential subdivision of Erf 877, Khomasdal Extension 10 should the proposed Portion A of Erf 877, Khomasdal Extension 10 not be consolidated with Erf 878, Khomasdal Extension 10.

This proposal will however be required to be circulated for detail investigation and comments.

Comments from the Strategic Executive: Housing, Property Management and Human Settlement

- **Valuations**

*** Portion A of the Remainder of Erf 1083, Khomasdal Extension 10 is ± 71 m² in extent and after consolidation with Erf 878, Khomasdal Extension 10, the size of the consolidated erf would be ± 365 m² in extent. With a density of 1:250 m², the development potential of the property is not enhanced, hence, the value payable is half the full purchase price of N$828.00/m² or N$58 800.00 in total as indicated on the Valuation Certificate dated 17 March 2023, **attached as page 178 to the agenda**. Therefore, Portion A of the Remainder of Erf 1083, Khomasdal should be sold at a purchase price of N$29 400.00 in line with Council Resolution 276/08/2004, **attached as page 179 to the agenda**.

Should the owner of Erf 878, Khomasdal Extension 10, wish to take occupation of Portion A (± 71 m² in extent) of the Remainder Erf 1083, Khomasdal Extension 10 prior to the conclusion of the sale, it could be leased to the applicant once the preliminary diagrams are available, pending the finalising of the sale, at a monthly rental of N$245.00. The rental was calculated at 10 % of the purchase price divided by twelve (12) and should be further subject to annual escalation in line with the Namibia Inflation Rate.

- **Property Management**

There is no objection to the subdivision of Erf 1083, Khomasdal Extension 10 into Portion A (± 71 m² in extent) and the Remainder of Erf 1083, Khomasdal and the sale of Portion A (± 71 m² in extent) to the owner of Erf 878, Khomasdal Extension 10 for consolidation purposes.

It should further be noted that the applicant also applied for a portion of Erf 877, Khomasdal Extension 10. Erf 877, Khomasdal Extension 10 is zoned as 'residential' and accommodates an electrical substation. The application to purchase a portion of Erf 877, Khomasdal Extension 10 can therefore not be supported, given that the property accommodates an electrical substation. Investigations will however be carried out to investigate the possibility of subdividing Erf 877, Khomasdal into a portion and the Remainder to see if an Erf of 300 m² can be created and be sold as a stand-alone erf.

Site visit

*** A site visit was conducted on 30 June 2022 by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Property Management) and it was discovered that the applied portion is free of occupation as indicated on and the photograph, **attached as page 180 to the agenda.**

Neighbours' consent

*** There are no adjacent neigbours. Erf 877 is zoned 'residential', it is vacant and accommodates a substation whilst Erf 1083 is zoned 'undetermined' accommodates stormwater and sewer network. Neighbours' consent is **attached as pages 181 - 182 to the agenda.**

Conclusion

*** It is proposed that the application be approved and that Erf 1083, Khomasdal Extension 10 be subdivided into Portion A (± 71 m² in extent) and the Remainder as indicated on the subdivision plan, **attached as page 183 to the agenda.**

Management Committee,

RECOMMENDED

*** 1 That Erf 1083, Khomasdal Extension 10 be subdivided into Portion A (± 71 m² in extent) and the Remainder as indicated on subdivision plan, **attached as page 183 to the agenda.**

2 That the sale of Portion A (± 71 m² in extent) of Erf 1083, Khomasdal Extension 10 to the owner of Erf 878, Khomasdal Extension 10 for consolidation purposes, be approved.

3 That the newly created Portion A (of Erf 1083, Khomasdal Extension 10), be rezoned to 'residential' with a density of 1:250 m².

4 That Portion A (± 71 m² in extent) of Erf 1083, Khomasdal Extension 10 be consolidated with Erf 878, Khomasdal Extension 10 into one (1) erf, simultaneously with transfer.

5 That the standard conditions registered against Erf 878, Khomasdal Extension 10 be retained against the consolidated erf.

6 That upon consolidation Portion A (± 71 m² in extent) of Erf 1083, Khomasdal Extension 10 assume the same zoning as Erf 878, Khomasdal Extension 10, being 'residential' with a density of 1:250 m², in terms of clause 5(3) of the Windhoek Town Planning Scheme.

7 That the applicant/owner of Erf 878, Khomasdal Extension 10 be responsible for the town planning and cadastral procedures, i.e. closure, subdivision, consolidation, survey and registration of the newly consolidated erf and all costs involved.

*** 8 That, after successful completion of the closure, town planning and cadastral procedures, Portion A (± 71 m² in extent) of Erf 1083, Khomasdal Extension 10 be sold to the owner of Erf 878, Khomasdal Extension 10 for consolidation purposes at 50 % of the market price of N$828.00/m² or N$58 800.00, thus N$29 400.00 in total in terms of Council Resolution 276/08/2004, attached as page 26 to the agenda, and as per the signed Valuation Certificate dated 17 March 2023, **attached as page 178 to the agenda.**

9 That the sale of Portion A of Erf 877, Khomasdal Extension 10 be subject to the following conditions:

9.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

9.1.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

9.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

9.2 That should any municipal electrical infrastructure on the sidewalk need to be relocated to accommodate a new access to the erf, all costs related thereto be for the applicant's account.

9.3 That only one (1) service connection and one (1) meter point be allowed from the municipal electrical network.

9.4 That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.

10 That the existing sewer should be 1.5 metre from the boundaries of the new consolidated erf and any further sewer requirements be for the applicant's account.

11 That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.

12 That the applicant/owner of Erf 878, Khomasdal Extension 10:

12.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement not later than six (6) months from the date of this Council Resolution that the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.

12.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement within sixty (60) days after the issuing of the Closure, Subdivision and Consolidation Certificate that a Surveyor has been appointed.

12.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.

12.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General and having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.

12.5 That should the applicant/owner of Erf 878, Khomasdal Extension 10 fail to comply with any of the conditions stipulated in this resolution or fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, that the allocation of Portion A (± 71 m² in extent) of the Remainder of Erf 1083, Khomasdal Extension 10 to the owner of Erf 878, Khomasdal Extension 10 beyond the eighteen (18) months be subject to the price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlements.

13 That should the applicant wish to take occupation of Portion A (± 71 m² in extent) of Erf 1083, Khomasdal Extension 10, prior to the conclusion of the sale thereof, that Portion A (± 71 m² in extent) of Erf 1083, Khomasdal be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N$245.00, further subject to the annual escalation in line with the Namibia Inflation Rate.

14 That the sale/lease of Portion A (± 71 m² in extent) of the Remainder of Erf 1083, Khomasdal Extension 10 be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

15 That the sale/lease of Portion A (± 71 m² in extent) of the Remainder of Erf 1083, Khomasdal Extension 10 be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

16 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.

17 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

Service rendered	Funds required (N$)	Funds available
Advertisement cost	4 000.00	Item 4000/20/1/10/0025

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.7 FNS.2 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF 1153, ACADEMIA EXTENSION 2 FOR CONSOLIDATION WITH ERF 1130, ACADEMIA EXTENSION 2 (L/1153/1130/AC)

Introduction

The purpose of this item is to submit to Council an application from the owners of Erf 1130, Academia Extension 2 for the purchase of portion (± 246 m² in extent) of Erf 1153, Academia Extension 2 for consolidation purposes. Council's permission is also sought to advertise the pre-emptive sale of additional portions for consolidation with Erven 1129, 1131 and 1132, Academia Extension 2.

Application and discussion

*** An application dated 1 July 2019, **attached as page 184 to the agenda**, was received from Mr Frans Kamenye and Ms Pekeloye Kamenye, the owners of Erf 1130, Academia Extension 2 for the purchase of a portion (± 246 m² in extent) of Erf 1153, Academia Extension 2 for consolidation with Erf 1130, Academia Extension 2.

*** The sale of public open spaces for consolidation with neighbouring properties is supported by the Policy for the Distribution and Future Usage of Public Open Spaces as contained in Council Resolution 251/07/2001, **attached as pages 185 - 188 to the agenda.**

*** This application is for a 10 metre portion of Erf 1153, Academia Extension 2 zoned 'public open space'. It is anticipated that the other neighbours could also be interested in acquiring portions for consolidation therefore, a combined item was prepared to accommodate the sale of portions of Erf 1153, Academia Extension 2 to the other adjacent erf owners. The portions of Erf 1153, Academia Extension 2 is indicated on Plan 1129-1132 AC-1, **attached as page 189 to the agenda.**

The submission involves the following:

- Subdivision of Erf 1153, Academia Extension 2 into Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent), Portion D (± 335 m² in extent) and the Remainder;

- Closure of Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent) and Portion D (± 335 m² in extent) of Erf 1153, Academia Extension 2 as 'public open space' in line with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);

- Consolidation of Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent) and Portion D (± 335 m² in extent) with neighbouring Erven 1129, 1130, 1131 and 1132, Academia Extension 2 respectively; and

- Sale of Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent) and Portion D (± 335 m² in extent) of Erf 1153, Academia (Extension 2) to the owners of Erven 1129, 1130, 1131 and 1132, Academia (Extension 2) respectively.

Ownership of Erf 1130, Academia Extension 2

*** Mr Frans Munkhata Kamenye and Ms Pekeloye Lawana Kamenye are the owners of Erf 1130, Academia Extension 2 as per Title Deed No. T4492/2019, **attached as pages 190 - 192 to the agenda**. The owners' Identity Documents (IDs) are **attached as pages 193 - 194 to the agenda.**

Strategic implications/significance

*** The sale of Portions A, B, C and D of Erf 1153, Academia Extension 2 is in terms of the Policy for the Distribution and Future Usage of Public Open Spaces as contained in Council Resolution 251/07/2001, **attached as pages 185 - 188 to the agenda.**

All funds generated from sales resulting from the subdivision of public open spaces are to be used exclusively (unless with consent of Council), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc.

Financial implications

The expected revenue from the sale of portions of Erf 1153, Academia Extension 2 are as follows:

- Portion A N$164 000.00;
- Portion B N$154 000.00;
- Portion C N$154 000.00; and
- Portion D N$418 000.00 of which N$66 400.00 is to be allocated to the Urban Arterial Account (UAA).

The cost to the City is N$4 000.00 per advertisement.

Property description and locality

Erf 1129, Academia Extension 2 is zoned 'residential', is ± 708 m² in extent, with a density of 1:500 m² and is situated along Nicodemus Kavikunua Street.

Erf 1130, Academia Extension 2 is ± 611 m² in extent, zoned 'residential' with a density of 1:500 m² and is situated along Nicodemus Kavikunua Street.

Erf 1131, Academia Extension 2 is ± 611 m² in extent, zoned 'residential' with a density of 1:500 m² and is situated along Nicodemus Kavikunua Street.

Erf 1132, Academia Extension 2 is ± 680 m² in extent, zoned 'residential' with a density of 1:500 m² and is situated along Nicodemus Kavikunua Street.

Erf 1153, Academia Extension 2 is zoned 'public open space' is ± 12 920 m² in extent and is situated along Kahimemua Nguvauva Street.

*** The location of the properties is indicated on plan, **attached as page 189 to the agenda.**

Consultation with stakeholder departments

The application was circulated to stakeholder departments for investigation. All comments from stakeholder departments support the application. The comments are as follows:

Comments from the Strategic Executive: Electricity

- **Technical Support**

  There is in principle no objection to the application submitted to purchase a portion (± 246 m² in extent) of Erf 1153, Academia Extension 2 for consolidation with Erf 1130, Academia Extension 2 and no objection to the sale of additional portions to the owners of Erven 1129, 1131 and 1132, Academia Extension 2: Provided:

  - That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

  - That only one (1) service connection from the municipal electrical network be allowed per erf, and further distribution be from the main LV kiosk/board of each erf.

  - That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

  - That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

  - That a split prepayment meter be used in residential areas with payment levels lower than 80 % and all informal settlements.

- That for 'general residential' developments without high rise buildings i.e. individual apartments, a split prepayment meter for each unit be used with a metering box located on the street/development erf boundary provided that it is technically possible otherwise a bulk meter shall be used.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services (Water and Sewer)**

There is no objection to the application: Provided:

- That any additional requirements regarding water or sewer services be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Policy**

Erf 1130 Academia Extension 2 is zoned 'residential' with a density of 1:500 m² and is 611 m² in extent.

Erf 1153 Academia Extension 2 is zoned 'public open space' and is ± 12 920 m² in extent.

The proposed Portion B is ± 246 m² in extent and should be subdivided from Erf 1153m Academia Extension 2 and consolidated with Erf 1130, Academia Extension 2.

There is no objection to the sale of Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent), Portion D (± 335 m² in extent) and the subsequent consolidation with Erven 1129, 1130, 1131 and 1132, Academia Extension 2 respectively. The cost of the town planning procedures should be for the applicants' accounts: Provided:

- That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.

- That Erf 1153, Academia Extension 2 be subdivided into proposed Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent), Portion D (± 335 m² in extent) and the Remainder.

- That the proposed Portions A, B, C and D be closed as public open space in line with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- That upon closure, Portions A, B, C and D of the public open space assume the same zoning and density as the adjacent Erven 1129, 1130, 1131 and 1132 Academia Extension 2 in terms of clause 5(3) of the Windhoek Town Planning Scheme.

- That the City prepare the closure notices for the applicant.

- That the applicants/owners advertise the intended purchase as per section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and send out letters to neighbours as per the section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- That the applicant be responsible for the cadastral town planning applications to the Ministry of Urban and Rural Development.

- That the applicants/owners submit copies of the approved erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement upon approval of the subdivision and consolidation.

- That the current conditions registered against Portions A, B, C and D of Erf 1153, Academia Extension 2 be replaced with the usual short standard conditions of Council, including a minimum building value equal to four (4) times the municipal valuation of the erf.

- That the subdivision and any existing and future buildings comply with any building regulation in regards with safety distances from boundaries.

- **Roads Planning, Design and Traffic Flow (Stormwater)**

A stormwater investigation was done, and the following is reported:

- Erf 1130, Academia Extension 2 has a general downward slope from the southwest towards the north east;

- The proposed Portion B (± 246 m² in extent) of Erf 1153, Academia Extension 2 has a general downward slope from the northwest towards the south east;

- There is no stormwater system crossing Erf 1130, Academia Extension 2 except for surface stormwater run-off; and

- There is a stormwater course flowing ± 15 metres away and parallel to the south eastern boundary of Erf 1130, Academia Extension 2 flowing from a culvert underneath the Western Bypass, flowing into a north easterly direction.

There is in principle no objection to the proposed purchase of a portion (± 246 m² in extent) of Erf 1153, Academia Extension 2 and consolidation with Erf 1130, Academia Extension 2: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.
- That the applicants/owners appoint a registered Professional Engineer to determine whether the southeastern boundary of the proposed Portions A, B, C and D of Erf 1153, Academia Extension 2 requires to be protected against any potential flood damage.

- **Traffic Flow**

There is no objection to the proposed purchase of 10 metre portions of Erf 1153, Academia Extension 2, for consolidation purposes with Erven 1129, 1130, 1131 and 1132, Academia Extension 2: Provided that no access be allowed from the public open space.

There is no contribution to the Urban Arterial Account (UAA) applicable for Portions A, B and C. An Urban Arterial Account (UAA) contribution of N$66 400.40 is applicable for Portion D.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

There is no objection to the sale of the Portions A, B, C and D of Erf 1153, Academia Extension 2 as per policy. It should however be noted that Erf 1153, Academia Extension 2 is zoned 'public open space'. The applicants should therefore obtain environmental clearance from the Health and Environmental Services Division of the City once the application has been approved by Council.

- **Parks**

There is no objection to the application.

Comments from the Strategic Executive: Housing, Property Management and Human Settlement

- **Valuations**

*** Portion B of Erf 1153, Academia Extension 2 is ± 246 m² in extent and after consolidation with Erf 1130, Academia Extension 2, the size of the newly consolidated erf will be ± 857 m² in extent. The development potential is not enhanced in terms of the density being 1:500 m². Hence, the value payable is 50 % of N$1 249.00/m² being N$624.50/m² or N$154 000.00 (rounded off) in total as per Council Resolution 276/08/2004, **attached as page 195 to the agenda.** The Valuation Certificate dated 17 March 2023 is **attached as page 196 to the agenda.**

*** Portion A of Erf 1153, Academia Extension 2 is ± 262 m² in extent and after consolidation with Erf 1129, Academia Extension 2, the size of the newly consolidated erf will be ± 970 m² in extent. The development potential is not enhanced in terms of the density being 1:500 m². Hence, the value payable is 50 % of the market price of N$1 249.00/m², being N$624.50/m² or N$164 000.00 (rounded off) in total as per Council Resolution 276/08/2004, **attached as page 195 to the agenda.** The Valuation Certificate dated 17 March 2023 is **attached as page 197 to the agenda.**

*** Portion C of Erf 1153, Academia Extension 2, is ± 246 m² in extent and after consolidation with Erf 1131, Academia Extension 2, the size of the newly consolidated erf will be ± 857 m² in extent. The development potential is not enhanced in terms of the density being 1:500 m². Hence, the value payable is 50 % of N$1 249.00/m², being N$624.50 or N$154 000.00 (rounded off) in total as per Council Resolution 276/08/2004, **attached as page 195 to the agenda.** The Valuation Certificate dated 17 March 2023 is **attached as page 198 to the agenda.**

*** Portion D of Erf 1153, Academia Extension 2 is ± 335 m² in extent and after consolidation with Erf 1132, Academia Extension 2, the size of the newly consolidated erf will be ± 1 015 m² in extent. The development potential is enhanced in terms of the density being 1:500 m². Hence, the value payable is N$1 249.00/m² or N$418 000.00 (rounded off) in total as per Council Resolution 276/08/2004, **attached as page 195 to the agenda.** The Valuation Certificate dated 17 March 2023 is **attached as pages 199 to the agenda.**

*** Should the owners of Erven 1129, 1130, 1131 and 1132, Academia Extension 2 wish to take occupation of Portions A, B, C and D prior to the conclusion of the sale, it could be leased to the applicant once the preliminary diagrams are available, pending the finalising of the sale, at a monthly rental of 10 % of the purchase price divided by twelve (12) months, and should be further subjected to the annual escalation in line with the Namibia Inflation Rate. The Valuation Certificates dated 17 March 2023 are **attached as pages 196 - 199 to the agenda.**

The rental amount for Portion A (± 262 m² in extent) is N$1 366.67; Portion B (± 246 m² in extent) N$1 283.33, Portion C (± 246 m² in extent) is N$1 283.33 and Portion D (± 335 m² in extent) is N$3 483.33.

All funds generated from the sale of resulting from the subdivision of public open spaces are to be used exclusively (unless with consent of Council), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc.

- **Property Management**

*** Portions A, B, C and D of Erf 1153, Academia Extension 2 are located to the rear of Erven 1129, 1130, 1131 and 1132, Academia Extension 2 and have no direct access except through the adjacent erven. Erf 1153, Academia Extension 2 is zoned 'public open space', hence adjacent neighbours are eligible to apply for 10 metre portions under the Open

Spaces Policy as contained in Council Resolution 251/07/2001, **attached as pages 185 - 188 to the agenda.** The Strategic Executive: Housing, Property Management and Human Settlement supports the sale of portions of Erf 1153, Academia Extension 2 to adjacent owners for consolidation purposes.

Neighbours' consent

*** The consent from the owner of Erf 1129, Academia Extension 2 is **attached as page 200 to the agenda.**

Erf 1131, Academia Extension 2 is still owned by the Municipal Council of Windhoek.

Site visit

*** A site visit was conducted on 18 October 2022. It was discovered that illegal corrugated iron structures were erected on the portion of Erf 1153, Academia Extension 2 right behind Erf 1130, Academia Extension 2 as per photographs, **attached as pages 201 - 203 to the agenda**. The owner of Erf 1130, Academia Extension 2 was informed to remove the structures, which was adhered to.

*** Photographs indicating that the structures were removed, are **attached as pages 204 - 207 to the agenda**.

Conclusion

Having presented the above comments, the item is submitted to Council for deliberation.

Management Committee,

RECOMMENDED

*** 1 That Erf 1153, Academia Extension 2, be subdivided into Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent) and Portion D (± 335 m² in extent) and the Remainder, as indicated on Plan 1129-1132 AC-1, **attached as page 189 to the agenda.**

1.1 That Portions A, B, C and D of Erf 1153, Academia Extension 2 be closed as public open space in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

1.2 That upon closure, Portions A, B, C and D of Erf 1153, Academia Extension 2 assume the same zoning as the abutting Erven 1129, 1130, 1131 and 1132, which is 'residential' with a density of 1:500 m².

1.3 That Portions A, B, C and D of Erf 1153, Academia Extension 2 be consolidated with the adjacent Erven 1129, 1130, 1131 and 1132, respectively, simultaneously with transfer.

2 That the conditions registered against Portions A, B, C and D of Erf 1153, Academia Extension 2, be cancelled and that the standard conditions, including a minimum building value equal to four (4) times the municipal valuation of the erf, be registered against the consolidated erven, respectively.

3 That the Municipal Council of Windhoek prepares the closure notice and that the applicants/owners of Erf 1130, Academia Extension 2, at own cost, be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours and that proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before a Sales Agreement is signed.

4 That the applicants/owners of the adjacent properties be responsible for the town planning and cadastral procedures, i.e. application to the Urban and Regional Planning Board, land surveying, registration of the newly created erf, and all costs involved.

5 That the applicants/owners of the adjacent properties obtain an Environmental Clearance Certificate from the Strategic Executive: Economic Development and Community Services in terms of the Environmental Management Act, 2007 (Act 7 of 2007).

*** 6 That, subject to the successful issuing of the Environmental Management Clearance Certificate and implementation of the closure and cadastral procedures, Portions A to D of Erf 1153, Academia Extension 2, be sold to the owners of the adjacent erven at the purchase prices as indicated on the Valuation Certificates dated 17 March 2023, **attached as pages 196 - 199 to the agenda**, as follows:

*** 6.1 That Portion A (± 262 m² in extent) of Erf 1153, Academia Extension 2 be sold to the owner of Erf 1129, Academia Extension 2 at 50 % of N$1 249.00/m² being N$624.50/m² or N$164 000.00 (rounded off) in total in line with the provisions of Council Resolution 276/08/2004, **attached as page 195 to the agenda**, given that the development potential is not enhanced in terms of the density being 1:500 m² (refer to the Valuation Certificate, **attached as page 197 to the agenda**).

*** 6.2 That Portion B (± 246 m² in extent) of Erf 1153, Academia Extension 2 be sold to the owner of Erf 1130, Academia Extension 2 at a purchase price of 50 % of N$1 249.00/m², being N$624.50/m² or N$154 000.00 (rounded off) in total in line with the provisions of Council Resolution 276/08/2004, attached as page 42 to the agenda, given that the development potential is not enhanced in terms of the density being 1:500 m² (refer to the Valuation Certificate, **attached as page 196 to the agenda**).

*** 6.3 That Portion C (± 246 m² in extent) of Erf 1153, Academia Extension 2 be sold to the owner of Erf 1131, Academia Extension 2 at a purchase price of 50 % of N$1 249.00/m², being N$624.50/m² or N$154 000.00 (rounded off) in total in line with the provisions of Council Resolution 276/08/2004, attached as page 42 to the agenda, given that the development potential is not enhanced in terms of the density being 1:500 m² (refer to the Valuation Certificate, **attached as page 198 to the agenda**).

*** 6.4 That Portion D (± 335 m² in extent) of Erf 1153, Academia Extension 2 be sold to the owner of Erf 1132, Academia Extension 2 at a purchase price of N$1 249.00/m², being N$418 000.00 (rounded off) in total in line with the provisions of Council Resolution 276/08/2004, attached as page 42 to the agenda, given that the development potential is enhanced in terms of the density being 1:500 m² (refer to the Valuation Certificate, **attached as page 199 to the agenda**).

6.4.1 That an Urban Arterial Account (UAA) contribution of N$66 400.40 be applicable for the consolidation of Portion D and it be noted that no Urban Arterial Account (UAA) contribution is applicable for Portions A, B and C.

7 That should the owner of Erf 1130, Academia Extension 2 wishes to take occupation of Portion B (± 246 m² in extent) of Erf 1153, Academia Extension 2 prior to the conclusion of the sale, it be leased to the applicant once the preliminary diagrams are available, pending the finalisation of the sale, at a monthly rental of N$1 283.33. [The rental was calculated at 10 % of the purchase price divided by twelve (12) and should be further subjected to the annual escalation in line with the Namibia Inflation Rate. The monthly rental for Portion A (± 262 m² in extent) in extent is N$1 366.67, Portion C (± 246 m² in extent) is N$1 283.33 and Portion D (± 335 m² in extent) is N$3 483.33.]

7.1 That all funds generated from the sale of resulting from the subdivision of public open spaces be used exclusively (unless with consent of Council), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc.

8 That should the other adjacent erf owners wishes to take occupation of the portions adjacent to their respective erven prior to the conclusion of the sale that each portion be leased to the owner of the respective adjacent property once the preliminary diagrams are available, pending the finalising of the sale, at a monthly rentals of 10 % of the purchase price divided by twelve (12), and should be further subjected to the annual escalation in line with the Namibia Inflation Rate.

9 That the sale be subject to the following:

9.1 That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.

9.2 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

9.2.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

9.2.3 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

9.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

9.4 That engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.

9.5 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.

9.6 That no building plans be approved until the stormwater conditions are met.

10 That the following be noted:

10.1 That only one (1) electrical service connection will be allowed from the municipal network to the consolidated erf.

10.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.

10.3 That should an upgrade of the electricity supply point be required, the applicant and/or his representative contact the Strategic Executive: Electricity, well in advance, to determine whether the existing network can handle the additional loading and to determine the size and cost for the upgraded supply point.

10.4 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

10.5 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

11 That the applicants/owners of the adjacent erven:

11.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement not later than six (6) months from the date of this Council Resolution that the proposed subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.

11.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a Surveyor has been appointed.

11.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.

11.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General and having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.

12 That should the applicants/owners of adjacent properties fail to comply with any of the conditions of this Council Resolution or fail to finalise the purchase within eighteen (18) months from the date of this Council Resolution, that the allocation of the respective portions of Erf 1153, Academia Extension 2 be subject to the purchase price being revised by the Strategic Executive: Housing, Property Management and Human Settlement.

13 That the sale and lease of Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent) and Portion D (± 335 m² in extent) of Erf 1153, Academia Extension 2 be subject for Ministerial Approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

14 That the intended sale and lease of Portion A (± 262 m² in extent), Portion B (± 246 m² in extent), Portion C (± 246 m² in extent) and Portion D (± 335 m² in extent) of Erf 1153, Academia Extension 2 be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

15 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale and Lease Agreement.

16 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

Service rendered	Funds required (N$)	Funds available
Advertisement cost	4 000.00	Item 4000/20/1/10/2002

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.8 FNS.3 [HPH] APPLICATION TO PURCHASE PORTIONS OF THE REMAINDER OF ERF 1241, PIONIERSPARK FOR CONSOLIDATION WITH ERVEN 704 AND 705, PIONIERSPARK (L/1241/PIO) (L/704/705/PIO)

Introduction

The purpose of this item is to submit to Council the application from the owners of Erven 704 and 705, Pionierspark to purchase portions of the Remainder of Erf 1241, Pionierspark for consolidation with Erven 704 and 705, Pionierspark respectively.

Application

*** An application dated 5 March 2015, **attached as page 208 to the agenda**, was received from a co-owner of Erf 704, Pionierspark, Ms Lucia Maria De Castro, on behalf of the owners of Erven 704 and 705, Pionierspark to purchase two (2) 10 metre portions (± 494 m² and 337 m² in extent) of the Remainder of Erf 1241, Pionierspark, for consolidation with Erven 704 and 705, Pionierspark respectively. The Power of Attorney to Ms de Castro **attached as page 209 to the agenda.**

*** The application is in line with Council Resolution 251/07/2001, **attached as pages 210 - 213 to the agenda.**

The application involves the following:

- Subdivision of the Remainder of Erf 1241, Pionierspark into Portion A (± 494 m² in extent) and Portion B (± 337 m² in extent) and the Remainder;

- Closure of Portion A (± 494 m² in extent) and Portion B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark as zoned 'public open spaces' in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);

- Consolidation of Portion A (± 494 m² in extent) of the Remainder of Erf 1241, Pionierspark with Erf 704, Pionierspark;

- Consolidation of Portion B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark with Erf 705, Pionierspark;

- Sale of Portion A (± 494 m² in extent) of the Remainder of Erf 1241, Pionierspark to the owners of Erf 704, Pionierspark for consolidation with Erf 704, Pionierspark; and

- Sale of Portion B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark to the owners of Erf 705, Pionierspark for consolidation with Erf 705, Pionierspark.

*** The subdivision should be done according to Plan PDT/704PP, **attached as page 214 to the agenda.**

Ownership of Erf 704, Pionierspark

Erf 704, Pionierspark is owned as follows:

- Joao Carlos Goncalves De Oliveira, Identity No. 680703 0076 1
  Angela Maria De Oliveira, Identity No. 760618 0021 5
  Married in community of property to each other

AND

- Rafael Bruno Abreu De Castro, Identity No. 690911 1009 0
  Lucia Maria De Castro, Identity No. 770318 0008 0
  Married in community of property to each other

*** Deed of Transfer No. T4609/2012 and the owners' Identity Documents (IDs) are **attached as pages 215 - 217, 218 - 219 and 220 - 221 respectively to the agenda.**

Ownership Erf 705, Pionierspark

Erf 705, Pionierspark is owned as follows:

- Joao De Oliveira, Identity No. 460908 0032 5
  Married to Maria Cecilia Goncalves Rocha Oliveira, which marriage is governed by the laws of Portugal

AND

- Maria Cecilia Goncalves Rocha Oliveira, Identity No. 500307 0051 5
  Married to Joao De Oliveira, which marriage is governed by the laws of Portugal

*** Deed of Transfer No. T7673/2014 and of the owners' Identity Documents (IDs) are **attached as pages 222 - 225 and 226 - 227 respectively to the agenda.**

Strategic implications/significance

*** The sale of Portions A and B of the Remainder of Erf 1241, Pionierspark is in terms of the Policy for the Distribution and Future Usage of Public Open Spaces as contained in Council Resolution 251/07/2001, **attached as pages 210 - 213 to the agenda.**

All funds generated from sales resulting from the subdivision of public open spaces are to be used exclusively (unless with consent of Council), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc.

The applicants have started gardening on Portions A and B and should, upon approval of the application, enter into a lease agreement with Council.

Financial implications

The expected revenue from the sale of Portions A and B of the remainder of Erf 1241, Pionierspark is as follows:

- Portion A N$622 000.00 of which N$66 400.00 is to be allocated to the Urban Arterial Account (UAA) with a monthly rental amount of N$5 183.33; and

- Portion B N$212 000.00 with a monthly rental amount of N$1 766.67.

The cost to the City is N$4 000.00 per advertisement.

Property description and locality

Erf 704, Pionierspark, zoned 'residential', is ± 1 766 m² in extent with a density of 1:900 m² and is situated along Prinsloo Street.

Erf 705, Pionierspark, zoned 'residential', is ± 1 343 m² in extent with a density of 1:900 m² and is situated along Prinsloo Street.

The Remainder of Erf 1241, Pionierspark, zoned 'public open space', is ± 25 904 m² in extent and is situated along Hintrager Street.

*** The locality of the properties is indicated on the plan, **attached as page 214 to the agenda.**

Technical comments

Technical investigations were conducted, and the following is reported:

Comments from the Strategic Executive: Electricity

- **Technical Support**

  There are no existing or planned electrical services on the area applied for. There is in principle no objection to the application: Provided:

  - That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

  - That only one (1) service connection from the municipal electrical network be allowed per erf.

  - That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.

  - That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional

loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

- That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services (Water)**

A water connection is available.

- **Sewer**

The sale of portions of the Remainder of Erf 1241, Pionierspark for consolidation with Erven 704 and 705, Pionierspark respectively is not supported because a municipal sewer line is affected.

The application can only be supported if the sewer line is relocated outside the boundaries of the applied portions, at the cost of the applicant and to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services: Provided:

- That the applicants/owners of Erven 704 and 705, Pionierspark appoint a registered Professional Engineer to design the relocation of the sewer line for the new erven.

- That a complete design with the necessary long sections be submitted to the Strategic Executive: Infrastructure, Water and Technical Services (Chief Engineer: Engineering Services) for approval before commencement of any work.

- That a Contractor, supervised by the Engineer, should be appointed to do the construction of the sewer line at the cost of the applicants/owners.

- That the Deed of Sale only be signed after the relocation of the sewer line is done.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Policy**

The application states that the acquisition is for gardening purposes and not building. The applicants are nature lovers and environmentalists with the idea to remain with the existing trees and gardening of the portions. Being the case and to prevent the construction of buildings, it is proposed that the portions be subdivided and notarial linked. Subsequent comments inserted in the recommendations. Thus, also no need to relocate the sewer as no buildings is involved.

It is worth mentioning that following this remark by Urban Policy Division, the item was recirculated on 27 May 2019 to the Strategic Executive: Infrastructure, Water and Technical Services (Engineering Division) and it was responded that the comments by the Strategic Executive: Infrastructure, Water and Technical Services directing the relocation of the sewer line is correct and apply to this application.

The conditions for relocation of the sewer were incorporated into the recommendations. The relocation is needed for easy access to infrastructure for maintenance purposes and to prevent possible legal action against the City in case of damage of infrastructure.

The Remainder of Erf 1241, Pionierspark is zoned 'public open space' and is ± 25 904 m²in extent.

Erf 704 Pionierspark zoned 'residential' with a density of 1:900 m² and is 1 766 m² in extent.

Erf 705 Pionierspark zoned 'residential' with a density of 1:900 m² and is 1 343 m² in extent.

The proposed Portions A and B should be subdivided from the Remainder of Erf 1241, Pionierspark and consolidated with Erven 704 and 705, Pionierspark respectively. The cost of the town planning procedures should be for the account of the applicant.

The Urban Policy Division has no objection to the subdivision of portions of the Remainder of Erf 1241, Pionierspark for consolidation purposes with Erven 704 and 705, Pionierspark: Provided:

- That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.

***

- That the Remainder of Erf 1241, Pionierspark be subdivided into the proposed Portion A (494 m² in extent), Portion B (± 337 m² in extent) and the Remainder as indicated on Plan PDT/704PP, **attached as page 214 to the agenda.** [The same plan must be submitted to the Ministry of Urban and Rural Development.]

- That the proposed Portions A and B be closed as 'public open space' in line with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- That the City prepare the closure notices for the applicants.

- That the applicants advertise the intended closure as per section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- That the applicants be responsible for the cadastral town planning applications to the Ministry of Urban and Rural Development.

- That the applicants submit copies of the approved erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement upon approval of the subdivision and consolidation.

- That the current conditions registered against Portions A and B of the Remainder of Erf 1241, Pionierspark be replaced with the usual short standard conditions of Council, including a minimum building value equal to four (4) times the municipal valuation of the erf.

- **Roads Planning, Design and Traffic Flow (Traffic Flow)**

There is no objection to the subdivision of the Remainder of Erf 1241, Pionierspark into Portions A (± 494 m² in extent) and B (± 337 m² in extent) for consolidation with Erven 704 and 705, Pionierspark respectively: Provided:

- That the Urban Arterial Account (UAA) contribution applicable for the consolidation of Portion A (± 494 m² in extent) with Erf 704, Pionierspark, be N$66 400.40.

- That it be noted that an Urban Arterial Account (UAA) contribution is not applicable for the consolidation of Portion B (± 337 m² in extent) with Erf 705, Pionierspark.

- **Stormwater**

The site was investigated, and the following can be reported:

- The proposed Portion A of the Remainder of Erf 1241, Pionierspark has a downward slope from the southwest into a north easterly direction;

- There is a stormwater course flowing ± 7 metres away from the most south eastern corner of Erf 704, Pionierspark, flowing from the southwest into a north easterly and then northerly direction;

- Erf 704, Pionierspark has a downward slope from the southwest into a north easterly direction;

- There appears to be no physical sign of any stormwater systems crossing Erf 704, Pionierspark except for surface stormwater flow;

- The proposed Portion B of the Remainder of Erf 1241, Pionierspark has a downward slope from the southwest into a north easterly direction;

- There is stormwater course flowing ± 18 metres away to the east of the eastern boundary of Erf 705, Pionierspark, flowing from the south into a northerly direction;

- Erf 705, Pionierspark has a downward slope from the southwest into a north easterly direction; and

- There appears to be no physical sign of any stormwater systems crossing Erf 705, Pionierspark except for surface stormwater flow.

*** There is no objection to the sale of Portions A (494 m² in extent) and B (337 m² in extent) of the Remainder of Erf 1241, Pionierspark as per Plan PDT/704PP, **attached as page 214 to the agenda**, for consolidation with Erven 704 and 705, Pionierspark: Provided:

- That the proposed Portion A (± 494 m² in extent) and Portion B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark have dimensions as per Plan PDT/704PP.

- That the applicants/owners appoint a registered Professional Engineer to determine whether the south eastern and eastern boundaries of the proposed Portions A and B of the Remainder of Erf 1241, Pionierspark requires protection against any potential flood damage.

- That all cost and risk be for the applicants/owners' account.

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

The Remainder of Erf 1241, Pionierspark is zoned 'public open space'. The applicants therefore need environmental clearance in terms of the Environmental Management Act, 2007 (Act 7 of 2007) after approval of the application by Council.

- **Parks**

There is no objection to the application.

Comments from the Strategic Executive: Housing, Property Management and Human Settlement

- **Valuations**

*** The proposed Portion A of the Remainder of Erf 1241, Pionierspark is ± 494 m² in extent. After consolidation of Portion A with Erf 704, Pionierspark, the resulting erf will be ± 2 260 m². Given the density of 1:900 m² the development potential of the consolidated Erf will be enhanced, hence, the full total purchase price of N$1 259.00/m² or N$622 000.00 is payable for Portion A (± 494 m² in extent) to be consolidated with Erf 705, Pionierspark. The Valuation Certificate dated 17 March 2023 is **attached as page 228 to the agenda**.

*** The proposed Portion B of the Remainder of Erf 1241, Pionierspark is ± 337 m² in extent. After consolidation of Portion B with Erf 705, Pionierspark, the resulting erf will be ± 1 680 m². Given the density of 1:900 m² the development potential of the consolidated erf will not be enhanced, hence, the purchase price payable is 50 % of N$1 259.00/m², being N$629.50/m² or N$212 000.00 (rounded off) in total for Portion B (± 337 m² in extent) to be consolidated with Erf 704, Pionierspark as per Council Resolution 276/08/2004, **attached as page 229 to the agenda.** The Valuation Certificate dated 17 March 2023 is **attached as page 230 to the agenda.**

The applicants have started utilising Portions A and B of Erf 1241, Pionierspark for gardening purposes and should enter into lease agreements once the sale of Portions A and B of the Remainder of Erf 1241, Pionierspark have been approved by Council, at a monthly rental of N$5 183.33 for Portion A and N$1 766.67 for Portion B.

The rental was calculated at 10 % of the purchase price divided by twelve (12) and should be further subjected to the annual escalations in line with the Namibia Inflation Rate.

All funds generated from the sale resulting from the subdivision of public open spaces should be used exclusively (unless with consent from Council), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc.

- **Property Management**

  The creation of single residential erven from the proposed Portions A and B is not possible as the portions have no direct access and are only accessible through Erven 704 and 705, Pionierspark respectively. The applicants want to use the additional portions for gardening purposes.

The Strategic Executive: Housing, Property Management and Human Settlement thus supports the application for consolidation purposes.

Site visit

*** A site visit was conducted on 18 October 2022, and it was discovered that the applicants have started with gardening on the portions. Photographs indicating the sites are **attached as pages 231 - 233 to the agenda.**

The applicants should enter into Lease Agreements for Portions A and B of Erf 1241, Pionierspark once the application is approved by Council.

Neighbours' consent

*** The favourable consent from the owners of Erven 703 and 706, Pionierspark is **attached as pages 234 - 235 to the agenda.**

Conclusion

Having explained and presented the technical comments, the item is submitted for Council's deliberation.

Management Committee,

RECOMMENDED

1 That it be noted that the applicants have started utilising Portions A (± 494 m² in extent) and B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark for gardening purposes and should enter into Lease Agreements with the effective date of this Council Resolution.

*** 2 That the Remainder of Erf 1241, Pionierspark, be subdivided into Portion A (± 494 m² in extent), Portion B (± 337 m² in extent) and the Remainder as per Plan PDT/704PP, **attached as page 214 to the agenda.**

3 That Portion A (± 494 m² in extent) and Portion B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark, be closed as 'public open space' in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

3.1 That the City prepare the closure notice and that the owners of Erven 704 and 705, Pionierspark be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours and that proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before a Sales Agreement is signed.

3.2 That Portions A (± 494 m² in extent) and B (± 337 m²in extent) of the Remainder of Erf 1241, Pionierspark assume the same zoning as the abutting erven (being 'residential' with a density of 1:900 m² in terms of clause 5(3) of the Windhoek Town Planning Scheme.

4 That the owners of Erven 704 and 705, Pionierspark, be responsible for the town planning and cadastral procedures, i.e. subdivision into Portion A (± 494 m² in extent) and Portion B (± 337 m²in extent), consolidation of Portion A and Portion B with Erven 704 and 705, Pionierspark respectively, survey and registration of the new consolidated erf, and the legal costs involved.

5 That subject to the successful closure and implementation of all town planning and cadastral procedures, the following:

*** 5.1 That Portion A (± 494 m² in extent) of the Remainder of Erf 1241, Pionierspark be sold to the owners of Erf 704, Pionierspark for consolidation with Erf 704, Pionierspark at an upset price of N$1 259.00/m² or N$622 000.00 in total as determined by the Strategic Executive: Housing, Property and Human Settlement per Valuation Certificate dated 17 March 2023, **attached as pages 228 and 230 to the agenda** and that Portion B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark be sold to the owners of Erf 705, Pionierspark for consolidation with Erf 705, Pionierspark at an upset price of 50 % of N$1 259.00 being N$629.50/m² or N$212 000.00 (rounded off) in total as determined by the Strategic Executive: Housing, Property and Human Settlement.

5.2 That effective from the date of this Council Resolution the applicants enter into a Lease Agreement with Council, pending the finalisation of cadastral and town planning procedures and that the monthly rental for Portion A be N$5 183.33 and Portion B be N$1 766.67, further subject to annual escalation in line with the Namibia Inflation Rate.

5.3 That an Urban Arterial Account (UAA) contribution of N$66 400.40 be applicable for the consolidation of Portion A as determined by the Strategic Executive: Urban and Transport Planning and it be noted that no Urban Arterial Account (UAA) contribution is applicable on the consolidation of Portion B.

5.4 That all funds generated from the sale resulting from the subdivision of public open spaces be used exclusively (unless with consent from Council), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc.

6 That the sale of Portions A and B of the Remainder of Erf 1241, Pionierspark be subject to the following conditions:

6.1 That Portions A and B of the Remainder of Erf 1241, Pionierspark be consolidated with Erven 704 and 705, Pionierspark correspondingly, simultaneously with transfer.

6.2 That the existing conditions registered against Portions A and B of the Remainder of Erf 1241, Pionierspark be replaced by the standard conditions of the title including a minimum building value equal to four (4) times the municipal valuation.

6.3 That the applicants note that a sewer line is passing through the required Portions A and B of the Remainder of Erf 1241, Pionierspark.

6.3.1 That the sewer line be relocated outside the boundaries of the resulting erven.

6.3.2 That the applicants/owners of Erven 704 and 705, Pionierspark appoint a registered Professional Engineer to do the design of the sewer line.

6.3.3 That the design be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any construction may commence.

6.3.4 That the construction be done by a Contractor to be supervised by a registered Professional Engineer.

6.4 That the applicants/owners of Erven 704 and 705, Pionierspark at their own cost appoint a registered Professional Engineer to determine whether the south eastern and eastern boundaries of the proposed Portions A and B of the Remainder of Erf 1241, Pionierspark require protection against any potential flood damage.

6.5 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme stating:

6.5.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

6.5.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

7 That the following be noted:

7.1 That only one (1) electrical service connection will be allowed from the municipal network to the consolidated erf.

7.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.

7.3 That should an upgrade of the electricity supply point be required, the applicant and/or his representative contact the Strategic Executive: Electricity, well in advance, to determine whether the existing network can handle the additional loading and to determine the size and cost for the upgraded supply point.

8 That the applicants/owners of Erven 704 and 705, Pionierspark:

8.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement not later than six (6) months from the date of this Council Resolution that the proposed subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.

8.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a Surveyor has been appointed.

8.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.

8.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General and having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.

9 That should the applicants fail to comply with any of the conditions stipulated in this Council Resolution or fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, the allocation of Portions A and B of the Remainder of Erf 1241, Pionierspark be subject to price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlements.

10 That the intended sale and lease of Portions A (± 494 m² in extent) and B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark, be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

11 That the intended sale and lease of Portions A (± 494 m² in extent) and B (± 337 m² in extent) of the Remainder of Erf 1241, Pionierspark, be subjected to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

12 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale and/or Lease.

13 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

Service rendered	Funds required (N$)	Funds available
Advertisement cost	4 000.00	4000/20/1/10/0025
Urban Arterial Account (UAA)	66 400.00	5010/05/2/05/1032

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.9 FNS.4 [INF] PROJECT UPDATE AND REQUEST FOR THE SOURCING OF FUNDING: FEASIBILITY STUDY, DESIGN AND CONSTRUCTION OF THE POSSIBLE FURTHER OPTIMISATION OF THE KUPFERBERG GENERAL AND HAZARDOUS WASTE DISPOSAL FACILITY
(16/5)

Introduction

The Municipal Council of Windhoek is tasked with the responsibility to ensure that all waste generated within the city is managed in a safe and optimal manner. For this reason, the Kupferberg waste disposal site is used for the disposal of all general and hazardous waste generated within the boundaries of the City.

Thus, the provision of adequate airspace is crucial to ensure unhindered waste disposal service delivery. Current airspace estimates indicate the remaining life of the general waste disposal cell to be in the order of three and half (3.5) years, and that of the hazardous waste disposal cell to be in the region of about three (3) years.

Given that Kupferberg is the only site in Windhoek, it is of vital importance that investigations and development to avail landfill space for disposal of waste is done well in advance to avoid the catastrophic possibility of not having landfill space for general and hazardous waste. It is therefore prudent to pro-actively commence with the relevant studies to investigate any potential for more optimisation of the current site and its surroundings to increase its lifespan, followed by the planning, design and construction of new cells to ensure sufficient time for developing the required infrastructure and facilities. The construction phase generally takes about two (2) years to complete, therefore should commence at least prior to the estimated remaining airspace falling below two (2) years.

Progress to date

The project for the feasibility study, design and construction of the possible further optimisation of the Kupferberg general and hazardous waste disposal facility commenced in July 2015 with the appointment of Jan Palm Consulting Engineers (JPCE) whose appointment was for the feasibility study, design, tender procurement and project management of the project.

The scope of services to be rendered by Jan Palm Consulting Engineers (JPCE) includes the following:

- Desktop Study on previous investigation sand studies performed for the facility;
- Environmental Impact Assessment (EIA) and Technical Site Investigations - as part of the Environmental Impact Assessment (EIA) and site investigations specialist studies are required which include Air Quality, Ecological, Geotechnical, Heritage, Hydrogeological and Hydrology studies;
- Design and Development Plan - design cells and associated infrastructure and a development plan for the operations and maintenance of disposal cells;
- Tender Documentation - draft tender documentation and assist with the tender procurement; and
- Project Management - Contract Supervision and Project Management during construction phase.

To date the following progress has been made:

- Desktop Top Study, Environmental Impact Assessment (EIA) and Technical Site Investigations - this has all now been completed, with an Environmental Management Clearance Certificate granted by the Ministry of Environment and Tourism on 11 April 2019;

- Design and Development Plan - finalised with drawings for tender purposes issued; and

- Tender Documentation - in progress to be finalised, with project specifications and Bill of Quantities completed.

The project therefore is now moving into the construction phase and hence project budgeting and finance becomes vital to the successful implementation of this project.

Financial implications

The Kupferberg landfill site is operated on a cost recovery basis, hence disposal of waste is at a cost to the generator. Therefore, the site generates revenue by charging disposal fees to the site users. The following is a summary of revenue generated by the site for the past five (5) financial years:

Description	Revenue 2017/2018 (N$)	Revenue 2018/2019 (N$)	Revenue 2019/2020 (N$)	Revenue 2020/2021 (N$)	Revenue 2021/2022 (N$)
Disposal fees (departmental)	8 450 209.70	8 387 364.66	12 247 692.07	11 982 484.14	12 857 623.64
Disposal fees public)	8 358 796.77	18 187 986.12	19 076 646.23	12 461 704.65	15 015 335.73
Total revenue collected	**16 809 006.47**	**26 575 350.78**	**31 324 338.30**	**24 444 188.79**	**27 872 959.37**

The daily operations and maintenance of the site is outsourced to a private Contractor by the Municipal Council of Windhoek, and on a monthly basis this Contractor is paid for services rendered on the site in accordance with the scope and specifications of the contract. The following is a summary of payments to the Contractor over the course of the past five (5) financial years:

Description	Operational Expenditure 2017/2018	Operational Expenditure 2018/2019	Operational Expenditure 2019/2020	Operational Expenditure 2020/2021	Operational Expenditure 2021/2022
Certified amount	10 742 083.54	11 323 950.31	11 744 979.21	13 150 677.51	11 699 646.70

An assessment of the total revenue generated against expenditure reveals that the site is operating on a profit.

The cost estimate provided by Jan Palm Consulting Engineers (JPCE) in 2019 for the proposed works is presented as follows:

Description	Amount (N$)
Section A: Preliminary and general	16 015 000.00
Section B: Provisional and prime cost sums	1 507 500.00
Section C: Stormwater and leachate drainage	9 044 225.00
Section D: Earthworks	61 823 125.00
Section E: Road works	2 077 100.00
Section F: Electrical works	1 566 224.60
Section G: Geosynthetics	39 855 900.00
Section H: Miscellaneous works	3 775 000.00
Subtotal A	**135 664 074.60**
Plus: 10 % contingencies	13 566 407.46
Subtotal B	**149 230 482.06**
Plus: 15 % VAT	22 384 572.31
Total	**171 615 054.37**

Therefore, to have a financial perspective of the proposed project on the financial performance of the Kupferberg landfill site a Net Present Value (NPV) analysis was done. The following can be concluded from the Net Present Value (NPV) analysis:

- The site operates at a profit i.e. revenue exceeds expenditure; and
- Considering the required N$171 615 054.37 capital inlay the payback period would be approximately twelve (12) years.

*** The Net Present Value (NPV) Analysis is **attached as page 236 to the agenda.**

Proposal

The Kupferberg Landfill Site is a revenue generating operation for the Municipal Council of Windhoek and as a standalone entity/business case the site is profitable. The Municipal Council of Windhoek in line with its responsibility to ensure that all waste generated within the city is managed in a safe and optimal manner has an obligation to provide landfill space for disposal of waste.

Given that the current airspace estimates reveal that the life span of the site is about three (3) years (general cell) and two (2) years (hazardous cell), and to provide adequate airspace to ensure unhindered waste disposal service delivery, the construction phase of the expansion project needs to commence immediately.

The construction phase generally takes about two (2) years to complete, therefore should commence at least prior to the estimated remaining airspace falling below two (2) years. Therefore, to ensure that the project continues, and that the City meets its obligation to provide a suitable landfill for waste disposal the following is proposed:

- That, as the site generates revenue and is profitably operated it is proposed that the Kupferberg landfill operation be ring-fenced to present a sustainable business case to possible financiers.
- That the Strategic Executive: Finance and Customer Services in consultation with Strategic Executive: Infrastructure, Water and Technical Services be permitted to source for external funding from suitable financing institutions on the ring-fence business model as above.

Financial implications

Based on available data the Kupferberg landfill financial model proves that the site is financially feasible as a stand-alone as it has positive Net Present Value (NPV) of N$38.3 million over the fifteen (15) year period. Note that the projections are based on assumption that the 7 to 7.5 % increase costs and 10 % in revenue from tariff and growth perspective.

The N$171 million capital outlay required will result into annual instalment of N$22.5 million (assuming no grace period), which will require additional net working capital of N$27.5 million in first five (5) years to cover for the shortfall expected due to cash flow timing.

The only challenge is that it is based on existing revenue which is not available since it is fully committed to the cross subsidisation of the services across the organisation. Thus, the new revenue, amounting to a minimum of N$11 million per year is required to replace the ring-fencing of the project. In absence of the additional revenue, then the project is not feasible. Therefore, council must commit to ensure that the revenue gap is filled for the sustainability of both landfill site and council as a whole.

Management Committee,

RECOMMENDED

1 That the following be noted:

1.1 That the current airspace estimates reveal the remaining life of the general waste disposal cell to be in the order of three (3) years, and that of the hazardous waste disposal cell to be in the region of about two (2) years.

1.2 That a need exist for the extension of the Kupferberg Landfill Site to provide additional airspace for the disposal of waste generated within the City.

1.3 That the Kupferberg Landfill Site is revenue generating and profitably operated.

1.4 That ring fencing of the Kupferberg Landfill will require additional revenue (or alternatively cut in expenditure) to fund the services currently cross subsidised by Kupferberg, be noted.

2 That the Kupferberg Landfill operation be ring-fenced to allow a standalone business case for sourcing funding of the construction phase.

3 That Council commit or devise a mechanism to ensure the revenue gap left by ring-fencing of the project is addressed.

4 That the Strategic Executive: Finance and Customer Services in consultation with the Strategic Executive: Infrastructure, Water and Technical Services be permitted to source for external funding from suitable financing institutions on the ring-fence business model as above.

5 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

Funds required

N$171 615 054.37

Funds available

Funds budgeted for the 2022/2023 Financial Year - None (to be noted that no funding secured and hence budgeting could not be done as capital budgeting is only permitted on securing of funding)

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.10 FNS.5 [UTP] APPLICATION FOR THE SUBDIVISION OF ERVEN 855 AND 856, AUASBLICK EXTENSION 1 INTO PORTIONS A AND B AND THEIR RESPECTIVE REMAINDERS; RESERVATION OF PORTIONS A AND B AS 'STREET'; SUBDIVISION OF JASON HAMUTENYA NDADI STREET INTO PORTIONS C AND D AND THE REMAINDER; PERMANENT CLOSURE OF PORTIONS C AND D ZONED AS 'STREET' AND REZONING TO 'RESIDENTIAL'; AND THE SUBSEQUENT CONSOLIDATION OF PORTIONS C AND D WITH ERVEN 911 AND 912, AUASBLICK EXTENTION 1 INTO CONSOLIDATED ERVEN X AND Y RESPECTIVELY
(L/855&856/AB)

Application

An application was received from Harmonic Town and Regional Planners Consultant on behalf of the Municipal Council of Windhoek and Sinco Investments Sixty One (Pty) Ltd (Company Registration No. CC/2013/0874), currently co-operating under a Public Private Partnership (PPP) Agreement for the following:

- Subdivision of Erven 855 and 856, Auasblick Extension 1 into Portions A and B and their respective Remainders;
- Reservation of Portions A (a portion of Erf 855) and B (a portion of Erf 856), Auasblick Extension 1 as 'street';
- Subdivision of Jason Hamutenya Ndadi Street into Portions C and D and the Remainder;
- Permanent closure of Portions C and D of Jason Hamutenya Ndadi Street zoned as 'street' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);
- Rezoning of the permanently closed Portions C and D (previously street) of Jason Hamutenya Ndadi Street as 'residential'; and
- Subsequent consolidation of Portions C and D of Jason Hamutenya Ndadi Street with Erven 911 and 912, Auasblick Extension 1 into consolidated Erven X and Y respectively.

The Power of Attorney from the owner of the land, the Municipal Council of Windhoek, was signed by Mr FI Maanda as duly authorised representative and submitted together with registration documents of Sinco Investments Sixty One (Pty) Ltd.

*** The full application is **attached as pages 237 - 262 to the agenda.**

No Credit Clearance was submitted as the erven still belong to Council and are currently still under development.

Erf information

Erven 855, 856, 911 and 912, Auasblick Extension 1 are located immediately adjacent to Jason Hamutenya Ndadi Street where it continues into the newly established Auasblick Extension 1. These erven are all zoned 'residential', vacant and part of a public private partnership development between the Municipal Council of Windhoek and Sinco Investments Sixty One (Pty) Ltd.

The township establishment was approved as per Council Resolution 303/09/2005 and General Plan 500.

Development intention

The purpose of the application is to realign Jason Hamutenya Ndadi Street.

Public consultation

Auasblick Extension 1 is not developed yet and has no immediate property owners.

Technical comments

The following comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  No input to make.

- **Roads Planning, Design and Traffic Flow**

  Erven 855, 856, 911 and 912 are all zoned 'residential' and located within Auasblick Extension. The erven borders Jason Hamutenya Ndadi Street. The subdivision seeks to correct the alignment of Jason Hamutenya Ndadi Street connecting Auasblick Extension 1 with Auasblick properly. The subdivision will not have a negative impact on the traffic flow around this area.

  There is no objection to the proposed subdivision of Erven 855 and 856, Auasblick Extension 1 into Portions A, B and their respective Remainders: Provided:

  - That no access or parking be allowed 15 metres from the intersection, measured from the intersecting kerbs.

  - That no access be obtained over the public open space.

There is no objection to the following:

- Proposed reservation of Portions A (a portion of Erf 855) and B (a portion of Erf 856), Auasblick Extension 1 as 'street';

- Proposed subdivision of Jason Hamutenya Ndadi Street into Portions C, D and the Remainder;

- Proposed permanent closure of Portions C, D of Jason Hamutenya Ndadi Street as 'street' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);

- Proposed rezoning of the permanently closed Portion C and D (previously street) of Jason Hamutenya Ndadi Street to 'residential'; and

- Proposed consolidation of Portion C and D of Jason Hamutenya Ndadi Street with Erven 911 and 912, Auasblick Extension 1 into Erven X and Y respectively: Provided:

  - That no access or parking be allowed 15 metres from the intersection, measured from the intersecting kerbs.

  - That no access be obtained over the public open space.

- **Roads and Stormwater**

A stormwater investigation was done, and the following is reported:

- The proposed Erven 855 and 856 has a general downward slope from the south west into a north easterly direction;

- The proposed Erven 911 and 912 has a general downward slope from the southwest into a north easterly direction; and

- There is no visible stormwater course or system flowing across the proposed Erven 855, 856, 911 and 912, except for surface stormwater run-off.

There is no objection to the proposed application for the subdivision of Erven 855 and 856, Auasblick Extension 1 into Portions A, B and the Remainder and subsequent reservation of Portions A and B as 'street'; subdivision of Jason Hamutenya Ndadi Street into Portions C, D and the Remainder and subsequent closure of Portion C and D; and rezoning of the proposed Portions C and D from 'street' to 'residential' and subsequent consolidation of Portions C and D with Erven 911 and 912 into Erven X and Y: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

  Any additional requirements with regard to water or sewer services will be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Electricity

- **Technical Support**

  There is in principle no objection to the application submitted as per subject matter above, as no electrical services are affected.

Urban Policy evaluation

The realignment of Jason Hamutenya Ndadi Street is the main purpose of the application and is supported in line with technical comments received.

Betterment fee/compensation

No endowment fee is required as this is for the road rectification.

Conclusion

The application for the following is supported as it necessitated by the realignment of the road. Furthermore, no infrastructure exist, and all technical divisions support the application:

- Subdivision of Erven 855 and 856, Auasblick Extension 1 into Portions A, B and the Remainders;

- Reservation of Portions A (a portion of Erf 855) and B (a portion of Erf 856), Auasblick Extension 1 for 'street';

- Subdivision of Jason Hamutenya Ndadi Street into Portions C, D and the Remainder;

- Permanently closure of Portions C and D of Jason Hamutenya Ndadi Street as 'street' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);

- Rezoning of Portions C and D (previously street) of Jason Hamutenya Ndadi Street to 'residential; and

- Consolidation of Portions C and D of Jason Hamutenya Ndadi Street with Erven 911 and 912, Auasblick Extension 1 into consolidated Erven X and Y respectively.

Management Committee,

RECOMMENDED

1 That Erven 855 and 856, Auasblick Extension 1 be subdivided into Portions A, B and the Remainders.

2 That Portions A (a portion of Erf 855) and B (a portion of Erf 856) Auasblick Extension 1 be reserved as 'street'.

3 That Jason Hamutenya Ndadi Street be subdivided into Portions C, D and the Remainder.

4 That Portions C and D of Jason Hamutenya Ndadi Street be permanently closed as 'street' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) prior to the submission to the Urban and Regional Planning Board.

5 That Council and the Public Private Partnership (PPP) be responsible for all procedures relating to the street closure.

6 That Portions C and D (previously street) of Jason Hamutenya Ndadi Street be rezoned to 'residential'.

7 That Portions C and D of Jason Hamutenya Ndadi Street be consolidated with Erven 911 and 912, Auasblick Extension 1 into consolidated Erven X and Y respectively.

8 That no access or parking be allowed 15 metres from the intersection, measured from the intersecting kerbs.

9 That no access be obtained over the public open space.

10 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

10.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

10.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

11 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.

11.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

12 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.11 FNS.6 [UTP] SUBDIVISION OF ERF 890, AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER
(L/890/AU)

Application

An application was received from Harmonic Town and Regional Planners Consultant on behalf of the owner of the land being the Municipal Council of Windhoek and Sinco Investments Sixty One (Pty) Ltd (Company Registration No. CC/2013/0874) who is in a Public Private Partnership (PPP) for the following:

- Subdivision of Erf 890, Auasblick Extension 1 into Portion 1 and Remainder.

The Power of Attorney was signed by the representative of the Municipal Council of Windhoek, Mr FI Maanda on behalf of the landowner and Dr Leake S Hangala in his capacity as representative of Sinco Investments Sixty One (Pty) Ltd.

*** The full application is **attached as pages 263 - 295 to the agenda.**

No Credit Clearance was submitted as the erf still belongs to Council and are still undeveloped.

Erf information

Erf 890, Auasblick Extension 1 is located along Jason Hamutenya Street within the newly established Auasblick Extension 1. The erf is zoned 'business' and is still vacant and unserviced.

Development intention

The purpose of the application is to subdivide Erf 890, Auasblick Extension 1 to create erven that would be more manageable as opposed to have one (1) very large erf.

Public consultation

Auasblick Extension 1 is not developed yet and has no immediate affected property owners hence public consultation is not applicable.

Technical comments

The following comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the application, on condition that all relevant planning procedures be undertaken in accordance to planning laws; and the associated liabilities be accounted for by applicant.

- **Roads Planning, Design and Traffic Flow**

  Erf 890 is zoned 'business' with a bulk of 1.0 and is located in Auasblick Extension 1. Auasblick Extension 1 is still not developed, and all erven are still vacant. The subdivision will not generate any additional vehicular trips to the road network.

  There is no objection to the proposed subdivision of Erf 890, Auasblick Extension 1 into Portion 1 and the Remainder: Provided:

  - That no access or parking be allowed 20 metres from the intersection, measured from the intersecting kerbs.
  - That a minimum of one (1) parking bay be provided per 33 m^2 of utilised bulk on-site.

- **Roads and Stormwater**

  A stormwater investigation was done, and the following is reported:

  - The proposed Remainder of Erf 890 has a general downward slope from the south west into a north easterly direction;
  - The proposed Portion 1 of Erf 890 has a general downward slope from the south east into a north westerly direction;
  - There is a stormwater course flowing from the south, flowing along the western boundary of the proposed Portion 1, flowing into a north easterly direction;
  - There is a stormwater course flowing from the south west, flowing towards the stormwater course as referred to above; and
  - According to the attached plans, there is a stormwater system flowing along the western boundary of the proposed Portion 1.

There is no objection to the proposed subdivision of Erf 890, Auasblick Extension 1 into Portion 1 and Remainder: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme).
- That roads and stormwater be planned, designed and constructed to municipal standard.
- That no development be considered over or onto any stormwater system or structure.
- That any stormwater crossing be accommodative of at least a 50 year flood.
- That should roads be planned to be taken over by the City, a Development Agreement be signed.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

The application can only be approved under the following conditions:

- That it be noted that it is a new township and municipal services are currently being constructed.
- That the new erf boundary between Portion R/890 and Portion 1 not be closer than 1.5 metres from the sewer line that is going to be constructed as per approved designs.
- That any changes to the water and sewer designs due to the subdivision, be for the Developer's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services and should be installed as per the revised layout and Council's specifications.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is in principle no objection to the application submitted for the subdivision of Erf 890, Auasblick Extension 1, into Portion 1 and the Remainder: Provided:

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per the request received from the applicant, all costs related thereto be for the applicant's account.

- That only one (1) service connection per erf be allowed from the municipal electrical network.

- That only one (1) additional meter point for an approved flat be allowed on erven zoned 'single residential', and for more meter points the erf be rezoned to 'general residential'.

- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation, and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

The application is supported with no environmental requirements.

Urban Policy evaluation

Auasblick Extension 1 is a township that is currently being developed in partnership between the Municipal Council of Windhoek and Sinco Investments Sixty One (Pty) Ltd. All infrastructure is provided under this agreement.

The general plan is not uploaded on E-planner yet, but from the subdivided sizes of 8 367 m² and 8 146 m², the erf is very large. The subdivision follows a sewer line indicated on the plan and the Department of Infrastructure, Water and Technical Services indicated that the sewer line plan was approved and must be constructed accordingly. Otherwise, the Developer must resubmit on any deviation. The subdivision is done to create two (2) smaller erven, which can accommodate different types of businesses or entities and is as such supported.

Betterment fee/compensation

No endowment fees are payable as the Municipal Council of Windhoek is the owner, while infrastructure changes may still take place.

Conclusion

The subdivision Erf 890, Auasblick Extension 1 to create two (2) smaller commercial land portions enabling diversity in the development is supported.

Management Committee,

RECOMMENDED

1 That Erf 890, Auasblick Extension 1 be subdivided into Portion 1 and the Remainder as per the subdivision plans, attached as pages 113 - 115 to the agenda. [The same date stamped plans must be submitted to the Urban and Rural Development Board.]

2 That no endowment fee be payable as the erf is in the Municipal Council of Windhoek's ownership and at present still undeveloped.

3 That no access or parking be allowed 20 metres from the intersection, measured from the intersecting kerbs.

4 That a minimum one (1) parking bay be provided per 33 m² of utilised bulk on-site.

5 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:

5.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

5.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

5.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

5.4 That engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.

5.5 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.

5.6 That no building plans be approved until the stormwater conditions are met.

5.7 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with confirmation of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]

6 That roads and stormwater be planned, designed and constructed to municipal standard.

7 That no development be considered over or onto any stormwater system or structure.

8 That any stormwater crossing be accommodative of at least a fifty (50) year flood.

9 That should roads be planned to be taken over by the City, a Development Agreement be signed.

10 That the new erf boundary between Portion R/890 and Portion 1 not be closer than 1.5 metres from the sewer line that is going to be constructed as per approved designs.

11 That any changes to the water and sewer designs due to the subdivision, be for the Developer's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services and should be installed as per the approved revised layout and Council's specification.

12 That the Developer or his/her Electrical Engineering Consultant ensure that the new proposed electricity network, especially the positioning of kiosks, miniature substations and streetlight poles are not affected by the proposed subdivision and corrective measures, if affected, must be done during the installation of such services, otherwise the Developer will be responsible to all cost related to the relocation of such services afterwards.

13 That only one (1) service connection from the municipal electrical network be allowed per erf.

14 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

15 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

16 That the applicant accept this Council Resolution in writing.

17 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.

17.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

18 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.12 FNS.7 [UTP] APPLICATION FOR THE REZONING OF ERF 3576, KATUTURA FROM 'RESIDENTIAL'WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4
(L/3576/KAT)

Application

An application was received from Plan Africa Consulting CC on behalf of the owner, David Risuro for the following:

- Rezoning of Erf 3576, Katutura Extension 10 from 'residential' with a density of 1:500 m² to 'office' with a bulk of 0.4;
- Consent to use the erf for purpose of a business building for doctors' consulting rooms; and
- Consent to proceed with development while the rezoning is in process.

*** The full application is attached as **pages 296 - 325 to the agenda.**

A Credit Clearance was provided, and the Strategic Executive: Finance and Customer Services indicated that the application may proceed.

Erf information

Erf 3576, Katutura is ± 804 m² in extent and is zoned 'residential' with a density of 1:500 m². The erf is still used for residential purposes. The erf is located opposite the Soweto Municipal Market and a business centre known as 'Black Chain'. The erf is at the corner of Apostel Street and Independence Avenue and has access from Apostel Street.

Development intention

The intention of the owner is to use the building for a business building for a medical practice.

Advertisement

The public consultation process was completed as follows for the proposed development in line with the requirements of the Public Consultation Policy:

*** - The proposed rezoning was advertised in the New Era on 9 and 16 November 2021, as per the advertisements, **attached as pages 307 - 310 to the agenda**;

*** - Published in the Government Gazette No. 7695, dated 1 December 2021 **attached as pages 311 - 313 to the agenda**;

*** - A notice of the proposed rezoning, **attached as pages 314 - 315 to the agenda**, was placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site; and

*** - Neighbour consultation letters/forms, **attached as pages 316 - 317 to the agenda**, were sent by certified mail to neighbours on Erven 3577, 3596 and 3622, Katutura.

The closing date for objections was 30 November 2021 and no objections were received.

Technical comments

The application was circulated for comments and the following can be reported:

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the proposed rezoning.

- **Roads Planning, Design and Traffic Flow**

  Erf 3576 is located at the corner of Apostle and Independence Avenue in Katutura opposite the Soweto Market and measures 803.494 m² in extent. Independence Avenue is an Arterial Road with high traffic volume during peak hours. Apostle Street is a local street with low traffic volumes during peak hours. Rezoning of Erf 3576, Katutura from 'residential' with a density of 1:500 m² to 'office' with a bulk of 0.4. will be generating thirteen (13) additional trips to the current road network.

  There are already several properties around the Soweto Market that are rezoned to 'office' and operating similar business (doctors' consulting rooms) such as Erven 2469, 2454, 3481 Katutura etc.

  There is no objection to the proposed rezoning of Erf 3576, Katutura from 'residential' with a density of 1:500 m² to 'office' with a bulk of 0.4: Provided:

  - That only one (1) medical practitioner be allowed due to the number of limited parking.

- That a minimum of one (1) parking bay per 25 m² utilised bulk to be provided for office use for on-site or five (5) parking bays per medical practitioner, whichever is greater.

There is no objection to the consent to use the erf for the purpose of a business building in the form of doctors' consulting rooms: Provided:

- That parking be constructed/demarcated as per submitted parking layout, Drawing No. M101.

- That consent use only come into effect once adequate parking has been provided for on-site being to the satisfaction of the Strategic Executive: Urban and Transport Planning.

- **Roads and Stormwater**

A stormwater investigation was done, and the following is reported:

- Erf 3576 has a general downward slope from the northeast into a south westerly direction;

- There is a stormwater course flowing along the western boundary of Erf 3576, flowing from the north into a south westerly direction; and

- Access to Erf 3576 is indicated to be obtained from Independence Avenue and Apostle Street.

There is no objection to the proposed application for the rezoning of Erf 3576, Katutura Extension 15, corner of Independence Avenue and Apostle Street, from 'residential' with a density of 1:500 m² to 'office' with a bulk of 0.4, and subsequent consent to use Erf 3576 in the form of doctors' consulting rooms, and consent to commence with the development while the rezoning is in process, for the rezoning of Erf 3576, Katutura: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

- That the applicant appoint a registered Professional Engineer to ensure that the western boundaries of Erf 3576, is protected against any potential flood damage.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

A sewer design was submitted by the applicant and approved by the Department of Infrastructure, Water and Technical Services (Engineering Services Division) and the application may now proceed to Council and the Urban and Regional Planning Board.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is in principle no objection to the application submitted: Provided:

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per the request received from the applicant, all costs related thereto be for the applicant's account.
- That only one (1) service connection per erf be allowed from the municipal electrical network.
- That only one (1) additional meter point for an approved flat be allowed on erven zoned 'single residential', and for more meter points the erf be rezoned to 'general residential'.
- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation, and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

The Division supports the application provided that the applicant must register with the Municipal Council of Windhoek, Health Care Waste Risk Facility for the medical waste to be disposed of correctly as per the Legislation.

Urban Policy evaluation

*** Erf 3576, Katutura falls outside any policy area. The policy plan for the north western townships is **attached as page 303 to the agenda.**

In terms of the Windhoek Structure Plan the erf is located in a residential area with a prominent density higher than 350 m². This erf is a much bigger and surrounded by detached housing. The location of the erf is opposite an area which would, in terms of the Windhoek Structure Plan, earmarked for employment creation. This is presented with the Soweto Market and the shopping centre. The main offices of the Namibia College of Open Learning (NAMCOL). The Soweto Market is a municipal market with various stalls and parking for customers. It could safely be assumed that dwellings on the northern side of the market can and has a great possibility to rezone to business and land uses also, especially with access from Erf 4517 (Soweto Market).

An 'office' zoning already exists on Erven 2469 and 2454, Katutura. These are in line with the attached policy area. Institutional erven are scattered over the area, including uses for churches and schools.

Development opportunities in the entire north western townships are few, mainly due to the size of erven and broad public access. However, most of these erven have one or other business, whether legal or illegal.

The Windhoek Structure Plan of 1996 provides guidelines that anticipated growth and development from within the Central Business District (CBD) to the outer laying areas. This cascade towards the outer edges allows for higher development potential still within close proximity to the Central Business District (CBD).

The intensity of development controlled by bulk restrictions will taper from the highest allowances in the Central Business District (CBD) downwards towards the periphery; outlying shopping centres may also have bulk zoning above that of their surroundings with a similar tapering. Unless special merit exists, the pattern will be made up as follows:

Area	Bulk
Central Business District (CBD)	4.0 3.5 2.0
Central Business District (CBD) Periphery	1.0 0.5 0.4
Commercial districts adjacent to the Central Business District (CBD)	2.0 1.0 0.5
Industrial areas	1.0
Suburban business (shopping) centres	1.0 0.5 0.4

The highlighted, is an indication of the Windhoek Central Business District (CBD). This could also be compared to the 'Soweto Market' area within which area Erf 3576, Katutura falls. The other Central Business District (CBD) could be the 'central shops'.

The rezoning of the erf to 'office' for the purpose of business building for medical consulting is a much-needed amenity in these areas. The development of the Eros Policy Area started the same way with a continuous trend to establish offices for medical consulting, even though it is not foreseen that such a precinct will happen sooner or faster. It would however be important to do a thorough policy area analysis to revitalise the area.

Council is currently busy finalising the Windhoek Structure Plan where these development nodes is proposed to eventually connect towards each other. This erf would fall within this node around Soweto Market, which is located within the corridor.

Betterment fee/compensation

A betterment fee of 40 % is payable, which was calculated at N$147 600.00.

Conclusion

The rezoning from 'residential' with a density of 1:500 m² to 'office' with a bulk of 0.4 and consent to use the erf for business building purposes for a medical practitioner is supported on condition that betterment fees are paid in full, and the new zoning has been formally proclaimed.

Management Committee,

RECOMMENDED

1 That Erf 3576, Katutura be rezoned from 'residential' with a density of 1:500 m² to 'office' with a bulk of 0.4.

2 That consent be granted for a business building for a medical practice.

3 That only one (1) medical practitioner be allowed due to the number of limited parking.

4 That a minimum of one (1) parking bay per 25 m² utilised bulk to be provided for office use for on-site or five (5) parking bays per medical practitioner, whichever is greater.

5 That parking be constructed/demarcated as per submitted parking layout, Drawing No. M101.

6 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

6.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

6.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

7 That the applicant appoint a registered Professional Engineer to ensure that the western boundaries of Erf 3576, is protected against any potential flood damage.

8 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

9 That only one (1) service connection from the municipal electrical network be allowed to the erf.

10 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

11 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

12 That the applicant register with the Municipal Council of Windhoek's Health Care Waste Risk Facility for the medical waste to be disposed of correctly as per the Legislation.

13 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.

13.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

14 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.13 FNS.9 [HPH] APPLICATION FOR THE SALE OF ERF 8413, WINDHOEK TO QUIVER TREE INVESTMENT 26 CC: APPEAL AGAINST THE PURCHASE PRICE
(L/8413/W)

Introduction

*** Council in line with section 63(3)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) sought Ministerial approval for the sale of Erf R/8413, Windhoek to Quiver Tree Investment 26 CC (hereinafter referred to as Quiver Tree) at the selling price of N$9 500 000.00. The said purchase price was adjusted for inflation from the 2014 tendered purchase price of N$8 595 000.00 by Zest Investment 73 CC. Quiver Tree accepted the offer but requested that the purchase price be reduced to their initial offer of N$2 484 000.00. The Minister in a letter dated 24 November 2021, **attached as pages 326 - 327 to the agenda,** referred the matter back to Council for indulgence on the purchase price whereafter the Minister will decide on the sale in line with Act. Detailed sequence of events is provided below under the heading 'background'.

Having regard to the above, the purpose of this item is two-fold:

- To present to Council, the Minister's response on the sale of Erf R/8413, Windhoek; and

- To seek Council's consideration of the revised position on the purchase price.

This item served at the Strategic Executive Forum meeting held on 27(23) June 2022 and it was recommended on condition that the Strategic Executive: Housing, Property Management and Human Settlement address the following prior to placement on the Management Committee agenda, for consideration:

- *Obtain the current market value of the property (Erf 8413, Windhoek);*

- *Amend rescindment of paragraph 2.1 of Council Resolution 351/11/2015 to include the new current market value to be obtained and the recommendation be updated accordingly;*

- *Include an additional recommendation on obtaining Ministerial approval; and*

- *The Chief Executive Officer (Corporate Legal Adviser) provide input detailing case history (legal position/opinion) on the matter and the same be incorporated into the item to Management Committee, for consideration.*

Recommendations as set out above were fully implemented.

Property description and locality

Erf R/8413, Windhoek is situated along Maxwell Street, zoned 'restricted business' with a bulk of 0.5 and ± 5 277 m² in extent.

Background

The following sequence of events on Erf R/8413, Windhoek provides background to the matter:

***

- Council per Resolution 417/11/2010, **attached as pages 328 - 329 to the agenda**, resolved to subdivide Erf 8413, Windhoek into Portion A (± 5 405.7 m² in extent) Portion B (± 32 m² in extent) and the Remainder (± 5 586.99 m² in extent). Portion A was sold to Luco Property Developers CC at a purchase price of N$2 351 600.00 for the purpose of consolidation with Erf R/7961, Windhoek. Council further resolved that Erf R/8413, Windhoek be offered for sale as a 'restricted business' zoned erf by way of tender at an upset price still to be determined by the Strategic Executive: Housing, Property Management and Human Settlement. Council Resolution 417/11/2010 was rescinded in its entirety and replaced with Council Resolution 266/09/2011.

*** - Council Resolution 266/09/2011, **attached as pages 330 - 331 to the agenda**, resolved to subdivide Erf 8413, Windhoek into portion A now Erf 8722 (± 5 829 m² in extent) Portion B now Erf 8723 (± 32 m² in extent) and the Remainder of portion 8413, Windhoek, (± 5 277 m² in extent). Portion A was sold to Luco Property Developers CC at a purchase price of N$2 652 195.00. it was resolved that Erf R/8413, Windhoek be sold as a 'restricted business' zoned erf by way of tender. Portion B, now Erf 8722, was rezoned to 'municipal'. The sale of Remainder Erf 8413, Windhoek via tender method of sale did not take place until 2014. The offer price per Tender PLA01/2014 ('restricted business' zoned erf with a bulk of 0.5) was N$2 879 000.00.

*** - Quiver Tree, in an application dated 5 April 2012 applied for the purchase of Erf R/8413, Windhoek under Special Projects. Council per Resolution 423/11/2012, **attached as page 332 to the agenda**, turned down the application and informed the applicant that the property will be sold by way of tender.

*** - Quiver Tree, in a letter dated 26 February 2013, appealed Council's decision. Council per Resolution 43/02/2013, **attached as page 333 to the agenda**, reiterated its position, dismissed the appeal, and informed Quiver Tree that the property will be sold by way of tender.

*** - The then Minister of Regional and Local Government, Housing and Rural Development in a letter dated 3 February 2014 addressed to Mayor, **attached as pages 334 - 335 to the agenda**, requested Council to reconsider its decision (Council Resolution 423/11/2013) and accord Quiver Tree an opportunity to acquire Erf R/8413, Windhoek. The Minister cited lack of transparency and fairness in the manner the issue was handled. Council considered the matter at its meeting held 4 June 2014 and resolved as per Resolution 154/06/2014, **attached as page 336 to the agenda**, that due to a fact that various applications were received for the sale of Erf R/8413 and that all applicants were informed that the property would be sold on tender.

- Erf R/8413, Windhoek together with other erven was advertised for sale in 2014 with an upset price of N$2 879 000.00 per Tender PLA01/2014.

*** - Council per Resolution 431/11/2014, **attached as pages 337 - 343 to the agenda**, allocated Erf R/8413, Windhoek to Zest Investment 73 CC at a purchase price of N$8 595 000.00 in respect of Tender PLA01/2014.

*** - In a letter dated 6 November 2014, **attached as page 344 to the agenda**, the Prime Minister wrote to the Minister of Urban and Rural Development requesting the Minister to look into the matter after a complaint lodged by Mr Henk Mudge on behalf of Quiver Tree.

*** - In a letter dated 8 June 2015, **attached as pages 345 - 346 to the agenda**, the Minister of Urban and Rural Development directed that Erf R/8413, Windhoek be considered in favour of Quiver Tree.

*** - Council per Resolution 350/11/2015, **attached as page 347 to the agenda**, cancelled the allocation to Zest Investments 73 CC due to non-performance.

*** - Council per Resolution 351/11/2015, **attached as pages 348 - 350 to the agenda**, allocated Erf R/8413 to Quiver Tree at a purchase price of N$9 540 800.00 (VAT exclusive).

*** - Quiver Tree was issued with the said Council Resolution per letter dated 7 December 2015, **attached as page 351 - 353 to the agenda**, and following such issuance, communicated their acceptance of the terms of Council Resolution in a letter dated 6 January 2016, **attached as page 354 to the agenda**.

*** - Following Council's decision to cancel the allocation of Erf R/8413, Windhoek, Zest Investment 73 CC, instituted legal proceedings in the High Court of Namibia against the Municipal Council of Windhoek per Case No. I 166/2016. Judgement was delivered 22 June 2018.

*** - The sale of Erf R/8413, Windhoek to Quiver Tree, being a private treaty transaction, was duly advertised for public objections on 5 February 2016 and 19 February 2016 as per the provisions of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). The public advertisement is **attached as page 355 to the agenda**.

*** - The lodgement for objections closed on 26 February 2016 at 11:00 and only one (1) objection (from Koep & Partners Attorneys), **attached as pages 356 - 363 to the agenda**, was received in the 'objection box' at closing time.

*** - The objection was submitted to Council for consideration at its meeting held 25 April 2019. Council per Resolution 71/04/2019, **attached as pages 364 - 365 to the agenda**, reconfirmed and upheld the decision to sell Erf R/8413, Windhoek to Quiver Tree per Council Resolution 351/11/2015. Council further resolved that the request by Quiver Tree to purchase Erf R/8413, Windhoek at a 2012 purchase price of N$2 484 000.00 be turned down.

*** - On 9 August 2019, Council in accordance with section 63(3)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) submitted the objection together with Council's decision for consideration in line with section 63(3)(c). The letter is **attached as pages 366 - 368 to the agenda.**

*** - The Minister in a letter dated 16 March 2020, urged Council to sell Erf R/8413, Windhoek to Quiver Tree at the 2012 offered price not the current escalated price of N$9 500 000.00.

*** - Council considered the Minister's letter and per Council Resolution 140/05/2020, **attached as page 369 to the agenda**, resolved to inform the Minister of the sequence of events with regards to the subject property and request the Minister to pronounce himself on the lodged objection.

*** - In a letter to the Minister dated 5 July 2020, **attached as pages 370 - 372 to the agenda,** the sequence of events was clearly set out. The Minister was further *inter alia* informed that *the fact that Quiver Tree Investment 26 CC applied and offered to purchase the Remainder of Erf 8413, Windhoek at N$2 484 000.00 in 2012 as per their own calculation does not constitute a binding agreement on the City side to consider such price. Furthermore, it is worth noting that there was no injustice done to Quiver Tree Investments 26 CC with respect to the allocation of the Remainder of Erf 8413, Windhoek to justify the allocation of the erf at a price of 2012. Selling the subject property at a price of 2012 will only disadvantages the City.* The Minister was requested to peruse the objection lodged and make a decision in terms of section 63(3)(c) of the Local Authorities Act 1992, (Act 23 of 1992) (as amended).

*** - The Minister in a letter dated 24 November 2021, **attached as pages 326 - 327 to the agenda,** referred the matter back to Council for indulgence on the purchase price whereafter the Minister will decide on the sale in line with the Act.

Setting the record straight

Quiver Tree's understanding of the sequence of events, which in a way forms the basis of the claim of unfair treatment is well recorded in a letter to the Minister of Urban and Rural Development dated 26 October 2018. An extract from the said letter is quoted (verbatim) as follows:

1 *During 2010 the Developers of Hyper Motor City applied to purchase a large property (highlighted in, purple and blue on Annexure 'X') from the City of Windhoek. Council then resolved as per Council Resolution CR 417/11/2010 that the property be subdivided and that only the portion in blue be sold to Hyper Motor City and that the remainder (highlighted in green and purple on Annexure 'X'), later to become Erf 8413, be sold by way of tender.*

2 *During 2011 Luco Property Developers (LPD) applied to purchase Erf 8413 (green and purple). Despite the resolution mentioned above, Council as per Council Resolution CR266/09/2011 that Erf 8413 be subdivided, that Portion A (in purple) of Erf 8413 (later Erf 8722) be sold to LPD and that the remainder namely Erf R/8413 (in green) be sold by way of tender. The transfer of Erf 8722 took place on 7 July 2012. The purchase price was N$2 652 195.00 which came to N$455.00/square metre.*

3 *During April 2012 Quiver Tree Investment 26 CC (QT) applied to purchase Erf R/8413 for the amount of N$2 484 000.00 The price we offered was based on what LPD paid for the adjacent Erf 8722 per square metre: 5 277 sqm @ N$470.00 – N$2 401 000.00 but we offered N$2 484 000.00.*

4 *It seems that we were wrong when we assumed that the COW would treat all citizens who applied for land, equally and that they would be consistent with the determining of the land prices.*

It is put on record that the item which resulted in Council Resolution 417/11/2010 is titled *Subdivision of Erf 8413, Windhoek and sale of Portion A of Erf 8413, Windhoek for consolidation with Erf R/7961, Windhoek - Luco Property Developers*. The application by Luco Property Developers CC was the subject matter of Council Resolution. In the said resolution, Council resolved to sell Portion A of Erf 8413, Windhoek to Luco Property Developers CC and further resolved that the Remainder of Erf 8314, Windhoek be offered for sale as a erf zoned 'restricted business' by way of tender. It is further put on record that Erven 8413 and R/7961, Windhoek are two (2) distinct erven. Paragraph 1 of Council Resolution 417/11/2010 *inter alia* reads as follows:

1 That Erf 8413, Windhoek be subdivided into Portion A (± 5 405.7 m² in extent), Portion B (± 32 m² in extent), and Remainder of Erf 8413, Windhoek (± 5 586.99 m² in extent) as per subdivisional plan, attached as page 391 to the agenda.

The combined areas size for Erf 8413, Windhoek per the above extract from Council Resolution was ± 11 024.69 m². A geometric extract of Erf 8413, Windhoek put the area size at 11 139.50 m². The above serve as confirmation that, the subdivision mentioned in Council Resolution 417/11/2010 was limited to Erf 8413, Windhoek. The Remainder of Erf 7961, Windhoek was not the subject of subdivision but rather a subject of a consolidation after successful implementation of the cadastral procedures. Paragraph 1 in Quiver Tree's letter where it is claimed that *Council then resolved as per Council Resolution CR 417/11/2010 that the property be subdivided and that only the portion in blue be sold to Hyper Motor City and that the Remainder (highlighted in green and purple on Annexure 'X'), later to become Erf 8413, be sold by way of tender* missed an important cadastral fact; the area in 'blue' is Remainder Erf 7961, Windhoek – a distinct erf and not part of a subdivision.

Offer, rejected offer and counter-offer

An offer is an expression of willingness to contract on certain terms. It is made with an intention that it will become binding upon acceptance. Acceptance is an agreement to each of the terms of the offer, in other words, acceptance should mirror the offer. Acceptance which does not mirror the terms of the offer is not an acceptance but a counter-offer which kills the original offer. An offer may be terminated among others by - revocation, rejection by the offeree, lapse of time, occurrence of a stipulated event, etc.

The application by Quiver Tree dated 5 April 2012 to purchase Erf R/8413, Windhoek under Special Projects for N$2 484 000.00 constituted an offer. The offer was rejected via Council Resolution 423/11/2012 which effectively put the matter to rest. Council's decision to allocate Erf R/8413 to Quiver Tree at a purchase price of N$9 540 800.00 (excluding VAT) constituted a new offer. Quiver Tree's partial acceptance (acceptance of the allocation and appeal for reduction of the price to the initial offered price of N$2 484 000.00 and not the current escalated price of N$9 500 000.00) is a counter-offer. The aforementioned counter-offer was rejected via Council Resolution 71/04/2019 when Council reconfirmed its decision and proceeded with advertisement for objections followed by request for Ministerial approval.

The matter is no longer about offer and counter-offer but rather the reasonableness of offered price. Reasonableness is brought to the fore because the offered price did not originate from the escalation of the upset price but rather from a bid price of a successful Bidder. The matter of fair price is discussed below.

Appeal for a reduced purchase price

The 2014 upset price for tender PLA 01/2014 ('restricted business' zoned erf with a bulk of 0.5) was N$2 879 000.00. Therefore, by offering N$8 595 000.00, Zest Investment 73 CC pushed the price by an additional N$5 716 000.00 or say, 199 %. An increase of the upset price by 199 % is not reflective of the market but rather confidence in the market by the Bidder.

*** Quiver Tree accepted the allocation but appealed against the purchase price of N$9 540 800.00 (VAT exclusive). Their prayer is for Council to consider reducing the purchase price to their 2012 offer of N$2 484 000.00. The request by the Minister to relook at the purchase price and the appeal by Quiver Tree for a reduced price resulted in the revisit of the 2015 Valuation. The latest Valuation Certificate is **attached as page 373 to the agenda**. A memorandum dated 10 March 2022 to the effect above was sent to the Manager: Valuations and was *inter alia* responded to as follows on the same day:

- *As detailed in the Valuation Certificate dated 22 October 2015, the market value of N$9 540 800.00 on Erf 8314, Windhoek, was based on the sale of the subject* [sic] *at the municipal open tender for an amount of N$8 595 000.00 or N$1 628.00/m² in 2014 as per Council Resolution 154/06/2014.*

- *The price of N$1 628.00/m² was then adjusted using the national inflation rate for 2014 which resulted in a price of N$1 808.00/m². The aforementioned adjusted price per square metre was then applied to produce a value of N$9 540 800.*

To arrive at the market price, the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuations) was requested to value the property from 2012 to 2022 adjusted for inflation, the following property values were produced:

Table 1: Value of Erf R/8413, Windhoek from 2012 to 2022

Year	Price/m² (N$)	Amount (N$)
2012	514.00	2 712 400.00
2013	545.51	2 878 670.12
2014	605.52	3 195 323.83
2015	**675.15**	**3 562 786.07**
2016	727.28	3 837 833.16
2017	774.55	4 087 292.31
2018	826.83	4 363 184.55
2019	880.57	4 646 791.54
2020	937.81	4 948 807.80
2021	917.57	5 126 964.88
2022	1 008.00	5 319 226.07
2022 November	1 044.29	5 510 718.21

As indicated in Table 1 above, the 2015 market price for Erf R/8413, Windhoek was N$3 562 786.07. It is this price that was supposed to be offered to Quiver Tree.

Legal opinion

*** Judgement in the matter *Zest Investments Seventy-Three CC v Municipal Council of Windhoek (I 166/2016) [2018] NAHCMD 186 (22 June 2018)* is **attached as pages 374 - 392 to the agenda.**

Conclusion

Considering the above, the Strategic Executive: Housing, Property Management and Human Settlement propose that paragraph 2 of Council Resolution 351/11/2015 be rescinded and replaced with the following: That Erf R/8413, Windhoek be sold to Quiver Tree Investment 26 CC at a purchase price of N$5 510 718.21 (VAT exclusive), a determined by the Strategic Executive: Housing, Property Management and Human Settlement.

Management Committee,

RECOMMENDED

1 That the request by the Minister of Urban and Rural Development set out in a letter dated 24 November 2021, attached as pages 466 - 467 to the agenda, requesting Council to review the purchase price, be noted.

2 That paragraph 2 of Council Resolution 351/11/2015 be rescinded and replaced with the following:

2 That Erf R/8413, Windhoek be sold to Quiver Tree Investment 26 CC at a purchase price of N$5 510 718.21 (VAT exclusive) as determined by the Strategic Executive: Housing, Property Management and Human Settlement.

3 That the applicant sign the Deed of Sale and pay the purchase price and 15 % VAT in line with Council's Policy within ninety (90) days after having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement.

4 That should the applicant fail to sign the Deed of Sale and finalise the sale within ninety (90) days as per paragraph 3 above, the allocation be cancelled.

4.1 That in the event that the applicant apply for time extension to which Council consent, the Strategic Executive: Housing, Property Management and Human Settlement revise the purchase price.

5 That the intended sale of Erf R/8413, Windhoek to Quiver Tree Investment 26 CC, be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

6 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.

7 That all other conditions in Council Resolution 351/11/2015 remain the same and apply *mutatis mutandis*.

8 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.14 **FNS.10 [HPH] APPLICATION TO LEASE PORTIONS OF ERVEN 849 AND 1763, ROCKY CREST; ERF 6268, KATUTURA; ERF 3529, OTJOMUISE; ERF 1108, HAVANA AND PORTION R OF PORTION B OF KLEIN WINDHOEK TOWN AND TOWNLANDS NO. 70 TO ERECT COMMUNICATION TOWERS**
(L/Various erven)

Application

*** Applications dated 9 November 2020 and 11 March 2021, **attached as pages 393, 394 - 395 respectively to the agenda,** were received from PowerCom (Pty) Ltd, to lease portions of Erven 849 and 1763, Rocky Crest; Erf 6268, Katutura; Erf 3529, Otjomuise; Erf 1108, Havana and Portion R of Portion B of Klein Windhoek Town and Townlands No. 70 to erect communication towers. Mr Beatus Twelitega Amadhila, Identification (ID) No. 82072400015 has been nominated/appointed to act and sign documents on behalf of the company and the resolution is **attached as pages 396 - 400 to the agenda.**

The applicant indicated that the proposed structures would enable various operators to extend their network coverage to the respective customers' different locations. It was further stated that the operator will provide 2G, 3G, and 4G mobile services as well as other wireless and fixed wireless services. A connection to the existing electrical grid will be required. The proposed tower structures will be 25 metre high camouflage tree tower, of which all the areas will be fenced off for security purposes.

Property description

- Erf 1763, Rocky Crest; is zoned 'public open space' and the required portion is ± 64 m² in extent;

- Erven 849, Rocky Crest and Erf 6268, Katutura are zoned 'public open space' and the required portions are ± 80 m² in extent respectively;

- Erf 1108, Havana is zoned 'undetermined' and the required portion is ± 80 m² in extent;

- Erf 3529, Otjomuise is zoned 'undetermined' and the required portion is ± 80 m² in extent; and

- Portion R of Portion B, Klein Windhoek Town and Townlands No. 70 and the required portion is ± 80 m² in extent.

*** The locality plans indicating the required portions are **attached as pages 401 - 411 to the agenda.**

Technical comments

The application was circulated for comments and the following can be reported:

Comments from the Strategic Executive: Economic Development and Community Services

- **Health and Environmental Management**

  There is no objection to the application: Provided:

  - That the construction of telecommunication towers is a listed activity in Environmental Management Act, 2007 (Act 7 of 2007). The applicant will therefore be required to conduct an Environmental Impact Assessment (EIA) and obtain an Environmental Management Clearance Certificate before such a listed activity can be undertaken. [The applicant is thus advised to approach the Health and Environment Services Division for further guidance on the Environmental Impact Assessment (EIA) requirements and process for acquiring the Environmental Management Clearance Certificate.]

- **Parks**

  There is no objection to lease the applied portions.

Comments from the Strategic Executive: Electricity

- **Technical Support**

  There is no objection to lease portions of Erven 849 and 1763, Rocky Crest; Erf 6268, Katutura; Erf 3529, Otjomuise; Erf 1108, Havana and Portion R of Portion B of Klein Windhoek Town and Townlands No. 70 to erect communication towers: Provided:

  - That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

  - That only one (1) service connection from the municipal electrical network be allowed per erf.

- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

- That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

- That it be noted that a split prepayment meter shall be used in residential areas with payment levels lower than 80 % and all informal settlements.

- That it be noted that for 'general residential' developments without high rise buildings i.e. individual apartments, a split prepayment meter with a metering box located on the street/development erf boundary shall be used for each unit: Provided that it's technically possible otherwise a bulk meter shall be used.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Bulk Water and Waste Water**

  There are no water services affected for Erven 849 and 1763, Rocky Crest; Erf 6268, Katutura; Erf 3529, Otjomuise; Erf 1108, Havana. Water line pass through the applied Portion R/B/70, Klein Windhoek Town and Townlands and no permanent structures should be erected within 5 metre from the water line. Any additional requirements with regard to water and sewer services will be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

- **Engineering Services**

  A sewer lines pass through portions of Erven 849, Rocky Crest; R/6268, Katutura; 3529, Otjomuise and Portion R/B/70, Klein Windhoek Town and Townlands and no permanent structures should be erected within 5 metre from the sewer and water lines.

  There are no sewer services affected on Erf 1108, Havana and any further sewer requirement's shall be for the applicant's account.

A main sewer lines pass through the centre and northern part of the applied portion of Erf 1763, Rocky Crest. No permanent structures shall be erected less than 1.5 metre from the main sewer lines. Any additional requirements with regard to sewer services will be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

- **Solid Waste**

There is no objection to the lease of the subject portions, as there are no waste management related issues. All waste that will be generated during the construction phase may only be disposed of at an approved landfill and satellite sites, as illegal dumping of waste will not be tolerated. Violators will be fined N$2 000.00 or imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment as per Solid Waste Management Regulations.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Planning**

There is no objection to the lease of the applied portions. The 'public open space' erven should be temporarily closed for the period of the lease period in terms of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). The closure and all public consultation procedures should be completed prior to the signing of any Lease Agreement. The applicant is responsible for any town planning procedure and cost thereof. For the undetermined and townlands portions, the applicant will be responsible to survey and submit survey diagrams for the portions that is to be leased.

- **Sustainable Development**

There is no objection to the proposed development on Erf 1763, Rocky Crest provided that all technical departments support the application. The applicant must submit a copy of an Environmental Impact Assessment (EIA) Report comprising of radiation assessment to the Municipal Council of Windhoek for review prior to the commencement of the project. The applicant should as well employ precautionary measures by demarcating a safe buffer zone between the tower and residential areas in order to avoid possible health hazards.

- **Roads Planning, Design and Traffic Flow**

Erf 849, Rocky Crest

There is no objection to the proposed lease of a portion of Erf 849, Rocky Crest to erect a communications tower: Provided:

- That no access be allowed from Sam Nujoma Drive, being an arterial road.

Erf 6268, Katutura

There is no objection to the proposed lease of a portion of Erf 6268, Katutura to erect a communications tower: Provided:

- That it be noted that the extension of Paul Ehrlich Street is not yet developed, thus access should preferably be taken from Andrew Mogalie Street.

- That no access be taken over a culvert.

Erf 3529, Otjomuise

There is no objection to the proposed lease of a portion of Erf 3529, Otjomuise to erect a communications tower.

Erf 1108, Havana

There is no objection to the proposed lease of a portion of Erf 1108, Havana to erect a communications tower: Provided:

- That no access be allowed from Peter Eneas Nanyemba Road, being an arterial road.

- That no access be allowed 15 m of any intersection, measured from the intersecting kerbs.

Portion R/B/70, Klein Windhoek Town and Townlands

There is no objection to the proposed lease of a portion of Portion R/B/70, Klein Windhoek Town and Townlands to erect a communications tower.

- **Roads and Stormwater**

The application dated 27 May 2021 for the proposed lease of portions of Erven 849 and 1763, Rocky Crest; Erf 6268, Katutura; Erf 3529, Otjomuise; Erf 1108, Havana and Portion R of Portion B of Klein Windhoek Town and Townlands No. 70 received on 27 May 2021, refers.

It should be noted that reference is made to the applicant's letter dated 11 March 2021. A stormwater investigation was done and the following is reported:

Erf R/849, Rocky Crest

- The proposed portion of Erf R/849 has a general downward slope from the north east towards the south west; and

- There is no stormwater system crossing the proposed portion of Erf R/849, except for surface stormwater run-off.

There is no objection to the proposed lease of a portion of Erf R/849 Rocky Crest: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Erf R/6268, Katutura

- The proposed portion of Erf R/6268 has a general downward slope from the south east towards the north west;

- There is no stormwater system crossing the proposed portion of Erf R/6268, except for surface stormwater run-off; and

- It should however be noted that a stormwater course flows ± 5 to 7 metres away from the north western boundary of the proposed portion of Erf R/6268, flowing along Erf R/6268 into a north westerly direction towards a culvert underneath Andrew Mogalie Street.

There is no objection to the proposed lease of a portion of Erf R/6268, Katutura: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

- That the applicant appoint a registered Professional Engineer at his/her own cost and risk, to determine if the north western boundary of the proposed portion of Erf R/6268 require to be protected against any potential flood damage.

Erf 3529, Otjomuise

- The proposed portion of Erf 3529, Otjomuise is located on a high point, from where it slopes downwards into all directions; and

- There is no stormwater system crossing the proposed portion of Erf 3529, Otjomuise except for surface stormwater run-off.

There is no objection to the proposed lease of a portion of Erf 3529, Otjomuise: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Erf 1108, Havana

- The proposed portion of Erf 1108, Havana has a general downward slope from the south west towards the north east;

- There is a stormwater course flowing along the central part of Erf 1108, Havana flowing ± 2 metres away and parallel to the north eastern boundary of the proposed portion of Erf 1108, Havana flowing from a stormwater outlet structure from underneath Mali Street towards the south east, flowing into a north westerly direction; and

- There is a stormwater course flowing from a stormwater culvert from underneath Gambia Street, flowing into a north easterly direction, flowing over the proposed portion, flowing towards the stormwater course as described above.

This division therefore does not support the lease of the proposed portion of Erf 1108, Mali Street Havana.

The lease of a portion of Erf 1108, Mali Street, Havana will however only be reconsidered: Provided:

- That the proposed portion of Erf 1108, Havana be shifted towards the north west for at least 15 metres.

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Erf R/B/70, Klein Windhoek Town and Townlands

- The proposed portion of Erf R/B/70 has a general downward slope from the south west towards the north east; and

- There is no stormwater system crossing the proposed portion of Erf R/B/70, except for surface stormwater run-off.

There is no objection to the proposed lease of a portion of Erf R/B/70, Klein Windhoek Town and Townlands: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Comments from the Strategic Executive: Housing, Property Management and Human Settlement

- **Human Settlement**

*** There is no objection for the intended proposed tower development on Portion 55 of Erf 3529, Otjomuise, of which the layout plan is **attached as page 409 to the agenda.**

Portion 55 of 3529, Otjomuise zoning is 'municipal' and suits the intended development.

- **Valuations**

*** The rental Valuation Certificates for portions of Erven 849 and 1763, Rocky Crest; R/6268, Katutura and Portion R/B/70, Klein Windhoek Town and Townlands are **attached as pages 412 - 415 to the agenda.** In the event the applicant fails to conclude the Lease Agreement within the given time, the rental should be revised at any given time before concluding such a Lease Agreement.

Erven 849 and 1763, Rocky Crest; Erf 6268, Katutura and Portion R of Portion B of Klein Windhoek Town and Townlands No. 70.

- **Property Management**

There is no objection of the lease of the applied properties, provided that the applicant comply with all the conditions as recommended under the respective departments. The applicant should verify the lines of services with the Strategic Executive: Infrastructure, Water and Technical Services during construction to avoid any damages on the service lines.

The lease should be for a period of nine (9) years. The applicant should be compelled (as a condition of lease) to satisfy the requirements of submitting (periodically on a three (3) year interval period) an Environment Management Clearance Certificate from the Ministry of Environment and Tourism. Failure to submit the periodically renewed certificate will result in cancellation of the Lease Agreement. Such a cancellation notice should be three months, which would give the client ample time to remedy the situation or dismantle the infrastructure and restore the site to its original state.

Erf 1108, Havana is not suitable for the 25 metre tall tower, as a zinc structure is within 25 metres safety buffer space in the eventuality that the tower falls. There is as well a stormwater culvert on the subject portion and would not be suitable for occupation. Therefore, the lease of a portion of Erf 1108, Havana is not supported. With regard to Erf 3529, Otjomuise, the portion applied for is also less than 25 metre to the planned abutting residential erven and is thus not suitable for accommodating the tower. Equally, the lease of a portion of Erf 3529, Otjomuise is not supported.

Should the lease be terminated for whatever reason that the Municipal Council of Windhoek not compensate for the improvements. The applicant should be given seven (7) days to accept the resolution.

Conclusion

Concluding from the technical comments received from the respective departments, the lease is supported. Portions of Erven 849 and 1763, Rocky Crest; Erf 6268, Katutura; Erf 3529, Otjomuise; Erf 1108, Havana and Portion R/B/70, Klein Windhoek Town and Townlands are currently lying idle without generating any revenue for the Municipal Council of Windhoek. Therefore, the leasing of these portions of the subject property will be of an advantage to Council as well as the residents using these communication services. The 'public open space' erven should be temporarily closed for the

duration of the lease, in terms of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). The closure and all public consultation procedures should be completed prior to the signing of any Lease Agreement. The applicant is responsible for any town planning procedure and cost thereof. For the undetermined and townlands portions, the applicant will be responsible to survey and submit survey diagrams for the portions that is to be leased.

Erven 1108, Havana and 3529, Otjomuise are not suitable for accommodating the erection of towers and thus the application is not supported on the two (2) portions.

The construction of telecommunication towers is a listed activity in the Environmental Management Act, 2007 (Act 7 of 2007). The applicant will therefore be required to conduct an Environmental Impact Assessment (EIA) and obtain Environmental Management Clearance Certificate before such a listed activity can be undertaken. The tower structures will be 25 metre high camouflaged tree towers, of which all the areas will be fenced-off for security purposes.

The lease should be for a period of nine (9) years. The applicant should be compelled (as a condition of lease) to satisfy the requirements of submitting (periodically on a three (3) year interval period) an Environment Management Clearance Certificate from the Ministry of Environment and Tourism. Failure to submit the periodically renewed certificate will result in cancellation of the Lease Agreement. Such a cancellation notice should be three (3) months, which would give the client ample time to remedy the situation or dismantle the infrastructure and restore the site to its original state.

Management Committee,

RECOMMENDED

1 That the lease of portions on Erven 1108, Havana and 3529, Otjomuise, not be supported.

2 That a portion of Erf 849, Rocky Crest (± 80 m² in extent) be leased to PowerCom (Pty) Ltd at a monthly rental amount of N$16 160.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.

3 That a portion of Erf 1763, Rocky Crest (± 64 m² in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N$12 928.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.

4 That a portion of Erf R/6268, Katutura (± 80 m² in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N$16 160.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.

5 That a portion of Portion R/B/70, Klein Windhoek Town and Townlands (± 80 m² in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N$16 160.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.

6 That each proposed lease portion be entered into a separate Lease Agreement.

7 That the applicant submit the respective lease diagrams before signing the Lease Agreements.

8 That in the event the applicant fail to conclude the Lease Agreements within the given time, the rental amounts be revised prior to concluding the Lease Agreements.

9 That 'public open space' zoned portions be temporarily closed for the duration of the lease, in terms of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

10 That the closure and all public consultation procedures be completed prior to the signing of any Lease Agreements.

11 That the applicant be responsible for any town planning procedure and cost thereof.

12 That the lease portions only be used for the erection and operation of Base Transceiver Stations (BTSs).

13 That tower structures be 25 metre high camouflage tree tower, of which all the areas be fenced off for security purposes.

14 That the applicant conduct site specific Environmental Impact Assessments (EIAs) on the respective portions and obtain Environmental Management Clearance Certificates to the satisfaction of the Strategic Executive: Economic Development and Community Services.

15 That the applicant comply with the relevant requirements of the Environmental Management Act, 2007 (Act 7 of 2007) for the Base Transceiver Stations (BTSs).

16 That the applicant effectively implement the conditions as set out in the Environmental Management Plan (EMP) for the proposed construction of a Base Transceiver Station (BTS) during and after the construction of the facilities.

17 That all residents within a 300 metre radius of the receivers of the Base Transceiver Stations (BTSs) be consulted as per Council requirements, and that all other conditions as set out in Council Resolution 281/09/2010 be complied with.

18 That the applicant ensure the submission of valid Environmental Management Clearance Certificates for the duration of the lease period.

19 That the lease agreement be subjected to the client submitting to Council an Environmental Clearance Certificate.

20 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

21 That it be noted that connection charges will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

22 That a split prepayment meter be used in residential areas with payment levels lower than 80 % and all informal settlements.

23 That it be noted that 'general residential' developments without high rise buildings i.e. individual apartments, a split prepayment meter for each unit shall be used with a metering box located on the street/development erf boundary provided that it's technically possible otherwise a bulk meter shall be used.

24 That the following be noted:

24.1 That a water line is passing through the applied Portion R/B/70, Klein Windhoek Town and Townlands and no permanent structures should be erected within 5 metre from the water line.

24.2 That sewer lines are passing through portions of Erven 849, Rocky Crest; Erf R/6268, Katutura; Erf 3529, Otjomuise and Portion R/B/70, Klein Windhoek Town and Townlands and no permanent structures should be erected within 5 metre from the sewer and water lines.

24.3 That a main sewer line is passing through the centre and northern parts of the applied portion of Erf 1763, Rocky Crest and no permanent structures should be erected less than 1.5 metre from the main sewer lines.

25 That any additional requirements with regard to water and sewer services for the erven as per paragraphs 24.1 to 24.3 above, be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

26 That the applicant verify the lines of services with the Strategic Executive: Infrastructure, Water and Technical Services during construction to avoid any damages on the service lines.

27 That all waste that is generated during the construction phase only be disposed of at an approved landfill and satellite sites, as illegal dumping of waste will not be tolerated.

28 That illegal waste dumping violators be fined N$2 000.00 or imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment as per the Solid Waste Management Regulations.

29 That no access be allowed from Sam Nujoma Drive, being an arterial road, to the lease portion of Erf 849, Rocky Crest.

30 That it be noted that the extension of Paul Ehrlich Street is not yet developed, thus access to the lease portion of Erf 6268, Katutura should preferably be taken from Andrew Mogalie Street.

31 That no access be taken over a culvert.

32 That no access be allowed 15 metre of any intersection, measured from the intersecting kerbs.

33 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

33.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

33.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

34 That it be noted that a stormwater course is flowing ± 5 to 7 metres away from the north western boundary of the proposed portion of Erf R/6268, Katutura along a north westerly direction towards a culvert underneath Andrew Mogalie Street.

35 That the applicant appoint a registered Professional Engineer at his/her own cost and risk, to determine if the north western boundary of the proposed portion of Erf R/6268, Katutura require to be protected against any potential flood damage.

36 That it be noted that there is a stormwater course flowing from a stormwater culvert from underneath Gambia Street, flowing into a north easterly direction, flowing over the proposed portion, flowing towards the stormwater course as described in paragraph 34 above.

37 That the leases be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

38 That the leases be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

39 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreements.

40 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.15 **FNS.11 [HPH] APPLICATION FOR THE SUBDIVISION OF FARM 1028 (A PORTION OF THE REMAINDER OF FARM 508) INTO PORTION A AND THE REMAINDER AND THE NEED AND DESIRABILITY FOR THE ESTABLISHMENT OF A TOWNSHIP (TO BE KNOWN AS HAVANA EXTENSION 13) ON PORTION A (A PORTION OF FARM 1028)**
(L/Ptn. A/Farm 1028)

Introduction

The purpose of this item is to motivate the need and desirability and layout approval for the township establishment on the proposed Portion A (a portion of Farm 1028). The proposed township is to be known as Havana Extension 13. The proposed statutory procedures will allow the Municipal Council of Windhoek to formalise Max Mutongolume Informal Settlement located on a portion in reference. The said Informal Settlement is home to one thousand two hundred (1 200) households or a population of four thousand five hundred and sixty (4 560) inhabitants when taken at the 2020 average household size of three point eight (3.8) persons per household.

The site

*** Farm 1028 is located 10 kilometres north west of the Windhoek Central Business District (CBD) and is bordered by Farm 1029 to the north, Farm 1030 to the east and Havana Extension 5 to the south. The area is accessible via Ivory Coast and Zambia Street, both connected to the main Peter Eneas Nanyemba Road. The locality plan is **attached as page 416 to the agenda**.

Need

Namibia is currently experiencing urbanisation and will continue to do so in the foreseeable future as long as urban areas are seen as a symbol of hope from abject poverty. Through Vision 2030, the country set for itself a goal to become a developed country by the year 2030 and further, to have about 70 % of its population urbanised. In 1991, a meagre 28 % of the country's population was urbanised. The figure improved to 33 % in 2001, 42.1 % in 2011 and crossed the 50 % mark in 2017. Generally, the trend is positive and if maintained it will reach about 65 % in 2030.

Positive shifts in the country's urbanisation landscape have coincided with rapid growth of Windhoek's population and more so the informal settlements. The 2011 National Housing and Population Census conducted by the Namibia Statistics Agency confirmed Windhoek to be the largest urban locality in the country with three hundred and twenty five thousand eight hundred and fifty eight (325 858) inhabitants which represented a share of 36 % of the country's urban population. Rundu, the second largest town in the country recorded sixty three thousand four hundred and thirty one (63 431) inhabitants. In the same year, there were eighty seven thousand (87 000) inhabitants in Windhoek's informal settlements accounting for 27 % of the City's population.

In March 2020, the Municipal Council of Windhoek conducted rapid numbering of informal structures in all the informal settlements. A total forty eight thousand two hundred and thirty three (48 233) informal structures were recorded and are distributed as follows:

No.	Area	Number of structures
1	Khomasdal Constituency	3 394
2	Moses Garoëb Constituency	9 052
3	Samora Machel Constituency	21 241
4	Tobias Hainyeko Constituency	14 546

Sample surveys conducted in the four (4) constituencies recorded an average household size of three point eight (3.8) persons per household. Using the average size of three point eight (3.8) persons per household, the number of people living in Windhoek's informal settlement is estimated at one hundred and eighty three thousand two hundred eighty five (183 285) inhabitants.

Given the above, it is without shadow of a doubt that the proposed development is highly needed to address informality and guarantee the project beneficiaries security of tenure and access to basic services.

Desirability

The site is ideally located and suitable for the intended development. The desirability is confirmed through the layout design approach which took into consideration-site development opportunities and constraints strengthened through comments received from various specialist units dealing with roads, stormwater, water and sewer, electricity, environment, and Urban Policy within the Municipal Council of Windhoek. The desirability is further demonstrated by the fact that the site has been inhabited by the informal settlers for several years. The surrounding existing bulk services makes the site desirable for the proposed development.

Proposed development

The proposed development if approved will enable the Municipal Council of Windhoek to formalise Max Mutongolume Informal Settlement by providing security of tenure and access to basic services. The predominant land-use as indicated on the attached layout plan is 'residential' supported by other complimentary land-uses such as public open space, business, institutional, municipal, and general residential.

*** To achieve the intended development, it is proposed that a township be established on Portion A of Farm 1028 (a portion of the Remainder of Farm 508), as indicated in Table 1 and as per the layout, **attached as on page 417 to the agenda**:

Table 1: Proposed subdivision for Farm 1028

Original Portion	Resulting Portions	Sizes (hectare)
Farm 1028	Proposed Portion A	22
	Remainder of Farm 1028	9

A total number of one thousand two hundred and twenty (1 220) people will potentially be accommodated by the proposed development. The number of people that can be accommodated was calculated using the average household size of 3.8 as stipulated by the population census of 2021. It is however important to mention that one thousand and sixty four (1 064) people will be accommodated on 'residential' zoned portions whilst one hundred and fifty six (156) people will be accommodated on portions zoned 'general residential:

Table 2: Proposed township comprising of two hundred and ninety five (295) portions and a Remainder street

Land use	Total number of portions	Potential number of dwelling units	Estimated population at an average household size of 3.8 (2021)
Residential with a density of 1:200 m²	280	280	1 064
General residential with a density of 1:150 m²	4	41	156
Business with a bulk of 0.4	1		
Institutional	1		
Municipal	1		
Public open space	8		
Total	**295 (portions)**	**321 (dwelling units)**	**1 220 (people)**

Using the March 2020 pilot survey with the average household size of three point eight (3.8) persons per household, it is estimated that the development will accommodate one thousand two hundred and twenty (1 220) people with 87.4 % of the population living on single residential erven whilst the remaining 12.6 % in high density development.

Discussion of the proposed development

- **Single residential land-use**

  A total of two hundred and eighty (280) 'residential' portions are provided for in the layout. A density of 1:200 m² is proposed. In line with the Development and Upgrading Policy the erven are less than 300 m² in order to accommodate more people since the area is already inhabited. It is important to mention that upon Council's approval, the Minster of Urban and Rural Development needs to provide approval to establish a township with erven less than three hundred (300).

According to the comments received from the Strategic Executive: Urban and Transport Planning, Portions 2, 15, 16, 17, 18, 19, 30, 31, 32, 74, 174, 175, 176, 177, 185, 186, 187, 193, 235, 236, 237, 238, 239, 240 and 283 may be affected by stormwater and needs to be sold with the relevant stormwater conditions that requires *the submission of engineering drawings simultaneously with the building plan that indicates how stormwater is to be accommodated which should be at the satisfaction of the Chief Engineer, Planning Design and Traffic Flow.*

- **General residential land-use**

Four (4) 'general residential' portions (Portions 78, 79, 191 and 192) are proposed, each with a density of 1:150 m². The general residential portions are designed to allow for densification and with consideration of the scarcity of developable land within the city. The four (4) portions will be able to accommodate about forty-one (41) households and will certainly contribute to minimising the relocation of households. Furthermore, general residential portions are designed near public open spaces to provide residents with an opportunity for leisure activities which may not be provided for on-site.

- **Business land-use**

In order to provide residents with access to economic opportunities and to ensure that people's daily shopping needs are catered for, the proposed layout makes provision for a 'business' zoned portion, Portion 286 which can accommodate a local supermarket or neighbourhood shop or can be used as an open market overlooking the river. The portion is relatively central to ensure accessibility. It is proposed that the 'Business' zoned portion carry a bulk factor of 0.4 with on-site parking as per the provisions in the Windhoek Town Planning Scheme.

- **Institutional land-use**

The proposed layout makes provision for an 'institutional' land-use, Portion 1. The 'institutional' zoned portion is designed to accommodate institutionalised activities such as schools, kindergartens and churches.

- **Public open space**

The proposed layout provides for eight (8) public open spaces (Portions 288 to 295). Most of these public open spaces have been created to accommodate the watercourses that traverse the area. These watercourses drain in a north westerly direction, flowing along the eastern and north eastern boundaries of the proposed development curving into a westerly direction. It is important to mention that the portions which accommodate these watercourses can be used as attractive public spaces for walking, jogging and/or hiking. However, in order to ensure that the rivers have no negative effect on the proposed development, the Strategic Executive: Urban and Transport Planning *inter alia* recommended as follows: *That a professional Engineer be appointed to do a detailed 50-year flood report for the river and stormwater courses.*

Portion 288 on the other hand has been created to accommodate the existing informal soccer field. This portion will serve as the community's functional open spaces and can equally accommodate other sport facilities.

There is an existing powerline running through the western boundary of Portion A of Farm 1028. The layout made provision to accommodate this powerline by creating Portion 289. It should therefore be noted that Portion 289 will serve as a powerline servitude and that no development apart from what it is reserved for take place on the said portion.

- **Municipal land-use**

*** The layout makes provision for one (1) 'municipal' zoned portion, i.e. Portion 287. The portion has been created to accommodate the existing Havana sewerage ponds. As per the comments received from the Strategic Executive: Infrastructure, Water and Technical Services *no development should take place within 250 metre radius of these ponds.* However, with further discussion and taking into consideration that there are people already settled within that radius it will be feasible to decommission such ponds, but this has not been planned for yet by the department. It is therefore proposed that the following Portions 1 to 43, 101 to 107, 211 to 221, 230 to 261 and 266 to 270 which fall within the 250 metre radius as indicated on the plan, **attached as page 418 to the agenda,** remain uninhabited until such time that the ponds have been decommissioned and the area is declared fit for human habitation.

Proposed street layout

Portion A of Farm 1028 will gain access through two excess points by extending the existing Ivory Coast Street (20 metre) and Zambia Street (15 metre). Access to individual erven is provided through internal street network ranging between 13 and 20 metres in width.

Street names

*** The proposed layout comprises of eight (8) new streets which needs to be named as per the Street and Place Naming Policy of the Municipal Council of Windhoek. The street name theme for proclaimed townships of Havana and its Extensions are the names of Namibian Local Authorities, African countries and Capital cities. It is proposed that a similar theme be extended to the proposed development hence, a theme of large African cities is proposed as per the Street Name Plan, **attached as page 419 to the agenda.**

- Cape Town (South Africa);
- Bangui (Central African Republic);
- Douala (Cameroon);
- Conakry (Guinea);
- Asmara (Eritrea);

- Kano (Nigeria);
- Bamako (Mali); and
- Kumasi (Ghana).

Technical comments

*** Comment received are **attached as pages 420 - 424 to the agenda**, and are summarised as follows:

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Water**

  Certain portions of Portion A of Farm 1028 fall within the Augeigas Reservoir pressure zone which is still to be constructed in future. As an immediate solution the department proposed that the development be connected temporary to the existing Katlo Reservoir pressure zone until such time that the Augeigas zone has been constructed.

- **Sewer**

  The existing sewerage ponds in the north eastern corner of the proposed township can be used to service about 25 % of the proposed development via the gravitational sewer system. The remaining 75 % of the proposed development will need to be connected to the new Ongos Waste Water Treatment Plant once it is constructed in future.

Comments from the Strategic Executive: Electricity

- **Technical Support**

  Bulk electrical services are currently not available to provide services to this proposed development. The department further indicated that it be noted that in future when service is being provided there will be a need for two (2) to three (3) miniature electrical substations that can be accommodated in the Public Open Spaces of this development.

Comments from the Strategic Executive: Economic Development and Community Services

- **Natural environment (topography and soil conditions)**

  The area is characterised by an uneven terrain with a vast number of river streams flowing through the area. The two (2) major river streams flow from the south eastern corner to the north west and from the south western corner to the north-west respectively. Despite the uneven terrain, in areas where residential and general residential portions are proposed the slopes are gentle making it suitable for the proposed development. The soil composition is shallow soil covered by a hard layer of rock underneath; this can further be confirmed by the Environmental Impact Assessment (EIA).

- **Environmental protection**

The Municipal Council of Windhoek conducted a comprehensive environmental study covering all environmental facets in the municipal boundary (old municipal boundary to which the site of the proposed development forms an integral part). The study culminated into a report known as the Strategic Environmental Assessment (SEA) for Windhoek published in 2012. As set out in the Strategic Environmental Assessment (SEA) report Farm 1028 on which this development is proposed, fall within Environmental Control Zone medium (sensitive Zones 3 and 5). These zones include vegetation sensitive and water sensitive zones. Low to medium density residential, institutional and commercial land uses are permissible within Zone 3 with limited environmental assessment, while high density residential development requires extensive assessment. Although environmental protection has been considered in the designing of the proposed development as the development comprises of predominantly residential with few institutional. Public open spaces have been assigned to further protect the water and sensitive areas. However, it is further important to mention that since this area is already inhabited the natural environment may have been disturbed. In order to ensure compliance with the environmental management, an environmental study will be conducted for the purpose of obtaining clearance before submission of the application to the Urban and Regional Planning Board.

Statutory information and required planning procedure

- **Title Deeds**

*** The Municipal Council of Windhoek is the owner of proposed Portion A of Farm 1028. Farm 1028 was subdivided from Farm R/508. Certificate of Consolidated Title No. T2008/2005 confirming ownership of Farm R/508 is **attached as pages 425 - 429 to the agenda.**

- **Required planning procedure**

After Council's support of this submission, an application will be made to the Office of the Environmental Commissioner to obtain Environmental Clearance as required by the Environmental Management Act, 2007 (Act 7 of 2007). Thereafter, an application will be made to the Urban and Regional Planning Board for subdivision of Farm 1028 into Portion A and the Remainder and the need and desirability to establish a township on proposed Portion A as well as the approval of the township layout.

Following approval by the Urban and Regional Planning Board a Land Surveyor will then be appointed to survey the township and prepare the General Plan that will be submitted to the Surveyor General's Office for examination and approval. Thereafter, a township register for the development will be opened in the Deeds Office. The Registrar of Deeds will, as required by law, notify the Minister of Urban and Rural Development that a township register is open, and that proclamation can take effect. Using the notice as the basis, the Minister of Urban and Rural Development shall initiate proclamation procedures that will culminate in the proclamation of this township in the Government Gazette.

Conditions to be registered

*** The Municipal Council of Windhoek's standard conditions, **attached as page 430 to the agenda**, will apply to the portions proposed in the township.

The following condition shall be registered in favour of the Local Authority against the Title Deeds:

- The portions shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the portions shall at all times be subject to the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of Urban and Regional Planning Act, 2018 (Act 5 of 2018);

- The minimum building value of any portions zoned 'residential', or 'general residential' shall be equal to two (2) times the current municipal value of the land comprising that portion;

- Portions 288 to 295 be reserved as public open spaces; and

- Remainder Portion A be reserved as 'street'.

Conclusion

This submission motivated the need and desirability for establishing a township on the Proposed Portion A of Farm 1028 (a portion of Farm 508). The proposed subdivision and township establishment is needed and is desirable as it will allow the Municipal Council of Windhoek to formalise the Max Mutongolume Informal Settlement by improving the settlement pattern, guarantee security of tenure and improve quality of life.

Management Committee,

RECOMMENDED

1 That Farm 1028 (a portion of Remainder Farm 508) be subdivided into Portion A and the Remainder.

2 That the need and desirability for the township establishment on Portion A of Farm 1028 comprising of two hundred and ninety five (295) portions, be approved.

3 That the proposed township to be established on Portion A of Farm 1028 be known as **Havana Extension 13**.

*** 4 The layout for the proposed township on Portion A of Farm 1028, **attached as pages 431 - 434 to the agenda**, be approved as the settlement pattern.

Standard Conditions

5 That the following standard conditions in favour of the Municipal Council of Windhoek be registered against all newly created portions, except for portions zoned 'public open space' and 'street' against which no conditions shall be registered:

5.1 That the portions only be used or occupied for purposes which are in accordance with, and the use or occupation of the portions at all times be subject to the provisions of the Windhoek Town Planning Scheme, prepared and approved in terms of the Urban and Regional Planning Act 2018 (Act 5 of 2018).

5.2 That the minimum building value of any portion zoned 'institutional', equal the current municipal value of the land comprising that portion.

5.3 That the minimum building value of any portion zoned 'business', equal four (4) times the current municipal value of the land comprising that portion.

5.4 That the minimum building value of any portion zoned 'residential', or 'general residential', equal two (2) times the current municipal value of the land comprising that portion.

Land use, Town Planning Scheme and minor cadastral adjustments:

6 That Portions 2 to 77, 80 to 190 and 193 to 285 be zoned 'residential' with a density of 1:200 m²;

7 That Portions 78, 79, 191 and 192 be zoned 'general residential' with a density of 1:150 m².

8 That Portion 1 be zoned 'institutional'.

9 That Portion 286 be zoned 'business 'with a bulk of 0.4.

10 That Portion 287 be zoned 'municipal'.

11 That Portions 288 to 295 be reserved for public open spaces.

12 That Remainder Portion A be reserved as a street.

*** 13 That the township layout and its zoning, **attached as pages 431 - 434 to the agenda**, be included in the next Amendment Scheme.

14 That this township be added to the list of townships with a minimum building value of two (2) times the residential land value in line with clause 39(9) of the Windhoek Town Planning Scheme.

15 That the Strategic Executive: Housing, Property Management and Human Settlement follow all required steps to obtain necessary approvals from the Urban and Regional Planning Board.

16 That the Strategic Executive: Housing, Property Management and Human Settlement be authorised to make small changes to the layout to facilitate proclamation and accommodate the provision of services.

Water, sewer and electricity

17 That the development be supplied temporary through the existing Katlo Reservoir by way of extending the bulk water line to the development until such time that Augeigas Reservoir pressure zone has been constructed.

18 That the portion of the proposed development that can be connect, be connected to the existing Havana ponds through the gravitational sewer system and the remaining be connected once the Ongos Waste Water Treatment Plant has been constructed.

19 That the Strategic Executive: Electricity ensure that the electrical services are extended to service the proposed development.

Stormwater and flood studies

20 That Portions 288, 289, 290, 291, 292, 293, 294 and 295 (all public open spaces), and Portions 2, 15, 16, 17, 18, 19, 30, 31, 32, 74, 174, 175, 176, 177, 185, 186, 187, 193, 235, 236, 237, 238, 239, 240 and 283, be sold with stormwater conditions which stipulate the following:

20.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:

20.1.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

20.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

20.2 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

20.3 That engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.

20.4 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.

20.5 That no building plans be approved until the stormwater conditions are met.

20.6 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with confirmation of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]

21 That the submission of engineering drawings simultaneously with the building plan that indicates how stormwater is to be accommodated, be to the satisfaction of the Strategic Executive: Urban and Transport Planning.

22 That the Strategic Executive: Urban and Transport Planning undertake the necessary procedures to obtain a detailed 50-year flood report of the river and stormwater courses in Portion A of Farm 1028.

Environmental clearance

23 That the Strategic Executive: Economic Development and Community Services undertake the necessary procedures to obtain Environmental Clearance as prescribed by the law.

Street naming

24 That the similar theme as that already approved for the existing Havana and its extensions be extended to this township.

25 That the eight (8) proposed streets be named as follows after the theme of large commercial cities of African countries and as indicated on the street names plan:

25.1 Cape Town (South Africa);

25.2 Bangui (Central African Republic);

25.3 Douala (Cameroon);

25.4 Conakry (Guinea);

25.5 Asmara (Eritrea);

25.6 Kano (Nigeria);

25.7 Bamako (Mali); and

25.8 Kumasi (Ghana).

26 That the proposed street names be referred to the Street and Place Naming/Renaming Committee, for consideration.

27 That the resolution be implemented prior to confirmation of the minutes.

Financial implications for the statutory town planning procedure

Activity	Funds required (N$)	Funds available
Township establishment of two hundred and ninety five (295) portions on Portion A	6 400.00	Item 4000/15/1/10/0025

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.16 FNS.12 [HPH] APPLICATION TO LEASE ERF 6287, KATUTURA TO OPERATE A KINDERGARTEN
(L/6287/Kat)

Application

*** An application dated 5 August 2016, **attached as pages 435 - 460 to the agenda**, was received from Ms Kauna Edward on behalf of Busy Land Kindergarten to lease Erf 6287, Katutura. The applicant intends to operate a kindergarten. Ms Kauna Edward has been nominated/appointed to act and sign documents on behalf of the organisation and the resolution is **attached as pages 449 - 451 to the agenda.**

Compliance with Council Policy

The Busy Land Kindergarten has submitted the following documents:

*** - A Constitution, **attached as pages 436 - 445 to the agenda**;

*** - Registration Certificate from the Ministry of Gender Equality and Child Welfare (Registration No. 6/KW/19), **attached as pages 446 - 447 to the agenda**;

*** - A certified copy of a Fitness Certificate from the Municipal Council of Windhoek, **attached as page 448 to the agenda**;

*** - A General Power of Attorney granted by the institution to a particular person(s) that he/she/they has the authority to sign on behalf of the institution, **attached as pages 449 - 451 to the agenda**;

*** - Financial Statements, **attached as pages 452 - 458 to the agenda**; and

*** - Information regarding all immovable property in the municipal area of Windhoek in possession of the applicant, **attached as pages 459 - 460 to the agenda.**

Site inspection

*** A site inspection was conducted at the subject property on 9 February 2022 and it revealed that the particular property is free of any occupation hence there is no objection to the proposed portion. Photographs indicating the subject area are **attached as pages 461 - 462 to the agenda.**

Property description

*** Erf 6287, Katutura is zoned 'undetermined', is situated between Titus Namueja and Namutoni Streets and is ± 2 891 m² in extent. The applicant requires the entire erf. A plan indicating the locality of the required portion is **attached as page 463 to the agenda.**

Technical comments

Technical comments were requested on 21 August 2019 and the following were received:

Comments from the Strategic Executive: Economic Development and Community Services

- **Early Childhood Development**

  There is no objection to the application to lease Erf 6287, Katutura to operate a kindergarten.

- **Parks**

  There is no objection to the application to lease Erf 6287, Katutura to operate a kindergarten: Provided that there be no removal of any protected vegetation.

Comments from the Strategic Executive: Electricity

- **Technical Support**

  There is no objection to the application to lease Erf 6287, Katutura to operate a kindergarten: Provided:

  - That it be noted that there is an existing 70 mm² 11 kV cable which run in the middle of this development, and hence any damages caused or any relocation related costs to it due to the development, be for the applicant's account.

  - That it further be noted that a servitude of 3 metres must always be maintained away from the underground cable and no permanent structures be constructed within the said servitude.

- That the applicant consult the Department of Electricity of the Municipal Council of Windhoek, prior to the commencement of any construction so that the underground cable route can be identified and safeguarded.

- That the Electrical Consultant or Contractor obtain approval for all related electrical drawings for electrification indicating connection to the grid of the Municipal Council of Windhoek.

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

- That only one (1) service connection from the municipal electrical network be allowed per erf.

- That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.

- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation, and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Bulk Water and Waste Water**

  Water connection is available and any further water requirements shall be for the applicant's account.

- **Engineering Services**

  Sewer lines are passing near the north east, north west and northern boundaries of the erf. No permanent structures shall be erected less than 1.5 metre from the main sewer lines. Any further sewer requirements shall be for the applicant's account.

- **Solid Waste Management**

  There is no objection to the application. Once approved the applicant may apply to make use of the existing waste removal system already in place.

Comments from the Strategic Executive: Housing, Property Management and Human Settlement

- **Property Management**

  There is no objection to the proposed lease: Provided:

  - That the applicant be given seven (7) days to accept the Council Resolution.
  - That it be noted that should the lease be terminated for whatever reason the City will not compensate for the improvements.

- **Valuations**

*** The rental Valuation Certificate for Erf 6287, Katutura is **attached as page 464 to the agenda**. In the event the applicant fails to conclude the Lease Agreement within the given time, the rental should revised at any given time before concluding such a Lease Agreement.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Planning**

  There is no objection to the application but it should be noted that Erf 6287, Katutura contains a major stormwater system. Portion(s) must be identified and cleared in consultation with the Roads and Stormwater division.

- **Sustainable development**

  There is no objection to the lease of the abovementioned property for the purpose of the Busy Land Kindergarten.

- **Roads Planning, Design and Traffic Flow**

  There is no objection to the proposal lease of Erf 6287 Katutura for a kindergarten: Provided:

  - That no access be allowed opposite an intersection.
  - That a minimum of one (1) parking bay be provided per classroom and/or office plus one (1) parking bay per ten (10) students for on or off-loading.
  - That provision be made for public transport facilities, i.e. one (1) taxi parking bay to be equivalent to five (5) parking bays.

- **Roads and Stormwater**

A stormwater investigation was done on Erf 6287, Katutura and the following is reported:

- Erf 6287, Katutura has a general downward slope from the south east towards the north west; and

- There is a stormwater course flowing across the central part of Erf 6287, Katutura flowing from a stormwater outlet structure from underneath Namutoni Street in the south eastern corner of the erf, flowing into a north westerly direction towards a low-level stormwater crossing in Titus Namueja Street in the north western corner of the erf.

This division would therefore only consider the lease of Erf 6287, Katutura between Titus Namueja and Namutoni Streets, Katutura: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme).

- That the stormwater course be fully accommodated over the whole of Erf 6287, Katutura.

- That no development be considered over or onto any stormwater system or structure.

Conclusion

Based on technical comments received from the respective departments the lease is supported. The lease will be beneficial to Council to collect revenue, but Council should reserve the right to cancel the lease should such land be needed for municipal services or in the event the applicant contravenes the lease conditions.

Management Committee,

RECOMMENDED

1 That Erf 6287, Katutura (± 2 891 m² in extent) be leased to the Busy Land Kindergarten at a monthly rental of N$5 687.60 for a period of five (5) years, subject thereto that the rental escalate annually in line with the Namibia Inflation Rate, but not exceeding 10 %.

2 That in the event the applicant fail to conclude the Lease Agreement within the given time, the rental be revised prior to concluding the Lease Agreement.

3 That the property only be used for operating a kindergarten.

4 That should the lease be cancelled for whatever reason, all the permanent structures on the property revert to Council.

5 That a six (6) month cancellation notice period be incorporated into the Deed of Lease.

6 That the lease period be for five (5) years and should the applicant wish to proceed with the lease, the latter apply to Council.

7 That the Lessee develop the erf within a period of two (2) years from the date of signing the Deed of Lease.

8 That it be noted that the non-compliance to paragraph 7 above shall result in the lease being cancelled.

9 That the applicant submit approved building plans before commencing with any construction.

10 That it be noted that there is an existing 70 mm² 11 kV cable which run in the middle of this development, and hence any damages caused or any relocation related costs to it due to the development are to be borne by the applicant.

11 That it be noted that a servitude of 3 metres must always be maintained away from the underground cable.

11.1 That no permanent structures be constructed within the servitude.

12 That the applicant consult the Department of Electricity of the Municipal Council of Windhoek, prior to the commencement of any construction so that the underground cable route can be identified and safeguarded.

13 That the Electrical Consultant or Contractor obtain approval for all related electrical drawings for electrification indicating connection to the grid of the Municipal Council of Windhoek.

14 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

15 That only one (1) service connection from the municipal electrical network be allowed per erf.

16 That no permanent structures be erected less than 1.5 metre from the main sewer line.

17 That the applicant apply to make use of the existing waste removal system which is already in place.

18 That it be noted Erf 6287, Katutura contain a major stormwater system, therefore portion(s) must be identified and cleared in consultation with the Strategic Executive: Urban and Transport Planning.

19 That no access be allowed opposite an intersection.

20 That a minimum of one (1) parking bay be provided per class room and/or office plus one (1) parking bay per ten (10) learners for on or off-loading.

21 That provision be made for public transport facilities, i.e. one (1) taxi parking bay to be equivalent to five (5) parking bays.

22 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:

22.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

22.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

22.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

22.4 That engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.

22.5 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.

22.6 That the stormwater course be fully accommodated over the whole of Erf 6287, Katutura.

22.7 That no development be considered over or onto any stormwater system or structure.

22.8 That no building plans be approved until the stormwater conditions are met.

23 That the lease be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

24 That the lease be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

25 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.17 **FNS.13 [UTP] APPLICATION FOR THE REZONING OF PORTION 17 OF FARM KRUMHUK NO. 30 FROM 'LIGHT INDUSTRIAL' TO 'INDUSTRIAL' AND CONSENT FOR A NOXIOUS TRADE (RECYCLING OR CLEANING OF OIL)**
(17 Farm Krumhuk 30)

Application

An application was received on 13 May 2022 from Du Toit Town Planning Consultants, on behalf of the owner of the erf, Frederick Willem Johannes Carstens for the following:

- Rezoning of Portion 17 of Farm Krumhuk No. 30 from 'light industrial' to 'industrial'; and

- Consent to use Portion 17 of Farm Krumhuk No. 30 for a noxious trade (recycling or cleaning of oil).

*** The full application, including relevant correspondence/documentation is **attached as pages 465 - 538 and 539 - 552 respectively to the agenda.**

Erf information

Portion 17 of Farm Krumhuk No. 30 is located about 25 kilometre south of Windhoek at Aris, on the B1 Main Road which leads to Rehoboth. It is 8.2265 hectare in extent and is zoned 'light industrial'. There has been a brickmaking factory and recycling of oil business on the portion since the 1970s. Portion 17 was used as a brickmaking plant, which recycled used oil generated by the railways and other industries. The old brick factory is neither in use, nor is the used oil pipeline, but there is still a brickmaking operation and oil recycling operations on the farm. It is thus evident that the activities were of an 'industrial' nature for many years.

During the drafting of the Aris Town Planning Scheme, the portion was allocated a zoning of 'light industrial'.

Development intention

The intention is to rezone to 'industrial' so that the zoning and current land use are classified correctly.

Public consultation

Public consultation was completed as follows in line with the requirements of the Public Consultation Policy for the proposed development:

*** - The proposed rezoning of Portion 17 of Farm Krumhuk No. 30 was advertised in the New Era and in the Market Watch for the Republikein, Namib Sun and Allgemeine Zeitung newspapers on 24 and 31 May 2022, as per the advertisements, **attached as pages 539 - 542 to the agenda**;

*** - A notice of the proposed rezoning, **attached as pages 533 - 534 to the agenda**, was placed on the notice board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Neighbour consultation letters/forms, **attached as page 527 to the agenda**, were sent to the direct neighbours on Portion 6 of Farm Krumhuk No. 30; and

*** - Notice No. 7816, **attached as pages 535 - 538 to the agenda**, was also published in the Government Gazette of 01 June 2022.

The closing date was on 15 June 2022 and no objections were received.

Technical comments

The application was circulated to various departments, with technical comments received as follows:

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the proposed rezoning: Provided that the applicant meet all Council requirements.

- **Roads Planning and Traffic Flow**

  Portion 17 of Farm Krumhuk No. 30 is located south of Windhoek at the Aris settlement area and obtains access from District Road No. 1504. Portion 17 is 8.2265 hectare in extent and zoned 'light industrial'.

  There is no objection to the proposed rezoning of Portion 17 of Farm Krumhuk No. 30 from 'light industrial' to 'industrial' and consent to use the said portion for a noxious trade for recycling/cleaning of oil: Provided:

  - That the applicant provide a letter from the Roads Authority supporting the proposed rezoning.
  - That access be satisfactory.

- **Roads and Stormwater**

There is no objection to the proposed rezoning of Portion 17 of the Farm Krumhuk No. 30 from 'light industrial' to 'industrial': Provided:

- That the applicant appoint a registered professional Engineer to compile a detailed 50-year flood report of the river and other stormwater courses, at own cost and risk.

- That the applicant apply the conditions as stipulated in the detailed 50-year flood report.

- That the applicant accept the outcome of the detailed 50-year flood report, and if allowed by the flood report, appoint a registered professional Engineer to submit detailed Engineering plans as to how the proposed portion is to be protected against any potential flood damage.

- That no adjacent or opposite property be negatively affected by the proposed development along the river and other stormwater courses.

- That no development be allowed within the 50-year flood level of the river and other stormwater courses.

- That no development be allowed onto or over any stormwater system or structure.

- That any river or major stormwater crossing be accommodative of at least a 50-year flood, and that any river crossing be designed by a registered Professional Engineer.

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme).

- That access and 'right of way' servitudes be according to the conditions as stipulated by the Strategic Executive: Urban and Transport Planning.

- That the applicant comply with the requirements of the Roads Authority, TransNamib and NamWater for existing and future planned road reserves, stormwater accommodation, railway reserves and water pipeline reserves along the proposed Portion 17 of the Farm Krumhuk No. 30.

- That the applicant ensure that existing stormwater accommodation systems, road and railway infrastructure along the B1 road reserve and railway reserve, not be negatively affected by any proposed development or operations on the proposed Portion 17 of the Farm Krumhuk No. 30.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

There is no objection to the proposed application: Provided:

- That it be noted that no existing bulk water and sewer services are available.

- That all cost for the provision of bulk and internal services be for the applicant's, including the cost of bulk infrastructure upstream and downstream from the erf.

- That all new water and sewer infrastructure requirements comply with the standard conditions to large subdivisions in respect of services, and that these requirements can be obtain from the Strategic Executive: Infrastructure, Water and Technical Services.

- That the applicant appoint a registered professional Engineer to design the water supply and sewer reticulation to the applicable municipal standards, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services, before construction commence.

- That the applicant provide its own water storage for the erf with a storage capacity of 48 hours.

- That it be noted that the Municipal Council of Windhoek will not be held responsible for the provision of water if the current approved groundwater supply limit as stipulated on the permit deteriorate in case of boreholes and additional drilling of boreholes will be subject to permit reviews.

- That the applicant appoint a registered professional Engineer to propose an acceptable waste water disposal system, subject to the following conditions:

  - That no pollution of the ground water occur.

  - That there be no health risks to the users and surrounding residents.

  - That the possibility to re-use the purified effluent be addressed.

- That the sewer system and proposed treatment of waste water be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval prior to approval of any building plans.

- That the issuing of the Waste Water Discharge Permit be subject to the adherence of all conditions pertaining to such permit.

- That only full waterborne waste systems be utilised and all Windhoek service standards apply.

- That final effluent from any treatment facilities comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.

- That sound Engineering measures be implemented to prevent possible contamination of the ground water source, which may result from the noxious industrial trade pertaining to the recycling/ cleaning of oil, and the waste water treatment facilities.

- That the operation and maintenance of all water and sewer infrastructure shall be the responsibility of the applicant.

- That the design criteria be in accordance with the 'The Guidelines for Human Settlement, Planning and Design' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is in principle no objection to the application submitted for the rezoning of Portion 17 of Farm Krumhuk No. 30 from 'light industrial' to 'industrial': Provided:

- That it be noted that the City has no network in this area and the provision of electricity should be off-grid or the applicant must approach NamPower for a connection point when close to their grid.

- That where MV/HV overhead lines of NamPower are in close proximity and servitudes have not been registered, the following horizontal clearing width apply for allowing access to the line and for safety reasons:

  - 220/132 kV – 25 metres either side of the overhead line structure; and

  - 66/33/22/19/11 kV – 11 metres either side of the overhead line structure and therefore, **no permanent structure is to be erected within the stipulated area.**

  - That no permanent structures be erected within any powerline servitude area.

- That a minimum vertical working clearance of 4.3 metres from the ground and horizontal working clearance of 2.9 metres from the body centre line, be maintained at all times, probably during road construction parallel or perpendicular to the line or crossing underneath the line with machinery/ trucks etc.

- That it be noted that encroaching of these clearances could result in electric shocks and hence fatalities.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

  There is no objection to the application and the Environmental Management Clearance Certificate provided for the operation is noted. The applicant should however submit a copy of the Environmental Management Plan (EMP) to the Health and Environment Services Division for the environmental auditing purposes.

Urban Policy evaluation

Portion 17 of Farm Krumhuk No. 30 is zoned 'light industrial' as per the Aris Town Planning Scheme.

According to the Aris Town Planning Scheme, the 'light industrial' and 'industrial' zonings have the following primary and consent uses:

Light industrial	
Primary uses	Warehouse, distribution centre, dwelling unit, supplementary dwelling unit, builder's workshops and stores, laboratories, cartage and transport services and offices ancillary to the main use
Consent uses	Industry, public garage, scrap yard, service station, workshop, kiosk, butchery and primary use with a floor area of more than 2 000 m²

Industrial	
Primary uses	Industry, light industry, business premises
Consent uses	**Noxious trade**, mining, public garage, service station, scrap yard, primary use with a floor area of more than 2 000 m²

Based on the above land uses, the application for the rezoning of Portion 17 of Farm Krumhuk (and subsequent consent for the noxious trade) is aligned with the definition of 'industrial' zoning.

The land use existed before the Aris Town Planning Scheme was formulated and the scheme allows one to rezone from one use to another one. Furthermore, the land use still remains industrial (with noxious activities).

Technical comments indicate that the applicant should provide a letter from the Roads Authority supporting the proposed consent use and that access is satisfactory while the Health and Environment Division requires a copy of the Environmental Management Plan (EMP). Therefore, the rezoning will be subject to the pre-conditions of the Traffic Flow and Environmental Management Divisions before it is submitted to the Urban and Regional Planning Board.

The Strategic Executive: Infrastructure, Water and Technical Services indicated that there are no existing bulk water and sewer services available for Portion 17 of Farm Krumhuk, therefore the designs of these be submitted for approval prior to the submission of the application to the Urban and Regional Planning Board.

Betterment fee/compensation

A betterment fee of 30 % is applicable and the rezoning will be subject to the following betterment fee conditions:

- That it be noted that a betterment fee (compensation) is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

- That the applicant obtain an invoice for the betterment fee (compensation) from the Strategic Executive: Urban and Transport Planning (Urban Policy Division).

- That it be noted that the application will only be submitted to the Urban and Regional Planning Board upon payment of the betterment fee (compensation).

Conclusion

The rezoning of Portion 17 of Farm Krumhuk No. 30 from 'light industrial' to 'industrial' is supported.

The consent to use Portion 17 of Farm Krumhuk No. 30, for a noxious trade for the recycling or cleaning of oil is supported.

The applicant should submit a copy of the Environmental Management Plan (EMP) to the Health and Environment Services Division for the environmental auditing purposes, before the rezoning is submitted to the Urban and Regional Planning Board.

The applicant should provide a letter from the Roads Authority supporting the proposed rezoning and consent use and that access be satisfactory before the rezoning is submitted to the Urban and Regional Planning Board.

Management Committee,

RECOMMENDED

1 That the rezoning of Portion 17 of Farm Krumhuk No. 30 from 'light industrial' to 'industrial' be recommended to the Urban and Regional Planning Board for approval, pursuant to section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

2 That consent to use Portion 17 of Farm Krumhuk No. 30 for a noxious trade (recycling or cleaning of oil) in accordance with clause 4.7.1 of the Aris Town Planning Scheme, be recommended.

2.1 That this consent only come into effect once the Minister of Urban and Rural Development has granted approval for the rezoning of Portion 17 of Farm Krumhuk No. 30 from 'light industrial' to 'industrial'.

3 That the applicant pay a betterment fee (compensation) of 30 % on the increase in value of the property in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

4 That the applicant obtain an invoice for the betterment fee (compensation) from the Strategic Executive: Urban and Transport Planning.

5 That it be noted that the rezoning application will only be submitted to the Urban and Regional Planning Board upon payment of the betterment fee (compensation).

6 That the applicant submit a copy of the Environmental Management Plan (EMP) to the Strategic Executive: Economic Development and Community Services for the environmental auditing purposes, before the rezoning is submitted to the Urban and Regional Planning Board.

7 That the applicant provide a letter from the Roads Authority supporting the proposed rezoning and consent use and that access be satisfactory before the rezoning is submitted to the Urban and Regional Planning Board.

8 That the applicant appoint a registered professional Engineer to compile a detailed 50-year flood report of the river and other stormwater courses to own cost and risk.

9 That the applicant apply the conditions as stipulated in the detailed 50-year flood report.

10 That the applicant accept the outcome of the detailed 50-year flood report, and if allowed by the flood report, appoint a registered professional Engineer to submit detailed Engineering plans as to how the subject portion is to be protected against any potential flood damage.

11 That no adjacent or opposite property be negatively affected by the proposed development along the river and other stormwater courses.

12 That no development be allowed within the 50-year flood level of the river and other stormwater courses.

13 That no development be allowed onto or over any stormwater system or structure.

14 That any river or major stormwater crossing be accommodative of at least a 50-year flood, and that any river crossing be designed by a registered professional Engineer.

15 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:

15.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

15.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

15.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

15.4 That Engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.

15.5 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.

15.6 That no building plans be approved until the stormwater conditions are met.

15.7 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with confirmation of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]

16 That access and 'right of way' servitudes be in accordance with the conditions stipulated by the Strategic Executive: Urban and Transport Planning.

17 That the applicant comply with the requirements of the Roads Authority, TransNamib and NamWater for existing and future planned road reserves, stormwater accommodation, railway reserves and water pipeline reserves along the proposed Portion 17 of the Farm Krumhuk No. 30.

18 That the applicant ensure that existing stormwater accommodation systems, road and railway infrastructure along the B1 road reserve and railway reserve, not be negatively affected by any proposed development or operations on the proposed Portion 17 of the Farm Krumhuk No. 30.

19 That it be noted that no existing bulk water and sewer services are available.

20 That all cost for the provision of bulk and internal services be for the applicant's account, including the cost of bulk infrastructure upstream and downstream from the erf.

21 That it be noted that all new water and sewer infrastructure requirements have to comply with the standard conditions to large subdivisions in respect of services, and that these requirements can be obtain from the Strategic Executive: Infrastructure, Water and Technical Services.

22 That the applicant appoint a registered professional Engineer to design the water supply and sewer reticulation to the applicable municipal standards, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services, before construction commence.

22.1 That the water and sewer designs be submitted for approval to the Strategic Executive: Infrastructure, Water and Technical Services prior to the submission of the application to the Urban and Regional Planning Board.

22.2 That construction only take place after the rezoning has been approved by the Urban and Regional Planning Board.

23 That the applicant provide its own water storage for the erf with a storage capacity of 48 hours.

24 That it be noted that the Municipal Council of Windhoek will not be held responsible for the provision of water if the current approved groundwater supply limit as stipulated on the permit deteriorate in case of boreholes, and additional drilling of boreholes will be subject to permit reviews.

25 That the applicant appoint a registered professional Engineer to propose an acceptable waste water disposal system, subject to the following conditions:

25.1 That no pollution of the ground water occur.

25.2 That there be no health risks to the users and surrounding residents.

25.3 That the possibility to re-use the purified effluent be addressed.

26 That the sewer system and proposed treatment of waste water be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval prior to approval of any building plans.

26.1 That the issuing of the Waste Water Discharge Permit be subject to the adherence of all conditions pertaining to such permit.

27 That only full waterborne waste systems be utilised and all Windhoek's service standards apply.

28 That final effluent from any treatment facilities comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.

29 That sound Engineering measures be implemented to prevent possible contamination of the ground water source, that may result from the noxious industrial trade pertaining to the recycling/cleaning of oil, and the waste water treatment facilities.

30 That the operation and maintenance of all water and sewer infrastructure be the responsibility of the applicant.

31 That the design criteria be in accordance with the 'The Guidelines for Human Settlement, Planning and Design' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

32 That it be noted that the Municipal Council of Windhoek has no electrical network in the area and the provision of electricity should be off-grid or the applicant must approach NamPower for connection point when close to their Grid.

33 That where MV/HV overhead lines of NamPower are in close proximity and servitudes have not been registered, the following horizontal clearing width applies for allowing access to the line and for safety reasons:

33.1 220/132 kV - 25 metres either side of the overhead line structure; and

33.2 66/33/22/19/11 kV – 11 metres either side of the overhead line structure, and therefore, no permanent structure is to be erected within the stipulated area.

33.3 That no permanent structures be erected within any powerline servitude area.

33.4 That a minimum vertical working clearance of 4.3 metres from the ground and horizontal working clearance of 2.9 metres from the body centre line be maintained at all times, probably during road construction parallel or perpendicular to the line or crossing underneath the line with machinery/ trucks etc.

33.5 That it be noted that encroaching these clearances will result in electric shocks and hence fatalities.

34 That the applicant accept the conditions of this Council Resolution in writing.

35 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.

35.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

36 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.18 FNS.14 [HPH] REPORT ON OBJECTION RECEIVED ON THE LEASE OF A PORTION OF ERF 330, KLEINE KUPPE - NOTICE NO. 4/2020
(L/Objections Notice 4/2020)

Introduction

*** This item serves to table the objection letter as received from Busy Bodies Playground, represented by Ms A Mandy, in response to the advertisement of Notice No. 4/2020, **attached as page 553 to the agenda**, with respect to the lease of a portion of Erf 330, Kleine Kuppe as resolved under Council Resolutions 103/04/2018 and 165/07/2019, **attached as pages 554 - 555 and 556 respectively to the agenda**. The objection letter dated 21 February 2020, **attached as page 557 to the agenda**, has been submitted on time as per the requirement of the advertisement.

*** In addition, the item as well serves to rectify the correct lease area. The resolution indicated that Erf 330, Kleine Kuppe (± 39 637 m² in extent) be leased to Haven Zoological Park. An inspection that took place on 27 July 2022, has revealed that there is a small portion of ± 2 005 m² in extent that is not forming part of the lease of Haven Zoological Park and should thus be deducted from the entire erf size. Therefore, the lease area for Haven Zoological Park in respect of Erf 330, Kleine Kuppe should be ± 37 627 m² in extent and accordingly adjusting the monthly rental amount to N$22 920.20. The lease area diagram for a portion of Erf 330, Kleine Kuppe is **attached as page 558 to the agenda.**

Background

*** Council per Resolution 165/07/2019, **attached as page 556 to the agenda**, *inter alia* resolved as follows:

3 That paragraph 2 of Council Resolution 103/04/2018 be amended to read as follows:

2 That Erf 330, Kleine Kuppe (± 39 637 m² in extent) be leased to Haven Zoological Park for a period of five (5) years at a monthly rental of N$20 142.08 (excluding VAT): subject to an annual rental escalation equal to Namibia inflation rate and limited to 10 %.

*** Such lease is subject to an advertisement in line with section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which has been done as per Notice No. 4/2020. Following the advertisement, an objection was received from Busy Bodies Playground represented by Ms A Mandy as reflected on their letter dated 21 February 2020. The Objector indicated that they are subleasing the intended lease property from Mr Martin Wiese who is the owner of Haven Zoological Park, and as such paying a rental amount to Mr Wiese. They have as well indicated that they have invested on the property where they have done some improvements. Following the objection received from Busy Bodies Playground as represented by Ms A Mandy, the Municipal Council of Windhoek addressed a letter dated 3 March 2020, **attached as pages 559 - 560 to the agenda**, to Haven Zoological Park to remedy the sublease contravention allegations, should it be true. In response to the Municipal Council of Windhoek's letter, Haven Zoological Park per letter dated 20 March 2020, **attached as pages 561 - 562 to the agenda**, indicated that Ms A Mandy was their Manager and should not be construed as a sublease. Furthermore, Koep & Partners Attorneys, representing Haven Zoological Park, wrote a letter to the Municipal Council of Windhoek dated 2 July 2021, **attached as pages 563 - 564 to the agenda**, indicated that the certain Ms A Mandy left the premises hence there is no sublease.

*** It is worth noting that both the Objector (Ms A Mandy) and Haven Zoological Park have been accordingly informed per letter dated 3 March 2020, **attached as page 565 to the agenda**, that the lease objection will be submitted to Council for consideration. Moreover, the tabling of the objection is in line with the provisions of section 63(3)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), that in case objections are lodged, the immovable properties in question shall not be leased, but such objection be forwarded to the Minister for a final decision.

Policy requirements: Advertisement

The lease was advertised per the provisions of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), and thereto only one (2) objection was received.

As set out in section 63(3)(b), in the event objections are lodged, the immovable property in question shall not be leased, unless the Local Authority Council (emphasis Council) has submitted to the Minister such particulars as the Minister may require in relation to the proposed transaction. Further, it state that the proposed transaction together with the objections lodged and the comments of the Local Authority Council must be submitted to the Minister. It is important to note that only certain excerpt of the section is paraphrased for the purpose of this submission. Accordingly, having received an objection, the item is herewith submitted to Council for consideration.

Reasons of objection as presented by the Objector

- *Haven Zoological Park is subleasing the lease premises to the Objector and thus propose that the premises rather be leased to the Objector; and*

- *The tenant has not maintained the premises into green zones as required by the lease.*

The reasons for objection are more amplified in the letter attached as indicated in the aforementioned paragraphs.

Site inspection

*** A site inspection was conducted on 2 November 2022 and a photograph indicating improvements on the premises, is **attached as page 566 to the agenda.** The inspection revealed that there are no Busy Bodies Playground facilities on-site, which means it has been removed.

Comments from the Strategic Executive: Housing, Property Management and Human Settlement

- **Valuations**

*** Note is taken from the background that the actual occupied lease area is ± 37 627 m² and not ± 39 637 m² in extent as initially approved per Council Resolution 165/07/2019. Accordingly, taking the current market conditions into considerations the renal amount is now adjusted from N$20 142.08 to N$22 920.20, as reflected on the adjusted Valuation Certificate, **attached as pages 567 - 568 to the agenda.**

- **Property Management**

*** Following the objection received from Busy Bodies Playground as presented by Ms A Mandy, a letter dated 21 February 2020, **attached as page 557 to the agenda,** was addressed to the Haven Zoological Park to remedy the sublease contravention allegations should it be true. In response to the Municipal Council of Windhoek's letter, Haven Zoological Park per letter dated 20 March 2020, **attached as pages 561 - 562 to the agenda**, clarified that Ms A Mandy's Manager role, should not be construed as a sublease.

Taking the above into consideration, there is no evidence that can establish the alleged sublease between Haven Zoological Park and the Objector. Thereto, the proposed lease as resolved per Council Resolutions 103/04/2018 and 165/07/2019 should stand to be concluded once all requirement are followed and as such the objections be noted, but be set aside.

*** Further to the above, a letter dated 24 June 2021, **attached as pages 569 - 570 to the agenda**, was written to the Haven Zoological Park and was informed of his accumulated rental and service arrears of N$131 015.86 and N$263 004.27. However, they did not yet settle the amount, hence the lease can only be concluded once the arrears are settled. This Council Resolution should be conveyed to the client and informed that they need to settle the arrears in respect to the rental and service account of Erf 330, Kleine Kuppe within thirty (30) days. Failure in settling these arrears, Council should obtained an eviction order and lay a claim on the arrears.

Conclusion

Concluding from the objections received as well as investigating the objection of Ms A Mandy, Council found her objections not valid. Therefore, Council cannot be involved in the private business relationship between Haven Zoological Park and Ms A Mandy. Council Resolutions 103/04/2018 and 165/07/2019 are still supported and should therefore be forwarded to the Minister of Urban and Rural Development for a final decision in line with the provisions of section 63(3)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

The lease area for Haven Zoological Park in respect of a portion of Erf 330, Kleine Kuppe should be ± 37 627 m². Accordingly, the rental amount has been adjusted and amended to N$22 920.20.

Management Committee,

RECOMMENDED

1 That the lease area for Haven Zoological Park in respect of a portion of Erf 330, Kleine Kuppe, be noted as ± 37 627 m² in extent.

2 That the lease amount for Haven Zoological Park in respect of a portion of Erf 330, Kleine Kuppe, be noted and amended to N$22 920.20.

3 That the objections as received from Busy Bodies Playground (Ms A Mandy) against the lease of Erf 330, Kleine Kuppe (± 37 627 m² in extent) to Haven Zoological Park, be noted.

4 That it be noted that the objection of Busy Bodies Playground (Ms A Mandy) is found to be invalid in relation to the lease agreement and therefore the relationship of Busy Bodies Playground (Ms A Mandy) and Haven Zoological Park is regarded to be of a private business arrangement and not a sublease.

5 That it be noted that Busy Bodies Playground (Ms A Mandy) is no more operating on the premises (Erf 330, Kleine Kuppe) and the objections are not valid anymore.

6 That Busy Bodies Playground (Ms A Mandy) be accordingly informed once the Minister has taken the final decision.

7 That this resolution together with Council Resolutions 103/04/2018 and 165/07/2019 and the objections from Busy Bodies Playground (Ms A Mandy) be submitted to the line Minister for consideration in terms of section 63(3)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

8 That it be noted that there are accumulated rental and service arrears of N$131 015.86 and N$263 004.27 and that the Lease Agreement only be concluded once the arrears are settled.

9 That should the rental and service arrears in respect to Erf 330, Kleine Kuppe not be settled within a period of thirty (30) days that an eviction order be obtained.

10 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.19 FNS.15 [HPH] APPLICATIONS TO LEASE PORTIONS OF ERVEN 332 AND 331, KLEINEKUPPE FOR RECREATIONAL PURPOSES
(L/331/KK) (L/332/KK)

Management Committee, at its meeting held on 13 March 2023 per Item FNS. 15 *inter alia* resolved as follows:

That the Strategic Executive: Housing, Property Management and Human Settlement urgently request the two (2) applicants, !Ai/Gams Leisure & Recreational Resort; and Datuma Investment CC to indicate whether they are still interested in the property and whether their development proposals remain the same, prior to the matter serving at Council, for consideration.

*** The letters from the City to the two (2) applicants, !Ai/Gams Leisure & Recreational Resort; and Datuma Investment CC dated 17 March 2023, respectively, together with their responses dated 20 March 2023 from Barrie P Watson Town and Regional Planner on behalf of Datuma Investments CC, and 23 March 2023 from !Ai/Gams Leisure & Recreational Resort, respectively, are **attached as pages 571 - 572 and 573 - 574 to the agenda, respectively.**

Introduction

The purpose of this item is to submit for Council's consideration two (2) applications in respect of Erven 332 and 331, Kleine Kuppe for Council's consideration. The applications are submitted together as they relate to the same portions of land.

*** The item previously served at the Strategic Executives Forum meetings held on 19 October 2017, 8 February 2018 and 6 February 2020. The minutes of the said meetings are **attached as pages 575, 576 - 578 and 579 respectively to the agenda**. At the Strategic Executives Forum meeting held on 19 October 2017 it was recommended that applicants give a presentation on their business model. The applicants were accordingly invited as per letter dated 7 November 2017, **attached as page 580 to the agenda**. Two (2) applicants gave their presentations at Strategic Executives Forum meeting held on 8 February 2018. Following the Strategic Executives Forum meeting further technical comments were sought whereby an option of housing development was investigated. The investigation revealed that the topography of the subject property is not suitable for the housing development project and thus the two applications rather be considered as initially submitted.

The amended original item is hereby submitted for consideration.

Applications

*** The first application dated 20 May 2013, **attached as pages 581 - 586 to the agenda**, was received from !Ai/Gams Leisure & Recreational Resort to lease one (1) of Erven 335, 318, and 331, Kleine Kuppe or a portion of Windhoek Town and Townlands No. 70/86 for establishing a recreational resort. The resort will consist of a mini golf course, an indigenous landscape park, an electronic gaming centre, a restaurant, a courtyard as well as a mini-artificial rock-climbing arena. The applicant also planned a future skateboarding arena.

*** A second application dated 26 March 2015 **attached as pages 587 - 608 to the agenda**, was received from Barrie P Watson Town and Regional Planner on behalf of Datuma Investments CC to lease a portion of Erven 331 and 332, Duwisib Street, Kleine Kuppe to establish a suburban park comprised of a community centre, small conference facility and restaurant with a garden café. The applicant motivated that the two (2) erven will be developed as natural indigenous gardens with all the facilities the City expects in its parks, namely picnic facilities, children playground; benches, tables, litter bins and pathways.

Property description

*** - Erf 335, Kleine Kuppe (± 38 342 m² in extent) is zoned 'public open space' and is indicated on the plan, **attached as page 609 to the agenda**;

*** - Erf 318, Kleine Kuppe (± 10 hectare in extent) is zoned 'undetermined' and is indicated on the plan, **attached as page 610 to the agenda**;

*** - Erf 331, Kleine Kuppe (± 8.3 hectare in extent) is zoned 'public open space' and is indicated on the plan, **attached as page 611 to the agenda**;

*** - Erf 332, Kleine Kuppe (± 19 hectare in extent) is zoned 'public open space' and is indicated on the plan, **attached as page 612 to the agenda**;

*** - Windhoek Town and Townlands No. 70/86 (± 173.8 hectare in extent) is a townland and is indicated on the plan, **attached as page 613 to the agenda**; and

*** - Duwisib Street is a 70 metre long cul-de-sac street and is indicated on the plan, **attached as page 614 to the agenda**.

*** It should be noted that Erf 335, Kleine Kuppe is no longer available for lease, as it was allocated as per Council Resolution 332/11/2015, **attached as pages 615 - 617 to the agenda**. Erf 318, Kleine Kuppe is equally no longer available for lease, as it is to be sold on tender as per Council Resolution 67/03/2015, **attached as pages 618 - 622 to the agenda**.

Technical comments

The following comments were received:

Comments from the Strategic Executive: Economic Development and Community Services

- **Economic Development**

  There is no objection to the proposed lease applications as the concept is in line with the intended utilisation of the erven. Given the limited financial capacity of the City which prevents the development of much needed recreational facilities, it makes sense to engage the private sector to develop and manage same, provided that the involvement of the private sector does not hamper the accessibility and affordability of such services to the residents. It has been stated that similar applications have previously been received and subsequently, it is proposed (for transparency, equity and efficiency reasons) that it would be in Council's and the public's best interest that comprehensive and comparable closed tenders/Expressions of Interest (EoIs), be invited from applicants/ interested parties for the long term lease of the said erven for the purposes of developing and managing recreational facilities.

  A long-term lease is proposed as it would not be in Council's interest to sell this land, In addition, the cost of purchasing the erf would put undue financial pressure on the operations of the facilities to cover the additional costs of development which in turn may render the facility unaffordable to residents and/or unprofitable to the private partner.

  It is recommended to request during the call for tenders/Expressions of Interest (EoIs) and all future long-term lease applications of developments of a business nature, detailed information on the proposed investment into the development (per individual activity as listed in an application) and projected cash flow to enable the City to obtain a better understanding of the viability and socio-economic benefits of the application for Council and the wider Windhoek community.

- **Environmental Management**

  There is no objection and the establishment of a recreational park is a listed activity in the Environmental Management Act, 2007 (Act 7 of 2007) and would therefore require an environmental clearance.

- **Parks**

  Erf 331, Kleine Kuppe has two (2) portions to be leased to the respective applicants. The hill top park has always been reserved for the development of the City's Hill Top Park and with the application of Datuma Investment suits the intended development of the hill top. The Municipal Council of Windhoek's Policy for the distribution and future usage of public open spaces in Windhoek of 2001 (Council Resolution 251/07/2001) defines open spaces as *those areas specifically left free of any intensive development. They can serve many functions, including preservation of fragile ecosystems, natural area, scenic vista,*

aesthetic quality, wildlife habitats, cultural, historical and archaeological areas, outdoor recreation areas of all forms, pedestrian linkages, walkways and trails, aquifer recharge areas, etc. The area demarcated for the hilltop park should remain public open space.

The lower part of the hill top as applied by !Ai//Gams Leisure is supported. 'Public open spaces' should be rezoned to private open spaces when it has to be leased.

Erf 332, Kleine Kuppe is also a public open space that a park may be developed. There is no objection to the application.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is in principle no objection to the application submitted for Erven 331 and 332, Kleine Kuppe: Provided:

- That it be noted that electrical services are within close proximity and accessible from Gamsa Street. [Erf 180, Kleine Kuppe and a portion from Erf 331, Kleine Kuppe are reserved to construct a substation, not necessarily for this development but whatever possible development in the area and in particular mainly for Erven 331 and 332, Kleine Kuppe.]

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

- That only one (1) service connection from the municipal electrical network be allowed per erf.

- That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.

- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation; and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

Portion A of Erf 331, Kleine Kuppe

No water connection is available for Portion A. The closest water line is west from Duwisib Street on the side walk. No permanent structures may be erected within 2.5 metres from the water line that is situated in Duwisib Street.

No sewer connection is available for Portion A. The closest sewer lines run through the northern and north western area of Erf 331.

The applicant has to appoint a registered professional Engineer to do the designs for a water and sewer connection for Portion A. The designs should be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start. After approval of the designs, the applicant should appoint a Contractor to do the construction of the water and sewer lines. The supervision of the construction work should be done by a Registered Engineer. All costs involved, due to the new water and sewer connections, will be for the applicant's account.

Portion B of Erf 331, Kleine Kuppe

No water connection is available for Portion B. The closest water line is near Erf 200 in Otjivero Road.

No sewer connection is available for Portion B. The closest sewer lines run through the northern and north western area of Erf 331, near Erf 200.

The applicant has to appoint a registered professional Engineer to do the designs for a water and sewer connection for Portion B. The designs should be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start. After approval of the designs, the applicant should appoint a Contractor to do the construction of the water and sewer lines. The supervision of the construction work should be done by a registered Engineer. All costs involved, due to the new water and sewer connections, will be for the applicant's account.

Portion A of Erf 332, Kleine Kuppe

A water connection is available for Portion A in Duwisib Street. No permanent structures may be erected within 2.5 metres from the water line that is situated in Duwisib Street.

No sewer connection is available for Portion A. The closest sewer line is near Erf 258.

The applicant has to appoint a registered professional Engineer to do the design for a sewer connection for Portion A. The design should be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start. After approval of the design, the applicant should appoint a Contractor to do the construction of the sewer line. The supervision of the construction work should be done by a registered Engineer. All costs involved, due to the new sewer connection, will be for the applicant's account.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Planning**

The application to lease Erven 331 and 332, Kleine Kuppe are supported. Erven 331 and 332, Kleine Kuppe are zoned as 'public open space', defined as *land use by the public for park, garden, games, park, playgrounds and recreation grounds*. The applicant applied for almost all activities mentioned in the definition of public open spaces. The activities mention by the applicant should be open for the public to utilise. All erven are suitable because of its proximity to an already developed area, therefore it will be of good use by the resident of Kleine Kuppe and the greater public of the Municipal Council of Windhoek.

The conditions as proposed by the applicants, that access will be free for the general public, such as picnic facilities, children playground, benches, tables, litter bins and pathways, should be incorporated into the Lease Agreement.

Further information was obtained from the Property Management Division, that the applicant will be charging the public as a means to sustain the operation. This deviates from the public open space activities and this would warrant a rezoning of the 'public open space' to a suitable land use. The appropriate land use that would fit the activities applied for warrant the properties to be rezoned to 'business'. The applicants will have to be responsible for the subdivision as well as the subdivision at their costs.

- **Sustainable Development**

Erf 331, Kleine Kuppe

The topography of Erf 331, Gamsa Street, Kleine Kuppe is mountainous on the western part and level on the eastern part. Erf 331 is zoned 'public open space' and is ± 83 246 m² in extent. The surrounding zonings are 'public open space', 'municipal', 'residential' and 'undetermined'. The erf is at present vacant and there are no activities taking place. It is advised that since the Strategic Executive: Economic Development and Community Services (Parks, Recreation, Sports and Cemeteries) has plans to construct a view point park on the erf, the view point park should be developed by the Developer in conjunction with the Strategic Executive: Economic Development and Community Services (Parks, Recreation, Sports and Cemeteries) and that access should be open to the public. The proposed land use that of a recreational facility is therefore supported.

Erf 332, Kleine Kuppe

Erf 332, Chasie Street, Kleine Kuppe is zoned 'public open space' and is ± 190 592 m² in extent. The surrounding zonings are 'residential', 'general residential' and 'undetermined'. The erf is at present vacant and there are no activities taking place. The erf's topography is mountainous and rocky, a bit sloppy but can still be developed. Proposed development is in line with the current zoning. The application to acquire a portion (± 4 900 m² in extent) of Erf 332, Chasie Street, Kleine Kuppe is supported.

Portion Y of Portion 70/86, Windhoek Town and Townlands

Portion Y of Portion 70/86, Robert Mugabe Avenue, Windhoek Town and Townlands currently forms part of the Klein Windhoek Town and Townlands and shares a boundary with the western part of Klein Kuppe. The portion is zoned 'undetermined' and is ± 173 796 m² in extent. The surrounding zonings are 'residential', 'institutional', 'business' and 'undetermined'. The erf is at present used for dog walking and dumping of building rubble. The application to acquire a portion of Portion Y of Portion 70/86 is not supported because the portion lies within an aquifer protection zone.

In summary it is recommended as follows:

- That as first option the application to lease Erf 331, Otjivero Street, Kleine Kuppe could be supported, on condition that the applicant develop the 'View Point' public space in conjunction with the Strategic Executive: Economic Development and Community Services (Parks).

- That as second option the application to lease Erf 335, Frankie Fredericks Drive, Kleine Kuppe could be supported.

- That as the third option the application to lease Erf 318, Chasie Street, Kleine Kuppe could be supported.

- That the application to lease Portion Y of Portion 70/86, Windhoek Town and Townlands not be supported, as the area is lying in an aquifer protection zone.

- **Roads Planning, Design and Traffic Flow**

The sites were investigated and the following can be reported:

Duwisib Street

Duwisib Street was created to provide access for future township into Farm R/B/70 and thus cannot be leased for private use. The street is not surfaced and earthworks only of a portion thereof were finalised. Duwisib Street can afford access to the proposed developments and thus the Developer should upgrade Duwisib Street at their own cost, if needed. Hence the requirement to exclusively use Duwisib Street for the proposed development is not supported.

Erven 331 and 332, Kleine Kuppe

There is no objection to the lease of these erven for establishing recreation or public facilities: Provided:

- That no access be obtained at a minimum of 15 metres from any intersection.
- That the recreational activities be confined to the lease area and not spill over into the road reserve.
- That traffic calming be incorporated between the two (2) erven, including raised pedestrian crossings to provide for enhanced pedestrian crossings both at envisaged pedestrian paths and at intersection to ensure secure passage of pedestrians.
- That public transport facilities be provided (bus and taxi drop-off facilities) being to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- That building plans be submitted for approval prior to any upgrading realising within the lease areas.
- That the applicant first submit urban design concepts for approval for both the lease areas which should guide development on same.
- That it be noted that due to the topography, a conference facility might involve significant earthworks which could impact the surrounding environment and natural look.
- That the parking requirement be as follows:
  - Play parks - one (1) parking bay per 100 m² of erf area;
  - Restaurant - one (1) parking bay per three (3) seats plus a loading zone;
  - Garden café – One (1) parking bay per four (4) seats plus a loading zone; and
  - Conference facilities – one (1) parking bay for every four (4) seats up to fourty (40) seats and one (1) parking bay for every five (5) seats above fourty (40) seats.

- **Road and Stormwater**

The site was investigated and the following can be reported:

- Portion A of Erf 331, Kleine Kuppe is a hill with a downward slope from the centre of the portion towards all directions;
- The applied Portion A of Erf 331, Kleine Kuppe is very steep from the centre toward the south easterly direction;

- There appears to be no physical sign of any stormwater systems crossing the proposed Portion A of Erf 331, Kleine Kuppe except for surface stormwater flow;

- Portion A of Erf 332, Kleine Kuppe is a hill with its tip at the south eastern boundary, making the stormwater to flow towards west, north west, north, north east and easterly directions;

- There appears to be no physical sign of any stormwater systems crossing the proposed Portion A of Erf 332, Kleine Kuppe except for surface stormwater flow;

- Duwisib Street is situated between Erven 331 and 332, Kleine Kuppe with a flow from north west into south easterly direction; and

- There appears to be no physical sign of any stormwater systems crossing the proposed Duwisib Street except for surface stormwater flow.

There is no objection to the proposed lease of Erven 331 and 332, Duwisib Street, Kleine Kuppe to establish a suburban park comprises of a community centre, small conference facility and restaurant with a garden café: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Comments from the Strategic Executive: Housing, Property Management and Human Settlement

- **Property Management**

The applications are supported as per technical inputs received on Erven 331 and 332, Kleine Kuppe from the Housing and Land Delivery Division after their evaluation. There is no objection to the lease of any of Erven 331 and 332, Kleine Kuppe or a portion of Windhoek Town and Townlands No. 70/86, except Erf 335, Kleine Kuppe. Erven 335 and 318, Kleine Kuppe have already been respectively resolved to be leased and to be sold on tender. In any event, the applications on Erf 318, Kleine Kuppe are addressed under a separate item.

*** The applicants respectively requested for lease duration of five (5) and thirty (30) years, whilst the technical comments proposed a long term lease without specifying. As such the provisions of the Policy as adopted under Council Resolution 05/01/2006, **attached as pages 623 - 625 to the agenda**, should be consulted. In terms of paragraph 6.2 *inter alia* reading as follows:

Ground that is leased by tender for recreational purposes and Commonages, being usually ground that needs a lot of capital to be investigated by the successful tenderer.

Although the subject lease applications are on private treaty and not on tender as the Policy stipulates, the basis for considering the same number of lease years is in order to allow the applicant to recoup their investments. Thus a fifteen (15) year lease period is supported.

*** With further engagement with the client, they indicated that they will be charging fees to the public for the activities conducted on the public open space in order to sustain the operation. Noting from the Urban Planning Division that should the public be charged for activities on public open spaces, this would warrant the closure of the public open space and as well to rezone it to the appropriate land use. This brings the discussion back to the directives of the Ministry of Urban and Rural Development as per the letter dated 13 April 2015, **attached as page 626 to the agenda**. The letter stipulates that the Municipal Council of Windhoek be informed to refrain from closing its public open spaces without creating new ones in the same areas as the Urban and Regional Planning Board will no longer support such closures.

- **Valuations**

*** The rental Valuation Certificates for Portion A of Erf 331, Kleine Kuppe (± 5 600 m² in extent), Portion B of Erf 331, Kleine Kuppe (± 8 300 m² in extent) for !Ai/Gams Leisure & Recreational Resort and Portion A of Erf 332, Kleine Kuppe (± 4 900 m² in extent) for Datuma Investment CC, are **attached as pages 627 and 628 respectively to the agenda.**

In the event the applicant fails to conclude the Lease Agreement within the given time, the rental should be revised at any given time before concluding such a Lease Agreement.

- **Housing and Land Delivery**

A site inspection was conducted in 2018, of which the assessment is advising that the land can be made available to the applicants on a lease basis.

*** Relevant e-mail correspondence is **attached as pages 629 - 643 to the agenda.** The location of Erven 331, 332 and the portions applied for, is indicted on the plan, **attached as page 644 to the agenda.**

Conclusion

Property Management comments that the two applications received be supported since those erven are not suitable for housing project. The Strategic Executives Forum resolution as per the meeting held on 8 February 2018, should be rescinded and be replaced with the current recommendations.

The following is proposed:

*** - That Erf 331, Kleine Kuppe be divided into two (2) lease portions, namely Portion A (± 5 600 m² in extent) and Portion B (± 8 300 m² in extent) as indicated on the plan, **attached as page 645 to the agenda.**

*** - That Erf 332, Kleine Kuppe be divided into one (1) lease portion, namely Portion A (± 5 600 m² in extent) as indicated on the plan, **attached as page 646 to the agenda.**

- That Portion B of Erf 331, Otjivero Road, Kleine Kuppe (± 8 300 m² in extent) be leased to !Ai/Gams for a period of fifteen (15) years.

- That Portion A of Erf 331, Duwisib Street, Kleine Kuppe and Portion A of Erf 332, Kleine Kuppe be leased to Datuma Investments CC for a period of fifteen (15) years.

The leases are beneficial to Council as they will be generating revenue as well getting the property developed in line with Council's Policy and planning.

The client indicated that they will be charging fees to the public for the activities conducted on the public open space in order to sustain the operation. Noting from the Urban Planning Division comments that should the public be charged for activities on public open spaces, this would warrant the closure of the public open space and as well as to rezone it to the appropriate land use. The applicants should be responsible for the subdivision as well as the rezoning at their own cost.

*** The above cited directives of the Ministry of Urban and Rural Development as per the letter dated 13 April 2015, **attached as page 626 to the agenda,** stipulates that *the Municipal Council of Windhoek be informed to refrain from closing its public open spaces without creating new ones in the same areas as the Urban and Regional Planning Board will no longer support such closures.*

It is best that Council consider on the best option, taking the directives of the Ministry of Urban and Rural Development into consideration as well as the comments from the Urban Planning Division.

Management Committee,

RECOMMENDED

1 That the applications received from !Ai/Gams Leisure & Recreational Resort; and Datuma Investment CC, be noted and supported.

2 That Erf 331, Kleine Kuppe be subdivided at the applicant's cost into Portion A (± 5 600 m² in extent), Portion B (± 8 300 m² in extent) and the Remainder.

3 That Erf 332, Kleine Kuppe be subdivided at the applicant's cost into Portion A (± 4 900 m² in extent) and the Remainder.

4 That Portion A of Erf 331, Duwisib Street, Kleine Kuppe (± 5 600 m² in extent) and Portion A of Erf 332, Kleine Kuppe (± 4 900 m² in extent), be leased to Datuma Investment CC for a period of fifteen (15) years at the monthly rental of N$16 968.00 and N$14 847.00 respectively, subject thereto that the rental escalate annually with the Namibia Inflation Rate, but not exceeding 10 %.

5 That Portion B of Erf 331, Otjivero Road, Kleine Kuppe (± 8 300 m² in extent), be leased to !Ai/Gams Leisure & Recreational Resort for a period of fifteen (15) years at a monthly rental of N$25 149.00, subject thereto that the rental escalate annually with the Namibia Inflation Rate, but not exceeding 10 %.

6 That Portion A of Erf 331, Duwisib Street, Kleine Kuppe (± 5 600 m² in extent), Portion A of Erf 332, Kleine Kuppe (± 4 900 m² in extent) and Portion B of Erf 331, Otjivero Road, Kleine Kuppe (± 8 300 m² in extent), be rezoned to 'business' at the applicants' cost.

7 That in the event the any of the applicants fail to conclude their respective Lease Agreements within the given time that the rental be revised prior to concluding the Lease Agreements.

8 That !Ai/Gams Leisure & Recreational Resort only use the lease portion for recreational facilities such as a mini golf course, an indigenous landscape park, an electronic gaming centre, a restaurant, a courtyard as well as a mini-artificial rock climbing arena.

9 That Datuma Investment CC only use the lease portions for a suburban park, a community centre, small conference facility and restaurant with a garden café.

10 That subject to the provisions as per paragraphs 4 and 5 above, the applicants first submit urban design concepts to both the Strategic Executives: Housing, Property Management and Human Settlement; and the Economic Development and Community Services for approval which should guide development on the lease areas.

11 That the applicants at their cost be responsible to advertise the closure of the respective lease portions of Erven 331 and 332, Kleine Kuppe per clause 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

12 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicants' accounts.

13 That only one (1) service connection from the municipal electrical network be allowed per erf.

14 That only one (1) additional meter point be allowed for an approved flat on erven that is zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.

15 That the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation; and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

16 That it be noted that no water or sewer connections are available for Portions A and B of Erf 331, Kleine Kuppe.

17 That it be noted that no sewer connection is available for Portion A of Erf 332, Kleine Kuppe.

18 That the applicants appoint a registered professional Engineer to design the water and sewer connections for Portions A and B of Erf 331, Kleine Kuppe as well as for a sewer connection for Portion A of Erf 332, Kleine Kuppe.

19 That the designs for the water and sewer connections be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work start.

20 That after approval of the water and sewer designs the applicants appoints a Contractor to construct the water and sewer connections.

21 That the supervision of the construction of the water and sewer connections be done by a registered Engineer.

22 That all costs involved for the provision of water and sewer connection be for the applicants' accounts.

23 That no permanent structures be erected within 2.5 metres from the water line in Duwisib Street.

24 That the conditions, as proposed by Datuma Investments CC, for free access to the facilities to the general public, the development of a natural park for the public such as (namely picnic facilities, children playground; benches, tables, litter bins and pathways), be incorporated into the Lease Agreement as proposed by the applicants.

25 That the applicants note that Duwisib Street cannot be leased for exclusive use.

26 That the applicants at their own cost provide needed access to the respective lease portions.

27 That no access or off-street parking be provided 15 metres of any intersection.

28 That the recreational activities be confined to the lease area and not spill over into the road reserve.

29 That as part of the urban design concepts, foot paths be clearly defined and traffic calming be incorporated to provide for enhanced pedestrian movement to ensure secure passage of pedestrians between developments if warranted.

30 That the applicants integrate public transport facilities (bus and taxi drop-off facilities) as part of the development.

31 That building plans be submitted for approval for all improvements within the lease areas.

32 That parking be provided for as follows and incorporated as part of the urban design concept:

32.1 Play parks - one (1) parking bay per 100 m^2 of erf area;

32.2 Restaurant - one (1) parking bay per three (3) seats plus a loading zone;

32.3 Garden café - one (1) parking bay per four (4) seats plus a loading zone; and

32.4 Conference facilities - one (1) parking bay for every four (4) seats up to fourty (40) seats and one (1) parking bay for every five (5) seats above fourty (40) seats.

33 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

33.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

33.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

34 That the signing of the Lease Agreements be subject to the submission of the environmental clearance in line with the Environmental Management Act, 2007 (Act 7 of 2007).

35 That the lease be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

36 That the lease be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

37 That the Chief Executive Officer (Corporate Legal Adviser) draft the respective Lease Agreements.

38 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.20 FNS.16 [HPH] REPORT ON OBJECTIONS RECEIVED ON THE SALE OF A PORTION OF ERF 1729, WANAHEDA BY PRIVATE TREATY - NOTICE NO. 69/2014
(L/1729/Wan)

Management Committee, at its meeting held on 13 March 2023 per Item FNS. 16 *inter alia* resolved as follows:

That the Strategic Executive: Housing, Property Management and Human Settlement amend the submission and recommendations to reflect that the sale not be finalised with Racoon Investment CC.

Introduction

*** The purpose of this item is to submit to Council a response from the Ministry of Urban and Rural Development in a letter dated 17 August 2020, **attached as page 646(a) to the agenda** regarding an objection to the sale Erf 1729, Wanaheda to Racoon Investments CC and seek Council's comments on the objections. In the said letter the Ministry requested that Council clearly outline it's comments on the objections in terms of section 63(3)(b)(i) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

For ease of reference, the following is an extract from section 63(2):

63(2) A local authority council shall, before any immovable property is sold, disposed of, or let, hypothecated or otherwise encumbered, whether by way of tender or private transaction, first consult the Minister on its intention to so sell, dispose of or let, hypothecate or otherwise encumber such property, and after having consulted with the Minister, on such conditions as approved by the Minister, cause a notice to be published in at least two newspapers circulating in its area on one occasion in a week for two consecutive weeks –

(a) setting out the zoning and situation of such property and stating the place, dates and times where full particulars relating to the sale, disposal, letting, hypothecation or encumbrance of such property will lie for inspection by interested persons for a period of not less than seven days after the last date of the publication of such notice;

(b) in the case of the sale, disposal, letting, hypothecation or encumbrance of such immovable property by way of a private transaction, calling upon interested persons to lodge any objections to such sale, disposal, letting, hypothecation or encumbrance with the local authority council in writing within a period of not less than ten days after the last date of the publication of such notice.

(3)(a) If no objections have been lodged in terms of paragraph (b) of subsection (2), the local authority council in question shall be entitled to sell, dispose of, let, hypothecate or otherwise encumber such immovable property by way of such private transaction within one year as from such date.

(b) If any objection is lodged in terms of the said paragraph (b), the immovable property in question shall not be sold, disposed of, let, hypothecated or otherwise encumbered, unless –

(i) the local authority council has submitted to the Minister such particulars as the Minister may require in relation to the proposed transaction, together with the objections lodged and the comments of the local authority council thereon; and

(ii) the local authority council has obtained the approval of the Minister to so sell, dispose of, let, hypothecate or otherwise encumber such immovable property.

(c) The Minister may grant or refuse to grant his or her approval contemplated in paragraph (b)(ii) or may direct the immovable property in question to be sold, disposed of, let, hypothecated or otherwise encumbered by way of tender.

Background

*** Council per Resolution 367/11/2013 read together with Resolutions 283 /12/2016 and 123/06/2017, **attached as pages 647, 648 - 650 and 651 respectively to the agenda**, resolved to sell a portion of Erf 1729, Wanaheda (3 000 m² in extent) by private treaty to Racoon Investments CC. An amended Founding Statement for Racoon Investments CC is **attached as pages 652 - 659 to the agenda**. The sale was advertised on 7 July 2014 with a closing date of 21 July 2014 in accordance with the provisions of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), per Notice No. 69/2014, **attached as page 660 to the agenda**.

*** An objection to the sale was received from Ritta Khiba Planning Consultants CC on behalf of Landtech Namibia who in turn represented a certain Mr I Kandele. The letter of objection dated 7 July 2014; and an appeal letter dated 26 June 2014 are **attached as pages 661 and 661(a) - 661(c) respectively to the agenda**. The reasons for the objection are *inter alia* summarised as follows:

- *Landtech Namibia applied for the same property but was informed that the property cannot be sold as it has been earmarked for a neighbourhood park and playground; and*

- *Racoon Investments CC applied for Erf 1726, Wanaheda but Erf 1729, Wanaheda was allocated to them.*

Description of property

Erf 1729, Wanaheda (± 28 221 m² in extent), is zoned 'public open space' and is located in Mersey Street.

Comments on the objection

*** Landtech Namibia acting on behalf of Mr I Kandele submitted an application dated 12 October 2011, **attached as pages 662 - 665 to the agenda**, to purchase a portion of Erf 1729, Wanaheda (± 6 220.34 m² extent) for the purpose of developing a sectional title scheme on the property. In a letter dated 19 March 2012, **attached as page 666 to the agenda**, Council informed Landtech Namibia that Erf 1729, Wanaheda, zoned 'public open space' cannot be sold as it is reserved for a neighbourhood park and future play park with benches and trees, and it is desirable to maintain its natural character.

*** In a letter dated 12 April 2012, **attached as pages 667 - 668 to the agenda**, received the same day by the then Department of Planning, Urbanisation and Environment (Property Management Division), Landtech Namibia on behalf of Mr Kandele appealed Council's refusal to sell a portion of Erf 1729, Wanaheda (± 6 220.34 m² in extent) for sectional title development. In the letter, Landtech Namibia acknowledged that Erf 1729, Wanaheda (zoned 'public open space'), is reserved for a neighbourhood and play park with benches and trees. They reasoned that their proposal was for Council to avail 75 % of the area for development.

*** Racoon Investment CC in a letter dated 29 January 2013, **attached as pages 668(a) - 668(b) to the agenda**, applied to purchase a portion of Erf 1726 Wanaheda for residential use by constructing affordable flats. Erf 1726 Wanaheda could not be considered, because it was reserved for an informal sport field, informal market and taxi rank point. On 27 November 2013, Council per Resolution 367/11/2013, **attached as page 647 to the agenda**, resolved to allocate a portion of Erf 1729, Wanaheda (3 000 m² in extent) to Racoon Investments CC.

*** A letter dated 14 March 2014 from Racoon Investments CC to the Urban Planning Division, **attached as pages 669 - 672 to the agenda**, included the proposed subdivision plan for Portion A (3 000 m² in extent). The portion applied for by Racoon Investments CC coincides to a reasonable extent with that proposed by Landtech Namibia.

Proposed solution

The Strategic Executive: Housing, Property Management and Human Settlement initially proposed that a portion be allocated to the objector, Mr I Kandele as well. However, as per the Management Committee Minutes of 13 March 2023 indicated above; that the allocation of a portion of Erf 1729 Wanaheda to Racoon Investment CC *not be finalised*, the initial proposal can also not be considered.

*** This proposal has been anchored with the proposition that the objection by Ritta Khiba Planning ConsultantS CC on behalf of Landtech Namibia has considerable merits, therefore the sale of Portion A of Erf 1729 (3000 m² in extent), Wanaheda to Racoon Investment CC is not supported. For this reason, the Strategic Executive: Housing, Property Management and Human Settlement hereby recommend that Council Resolutions 367/11/2013, 283/12/2016 and 123/06/2017, **attached as pages 647, 648 - 650 and 651 respectively to the agenda**, be rescinded, and that both Racoon Investment CC and Mr I Kandele be informed accordingly.

Conclusion

This item brought to the attention of Council the response from the Ministry of Urban and Rural Development regarding objection to the sale a portion of Erf 1729, Wanaheda to Racoon Investments CC. The Ministry requested that Council clearly outline its comments on the objections in terms of section 63(3)(b)(i) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). In the interest of fairness and administrative justice, it is recommended that the objection from Ritta Khiba Town Planning Consultants CC has considerable merits; thus that both Racoon Investment CC and Mr I Kandele be turned down. Furthermore, that Council Resolutions 367/11/2013, 283/12/2016 and 123/06/2017, **attached as pages 647, 648 - 650 and 651 respectively to the agenda** be rescinded.

Management Committee,

RECOMMENDED

1 That it be noted that the objection by Ritta Khiba Planning Consultants CC on behalf of Landtech Namibia has merit.

2 That the sale to Racoon Investment CC not be supported.

3 That Council Resolutions 367/11/2013, 283/12/2016 and 123/06/2017, be rescinded.

4 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.21 FNS.17 [HPH] APPLICATION THE FOR REZONING OF ERF R/5546, WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF 1:900 m² TO 'HOSPITALITY' (GUESTHOUSE WITH SEVEN (7) ROOMS) (L/5546/W)

Application

An application was received from Du Toit Town Planning Consultants on behalf of the owners, Johannes Hendrik and Vanda Potgieter for:

- Rezoning of Erf R/5546, Windhoek from 'residential' with a density of 1:900 m² to 'hospitality' for a guesthouse accommodation establishment.

*** The full application, including relevant correspondence/documentation is **attached as pages 673 - 724 to the agenda.**

A Credit Clearance was provided, and the Strategic Executive: Finance and Customer Services indicated that the application have no arrears.

Erf information

Erf R/5546, Windhoek is located in Lessing Street. The erf is ± 1 246 m² in extent and is zoned 'residential' with a density of 1:900 m². A guesthouse with seven (7) leasable rooms is being operated on the erf as Hilltop Guesthouse. The guesthouse has operated under a resident occupation since 2014.

Development intention

The intention of the owner is to continue the accommodation establishment with a permanent zoning in line with the 'hospitality' zoning recently approved by the Urban and Regional Planning Board.

Advertisement

The public consultation process was completed as follows in line with the requirements of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) as well as Council's Public Consultation Policy for the proposed development:

*** - The proposed zoning was advertised in the New Era on 22 July and 4 August 2022 and the Market Watch on 29 July and 4 August 2022, as per the advertisements, **attached as pages 704 - 707 to the agenda**;

*** - A notice of the proposed rezoning, **attached as pages 708 - 711 to the agenda**, was placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Neighbour consultation letters/forms, **attached as pages 716 - 720 to the agenda**, were sent by certified mail to neighbours on owner of Erf R/2315 and 8843; and

*** - A notice was also published on 1 August 2022 in Government Gazette No. 7869, **attached as pages 712 - 715 to the agenda**.

The closing date for comments and objections was 18 August 2022 and no objections were received.

Technical comments

The following comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the proposed rezoning and consent uses.

- **Roads Planning, Design and Traffic Flow**

  Erf R/5546, Windhoek is located on Lessing Street. The erf is zoned 'residential' with a density of 1:900 m² and is ± 1 175 m² in extent. Lessing Street carries low traffic volumes, and no traffic problems are currently experienced in the street during peak hours. The rezoning will generate approximately twenty one (21) additional vehicular trips to the current road network.

There is no objection to the rezoning of the Remainder of Erf 5546, Windhoek from 'residential' with a density of 1:900 m² to 'hospitality' for an accommodation establishment (guest house with seven (7) rooms): Provided:

- That 0.66 parking bays be provided per leasable room plus five (5) parking bays per 100 m² open floor space (excluding reception area), plus a loading zone on-site.

There is no objection to the consent to use Erf R/5546, Windhoek in accordance with the proposed zoning while the rezoning is in process: Provided:

- That parking be provided as per the submitted parking layout.
- That consent use only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erf R/5546 has a general downward slope from the southwest into a north easterly direction;
- There is no visible stormwater course or system flowing across the proposed Erf R/5546, except for surface water run-off; and
- Access to Erf R/5546 is indicated to be obtained from Lessing Street.

There is no objection to the proposed application for the proposed rezoning of Erf R/5546, Lessing Street, Windhoek from 'residential' with a density of 1:900 m² to 'hospitality' (guest house with seven (7) rooms) and consent to use Erf R/5546 in accordance with the proposed zoning: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

Comments from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

The application can only be approved: Provided:

- That any additional requirements with regard to water or sewer services, brought on as a direct consequence of the rezoning or subsequent activities, be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Electricity

- **Technical Support**

The following conditions should be adhered to:

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

- That only one (1) service connection from the municipal electrical network be allowed to the erf.

- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

- That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

There is no objection to the application and the rezoning from 'residential' to 'hospitality' is not required to comply with environmental legal requirements.

Urban Policy evaluation

The proposed land use is not restricted to a specific policy area appears all over the city as demand dictates.

This is a small-scale accommodation establishment that mainly caters for international tourists. The operations took place legally in terms of the policy on accommodation establishments and had no to minimal disturbance in the neighbourhood. With the recent amendments to policy provisions for accommodation establishments the property need the rezoning.

A zoning category called 'hospitality' was recently approved by Council as well as by the Minister of Urban and Rural Development. The definition of hospitality, accommodation establishment and guesthouse are now based on the following definitions as contained in Windhoek Amendment Scheme No. 103 as well as the Table B inclusion. The definitions *inter alia* read as follows:

- ***'Hospitality'*** *zoning refers to the zoning in which a holiday accommodation, tourist facilities and accommodation establishments, as defined in the scheme, is permitted in the scheme area, with prescribed conditions by the Council upon application.*

- ***'Accommodation establishment'*** *means a building for accommodation purposes for tourist/guest and can includes a pension, a caravan park, a guest house, a lodge, hotel, a backpackers-lodge and all other type of hospitality establishments but excludes place of amusement, place of entertainment, restaurant and functions and events except with consent from Council.*

- ***'Guest house'*** *refers to an accommodation establishment as per the Tourism Board Act, 2000 (Act 21 of 2000) and its regulations where accommodation and breakfast is provided to guests comprising of at least 5 but not more than 10 bedrooms and meets the requirements as stipulated in the Tourism Board Act and its regulations.*

The specific creation of a definition of guest house (and other accommodation establishments) where the number of rooms are specified will also remove the uncertainty surrounding the number of rooms and will assist the Municipal Council of Windhoek and the neighbours knowing the exact scale of the development, rather than having to work on a specific area. The impact of accommodation establishments can be better established with the more specific definitions and regulating of the number of rooms.

The zoning category is included in Table B as follows:

Use zone (1)	Primary uses (2)	Consent uses (3)	Owner's consent (4)	Prohibited uses (5)
Hospitality	Any accommodation establishment	Restaurant, events and functions, conference facility, office, shop and tourist facility	Resident occupation	Other uses not under columns and 3

Betterment fee/compensation

A betterment fee of 40 % is applicable.

Conclusion

The application is supported as it is basically a continuation of the consent for guesthouse. This rezoning will make it permanent in terms of the latest revision of the planning legislation dealing with land use of the nature.

Management Committee,

RECOMMENDED

1 That the rezoning of Erf R/5546, Windhoek from 'residential' with a density of 1:900 m² to 'hospitality' for a guest house comprising a maximum of seven (7) rooms, be recommended to the Urban and Regional Planning Board for approval, pursuant to section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

2 That consent be granted to use Erf R/5546, Windhoek for a guesthouse comprising of seven (7) rooms, after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning, being 0.66 parking bays to be provided per leasable room plus five (5) parking bays per 100 m² open floor space (excluding reception area), plus a loading zone on-site.

3 That it be noted that a betterment fee (compensation) of 40 % is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

4 That the applicant obtain an invoice for the betterment fee (compensation) from the Strategic Executive: Urban and Transport Planning (Urban Policy Division).

5 That it be noted that the application will only be submitted to the Urban and Regional Planning Board upon payment of the betterment fee (compensation).

6 That consent use only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

7 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

7.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

7.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

8 That any additional requirements with regard to water or sewer services, brought on as a direct consequence of the rezoning or subsequent activities, be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

9 That only one (1) service connection from the municipal network be allowed to the erf.

10 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

11 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

12 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

13 That the applicant acknowledge receipt of this Council Resolution within twenty eight (28) days from notification thereof.

14 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.

14.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

15 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.22 FNS.18 [UTP] APPLICATION FOR THE REZONING OF ERF 9094, WECKE STREET, WINDHOEK FROM 'OFFICE' WITH A BULK OF 1.0 TO 'BUSINESS' WITH A BULK OF 1.0, CONSENT FOR A PUBLIC RESTAURANT, HOTEL AND FREE RESIDENTIAL BULK WHILE THE REZONING IS BEING PROCESSED
(L/9094/W)

Application

An application was received from Plan Africa Consulting on behalf of the owner, Lin Jindan for:

- Rezoning of Erf 9094, Wecke Street, Windhoek from 'office' with a bulk of 1.0 to 'business' with a bulk of 1.0; and

- Consent a public restaurant, hotel and free residential bulk while rezoning is ongoing.

*** The full application, including relevant correspondence/documentation is **attached as pages 725 - 764 to the agenda.**

A Credit Clearance was provided, and the Strategic Executive Finance and Customer Services indicated that the application have no arrears.

Erf information

Erf 9094, Windhoek is zoned 'office' with a bulk of 1:0 and is ± 3 084 m² in extent. The erf is partially developed and is used for offices and partly residential (flats). Approximately half of the erf is still vacant.

Development intension

The intention of the owner of Erf 9094, Windhoek is to further develop the erf into shops, residential units, a hotel and public restaurant and to obtain consent for a free residential bulk.

Public consultation

The public consultation process was completed in line with the requirements of the Urban and Regional Planning Act and Council's Public Consultation Policy for the proposed development as follows:

*** - The proposed rezoning was advertised in the Market Watch and Sun of 23 and 30 September 2022, **attached as pages 754 - 757 to the agenda;**

*** - A notice of the proposed rezoning, **attached as pages 758 - 759 to the agenda**, was placed on the notice board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Government Gazette No. 7917 of 30 September 2022 is **attached as page 753 to the agenda**; and

*** - Neighbour consultation letters/forms, **attached as pages 760 - 761 to the agenda**, were sent to the direct neighbours on Erven R/2021, 6741, B/399, E.399, 4630 and R/2611, Windhoek.

The closing date for objections was 14 October 2022 and no objections were received.

Technical comments

The following comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the proposed rezoning and consent uses.

- **Roads Planning, Design and Traffic Flow**

  Erf 9094, Windhoek is situated on Wecke Street from which access is gained. Wecke Street is a short street with low traffic volumes. The rezoning will generate approximately fourty three (43) additional trips to the current road network during peak hours, which is considered insignificant given existing traffic volumes.

  There is no objection to the proposed rezoning of Erf 9094, 12 Wecke Street, Windhoek, from 'office' with a bulk of 1.0 to 'business' with a bulk of 1.0: Provided:

  - Parking requirements for business is minimum one (1) parking bay per 33 m² utilised bulk to be provided on-site for business use.

  There is no objection to the proposed consent use for the Erf 9094, Windhoek for a public restaurant and hotel, while the rezoning is in the process: Provided:

  - Parking requirements for a restaurant is one (1) parking bay per three (3) seats plus a loading zone to be provided on-site;

  - Parking requirements for a hotel is 0.66 parking bays per leasable room plus five (5) parking bays per 100 m² (excluding reception area) plus loading zone; and

  - Consent use will only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

There is no objection to the proposed consent for free residential bulk in terms of clause 23(1) of the Windhoek Town Planning Scheme: Provided:

- That free residential bulk be limited to 50 % of the allowable bulk.
- That a minimum of one (1) exclusive parking bay be provided for every dwelling unit on-site.
- That consent use only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erf 9094 has a general downward slope from the south west into a north easterly direction;
- There is a minor stormwater course flowing across the north western part of Erf 9094, flowing from the southwest into a north easterly direction;
- There is a stormwater inlet structure along the centre line of Wecke Street, from where the stormwater flows to the east, further discharging into a stormwater system east of Wecke Street; and
- Access to the proposed Erf 9094 is indicated to be obtained from Wecke Street.

There is no objection to the proposed rezoning of Erf 9094, No.12 Wecke Street, Windhoek, from 'office' with a bulk of 1.0 to 'business' with a bulk of 1.0 and consent use while the rezoning is in process: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme).

Comments from the Strategic Executive: Infrastructure Water and Technical Services

- **Engineering Services**

The development proposal indicates that the applicant intends to rezone Erf 9094, Windhoek, which will result in additional loads on existing water and sewer networks.

The applicant is advised that the consideration of the intended rezoning and consent use will be subject to the submission and approval of an Engineering report for water and sewer provision as stipulated as follows by the Strategic Executive: Infrastructure, Water and Technical Services:

- That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezoning and developments on both the bulk water and sewer infrastructure.

- That the Design Report be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services.

- That all costs involved due to the Design Report be for the applicant's account.

- That the Design Report stipulate at least the following:

  - The expected water demand for the proposed development;

  - Whether water supply requirements will be met with sufficient pressure during peak flows and fire flow within the Central Reservoir pressure zone;

  - An analysis of the impact of the proposed development on the existing bulk water infrastructure within the Central Reservoir pressure zone by taking the existing water demand as well as the additional water demand, due to the development, into account;

  - The calculated design waste water generated by the proposed development;

  - An analysis of the impact of the proposed development on the existing municipal bulk sewer infrastructure downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the development, into account; and

  - The Design Report to include detailed design calculations, assumptions and clear referencing to Standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.

- That all cost for the upgrading of existing services if required, be for the applicant's account.

- That it be noted that the Design Report must be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission to Urban and Regional Planning Board.

- That no building plans be approved before water and sewer services are upgraded and taken over by Council as per approved Design Report and designs.

- That the design criteria be in accordance with the 'The Neighbourhood Planning and Design Guide' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

- That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Electricity

- **Technical Support**

The following conditions should be adhered to:

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

- That only one (1) service connection from the municipal electrical network be allowed to the erf.

- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

- That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

- That it be noted that for 'general residential' developments without high rise buildings, i.e. individual apartments, a split prepayment meter for each unit shall be used with a metering box located on the street/development erf boundary if it is technically possible otherwise a bulk meter shall be used.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

  The subject matter has reference:

  There is no objection to the application and the rezoning of 'office' to 'business', as the application is not subject to an environmental assessment process, but for the operations of a hotel an Environmental Management Clearance Certificate is needed.

Urban Policy evaluation

Erf 9094, Windhoek is zoned 'office' with a bulk of 1:0. The erf is located east of the Wika Service Station and west of the newly extended part of Wernhill, thus, it is in close proximity of the Central Business District (CBD).

The erf already carries a bulk of 1.0 for offices. With the development proposal of a hotel and public restaurant, a zoning to 'business' is required.

There is an undeveloped portion of land that has a potential to be developed, for example into parking amongst others.

Betterment fee/compensation

A betterment fee of 30 % is payable.

Conclusion

The rezoning and consent are supported. The proposed development will blend in with other existing businesses.

Management Committee,

RECOMMENDED

1 That the rezoning of Erf 9094, Wecke Street, Windhoek from 'office' with a bulk of 1.0 to 'business' with a bulk of 1.0 be recommended for approval to the Urban and Regional Planning Board, pursuant to section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

2 That consent be granted for a free residential bulk of 50 % of the bulk of 1.0.

3 That the applicant pay a betterment fee of 30 % in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and the Policy on Levying Betterment Fees for Local Authorities.

4 That consent be granted in terms of Table B of the Windhoek Town Planning Scheme to use the existing buildings on the erf for a public restaurant and hotel and after payment of the betterment fee, while the rezoning is in process.

5 That the applicant obtain an Environmental Management Clearance Certificate for a hotel prior to the commencement of any hotel operations in accordance with the Environmental Management Act, 2007 (Act 7 of 2007).

6 That a minimum of one (1) parking bay per 33 m² utilised bulk for a business be provided on-site for business uses.

7 That a minimum of one (1) parking bay per three (3) seats plus a loading zone be provided on-site for restaurant uses.

8 That a minimum of 0.66 parking bays per leasable room plus five (5) parking bays per 100 m² (excluding reception area) plus loading zone be provided on-site for hotel uses.

9 That a minimum of one (1) exclusive parking bay be provided for every dwelling unit on-site.

10 That consent use only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

11 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:

11.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

12 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

13 That Engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.

14 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.

15 That no building plans be approved until the stormwater conditions are met.

16 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with confirmation of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]

17 That the applicant be advised that the consideration of the intended rezoning and consent use will be subject to the submission and approval of an Engineering report for water and sewer provision as stipulated as follows by the Strategic Executive: Infrastructure, Water and Technical Services:

17.1 That the applicant appoint a professional registered Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezoning and developments on both the bulk water and sewer infrastructure.

17.2 That the Design Report be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval.

17.3 That all costs involved due to the Design Report be for the applicant's account.

18 That the Design Report stipulate at least the following:

18.1 The expected water demand for the proposed development;

18.2 Whether water supply requirements will be met with sufficient pressure during peak flows and fire flows within the Central Reservoir pressure zone;

18.3 An analysis of the impact of the proposed development on the existing bulk water infrastructure within the Central Reservoir pressure zone by taking the existing water demand as well as the additional water demand, due to the development, into account;

18.4 The calculated design waste water generated by the proposed development;

18.5 An analysis of the impact of the proposed development on the existing municipal bulk sewer infrastructure downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the development, into account; and

18.6 The Design Report to include detailed design calculations, assumptions and clear referencing to Standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.

19 That all cost for the upgrading of existing services if required, be borne by the applicant.

20 That the Design Report be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission to Urban and Regional Planning Board.

21 That no building plans be approved before water and sewer services are upgraded and taken over by Council as per the approved Design Report and designs.

22 That the design criteria be in accordance with the 'The Neighbourhood Planning and Design Guide' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

23 That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities be for the applicant's, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

24 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

25 That only one (1) service connection from the municipal electrical network be allowed to the erf.

26 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

27 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

28 That the applicant acknowledge receipt of this Council Resolution within twenty eight (28) days from notification thereof.

29 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.

29.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

30 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.23 FNS.19 [UTP] APPLICATION FOR THE REZONING OF ERF 2757, WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF ONE (1) DWELLING PER ERF TO 'RESIDENTIAL' WITH A DENSITY OF 1:700 m² AND CONSENT FOR MORE THAN ONE (1) DWELLING
(L/2757/W)

Application

An application was received from Du Toit Town Planning Consultants on behalf of Jens Kuehhirt, in his capacity as agent to the Executrix of Heidrun von Koenen, for the following:

- Rezoning of Erf 2757, Windhoek from 'residential' with a density of one (1) dwelling per erf to 'residential' with a density of 1:700 m²; and

- Consent for more than one (1) dwelling.

*** The full application, including relevant correspondence/documentation is **attached as pages 765 - 811 to the agenda.**

A Credit Clearance was provided, and the Strategic Executive: Finance and Customer Services indicated that the application has no arrears.

Erf information

Erf 2757, Windhoek is located where Schloss Street connects with Chateau Street. The erf is ± 1 747 m² in extent and is zoned 'residential' with a density of one (1) dwelling per erf.

Development intention

The intension of the owner is to bring the supplementary dwelling in line with the legal density, which as a result of additions are exceeding the current density.

Public consultation

The public consultation process was completed in line with the requirements of Council's Public Consultation Policy for the proposed development and the Urban and Regional Planning Act, 2018 (Act 5 of 2018) as follows:

*** - The proposed zoning was advertised in the New Era of 24 June and 1 July 2022 and the Market Watch of 24 June and 1 July 2022, as per the advertisements, **attached as pages 796 - 799 to the agenda;**

*** - A notice of the proposed rezoning, **attached as pages 800 - 801 to the agenda**, was placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Neighbour consultation letters/forms, **attached as page 802 to the agenda**, were sent by certified mail to the owners of Erven R/8170, 3359, 6183, 4658, 2711 and 2712; and

*** - A notice was also published on 1 July 2022 in Government Gazette No. 7841, **attached as pages 803 - 806 to the agenda.**

The closing date for comments was 15 July 2022 and no objections were received.

Technical comments

The following comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the proposed application: Provided that the applicant meet all Council's requirements.

- **Roads Planning, Design and Traffic Flow**

  Erf 2757, Windhoek is located at 46 Chateau Street. The erf is ± 1 747.061 m² in extent and is zoned 'residential' with a density of one (1) dwelling per erf. Chateau Street is a short local street which carries low traffic volumes and having no congestion during peak hours. The proposed zoning will generate approximately three (3) additional vehicular trips to the current road network.

  There is no objection to the proposed rezoning of Erf 2757, 46 Chateau Street, Windhoek from 'residential' with a density of one (1) dwelling per erf to 'residential' with a density of 1:700 m²: Provided:

  - That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom unit be provided.

  There is no objection to the proposed consent to have more than one (1) dwelling on Erf 2757, Windhoek: Provided:

  - That building plans be submitted to Building Control for approval.

  - That consent use only come into effect once corresponding parking has been provided for on-site being to the satisfaction of the Strategic Executive: Urban and Transport Planning.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erf 2757 has a general downward slope from the northeast into a southwesterly direction;
- There is no visible stormwater course or system flowing across Erf 2757, except for surface stormwater run-off; and
- Access to Erf 2757, is indicated to be obtained from Chateau Street.

There is no objection to the proposed rezoning of Erf 2757, 46 Chateau Street, Windhoek from 'residential' one (1) dwelling per erf to 'residential' with a density of 1:700 m² and consent to have more than one (1) dwelling on the erf: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme).

Comments from the Strategic Executive: Infrastructure Water and Technical Services

- **Engineering Services**

The application can only be approved: Provided:

- That any additional requirements with regard to water or sewer services, brought on as a direct consequence of the rezoning or subsequent activities, be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is no objection to the application submitted for rezoning of Erf 2757, Chateau Street to a density of 1:700 m² and consent to have more than one (1) dwelling on the erf: Provided:

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.
- That only one (1) service connection from the municipal electrical network be allowed to the erf.

- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

- That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

The application is supported with no environmental requirements.

Urban Policy evaluation

The construction and/or additions of buildings on the erf caused it to be outside the legal potential of the erf. The density of one (1) dwelling per erf only allows for one (1) dwelling, a supplementary and an outbuilding on the erf.

Council Policy amongst others encourages higher residential developments closer to the centre of town and this area borders the Windhoek Central Office Policy Area with a bulk of 0.4.

Betterment fee/compensation

A betterment fee of 75 % is applicable as the existing buildings forced a rezoning to comply with the Windhoek Town Planning Scheme. The 'supplementary' dwelling was not only built without approved building plans, but it also exceeds the 100 m², which is the maximum permissible size for a supplementary dwelling.

Conclusion

The application is supported as the density and dwellings are existing, but not in line with the Windhoek Town Planning Scheme.

Management Committee,

RECOMMENDED

1 That Erf 2757, Windhoek be rezoned from 'residential' with a density of one (1) dwelling per erf to 'residential' with a density of 1:700 m².

2 That the applicant pay a betterment fee (compensation) of 75 % in accordance with section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) as well as the Policy on the Levying of Betterment Fees for Local Authorities in Namibia, due to the illegal building and expansion of the supplementary dwelling into a second dwelling outside the provisions of the Windhoek Town Planning Scheme.

3 That the applicant obtain an invoice for the betterment fee from the Strategic Executive: Urban and Transport Planning.

4 That the applicant take note that the application will only be submitted to the Urban and Regional Planning Board upon payment of the betterment fee.

5 That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom unit be provided.

6 That building plans be submitted after finalisation of the rezoning process for approval.

7 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

7.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

7.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

8 That any additional requirements with regard to water or sewer services, brought on as a direct consequence of the rezoning or subsequent activities, be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

9 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.

10 That only one (1) service connection from the municipal electrical network be allowed to the erf.

11 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

12 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

13 That the applicant acknowledge receipt of this Council Resolution within twenty eight (28) days from notification thereof.

14 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.

14.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

15 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.1.24 SOP.1 [HPH] NOMINATION OF WINDHOEK AS A PARTNER LOCAL AUTHORITY IN THE TECHNICAL CO-OPERATION PROJECT ON INCLUSIVE AND SUSTAINABLE URBAN DEVELOPMENT (ISUD) AND THE NEED TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) TO FORMALISE AND REGULATE THE RELATIONSHIP
(2/1/11/1)

Management Committee at its meeting held 18 November 2022 per Item SOP.3 *inter alia* resolved as follows:

That the matter be referred back in order for the Strategic Executive: Housing, Property Management and Human Settlement to liaise/consult the Chief Executive Officer (Strategy Adviser: Smart Cities and Transport) on the additional recommendations and accordingly incorporate the same, prior to resubmission to Management Committee, for consideration.

The recommendation was implemented accordingly, and the matter is herewith resubmitted.

Introduction

The purpose of this item is three-fold:

- To introduce to Council a technical co-operation project on Inclusive and Sustainable Urban Development (ISUD) entered into between the Government of the Republic of Namibia represented by the Ministry of Urban and Rural Development and the Federal Republic of Germany represented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH translated as German Agency for International Co-operation;

- The nomination of the Municipal Council of Windhoek as a local authority representing the central regions; and

- The need to formalise participation in the project through entry into a Memorandum of Understanding (MoU).

Background

The Government of the Republic of Namibia and the Government of the Federal Republic of Germany held a round of negotiations on development co-operation on 17 and 18 September 2019 in which a number of projects were discussed for possible co-operation. The negotiations led to agreement/exchange of notes between the two (2) Governments. As a direct result of the negotiations the Federal Republic of German committed grand funding to a tune of EUR5 000 000.00 increased by a further EUR1 000 000.00 for the implementation of technical co-operation on Inclusive and Sustainable Urban Development (ISUD).

The objective of the project is to improve living conditions in the informal settlement and aim to achieve the following indicators:

- The processing time of town planning applications submitted to the Urban and Regional Planning Board (or its predecessor organisations) has been reduced to three (3) months for 70 % of the applications per year;

- The number of households benefiting from registration of the land titles under the Flexible Land Tenure Act, 2012 (Act 4 of 2021) has been increased from one thousand seven hundred (1 700) to five thousand (5 000) households - at least 50 % of the registered persons are women; and

- 80 % of the households in the informal settlements of the project partner towns which have benefitted from infrastructure measures, rate these with four (4) on a scale of to five (5).

*** To formalise and regulate the relationship an Implementation Agreement dated 29 October 2021, **attached as pages 812 - 820 to the agenda**, was entered into between the Ministry of Urban and Rural Development and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH as implementing agencies on behalf of the respective Governments.

Nomination of the Local Authorities to participate in Inclusive and Sustainable Urban Development (ISUD)

Given limitations in funding, the Ministry of Urban and Regional Development grouped local authorities in geographical areas (central, east and north east, communal north, middle north and north west, and south and south west) from which they invited local authorities to motivate as to why they should be nominated as a partner local authority for the Inclusive and Sustainable Urban Development (ISUD) project. The Municipal Councils of Windhoek and Otjiwarongo vied for place to represent the central region.

*** In a letter dated 26 June 2020, **attached as pages 821 - 822 to the agenda**, the Ministry of Urban and Rural Development shared the list of nominated partner local authorities as follows:

Region	Town/City
Central	Windhoek
East and north east	Rundu
Communal north	Helao Nafidi
Middle north and north west	Opuwo
South and south west	Rehoboth

*** Following the nomination of partner towns, the Ministry of Urban and Regional Development with the support of the Office of the Attorney General worked on a Memorandum of Understanding (MoU) to be entered into between the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and individual local authorities. The Memorandum of Understanding (MoU) was communicated to partner local authorities by way of a letter dated 1 December 2021, **attached as page 823 to the agenda**.

Entry into a Memorandum of Understanding (MoU)

To participate in the programme, selected local authorities should enter into a Memorandum of Understanding (MoU) with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH using a generic Memorandum of Understanding (MoU) drafted by the Ministry of Urban and Rural Development and cleared by the Office of the Attorney General. All participating Local Authorities signed the Memorandum of Understanding (MoU) except Windhoek where signing required clarity on areas of co-operation. The Chief Executive Officer (Corporate Legal Adviser) scrutinised the Memorandum of Understanding (MoU) and did not raise issues of concern.

Areas of co-operation for Windhoek

Article 1.5 of the Memorandum of Understanding (MoU) sets out that the local partner organisation is to be strengthened by means of advisory support from the project representative as well as complementing project services and points to the following as activities to be addressed in the joint project:

- Participatory town and settlement planning:
  - Town-wide urban analysis;
  - Statutory planning documents (where applicable);
  - Settlement specific analysis; and
  - Settlement formalisation.
- Co-creating sustainable neighbourhoods:
  - Awareness raising;
  - Re-blocking of settlements and relocation (where applicable);
  - Co-ordination with greenfield development;
  - Planning for implementation and access to funding;
  - Neighbourhood upgrading and development; and
  - Sustainable urban mobility.

While the above is clear, there was a need for further refinement of the project scope for Windhoek before submission of the item to Council. The following are proposed as areas of co-operation for Windhoek as part of the overall project goal of improving living and housing conditions in the informal settlements:

- Strengthening partner capacities and performance;
- Successful conclusion of intervention in the Onyika Informal Settlement;

- Participatory planning and development of selected existing informal settlement;

- Updated settlement profiles and development of one (1) or more informal settlement(s) through the Namibian Housing Action Group (NHAG)/ Shack Dwellers Federation of Namibia (SDFN);

- Supporting Flexible Land Tenure (FLTS), registration of one thousand 1000 households in Shack Dwellers Federation of Namibia (SDFN) Saving Groups;

- Improving sustainable urban mobility, and

- Potential further co-operation areas.

*** The detailed explanation to possible areas of co-operation are **attached as pages 824 - 835 and 836 - 850 respectively to the agenda**. The Strategic Executive: Housing, Property Management and Human Settlement (Manager: Human Settlement) will be the contact person per article 5 of the Memorandum of Understanding (MoU). The Strategy Adviser: Smart Cities and Transport will be the contact person on all sustainable urban mobility matters.

Conclusion

This item brought to the attention of Council a technical co-operation project knowns as Inclusive and Sustainable Urban Development (ISUD) entered between the Governments of Namibia and the Federal Republic of Germany through the Ministry of Urban and Rural Development and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH respectively. The nomination of the Municipal Council of Windhoek as an Inclusive and Sustainable Urban Development (ISUD) representative as a Local Authority for Municipalities located in the central regions of the country, necessitates the urgent need to enter into a Memorandum of Understanding (MoU) to formalise and regulate relationship.

*** The Memorandum of Understanding (MoU) is **attached as pages 851 - 858 to the agenda**, for Council's consideration.

Management Committee,

RECOMMENDED

*** 1 That the agreement entered between the Ministry of Urban and Rural Development and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH concerning the technical co-operation project on Inclusive and Sustainable Urban Development (ISUD), **attached as pages 812 - 820 to the agenda**, be noted.

*** 2 That the nomination of Windhoek as a participating local authority in the Inclusive and Sustainable Urban Development (ISUD) project confirmed by way of a letter dated 26 June 2020, **attached as pages 821 - 822 to the agenda**, be noted and accepted.

*** 3 That the Memorandum of Understanding (MoU) prepared by the Ministry of Urban and Rural Development, cleared by the Office of the Attorney General, **attached as page 823 to the agenda**, be noted and accepted for signing.

*** 4 That the following activities (explained fully as per the possible areas of co-operation), **attached as pages 824 - 835 and 836 - 850 respectively to the agenda)**, be noted and approved as special focus areas of co-operation for Windhoek:

4.1 Strengthening partner capacities and performance;

4.2 Successful conclusion of climate change intervention in the Onyika Informal Settlement;

4.3 Participatory planning and development of selected existing informal settlement(s);

4.4 Updated settlement profiles and development of one (1) or more informal settlement(s) through the Namibia Housing Action Group (NHAG)/ Shack Dwellers Federation of Namibia (SDFN);

4.5 Supporting Flexible Land Tenure (FLTS), registration of 1000 households in Shack Dwellers Federation of Namibia (SDFN) Saving Groups; and

4.6 Improving sustainable urban mobility; and

4.7 Potential further co-operation areas.

5 That the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Human Settlement) be the contact person per article 5 of the Memorandum of Understanding (MoU).

6 That in keeping with article 5 of the Memorandum of Understanding (MoU), the Strategy Adviser: Smart Cities and Transport be the contact person on all sustainable urban mobility matters.

7 That the Chief Executive Officer (Corporate Legal Adviser) be allowed to make changes to the Memorandum of Understanding (MoU) should a need arise and agree such changes with the Ministry of Urban and Regional Development, which will in turn engage with the Office of the Attorney General.

8 That the Chief Executive Officer do or cause to do all that is necessary to ensure successful implementation of the project.

9 That the resolution be implemented prior to confirmation of the minutes.

13.1.25 IND.1 [UTP] APPLICATION FOR BUILDING LINE RELAXATION ON ERF 3284, 10 BANTING STREET, WINDHOEK
(L/3284/W)

Application

An application with Building Permit No. 690/2022 for Erf 3284, Windhoek was submitted by the owner of Erf 3284, Windhoek, Mr Edward Nghitumbwa requesting the following:

- Relaxation of the 3 metre building line for Erf 3284, Windhoek to accommodate the proposed supplementary dwelling unit, servant's quarter, entertainment area and garages.

*** The locality plan is **attached as page 859 to the agenda**. The submitted application will be availed.

The proposed building work on Erf 3284, Windhoek encroaches the 3 metre common lateral boundary line with Erven 3285 and 3283, Windhoek. The owners of Erven 3285 and 3283, Windhoek (referred to as Objectors) objects to the relaxation of the 3 metre building line.

Event sequence

- On 29 September 2021 the owner of Erf 3284, Windhoek submitted a building plan application with Building Permit No. 2497/2021, which was approved, and permit issued on 7 October 2021;

- A complaint received on 19 January 2022 disputed signatures obtained for the purpose of the aforementioned permit application;

*** - A letter dated 20 January 2022, **attached as page 860 to the agenda**, was then issued to the owner of Erf 3284, Windhoek requesting him to clarify such claims and to also verify the signatures. The deadline for a response was seven (7) days from the date of delivery of the letter;

- Failing any response a letter dated 28 January 2022 was issued to the owner of Erf 3284, Windhoek withdrawing Building Permit No. 2497/2021; and

- The owner of Erf 3284, Windhoek then resubmitted a building permit application on 31 March 2022, which the neighbours of Erven 3285 and 3283, Windhoek objected to.

*** As part of the consultation process for the resubmitted building plan, the owner of Erf 3284, Windhoek sent out twenty one (21) days' notice letters dated 10 October 2022, **attached as pages 861 - 864 to the agenda**, via registered mail to the owners of Erven 3285 and 3283, Windhoek but no response was received from them, barring the initial objection received separately which will be considered here.

Existing situation

Erf 3284, Windhoek belongs to Mr Edward Nghitumbwa. The erf is ± 973 m² in extent and is zoned 'residential' with a density of 1:900 m². The subject property is located in Banting Street, Windhoek West. At the current zoning and density, the erf allows for a main dwelling, supplementary dwelling (not more than 50 % of the main dwelling in size), a servant quarter, garages and entertainment at a total coverage of 50 %. A site inspection conducted on 29 August 2022 confirmed that there is an existing main dwelling building and outbuildings that are encroaching on the 3 metre building lines of Erven 3283 and 3285, Windhoek.

Development proposal

The owner of Erf 3284, Windhoek applies for a permit to construct outbuildings (supplementary dwelling, double and single garages, servants' room and an entertainment area).

Town Planning Scheme provision for relaxation of building lines

In terms of clause 20 of the Windhoek Town Planning Scheme:

20 Side spaces of buildings

1) Except with the consent of Council or as otherwise provided for in this Scheme, no building or structure or any portion thereof shall be erected nearer than three (3) metres to any lateral or rear boundary common to an adjoining erf. A lateral boundary is defined as a boundary with at least one end on a street boundary, a street boundary is any boundary common to a street, and a rear boundary is any boundary other than a street or lateral boundary. In the case of a dwelling unit or residential building the three (3) metre requirements shall apply to single storey units and shall increase by two (2) metres for each additional storey. The minimum requirement shall be measured from the external walls of the building under consideration.

2) The Council may, subject to any conditions it deems necessary, relax the provisions of clause 20(1).

*** Council Resolution 233/09/2019, **attached as page 865 to the agenda,** *inter alia* stipulates as follows:

4 That it be noted that paragraph 3 of Council Resolution 287/08/2007 is herewith amended to read as follows:

3 That any building permit application for the relaxation of building lines where objections have been received be presented to Council for a final determination in the matter.

Objections

*** The owners of the neighbouring Erven 3283 and 3285, Windhoek objected to the relaxation of the 3 metre building lines on Erf 3284, Windhoek. The formal objection letter dated 15 March 2022 is **attached as pages 866 - 868 to the agenda**. As this preceded the resubmission of the permit application the owner of Erf 3284, Windhoek issued twenty one (21) days' notice letters to the owners of Erven 3283 and 3285, Windhoek for any additional comments as per standard

procedure and no response was received. Nonetheless the initial objection received were considered.

The Objectors *inter alia* indicated the following in their objection letter:

- *In 2021 the owner of Erf 3284, Windhoek, Mr Edward Nghitumbwa forged their signatures on the building relaxation form and they have opened criminal cases against him with the Namibian Police;*

- *The owner of Erf 3284, Windhoek started construction without approval and has defied orders from the City of Windhoek to stop with the construction as no consent for the relaxation of the 3 metres building line was granted by the owners of Erven 3285 and 3283, Windhoek;*

- *The Objectors do not want any construction on the boundary line as it violates their property; with the chances of noise pollution, smells from cooking can easily travel into the neighbours erf, congestion as a result of construction on the boundary line and invasion of privacy; and*

- *The Objectors don't want a high boundary wall that exceed the maximum height as stipulated in the City of Windhoek building regulations.*

Owner's response to the objections

*** In a letter dated 25 March 2022, **attached as pages 869 - 873 to the agenda**, the owner of Erf 3284, Windhoek provided a response (through his lawyers) to the objections raised by the neighbouring owners of Erven 3285 and 3283, Windhoek against the approval of the relaxation of the 3 metre building line.

Urban Policy Division's response to the objections

The proposed outbuildings on Erf 3284, Windhoek is within the 3 metre lateral building line. Hence, the owner of Erf 3284, Windhoek is obliged to obtain comments from the owners of Erven 3285 and 3283, Windhoek for the purposes of evaluating the permit application.

An assessment in relation to the objections and the situation *inter alia* revealed the following:

8.1 That in 2021 the owner of Erf 3284, Windhoek, Mr Edward Nghitumbwa forged their signatures on the building relaxation form, and they have opened criminal cases against him with the Namibian Police.

- *The alleged forging of signatures by the owner of Erf 3284, Windhoek has not been proved or disproved other than the claims by the relevant owners. Nevertheless, the owners of Erven 3285 and 3283, Windhoek has confirmed that a criminal case in this regards has been opened which we believe the Namibian Police is handling. This prompted stricter measures to make sure that similar incidence does not happen again by requesting all neighbours signing a building relaxation form to attach a copy of their identification documents to confirm the identity of the signee.*

8.2 The owner of Erf 3284, Windhoek started construction without approval and has defied orders from the City of Windhoek to stop with the construction as no consent for the relaxation of the 3 metres building line was granted by the owners of Erven 3285 and 3283, Windhoek.

- *The withdrawal of Building Permit No. 2497/2021 meant that all building work ongoing at that point had to be ceased. Several complaints by neighbours that building work continued can be confirmed and the assistance of the City Police had to be employed on several occasions to assist in enforcing this.*

8.3 The Objectors do not want any construction on the boundary line as it is deemed to violate their properties, with the chances of noise pollution, smells from cooking can easily travel into the neighbours erven, congestion as a result of construction on the boundary line and invasion of privacy.

- *The Urban Policy Division does not consider construction on the boundary line as a violation, provided that all Town Planning (Zoning) Scheme and building regulations are adhered to, such as firewalls and stormwater channels. Further to that, the Objectors did not provide any proof or a detailed argument on how their privacy are being violated. Noise pollution and smells from cooking are assumptions of potential future nuisances, but these can be easily addressed through applicable by-laws with the enforcement of City Police and the Environmental Management Division when it occurs. The buildings are all facing inward, towards the property in question and privacy is not deemed to be an issue as this is single storey and there are firewalls on the boundaries of the erven separating them from neigbouring properties.*

8.4 Objection to the high boundary wall that exceed the maximum height as stipulated in the City of Windhoek building regulations.

- *The proposed buildings meet all specifications contained in the Municipality of Windhoek Building Regulations.*

There are no technical reasons, identified by the Objectors, or otherwise preventing the approval of the buildings on Erf 3284, Windhoek, and the development of an individual erf cannot be halted due to personal opinions and preferences. Only reasonable objections with regards to the provisions of the Windhoek Town Planning Scheme or similar references can be considered. The Urban Policy Division recommends that the proposed building plan and relaxation of building line of Erf 3284, Windhoek be supported.

Conclusion

The owner of Erf 3284, Windhoek wishes to make optimal use of his property and the only way to achieve this is to encroach onto the three lateral building line on both sides of the property. Further to that, the proposed outbuildings are in line with the Windhoek Town Planning Scheme. Therefore, the Urban Policy Division does not foresee any negative impact by approving the building plan as submitted and thus recommends that the proposed building permit application for Erf 3284, Windhoek be supported.

Management Committee,

RECOMMENDED

1 That in accordance with clause 20 of the City of Windhoek's Town Planning (Zoning) Scheme, the relaxation of the lateral boundary lines on Erf 3284, Windhoek from 3 metre to 0 metre on common boundaries with Erven 3285 and 3283, Windhoek as per Building Permit application No. 690/2022, be approved.

2 That in accordance with clause 51(3) of the City of Windhoek's Town Planning (Zoning) Scheme, the applicant and Objectors be informed of Council's decision and be given the opportunity to appeal against Council's decision to the Minister of Urban and Rural Development within twenty eight (28) days from the date of notification thereof.

3 That in accordance with clause 51(3) of the City of Windhoek's Town Planning (Zoning) Scheme, any notice of an appeal against the Council decision also be submitted to Council within twenty eight (28) days from the date of notification of the Council Resolution.

4 That the resolution be implemented prior to confirmation of the minutes to allow for prompt feedback to the applicant.

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[Municipal Council Agenda: 2023-04-03(3003)]

13.2 APPROVAL OF MINUTES (MC 05/2023)

The minutes of the Management Committee meeting (MC 05/2023) held on 23(22) March 2023 are submitted to Management Committee members for approval.

[Municipal Council Agenda: 2023-04-03(3003)]

13.3 MINUTES (MC 05/2023)

The minutes of the Management Committee meeting (MC 05/2023) held on 23(22) March 2023 as approved by its members at this Council meeting, are submitted for notice with the exception of Items GOV.4, FNS.1 and FNS.2 which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 05/2023) held on 23(22) March 2023, be noted by its members, with the exception of Items GOV.4, FNS.1 and FNS.2.

[Municipal Council Agenda: 2023-04-03(3003)]

13.3.1 GOV.4 [FCS] PROPOSED SCHEDULE TO PREPARE THE STATEMENT OF ESTIMATED INCOME AND EXPENDITURE FOR THE 2023/2024 FINANCIAL YEAR
(5/1/2/1)

Municipal Council of Windhoek budgeting process

The budgeting process forms an integral part of the annual planning to focus on key projects required for City. Utilising the current structures in place we engage the public and thus source their input. Our participatory budgeting has been practiced in the Municipal Council of Windhoek where all major capital projects emanated from citizen requests directly and through citizen representatives. This involves engaging many stakeholders, first interaction with the broad-based communities at public meetings, consultations with the Khomas Regional Council (KRC) and its Constituency Development Committees together with other key stakeholders. A workshop will be organised where each department will present and defend their Budget to Council to create a better understanding into the Municipal Council of Windhoek's Budget.

It should be noted that with the current financial state of the City and without assistance from the Government, it is advisable to keep budgets to a minimum.

Proposed schedule

The following schedule for the compilation of the Statement of Estimated Income and Expenditure for 2023/2024 is being proposed for consideration for the Municipal Council of Windhoek:

Municipal Council of Windhoek Budget

The following table indicates the schedule for the compilation of the Statement of Estimated Income and Expenditure for the Municipal Council of Windhoek for 2023/2024:

Topic	Action	Due	Person responsible	Status
Manpower	Manpower Budget preparation commences	31 January	Human Resources - Human Capital and Corporate Services	Done
Budget templates	Distribute Budget templates to cost centre owners	6 February	Finance and Customer Services	Done
Budget	Submit Budget Guideline to the Strategic Executives Forum	9 February	Finance and Customer Services	Done
Manpower	Manpower headcount number draft finalised	17 February	Human Capital and Corporate Services	In progress/ vacancies for inclusion still to be discussed and finalised by the Chief Executive Officer and Strategic Executives
Budget	Submit Budget Guideline to Management Committee	21 February	Finance and Customer Services	In progress

Topic	Action	Due	Person responsible	Status
Budget	Management Committee to request Councillors to submit projects for inclusion in the Budget	11 April	Finance and Customer Services	Not done
Capital	Strategic Executive approved capital requests to Financial Reporting	20 February	Financial Reporting	Done
Operational	Completed cost centre templates to Financial Reporting	20 February	Managers/cost centre owners	Done
Capital and Operational	Prepare OPEX and CAPEX Summaries	21 to 28 February	Financial Reporting	Done
Manpower	Manpower costing complete	28 February	Human Resources	Not done/ vacancies list not finalised
Budget	Receipt of Stakeholders' proposals and distributed to departments for consideration	23 March	- Namibia Chamber of Commerce and Industry (NCCI) - Khomas Regional Youth Forum - National Youth Council (NYC) - Unions - All Heads of Departments - All Councillors	In progress, two (2) stakeholder letters received to be shared with departments
Capital and Operational	First draft to the Strategic Executives Forum	30 March	Chief Executive Officer and all Heads of Departments	Not done
Completion	Councillor Budget Workshop (proposals to be available for the workshop)	11 to 14 April	All City Councillors	Not done
Completion	Consultative Meeting with Khomas Regional Council (KRC)	26 to 28 April	Councillors and Management	Not done
Completion	Populate line Ministry Budget template	2 to 12 May	Financial Reporting	Not done
Completion	Submission of draft Budget to Management Committee	15 to 16 May	Chief Executive Officer	Not done
Completion	Submission of draft Budget to Council	22 to 24 May	Chief Executive Officer	Not done
Completion	Signing of Budget documents	26 to 30 May	Mayor	Not done
Completion	Submission of Budget recommendation to the Minister for approval	31 May	Chief Executive Officer	Not done
Cost centres and manpower	Upload of cost centres and manpower into E-Venus	May to June	Financial Reporting	Not done
Approved Budget presentation	Media and stakeholder briefing of approved Budget	To be announced	Chief Executive Officer/all Heads of Departments and Councillors	Not done

Traditionally, meetings with stakeholders were to solicit inputs into the Budget, but due to the financial position and performance of council the meetings became ceremonial and some stakeholders lost interest, as submissions from stakeholders were not taken into account. At the same time, it was noticed that most projects submitted were part of council planning through various departments. Therefore, the meeting is proposed to be a platform to provide status on the financial position and performance.

It is important that adherence is given to the above schedules to ensure that there will be enough time to plan the implementation of the Budget and also to inform the City's clients well in time of tariff adjustments.

Management Committee,

RECOMMENDED

1 That the participatory budgeting process of the Municipal Council of Windhoek, be approved.

2 That Councillors and officials participating in the budgeting process ensure that stakeholder expectations are managed and to ensure that tariff adjustments is kept minimal.

3 That the proposed process and due dates to compile and finalise the Statement of Estimated Income and Expenditure for the 2023/2024 Financial Year for the Municipal Council of Windhoek, be noted and approved.

4 That all stakeholders adhere to the set deadlines.

5 That appropriate initiatives be taken to educate the communities of Windhoek on the intricacies of Municipal Council of Windhoek Budget Estimates.

6 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.3.2 FNS.1 [UTP] AMENDMENT OF COUNCIL RESOLUTION 26/02/2019 IN ACCORDANCE WITH THE URBAN AND REGIONAL PLANNING BOARD APPROVAL FOR CADASTRAL CHANGES TO GOREANGAB EXTENSION 4
(16/15/3/1/11)

Introduction

*** Council at its meeting held on 28 February 2019 per Resolution 26/02/2019, **attached as pages 897 - 899 to the agenda**, resolved and approved cadastral amendments to the Goreangab Extension 4 Township Layout which at the time was designated for the implementation of the Massive Urban Land Servicing (MULS) Project in Windhoek.

Upon submission of the application to the Urban and Regional Planning Board for approval as per the provisions of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), the Board proposed changes to be made to the cadastral plans of Goreangab Extension 4.

The Urban and Regional Board is mandated by an act of parliament to 'exercise powers and perform functions imposed on or assigned in terms of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and the Regulations, to advise the Minister in all matters relating to spatial planning.

*** Pursuant to the above, the item intends to notify Council of the Urban and Regional Board recommendations, as denoted in Item Nos. 68/2020, 69/2020, 70/2020 and 71/2020 dated 9 June 2020, **attached as pages 900 - 903, 904 - 907, 908 - 911 and 912 - 915 respectively to the agenda**. Accordingly, this submission seeks approval to:

*** - The amendment of Council Resolution 26/02/2019 in accordance with the Urban and Regional Planning Board Resolution dated 9 June 2020 per Item Nos. 68/2020 to 71/2020 that requires cadastral changes to the Goreangab Extension 4 Township Layout, **attached as pages 916 - 925 to the agenda**; and

*** - To rescind paragraphs 2, 3, 4 and 5 of Council Resolution 26/02/2019, **attached as pages 897 - 899 to the agenda**, which makes specific references to Urban and Regional Planning Board Resolution and approved changes.

*** Relevant e-mail correspondence is **attached as pages 926 - 930 to the agenda**.

Recommendations by the Urban and Regional Planning Board

The aforementioned meeting of the Urban and Regional Planning Board recommended approval to effect the required changes to the existing cadastral plan of Goreangab Extension 4 as follows:

- **Item No. 68/2020:** Goreangab Extension 4: Consolidation of Erven 3079, 3080 and 3092 to 3093 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4-MG-5AA-W18);

- **Item No. 69/2020:** Goreangab Extension 4: Consolidation of Erven 3131 to 3132 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4- MG-5AA-W18);

- **Item No. 70/2020:** Goreangab Extension 4: Consolidation of Erven 3133 to 3139 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4- MG-5AA-W18); and

- **Item No. 71/2020:** Goreangab Extension 4: Permanent closure of Omuse, Ohama and Omukuku Streets and a portion of Muhato and Kharos Streets on General Plan SG No. A606/99; and permanent closure of Erf 3196 (public open space); consolidation with Erven 2886 to 2911, 2928 to 2961, 2972 to 2977, 2994 to 3011 and 3156 to 3182 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4 - MG-5AA-W18, W15).

Urban and Regional Planning Board requirements

Office notes as stated under Item Nos. 70/2020 and 71/2020 of the Urban and Regional Planning Board minutes dated 9 July 2020, requested the Municipality of Windhoek to ensure that the rezoning of newly proposed zonings be included in its next Town Planning Amendment Scheme. It further proposed that none of the Items of Goreangab Extension 4 will be submitted to the Minister before an amended Council Resolution is received by the Board hence the submission.

Exemption in terms of section 127(1) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018)

Pursuant to section 127(1)(b) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), the Municipal Council of Windhoek hereby request to be exempted from following certain procedures which only became mandatory after the coming into effect of the new Act. The application was resolved before and predates the date of implementation of the new Planning Act through the passing of the regulations.

Conclusion

With the recent resumption of the Massive Urban Land Servicing (MULS) project and the renewed mandate of the Municipal Council of Windhoek to facilitate the successful implementation of the project, Council is herewith requested to ensure completion of the cadastral procedures by supporting the planning approach approved by the Urban and Regional Planning Board.

Management Committee,

RECOMMENDED

1 That Council Resolution 26/02/2019, attached as pages 1 - 3 to the agenda, be amended in accordance with the Urban and Regional Planning Board approval dated 9 June 2020, per Item Nos. 68/2020 to 71/2020, attached as pages 4 - 7, 8 - 11, 12 - 15 and 16 - 19 respectively to the agenda.

2 That paragraphs 2, 3, 4 and 5 of Council Resolution 26/02/2019, attached as pages 1 - 3 to the agenda, be rescinded.

3 That the Urban and Regional Planning Board minutes dated 9 June 2020, per Item No. 68/2020, titled Goreangab Extension 4: Consolidation of Erven 3079, 3080, 3092 to 3093 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4-MG-5AA-W18), be supported.

4 That the following Urban and Regional Planning Board recommendations per Item No. 68/2020, of the minutes dated 9 June 2020, be supported:

4.1 Erven 3079, 3080, 3092 and 3093, Goreangab Extension 4 be consolidated into Erf 3780, Goreangab Extension 4;

4.2 Erf 3780, Goreangab Extension 4 be subdivided into Erven 3781 to 3783 and the Remainder of Erf 3780, Goreangab Extension 4 on condition that no erf be smaller than 300 m²; and

4.3 The conditions registered against Erven 3079, 3080, 3092 and 3093, Goreangab Extension 4 be retained and registered against Erven 3781 to 3783 and the Remainder of Erf 3780, Goreangab Extension 4.

5 That the Urban and Regional Planning Board minutes dated 9 June 2020 per Item No. 69/2020, titled Goreangab Extension 4: Consolidation of Erven 3131 to 3132 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4-MG-5AA-W18), be supported.

6 That the following Urban and Regional Planning Board recommendations per Item No. 69/2020, of the minutes, dated 9 June 2020, be supported:

6.1 Erven 3131 and 3132, Goreangab Extension 4 be consolidated into Erf 3784, Goreangab Extension 4;

6.2 Erf 3784, Goreangab Extension 4 be subdivided into Erf 3785 and the Remainder of Erf 3784, Goreangab Extension 4 on condition that no erf be smaller than 300 m²;

6.3 The conditions registered against Erven 3131 and 3132, Goreangab Extension 4 be retained and registered against Erf 3785 and the Remainder of Erf 3784, Goreangab Extension 4; and

6.4 All panhandles be at least 4 metres wide.

7 That the Urban and Regional Planning Board minutes dated 9 June 2020, per Item No. 70/2020, titled Goreangab Extension 4: Consolidation of Erven 3133 to 3139 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4-MG-5AA-W18), be supported.

8 That the following Urban and Regional Planning Board recommendations per Item No. 70/2020, in the minutes dated 9 June 2020, be supported:

8.1 Erven 3133 to 3139, Goreangab Extension 4 be consolidated into Erf 3786, Goreangab Extension 4;

8.2 Erf 3786, Goreangab Extension 4 be subdivided into Erven 3787 to 3789 and the Remainder of Erf 3786 (street, free of conditions), Goreangab Extension 4; and

8.3 The conditions registered against Erven 3133 to 3139, Goreangab Extension 4 be retained and registered against Erven 3787 to 3789, Goreangab Extension 4.

9 That the Urban and Regional Planning Board minutes referenced 17/4/1/W3/14 Ext 4, dated 9 June 2020, per Item No. 71/2020, titled Goreangab Extension 4: Permanent closure of Omuse, Ohama, Omukuku Streets and a portion of Muhato and Kharos Streets on General Plan SG No. A606/99; and permanent closure of Erf 3196 (public open space), consolidation with Erven 2886 to 2911, 2928 to 2961, 2972 to 2977, 2994 to 3011 and 3156 to 3182 and subsequent subdivision (Municipality of Windhoek) (Gor.A/4-MG-5AA-W18, W15), be supported.

10 That the following Urban and Regional Planning Board recommendations denoted per Item No. 71/2020, in the minutes referenced 17/4/1/W3/14 Ext 4, dated 9 June 2020, be supported.

10.1 The permanent closure of Omuse, Ohama, Omukuku Streets on General Plan SG No. A606/99 and Erf 3196 (public open space) as approved by the Municipal Council of Windhoek, is confirmed;

10.2 The permanent closure of a portion of Muhato and Kharos Streets on General Plan SG No. A606/99 as approved by the Municipal Council of Windhoek, is confirmed;

10.3 The closed street portions be converted into Erven 3790 to 3794 (formerly streets), Goreangab Extension 4;

10.4 Erven 3790 to 3794 (formerly streets), Erf 3196 (formerly public open space), Goreangab Extension 4 be consolidated with Erven 2886 to 2911, 2928 to 2961, 2972 to 2977, 2994 to 3011 and 3156 to 3182, Goreangab Extension 4 into Erf 3795, Goreangab Extension 4;

10.5 Erf 3795, Goreangab Extension 4 be subdivided into Erven 3796 to 3847, Erf 3848 (public open space, free of conditions) and the Remainder of Erf 3795 (street, free of conditions), Goreangab Extension 4;

10.6 The conditions registered against Erven 2886 to 2911, 2928 to 2961, 2972 to 2977, 2994 to 3011 and 3156 to 3182, Goreangab Extension 4 be retained and registered against Erven 3796 to 3847, Goreangab Extension 4; and

10.7 All panhandles be at least 4 metres wide.

11 That the application for exemption from certain processes in terms of section 127 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), be supported.

12 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-03(3003)]

13.3.3 FNS.2 [UTP] APPLICATION FOR THE REZONING OF ERF R/8161, WINDHOEK, JULIUS NYERERE STREET, WINDHOEK FROM 'GOVERNMENT' TO 'INDUSTRIAL' WITH A BULK OF 1.0 AS WELL AS CONSENT TO USE THE ERF FOR BUSINESS, RESTRICTED BUSINESS, OFFICE, RESTAURANT AND WAREHOUSING LAND USE ACTIVITIES WHILE THE REZONING APPLICATION IS BEING PROCESSED
(Erf R/8161 W)

Application

An application was received from Ritta Khiba Planning Consultants on behalf of the owner, Namibia Post and Telecom Holdings (Pty) Ltd for:

- The rezoning of Erf R/8161, Windhoek, Julius Nyerere Street from 'government' to 'industrial' with a bulk of 1.0; and

- Consent to use the erf for business, restricted business, office, restaurant and warehousing land use activities while the rezoning application is being processed.

*** The full application is attached as **pages 931 - 989 to the agenda.**

A Credit Clearance was provided, and the Strategic Executive: Finance and Customer Services indicated that the application may proceed.

Erf information

Erf R/8161, Windhoek is reserved for 'government purposes' in terms of the Windhoek Town Planning Scheme and is 3.8122 hectare in extent. The erf is developed and comprises of buildings that used to house workshops and storage of large earth moving equipment for the Roads Authority.

Public consultation

The public consultation process was completed in line with the requirements of Municipal Council of Windhoek's Public Consultation Policy for the Proposed Development and the Urban and Regional Planning Act, 2018 (Act 5 of 2018) as follows:

*** - The proposed rezoning was advertised in the Market Watch and Sun of 1 and 8 September 2022, **attached as pages 980 - 981 to the agenda;**

*** - Notices of the proposed rezoning were placed on the notice board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on the site, as shown by Figure 2 of the full application, which is **attached as page 982 to the agenda;**

*** - The Government Gazette No. 7890 of 1 September 2022, **attached as pages 988 - 989 to the agenda**; and

*** - Neighbour consultation letters / forms were sent to the direct neighbours on erven 8567, 8568, 8569, 8570, R/1619, R/6596, 8508, 7047, 2100 and 2094 Windhoek, **attached as pages 983 - 987 to the agenda.**

The closing date for comments or objections was 22 September 2022.

No objections were received.

Technical Comments

Comments received from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  No input to be made.

- **Roads Planning, Design and Traffic Flow**

  Erf R/8161 is located along Julius Nyerere Street, Windhoek, is zoned 'government' and is 38 122 m² in extent. Julius Nyerere Street is a collector road with high traffic volumes during peak hours. The proposed rezoning from 'government' to 'industrial' with a bulk of 1.0 will not be generating additional trips to the current road network.

Indication is that the reason for the rezoning and consent is to formalise the existing activities conducted on the erf, such as Business, Restricted Business, Office, Restaurant and Warehousing land use activities. No new development is mentioned. The application further mentioned other activities such as Car washes, Mechanical Engineering, Upholstery and Storage Warehouses. However, the application is silent with regards to the sizes of such activities and number of parking required for each activity, making it difficult to assess if the provided parking on Drawing No. SC/RP/NPTH-07/2020-07/0.1.1 is sufficient.

There is in principle no objection to the application submitted for the rezoning of Erf R/8161, Julius Nyerere Street, Windhoek from 'government' to 'industrial' with a bulk of 1.0. Provided that:

- Parking requirement for industrial is 1.5 parking bays per 100 m² floor area plus loading area. Adequate provision be made for the movement of large trucks.

There is in principle no objection to the application submitted for the proposed consent to use the erf for business, restricted business, office, restaurant and warehousing land use activities respectively while the rezoning is being processed.

Roads and Stormwater

A stormwater investigation was done and the following is reported:

- Erf R/8161, Windhoek, Julius Nyerere Street is quite a large erf measuring approximately 38 122 m² in size.

- Erf R/8161 has a general downward slope from the south east into a north westerly direction.

- There is a stormwater system that comes from opposite Julius Nyerere Street, flowing along a stormwater course into a north westerly direction, affecting the most south western corner of Erf R/8161, Windhoek.

- There is another stormwater system crossing Erf R/8161, flowing from the south east into a north westerly direction.

- There is a stormwater system flowing along the south eastern boundary of Mandume Ndemufayo Street, flowing into a north easterly direction, and eventually flows underneath Mandume Ndemufayo Street.

- There is a platform on Erf R/8161 along the boundary with Erf 8568, where the level of Erf R/8161 is higher than Erf 8568.

- There are various stormwater catchpits along the road edges of Julius Nyerere Street and Mandume Ndemufayo Street in front of Erf R/861.

There is in principle no objection to the application submitted for the application for rezoning of Erf R/8161, Windhoek, Julius Nyerere Street from 'government' to 'industrial' with a bulk of 1.0 as well as consent to use the erf for business, office, restaurant, and warehousing land use activities while rezoning application is being processed. Provided:

- That no access be allowed over any stormwater catch pit, manhole or any stormwater structure.
- That should parking on the sidewalk be proposed, an area of at least 2.0 meters wide, be maintained along the inside of the proposed parking for pedestrian movement.
- That surface stormwater runoff be accommodated according to clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme) stating:
- That prior approval must be obtained from the Chief Engineer: Planning, Design and Traffic Flow if the accommodation of the stormwater on the erf is contemplated.
- That Engineering drawings on how the stormwater would be accommodated to the satisfaction of the Chief Engineer, Planning, Design and Traffic Flow be submitted for approval simultaneously with the building plans.
- That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted prior to the approval thereof.
- That no building plan will be approved until the above stormwater conditions are met.
- That no development be considered over any stormwater system or structure.
- That a condition be included into the title deed whereby selling to a third party may only take place once the proposed stormwater conditions had been addressed by the owner.
- That roads and stormwater be planned, designed and constructed to Municipal standards.
- That the Applicant appoints a registered professional Engineer to determine whether the platform on the erf at the area of split levels, requires to be protected by a retaining structure, and should it be, submit detailed engineering plans for such retaining structures.

Comments received from the Strategic Executive: Infrastructure, Water and Technical Services

- **Engineering Services**

The development proposal indicates that the applicant intends to increase the density of Erf R/8161, Windhoek, from 'government' to 'industrial' with a bulk of 1.0, which will result in additional loads on existing water and sewer networks.

The applicant is advised that the consideration of the intended rezoning and consent use will be subject to the submission and approval of an Engineering Report for water and sewer provision as stipulated by the Department of Infrastructure, Water and Technical Services as follows:

- That the applicant appoints a Professional Registered Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezoning and developments on both the bulk water- and bulk sewer-infrastructure.

- That the Design Report be submitted by the appointed engineer to Department of Infrastructure, Water and Technical Services (Engineering Services Division) for approval before starting with detail water and sewer infrastructure designs.

- That all costs involved due to the Design Report be for the applicant's account.

- That the Design Report stipulates at least the following:

  - The expected water demand for the proposed rezoning and developments;

  - Whether water supply requirements will be met with sufficient pressure during peak flows and fire flow;

  - How access to an existing water supply source or linkage to an existing water supply network will cater for the water demand of the proposed development and rezoning;

  - An analysis of the impact of the proposed rezoning on the existing bulk water infrastructure within the applicable pressure zone, by taking the existing water demand as well as the additional water demand, due to the proposed zoning and development, into account;

  - The minimum and maximum pressures within the municipal reticulation network under peak- and low-flow demand;

  - The calculated design wastewater generated by the proposed development;

  - How the generated wastewater will be disposed of; and

- An analysis of the impact of the proposed rezoning on the existing municipal bulk sewer infrastructure downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the proposed rezoning and development, into account.

- The Design Report to include detailed design calculations, assumptions and clear referencing to Standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.

- That all cost for the provision of bulk and internal services for the development, as well as any upgrading of existing services, be borne by the Applicant.

- That it be noted that a Design Report be submitted by the applicant and approved by the Department of Infrastructure, Water and Technical Services (Engineering Services Division) before submission to the Ministry of Urban and Rural Development.

- That no building plans be approved before water and sewer services are upgraded and taken over by Council as per approved Design Report and relevant designs.

- That the design criteria be in accordance with the 'The Guidelines for Human Settlement, Planning and Design' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

- That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities will be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments received from the Strategic Executive: Electricity

- **Technical Support**

There is no objection to the application submitted for the rezoning of Erf R/8161, Julius Nyerere Street, Windhoek from 'government' to 'industrial', with a bulk of 1 as well as consent to use the erf for business, restricted business, office, restaurant and warehousing land use activities. Provided:

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.

- That only one (1) service connection from the municipal electrical network will be allowed per erf. Further distribution to be allowed from the Main LV Kiosk/Board/Meter room of each erf.

- That for erven that is zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 Amp is required, the applicant and/or his/her electrical engineering representative must contact the Strategic Executive: Electricity well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

- That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

The subdivision and splitting up of supply connection points to the initial subdivided portions of Erf 8161, Julius Nyerere Street was never done as per customary requirements; and as a result Erven 9013 and 9014, belonging to Roads Authority and Government respectively, are still being fed from the main electrical meter-room on Erf R/8161 and main supply cables are crisscrossing these erven.

Negotiations between Namibia Post and Telecommunication Holdings (NPTH), Roads Authority and Ministry of Works are ongoing and would hopefully be resolved sooner rather than later, but should not hold back the rezoning of Erf R/8161.

Comments received from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

The Division is supporting the application. In addition, the rezoning of 'government' to 'industrial' is not a listed activity that should be subjected to an environmental assessment as per the Environmental Management, 2007(Act 7 of 2007).

Betterment fee/compensation

In accordance with the Policy on Levying Betterment Fees for Local Authorities and as follows per Table 1, the maximum betterment fees for the rezoning for any property owned by a State Owned Enterprise (SOE) to any zone must be 'based on existing legal usage before rezoning':

Table 1: Maximum betterment fees for Local Authorities

Previous	New zoning	Maximum betterment fees
Residential, general residential, **business**	**Industrial**	**30 %**
State Owned Enterprise (SOE)	Any zone	Betterment fee to be based on existing legal usage before rezoning

The existing legal land uses on Erf R/8161 Windhoek roughly fall under the 'business' zoning. Rezoning from a 'business' to an 'industrial' zoning requires a maximum betterment fee of 30 % of the increase in the land value. Hence, a betterment fee of 30 % is recommended.

Urban Planning Evaluation

Erf R/8161, Windhoek is located in the Southern Industrial area of Windhoek, opposite M & Z Motors. The erf is surrounded by major industrial, business and restricted businesses. The various proposed land use activities may be allowed in this area.

Mostly storage facilities were developed on the erf together with large machinery, as observed on the erf.

Conclusion

The rezoning and consent are supported. The proposed development will blend into other existing land use activities.

Management Committee,

RECOMMENDED

1 That the rezoning of the Remainder of Erf 8161, Windhoek, Julius Nyerere Street from 'government purposes' to 'industrial' with a bulk of 1.0 be **recommended for approval** to the Urban and Regional Planning Board, pursuant to section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

2 That consent to use the erf for business building (offices, warehouses and other business related land use activities) and restaurant while the rezoning application is being processed **not be granted** until all the conditions regarding traffic flow, parking and infrastructure are complied with, which include but not limited to the following:

2.1 The applicant should submit a dimensioned parking layout with parking calculation for all mentioned proposed activities such as for Business, Restricted Business, Office, Restaurant and Warehousing land use activities respectively with sizes while the rezoning is being processed.

2.2 That consent use only come into effect once adequate parking has been provided to the satisfaction of the Strategic Executive: Urban and Transport Planning.

3 That a betterment fee of 30 % is payable prior to the submission of the rezoning application to the Urban and Regional Planning Board.

4 That parking requirement for industrial is 1.5 parking bays per 100 m^2 floor area plus loading area.

4.1 That adequate provision must be made for the movement of large trucks.

5 That no access be allowed over any stormwater catch pit, manhole or any stormwater structure.

6 That should parking on the sidewalk be proposed, an area of at least 2.0 meters wide, be maintained along the inside of the proposed parking for pedestrian movement.

7 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:

7.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

7.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

8 That prior approval must be obtained from the Chief Engineer: Planning, Design and Traffic Flow if the accommodation of the stormwater on the erf is contemplated.

9 That Engineering drawings on how the stormwater would be accommodated to the satisfaction of the Chief Engineer, Planning, Design and Traffic Flow be submitted for approval simultaneously with the building plans.

10 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted prior to the approval thereof.

11 That the Applicant appoints a registered professional Engineer to determine whether the platform on the erf at the area of split levels, requires to be protected by a retaining structure, and should it be, submit detailed engineering plans for such retaining structures

12 That no building plan will be approved until the above stormwater conditions are met.

13 That no development be considered over any stormwater system or structure.

14 That a condition be included into the title deed whereby selling to a third party may only take place once the proposed stormwater conditions had been addressed by the owner.

15 That roads and stormwater be planned, designed and constructed to Municipal standards.

16 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.

17 That only one (1) service connection from the municipal electrical network will be allowed per erf. Further distribution to be allowed from the Main LV Kiosk/Board/Meter room of each erf.

18 That the subdivision and splitting up of supply connection points to the initial subdivided portions of Erf 8161, Julius Nyerere Street was never done as per customary requirements; and as a result, Erven 9013 and 9014, belonging to Roads Authority and Government respectively, are still being fed from the main electrical meter-room on Erf R/8161 and main supply cables are crisscrossing these erven.

19 That, it should be further noted that negotiations between Roads Authority, Namibia Post and Telecom Holdings Limited, and the Government (Ministry of Works and Transport) pertaining to electricity on the erf are ongoing and would hopefully be resolved sooner rather than later.

20 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial', a service connection larger than 3 x 60 amp is required, the applicant and/or his/her electrical engineering representative must contact the acting strategic executive: Electricity well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

21 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

22 That the applicant is advised that the consideration of the intended rezoning and consent use will be subject to the submission and approval of an Engineering Report for water and sewer provision as stipulated by the Department of Infrastructure Water and Technical Services as follows:

22.1 That the applicant appoint a Professional Registered Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezoning and developments on both the bulk water and bulk sewer-infrastructure.

22.2 That the Design Report be submitted by the appointed Engineer of the applicant, and be approved by the Strategic Executive: Infrastructure, Water and Technical Services prior to starting with detail water and sewer infrastructure designs.

22.3 That all costs involved due to the Design Report be for the applicant's account.

23 That the Design Report further stipulates at least the following:

23.1 The expected water demand for the proposed rezoning and developments.

23.2 Whether water supply requirements will be met with sufficient pressure during peak flows and fire flow.

23.3 How access to an existing water supply source or linkage to an existing water supply network will cater for the water demand of the proposed development and rezoning.

23.4 An analysis of the impact of the proposed rezoning on the existing bulk water infrastructure within the applicable pressure zone, by taking the existing water demand as well as the additional water demand, due to the proposed zoning and development, into account.

23.5 The minimum and maximum pressures within the municipal reticulation network under peak- and low-flow demand.

23.6 The calculated design wastewater generated by the proposed development.

23.7 How the generated wastewater will be disposed of.

23.8 An analysis of the impact of the proposed rezoning on the existing municipal bulk sewer infrastructure downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the proposed rezoning and development, into account.

23.9 The Design Report to include detailed design calculations, assumptions and clear referencing to standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.

24 That all cost for the provision of bulk and internal services for the development, as well as any upgrading of existing services, be borne by the applicant.

25 That it be noted that a Design Report be submitted by the applicant and be approved by the Strategic Executive: Infrastructure, Water and Technical Services prior to submission to the Ministry of Urban and Rural Development.

26 That no building plans be approved before water and sewer services are upgraded and taken over by Council as per approved Design Report and relevant designs.

27 That the design criteria be in accordance with the 'The Guidelines for Human Settlement, Planning and Design' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

28 That it be noted that any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities will be for the cost of the applicant, subject to approval of the Strategic Executive: Infrastructure, Water and Technical Services.

29 That the applicant acknowledge receipt and confirm acceptance of this Council Resolution in writing within twenty eight (28) days.

30 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) *any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.*

30.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.

31 That the resolution be implemented prior to confirmation of the minutes.

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[Municipal Council Agenda: 2023-04-03(3003)]

13.4 APPROVAL OF MINUTES (SMC 06/2023)

The minutes of the Special Management Committee meeting (SMC 06/2023) held on 27 March 2023 are submitted to Management Committee members for approval.

[Municipal Council Agenda: 2023-04-03(3003)]

13.5 MINUTES (SMC 06/2023)

The minutes of the Special Management Committee meeting (SMC 06/2023) held on 27 March 2023 as approved by its members at this meeting, are submitted for notice with the exception of Item GOV.1, which follows immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Special Management Committee meeting (SMC 06/2023) held on 27 March 2023 be noted by its members, with the exception of Item GOV.1

[Municipal Council Agenda: 2023-04-03(3003)]

13.5.1 GOV.1 [CEO/HCC] STAFF MATTER
(4/2/2)

This matter, submitted to the Councillors under separate cover, is to be dealt with in terms of section 14(2)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which reads as follows:

Every meeting of a local authority council shall be open to the public, except on any matter relating to -

(i) the appointment, promotion, conditions of employment and discipline of any particular officer or employee of a local authority council;

unless the local authority council by a majority of at least two-thirds of its members present at the meeting in question determines such a meeting to be so open.

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City of Windhoek

Street and Place Naming Guidelines

APPROVED BY COUNCIL RESOLUTION 76/04/2017

Contents

1. Introduction and Background 2
2. Legal Framework 2
3. Purpose of the Policy 2
4. Establishment of Committee 3
4.1 Composition of Committee 3
4.2 Quorum of the committee 3
4.3 Terms of office 4
4.4 Meetings of the committee 4
4.5 Functions of committee 4
4.6 Allowances of members of the committee 5
4.7 Annual report of the committee 5
4.8 Policy Review 5
5. Procedure to be followed in naming streets 5
6. Guidelines to be followed in renaming existing streets 6
7. Names to be avoided 7
8. Current streets that should not be renamed 8
9. Process by which proposals for naming or renaming shall be made 8
10. Public Participation 9
11. Annexures 10

1 Introduction and Background

The City of Windhoek is the Local Authority responsible for the administration of the street naming and renaming within its boundary. This administrative function is performed in order to ensure that all properties in the City are allocated official addresses. Street Addresses are an important urban navigation tool to the City's officials, residents, visitors and businesses.

Naming of streets and places is also an important element of service delivery as it promotes legibility and facilitates the effective delivery of services such as water and electricity, emergency services and also policing functions.

The naming and renaming of streets and places after persons who made an impact on the development of the City is a way of etching the country's history, both pleasant and not so pleasant, in the memory of people; and also to honour individuals for their contributions to the development of the country and the City and should therefore be done with careful consideration since it may have an impact on current and future users of a particular street or place.

2 Framework

The legislative framework within which the street and place naming and renaming is undertaken is the Local Authorities Act, Act 23 of 1992. Of particular relevance is Section 94 (1) (f) that stipulates as follows:

"the regulation of the naming from time to time of streets, and the numbering of houses, buildings and places in such streets"

3 Purpose of the Policy

3.1 The purpose of the policy is to provide a consolidated document to be used in the processes of naming and renaming of public places and streets within the City of Windhoek.

3.2 To ensure an inclusive, consultative and transparent process that enjoys public support when a proposal for a name change is received;

3.3 To facilitate the replacement of controversial, historical irrelevant and offensive names within Windhoek;

3.4 To facilitate the allocation of street names to new townships to be established in Windhoek; and

3.5 To serve as a guide to all private township developers within Windhoek on procedures to be followed in the allocation of street and place names.

4 Establishment of Committee

There shall be stablished a Committee under Section 30 (1) (w) exclusively dealing with the naming and renaming of public places and streets.

4.1 Composition of Committee

4.1.1 The committee will comprise of not less than eight (8) and no more than ten (10) members.

4.1.2 The committee shall consist of :

4.1.2.1 Three (3) Councillors nominated by Council,

4.1.2.2 Five (5) members from the public with expertise or experience in one or more of the following: town planning, onomastics, history, culture, linguistics, land survey, reconciliation and religion nominated by the Department of Community Services following consultation and acceptance of the nomination,

4.1.2.3 Two (2) staff members – one (1) representing the Department of Community Services and one (1) representing the Office of the Chief Executive Officer (the latter shall be staff member designated by the Chief Executive Officer).

4.1.3 The Department of Community Services shall perform the secretarial functions of the committee.

4.1.4 The Department of Community Services shall motivate and submit the names of the public members to Council for consideration.

4.2 Quorum of the committee

A simple majority of the Committee shall form the quorum.

4.3 Terms of office

4.3.1 The Committee shall hold office contemporaneous with the term of Council.

4.3.2 A member of the committee is appointed for a period of five (5) years.

4.3.3 A member of the committee may be re-appointed for a consecutive term of office.

4.3.4 Council may terminate a person's membership to the Committee.

4.3.5 If a member dies or resigns, Council must appoint another person to fill that vacancy for the remaining portion of the term of office of that member.

4.4 Meetings of the committee

4.4.1 The Chief Executive Officer must convene the first Committee meeting, thereafter the Chairperson of the Committee must be elected from the Members of the Committee.

4.4.2 The Strategic Executive Community Services will convene all other meetings including urgent meetings.

4.4.3 The committee will meet once every quarter or four (4) times a year and when convened by the Chairperson as often as necessary to consider urgent matters.

4.4.4 In the absence of the Chairperson, the members present at the meeting must elect from amongst themselves a Chairperson for the purpose of that meeting.

4.5 Functions of the committee

The primary functions of the Committee are to:

4.5.1 Assess and evaluate all naming and or renaming proposals received against the criteria as spelt out in this policy.

4.5.2 Recommend to Council proposed names for public places and streets within the Municipal boundary of Windhoek.

4.6 Allowances of members of the committee

Members of the committee shall not receive any remuneration and serve on a voluntary basis.

4.7 Annual report of the committee

In order to ensure that proper record keeping is maintained the committee will compile an annual report on the following;

4.7.1 Current names that were changed;

4.7.2 New names that were proposed and accepted

This report shall be held with the City's Registry for record keeping purposes.

4.8 Policy Review

This policy is subject to review as and when the regulatory; social and or the local authority environment require change.

5 Principles to be followed in naming streets and places

The principles detailed below should be adhered to in considering all submissions/proposals and petitions for the naming and renaming of public places and streets:

The following principles shall apply:

5.1 Proposed street names must be kept short.

5.2 Names of people, places, or objects may be used.

5.3 Names can be in all languages and should be easily pronounceable by Namibian citizens.

5.4 For record keeping purposes, information with regards to the proposed name, identity of a personal names, biography and activities the person was involved must accompany the proposal letter. This is important in cases where notable persons names are submitted as proposed for naming or renaming after streets or public places.

5.5 Names of the same object but in different languages can occur but are preferably to be avoided.

5.6 Names with similar sounds but different spelling cause confusion and should be avoided.

5.7 When personal names are used, the preferred form is to use only the surname, for instance, "Smith Street", the full name should be used, for example "Joan Harrison Street". A third alternative, which allows names to be kept in short form, is to use initials and surname, for example "H G Veii Street'.

6 The naming of places and streets after deceased persons

6.1 The person must have popular support.

6.2 The person is credited with outstanding achievement, for example, in the areas of cultural, educational, social, sport or economic development.

6.3 The person should have greatly contributed towards promoting a positive image of Namibia and Windhoek.

7 Guidelines to be followed in renaming existing public places and streets

7.1 In an effort to keeping with previous Council Resolutions, streets should, as a general principle:

7.1.1 be named after people, places, events and things related primarily to the City and its citizens and; b) Secondly, to Namibia at large.

7.2 The following are the criteria that will be applicable in the naming or renaming of public places and streets:

7.2.1 To commemorate noteworthy persons associated with the City, Namibia, Africa and the international community of which the City is part of;

7.2.2 To commemorate local history, places, events or culture;

7.2.3 To promote names with powerful positive meanings for people, so as to provide opportunities to promote Community harmony;

7.2.4 To recognise native wildlife, flora, fauna or natural features related to the community and the City of Windhoek;

7.2.5 To recognise communities which contribute to the ethno-racial diversity of Windhoek City;

7.2.6 To strengthen community identity;

7.2.7 To use names that can serve as locational tools and navigational aids for a predictable, manageable, and orderly environment (names are the beginnings of journeys or destination); and

7.2.8 To use names that creates a sense of place.

7.2.9 Preference shall be given to names of local area or historical significance.

7.2.10 Names of living persons should only be used in exceptional circumstances such as to celebrate Windhoek's rich heritage of struggle for a democratic, non-racial society and to acknowledge the contribution that many of the City's residents have made to the development of the City or Namibia.

7.2.11 Names should be grouped in categories for use in the same areas, for instance, the names of birds are used in certain extensions of Khomasdal, and whilst the names of historical figures are used in other townships; new developments can accommodate new trends in the naming of streets.

7.2.12 Renaming proposals must recognise persons who, in their lifetime demonstrated outstanding contributions to the City and the country at large. The following criteria must be met:

7.2.12.1 Persons nominated dead or alive should have made a substantial contribution directly to the City of Windhoek or Namibia at large;

7.2.12.2 The person must have given extensive or distinguished service to the community that goes beyond any doubt to Council;

7.2.12.3 The service should be easily recognisable as having a direct benefit to the City or Namibia at large and should be such that it has produced substantial benefit to the well-being of the citizens of the country; and

7.2.12.4 Nominees in the case of a Windhoek resident should have lived within the City of Windhoek for a significant number of years (significant usually means at least 15 years) and have had a long and close association and identification with the City.

7.2.12.5 Nominations by foreigners shall be done by their direct diplomatic representatives through both the Ministry of International Relations and Ministry of Urban and Rural Development.

8 Names to be avoided

8.1 There must be no duplication of a name within the City.

8.2 Names for public streets must not be construed as commercial advertising.

8.3 Cumbersome, corrupted or poorly modified names, discriminatory or derogatory names from the point of view of race, sex, colour, creed, political affiliation or other social factors shall be avoided.

8.4 The reuse of former street names should be discouraged because of the confusion it causes in property records management.

8.5 Names of living people are to be excluded, except when the age of the proposed persons reach or exceed 70 years.

8.6 In addition to the guidelines the City will consider the following when renaming the City's streets:

8.6.1 The historical reasons for the original name;

8.6.2 The public profile or familiarity of the public place and street's original name;

8.6.3 The cost associated with changing the place or street's name; that is, the cost of replacing street and traffic signs;

8.6.4 The relevance of the proposed new name to the place and street's main user group; and

8.6.5 The potential confusion created for emergency and other municipal services, commercial delivery services, and the travelling public.

9 Current streets and places that should not be renamed

The renaming of public places and streets which have the following characteristics is discouraged, i.e. streets that:

9.1 Have a name that reflects a positive historical event within the City of Windhoek;

9.2 Have a name that has specific relevance to the people of Namibia; and

9.3 Public places and streets that have already been renamed after a person associated with the City and people of Windhoek.

10 Process by which proposals for naming or renaming shall be made

10.1 Any citizen or person, Community or organisation in the geographical area of the City of Windhoek shall be entitled to propose the naming of new streets or renaming of an existing street in accordance with policies and procedures accepted by Council.

10.2 Application for the naming or renaming of streets/places shall be in writing under the name of the person making the proposal, and include details of

the affected street or place, proposed new name, background of the name to be eliminated, and fully motivated reasons which shall include research references, evidence of professional or community support of the name proposed.

10.3 Proposals may include the results of referenda, minutes of a concerned group or similar consultation within communities by way of evidence of support or opposition but which Council shall not consider as defining criteria.

10.4 Proposals will be received by the Chief Executive Officer, and forwarded to the Strategic Executive Community Services for report and preparation of a submission to the Committee.

10.5 The processing shall be strictly according to the proposed procedures provided in the Policy.

10.6 Proposals will be considered by the Street and Public Places Naming Committee who will make recommendations to Council.

10.7 The Council of the City of Windhoek will take the final decision on whether to accept the proposed name or not.

11 Public Participation

In order to ensure a transparent and fair process in the renaming of public places and streets, the following shall be followed:

11.1 The level of public participation must be reflective of the size, and importance of the street or public place to be named or renamed.

11.2 Council will place an advert in two (2) local newspapers for one week advertising the proposed renaming of a street or public space calling for objections from the public.

11.3 In cases where the street is short, the city may invite objections from all residents in the surrounding by way of registered mail.

11.4 A member of the public who has objections against the renaming of a place or street will have twenty one (21) working days to lodge the objections with Council.

11.5 Council shall retain the right to reject any objection with reasons and refuse the renaming of a public place or street.

11.6 Council's decision shall be final and no further objections may be entertained.

10 Annexures

NATIONAL ADJUDICATORS' LIST (NAMIBIA)

ADMINISTRATED BY THE ENGINEERING PROFESSIONS ASSOCIATION OF NAMIBIA

INDEPENDENT NOMINATING AUTHORITY

NOTICE

Change in Fee Structure & Adjustment to Categories

This serves to notify the following changes to the fees of NAL-EPA, are in effect on all new membership registrations approved and requested nominations registered as of 25th October 2021

Annual Membership Fees of Adjudicators:

	Revenue Type	Current fee structure	New fee structure
1.	Annual Registration Fee: Junior Adjudicator	N$ 350.00	N$ 350.00 + 1% of total fee invoice
2.	Annual Registration Fee: Adjudicator	N$ 500.00	N$ 500.00 + 1% of total fee invoice
3.	Annual Registration Fee: Senior Adjudicator	N$ 750.00	N$ 750.00 + 1 % of total fee invoice

New Category of Registered Employer and their respective Annual Registration Fees and Nomination Administrative Fees:

	Category Type	New category Name	Annual Registration Fee	Nomination Fee per request
4.	Major Employer	Registered Employer	N$ 15 000.00	N$ 2 250.00
5.	Minor Employer	Discontinued	-	-
6.	None Registered	Standing DAB		N$ 3 000.00
7.	None Registered	ADHOC DAB		N$ 5 000.00

Adjudicator Recommended Hourly Fee per Adjudicator Category:

	Category Type	Current Gazetted Fee	Current Recommended Hourly Fee	New Recommended Hourly Fee
1.	Junior Adjudicator	N$ 1 577.00	N$ 1 577.00	N$ 1 892.40
2.	Adjudicator	N$ 1 577.00	N$ 1 892.00	N$ 2 207.80
3.	Senior Adjudicator	N$ 1 577.00	N$ 2 208.00	N$ 2 523.20
4.	Senior Adjudicator (large projects)	N$ 1 577.00		N$ 3 750.00

Adjudicator Recommended Monthly Retainer Fees : Bid Value* may vary based on MoA per registered Employer below displayed is the bench mark:

	Current Bid Value*	Current Recommended Retainer Fee	New Bid value	New Recommended Retainer Fee
5.	< N$ 20 million	No Retainer fee	< N$ 100 million	N$ 8 000.00
6.	N$ 20 million to 60 million	N$ 3 000 00	Between N$ 100,000,001 and 300,000,000	N$ 15 140.00
7.	> N$ 60 million	N$ 4 000.00	Between N$ 300,000,001 and 500,000,000	N$ 17 670.00
8.	Introduced new		Between N$ 500,000,001 and 750,000.000	N$ 20 190.00
9.	Introduced new		From 750,000,001 and above	N$ 37 500.00

Approved by the EPA Council.

The Engineering Professions Association of Namibia

PO Box 21885 • Windhoek • Namibia • Tel/Fax: +264-81 833 4621

Website: www.engineers-namibia.org / E-mail: epa@africaonline.com.na

Memorandum of Agreement – Employers

Between:

The **ENGINEERING PROFESSIONS ASSOCIATION OF NAMIBIA**

As the one Party ("the EPA")

Herein represented by the President of the EPA

And:

The **MUNICIPAL COUNCIL OF WINDHOEK**

Of PO Box 59, Windhoek, Namibia

(Insert address and contact details above)

As the other Party ("the Employer")

Herein represented by:

O HEKANDJO	**ACTING CHIEF EXECUTIVE OFFICER**
Name	Designation

And

L. NARIB	**STRATEGIC EXECUTIVE: INFRASTRUCTURE, WATER AND TECHNICAL SERVICES**
Name	Designation

The EPA having presented to the Employer its

OFFER FOR THE ESTABLISHMENT AND MANAGEMENT OF THE NATIONAL ADJUDICATORS' LIST ("THE NAL") BY THE EPA ("THE OFFER")

And the Employer having accepted the Offer;

The Parties agree as follows *(insert the applicable information, delete which is not applicable*, and both Parties to countersign for the deletion(s) and/or insertion(s) as the case may be)*:

*1. The EPA shall subscribe the Employer to the National Adjudicators' List for a period of two years, within which period the EPA will provide impartial adjudicator nomination services to the Employer / Contractors jointly for Adjudicators to be nominated to the Dispute Adjudication Boards of such projects, awarded to such Contractors, as the Employer may from time to time register with the EPA within the subscription period:

For the subscription period from: 1 March 2022 to 29 February 2024

As an: Employer

For an Annual Subscription Fee of **N$ 15 000.00**

And a Nomination Fee, per adjudicator per DAB in accordance with rule No. 8 of the attached RULES AND PROCEDURES FOR THE NOMINATION OF ADJUDICATORS ON THE NATIONAL ADJUDICATOR'S LIST, Version: August 2021 (***attached***) as included in the, 2nd Edition of 2021, published by the Engineering Professions Association of Namibia.

The Engineering Professions Association of Namibia
111
PO Box 21885 Windhoek • Namibia • Tel+264-81-833-4621
Website: www.engineers-namibia.org / E-mail: epa@africaonline.com.na

2. That rule No 3 (b) of the attached RULES AND PROCEDURES FOR THE NOMINATION OF ADJUDICATORS ON THE NATIONAL ADJUDICATOR'S LIST, Version: August 2021:

OPTION 1 URBAN	**Credits required**	**% of Gazetted fee**
Junior Adjudicator for contracts up to N$ 50 million	25	120%
Adjudicator for contracts up to N$ 300 million	40	140%
Senior Adjudicator up to N$750 million	65	160%
Senior Adjudicator above N$750 million		238%

3. That the fees continue to be linked to the gazetted fees for Professional and Incorporated Engineers.
4. That a nominated Adjudicator will be required to enter into an agreement with the Employer, which agreement is not part of this Memorandum of Agreement between the EPA and the Employer.

Category of Registration	**Contract Value Limit**
Junior Adjudicator	contracts up to N$50 million
Adjudicator	contracts up to N$300 million
Senior Adjudicator	All contracts and consulting agreements

5. The EPA ensures that the nomination of Adjudicators under the NAL shall be as per the attached RULES AND PROCEDURES FOR THE NOMINATION OF ADJUDICATORS ON THE NATIONAL ADJUDICATORS' LIST, Version: August 2021

6. The Employer hereby agrees to indemnify the EPA against any claim whatsoever arising as a result of the Parties exercising their obligations and/or rights in accordance with this Memorandum of Agreement.

The Engineering Professions Association of Namibia

PO Box 21885 Windhoek • Namibia • Tel+264-81-833-4621

Website: www.engineers-namibia.org / E-mail: epa@africaonline.com.na

Signed:

At on this day of

For the EPA: _____ _____

Name / Designation: S. TEKIE, President, EPA Witness

For the Employer: _____ _____

Name / Designation O HEKANDJO Witness

(Acting-Chief Executive Officer)

For the Employer: _____ _____

Name / Designation L. NARIB, Strategic Witness

(Executive: Infrastructure, Water and Technical Services)

Of Authorised Signatory

The Engineering Professions Association of Namibia

113

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NAL RULES and PROCEDURES FOR NOMINATION of ADJUDICATORS

RULES AND PROCEDURES FOR THE NOMINATION OF ADJUDICATORS ON THE NATIONAL ADJUDICATORS' LIST

Version: August 2021

1) Nominations of adjudicators registered on the NAL will be made at the request of Employer organisations (contracting party) for a nomination.

2) The request for nomination shall be addressed to the Registrar of the NAL, and shall contain the following information regarding the contract:

   a) Number of Adjudicators required (one or three).

   b) Title and number of contract.

   c) Employer's name.

   d) Contractor's name.

   e) Engineer's name.

   f) Tender Value.

   g) Location of the site.

   h) A short description of contract (e.g., construction of roads and bridges; sewer reticulation; pump station; civil works for plant x, etc); and

   i) Commencement date and time for completion.

3) The request for nomination shall be forwarded by the Registrar to adjudicators registered on the NAL as an enquiry for availability, as follows:

   a) A strict rotational basis shall be used.

   b) The tender value shall be used to determine the required grade and recommended hourly professional fee of the registered adjudicator as follows:

Grade Recommended Hourly Fee		*as % of Gazetted Fee* Currently N$1577.00*
Junior Adjudicator:	for contracts up to N$ 50.0 million	120 %
Adjudicator:	for contracts up to N$ 300.0 million	140 %
Senior Adjudicators:	for contracts up to N$ 750 million	160 %
Senior Adjudicators:	for very large contracts above N$750 million	238 %

   c) Adjudicators registered in the grades 'Senior' or 'Adjudicator' may be approached for contracts of lower values but would then be reimbursed at the lower fees as applicable for the lower grades.

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4) The recommended retainer fee payable to an Adjudicator (irrespective of grading) shall be as follows:

a) Contract Value < N$ 20.0 million – retainer fee N$ 8,000.00 per month.
b) Contract Value N$ 20,000,001 to N$50 million – retainer fee N$ 15,140.00 per month.
c) Contract Value N$ 50,000,001 to N$300 million – retainer fee N$ 17,670.00 per month.
d) Contract Value N$ 300,000,001 to N$750 million – retainer fee N$ 20,190.00 per month.
e) Contract Value > N$750 million – retainer fee N$ 37,500.00 per month.

f) Where multiple small contracts can be combined to make up one large Project: minimum monthly retainer fee of N$ 15,140.00 for a combined total value < N$50 mill. Thereafter N$ 3,000.00 additional monthly retainer fee for every N$20 million in combined total project value.

g) The Retainer Fee shall be paid per calendar month, and shall be considered as payment in full for:

i) Being available on 7 days' notice for all site visits and hearings.

ii) Becoming and remaining conversant with the minutes of official site meetings between the

Parties, and maintaining a relevant file; and

iii) All office expenses relating to these services.

h) Where travelling and accommodation disbursements arise due to the Adjudicator having to travel to an area outside the area of the municipality where he is usually resident, such disbursements must be reimbursed at cost.

5) Upon receipt of the enquiry, the registered adjudicator shall reply to the Registrar of the NAL within 3 calendar days (failing which such enquiry would become void and the Registrar would approach the following registered adjudicator on the NAL), as follows:

a) The registered adjudicator shall confirm his or her a) availability to act as adjudicator on the particular contract, or b) his or her unavailability.

b) In case of a) availability, confirm that s/he is not in the employ of either of the contracting parties, either as agent or otherwise, is not part of the 'named personnel' on any project where either contracting party is involved, and that no professional or other relationship exists at the time of enquiry.

6) On receipt of confirmation of availability of a registered adjudicator and the acceptance of the adjudicator by both contracting parties, the Registrar shall reply to the Employer as follows (nomination):

a) Provide the name and category of the nominated adjudicator.

b) Provide contact details of the registered adjudicator.

c) Provide the proposed fees (retainer fee and hourly fee) for adjudication.

d) Attach a copy of the invoice for the nomination fee.

7) The nomination fee shall be the responsibility of the two contracting parties (Employer and Contractor) and shall be payable upon receipt of the invoice for the nomination fee.

8) The nomination fee shall be as determined by the EPA from time to time, in consultation with the NAL Committee and will be made available on request to a party requesting a nomination.

The Engineering Professions Association of Namibia

PO Box 21885 • Windhoek • Namibia • Tel: +264-61-223009

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Memorandum of Agreement – Employers

Between:

The **ENGINEERING PROFESSIONS ASSOCIATION OF NAMIBIA**

As the one Party ("the EPA")

Herein represented by the President of the EPA

And:

The MUNICIPAL **COUNCIL OF WINDHOEK**

Of Po Box 59, Windhoek, Namibia

(Insert address and contact details above)

As the other Party ("the Employer")

Herein represented by	**R KAHIMISE**	**CHIEF EXECUTIVE OFFICER**
	Name	Designation
And	**L NARIB**	**STRATEGIC EXECUTIVE: INFRASTRUCTURE, WATER AND TECHNICAL SERVICES**
	Name	Designation

The EPA having presented to the Employer its

OFFER FOR THE ESTABLISHMENT AND MANAGEMENT OF THE NATIONAL ADJUDICATORS' LIST ("THE NAL") BY THE EPA ("THE OFFER")

And the Employer having accepted the Offer;

The Parties agree as follows *(insert the applicable information, delete which is not applicable*, and both Parties to countersign for the deletion(s) and/or insertion(s) as the case may be):*

1. The EPA shall subscribe the Employer to the National Adjudicators' List for a period of one year, within which period the EPA will provide impartial adjudicator nomination services to the Employer / Contractors jointly for Adjudicators to be nominated to the Dispute Adjudication Boards of such projects, awarded to such Contractors, as the Employer may from time to time register with the EPA within the subscription period:

For the subscription period from:	**01 May 2018 to 30 April 2020**
As a:	*Major / *~~Minor~~ Employer
For an Annual Subscription Fee of	**N$ 15 000.00**

And a Nomination Fee, per adjudicator per DAB In accordance with rule No. 8 of the attached RULES AND PROCEDURES FOR THE NOMINATION OF ADJUDICATORS ON THE NATIONAL ADJUDICATOR'S LIST.

2. That rule No 3 (b) of the attached RULES AND PROCEDURES FOR THE NOMINATION OF ADJUDICATORS ON THE NATIONAL ADJUDICATOR'S LIST be amended as follows:

	Credits required	% of Gazetted fee
Junior Adjudicator for contracts up to N$ 20 million	25	100%
Adjudicator for contracts up to N$ 60 million	40	120%
Senior Adjudicator all contracts and consulting agreements	65	140%

3. That the fees continue to be linked to the gazetted fees for Professional and Incorporated Engineers.

4. That the Employer requires that the nomination of adjudicators by the EPA is linked to the category of registration of such adjudicator, as follows:

Category of Registration	Contract Value Limit
Junior Adjudicator	contracts up to N$25 million
Adjudicator	contracts up to N$50 million
Senior Adjudicator	All contracts and consulting agreements

5. That the EPA ensures the following

5.1 That the nomination procedure be performed in the specified time frame;

5.2 That the EPA be bound to use the predetermined method of selecting adjudicator;

5.3 That only suitably qualified and experienced adjudicators are listed, and that only such adjudicators are used that are current in obtaining their annual credits

6. The Employer hereby agrees to indemnify the EPA against any claim whatsoever arising as a result of the Parties exercising their obligations and/or rights in accordance with this Memorandum of Agreement.

Signed:

At Windhoek on this 3rd day of April 2019

For the EPA: _____ _____

Name / Designation: F. JACOBS, President, EPA Witness

For the Employer: _____ _____

Name / Designation R KAHIMISE (Chief Executive Officer) Witness

For the Employer: _____ _____

Name / Designation L. NARIB Witness

(Strategic Executive: Infrastructure, Water and Technical Services)

The Engineering Professions Association of Namibia

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RULES AND PROCEDURES FOR THE NOMINATION OF ADJUDICATORS ON THE NATIONAL ADJUDICATORS' LIST

Version: August 2017

1) Nominations of adjudicators registered on the NAL will be made at the request of Employer organisations (contracting party) for a nomination.
2) The **request for nomination** shall be addressed to the Registrar of the NAL, and shall contain the following information regarding the contract:
   a) Number of Adjudicators required (one or three);
   b) Title and number of contract;
   c) Employer's name;
   d) Contractor's name;
   e) Engineer's name;
   f) Tender Value;
   g) Location of the site;
   h) Short description of contract (e.g. construction of roads and bridges; sewer reticulation; pump station; civil works for plant x, etc); and
   i) Commencement date and time for completion.
3) The **request for nomination** shall be forwarded by the Registrar to adjudicators registered on the NAL as an **enquiry for availability**, as follows:
   a) A strict rotational basis shall be used;
   b) The tender value shall be used to determine the required grade and recommended hourly professional fee of the registered adjudicator as follows:

Grade	Hourly Fee as % of Gazetted Fee
Junior Adjudicator: for contracts up to N$ 20.0 million	100 %
Adjudicator: for contracts up to N$ 60.0 million	120 %
Senior Adjudicators: all contracts and consulting agreements	140 %

   c) Adjudicators registered in the grades 'Senior' or 'Adjudicator' may be approached for contracts of lower values but would then be reimbursed at the lower fees as applicable for the lower grades.
4) The **recommended retainer fee** payable to an Adjudicator (irrespective of grading) shall be as follows:
   a) Contract Value < N$ 20.0 million – no retainer fee
   b) Contract Value N$ 20.0 million to N$60 million – retainer fee N$ 3000.00 per month.

c) Contract Value > N$60 million – retainer fee N$ 4000 per month

d) Where multiple small contracts can be combined to make up one large Project: retainer fee to be N$ 2000per month for every N$ 20.0 million, or pro-rata thereof.

e) The Retainer Fee shall be paid per calendar month, and shall be considered as payment in full for:

   i) Being available on 7 days notice for all site visits and hearings;

   ii) Becoming and remaining conversant with the minutes of official site meetings between the Parties, and maintaining a relevant file; and

   iii) All office expenses relating to these services.

f) Where travelling and accommodation disbursements arise due to the Adjudicator having to travel to an area outside the area of the municipality where he is usually resident, such disbursements must be reimbursed at cost.

5) Upon receipt of the **enquiry**, the registered adjudicator shall reply to the Registrar of the NAL within 3 calendar days (failing which such enquiry would become void and the Registrar would approach the following registered adjudicator on the NAL), as follows:

   a) The registered adjudicator shall confirm his or her a) availability to act as adjudicator on the particular contract, or b) his or her unavailability;

   b) In case of a) availability, confirm that s/he is not in the employ of either of the contracting parties, either as agent or otherwise, is not part of the 'named personnel' on any project where either contracting party is involved, and that no professional or other relationship exists at the time of enquiry.

6) On receipt of confirmation of availability of a registered adjudicator and the acceptance of the adjudicator by both contracting parties, the Registrar shall reply to the Employer as follows (**nomination**):

   a) Provide the name and category of the nominated adjudicator;

   b) Provide contact details of the registered adjudicator;

   c) Provide the proposed fees (retainer fee and hourly fee) for adjudication;

   d) Attach a copy of the invoice for the nomination fee.

7) The **nomination fee** shall be the responsibility of the two contracting parties (Employer and Contractor), and shall be payable upon receipt of the invoice for the nomination fee.

The **nomination fee** shall be as determined by the EPA from time to time, in consultation with the NAL Committee, and will be made available on request to a party requesting a nomination.

ANNEXURE A:
An extract of Section 75 of the Local Authorities Act (No. 23 of 1992), as amended

Exemption from rates levied on rateable property

75. (1) A local authority council may, upon an application made to it in respect of any financial year in such form as may be determined by the Minister, exempt in respect of such financial year from any rates levied under section 73 –

(a) any land or building or any part of such land or building used exclusively for purposes of the principal activities of -

(i) any church, mission, hospital, school or hostel other than a church, mission, hospital, school or hostel which has been established and is maintained and managed by any person for profit or gain, whether directly or indirectly;

(ii) any amateur sporting organization;

(iii) any State-aided institution or institution aided by any charitable institution; or any portion of such land or building, or any land set aside for any such purposes;

(b) any land or building –

(i) used wholly and exclusively for the residence of any priest or minister employed on a full-time basis by any church or mission referred to in paragraph (a)(i);

(ii) used for the boarding and lodging of persons employed on a full-time basis on the medical, nursing and maintenance staff of any hospital referred to in the said paragraph;

(iii) used for the boarding and lodging of any pupils of, or persons employed on a full-time basis as teachers or other members of the staff by, any school or hostel referred to in the said paragraph;

(c) any land or building –

(i) of which the ownership vests in, or is occupied by any non-political youth organization -

(aa) which has as its aim the education of the youth or any particular group of youth and to develop amongst such youth the qualities of citizenship; and

(bb) which has, upon an application made by the local authority council in question, been approved by the Minister for purposes of this paragraph; and

(ii) which is used by such organization exclusively for purposes of its aim or let for an amount not exceeding an amount necessary to maintain such immovable property or to raise funds in order to achieve such aims.

(2) The provisions of subsection (1) shall not apply in relation to any land or building used by an amateur sporting organization on which any trade is carried on for gain.

[subsection (2) amended by Act 24 of 2000]

(3) A local authority council shall not grant any exemption under subsection (1), unless the application referred to in that subsection has been lodged to, or actually received by, it on or before 31 May in the year immediately preceding the financial year to which the application relates.

Reduction of rates in respect of certain properties

75A. (1) A local authority council may, notwithstanding the provisions of this Part, and subject to the approval of the Minister, upon an application of the owner of any rateable property, grant to such owner a rebate on the rate which is payable in respect of the property in terms of section 73(1), if the local authority council is satisfied that a business has been or is to be established on such property, or that a business conducted on such property has been or is to be expanded, and that the establishment or expansion of the business will result in the creation of substantial opportunities for permanent employment in the local authority area.

(2) A rebate under subsection (1) shall be granted subject to such conditions and for such period as the local authority council may determine with the approval of the Minister.

(3) If the owner of any rateable property referred to in subsection (1) is not, or will not be, the beneficial owner of the business conducted or to be conducted on the property, the local authority council may impose under subsection (2) any condition which it may consider necessary for ensuring that the whole or a specified part of the benefit of a rebate granted under subsection (1) will be passed on to the owner of the business concerned.

[section 75A inserted by Act 24 of 2000]

ANNEXURE B:
List A (non-rateable properties by definition)

LIST A

Erf No	Township	Usage of the property	Applicant	Classification	Zoning	List
148	Academia	Church	Missionaries of St Francis De Sales	Educational	Residential	LIST A
49	DOBRA	Church	Congregation of the Missionary Oblates of Mary	Religious	Institutional	LIST A
9	DORADO PARK	School	Rainbow Pre-Primary	Educational	Institutional	LIST A
283	DORADO PARK	School	Christ Love Ministries	Religious	Institutional	LIST A
291	DORADO PARK	Church	Light of the World Ministries	Religious	Institutional	LIST A
1225	DORADO PARK	School	Dorado Private School	Educational	Institutional	LIST A
1465	DORADO PARK	Church	His People Ministries	Religious	Institutional	LIST A
7696	DORADO PARK	Church	Campus Crusade for Christ Namibia	Religious	Institutional	LIST A
7697	DORADO PARK	Church	Campus Crusade for Christ Namibia	Religious	Institutional	LIST A
93	ELISENHEIM	Church	Elisenheim Community Church	Religious	Institutional	LIST A
37	EROS PARK	School	Windhoek Afrikaans Private School	Educational	Institutional	LIST A
1026	GOREANGAB	Church	Deeper Christian Life Ministries	Religious	Residential	LIST A
1662	GOREANGAB	Church	Universal Church	Religious	Business	LIST A
803	HAKAHANA	Church	Hakahana Christian Centre	Religious	Institutional	LIST A
R/608	HOCHLANDPARK	Church	Dutch Reformed Church Windhoek West	Religious	Institutional	LIST A
861	HOCKLANDPARK	Church	Gospel Outreach	Religious	Institutional	LIST A
1487	HOCHLANDPARK	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A
1814	HOCKLANDPARK	Church	Missionary Field Fellowship	Religious	Institutional	LIST A
37	KATUTURA	Church	Roman Catholic Church	Religious	Institutional	LIST A
1191	KATUTURA	Church	Restoration Community	Religious	Institutional	LIST A
2030	KATUTURA	Church	The Church of Africa	Religious	Institutional	LIST A
2072	KATUTURA	School	Kinderwereld Creche	Educational	Institutional	LIST A
2462	KATUTURA	Church	ELCIN Hosianna Parish	Religious	Institutional	LIST A
3284	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
4071	KATUTURA	School	Beautiful Kidz Namibia	Humanitarian	Institutional	LIST A
4772	KATUTURA	Church	Universal Church of the Kingdom of God	Religious	Business	LIST A

6620	KATUTURA	Church	Zion Christian Church	Religious	Institutional	LIST A
6058	KATUTURA	Church	Baptist Church	Religious	Institutional	LIST A
6378	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
8081	KATUTURA	Church	Spiritual Healing Church	Religious	Institutional	LIST A
8527	KATUTURA	Church	Roman Catholic Church	Religious	Institutional	LIST A
9130	KATUTURA	Church	ST John Apostolic Church	Religious	Institutional	LIST A
Plot 4 of Nubuamis 37	KATUTURA	Training	Youth with a mission	Religious	Institutional	LIST A
2	KHOMASDAL	Church	Church of the Nazarene	Religious	Institutional	LIST A
482	KHOMASDAL	School	Triumphant College	Educational	Institutional	LIST A
783	KHOMASDAL	Church	Namibia Christian Centre	Religious	Residential	LIST A
784	KHOMASDAL	School	Learn and Play Early	Educational	Institutional	LIST A
2430	KHOMASDAL	Church	AFM Khomasdal T/A River of Lite Community Church	Religious	Institutional	LIST A
2433	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
3142	KHOMASDAL	Church	Morewaak Pentecostal	Religious	Institutional	LIST A
3934	KHOMASDAL	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A
4748	KHOMASDAL	Church	Uniting Reformed Church	Religious	Institutional	LIST A
4756	KHOMASDAL	Church	Uniting Reformed Church	Religious	Institutional	LIST A
4834	KHOMASDAL	School	Pre Primary of U.R.Church	Educational	Institutional	LIST A
5030	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
5219	KHOMASDAL	Church	Martin Luther Parish	Religious	Institutional	LIST A
6215	KHOMASDAL	Church	Morewag Church Namibia	Religious	Institutional	LIST A
300	KLEIN WINDHOEK	Church	The Old Apostolic Church (Namibia)	Religious	Institutional	LIST A
R/329	KLEIN WINDHOEK	Pre-Primary School	DEL Gemeinde Windhoek	Educational	Institutional	LIST A
2735	KLEIN WINDHOEK	Church & Parsonage	Full Gospel Church	Religious	Institutional	LIST A
3727	KLEIN WINDHOEK	Church	The Christian Community of Namibia	Religious	Institutional	LIST A
1356	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
934	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
326	OKURYANGAVA	Church	Effatta Pentacostal Church	Religious	Institutional	LIST A
3649	OKURYANGAVA	School	Bright Hill Pre-School	Educational	Institutional	LIST A
402	OMEYA	School	Omeya Private School	Educational	Institutional	LIST A
3063	OTJOMUISE	School	Penduka Daycare Centre	Educational	Institutional	LIST A

3452	OTJOMUISE	School	Mammadu Trust	Educational	Residential	LIST A
3528	OTJOMUISE	Church	Bible Baptist Church	Religious	Institutional	LIST A
1072	PIONIERSPARK	Church	Gereformeerde Kerk	Religious	Institutional	LIST A
311	PIONIERSPARK	Church	The old Apostolic Church	Religious	Institutional	LIST A
1306	PIONIERSPARK	School	Windhoek International School	Educational	Institutional	LIST A
1374	PIONIERSPARK	Church	Lutheran Church	Religious	Institutional	LIST A
702	ROCKY CREST	Church	Westside Baptist Church	Religious	Institutional	LIST A
848	ROCKY CREST	Church	Model Prayer Ministries	Religious	Institutional	LIST A
4508	SUIDERHOF	Church	Dutch Reformed Church Suiderhof	Religious	Institutional	LIST A
4509	SUIDERHOF	Church	Dutch Reformed Church Suiderhof	Religious	Institutional	LIST A
5395	SUDERHOF	Church	Seventh Day Adventist Church	Religious	Institutional	LIST A
358	WANAHEDA	Church	Church of Nazarene	Religious	Institutional	LIST A
1975	WANAHEDA	Church	Roman Catholic Church	Religious	Institutional	LIST A
1977	WANAHEDA	Church	Roman Catholic Church	Religious	Institutional	LIST A
2492	WANAHEDA	Church	Apostolic Faith Mission of Namibia	Religious	Institutional	LIST A
132	WINDHOEK	Church	DEL Gemeinde	Religious	Institutional	LIST A
119	WINDHOEK	Church	St George's Office	Religious	Institutional	LIST A
0/50/R	WINDHOEK	Church & Kindergarten	Del Gemeinde Windhoek	Religious	Institutional	LIST A
547	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
A641	WINDHOEK	Church	Christian Science Society	Religious	Institutional	LIST A
870	WINDHOEK	School	Convent of the Holy Cross	Educational	Institutional	LIST A
1353	WINDHOEK	Church	Dutch Reformed Church	Educational	Institutional	LIST A
463/2367	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1934	WINDHOEK	Education	NUST	Educational	Institutional	LIST A
1636	WINDHOEK	Church	Latter Rain Mission	Religious	Institutional	LIST A
1935	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1932	WINDHOEK	School	NUST	Educational	Residential	LIST A
1933	WINDHOEK	School	NUST	Educational	Office	LIST A
1936	WINDHOEK	School	NUST	Educational	Residential	LIST A
1938	WINDHOEK	School	NUST	Educational	Residential	LIST A
1940	WINDHOEK	School	NUST	Educational	General Residential	LIST A

1941	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1942	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1947	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1948	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
1959	WINDHOEK	Church	Windhoek Hebrew Congregation	Religious	Institutional	LIST A
3449	WINDHOEK	School	NUST	Educational	Office	LIST A
3451	WINDHOEK	School	NUST	Educational	Residential	LIST A
3470	WINDHOEK	School	NUST	Educational	Residential	LIST A
7941	WINDHOEK	School	NUST	Educational	Institutional	LIST A
3016	WINDHOEK	Church	Christ Love Ministries	Religious	Institutional	LIST A
3457	WINDHOEK	School	NUST	Educational	Institutional	LIST A
5584	WINDHOEK	School	Windhoek Afrikaanse Privaatskool	Educational	Institutional	LIST A
5930	WINDHOEK	School	NUST	Educational	Office	LIST A
6062	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
6578	WINDHOEK	Church	Universal Church	Religious	Institutional	LIST A
7950	WINDHOEK	School	Windhoek Afrikaanse Priv	Educational	Institutional	LIST A
8349	WINDHOEK	School	Deutscher Schulverein WHK	Religious	Institutional	LIST A
8396	WINDHOEK	School	NUST	Educational	Institutional	LIST A
95	FARM WINDHOEK AND TOWNLAND	Church	Congregation of Missionary Oblates of Mar	Religious	Institutional	LIST A

ANNEXURE C:
List B (properties qualifying for exemption under section 75)

LIST B

Erf Number	Township	Usage of the property	Applicant	Classification	Zoning	List
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Private Open Space	LIST B
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B
2840	AUASBLICK	Parsonage	Zentralkasse der ELKIN (DELK)	Religious	Residential	LIST B
Portion C	BRAKWATER	Namibia Animal Rehabilitaton and Education Centre	Director	Rehabilitation and Education	Institutional	LIST B
148	DORADO PARK	Parsonage	Life Changing Christian Church	Religious	Residential	LIST B
812	DORADO PARK	Parsonage	Hakahana Christian Centre	Religious	Residential	LIST B
29	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
393	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B
2349	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
2369	GOREANGAB	Orphanage	Hope Village Trust	Religious	Institutional	LIST B
7349	KATUTUR	Sports	Tiger Football Club cc	Sport	Institutional	LIST B
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B
3971	KHOMASDAL	Office	AFM Khomasdal T/A River of Lite Community Church	Religious	Institutional	LIST B
4749	KHOMASDAL	Parsonage	Uniting Reform Church	Religious	Residential	LIST B
6286	KHOMASDAL	Parsonage	Every Nation Victory Church	Religious	Residential	LIST B
R/328	KLEIN WINDHOEK	Boy Scouts	DEL Gemeinde Windhoek	Educational	Institutional	LIST B
1934	KLEIN WINDHOEK	Parsonage	School Association of Fratres CMN WHK	Religious	Residential	LIST B
1561	KLEIN WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B
6	KLEINE KUPPE	Sport	Namibia JKA Sportsgrounds CC	Sport	Residential	LIST B
2336	OKURYANGAVA	Orphanage Home	Children Life Change Centre	Educational	Institutional	LIST B
431	OLYMPIA	Parsonage	Del Gemeinde Windhoek	Religious	Residential	LIST B
6172	OLYMPIA	Sport	SV Namibia	Educational	Private Open Space	LIST B
7586	OLYMPIA	Sport	Old Wheels Club of Namibia	Sport	Undetermined	LIST B
5230	OTJOMUISE	Parsonage	Campus Crusade for Christ Namibia	Religious	Residential	LIST B
563	PIONIERSPARK	Sport	Ramblers Sport Club	Sport	Residential	LIST B
883	PIONIERSPARK	Parsonage for Reverend	Gereformeerde Kerk	Religious	Institutional	LIST B
912	PIONIERSPARK	Parsonage	DEL Gemeinde Windhoek	Religious	Residential	LIST B
1277	PIONIERSPARK	Sport	Wanderers Sport Club	Sport	Private Open Space	LIST B
440	ROCK CREST	Parsonage	Christina Faith Impact Church	Religious	Residential	LIST B

5396	SUIDERHOF	Orphanage	Meals	Religious	Residential	LIST B
578	WANAHEDA	Shelter	Lutheran Church	Religious	Residential	LIST B
47	WINDHOEK	Parsonage	National Spiritual Assembly of the Bahai's of Namibia	Religious	Office	LIST B
I/399	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B
681	WINDHOEK	Parsonage	The Salvation Army	Religious	Residential	LIST B
1802	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Residential	LIST B
1803	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Institutional	LIST B
1804	WINDHOEK	Vacant\Parking	Latter Rain Mission	Religious	Residential	LIST B
1882	WINDHOEK	Parsonage	Gospel Outreach	Religious	Residential	LIST B
1928	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B
2340	WINDHOEK	Office	Lutheran Church	Religious	Residential	LIST B
463/2367	WINDHOEK	School/Hotel school	NUST	Educational	Residential	LIST B
2813	WINDHOEK	WHK Life Change Centre	Dutch Reformed Church WHK/West	Religious	Institutional	LIST B
3811	WINDHOEK	Parsonage	School Association of Fratres CMM	Religious	Residential	LIST B
4233	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B
5523	WINDHOEK	Youth work & education (scouts)	Vereinder Eltern und Freunde	Welfare	Institutional	LIST B
5564	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B
5731	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Institutional	LIST B
6795	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Undetermined	LIST B
6809	WINDHOEK	Sport	Sport Club Windhoek	Sport	Institutional	LIST B
7240	WINDHOEK	Sport	Deutscher Turn und Sportverein	Sport	Residential	LIST B
7460	WINDHOEK	Care Centre	Lions Club Windhoek Alte	General	Private Open Space	LIST B
7530	WINDHOEK	Sport	Namibia Tennis Association	Sport	Private Open Space	LIST B
8377	WINDHOEK	Parking area	DEL Gemeinde Windhoek	Religious	Public Open Space	LIST B
8474	WINDHOEK	Old Age Home	Susanne Grau Heim	Old age Home	General Residential	LIST B
8717	WINDHOEK	Old Age Home	Deutscher Frauenverein	Old age Home	General Residential	LIST B
39	WINDHOEK TOWNLANDS	Welfare	SPCA Windhoek	Welfare	Institutional	LIST B
306	FARM TOWNLAND WINDHOEK	Sport	City of Windhoek Shooting Club	Sport	Institutional	LIST B

ANNEXURE D:
Cost Implication from List B (properties qualifying for exemption under section 75)

LIST B										0.000961		0.000570
Erf #	**Township**	**Usage of the property**	**Applicant**	**Classification**	**Zoning**	**List**	LAND VALUE	IMPROVEMENT VALUE	**LAND VALUE**	**CHARGES -GROUND**	**IMPROVEMENT VALUE**	**CHARGES - IMPROVE**
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Private Open Space	LIST B	17 168 000.00	4 169 000.00	17168000	**16,498.45**	4169000	**2,376.33**
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B	19 265 000.00	4 768 000.00	19265000	**18,513.67**	4768000	**2,717.76**
284	AUASBLICK	Parsonage	Zentralkasse der ELKIN (DELK)	Religious	Residential	LIST B	1 158 000.00	2 230 000.00	1158000	**1,112.84**	2230000	**1,271.10**
R/Portion C	BRAKWATER	Namibia Animal Rehabilitaton and Education Centre	Director	Rehabilitation and Education	Institutional	LIST B	3 000 000.00	1 699 000.00	3000000	**2,883.00**	1699000	**968.43**
148	DORADO PARK	Parsonage	Life Changing Christian Church	Religious	Residential	LIST B	449 000.00	1 148 000.00	449000	**431.49**	1148000	**654.36**
812	DORADO PARK	Parsonage	Hakahana Christian Centre	Religious	Residential	LIST B	225 000.00	823 000.00	225000	**216.23**	823000	**469.11**
29	EROS PARK	Parsonage	Dutch Reformed	Religious	Residential	LIST B	1 019 000.00	2 593 900.00	1019000	**979.26**	2593900	**1,478.52**

			Church									
393	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B	1 051 000.00	1 911 300.00	1051000	**1,010.01**	1911300	**1,089.44**
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B	1 056 000.00	943 200.00	1056000	**1,014.82**	943200	**537.62**
2349	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B	736 000.00	1 366 900.00	736000	**707.30**	1366900	**779.13**
2369	GOREANGAB	Orphanage	Hope Village Trust	Religious	Institutional	LIST B	607 000.00	$0.00	607000	**583.33**	0	-
7349	KATUTUR	Sports	Tiger Football Club cc	Sport	Institutional	LIST B	1 916 160.00	$0.00	1916160	**1,841.43**	0	-
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B	144 000.00	791 000.00	144000	**138.38**	791000	**450.87**
3971	KHOMASDAL	Office	AFM Khomasdal T/A River of Lite Community Church	Religious	Institutional	LIST B	357 000.00	999 000.00	357000	**343.08**	999000	**569.43**
4749	KHOMASDAL	Parsonage	Uniting Reform Church	Religious	Residential	LIST B	442 000.00	1 502 000.00	442000	**424.76**	1502000	**856.14**
6286	KHOMASDAL	Parsonage	Every Nation Victory Church	Religious	Residential	LIST B	231 000.00	281 000.00	231000	**221.99**	281000	**160.17**
R/328	KLEIN WINDHOEK	Boy Scouts	DEL Gemeinde Windhoek	Educational	Institutional	LIST B	1 456 000.00	1 457 000.00	1456000	**1,399.22**	1457000	**830.49**
1934	KLEIN	Parsonage	School Association of	Religious	Residential	LIST	1 625	2 928 000.00	1625000		2928000	

	WINDHOEK		Fratres CMN WHK			B	000.00			**1,561.63**		**1,668.96**
1561	KLEIN WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B	851 000.00	1 678 000.00	851000	**817.81**	1678000	**956.46**
6	KLEINE KUPPE	Sport	Namibia JKA Sportsgrounds CC	Sport	Residential	LIST B	897 000.00	8 308 900.00	897000	**862.02**	8308900	**4,736.07**
2336	OKURYANGAVA	Orphanage Home	Children Life Change Centre	Educational	Institutional	LIST B	275 000.00	$0.00	275000	**264.28**	0	**-**
431	OLYMPIA	Parsonage	Del Gemeinde Windhoek	Religious	Residential	LIST B	776 000.00	1 370 000.00	776000	**745.74**	1370000	**780.90**
6172	WINDHOEK	Sport	SV Namibia	Educational	Private Open Space	LIST B	2 300 000.00	423 500.00	2300000	**2,210.30**	423500	**241.40**
7586	WINDHOEK	Sport	Old Wheels Club of Namibia	Sport	Undetermined	LIST B	2 297 000.00	2 963 000.00	2297000	**2,207.42**	2963000	**1,688.91**
5230	OTJOMUISE	Parsonage	Campus Crusade for Christ Namibia	Religious	Residential	LIST B	1 659 000.00	8 279 500.00	1659000	**1,594.30**	8279500	**4,719.32**
563	PIONIERSPARK	Sport	Ramblers Sport Club	Sport	Residential	LIST B	9 710 000.00	1 160 000.00	9710000	**9,331.31**	1160000	**661.20**
883	PIONIERSPARK	Parsonage for Reverend	Gereformeerde Kerk	Religious	Institutional	LIST B	662 000.00	1 230 300.00	662000	**636.18**	1230300	**701.27**
912	PIONIERSPARK	Parsonage	DEL Gemeinde Windhoek	Religious	Residential	LIST B	574 000.00	1 014 000.00	574000	**551.61**	1014000	**577.98**
R/1277	PIONIERSPARK	Sport	Wanderers Sport Club	Sport	Private Open Space	LIST B	5 434 800.00	5 693 100.00	5434800	**5,222.84**	5693100	**3,245.07**

440	ROCK CREST	Parsonage	Christina Faith Impact Church	Religious	Residential	LIST B	177 000.00	482 000.00	177000	**170.10**	482000	**274.74**
5396	SUIDERHOF	Orphanage	Meals	Religious	Residential	LIST B	289 000.00	1 144 000.00	289000	**277.73**	1144000	**652.08**
578	WANAHEDA	Shelter	Lutheran Church	Religious	Residential	LIST B	96 000.00	454 500.00	96000	**92.26**	454500	**259.07**
R/A/47	WINDHOEK	Parsonage	National Spiritual Assembly of the Bahai's of Namibia	Religious	Office	LIST B	1 504 000.00	1 668 000.00	1668000	**1,602.95**	1668000	**950.76**
I/399	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B	1 196 000.00	1 922 000.00	1922000	**1,847.04**	1922000	**1,095.54**
681	WINDHOEK	Parsonage	The Salvation Army	Religious	Residential	LIST B	753 000.00	1 292 500.00	753000	**723.63**	1292500	**736.73**
1802	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Residential	LIST B	1 159 000.00	1 647 000.00	1159000	**1,113.80**	1647000	**938.79**
1803	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Institutional	LIST B	581 000.00	707 000.00	581000	**558.34**	707000	**402.99**
1804	WINDHOEK	Vacant\Parking	Latter Rain Mission	Religious	Residential	LIST B	998 000.00	$0.00	998000	**959.08**	0	**-**
1882	WINDHOEK	Parsonage	Gospel Outreach	Religious	Residential	LIST B	674 000.00	1 667 000.00	674000	**647.71**	1167000	**665.19**
1928	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B	242 000.00	1 179 000.00	242000	**232.56**	1179000	**672.03**
2340	WINDHOEK	Office	Lutheran	Religious	Residential	LIST	392	1 176 000.00	392000		1176000	

			Church			B	000.00			**376.71**		**670.32**
R/463	WINDHOEK	School/Hotel school	NUST	Educational	Residential	LIST B	1 333 000.00	4 199 800.00	1333000	**1,281.01**	4199800	**2,393.89**
2367	WINDHOEK	School/Hotel school	NUST	Educational	Residential	LIST B	900 000.00	1 200 000.00	900000	**864.90**	1200000	**684.00**
2813	WINDHOEK	WHK Life Change Centre	Dutch Reformed Church WHK/West	Religious	Institutional	LIST B	480 000.00	771 000.00	480000	**461.28**	771000	**439.47**
3811	WINDHOEK	Parsonage	School Association of Fratres CMM	Religious	Residential	LIST B	409 000.00	691 000.00	409000	**393.05**	691000	**393.87**
4233	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B	692 000.00	961 000.00	692000	**665.01**	961000	**547.77**
5523	WINDHOEK	Youth work & education (scouts)	Vereinder Eltern und Freunde	Welfare	Institutional	LIST B	3 142 000.00	2 598 000.00	3142000	**3,019.46**	2598000	**1,480.86**
5564	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B	1 494 000.00	12 513 000.00	1494000	**1,435.73**	12513000	**7,132.41**
5731	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Institutional	LIST B	25 786 000.00	15 280 000.00	25786000	**24,780.35**	15280000	**8,709.60**
6795	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Undetermined	LIST B	320 760.00	$0.00	320760	**308.25**	0	**-**
6809	WINDHOEK	Sport	Sport Club Windhoek	Sport	Institutional	LIST B	7 501 000.00	$0.00	7501000	**7,208.46**	0	**-**
7240	WINDHOEK	Sport	Deutscher Turn und	Sport	Residential	LIST	6 154	10 485 000.00	6154000		10485000	

			Sportverein			B	000.00			**5,913.99**		**5,976.45**
7460	WINDHOEK	Care Centre	Lions Club Windhoek Alte	General	Private Open Space	LIST B	509 300.00	708 800.00	509300	**489.44**	708800	**404.02**
7530	WINDHOEK	Sport	Namibia Tennis Association	Sport	Private Open Space	LIST B	8 761 000.00	2 248 000.00	8761000	**8,419.32**	2248000	**1,281.36**
8377	WINDHOEK	Parking area	DEL Gemeinde Windhoek	Religious	Public Open Space	LIST B	1 018 000.00	$0.00	1018000	**978.30**	0	**-**
8474	WINDHOEK	Old Age Home	Susanne Grau Heim	Old age Home	General Residential	LIST B	4 042 000.00	13 295 000.00	4042000	**3,884.36**	13295000	**7,578.15**
8717	WINDHOEK	Old Age Home	Deutscher Frauenverein	Old age Home	General Residential	LIST B	3 474 000.00	22 334 800.00	3474000	**3,338.51**	22334800	**12,730.84**
									1040000	**999.44**		**-**
39	WINDHOEK TOWNLANDS	Welfare	SPCA Windhoek	Welfare	Institutional	LIST B	1 040 000.00	1 928 300.00	1040000	**999.44**	1928300	**1,099.13**
306	FARM TOWNLAND WINDHOEK	Sport	City of Windhoek Shooting Club	Sport	Institutional	LIST B	3 760 000.00	$0.00	3760000	**3,613.36**	0	**-**
										151,980.25		**93,356.48**

ANNEXURE A:
An extract of Section 75 of the Local Authorities Act (No. 23 of 1992), as amended

Exemption from rates levied on rateable property

75. (1) A local authority council may, upon an application made to it in respect of any financial year in such form as may be determined by the Minister, exempt in respect of such financial year from any rates levied under section 73 –

(a) any land or building or any part of such land or building used exclusively for purposes of the principal activities of -

(i) any church, mission, hospital, school or hostel other than a church, mission, hospital, school or hostel which has been established and is maintained and managed by any person for profit or gain, whether directly or indirectly;

(ii) any amateur sporting organization;

(iii) any State-aided institution or institution aided by any charitable institution; or any portion of such land or building, or any land set aside for any such purposes;

(b) any land or building –

(i) used wholly and exclusively for the residence of any priest or minister employed on a full-time basis by any church or mission referred to in paragraph (a)(i);

(ii) used for the boarding and lodging of persons employed on a full-time basis on the medical, nursing and maintenance staff of any hospital referred to in the said paragraph;

(iii) used for the boarding and lodging of any pupils of, or persons employed on a full-time basis as teachers or other members of the staff by, any school or hostel referred to in the said paragraph;

(c) any land or building –

(i) of which the ownership vests in, or is occupied by any non-political youth organization -

(aa) which has as its aim the education of the youth or any particular group of youth and to develop amongst such youth the qualities of citizenship; and

(bb) which has, upon an application made by the local authority council in question, been approved by the Minister for purposes of this paragraph; and

(ii) which is used by such organization exclusively for purposes of its aim or let for an amount not exceeding an amount necessary to maintain such immovable property or to raise funds in order to achieve such aims.

(2) The provisions of subsection (1) shall not apply in relation to any land or building used by an amateur sporting organization on which any trade is carried on for gain.

[subsection (2) amended by Act 24 of 2000]

(3) A local authority council shall not grant any exemption under subsection (1), unless the application referred to in that subsection has been lodged to, or actually received by, it on or before 31 May in the year immediately preceding the financial year to which the application relates.

Reduction of rates in respect of certain properties

75A. (1) A local authority council may, notwithstanding the provisions of this Part, and subject to the approval of the Minister, upon an application of the owner of any rateable property, grant to such owner a rebate on the rate which is payable in respect of the property in terms of section 73(1), if the local authority council is satisfied that a business has been or is to be established on such property, or that a business conducted on such property has been or is to be expanded, and that the establishment or expansion of the business will result in the creation of substantial opportunities for permanent employment in the local authority area.

(2) A rebate under subsection (1) shall be granted subject to such conditions and for such period as the local authority council may determine with the approval of the Minister.

(3) If the owner of any rateable property referred to in subsection (1) is not, or will not be, the beneficial owner of the business conducted or to be conducted on the property, the local authority council may impose under subsection (2) any condition which it may consider necessary for ensuring that the whole or a specified part of the benefit of a rebate granted under subsection (1) will be passed on to the owner of the business concerned.

[section 75A inserted by Act 24 of 2000]

ANNEXURE B:
List A (non-rateable properties by definition)

LIST A

Erf No	Township	Usage of the property	Applicant	Classification	Zoning	List
148	ACADEMIA	Church	Missionary of St Francis	Religious	Residential	LIST A
412	CIMBEBASIA	School	Cimbebasia Pre Primary School	Educational	Institutional	LIST A
49	DOBRA	Church	Congregation of the Missionary Oblates of Mary	Religious	Institutional	LIST A
9	DORADO PARK	School	Rainbow Pre- Primary	Educational	Institutional	LIST A
283	DORADO PARK	School	Christ Love Ministries	Religious	Institutional	LIST A
291	DORADO PARK	Church	Light of the World Ministries	Religious	Institutional	LIST A
1418	DORADO PARK	Church	Bread of the Life Church	Religious	Institutional	LIST A
1465	DORADO PARK	Church	His People Ministries	Religious	Institutional	LIST A
93	ELISENHEIM	Church	Elisenheim Community Church	Religious	Institutional	LIST A
37	EROS PARK	School	Eros Pre-Primary	Educational	Institutional	LIST A
2617	EROS PARK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
1662	GOREANGAB	Church	Universal Church	Religious	Institutional	LIST A
803	HAKAHANA	Church	Hakahana Christian Centre	Religious	Institutional	LIST A
190	HOCKLANDPARK	Church	Missionary Field Fellowship	Religious	Institutional	LIST A
R/608	HOCHLANDPARK	Church	Dutch Reformed Church Windhoek West	Religious	Institutional	LIST A
861	HOCKLANDPARK	Church	Gospel Outreach	Religious	Institutional	LIST A
1487	HOCHLANDPARK	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A
1814	HOCKLANDPARK	Church	Missionary Field Fellowship	Religious	Institutional	LIST A
37	KATUTURA	Church	Roman Catholic Church	Religious	Institutional	LIST A
530	KATUTURA	School	Life Changing Christian Church	Religious	Institutional	LIST A
531	KATUTURA	Church	Life Changing Christian Church	Religious	Institutional	LIST A
1191	KATUTURA	Church	Restoration Community	Religious	Institutional	LIST A
1744	KATUTURA	Church	C.F.E.P.A.N Good God Church	Religious	Institutional	LIST A
3284	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
4071	KATUTURA	School	Beautiful Kidz Namibia	Humanitarian	Institutional	LIST A
4772	KATUTURA	Church	Universal Church of the Kingdom of God	Religious	Institutional	LIST A
5920	KATUTURA	Church	Ebeneser Gemeente van Namibia	Religious	Institutional	LIST A
5966	KATUTURA	Church	Ebeneser Gemeente van Namibia	Religious	Institutional	LIST A

6058	KATUTURA	Church	Baptist Church	Religious	Institutional	LIST A
6378	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
8081	KATUTURA	Church	Spiritual Healing Church	Religious	Institutional	LIST A
8455	KATUTURA	Church	Oponganda S.D.A Church	Religious	Institutional	LIST A
4071	KATUTURA	Church	St. Augustine's Church	Religious	Institutional	LIST A
8527	KATUTURA	Church	Roman Catholic Church	Religious	Institutional	
8537	KATUTURA	Church	St John's Apostolic Faith Mission	Religious	Institutional	LIST A
8566	KATUTURA	Church & School	Caledon Private Primary & College	Education	Institutional	LIST A
10506	KATUTURA	Church	The Holy Church of the Oath of Christ	Religious	Institutional	LIST A
Plot 4 of Nubuamis 37	KATUTURA	Training	Youth with a mission	Religious	Institutional	LIST A
1	KHOMASDAL	Church	Renich Evangelical Lutheran Church	Religious	Institutional	LIST A
2	KHOMASDAL	Church	Church of the Nazarene	Religious	Institutional	LIST A
784	KHOMASDAL	School	Learn and Play Early	Educational	Institutional	LIST A
1092	KHOMASDAL	Church	Church of Nazarene	Religious	Institutional	LIST A
1751	KHOMASDAL	Church	Roman Catholic Church	Religious	Institutional	LIST A
2126	KHOMASDAL	School	Hermann Gemeiner School	Educational	Institutional	LIST A
2433	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
3142	KHOMASDAL	Church	Morewaak Penticostal	Religious	Institutional	LIST A
3934	KHOMASDAL	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A
4108	KHOMASDAL	Church	Grace Church Parish	Religious	Institutional	LIST A
4748	KHOMASDAL	Church	Uniting Reformed Church	Religious	Institutional	LIST A
4756	KHOMASDAL	Church	Uniting Reformed Church	Religious	Institutional	LIST A
4834	KHOMASDAL	School	Pre Primary of U.R.Church	Educational	Institutional	LIST A
5030	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
5216	KHOMASDAL	Church	SoS Children	Religious	Residential	LIST A
6569	KHOMASDAL	Church	Apostolic Faith Mission Restoration Centre	Religious	Institutional	LIST A
R/329	KLEIN WINDHOEK	Pre-Primary School	DEL Gemeinde Windhoek	Educational	Institutional	LIST A
300	KLEIN WINDHOEK	Church	The Old Apostolic Church	Religious	Institutional	LIST A
2735	KLEIN WINDHOEK	Church & Parsonage	Full Gospel Church	Religious	Institutional	LIST A
3727	KLEIN WINDHOEK	Church	The Christian Community of Namibia	Religious	Institutional	LIST A
237	KLEIN WINDHOEK	School	Whk Waldorf School	Educational	Institutional	LIST A

3650	KLEIN WINDHOEK	School	Whk Waldorf School	Educational	Institutional	LIST A
3651	KLEIN WINDHOEK	School	Whk Waldorf School	Educational	Institutional	LIST A
3652	KLEIN WINDHOEK	School	Whk Waldorf School	Educational	Institutional	LIST A
1356	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
934	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
1753	OKURYANGAVA	Church	Lutheran Church	Religious	Institutional	LIST A
3589	OKURYANGAVA	Church	Church of Nazarene	Religious	Institutional	LIST A
3649	OKURYANGAVA	School	Bright Hill Pre-School	Educational	Institutional	LIST A
907	OLYMPIA	Church	Evanglische Standtmission Windhoek	Religious	Institutional	LIST A
3452	OTJOMUISE	School	Mammadu Trust	Educational	Residential	LIST A
174	PIONIERSPARK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
1072	PIONIERSPARK	Church	Gereformeerde Kerk	Religious	Institutional	LIST A
311	PIONIERSPARK	Church	The old Apostolic Church	Religious	Institutional	LIST A
1374	PIONIERSPARK	Church	Lutheran Church	Religious	Institutional	LIST A
702	ROCKY CREST	Church	Westside Baptist Church	Religious	Institutional	LIST A
4508	SUIDERHOF	Church	Dutch Reformed Church Suiderhof	Religious	Institutional	LIST A
4509	SUIDERHOF	Church	Dutch Reformed Church Suiderhof	Religious	Institutional	LIST A
7150	SUIDERHOF	Church	All Nations Christian Church	Religious	Institutional	LIST A
358	WANAHEDA	Church	Church of Nazarene	Religious	Institutional	LIST A
122	WINDHOEK	School	Namibia Scientific Society	Educational	Institutional	LIST A
132	WINDHOEK	Church	DEL Gemeinde	Religious	Institutional	LIST A
119	WINDHOEK	Church	ST George's Office	Religious	Institutional	LIST A
0/50/R	WINDHOEK	Church & Kindergarten	Del Gemeinde Windhoek	Religious	Institutional	LIST A
547	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
A641	WINDHOEK	Church	Christian Science Society	Religious	Institutional	LIST A
870	WINDHOEK	School	Convent of the Holy Cross	Educational	Institutional	LIST A
795	WINDHOEK	School	Windhoek Afrikaanse Privaatskool	Educational	Institutional	LIST A
1220	WINDHOEK	Office/Youth Organisation	Voortrekkers in Namibia	Institutional	Institutional	LIST A
1353	WINDHOEK	Church	Dutch Reformed Church	Educational	Institutional	LIST A
463/2367	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1927	WINDHOEK	Church	Congregation of Sisters of Divine Saviour/Roman Catholic Church	Religious	Religious	LIST A

1934	WINDHOEK	Education	NUST	Educational	Institutional	LIST A
1636	WINDHOEK	Church	Latter Rain Mission	Religious	Institutional	LIST A
1935	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1932	WINDHOEK	School	NUST	Educational	Residential	LIST A
1933	WINDHOEK	School	NUST	Educational	Office	LIST A
1934	WINDHOEK	School	NUST	Educational	Office	LIST A
1936	WINDHOEK	School	NUST	Educational	Residential	LIST A
1938	WINDHOEK	School	NUST	Educational	Residential	LIST A
1940	WINDHOEK	School	NUST	Educational	General Residential	LIST A
1942	WINDHOEK	School	NUST	Educational	Institutional	LIST. A
1947	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1948	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
1959	WINDHOEK	Church	Windhoek Hebrew Congregation	Religious	Institutional	LIST A
3449	WINDHOEK	School	NUST	Educational	Office	LIST A
3451	WINDHOEK	School	NUST	Educational	Residential	LIST A
3470	WINDHOEK	School	NUST	Educational	Residential	LIST A
3449	WINDHOEK	School	NUST	Educational	Office	LIST A
7941	WINDHOEK	School	NUST	Educational	Institutional	LIST A
3016	WINDHOEK	Church	Christ Love Ministries	Religious	Institutional	LIST A
3457	WINDHOEK	School	NUST	Educational	Institutional	LIST A
4002	WINDHOEK	School	Windhoek Afrikaanse Privaatskool	Educational	Institutional	LIST A
5584	WINDHOEK	School	Windhoek Afrikaanse Privaatskool	Educational	Institutional	LIST A
5734	WINDHOEK	Church	Die Gerreformeerde Kerk	Religious	Institutional	LIST A
5930	WINDHOEK	School	NUST	Educational	Office	LIST A
6062	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
6578	WINDHOEK	Church	Universal Church	Religious	Institutional	LIST A
6771	WINDHOEK	School	Deutscher Schulverein WHK	Religious	Institutional	LIST A
7941	WINDHOEK	School	NUST	Educational	Institutional	LIST A
7950	WINDHOEK	School	Windhoek Afrikaanse Priv	Educational	Institutional	LIST A
8349	WINDHOEK	School	Deutscher Schulverein WHK	Religious	Institutional	LIST A
8396	WINDHOEK	School	NUST	Educational	Institutional	LIST A

49	WINDHOEK	Church	Christian Science Society	Religious	Institutional	LIST A
R/1636	WINDHOEK	Church	Latter Rain Mission	Religious	Institutional	LIST A
R/1947	WINDHOEK	School	NUST	Educational	Institutional	LIST A
R/1959	WINDHOEK	Church	Hebrew Congretion	Religious	Institutional	LIST A
47	WINDHOEK	School	Windhoek Afrikaans Private School	Educational	Institutional	LIST A

ANNEXURE C:
List B (properties qualifying for exemption under section 75)

LIST B						
Erf Number	**Township**	**Usage of the property**	**Applicant**	**Classification**	**Zoning**	**List**
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Private Open Space	LIST B
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B
248	AUASBLICK	Old Age Home	Auas Hills Retirement Village	Old Age Home	Residential	LIST B
2840	AUASBLICK	Parsonage	Zentralkasse der ELKIN (DELK)	Religious	Residential	LIST B
Portion C	BRAKWATER	Namibia Animal Rehabilitaton and Education Centre	Director	Rehabilitation and Education	Institutional	LIST B
148	DORADO PARK	Parsonage	Life Changing Christian Church	Religious	Residential	LIST B
812	DORADO PARK	Parsonage	Hakahana Christian Centre	Religious	Residential	LIST B
6856	DORADO PARK	Educational purpose as a Theological Seminary	Namibia Evangelical Theological Seminar	Religious	Institutional	LIST B
7693	DORADO PARK	Educational: Counselling and Training	Philippi Trust Namibia	Religious	Institutional	LIST B
29	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B
2349	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
1120	HOCHLAND PARK	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
346	KATUTURA	Parsonage	Evangelical Lutheran Church	Religious	Residential	LIST B
817	KATUTURA	Vacant	Evangelical Lutheran Church	Religious	Institutional	LIST B
1950	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
4386	KATUTURA	Multi Purpose Centre	In Hakkore Beacon of Hope	Educational	Institutional	LIST B
7854	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
482	KHOMASDAL	School	Triumphant College	Educational	Residential	LIST B
549	KHOMASDAL	Church	Calvyn Protestant Church	Religious	Residential	LIST B
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B

49	WINDHOEK	Church	Christian Science Society	Religious	Institutional	LIST A
R/1636	WINDHOEK	Church	Latter Rain Mission	Religious	Institutional	LIST A
R/1947	WINDHOEK	School	NUST	Educational	Institutional	LIST A
R/1959	WINDHOEK	Church	Hebrew Congretion	Religious	Institutional	LIST A
47	WINDHOEK	School	Windhoek Afrikaans Private School	Educational	Institutional	LIST A

ANNEXURE C:
List B (properties qualifying for exemption under section 75)

LIST B						
Erf Number	**Township**	**Usage of the property**	**Applicant**	**Classification**	**Zoning**	**List**
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Private Open Space	LIST B
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B
248	AUASBLICK	Old Age Home	Auas Hills Retirement Village	Old Age Home	Residential	LIST B
2840	AUASBLICK	Parsonage	Zentralkasse der ELKIN (DELK)	Religious	Residential	LIST B
Portion C	BRAKWATER	Namibia Animal Rehabilitaton and Education Centre	Director	Rehabilitation and Education	Institutional	LIST B
148	DORADO PARK	Parsonage	Life Changing Christian Church	Religious	Residential	LIST B
812	DORADO PARK	Parsonage	Hakahana Christian Centre	Religious	Residential	LIST B
6856	DORADO PARK	Educational purpose as a Theological Seminary	Namibia Evangelical Theological Seminar	Religious	Institutional	LIST B
7693	DORADO PARK	Educational: Counselling and Training	Philippi Trust Namibia	Religious	Institutional	LIST B
29	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B
2349	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
1120	HOCHLAND PARK	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
346	KATUTURA	Parsonage	Evangelical Lutheran Church	Religious	Residential	LIST B
817	KATUTURA	Vacant	Evangelical Lutheran Church	Religious	Institutional	LIST B
1950	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
4386	KATUTURA	Multi Purpose Centre	In Hakkore Beacon of Hope	Educational	Institutional	LIST B
7854	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
482	KHOMASDAL	School	Triumphant College	Educational	Residential	LIST B
549	KHOMASDAL	Church	Calvyn Protestant Church	Religious	Residential	LIST B
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B

790	KHOMASDAL	Orphanage home	SOS Children Village	Religious	Residential	LIST B
791	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B
792	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B
4139	KHOMASDAL	Parsonage	Grace Church Parish	Religious	Residential	LIST B
4749	KHOMASDAL	Parsonage	Uniting Reform Church	Religious	Residential	LIST B
4882	KHOMASDAL	Church	Roman Catholic	Religious	Residential	LIST B
4760	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B
2126	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B
790	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B
791	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B
972	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B
R/328	KLEIN WINDHOEK	Boy Scouts	DEL Gemeinde Windhoek	Educational	Institutional	LIST B
1561	KLEIN WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B
6	KLEINE KUPPE	Sport	Namibia JKA Sportsgrounds CC	Sport	Residential	LIST B
3781	OKURYANGAVA	Soup Kitchen & Kindergarden	Hand in Hand for Africa	Religious	Institutional	LIST B
431	OLYMPIA	Parsonage	Del Gemeinde Windhoek	Religious	Residential	LIST B
471	OLYMPIA	Parsonage	Stadtmission Namibia	Religious	Residential	LIST B
7586	OLYMPIA	Sport	Old Wheelrs Club of Namibia	Sport	Undetermined	LIST B
8664	OLYMPIA	Sport	Cohen Faustball Club	Sport	Institutional	LIST B
3987	OTJOMUISE	Parsonage	Claluyn Protestant Church	Religious	Residential	LIST B
563	PIONIERSPARK	Sport	Ramblers Sport Club	Sport	Residential	LIST B
883	PIONIERSPARK	Parsonage for Reverend	Gereformeerde Kerk	Religious	Institutional	LIST B
912	PIONIERSPARK	Parsonage	DEL Gemeinde Windhoek	Religious	Residential	LIST B
1277	PIONIERSPARK	Sport	Wanderers Sport Club	Sport	Private Open Space	LIST B
26	ROCKY CREST	Parsonage	Christ Faith Impact Ministries	Religious	Residential	LIST B
5031	SUIDERHOF	Parsonage	Pastor and Owner	Religious	Residential	LIST B
578	WANAHEDA	Shelter	Lutheran Church	Religious	Residential	LIST B
24790	WANAHEDA	Orphanage Home	SOS Children's Villages Namibia	Welfare	Residential	LIST B
47	WINDHOEK	Parsonage	National Spiritual Assembly of the Bahai's of Namibia	Religious	Office	LIST B
68B	WINDHOEK	Old age home	Dutch Reformed Church of Namibia	Religious	General Residential	LIST B
I/399	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B

657	WINDHOEK	Hostel	Deutscher Schulverein WHK	Educational	Residential	LIST B
681	WINDHOEK	Parsonage	The Salvation Army	Religious	Residential	LIST B
1702	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Office	LIST B
1705	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Residential	LIST B
1708	WINDHOEK	Cancer Hospital	Cancer Association	Welfare	Residential	LIST B
1802	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Residential	LIST B
1803	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Institutional	LIST B
1804	WINDHOEK	Vacant\Parking	Latter Rain Mission	Religious	Residential	LIST B
1882	WINDHOEK	Parsonage	Gospel Outreach	Religious	Residential	LIST B
1928	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B
2340	WINDHOEK	Office	Lutheran Church	Religious	Residential	LIST B
463/2367	WINDHOEK	School/Hotel school	NUST	Educational	Residential	LIST B
2813	WINDHOEK	WHK Life Change Centre	Dutch Reformed Church WHK/West	Religious	Institutional	LIST B
4233	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B
4658	WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B
5523	WINDHOEK	Youth work & education (scouts)	Vereinder Eltern und Freunde	Welfare	Institutional	LIST B
5561	WINDHOEK	Sport	Windhoek Golf and Country Club	Sport	Private Open Space	LIST B
5564	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B
5731	WINDHOEK	Sports	Sport Klub Windhoek	Educational	Private Open Space	LIST B
6166	WINDHOEK	Distribution of Bibles	Bible Society of Namibia	Religious	Institutional	LIST B
6172	WINDHOEK	Sport	German Shepard Dog club	Educational	Private Open Space	LIST B
6795	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Undetermined	LIST B
7240	WINDHOEK	Sport	Deutscher Turn und Sportverein	Sport	Residential	LIST B
7460	WINDHOEK	Care Centre	Lions Club Windhoek Alte	General	Private Open Space	LIST B
7530	WINDHOEK	Sport	Namibia Tennis Association	Sport	Private Open Space	LIST B
8041	WINDHOEK	School hostel	Deutscher Schulverein WHK	Educational	Institutional	LISTB
55/31	WINDHOEK	Daycare	Step by Step Day Care	Education	Institutional	LIST B
36	Farm Gammams	Youth Development	Scripture Union Namibia	Youth Development	Institutional	LIST B
39	WINDHOEK TOWNLANDS	Welfare	SPCA Windhoek	Welfare	Institutional	LIST B
6809	FARM TOWNLAND WINDHOEK	Sport	Sport Club Windhoek	Sport	Institutional	LIST B

ANNEXURE D:
Cost Implication from List B (properties qualifying for exemption under section 75)

LIST B										0.00092		0.000545
Erf #	**Township**	**Usage of the property**	**Applicant**	**Classification**	**Zoning**	**List**	LAND VALUE	IMPROVEMENT VALUE	**LAND VALUE**	**CHARGES - GROUND**	**IMPROVEMENT VALUE**	**CHARGES - IMPROVE**
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Private Open Space	LIST B	-	4 169 000.00	-	-	4,169,000.00	**2,272.11**
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B	19 265 000.00	4 768 000.00	19,265,000.00	**17,723.80**	4,768,000.00	**2,598.56**
248	AUASBLICK	Old Age Home	Auas Hills Retirement Village	Old Age Home	Residential	LIST B	10 120 000.00	135 541 700.00	10,120,000.00	**9,310.40**	135,541,700.00	**73,870.23**
284	AUASBLICK	Parsonage	Zentralkasse der ELKIN (DELK)	Religious	Residential	LIST B	1 158 000.00	2 230 000.00	1,158,000.00	**1,065.36**	2,230,000.00	**1,215.35**
Portion C/R	BRAKWATER	Namibia Animal Rehabilitaton and Education Centre	Director	Rehabilitation and Education	Institutional	LIST B	3 000 000.00	1 699 000.00	3,000,000.00	**2,760.00**	1,699,000.00	**925.96**
148	DORADO	Parsonage	Life Changing	Religious	Residential	LIST	449 000.00	1 148 000.00				

	PARK		Christian Church			B			449,000,000.00	413,080.00	1,148,000.00	625.66
812	DORADO PARK	Parsonage	Hakahana Christian Centre	Religious	Residential	LIST B	225 000.00	823 000.00	225,000.00	207.00	823,000.00	448.54
6856	WINDHOEK	Educational purpose as a Theological Seminary	Namibia Evangelical Theological Seminar	Religious	Institutional	LIST B	5 359 000.00	13 320 800.00	5,359,000.00	4,930.28	13,320,800.00	7,259.84
7693	WINDHOEK	Educational: Counselling and Training	Philippi Trust Namibia	Religious	Institutional	LIST B	3 243 000.00	2 242 000.00	3,243,000.00	2,983.56	2,242,000.00	1,221.89
29	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B	1 019 000.00	2 593 900.00	1,019,000.00	937.48	2,593,900.00	1,413.68
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B	1 056 000.00	943 200.00	1,056,000.00	971.52	943,200.00	514.04
2349	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B	736 000.00	1 366 900.00	736,000.00	677.12	1,366,900.00	744.96
1120	HOCHLAND PARK	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B	361 000.00	2 215 400.00	361,000.00	332.12	2,215,400.00	1,207.39
346	KATUTURA	Parsonage	Evangelical Lutheran Church	Religious	Residential	LIST B	788 000.00	3 583 700.00	788,000.00	724.96	3,583,700.00	1,953.12
817	KATUTURA	Vacant	Evangelical Lutheran Church	Religious	Institutional	LIST B	448 000.00	-	448,000.00	412.16	-	-

1950	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B	78 000.00	226 800.00	78,000.00	**71.76**	226,800.00	**123.61**
4386	KATUTURA	Multi Purpose Centre	In Hakkore Beacon of Hope	Educational	Institutional	LIST B	695 000.00	-	695,000.00	**639.40**	-	-
7854	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B	84 000.00	864 300.00	84,000.00	**77.28**	864,300.00	**471.04**
482	KHOMASDAL	School	Triumphant College	Educational	Residential	LIST B	14 581 000.00	-	14,581,000.00	**13,414.52**	-	-
549	KHOMASDAL	Church	Calvyn Protestant Church	Religious	Residential	LIST B	1 040 000.00	-	1,040,000.00	**956.80**	-	-
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B	144 000.00	791 000.00	144,000.00	**132.48**	791,000.00	**431.10**
790	KHOMASDAL	Orphanage home	SOS Children Village	Religious	Residential	LIST B	245 000.00	169 000.00	245,000.00	**225.40**	169,000.00	**92.11**
791	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B	316 000.00	234 000.00	316,000.00	**290.72**	234,000.00	**127.53**
792	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B	351 000.00	221 000.00	351,000.00	**322.92**	221,000.00	**120.45**
4139	KHOMASDAL	Parsonage	Grace Church Parish	Religious	Residential	LIST B	230 000.00	645 000.00	230,000.00	**211.60**	645,000.00	**351.53**
4749	KHOMASDAL	Parsonage	Uniting Reform	Religious	Residential	LIST B	442 000.00	1 502 000.00	442,000.00	**406.64**	1,502,000.00	**818.59**

145 7

			Church									
4882	KHOMASDAL	Church	Roman Catholic	Religious	Residential	LIST B	4 466 000.00	10 889 000.00	4,466,000.00	**4,108.72**	10,889,000.00	**5,934.51**
4760	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B	348 000.00	627 000.00	348,000.00	**320.16**	627,000.00	**341.72**
2126	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B	6 271 000.00	7 691 000.00	6,271,000.00	**5,769.32**	7,691,000.00	**4,191.60**
790	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B	245 000.00	169 000.00	245,000.00	**225.40**	169,000.00	**92.11**
791	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B	316 000.00	234 000.00	316,000.00	**290.72**	234,000.00	**127.53**
972	KHOMASDAL	Orphanage Home	SoS Children	Welfare	Residential	LIST B	177 000.00	566 000.00	177,000.00	**162.84**	566,000.00	**308.47**
R/328	KLEIN WINDHOEK	Boy Scouts	DEL Gemeinde Windhoek	Educational	Institutional	LIST B	1 456 000.00	1 457 000.00	1,456,000.00	**1,339.52**	1,457,000.00	**794.07**
1561	KLEIN WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B	851 000.00	1 678 000.00	851,000.00	**782.92**	1,678,000.00	**914.51**
6	KLEINE KUPPE	Sport	Namibia JKA Sportsgrounds CC	Sport	Residential	LIST B	897 000.00	8 308 900.00	897,000.00	**825.24**	8,308,900.00	**4,528.35**
3781	OKURYANGAVA	Soup Kitchen & Kindergarden	Hand in Hand for Africa	Religious	Institutional	LIST B	175 000.00	657 900.00	175,000.00	**161.00**	657,900.00	**358.56**
431	OLYMPIA	Parsonage	Del Gemeinde	Religious	Residential	LIST B	776 000.00	1 370 000.00	776,000.00	**713.92**	1,370,000.00	**746.65**

			Windhoek									
471	OLYMPIA	Parsonage	Stadtmission Namibia	Religious	Residential	LIST B	810 000.00	1 281 000.00	810,000.00	**745.20**	1,281,000.00	**698.15**
7586	WINDHOEK	Sport	Old Wheelrs Club of Namibia	Sport	Undetermined	LIST B	2 297 000.00	2 963 000.00	2,297,000.00	**2,113.24**	2,963,000.00	**1,614.84**
8664	WINDHOEK	Sport	Cohen Faustball Club	Sport	private open space	LIST B	1 684 000.00	932 000.00	1,684,000.00	**1,549.28**	932,000.00	**507.94**
3987	OTJOMUISE	Parsonage	Claluyn Protestant Church	Religious	Residential	LIST B	122 000.00	-	122,000.00	**112.24**	-	-
R/563	PIONIERSPARK	Sport	Ramblers Sport Club	Sport	PRIVATE OPEN SPACE	LIST B	9 710 000.00	1 160 000.00	9,710,000.00	**8,933.20**	1,160,000.00	**632.20**
883	PIONIERSPARK	Parsonage for Reverend	Gereformeer de Kerk	Religious	Residential	LIST B	662 000.00	1 230 300.00	662,000.00	**609.04**	1,230,300.00	**670.51**
912	PIONIERSPARK	Parsonage	DEL Gemeinde Windhoek	Religious	Residential	LIST B	574 000.00	1 014 000.00	574,000.00	**528.08**	1,014,000.00	**552.63**
R/1277	PIONIERSPARK	Sport	Wanderers Sport Club	Sport	Private Open Space	LIST B	5 434 800.00	5 693 100.00	5,434,800.00	**5,000.02**	5,693,100.00	**3,102.74**
26	ROCKY CREST	Parsonage	Christ Faith Impact Ministries	Religious	Residential	LIST B	311 000.00	678 000.00	311,000.00	**286.12**	678,000.00	**369.51**
5031	WINDHOEK	Parsonage	Pastor and Owner	Religious	Residential	LIST B	485 000.00	1 116 000.00	485,000.00	**446.20**	1,116,000.00	**608.22**
578	WANAHEDA	Shelter	Lutheran	Religious	Residential	LIST	96 000.00	454 500.00				

			Church			B			96,000.00	**88.32**	454,500.00	**247.70**
2479	WANAHEDA	Orphanage Home	SOS Children's Villages Namibia	Welfare	Residential	LIST B	240 000.00	172 200.00	240,000.00	**220.80**	172,200.00	**93.85**
R/A/47	WINDHOEK	Parsonage	National Spiritual Assembly of the Bahai's of Namibia	Religious	Office	LIST B	1 504 000.00	1 668 000.00	1,504,000.00	**1,383.68**	1,668,000.00	**909.06**
68B	WINDHOEK	Old age home	Dutch Reformed Church of Namibia	Religious	General Residential	LIST B	2 186 000.00	14 939 000.00	2,186,000.00	**2,011.12**	1,493,900.00	**814.18**
I/399	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	General Residential	LIST B	1 196 000.00	1 922 000.00	1,196,000.00	**1,100.32**	1,922,000.00	**1,047.49**
657	WINDHOEK	Hostel	Deutscher Schulverein WHK	Educational	General Residential	LIST B	1 164 000.00	2 420 000.00	1,164,000.00	**1,070.88**	2,420,000.00	**1,318.90**
681	WINDHOEK	Parsonage	The Salvation Army	Religious	Residential	LIST B	753 000.00	1 292 500.00	753,000.00	**692.76**	1,292,500.00	**704.41**
1702	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Office	LIST B	1 891 000.00	3 654 000.00	1,891,000.00	**1,739.72**	3,654,000.00	**1,991.43**
1705	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Residential	LIST B	653 000.00	906 000.00	653,000.00	**600.76**	906,000.00	**493.77**
1708	WINDHOEK	Cancer Hospital	Cancer Association	Welfare	Residential	LIST B	874 000.00	2 019 000.00	874,000.00	**804.08**	2,019,000.00	**1,100.36**
1802	WINDHOEK	Parsonage	Latter Rain	Religious	Residential	LIST	1 159 000.00	1 647 000.00				

			Mission			B			1,159,000.00	**1,066.28**	1,647,000.00	**897.62**
1803	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Institutional	LIST B	581 000.00	707 000.00	581,000.00	**534.52**	707,000.00	**385.32**
1804	WINDHOEK	Vacant\Parking	Latter Rain Mission	Religious	Residential	LIST B	998 000.00	-	998,000.00	**918.16**	-	**-**
1882	WINDHOEK	Parsonage	Gospel Outreach	Religious	Residential	LIST B	674 000.00	1 667 000.00	674,000.00	**620.08**	1,667,000.00	**908.52**
1928	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B	242 000.00	1 179 000.00	242,000.00	**222.64**	1,179,000.00	**642.56**
2340	WINDHOEK	Office	Lutheran Church	Religious	Residential	LIST B	392 000.00	1 176 000.00	392,000.00	**360.64**	1,176,000.00	**640.92**
R/A/463	WINDHOEK	School/Hotel school	NUST	Educational	Residential	LIST B	1 333 000.00	4 199 800.00	1,333,000.00	**1,226.36**	4,199,800.00	**2,288.89**
2367	WINDHOEK	School/Hotel school	NUST	Educational	Residential	LIST B	900 000.00	1 200 000.00	900,000.00	**828.00**	1,200,000.00	**654.00**
2813	WINDHOEK	WHK Life Change Centre	Dutch Reformed Church WHK/West	Religious	Institutional	LIST B	480 000.00	771 000.00	480,000.00	**441.60**	771,000.00	**420.20**
4233	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B	692 000.00	961 000.00	692,000.00	**636.64**	961,000.00	**523.75**
4658	WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B	628 000.00	434 500.00	628,000.00	**577.76**	434,500.00	**236.80**
5523	WINDHOEK	Youth work & education (scouts)	Vereinder Eltern und Freunde	Welfare	Institutional	LIST B	3 142 000.00	2 598 000.00	3,142,000.00	**2,890.64**	2,598,000.00	**1,415.91**

R/5561	WINDHOEK	Sport	Windhoek Golf and Country Club	Sport	Private Open Space	LIST B	45 000 000.00	11 934 000.00	45,000,000.00	**41,400.00**	11,934,000.00	**6,504.03**
5564	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B	1 494 000.00	12 513 000.00	1,494,000.00	**1,374.48**	12,513,000.00	**6,819.59**
R/5731	WINDHOEK	Sports	Sport Klub Windhoek	Educational	Private Open Space	LIST B	25 786 000.00	15 280 000.00	25,786,000.00	**23,723.12**	15,280,000.00	**8,327.60**
6166	WINDHOEK	Distribution of Bibles	Bible Society of Namibia	Religious	Institutional	LIST B	1 744 000.00	4 584 000.00	1,744,000.00	**1,604.48**	4,584,000.00	**2,498.28**
6172	WINDHOEK	Sport	German Shepard Dog club	Educational	Private Open Space	LIST B	2 300 000.00	423 500.00	2,300,000.00	**2,116.00**	423,500.00	**230.81**
6795	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Undetermined	LIST B	320 760.00	-	320,760.00	**295.10**	-	-
7240	WINDHOEK	Sport	Deutscher Turn und Sportverein	Sport	Residential	LIST B	6 154 000.00	10 485 000.00	6,154,000.00	**5,661.68**	10,485,000.00	**5,714.33**
7460	WINDHOEK	Care Centre	Lions Club Windhoek Alte	General	Private Open Space	LIST B	509 300.00	708 800.00	509,300.00	**468.56**	708,800.00	**386.30**
7530	WINDHOEK	Sport	Namibia Tennis Association	Sport	Private Open Space	LIST B	8 761 000.00	2 248 000.00	8,761,000.00	**8,060.12**	2,248,000.00	**1,225.16**
8041	WINDHOEK	School hostel	Deutscher Schulverein WHK	Educational	Institutional	LIST B	6 563 000.00	20 568 000.00	6,563,000.00	**6,037.96**	20,568,000.00	**11,209.56**

55/31	WINDHOEK	Daycare	Step by Step Day Care	Education	Institutional	LIST B			-	-	-	-
36	Farm Gammams	Youth Development	Scripture Union Namibia	Youth Developme nt	Institutional	LIST B			-	-	-	-
39	WINDHOEK TOWNLANDS	Welfare	SPCA Windhoek	Welfare	Institutional	LIST B	1 040 000.00	1 928 300.00	1,040,000.00	**956.80**	1,928,300.00	**1,050.92**
6809	FARM TOWNLAND WINDHOEK	Sport	Sport Club Windhoek	Sport	Institutional	LIST B						
										619,621.7 1		**187,604.2 1**

NNEXURE A:
An extract - Section 75 of the Local Authorities Act (No. 23 of 1992), as amended

Exemption from rates levied on rateable property

75. (1) A local authority council may, upon an application made to it in respect of any financial year in such form as may be determined by the Minister, exempt in respect of such financial year from any rates levied under section 73 –

(a) any land or building or any part of such land or building used exclusively for purposes of the principal activities of -

(i) any church, mission, hospital, school or hostel other than a church, mission, hospital, school or hostel which has been established and is maintained and managed by any person for profit or gain, whether directly or indirectly;

(ii) any amateur sporting organization;

(iii) any State-aided institution or institution aided by any charitable institution; or any portion of such land or building, or any land set aside for any such purposes;

(b) any land or building –

(i) used wholly and exclusively for the residence of any priest or minister employed on a full-time basis by any church or mission referred to in paragraph (a)(i);

(ii) used for the boarding and lodging of persons employed on a full-time basis on the medical, nursing and maintenance staff of any hospital referred to in the said paragraph;

(iii) used for the boarding and lodging of any pupils of, or persons employed on a full-time basis as teachers or other members of the staff by, any school or hostel referred to in the said paragraph;

(c) any land or building –

(i) of which the ownership vests in, or is occupied by any non-political youth organization -

(aa) which has as its aim the education of the youth or any particular group of youth and to develop amongst such youth the qualities of citizenship; and

(bb) which has, upon an application made by the local authority council in question, been approved by the Minister for purposes of this paragraph; and

(ii) which is used by such organization exclusively for purposes of its aim or let for an amount not exceeding an amount necessary to maintain such immovable property or to raise funds in order to achieve such aims.

(2) The provisions of subsection (1) shall not apply in relation to any land or building used by an amateur sporting organization on which any trade is carried on for gain.

[subsection (2) amended by Act 24 of 2000]

(3) A local authority council shall not grant any exemption under subsection (1), unless the application referred to in that subsection has been lodged to, or actually received by, it on or before 31 May in the year immediately preceding the financial year to which the application relates.

Reduction of rates in respect of certain properties

75A. (1) A local authority council may, notwithstanding the provisions of this Part, and subject to the approval of the Minister, upon an application of the owner of any rateable property, grant to such owner a rebate on the rate which is payable in respect of the property in terms of section 73(1), if the local authority council is satisfied that a business has been or is to be established on such property, or that a business conducted on such property has been or is to be expanded, and that the establishment or expansion of the business will result in the creation of substantial opportunities for permanent employment in the local authority area.

(2) A rebate under subsection (1) shall be granted subject to such conditions and for such period as the local authority council may determine with the approval of the Minister.

(3) If the owner of any rateable property referred to in subsection (1) is not, or will not be, the beneficial owner of the business conducted or to be conducted on the property, the local authority council may impose under subsection (2) any condition which it may consider necessary for ensuring that the whole or a specified part of the benefit of a rebate granted under subsection (1) will be passed on to the owner of the business concerned.

[section 75A inserted by Act 24 of 2000]

ANNEXURE B:
List A (non-rateable properties by definition)

LIST A						
Erf No.	Township	Usage of the property	Applicant	Classification	Zoning	List
148	ACADEMIA	Church	Missionary of St Francis	Religious	Residential	LIST A
49	DOBRA	Church	Congregation of the Missionary Oblates of Mary	Religious	Institutional	LIST A
9	DORADO PARK	School	Rainbow Pre-Primary	Educational	Institutional	LIST A
271	DORADO PARK	School	IUM	Educational	Institutional	LIST A
283	DORADO PARK	Church	Christ Love Ministries	Religious	Institutional	LIST A
1465	DORADO PARK	Church	His People Ministries	Religious	Institutional	LIST A
93	ELISENHEIM	Church	Elisenheim Community Church	Religious	Institutional	LIST A
37	EROS PARK	School	Eros Pre-Primary	Educational	Institutional	LIST A
2617	EROS PARK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
1804	GOREANGAB	Church	Christian Faith Ministries	Religious	Institutional	LIST A
1662	GOREANGAB	Church	Universal Church of the Kingdom of God	Religious	Business	LIST A
2369	GOREANGAB	Welfare	Hope Village Trust	Humanitarian	Institutional	LIST A
803	HAKAHANA	Church	Hakahana Christian Centre	Religious	Institutional	LIST A
190	HOCKLANDPARK	Church	Missionary Field Fellowship	Religious	Institutional	LIST A
R/608	HOCHLANDPARK	Church	Dutch Reformed Church Windhoek West	Religious	Institutional	LIST A
861	HOCKLANDPARK	Church	Gospel Outreach	Religious	Institutional	LIST A
1478	HOCHLANDPARK	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A
1814	HOCKLANDPARK	Church	Missionary Field Fellowship	Religious	Institutional	LIST A
37	KATUTURA	Church	Roman Catholic Church	Religious	Institutional	LIST A
1191	KATUTURA	Church	Restoration Community	Religious	Institutional	LIST A
2030	KATUTURA	Church	Church of Africa	Religious	Institutional	LIST A
3284	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
4071	KATUTURA	School	Beautiful Kidz Namibia	Humanitarian	Institutional	LIST A
4772	KATUTURA	Church	Universal Church of the Kingdom of God	Religious	Institutional	LIST A
6058	KATUTURA	Church	Baptist Church	Religious	Institutional	LIST A
6232	KATUTURA	Church	New Apostolic Church	Religious	Institutional	LIST A
6378	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
6620	KATUTURA	Church	Zion Christian Church	Religious	Institutional	LIST A
8455	KATUTURA	Church	Oponganda S.D.A Church	Religious	Institutional	LIST A
8527	KATUTURA	Church	St. Augustine's Church	Religious	Institutional	LIST A
10617	KATUTURA	School	Pashukeni Kinder	Educational	Institutional	LIST A

			Garden			
3457	KATUTURA	Church	Fountain of Living Water Ministries	Religious	Institutional	LIST A
2	KHOMASDAL	Church	Church of the Nazarene	Religious	Institutional	LIST A
475	KHOMASDAL	School	SOS Children's Village	Welfare	Institutional	LIST A
476	KHOMASDAL	School	SOS Children's Village	Welfare	Institutional	LIST A
482	KHOMASDAL	School	Triumphant College	Educational	Residential	LIST A
549	KHOMASDAL	Church	Calvyn Protestant Church	Religious	Residential	LIST A
783	KHOMASDAL	Church	Namibia Christian Centre	Religious	Institutional	LIST A
784	KHOMASDAL	School	Learn and Play Early	Educational	Institutional	LIST A
1092	KHOMASDAL	Church	Church of Nazarene	Religious	Institutional	LIST A
1751	KHOMASDAL	Church	Roman Catholic Church	Religious	Institutional	LIST A
2126	KHOMASDAL	School	Hermann Gemeiner School	Educational	Institutional	LIST A
2433	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
2430	KHOMASDAL	Church	AGS of South Africa	Religious	Institutional	LIST A
3142	KHOMASDAL	Church	Morewaak Penticostal	Religious	Institutional	LIST A
3934	KHOMASDAL	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A
4316	KHOMASDAL	Church	Khomas Community Church	Religious	Institutional	LIST A
4351	KHOMASDAL	Church	New Apostolic Church	Religious	Institutional	LIST A
4756	KHOMASDAL	Church	Uniting Reformed Church	Religious	Institutional	LIST A
4834	KHOMASDAL	School	Pre Primary of U.R.Church	Educational	Institutional	LIST A
4882	KHOMASDAL	Church	Roman Catholic	Religious	Residential	LIST A
5216	KHOMASDAL	Church	SoS Children	Religious	Residential	LIST A
5030	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
5219	KHOMASDAL	Church	Lutheran Church	Religious	Institutional	LIST A
5959	KHOMASDAL	Church	Church Efese Sending kerk	Religious	Institutional	LIST A
118	KLEIN WINDHOEK	Church	New Apostolic Church of Namibia	Religious		LIST A
R/329	KLEIN WINDHOEK	Pre-Primary School	DEL Gemeinde Windhoek	Educational	Institutional	LIST A
300	KLEIN WINDHOEK	Church	The Old Apostolic Church	Religious	Institutional	LIST A
2165	KLEIN WINDHOEK	Church	Dutch Reformed Church	Religious	Residential	LIST A
2735	KLEIN WINDHOEK	Church/Parsonage	Full Gospel Church	Religious	Institutional	LIST A
1356	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
934	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
1356	KLIENE KUPPE	School	Windheok Gymnasium School	Educational	Institutional	LIST A
37	NUBUAMIS	Education	Youth with a Mission	Religious	Institutional	LIST A
1753	OKURYANGAVA	Church	Lutheran Church	Religious	Institutional	LIST A

3589	OKURYANGAVA	Church	Church of Nazarene	Religious	Institutional	LIST A
3649	OKURYANGAVA	School	Bright Hill Pre-School	Educational	Institutional	LIST A
3063	OTJOMUISE	Pre-Primary School	Day care center /City of Windhoek	Educational	Institutional	LIST A
311	PIONIERSPARK	Church	The old Apostolic Church	Religious	Institutional	LIST A
1306	PIONIERSPARK	School	Windhoek International School	Educational	Institutional	LIST A
1374	PIONIERSPARK	Church	Lutheran Church	Religious	Institutional	LIST A
702	ROCKY CREST	Church	Westside Baptist Church	Religious	Institutional	LIST A
358	WANAHEDA	Church	Church of Nazarene	Religious	Institutional	LIST A
122	WINDHOEK	School	Namibia Scientific Society	Educational	Institutional	LIST A
132	WINDHOEK	Church	DEL Gemeinde	Religious	Institutional	LIST A
764	WINDHOEK	Church	Old Apostolic Church	Religious	Institutional	LIST A
870	WINDHOEK	Church, School	Convent of the Holy Cross	Educational	Institutional	LIST A
1220	WINDHOEK	Office	Voortrekkers in Namibia	Institutional	Institutional	LIST A
1353	WINDHOEK	Church	Dutch Reformed Church	Educational	Institutional	LIST A
1636	WINDHOEK	Church	Latter Rain Mission	Religious	Institutional	LIST A
1935	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1942	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1947	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1932	WINDHOEK	School	NUST	Educational	Residential	LIST A
1933	WINDHOEK	School	NUST	Educational	Office	LIST A
1934	WINDHOEK	School	NUST	Educational	Office	LIST A
463/2367	WINDHOEK	School	NUST	Educational	Residential	LIST A
1936	WINDHOEK	School	NUST	Educational	Residential	LIST A
1938	WINDHOEK	School	NUST	Educational	Residential	LIST A
1940	WINDHOEK	School	NUST	Educational	General Residential	LIST A
1941	WINDHOEK	School	NUST	Educational	Residential	LIST A
3449	WINDHOEK	School	NUST	Educational	Office	LIST A
3451	WINDHOEK	School	NUST	Educational	Residential	LIST A
3470	WINDHOEK	School	NUST	Educational	Residential	LIST A
1948	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
3016	WINDHOEK	Church	Christ Love Ministries	Religious	Institutional	LIST A
3457	WINDHOEK	School	NUST	Educational	Institutional	LIST A
4002	WINDHOEK	School	Windhoek Afrikaanse Privaatskool	Educational	Institutional	LIST A
4509	WINDHOEK	Church	New Covenant Celebration Centre	Religious	Institutional	LIST A
5395	WINDHOEK	Church	Seventh Day Adventist	Religious	Institutional	LIST A
5523	WINDHOEK	Scouts Movement	Deutsche Pfadfinderbund	Welfare	Institutional	LIST A
5564	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST A
5584	WINDHOEK	School	Windhoek Afrikaanse Privaatskool	Educational	Institutional	LIST A
5930	WINDHOEK	School	NUST	Educational	Office	LIST A
6062	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A

6578	WINDHOEK	Church	Universal Church	Religious	Institutional	LIST A
6771	WINDHOEK	School	Deutscher Schulverein WHK	Religious	Institutional	LIST A
7897	WINDHOEK	Old Age Home	Deutscher Frauenverein	Religious	Institutional	LIST A
7941	WINDHOEK	School	NUST	Educational	Institutional	LIST A
7950	WINDHOEK	School	Windhoek Afrikaanse Priv	Educational	Institutional	LIST A
8041	WINDHOEK	School	Deutscher Schulverein WHK	Educational	Institutional	LIST A
8349	WINDHOEK	Church	Deutscher Schulverein WHK	Religious	Institutional	LIST A
8396	WINDHOEK	School	NUST	Educational	Institutional	LIST A
8474	WINDHOEK	Old Age Home	Deutscher Frauenverein	Religious	Institutional	LIST A
A/641	WINDHOEK	Church	Christian Science Society	Religious	Institutional	LIST A
R/1636	WINDHOEK	Church	Latter Rain Mission	Religious	Institutional	LIST A
R/1947	WINDHOEK	Institution	NUST	Educational	Institutional	LIST A
R/1959	WINDHOEK	Church	Hebrew Congregation	Religious	Institutional	LIST A
R/5584	WINDHOEK	School	Windhoek Afrikaans Private School	Educational	Institutional	LIST A
R/B/119	WINDHOEK	Church	St. Georges Cathedral	Religious	Institutional	LIST A
95	WINDHOEK TOWNLANDS	Church/Educational/ Old Age	Congregation of the Missionary	Religious	Institutional	LIST A

ANNEXURE C:
List B (properties qualifying for exemption under section 75)

158

LIST B

Erf Number	Township	Usage of the property	Applicant	Classification	Zoning	List
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Institutional	LIST B
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B
812	Dorado	Property of a Pastor	Hakahana Christian Centre	Home	Residential	LIST B
1418	Dorado	Parsonage	Bread of Life Church	Religious	Residential	LIST B
29	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
455	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B
2349	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
3227	GOREANGAB	Child care of ELCIN	Toivo Tirronen Child Care	Religious	Residential	LIST B
1120	HOCHLAND PARK	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
1950	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
3687	KATUTURA	Parsonage	African Methodist Episcopal	Religious	Residential	LIST B
7854	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B
790	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B
791	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B
792	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B
3971	KHOMASDAL	Church office	AGS of South Africa	Religious	Residential	LIST B
4749	KHOMASDAL	Parsonage	Uniting Reform Church	Religious	Residential	LIST B
R/328	KLEIN WINDHOEK	Boys Scouts	DEL Gemeinde Windhoek	Educational	Residential	LIST B
1561	KLEIN WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B
6	KLEINE KUPPE	Sport	Namibia JKA Sportsgrounds CC	Sport	Residential	LIST B
290	OLYMPIA	Sport	Tructo United Sport club	Sport	Private Open Space	LIST B
431	OLYMPIA	Parsonage	Del Gemeinde Windhoek	Religious	Residential	LIST B
471	OLYMPIA	Parsonage	Stadtmission Namibia	Religious	Residential	LIST B
7586	OLYMPIA	Sport	Old Wheelrs Club of Namibia	Sport	Undetermined	LIST B
3452	OTJOMUISE	Educational	Mammadu Trust	Educational	Residential	LIST B
3987	OTJOMUISE	Parsonage	Claluyn Protestant Church	Religious	Residential	LIST B
563	PIONIERSPARK	Sport	Ramblers Sport Club	Sport	Residential	LIST B
912	PIONIERSPARK	Parsonage	DEL Gemeinde Windhoek	Religious	Residential	LIST B
1277	PIONIERSPARK	Sport	Wanderers Sport Club	Sport	Institutional	LIST B
440	ROCKY CREST	Parsonage	Christ Faith Impact Ministries	Religious	Residential	LIST B
578	WANAHEDA	Shelter	Lutheran Church	Religious	Residential	LIST B
47	WINDHOEK	Parsonage	National Spiritual Assembly of the Bahai's of Namibia	Religious	Residential	LIST B
428	WINDHOEK	Parsonage	Bible Society of Namibia	Religious	Residential	LIST B
68B	WINDHOEK	Old age home	Dutch Reformed Church of Namibia	Religious	Residential	LIST B
I/399	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B
0/50/R	WINDHOEK	Church\Kindergarten	Del Gemeinde Windhoek	Religious	Institutional	LIST B
657	WINDHOEK	Hostel	Deutscher Schulverein WHK	Educational	Residential	LIST B

681	WINDHOEK	Parsonage	The Salvation Army	Religious	Residential	LIST B
1702	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Residential	LIST B
1705	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Residential	LIST B
1708	WINDHOEK	Cancer Hospital	Cancer Association	Welfare	Residential	LIST B
1802	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Residential	LIST B
1803	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Institutional	LIST B
1804	WINDHOEK	Vacant\Parking	Latter Rain Mission	Religious	Residential	LIST B
1882	WINDHOEK	Parsonage	Gospel Outreach	Religious	Residential	LIST B
1927	WINDHOEK	Parsonage	Congregation of Sisters of Divine Saviour/Roman Catholic Church	Religious	Religious	LIST B
1928	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Religious	LIST B
2340	WINDHOEK	Office	Lutheran Church	Religious	Residential	LIST B
2776	WINDHOEK	Parsonage	SoS Children Villages Namibia	Welfare	Residential	LIST B
2813	WINDHOEK	WHK Life Change Centre	Dutch Reformed Church WHK/West	Religious	Institutional	LIST B
4233	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B
4658	WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B
5396	WINDHOEK	Welfare	Meals on Wheels	Welfare	Institutional	LIST B
5561	WINDHOEK	Sport	Windhoek Golf and Country Club	Sport	Institutional	LIST B
6172	WINDHOEK	Sport	German Shepard Dog club	General	Residential	LIST B
6795	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Institutional	LIST B
7240	WINDHOEK	Sport	Deutscher Turn und Sportverein	Sport	Residential	LIST B
7460	WINDHOEK	Care Centre	Lions Club Windhoek Alte	General	Residential	LIST B
7530	WINDHOEK	Sport	Namibia Tennis Association	Sport	Private Open Space	LIST B
8664	WINDHOEK	Sport	Chen Faustball Club	Sport	Private Open Space	LIST B
55/31	WINDHOEK	Daycare	Step by Step Day Care	Education	Institutional	LIST B
39	WINDHOEK TOWNLANDS	Welfare	SPCA Windhoek	Welfare	Institutional	LIST B
213	WINDHOEK TOWNLANDS	Sport	Sport Club Windhoek	Sport	Institutional	LIST B
31	TOWNLANDS	Sport	CoW Shooting Range	Sport	Institutional	LIST B

ANNEXURE D:
Cost Implication from List B (properties qualifying for exemption under section 75)

LIST B

Erf #	Township	Usage of the property	Applicant	Classification	Zoning	List	LAND VALUE	IMPROVEMENT VALUE	LAND VALUE	0.000920 CHARGES - GROUND	IMPROVEMENT VALUE	0.000545 CHARGES - IMPROVE
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Institutional	LIST B	17 168 000.00	4 169 000.00	17,168,000.00	15,794.56	4,169,000.00	2,272.11
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B	19 265 000.00	4 768 000.00	19,265,000.00	17,723.80	4,768,000.00	2,598.56
812	Dorado	Property of a Pastor	Hakahana Christian Centre	Home	Residential	LIST B	225 000.00	823 000.00	225,000.00	207.00	823,000.00	448.54
1418	Dorado	Parsonage	Bread of Life Church	Religious	Residential	LIST B	349 000.00	2 214 200.00	349,000.00	321.08	2,214,200.00	1,206.74
29	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B	1 019 000.00	2 593 900.00	1,019,000.00	937.48	2,593,900.00	1,413.68
455	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B	1 119 000.00	2 371 700.00	1,119,000.00	1,029.48	2,371,700.00	1,[illegible]
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B	1 056 000.00	943 200.00	1,056,000.00	971.52	943,200.00	514.04
2349	WINDHOEK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B	736 000.00	1 366 900.00	736,000.00	677.12	1,366,900.00	744.96
3227	GOREANGAB	Child care of ELCIN	Toivo Tirronen Child Care	Religious	Residential	LIST B	109 000.00	183 600.00	109,000.00	100.28	183,600.00	100.06
1120	HOCHLAND PARK	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B	361 000.00	2 215 400.00	361,000.00	332.12	2,215,400.00	1,207.39
1950	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B	78 000.00	226 800.00	78,000.00	71.76	226,800.00	123.61
3687	KATUTURA	Parsonage	African Methodist Episcopal	Religious	Residential	LIST B	304 000.00	819 000.00	304,000.00	279.68	819,000.00	446.36
7854	KATUTURA	Parsonage	Emmanuel Lutheran Parish	Religious	Residential	LIST B	84 000.00	864 300.00	84,000.00	77.28	864,300.00	471.04
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B	144 000.00	791 000.00	144,000.00	132.48	791,000.00	431.10
790	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B	245 000.00	169 000.00	245,000.00	225.40	169,000.00	92.11
791	KHOMASDAL	Residence of	SOS Children	Religious	Residential	LIST	316 000.00	234 000.00	316,000.00	290.72		

		abuse	Village			B					234,000.00	127.53
792	KHOMASDAL	Residence of abuse	SOS Children Village	Religious	Residential	LIST B	351 000.00	221 000.00	351,000.00	322.92	221,000.00	120.45
3971	KHOMASDAL	Church office	AGS of South Africa	Religious	Residential	LIST B	357 000.00	999 000.00	357,000.00	328.44	999,000.00	544.46
4749	KHOMASDAL	Parsonage	Uniting Reform Church	Religious	Residential	LIST B	442 000.00	1 502 000.00	442,000.00	406.64	1,502,000.00	818.59
R/328	KLEIN WINDHOEK	Boys Scouts	DEL Gemeinde Windhoek	Educational	Residential	LIST B	1 456 000.00	1 457 000.00	1,456,000.00	1,339.52	1,457,000.00	794.07
1561	KLEIN WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B	851 000.00	1 678 000.00	851,000.00	782.92	1,678,000.00	914.51
6	KLEINE KUPPE	Sport	Namibia JKA Sportsgrounds CC	Sport	Residential	LIST B	897 000.00	8 308 900.00	897,000.00	825.24	8,308,900.00	4,528.35
R/290	OLYMPIA	Sport	Tructo United Sport club	Sport	Private Open Space	LIST B	19 664 000.00	8 966 000.00	19,664,000.00	18,090.88	8,966,000.00	4,886.47
431	OLYMPIA	Parsonage	Del Gemeinde Windhoek	Religious	Residential	LIST B	776 000.00	1 370 000.00	776,000.00	713.92	1,370,000.00	746.65
471	OLYMPIA	Parsonage	Stadtmission Namibia	Religious	Residential	LIST B	810 000.00	1 281 000.00	810,000.00	745.20	1,281,000.00	698.15
7586	OLYMPIA	Sport	Old Wheelrs Club of Namibia	Sport	Undetermined	LIST B	2 297 000.00	2 963 000.00	2,297,000.00	2,113.24	2,963,000.00	1,6[illegible].84
3452	OTJOMUISE	Educational	Mammadu Trust	Educational	Residential	LIST B	709 000.00	1 605 500.00	709,000.00	652.28	1,605,500.00	875.00
3987	OTJOMUISE	Parsonage	Claluyn Protestant Church	Religious	Residential	LIST B	122 000.00	$0.00	122,000.00	112.24	-	-
563	PIONIERSPARK	Sport	Ramblers Sport Club	Sport	Residential	LIST B	9 710 000.00	1 160 000.00	9,710,000.00	8,933.20	1,160,000.00	632.20
912	PIONIERSPARK	Parsonage	DEL Gemeinde Windhoek	Religious	Residential	LIST B	574 000.00	1 014 000.00	574,000.00	528.08	1,014,000.00	552.63
R/1277	PIONIERSPARK	Sport	Wanderers Sport Club	Sport	Institutional	LIST B	5 434 800.00	5 693 100.00	5,434,800.00	5,000.02	5,693,100.00	3,102.74
440	ROCKY CREST	Parsonage	Christ Faith Impact Ministries	Religious	Residential	LIST B	177 000.00	482 000.00	17,000.00	15.64	482,000.00	262.69
578	WANAHEDA	Shelter	Lutheran Church	Religious	Residential	LIST B	96 000.00	454 500.00	96,000.00	88.32	454,500.00	247.70
R/A/47	WINDHOEK	Parsonage	National Spiritual Assembly of the Bahai's of Namibia	Religious	Residential	LIST B	1 504 000.00	1 668 000.00	1,504,000.00	1,383.68	1,668,000.00	909.06

428	WINDHOEK	Parsonage	Bible Society of Namibia	Religious	Residential	LIST B			-	-	-	-
68B	WINDHOEK	Old age home	Dutch Reformed Church of Namibia	Religious	Residential	LIST B	2 186 000.00	14 939 000.00	2,186,000.00	**2,011.12**	14,939,000.00	**8,141.76**
1/399	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B	1 196 000.00	1 922 000.00	1,196,000.00	**1,100.32**	1,922,000.00	**1,047.49**
0/50/R	WINDHOEK	Church\ Kindergarten	Del Gemeinde Windhoek	Religious	Institutional	LIST B	363 000.00	1 249 500.00	363,000.00	**333.96**	1,249,500.00	**680.98**
657	WINDHOEK	Hostel	Deutscher Schulverein WHK	Educational	Residential	LIST B	1 164 000.00	2 420 000.00	1,164,000.00	**1,070.88**	2,420,000.00	**1,318.90**
681	WINDHOEK	Parsonage	The Salvation Army	Religious	Residential	LIST B	753 000.00	1 292 500.00	753,000.00	**692.76**	1,292,500.00	**704.41**
1702	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Residential	LIST B	1 891 000.00	3 654 000.00	1,891,000.00	**1,739.72**	3,654,000.00	**1,991.43**
1705	WINDHOEK	Cancer Clinic	Cancer Association	Welfare	Residential	LIST B	653 000.00	906 000.00	653,000.00	**600.76**	906,000.00	**493.77**
1708	WINDHOEK	Cancer Hospital	Cancer Association	Welfare	Residential	LIST B	874 000.00	2 019 000.00	874,000.00	**804.08**	2,019,000.00	**1,100.36**
1802	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Residential	LIST B	1 159 000.00	1 647 000.00	1,159,000.00	**1,066.28**	1,647,000.00	**89[illegible]**
1803	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Institutional	LIST B	581 000.00	707 000.00	581,000.00	**534.52**	707,000.00	**385.[illegible]**
1804	WINDHOEK	Vacant\Parking	Latter Rain Mission	Religious	Residential	LIST B	998 000.00	$0.00	998,000.00	**918.16**	-	-
1882	WINDHOEK	Parsonage	Gospel Outreach	Religious	Residential	LIST B	674 000.00	1 667 000.00	674,000.00	**620.08**	1,667,000.00	**908.52**
1927	WINDHOEK	Parsonage	Congregation of Sisters of Divine Saviour/Roman Catholic Church	Religious	Religious	LIST B	600 000.00	2 955 400.00	600,000.00	**552.00**	2,955,400.00	**1,610.69**
1928	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Religious	LIST B	242 000.00	1 179 000.00	242,000.00	**222.64**	1,179,000.00	**642.56**
2340	WINDHOEK	Office	Lutheran Church	Religious	Residential	LIST B	392 000.00	1 176 000.00	392,000.00	**360.64**	1,176,000.00	**640.92**
2776	WINDHOEK	Parsonage	SoS Children Villages Namibia	Welfare	Residential	LIST B	981 000.00	1 384 000.00	981,000.00	**902.52**	1,384,000.00	**754.28**
2813	WINDHOEK	WHK Life Change Centre	Dutch Reformed Church WHK/West	Religious	Institutional	LIST B	480 000.00	771 000.00	480,000.00	**441.60**	771,000.00	**420.20**
4233	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B	692 000.00	961 000.00	692,000.00	**636.64**	961,000.00	**523.75**

4658	WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B	628 000.00	434 500.00	628,000.00	**577.76**	434,500.00	**236.80**
R/5396	WINDHOEK	Welfare	Meals on Wheels	Welfare	Institutional	LIST B	289 000.00	1 144 000.00	289,000.00	**265.88**	1,144,000.00	**623.48**
R/5561	WINDHOEK	Sport	Windhoek Golf and Country Club	Sport	Institutional	LIST B	45 000 000.00	11 934 000.00	45,000,000.00	**41,400.00**	11,934,000.00	**6,504.03**
6172	WINDHOEK	Sport	German Shepard Dog club	General	Residential	LIST B	2 300 000.00	423 500.00	2,300,000.00	**2,116.00**	423,500.00	**230.81**
6795	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Institutional	LIST B	320 760.00	$0.00	320,760.00	**295.10**	-	-
7240	WINDHOEK	Sport	Deutscher Turn und Sportverein	Sport	Residential	LIST B	6 154 000.00	10 485 000.00	6,154,000.00	**5,661.68**	10,485,000.00	**5,714.33**
7460	WINDHOEK	Care Centre	Lions Club Windhoek Alte	General	Residential	LIST B	509 300.00	708 800.00	509,300.00	**468.56**	708,800.00	**386.30**
7530	WINDHOEK	Sport	Namibia Tennis Association	Sport	Private Open Space	LIST B	8 761 000.00	2 248 000.00	8,761,000.00	**8,060.12**	2,248,000.00	**1,225.16**
8664	WINDHOEK	Sport	Chen Faustball Club	Sport	Private Open Space	LIST B	1 684 000.00	932 000.00	1,684,000.00	**1,549.28**	932,000.00	**507.94**
55/31	WINDHOEK	Daycare	Step by Step Day Care	Education	Institutional	LIST B				**-**	-	-
39	WINDHOEK TOWNLANDS	Welfare	SPCA Windhoek	Welfare	Institutional	LIST B	1 040 000.00	1 928 300.00	1,040,000.00	**956.80**	1,928,300.00	**1,0[illegible]2**
213	WINDHOEK TOWNLANDS	Sport	Sport Club Windhoek	Sport	Institutional	LIST B	1 760 000.00	$0.00	1,760,000.00	**1,619.20**	-	-
31	TOWNLANDS	Sport	CoW Shooting Range	Sport	Institutional	LIST B						
										159,133.19		**74,481.61**

Mr.R.N.Snyders

P.O.B0x 96477

Windhoek

Namibia

3984

OFFICE OF THE CHIEF EXECUTIVE OFFICER
CITY OF WINDHOEK
17 MAR 2015
RECEIVED
Manager: CCTM&CC
P.O. Box 59 • WINDHOEK

City ofWindhoek

Property Management Department

P.O.B0x 59

Windhoek

Dear Sir/Madam

RE: Application to purchase and close off land.

Herewith I Mr.R.N.Snyders which to apply to purchase the open space 1083 and erf 878 as it is indicated on the map that you will find attached to this letter for residential purposes.

I have been residing at erf 878 Tortelduif street; Khomasrand Khomasdal since 1989 and have tried on various occasions to purchase this land but my application was never taken into consideration.

On erf 877 is a Municipal electrical substation and it around it is a self-proclaimed dumping site of the residents of the surrounding the area. This self-proclaimed dumping site is right in front of my kitchen door and is unhygienic causing a health risk to me and my family as it is household rubbish and dead pets that are thrown here. It is also a high risk as when we contact the Municipality's Solid Waste Division to clean the area the scraper they use uncovers the electrical wiring underneath the ground and damages the wiring. During the rainy season it seems as if gun shots are fired but with further investigation one sees sparks emitting from the damaged cables.

The portion of municipal land as marked on the map 1083 is used by criminals as an escape route when they break into the houses their escape vehicle is parked at the river mouth between erf 872 and 873 in Bosduif Street and another self-proclaimed dumping site. I personally have contacted The City Police Department on numerous occasions when I notice any criminal activities taking place and they have assisted me. This area of 1083 is right in front of my main entrance to the house. My family and I have sleepless nights as one hears how the criminals run passed the house if they are being chased by the police officers.

To ensure a clean pollution and crime free environment for the residents of bosduif and tortelduif street i wish to purchase and close off erf 877 and the open space 1083 as per indicated on the map.

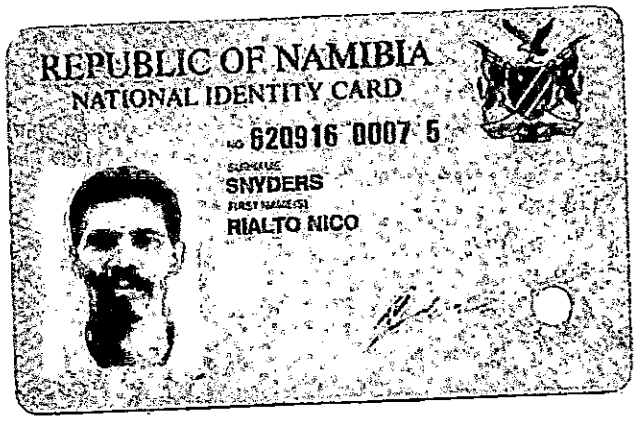
I do hope that your kind office will take my application into consideration as i have stipulated the activities taking place around my house. I can be contacted at the following numbers cellphone: 081 867 346 telephone number 061 330600 email address janines482@gmail.com if you have any queries.

Yours Thankfully

Mr.R.N.Snyders

17 March 2015

081 867 3456


REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD
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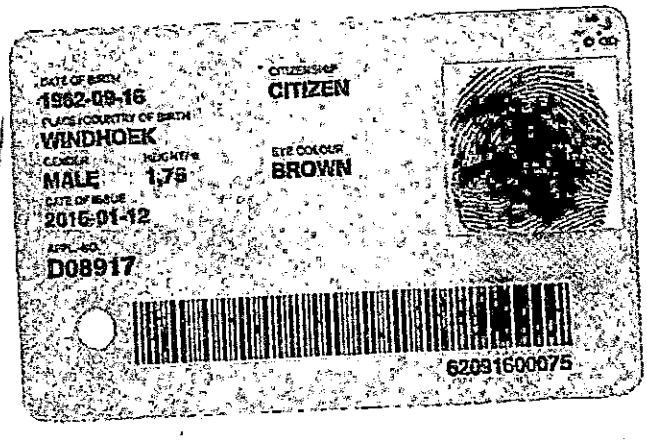
DATE OF BIRTH
1962-09-16
CITIZENSHIP
CITIZEN
WINDHOEK
MALE
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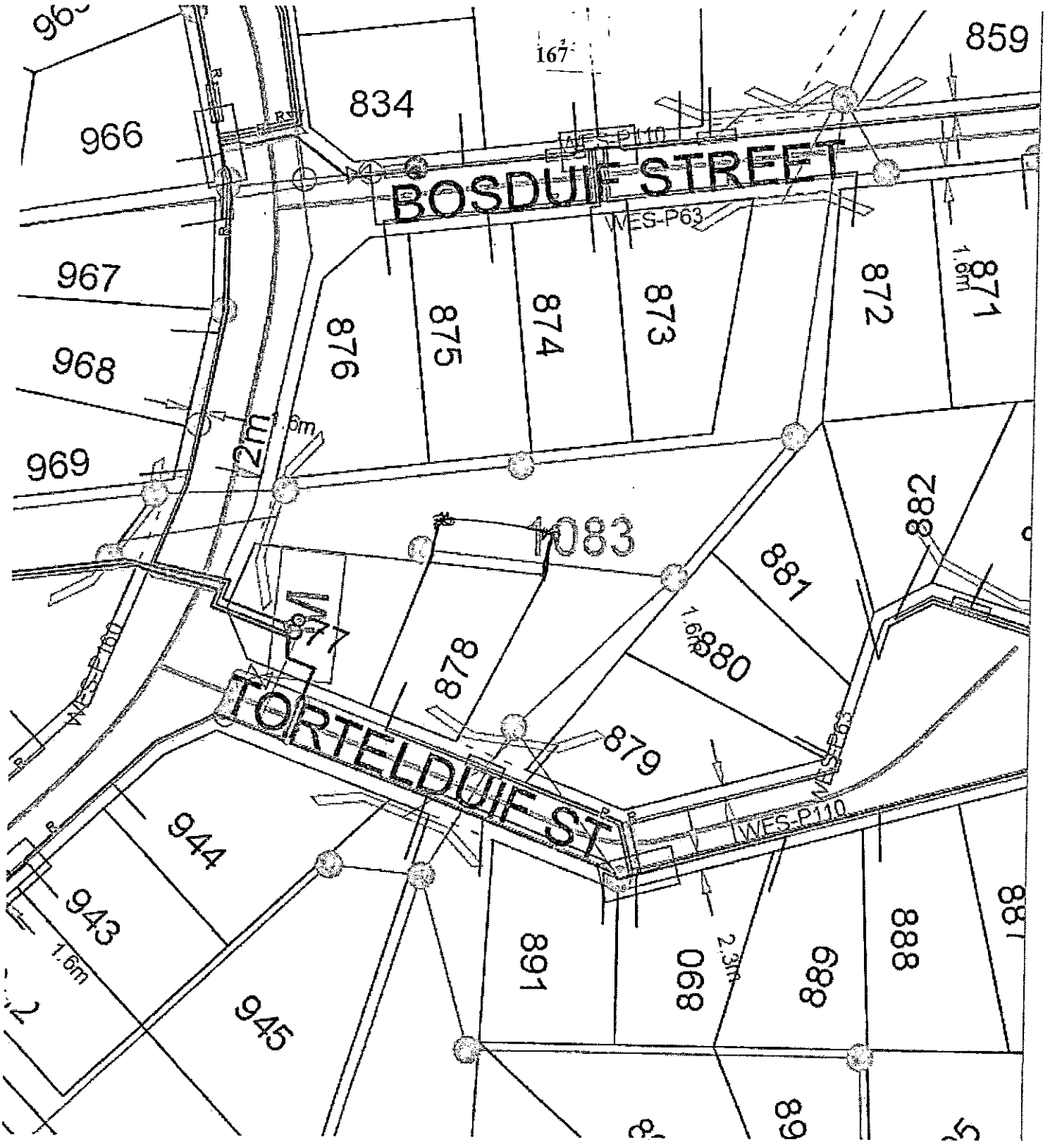
BROWN
2016-01-12
D08917
62091600075



Clients are interested ~~at~~ in the 10 m² portion behind their erf ~~at~~ of Erf 1083, Khomasdal

[Municipal Council Minutes: 2001-07-25]

3.28 **UPG.1 [PLA] POLICY FOR THE DISTRIBUTION AND FUTURE USAGE OF PUBLIC OPEN SPACE IN WINDHOEK**
(3/1/P) (16/15/1)

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

1 That the 'Policy for the Distribution and Future Usage of Public Open Space in Windhoek', its appendices and the plan 'Parks in Windhoek 2000' be adopted as policy documents.

2 That urban development within Windhoek, by the public or private sector, be guided, inter alia, by the general principles contained in the Policy.

3 That the usage of open spaces as set out in the appendices be approved and that the recommended facilities accompanying the designation and as set out in chapter 5 of this policy be adopted as minimum targets for parks and recreational development.

4 That the approved usage and designated facilities be used to assist annual budgeting for further development commensurate with the designated role of the open space.

5 That based on the principle that people should not have to walk for longer than ten minutes to get to a local facility such as a park, the size and distance criteria set out in chapter 6 be adopted as design guidelines for new townships.

6 That the City recognise its heritage of fragile eco-systems identified in the report comprising river courses, dams, mountains, hilltops and steep valleys, and other natural features and is determined that they be subject to environmental conservation measures and that opportunities be pursued for sensitive recreational development and eco-tourism so as to maintain a balance between conservation and recreational open spaces.

7 That special protection be provided for drainage areas by way of a buffer 'infiltration area' extending to a recognised distance from the riverbeds so that absorptive soil sponge next to the riverbank can be retained to facilitate seepage of water into the groundwater reserves, for maintaining riverine ecological systems, and also to act as a bio-filter, cleaning water before it is deposited into the riverbed.

8 That the following guidelines be used for assessing applications for portions of public open space:

8.1 A watercourse including an 'infiltration area' not be permanently closed, other than with a servitude to prevent building within the infiltration area, or be used other than as park, a garden or a recreational area.

8.2 The 'infiltration area' be assessed preferably by a hydrogeological study to be carried out as part of an environmental impact study to assess groundwater vulnerability and to fix the boundaries for subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability, or where this is not feasible then by the following criteria:

- Adoption of the 1:100 year flood line where this is available, or

- Imposition of a 5 metre wide infiltration area between the seasonally active bed of a watercourse which is further than 500 metre or more from its bounding watershed, and the nearest structures.

8.3 The physical occurrence of a watercourse be defined as being the outer edge of the seasonally active (gravel) bed or the identifiable banks of a watercourse.

8.4 The protection afforded by an infiltration area be applicable for a watercourse should it be 500 metre or more from its bounding watershed or should special topographical or flow conditions warrant earlier recognition.

8.5 No area within a 1 in 50 year flood line be built upon or used for any purpose other than as park, a garden or a recreational area.

8.6 Minor watercourses (drainage channels) be consolidated with adjacent properties provided that any 'infiltration area' of the watercourse is reserved by a servitude free of structures or impermeable surfacing.

8.7 That no land designated for a City, suburban or neighbourhood park be diminished in any way unless a park development plan exist which indicate clearly that some portion of the land not be used by the community and represent waste land.

8.8 That in all cases where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse for non residential activities which pose a threat of

8.9 olluting the watercourse, and in all cases where such a development lie within 10 metre of a watercourse, a hydrogeological study be carried out:

- To assess groundwater vulnerability,
- To recommend conditions for the development and
- To fix the boundaries for any subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability.

8.10 That where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse full details of the proposed activities be supplied so as to enable the City to assess the groundwater vulnerability.

8.11 That in other cases not involving watercourses or designated parks, 10 metre wide portions of land be acquired for consolidation with adjacent erven provided that:

- The extent of land taken would not undermine the value of the open space to the community;
- Extraction of a portion will not damage or inhibit access of the public to the open space;
- Only one 10 metre wide portion may be acquired with no subsequent extraction (small variations from the 10 metre may be permitted to accommodate local features);
- Neighbours and other affected parties have no valid objection;
- The new usage would not damage any scenic views of the hillside or any valuable natural features, and

- Services are not adversely affected.

9 That, as opportunity arises, every remaining open space be considered in respect of its full extent for closure, partial closure or retention and that no recommendations be made on the basis of a partial investigation only.

10 That the criteria set out above and in the Policy be used in the design of new settlements and that specially attractive or sensitive natural features and areas of scenic beauty be incorporated for their protection into future open spaces as far as is reasonably possible.

11 That for all townships proclaimed since 1980, except for additional strips of land along the edges of steep hillsides (approximately10 metre wide), where application is supported by affected adjacent erf owners, no further small scale diminution of open spaces be supported.

12 That for townships proclaimed before 1980, namely Katutura and Extensions 1 to 13, Khomasdal and Extensions 1 to 3, Windhoek residential townships, Klein Windhoek and Extensions 1 to 3, Erospark, Academia, Olympia and Pionierspark, except for approximately 10 metre wide strips along the edges of steep hillsides, where application is supported by affected adjacent erf owners, applications be handled in terms of paragraphs 8 and 9 and further small scale diminution only be allowed where such diminution has already commenced.

13 That the above rules not be interpreted to bar the City from totally closing an open space which serve only as a drainage channel and by piping the stormwater flow, to make the land available for urban use or where the area is to be physically closed or fenced off for security purposes at the request of adjacent erf owners.

14 That in all new township development a hydrogeological study be carried out as part of any environmental impact analysis or feasibility study to assess groundwater vulnerability and to fix the boundaries for subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability.

15 That the public be reminded that in terms of Council Resolution 55/02/93 of 24 February 1993 which has been incorporated into this Policy, it consider the allocation of portions of public open spaces for local community development of community facilities with or without a community centre as part of Citizen-City partnership initiatives.

16 That the City see the establishment of common goals in the conservation and utilisation of open spaces in the City as a critical factors in promoting social upliftment and improving the living conditions of its citizens.

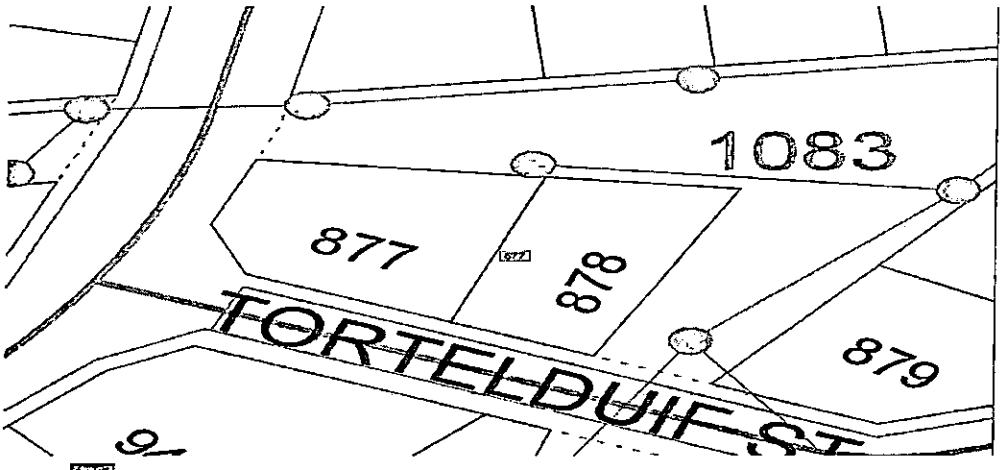
RESOLUTION 251/07/2001 [POLICY]

Circulation	Date	Initials	Comments
Responsible person routing Application	22/04/2016	IIH	
Plan requested			
Strategic Executive: Community Services Community Development Sustainable Development			
Strategic Executive: Electricity	16/08/2016		
Strategic Executive: Infrastructure, Water and Technical Services Bulk Water and Waste Water Engineering Services	05/10/2016		
Strategic Executive: Urban Planning and Property Management Urban Planning Valuations Property Management Planning, Design and Traffic Flow Road and Stormwater Design	02/11/2016		
Strategic Executive: Economic Development and Environment Economic Development Environmental Management Health Services Parks and Gardens	09/02/2018 25/04/2016		
OTHER			

D-date: 23 May 2016

APPLICATION TO PURCHASE PORTIONS OF ERVEN 877 AND 1083 KHOMASDAL

An application was received from the owner of Erf 878 Khomasdal to purchase portions of Erven 877 and 1083 Khomasdal zoned Residential and Undetermined respctively. Please investigate this property.



SCAN4283_000.pdf

Comments from the Strategic Executive: Community Services
Community Development
Sustainable Development

Sustainable Development Division, Department of Urban and Transport Planning **SUPPORT** the proposed application subject to noting and undertaking the following;
□ That the request be granted but due consideration of comments from the electricity, storm water divisions and other relevant technical departments be noted.

□ That the portion to be procured from Erf 1083, Khomasdal be limited to only 4.5 meters offset from the boundary of Erf 878 Khomasdal and or as guided by the storm water division.

□ That the portion to be procured from Erf 877, Khomasdal be limited to only 3 meters offset from the boundary of Erf 878 Khomasdal and or be guided by the electricity department taking in consideration the required distance of electrical services.

□ That the following town planning procedures be followed to enable the above,
o Portion of Erf 1083, Khomasdal be subdivided into Portion A (69.35m2) and remainder.
o Portion of Erf 877, Khomasdal be subdivided into Portion B (60.09m2) and remainder.
o The newly created Portion A (of Erf 1083, Khomasdal), be rezoned to residential with a density of 1 dwelling per 250m².
o The newly created Portion A (of Erf 1083) and Portion B (of Erf 877) be consolidated with Erf 878 into Erf X, Khomasdal.

□ That all relevant town planning procedures be undertaken in accordance to planning laws and the Windhoek Town Planning Scheme, and the associated liabilities be accounted for by applicant

I trust that you will find this in order. Please contact us for any further clarifications and information you might need.
Thank you,
Comments from the Strategic Executive: Electricity
The SE: ELE, in principle has no objection to the application submitted.

□ That the following town planning procedures be followed to enable the above,
o Portion of Erf 1083, Khomasdal be subdivided into Portion A (69.35m2) and remainder.
o Portion of Erf 877, Khomasdal be subdivided into Portion B (60.09m2) and remainder.
o The newly created Portion A (of Erf 1083, Khomasdal), be rezoned to residential with a density of 1 dwelling per 250m².
o The newly created Portion A (of Erf 1083) and Portion B (of Erf 877) be consolidated with Erf 878 into Erf X, Khomasdal.

□ That all relevant town planning procedures be undertaken in accordance to planning laws and the Windhoek Town Planning Scheme, and the associated liabilities be accounted for by applicant

I trust that you will find this in order. Please contact us for any further clarifications and information you might need.
Thank you,

Comments from the Strategic Executive: Electricity
The SE: ELE, in principle has no objection to the application submitted.

- Should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.
- Only one (1) service connection from the municipal electrical network will be allowed per Erf.
- Only one additional meter point will be allowed for an approved flat on erven that is zoned "Single Residential". For more meter points, the Erf must be rezoned to "General Residential".

Comments from the Strategic Executive: Infrastructure, Water and Technical Services
Revised comments 23/11/2020

WATER:
No water services affected. Any further water requirements shall be for the applicant's account.

SEWER:
No objection for a 3m portion for consolidation with erf 1083. The applicant must note, that the existing sewer must be 1.5m from the boundaries of the new consolidated erf. Any further sewer requirements shall be for the applicant's account.

Bulk Water and Waste Water
No water services affected. Any further water requirements shall be for the applicant's account.

Engineering Services
The division comments that the sale of portions of erven 877 and 1083 for consolidation with erf 878 is not supported because a Municipal sewer line is affected. The application can only be supported if the sewer line be relocated outside the boundaries of the applied portions, at the cost of the applicant and to the satisfaction of the Strategic Executive, Infrastructure, Water and Technical Services. The Deed of Sale may only be signed after the relocation of the sewer line is done.

- Should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.
- Only one (1) service connection from the municipal electrical network will be allowed per Erf.
- Only one additional meter point will be allowed for an approved flat on erven that is zoned "Single Residential". For more meter points, the Erf must be rezoned to "General Residential".

Comments from the Strategic Executive: Infrastructure, Water and Technical Services
Bulk Water and Waste Water
No water services affected. Any further water requirements shall be for the applicant's account.

Engineering Services
The division comments that the sale of portions of erven 877 and 1083 for consolidation with erf 878 is not supported because a Municipal sewer line is affected. The application can only be supported if the sewer line be relocated outside the boundaries of the applied portions, at the cost of the applicant and to the satisfaction of the Strategic Executive, Infrastructure, Water and Technical Services. The Deed of Sale may only be signed after the relocation of the sewer line is done.

Solid Waste Management

- The division has no objection on this application
- Once approved the applicant may continue to use the existing waste removal system already in place.
- As far as possible the applicant will be required to institute recycling and waste reduction initiative in order compliment city initiative on waste recycling, as the city is struggling with airspace at the landfill site.
- By all means all waste may only be disposed of at an approved landfill & satellite sites as illegal dumping of waste will not be tolerated
- Burning, littering and burying of waste is prohibited

Comments from the Strategic Executive: Urban Planning and Property Management
Urban Planning

Erf 1083, Khomasdal is zoned "Undetermined" and is ± 1 669m^2 in size.

Erf 877, Khomasdal is zoned "Residential" and is ± 360m^2 in size with a density of 1:250m^2.

Erf 878, Khomasdal is zoned "Residential" and is ± 294m^2 in size with a density of 1:250m^2.

The cost of the town planning procedures should be for the account of the applicant.

Urban Planning has no objection to the sale of Erf 877 subject to the terms and conditions of Strategic Executive: Urban and Transport Planning provided that:

1. That Erf 877 Khomasdal be subdivided into Portion A and Remainder so as to accommodate the existing Substation. The Subdivision Plan must be date stamped by the Urban Policy Division and the same date stamped plan must be submitted to the Ministry of Urban and Rural Development;
2. That the Remainder of Erf 877 Khomasdal be rezoned to Municipal because of the substation.
3. That the rezoning of the Remainder of Erf 877 Khomasdal be the responsibility of the municipality.
4. That Portion A of Erf 877 be consolidated with Erf 878
5. The use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme;
6. That the applicant be responsible for all the town planning procedures and cost to the Ministry of Urban and Rural Development and costs.
7. The applicant submit copies of the approved erf diagrams and Title Deed to the Strategic Executive Urban Planning and Property Management upon approval of the subdivision and consolidation;
8. That the usual short standard conditions of the Municipality, including a minimum building value equal 4 times the municipal valuation of the erf be registered against portion A.

Urban Planning has objection to the sale of Erf 1083, Khomasdal because it is a storm watercourse. Urban Policy recommends that Erf 1083 Khomasdal be;

1. Be fenced off by the municipality.
2. Rezoned by the municipality from Undetermined to Municipal

Valuations
Property Management
Planning, Design and Traffic Flow
Erf 1083 KD – Portion not supported because there is a stormwater channel. Further directives will be provided by Storm water Section.

Erf 877 KD – This Division supports subdivision of Erf 877 KD into a Portion and the remainder. And consolidation of the portion with Erf 878 KD.
No UAA is applicable

Road and Stormwater Design
The application dated 22 April 2016 for the proposed Purchase of a portion of Erf 877 and a portion of Erf 1083 and Consolidation with Erf 878 Tortelduif Street Khomasdal, received on 23 January 2019, refers.

It should be noted that reference is made to an application dated 17 March 2015.

A storm water investigation was done and the following is reported:

Erf 878

1. Erf 878 has a general downward slope from the south west towards the north east.

2. There is no stormwater system crossing Erf 878, except for surface stormwater runoff.

Proposed portion A of Erf 877

3. The proposed portion A of Erf 877 has a general downward slope from the south west towards the north east.

4. There is no stormwater system crossing the proposed portion A of Erf 877, except for surface stormwater runoff.

Proposed Portion A of Erf 1083

5. There is a minor stormwater course flowing along Erf 1083, flowing across the proposed portion A of Erf 1083, flowing approximately 7.5 meters away from the south eastern boundary of Erf 878, flowing from a culvert underneath Tortelduif Street, flowing into a north easterly direction.

This Division has no objection to the proposed Purchase of a portion of Erf 877 and Consolidation with Erf 878, Tortelduif Street Khomasdal, provided:

1. That surface stormwater runoff be accommodated according to Clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme) stating:

   (1) That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or works which have been authorized in writing by the local authority or which have been or may be built, laid or erected in terms of any law) may be constructed on or over the property or located in such a way that -

   (a) the flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or
   (b) the flow of a natural watercourse (in which the local authority allows flood water to run off, be discharged or to be canalised) is or can be changed, canalised or impeded.
   (c) the maintenance of such stormwater pipe, channel or work shall be the responsibility of the owner of the concerned property.

This Division does not support the sale of a 10 meter wide portion of Erf 1083 to be consolidated with Erf 878, Tortelduif Street Khomasdal.

This Division would however re-consider the proposed Purchase of a portion of Erf 1083 and subsequent Consolidation with Erf 878, Tortelduif Street Khomasdal, provided:

1. That the proposed Portion A of Erf 1083 be no more than 3 meters wide measured parallel from the south eastern boundary of Erf 878.

2. That surface stormwater runoff be accommodated according to Clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme) stating:

   (1) That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or works which have been authorized in writing by the local authority or which have been or may be built, laid or erected in terms of any law) may be constructed on or over the property or located in such a way that -

   (a) the flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or
   (b) the flow of a natural watercourse (in which the local authority allows flood water to run off, be discharged or to be canalised) is or can be changed, canalised or impeded.
   (c) the maintenance of such stormwater pipe, channel or work shall be the responsibility of the owner of the concerned property.

3. That the applicant appoints a registered professional engineer at his/her own cost and risk, to determine if the proposed portion A of Erf 1083 requires to be protected against any potential flood damage.

It should however be noted that an individual erf can be created from the potential subdivision of Erf 877 should the proposed Portion A of Erf 877 Khomasdal not be consolidated with Erf 878.

This proposal will however be required to be circulated for detail investigation and comments.

Comments from the Strategic Executive: Economic Development and Environment
Economic Development
Environmental Management
No objection to the purchase of portions of Erven 877 and 1083 Khomasdal.

Health Services
Parks and Gardens
No objection subject to the comments from the other service Departments.

It is

RECOMMENDED

1 That

Financial implications

1

VALUATION CERTIFICATE
DIVISION: VALUATION SERVICES
DATE OF VALUATION: 17/03/2023

Erf No.: 1083 **Suburb:** Khomasdal **Street name:** Tortelduif

Erf size: 1669 m² **POS** Undetermined **Density:**

Required portion size: 71 m²

Current use of the portion under consideration: vacant

Acquisition purpose: To be sold for consolidation with erf 878 Khomasdal

Current vacant land going price/ m²	N$ 828	
Size of the portion Required	71 m²	
Estimated market Value	N$ 58 800.00	

Erf 2580 Khomasdal was sold on Auction that took place on the 9th November 2007 at a price of N$268.29/ m² the aforementioned price was escalated from 2009 to 2022. After escalation a price of N$ 828/m² was produced. Consequently the portion required should be valued at N$ 828/m².

Valued by: Kaulikufwa Hendjala **Date:** 17/03/2023

[Municipal Council Minutes: 2004-08-25]

3.4 **BRB.2 [PLA] CALCULATION OF PURCHASE PRICE – ADDITIONAL LAND SALES** (16/15/2/2/1)

RGS done

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

That Council Resolution 405/08/95 be rescinded and replaced by the following:

1 That portions of open spaces, which are big enough to enhance the potential of the property with which the portion is to be consolidated, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

2 That portions of open spaces which can be used as separate erven, with separate access and which are fully serviced, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

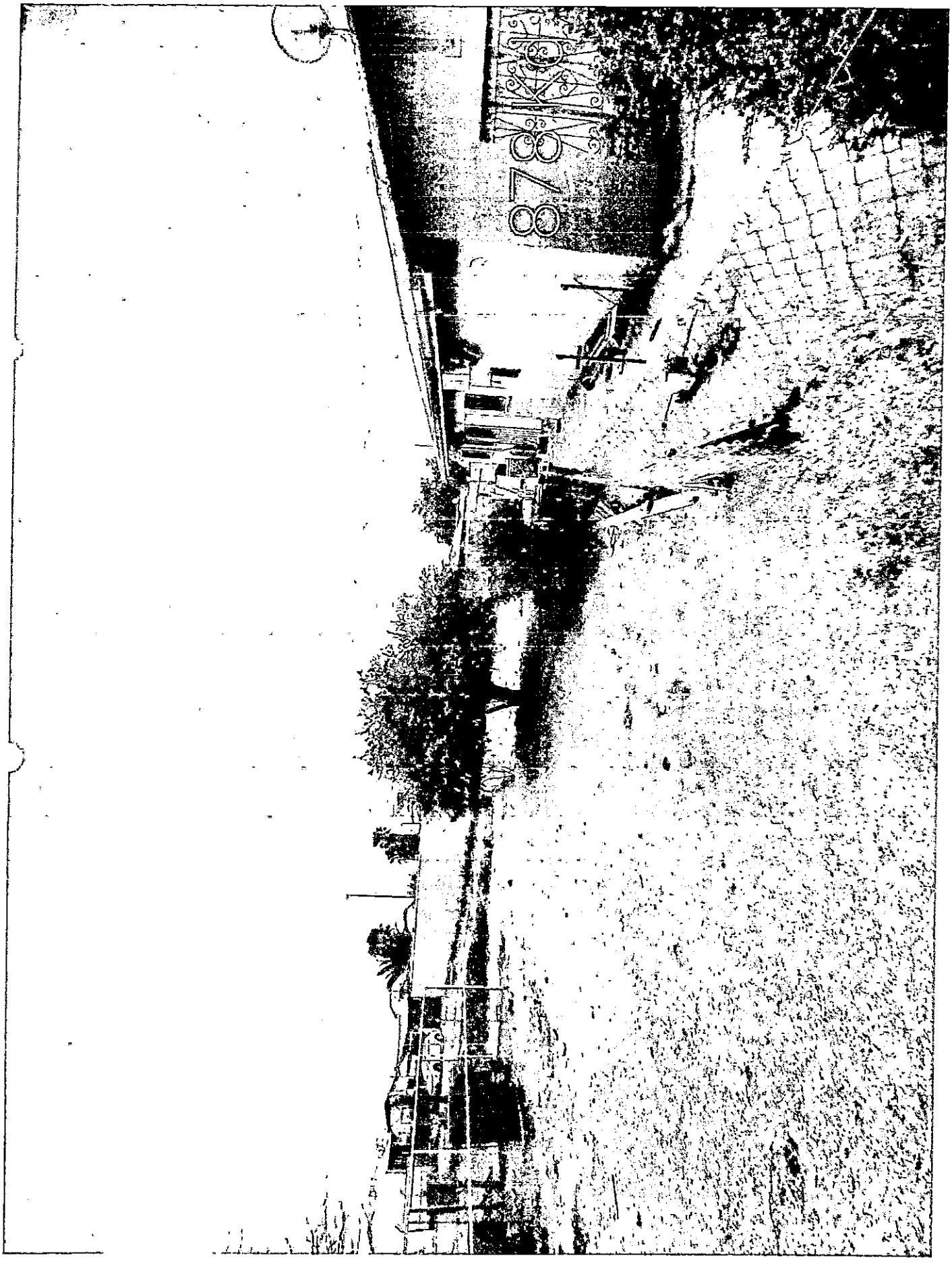
3 That portions of open spaces which are too small to enhance the potential of the erf with which the portion is to be consolidated, be valued at 50 % of the market value as determined by the Strategic Executive: Planning, Urbanisation and Environment.

4 That, where fully market-related prices is payable, the costs incurred for the closure, town planning and cadastral procedures (as calculated by the Strategic Executive: Planning, Urbanisation and Environment) be deducted from the eventual purchase price: Provided that the eventual purchase price not be less than 50 % of the market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

5 That additional land being sold at a subsidised price for consolidation with the adjacent 'institutional' zoned properties not be allowed to deduct the costs mentioned in paragraph 4.

6 That the policy on the deduction of costs where full market-related purchase prices are payable also be made applicable to all outstanding sales subject to the conditions of the original resolution.

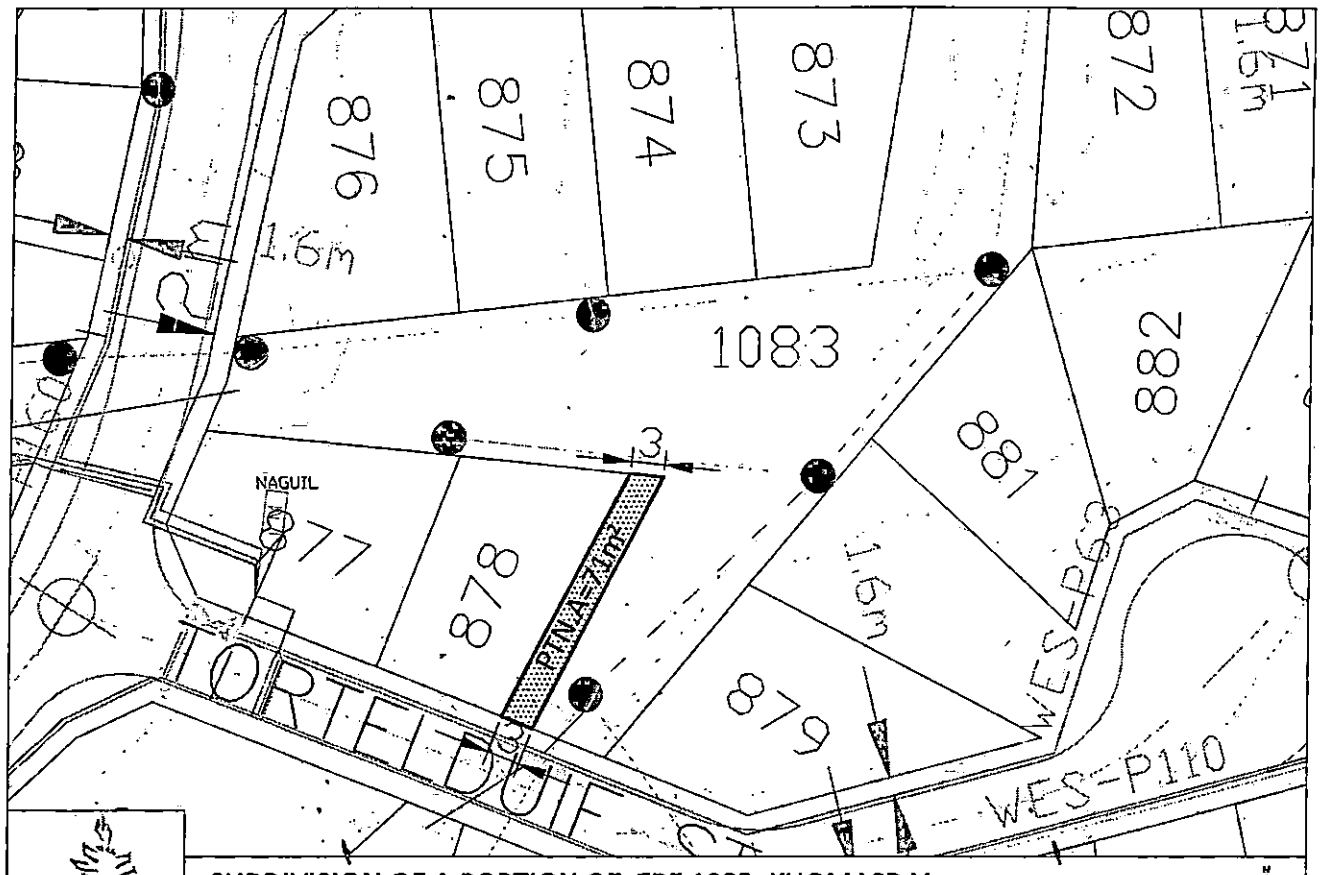
RESOLUTION 276/08/2004 [POLICY]



I HAVE NO OBJECTION THAT RIALTO N. SNYDERS I.D. 6209160075, APPLY TO CLOSE THE OPEN SPACES AROUND HIS ERF 878 TORTELDUIF STREET. ON THE EAST SIDE BETWEEN ERF 878 AND ERF 879 STORMWATER FROM TORTELDUIF STREET AND BOSDUIF STREET, BECAUSE ESCAPE ROUTE FOR THE THIEVES, AS WELL AS THE OPEN SPACE AT THE BACK (NORTH) OF THE ERF 878 FOR THE SAME REASON AS MENTIONED ABOVE. ERF 1083.

HE ALSO WANT TO CLOSE ERF 877 ON THE WEST SIDE OF ERF 878, BECAUSE THE RESIDENTS IN THE AREA DUMP THEIR HOUSEHOLD WASTE AND GARDEN AS WELL AS BUILDING WASTE THEIR AND IT IS INFRONT OF MY KITCHEN AND DOES NOT SMELL NICE AND IS A SORE IN THE EYES FOR THE NEIGHBOUR-HOOD

DATE	NAME	ID	82	CELL NO	SIGNITURE.
12/06/19	A. DE JAGER	6006210800378	879	0818213930	
12/06/19	C Hanger	8802151011148	883	0814222599	
12/06/19	G. ABRAHAMS	5112121030 7	875	0814612026	
	F. Adams	8812120012	832	0811278757	
	SJ Scott	7304140028	874	0812500700	
12/06/19	H.C. VAN ROOI	6112080033 1	873	0811289430	
	J. SANDERSON	5807200337	876	0816362930	
12/06/19	N.J. VAN WYK	6308300038	872	081 2972271	
12/06/19	A.C. Jansen	7109150085	968	0816285904	



City of many faces

SUBDIVISION OF A PORTION OF ERF 1083, KHOMASDAL
FOR CONSOLIDATION WITH ERF 878, KHOMASDAL

03 JUNE 2020

PATH: cad data/groups/geomatics/-878KD PLAN NO: KD 878-1

SCALE1:1000

Frans Kamenye
PO Box 28066, Windhoek
+264 851417259

OFFICE OF THE CHIEF EXECUTIVE OFFICER
CITY OF WINDHOEK
0 0 JUL 2019
RECEIVED
Manager: CCTM&CC
P.O. Box 59 • WINDHOEK

Monday, 01 July 2019

Strategic Executive
Department of Housing, Property Development and
Human Settlements
Municipality of Windhoek
PO Box 59, Windhoek

Dear Sir or madam

Application for a 10 meter strip adjacent to Erf 1130, Nicodemus Kambahiza Kavikunua Street, Academia

I was allocated Erf 1130, Nicodemus Kambahiza Kavikunua Street in Academia and hereby request the City Council to allow me to purchase the adjacent section or rather the 10 meter strip outward Erf 1130, Nicodemus Kambahiza Kavikunua Street, Academia.

Sincerely yours,

Frans Munkhata Kamenye (+264851417259)

[Municipal Council Minutes: 2001-07-25]

8.3.28 UPG.1 [PLA] POLICY FOR THE DISTRIBUTION AND FUTURE USAGE OF PUBLIC OPEN SPACE IN WINDHOEK
(3/1/P) (16/15/1)

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

1 That the 'Policy for the Distribution and Future Usage of Public Open Space in Windhoek', its appendices and the plan 'Parks in Windhoek 2000' be adopted as policy documents.

2 That urban development within Windhoek, by the public or private sector, be guided, inter alia, by the general principles contained in the Policy.

3 That the usage of open spaces as set out in the appendices be approved and that the recommended facilities accompanying the designation and as set out in chapter 5 of this policy be adopted as minimum targets for parks and recreational development.

4 That the approved usage and designated facilities be used to assist annual budgeting for further development commensurate with the designated role of the open space.

5 That based on the principle that people should not have to walk for longer than ten minutes to get to a local facility such as a park, the size and distance criteria set out in chapter 6 be adopted as design guidelines for new townships.

6 That the City recognise its heritage of fragile eco-systems identified in the report comprising river courses, dams, mountains, hilltops and steep valleys, and other natural features and is determined that they be subject to environmental conservation measures and that opportunities be pursued for sensitive recreational development and eco-tourism so as to maintain a balance between conservation and recreational open spaces.

7 That special protection be provided for drainage areas by way of a buffer 'infiltration area' extending to a recognised distance from the riverbeds so that absorptive soil sponge next to the riverbank can be retained to facilitate seepage of water into the groundwater reserves, for maintaining riverine ecological systems, and also to act as a bio-filter, cleaning water before it is deposited into the riverbed.

8 That the following guidelines be used for assessing applications for portions of public open space:

8.1 A watercourse including an 'infiltration area' not be permanently closed, other than with a servitude to prevent building within the infiltration area, or be used other than as park, a garden or a recreational area.

8.2 The 'infiltration area' be assessed preferably by a hydrogeological study to be carried out as part of an environmental impact study to assess groundwater vulnerability and to fix the boundaries for subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability, or where this is not feasible then by the following criteria:

- Adoption of the 1:100 year flood line where this is available, or
- Imposition of a 5 metre wide infiltration area between the seasonally active bed of a watercourse which is further than 500 metre or more from its bounding watershed, and the nearest structures.

8.3 The physical occurrence of a watercourse be defined as being the outer edge of the seasonally active (gravel) bed or the identifiable banks of a watercourse.

8.4 The protection afforded by an infiltration area be applicable for a watercourse should it be 500 metre or more from its bounding watershed or should special topographical or flow conditions warrant earlier recognition.

8.5 No area within a 1 in 50 year flood line be built upon or used for any purpose other than as park, a garden or a recreational area.

8.6 Minor watercourses (drainage channels) be consolidated with adjacent properties provided that any 'infiltration area' of the watercourse is reserved by a servitude free of structures or impermeable surfacing.

8.7 That no land designated for a City, suburban or neighbourhood park be diminished in any way unless a park development plan exist which indicate clearly that some portion of the land not be used by the community and represent waste land.

8.8 That in all cases where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse for non residential activities which pose a threat of polluting the watercourse, and in all cases where such a development lie within 10 metre of a watercourse, a hydrogeological study be carried out:

- To assess groundwater vulnerability,
- To recommend conditions for the development and
- To fix the boundaries for any subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability.

8.9 That where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse full details of the proposed activities be supplied so as to enable the City to assess the groundwater vulnerability.

8.10 That in other cases not involving watercourses or designated parks, 10 metre wide portions of land be acquired for consolidation with adjacent erven provided that:

- The extent of land taken would not undermine the value of the open space to the community;
- Extraction of a portion will not damage or inhibit access of the public to the open space;
- Only one 10 metre wide portion may be acquired with no subsequent extraction (small variations from the 10 metre may be permitted to accommodate local features);
- Neighbours and other affected parties have no valid objection;
- The new usage would not damage any scenic views of the hillside or any valuable natural features, and
- Services are not adversely affected.

9 That, as opportunity arises, every remaining open space be considered in respect of its full extent for closure, partial closure or retention and that no recommendations be made on the basis of a partial investigation only.

10 That the criteria set out above and in the Policy be used in the design of new settlements and that specially attractive or sensitive natural features and areas of scenic beauty be incorporated for their protection into future open spaces as far as is reasonably possible.

11 That for all townships proclaimed since 1980, except for additional strips of land along the edges of steep hillsides (approximately10 metre wide), where application is supported by affected adjacent erf owners, no further small scale diminution of open spaces be supported.

12 That for townships proclaimed before 1980, namely Katutura and Extensions 1 to 13, Khomasdal and Extensions 1 to 3, Windhoek residential townships, Klein Windhoek and Extensions 1 to 3, Erospark, Academia, Olympia and Pionierspark, except for approximately 10 metre wide strips along the edges of steep hillsides, where application is supported by affected adjacent erf owners, applications be handled in terms of paragraphs 8 and 9 and further small scale diminution only be allowed where such diminution has already commenced.

13 That the above rules not be interpreted to bar the City from totally closing an open space which serve only as a drainage channel and by piping the stormwater flow, to make the land available for urban use or where the area is to be physically closed or fenced off for security purposes at the request of adjacent erf owners.

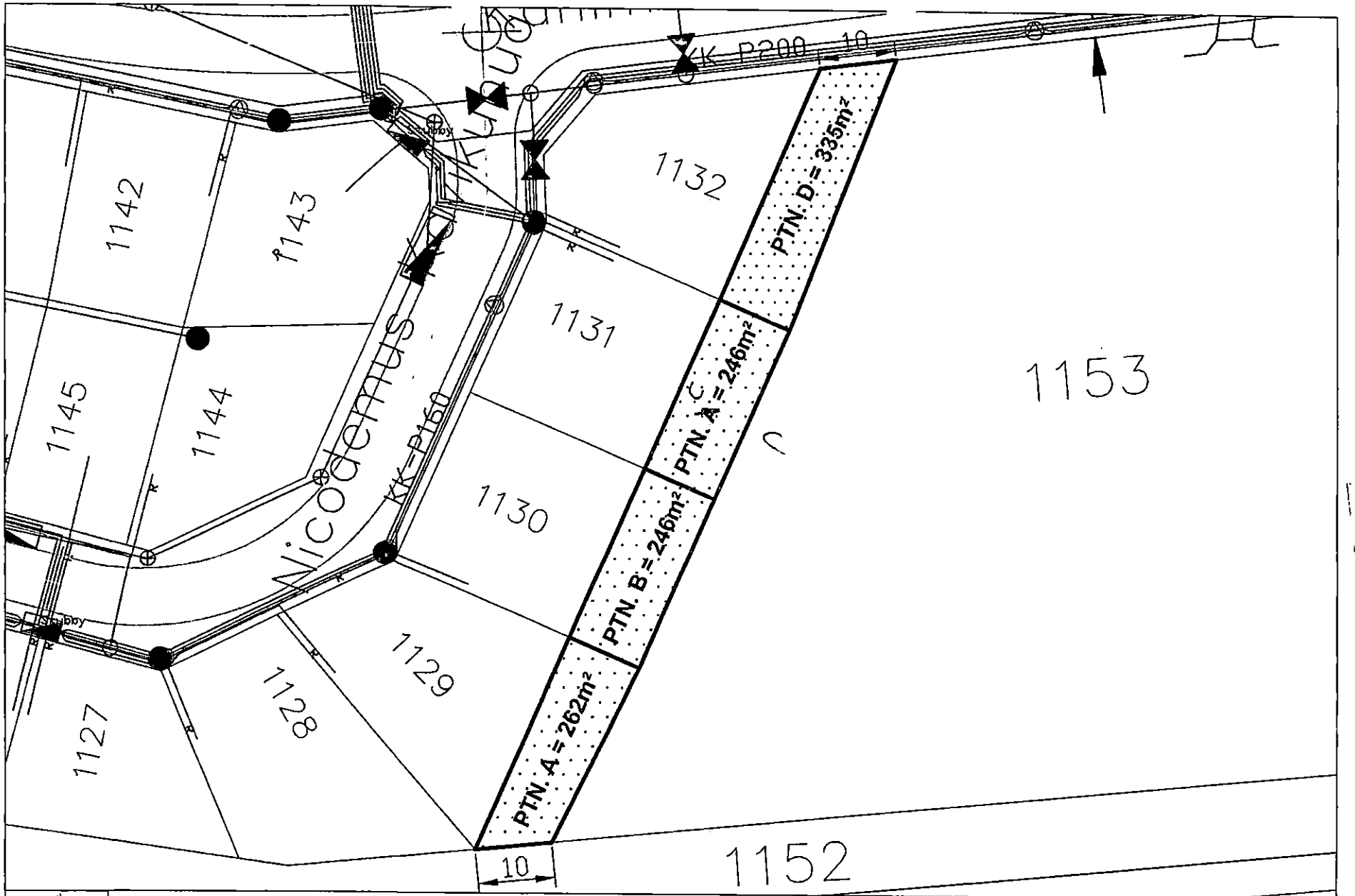
14 That in all new township development a hydrogeological study be carried out as part of any environmental impact analysis or feasibility study to assess groundwater vulnerability and to fix the boundaries for subdivision of

developable erven along watercourses and other identified areas of groundwater vulnerability.

15 That the public be reminded that in terms of Council Resolution 55/02/93 of 24 February 1993 which has been incorporated into this Policy, it consider the allocation of portions of public open spaces for local community development of community facilities with or without a community centre as part of Citizen-City partnership initiatives.

16 That the City see the establishment of common goals in the conservation and utilisation of open spaces in the City as a critical factors in promoting social upliftment and improving the living conditions of its citizens.

RESOLUTION 251/07/2001 [POLICY]



City of many faces

SUBDIVISION OF PORTIONS A - D OF ERF 1153, ACADEMIA
FOR CONSOLIDATION WITH ERVEN NO'S 1129 - 1132, ACADEMIA

PATH: o:\cad data\groups\geomatics\1129-1132 AC PLAN NO: 1129-1132 AC-1

18 JUNE 2021

SCALE1:1000

Prepared by me

CONVEYANCER
LIGTHELM, G.J.

Notarial Deed No. K 373/2019 dated 03 June 2019

the within-mentioned property is subject to conditions

in favour of Municipal Council of Windhoek as will more fully

appear with reference to the said Notarial Deed, a copy whereof is annexed hereto

2019-07-17
DEEDS OFFICE
WINDHOEK

REGISTRAR OF DEEDS

2019-07-17
MORTGAGED No. B 3736/2019

for N$ 609 000-00 (with preference for

an additional amount not exceeding N$ 152 250-00

DEEDS OFFICE
WINDHOEK

REGISTRAR OF DEEDS

FOR INFORMATION ONLY

DR. WEDER, KAUTA & HOVEKA INCORPORATED
Legal Practitioners, Notaries and Conveyancer
P.O. Box 864
WINDHOEK 9000

T4492 /2019

DEED OF TRANSFER NO

BE IT HEREBY MADE KNOWN

THAT ~~GYSBERTUS JOHANNES LIGTHELM,~~ RISA DREYER

appeared before me, Registrar of Deeds at WINDHOEK, he, the said Appearer, being duly authorized thereto by a Power of Attorney granted to him by the

MUNICIPAL COUNCIL OF WINDHOEK

dated the 2ND JULY 2019
signed at WINDHOEK

8000001026906

AND THE SAID APPEARER declared that the Municipal Council of Windhoek did on the 4TH MARCH 2019 truly and legally sell and that he

THE SAID APPEARER in his capacity as aforesaid did by these presents, cede and transfer in full and free property, to and on behalf of

1. **FRANS MUNKHATA KAMENYE**
   Identity Number 801111 1017 3
   Married out of community of property
2. **PEKELOYE LAWANA KAMENYE**
   Identity Number 841005 1006 3
   Married out of community of property

Their Heirs, Executors, Administrators or Assigns: -

CERTAIN	ERF NO 1130 ACADEMIA (Extension no 2)
SITUATE	in the Municipality of Windhoek
	Registration Division "K" KHOMAS Region
MEASURING	611 (six one one) Square Metres,
	as indicated on General Plan S.G. no A.358/2014
AND HELD	under Certificate of Registered Title No. T.4378/2014

FOR INFORMATION ONLY

A. **SUBJECT** to the following conditions imposed in terms of Government Notice no 204/2014 namely:

IN FAVOUR OF THE LOCAL AUTHORITY

(a) The erf must 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 Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance 1954 (Ordinance 18 of 1954).

(b) The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least **four** times the prevailing valuation of the erf.

B. **FURTHER SUBJECT** to the reservation by the Municipal Council of Windhoek of the right of access and use without compensation of the area 3 metres parallel with any boundary for the construction and maintenance of Municipal Services in respect of water, sewerage, drainage, electricity and gas, which right includes the right to place on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

WHEREFORE the Appearer, renouncing all the Right and title the

TRANSFEROR

heretofore had to the Premises, did, in consequence also acknowledge it to be entirely dispossessed of, and disentitled to, the same, and that by virtue of these presents the said Transferee Their Heirs, Executors, Administrators or Assigns now is and henceforth shall be entitled thereto, conformably to local custom; State, however, reserving its rights, and finally acknowledging the purchase price to be **N$869 415, 75**

FOR INFORMATION ONLY

Signed at Windhoek on 2019 -07- 17 together with the appearer, and confirmed with my seal of office.

Signature of Appearer

In my presence

REGISTRAR OF DEEDS

Transfer duty receipt No. 0200014582 issued by the Receiver of Revenue, Windhoek on the 24/6/19 amounting to N$2694,16

CHECKED 1.

2.

I, the undersigned, GYSBERTUS JOHANNES LIGTHELM, Conveyancer hereby certify in terms of Section 78 of Act No. 23 of 1992, that all rates leviable in respect of such immovable property in terms of this Act, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid up to and including the date of registration hereof.

CONVEYANCER : G J LIGTHELM

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD

801111 1017 3

KAMENYE

FRANS MUNKHATA

1980-11-11 CITIZEN

MUPINI

MALE 1.75 BROWN

2014-10-04

N70027

80111110173

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD

841005 1006 3

MALWA

PEKELOYE LAWANA

Malwa P.

DATE OF BIRTH
1984-10-05

CITIZENSHIP
CITIZEN

PLACE / COUNTRY OF BIRTH
ONHELEIWA

GENDER
FEMALE

HEIGHT
1,50

EYE COLOUR
BROWN

DATE OF ISSUE
2002-05-21

APPL. NO.
P00763

84100510063

NAMIBIA
KHOM

29 SEP 2015

[Municipal Council Minutes: 2004-08-25]

8.3.4 BRB.2 [PLA] CALCULATION OF PURCHASE PRICE – ADDITIONAL LAND SALES (16/15/2/2/1)

RGS done

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

That Council Resolution 405/08/95 be rescinded and replaced by the following:

1 That portions of open spaces, which are big enough to enhance the potential of the property with which the portion is to be consolidated, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

2 That portions of open spaces which can be used as separate erven, with separate access and which are fully serviced, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

3 That portions of open spaces which are too small to enhance the potential of the erf with which the portion is to be consolidated, be valued at 50 % of the market value as determined by the Strategic Executive: Planning, Urbanisation and Environment.

4 That, where fully market-related prices is payable, the costs incurred for the closure, town planning and cadastral procedures (as calculated by the Strategic Executive: Planning, Urbanisation and Environment) be deducted from the eventual purchase price: Provided that the eventual purchase price not be less than 50 % of the market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

5 That additional land being sold at a subsidised price for consolidation with the adjacent 'institutional' zoned properties not be allowed to deduct the costs mentioned in paragraph 4.

6 That the policy on the deduction of costs where full market-related purchase prices are payable also be made applicable to all outstanding sales subject to the conditions of the original resolution.

RESOLUTION 276/08/2004 [POLICY]

VALUATION CERTIFICATE

DIVISION: VALUATION SERVICES

DATE OF VALUATION: 17/03/2023

Erf No.: 1153 **Suburb:** Academia **Street name:** Kahimemua Nguvauva

Erf size: 12 920 m² **Zoning:** Public open space **Density:** n/a

Required portion size: 246 m²

Current use of the portion under consideration: Public Open Space

Acquisition purpose: To be sold to the owner of Erf 1130 Academia for consolidation purpose

Current vacant land going price/ m²	N$1249/m²	
Size of the portion Required	246 m²	
Estimated market Value	N$ 307 200.00	

Erven in academia were sold in the past one year at an average price of N$1249/m². The aforementioned price per square meter shall be applied to value the portions required.

Valued by: Kaulikufwa Hendjala **Date:** 17/03/2023

VALUATION CERTIFICATE

DIVISION: VALUATION SERVICES

DATE OF VALUATION: 17/03/2023

Erf No.: 1153 **Suburb:** Academia **Street name:** Kahimemua Nguvauva

Erf size: 12 920 m² **Zoning:** Public open space **Density:** n/a

Required portion size: 262 m²

Current use of the portion under consideration: Public Open Space

Acquisition purpose: To be sold to the owner of Erf 1129 Academia for consolidation purpose

Current vacant land going price/ m²	N$1249/m²	-
Size of the portion Required	262 m²	
Estimated market Value	N$ 327 200.00	

Erven in academia were sold in the past one year at an average price of N$1249/m². The aforementioned price per square meter shall be applied to value the portions required.

.....

Valued by: Kaulikufiva Hendjala **Date:** 17/03/2023

VALUATION CERTIFICATE

DIVISION: VALUATION SERVICES

DATE OF VALUATION: 17/03/2023

Erf No.: 1153 **Suburb:** Academia **Street name:** Kahimemua Nguvauva

Erf size: 12 920 m² **Zoning:** Public open space **Density:** n/a

Required portion size: 246 m²

Current use of the portion under consideration: Public Open Space

Acquisition purpose: To be sold to the owner of Erf 1131 Academia for consolidation purpose

Current vacant land going price/ m²	N$1249/m²	
Size of the portion Required	246 m²	
Estimated market Value	N$ 307 200.00	

Erven in academia were sold in the past one year at an average price of N$1249/m². The aforementioned price per square meter shall be applied to value the portions required.

.....

Valued by: Kaulikufwa Hendjala **Date:** 17/03/2023

VALUATION CERTIFICATE

DIVISION: VALUATION SERVICES

DATE OF VALUATION: 17/03/2023

Erf No.: 1153 **Suburb:** Academia **Street name:** Kahimemua Nguvauva

Erf size: 12 920 m² **Zoning:** Public open space **Density:** n/a

Required portion size: 335 m²

Current use of the portion under consideration: Public Open Space

Acquisition purpose: To be sold to the owner of Erf 1132 Academia for consolidation purpose

Current vacant land going price/ m²	N$1249/m²	
Size of the portion Required	335 m²	
Estimated market Value	N$ 418 400.00	

Erven in academia were sold in the past one year at an average price of N$1249/m². The aforementioned price per square meter shall be applied to value the portions required.

Valued by: Kaulikufwa Hendjala **Date:** 17/03/2023

NEIGHBOURS' CONSENT

SALE OF A PORTION OF ERF 1153, ACADEMIA EXTENSION 2 TO THE OWNER OF ERF 1130, ACADEMIA EXTENSION 2 FOR CONSOLIDATION PURPOSES

NAME/S\: Reginah Ntwala Sitahani

IDENTITY NUMBER/S: 7003040 1429

PHYSICAL ADDRESS:: Erf 1129, Nicodemus Kavikunua, Academia

POSTAL ADDRESS: P.O Box 40460, Ausspannplatz

I/We the owners of **Erf 1129, Academia Extension 2**

Indicate [x]

Do not object [X]

Object [ ]

If objecting, state reasons for objection

N/A

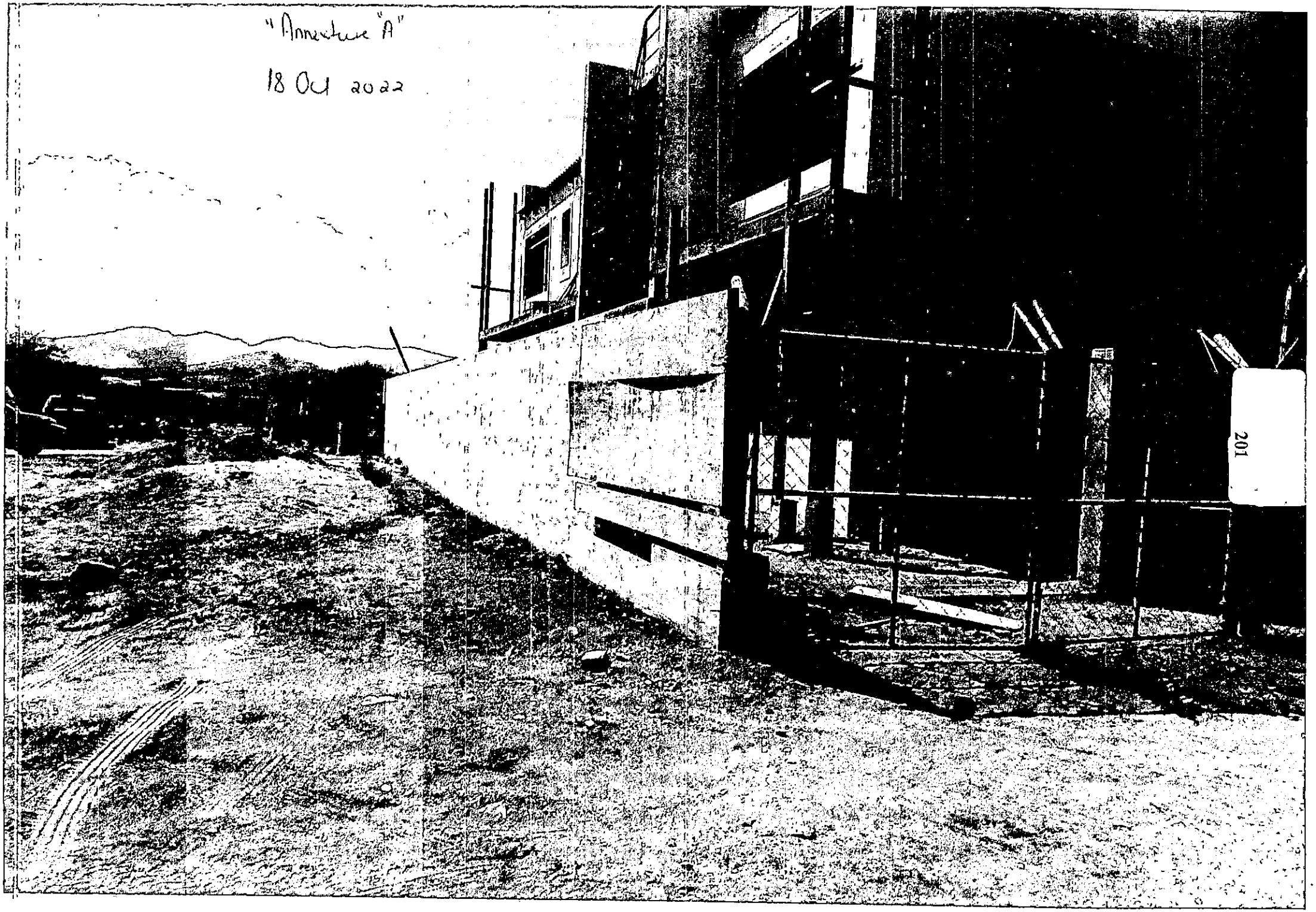
Signature

18/10/2022

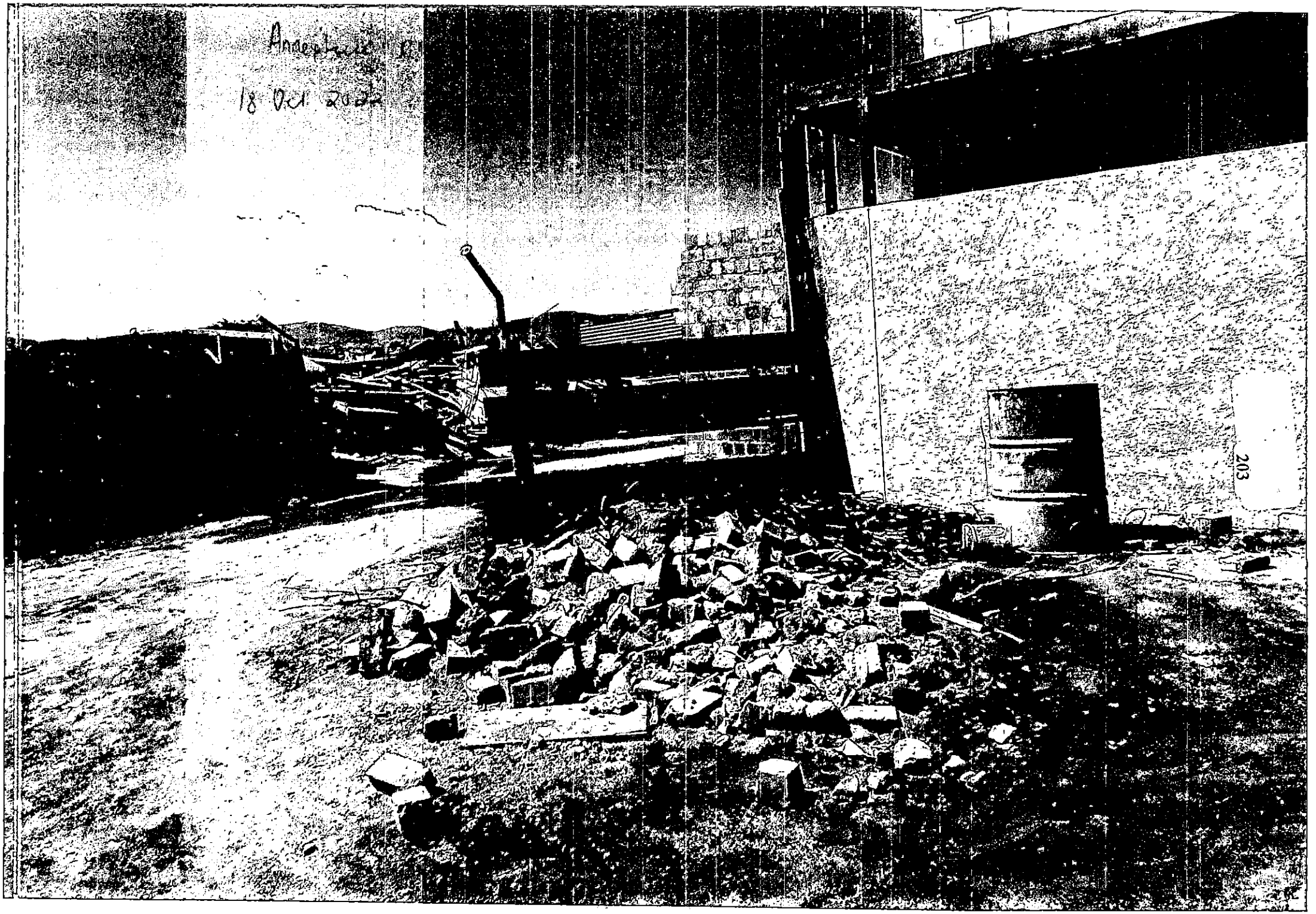
Date

"Annexture "A"

18 Oct 2022



202


Annexure
18 Oct 2002
203

Annexure "B"

L M De Castro
P O Box 40578
Ausspannplatz
Windhoek

3951

05 March 2015

The Acting Chief Executive Officer
City of Windhoek
P O Box 59
Windhoek

OFFICE OF THE CHIEF EXECUTIVE OFFICER
CITY OF WINDHOEK
10 MAR 2015
RECEIVED
Manager: CCTM&CC
P.O. Box 59 • WINDHOEK

Att: Mr Elly Shipiki

Dear Sir

APPLICATION FOR PURCHASE OF PORTIONS NEXT TO ERVEN 704 AND 705 IN PIONEERSPARK

As co-owner of Erf 704 and representing my family I hereby apply for two portions adjacent to erven 704 and 705 in Pioneers Park.

After discussions with officials from the municipality, it appears possible to buy 10 meters of land from Erf Re/1241. The land is not developable and accommodates storm water. However the main course of the stormwater is about 25 meters away from the boundary. The intention is also not to build on these portions. Therefor there will be no obstruction in the normal flow.

The area is bushy and cannot be developed with buildings. Even ourselves does not want to build on it but only use it for gardening and outside area. My father was a business man and retired now and want to use the two portions for gardening as in our culture we keep ourselves busy with growing vegetables and herbs for own consumption and as a hobby. My father found the soil fertile for small scale growing of vegetables and herbs. It is close to natural water, but we will not extract from there. All connections will be from our own properties with treating some of the waste water from the bathrooms and kitchen.

The erven are located in the old Pioneers Park and we still have enough land for building. According to the information obtained the erf a "public open space" and we want to keep it like that inclusive of the trees. We thus require only a subdivion with a notarial tie to erven 704 and 705. No rezoning is applied for. The erven will remain open space, but we would want to buy it to use it privately.

Attached are the documents for consideration as per example provided.

Yours faithfully

L M De Castro

The City of Windhoek

Manager: Property Management

Erf 704, Pionierspark

We, the undersigned:

Joao Carlos Goncalves De Oliveira, Identity Number 680703 01 0076 1
Angela Maria De Oliveira, Identity Number 760618 0021 5
Married in community of property to each other

AND

Rafael Bruno Abreu De Castro, Identity Number 690911 1009 0
Lucia Maria De Castro, Identity Number 770318 0008 0
Married in community of property to each other

the owners of Erf 704, Pionierspark

do hereby nominate, constitute and appoint

Lucia Maria De Castro, Identity Number 770318 0008 0
P. O. Box 40578
Ausspannplatz
Windhoek

with power of Substitution, to be our lawful Agent in name, place and stead, to submit the application for a portion of the Remainder of Erf 1241, Pionierspark for consolidation with Erf 704, Pionierspark.

SIGNED at **WINDHOEK** on this ....14.... day of ....September.... **2021** in the capacity as owners.

.....
Joao Carlos Goncalves De Oliveira

.....
Angela Maria De Oliveira

.....
Rafael Bruno Abreu De Castro

.....
Lucia Maria De Castro

[Municipal Council Minutes: 2001-07-25]

8.3.28 **UPG.1 [PLA] POLICY FOR THE DISTRIBUTION AND FUTURE USAGE OF PUBLIC OPEN SPACE IN WINDHOEK**
(3/1/P) (16/15/1)

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

1 That the 'Policy for the Distribution and Future Usage of Public Open Space in Windhoek', its appendices and the plan 'Parks in Windhoek 2000' be adopted as policy documents.

2 That urban development within Windhoek, by the public or private sector, be guided, inter alia, by the general principles contained in the Policy.

3 That the usage of open spaces as set out in the appendices be approved and that the recommended facilities accompanying the designation and as set out in chapter 5 of this policy be adopted as minimum targets for parks and recreational development.

4 That the approved usage and designated facilities be used to assist annual budgeting for further development commensurate with the designated role of the open space.

5 That based on the principle that people should not have to walk for longer than ten minutes to get to a local facility such as a park, the size and distance criteria set out in chapter 6 be adopted as design guidelines for new townships.

6 That the City recognise its heritage of fragile eco-systems identified in the report comprising river courses, dams, mountains, hilltops and steep valleys, and other natural features and is determined that they be subject to environmental conservation measures and that opportunities be pursued for sensitive recreational development and eco-tourism so as to maintain a balance between conservation and recreational open spaces.

7 That special protection be provided for drainage areas by way of a buffer 'infiltration area' extending to a recognised distance from the riverbeds so that absorptive soil sponge next to the riverbank can be retained to facilitate seepage of water into the groundwater reserves, for maintaining riverine ecological systems, and also to act as a bio-filter, cleaning water before it is deposited into the riverbed.

8 That the following guidelines be used for assessing applications for portions of public open space:

8.1 A watercourse including an 'infiltration area' not be permanently closed, other than with a servitude to prevent building within the infiltration area, or be used other than as park, a garden or a recreational area.

8.2 The 'infiltration area' be assessed preferably by a hydrogeological study to be carried out as part of an environmental impact study to assess groundwater vulnerability and to fix the boundaries for subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability, or where this is not feasible then by the following criteria:

- Adoption of the 1:100 year flood line where this is available, or
- Imposition of a 5 metre wide infiltration area between the seasonally active bed of a watercourse which is further than 500 metre or more from its bounding watershed, and the nearest structures.

8.3 The physical occurrence of a watercourse be defined as being the outer edge of the seasonally active (gravel) bed or the identifiable banks of a watercourse.

8.4 The protection afforded by an infiltration area be applicable for a watercourse should it be 500 metre or more from its bounding watershed or should special topographical or flow conditions warrant earlier recognition.

8.5 No area within a 1 in 50 year flood line be built upon or used for any purpose other than as park, a garden or a recreational area.

8.6 Minor watercourses (drainage channels) be consolidated with adjacent properties provided that any 'infiltration area' of the watercourse is reserved by a servitude free of structures or impermeable surfacing.

8.7 That no land designated for a City, suburban or neighbourhood park be diminished in any way unless a park development plan exist which indicate clearly that some portion of the land not be used by the community and represent waste land.

8.8 That in all cases where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse for non residential activities which pose a threat of polluting the watercourse, and in all cases where such a development lie within 10 metre of a watercourse, a hydrogeological study be carried out:

- To assess groundwater vulnerability,
- To recommend conditions for the development and
- To fix the boundaries for any subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability.

8.9 That where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse full details of the proposed activities be supplied so as to enable the City to assess the groundwater vulnerability.

8.10 That in other cases not involving watercourses or designated parks, 10 metre wide portions of land be acquired for consolidation with adjacent erven provided that:

- The extent of land taken would not undermine the value of the open space to the community;
- Extraction of a portion will not damage or inhibit access of the public to the open space;
- Only one 10 metre wide portion may be acquired with no subsequent extraction (small variations from the 10 metre may be permitted to accommodate local features);
- Neighbours and other affected parties have no valid objection;
- The new usage would not damage any scenic views of the hillside or any valuable natural features, and
- Services are not adversely affected.

9 That, as opportunity arises, every remaining open space be considered in respect of its full extent for closure, partial closure or retention and that no recommendations be made on the basis of a partial investigation only.

10 That the criteria set out above and in the Policy be used in the design of new settlements and that specially attractive or sensitive natural features and areas of scenic beauty be incorporated for their protection into future open spaces as far as is reasonably possible.

11 That for all townships proclaimed since 1980, except for additional strips of land along the edges of steep hillsides (approximately10 metre wide), where application is supported by affected adjacent erf owners, no further small scale diminution of open spaces be supported.

12 That for townships proclaimed before 1980, namely Katutura and Extensions 1 to 13, Khomasdal and Extensions 1 to 3, Windhoek residential townships, Klein Windhoek and Extensions 1 to 3, Erospark, Academia, Olympia and Pionierspark, except for approximately 10 metre wide strips along the edges of steep hillsides, where application is supported by affected adjacent erf owners, applications be handled in terms of paragraphs 8 and 9 and further small scale diminution only be allowed where such diminution has already commenced.

13 That the above rules not be interpreted to bar the City from totally closing an open space which serve only as a drainage channel and by piping the stormwater flow, to make the land available for urban use or where the area is to be physically closed or fenced off for security purposes at the request of adjacent erf owners.

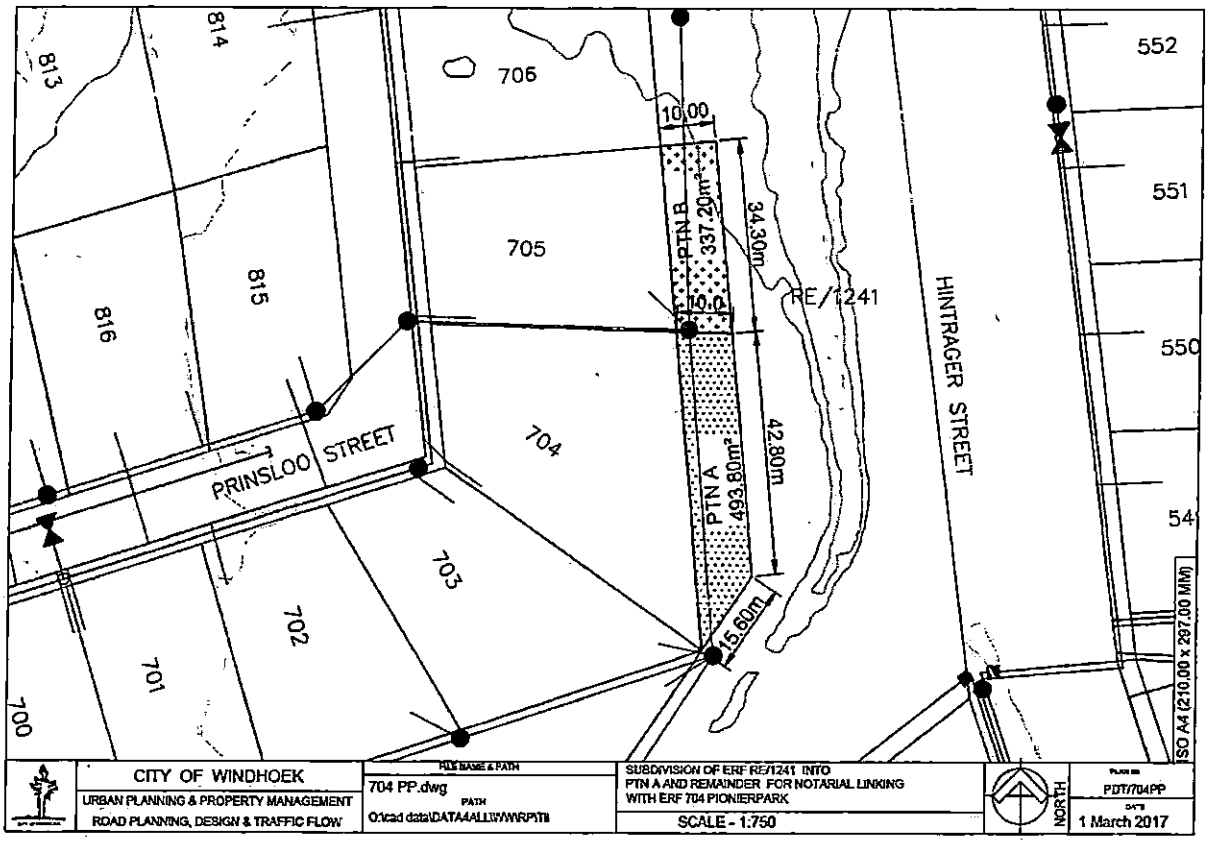
14 That in all new township development a hydrogeological study be carried out as part of any environmental impact analysis or feasibility study to assess groundwater vulnerability and to fix the boundaries for subdivision of

developable erven along watercourses and other identified areas of groundwater vulnerability.

15 That the public be reminded that in terms of Council Resolution 55/02/93 of 24 February 1993 which has been incorporated into this Policy, it consider the allocation of portions of public open spaces for local community development of community facilities with or without a community centre as part of Citizen-City partnership initiatives.

16 That the City see the establishment of common goals in the conservation and utilisation of open spaces in the City as a critical factors in promoting social upliftment and improving the living conditions of its citizens.

RESOLUTION 251/07/2001 [POLICY]


813
814
706
552
10.00
551
705
PTN B
337.20m²
34.30m
RE/1241
HINTRAGER STREET
816
815
550
704
PRINSLOO STREET
42.80m
PTN A
493.80m²
54
703
702
15.60m
701
700
ISO A4 (210.00 x 297.00 MM)
CITY OF WINDHOEK
URBAN PLANNING & PROPERTY MANAGEMENT
ROAD PLANNING, DESIGN & TRAFFIC FLOW
FILE NAME & PATH
704 PP.dwg
PATH
O:\cad data\DATA4ALL\WWRP\TI
SUBDIVISION OF ERF RE/1241 INTO
PTN A AND REMAINDER FOR NOTARIAL LINKING
WITH ERF 704 PION/ERPARK
SCALE - 1:750
NORTH
PDT/704PP
1 March 2017

ORIGINAL
STAMPED
DUTY N$19 000.00

PREPARED BY ME
CONVEYANCER
VAN DEN BERG, L.T

03 SEP 2012
MORTGAGED
for N$1,995,000.00
(No. B5212/2012)
DEEDS OFFICE
WINDHOEK
REGISTRAR OF DEEDS

DR WEDER KAUTA & HOVEKA INCORPORATED
Attorneys, Notaries and Conveyancers
P O Box 864
WINDHOEK

DEED OF TRANSFER NO. T 4609 /2012

FOR INFORMATION ONLY

BE IT HEREBY MADE KNOWN:

THAT ANDRE SWANEPOEL YSSEL STIENNE HENNING appeared before me, Deputy Registrar of Deeds at Windhoek, he the said Appearer, being duly authorised thereto by a Power of Attorney granted to him by

ULRICH VON FLOTOW
Identity Number 450111 0066 9
and
CHARLOTTE ELIZABETH VON FLOTOW
Identity Number 490302 0021 0
Married in

dated the 21st day of **JUNE 2012** and signed at **WINDHOEK**

AND THE SAID APPEARER declared that his Principal had truly and legally sold on the **12th** of **JUNE 2012**;

AND THAT HE, in his capacity aforesaid, did by these presents, cede and transfer, in full and free property, to and on behalf of

1. **JOAO CARLOS GONCALVES DE OLIVEIRA**
   Identity Number 680703 01 0076 1
   and
   ANGELA MARIA DE OLIVEIRA
   Identity 760618 0021 5
   Married in community of property to each other

2. **RAFAEL BRUNO ABREU DE CASTRO**
   Identity Number 690911 1009 0
   and
   LUCIA MARIA DE CASTRO
   Identity Number 770318 0008 0
   Married in community of property to each other

Their Heirs, Executors, Administrators or Assigns

CERTAIN	Erf No. 704 PIONIERSPARK
SITUATE	in the MUNICIPALITY of WINDHOEK Registration Division "K" KHOMAS Region
MEASURING	1766 (One Seven Six Six) square metres
FIRST TRANSFERRED	by Deed of Transfer No. T 1007/69 with General Plan No. A 35/67 relating thereto and
HELD	by Deed of Transfer No. T 199/1974
SUBJECT	to the following conditions imposed in terms of the Town Planning Ordinance No. 18 of 1954 (See BC22/2007), namely;

ISSUED FOR INFORMATION ONLY

IN FAVOUR OF THE LOCAL AUTHORITY

A. The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.

B. The building 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.

WHEREFORE the Appearer, renouncing all the Right and Title which the said

TRANSFERORS

heretofore had to the Premises, did, in consequence also acknowledge them to be entirely dispossessed of, and disentitled to, the same, and that by virtue of these presents the said

TRANSFEREES

Their Heirs, Executors, Administrators or Assigns, now and henceforth shall be entitled thereto, conformably to local custom: the State, however, reserving its rights, and finally acknowledging that the purchase price of the aforesaid property amounts to **N$ 2 300 000,00.**

SIGNED AT WINDHOEK ON 03 SEP 2012, together with the appearer, and confirmed with my seal of office.

SIGNATURE OF APPEARER

In my presence

REGISTRAR OF DEEDS

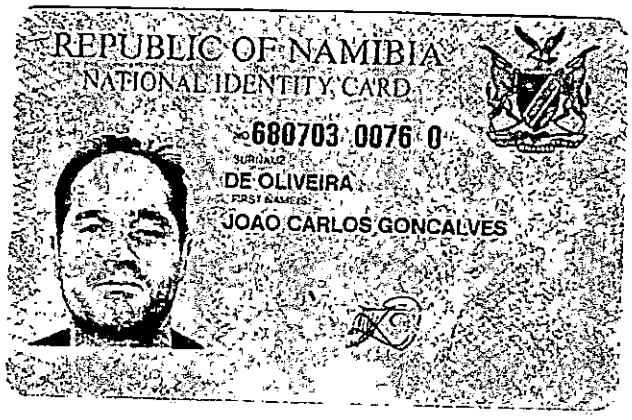
Transfer Duty as per Receipt No. 103984623
issued by the Receiver of Revenue at WINDHOEK on 21 August 2012.
for N$ 10 300.00

CHECKED: 1. _____

2. _____

INFORMATION ONLY

I, the undersigned, LIANA THERESA VAN DEN BERG, Conveyancer, do hereby certify in terms of Section 78 of Act No. 23 of 1992, that all rates leviable in respect of such immovable property in terms of this Act, and all the fees, charges and other monies due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid up to and including the date of registration hereof.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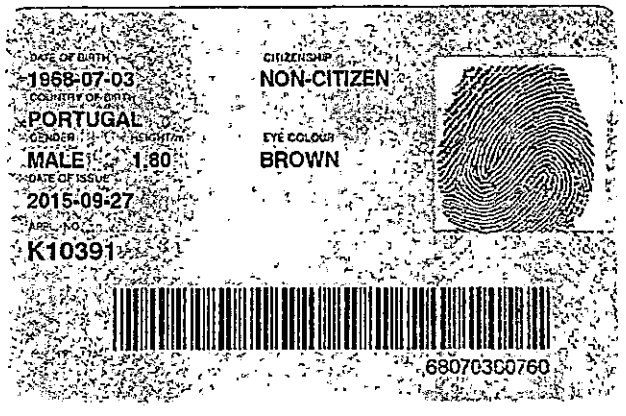
NATIONAL IDENTITY CARD
680703 0076 0
SURNAME
DE OLIVEIRA
FIRST NAMES
JOAO CARLOS GONCALVES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COUNTRY OF BIRTH
PORTUGAL
GENDER
MALE
1.80
DATE OF ISSUE
2015-09-27
K10391
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NON-CITIZEN
EYE COLOUR
BROWN
68070300760

DATE OF BIRTH
1976-06-18
COUNTRY OF BIRTH
PORTUGAL
GENDER HEIGHT/m
FEMALE 1,67
DATE OF ISSUE
1996-10-01
APPL-NO
M87289

CITIZENSHIP
NON-CITIZEN

EYE COLOUR
BROWN

76061800215

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD

760618 0021 5

SURNAME
DE OLIVEIRA
FIRST NAME S
ANGELA MARIA

DATE OF BIRTH
1969-09-11

CITIZENSHIP
NON-CITIZEN

COUNTRY OF BIRTH
PORTUGAL

GENDER
MALE

HEIGHT/m
1,67

EYE COLOUR
BROWN

DATE OF ISSUE
2006-03-20

APPL.-NO.
Q63717

69091110090

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD

690911 1009 0

SURNAME
ABREU DE CASTRO

FIRST NAME
RAFAEL BRUNO

DATE OF BIRTH
1977-03-18
COUNTRY OF BIRTH
PORTUGAL
GENDER HEIGHT(m)
FEMALE 1,72
DATE OF ISSUE
1996-11-26
APPL.-NO.
M87291

CITIZENSHIP
NON-CITIZEN
EYE COLOUR
BROWN

77031800080

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD
770318 0008 0

SURNAME
DE CASTRO
FIRST NAME(S)
LUCIA MARIA

Prepared by me,

Conveyancer,
F V DU TOIT

DU TOIT ASSOCIATES
ATTORNEYS, NOTARIES AND CONVEYANCERS
HOUSE LEGIS OFFICIO
15 ROBERT MUGABE AVENUE
P O BOX 2004 WINDHOEK

8000000637799

DEED OF TRANSFER 7673 2014

BE IT HEREBY MADE KNOWN

MARA DU TOIT

appeared before me, the Registrar of Deeds at WINDHOEK, he/she the said Appearer, being duly authorised thereto by a Power of Attorney granted to him/her by

PHILEMON KONDJA KAMBALA
Identity Number 480212 0093 6
Married to SALOME VILKUNA KAMBALA, which marriage is governed by the laws of ZAMBIA

signed at WINDHOEK on 10 September 2014

Certify a true copy of the original record in this office issued under provisions of regulation 7

2021-07-15

Deputy Deeds Registrar
Windhoek

I hereby certify receipt No. 2344
Dated 2021-07-15 has been issued for N$ 2344 being fees received

2021-07-15

Date
WINDHOEK

Registrar of Deeds

AND THAT APPEARER DECLARED THAT the said Principal had on 13 August 2014 sold, and that he/she in his/her capacity aforesaid, did by these presents, cede and transfer, in full and free property to and on behalf of

1. **JOAO DE OLIVEIRA**
   Identity Number 460908 0032 5
   Married to MARIA CECILIA GONCALVES ROCHA OLIVEIRA, which marriage is governed by the laws of PORTUGAL

2. **MARIA CECILIA GONCALVES ROCHA OLIVEIRA**
   Identity Number 500307 0051 5
   Married to JOAO DE OLIVEIRA, which marriage is governed by the laws of PORTUGAL

their heirs, executors, administrators or assigns

CERTAIN	:	ERF NO 705 PIONIERSPARK
SITUATE	:	IN THE MUNICIPALITY OF WINDHOEK REGISTRATION DIVISION "K" KHOMAS REGION
MEASURING	:	1 343 (ONE THOUSAND THREE HUNDRED AND FORTY THREE) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer T 1008/1969 with General Plan No A35/67 relating thereto and held by Deed of Transfer T.2268/1996

SUBJECT to the following conditions imposed in terms of the Town Planning Ordinance, Ordinance 18 of 1954, as amended, namely:-

IN FAVOUR OF THE LOCAL AUTHORITY:-

A. The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance 1954 (Ordinance 18 of 1954), as amended.

B. The building 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.

WHEREFORE the Appearer, renouncing all the Right and Title which the said TRANSFEROR heretofore had to the premises, did, in consequence, also acknowledge her to be entirely dispossessed of and disentitled to the same, and that, by virtue of these Presents, the said TRANSFEREES, their heirs, executors, administrators or assigns now are and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its Rights, and finally acknowledging the purchase price amounting to the sum of **N$2 825 000.00 (TWO MILLION EIGHT HUNDRED AND TWENTY FIVE THOUSAND NAMIBIA DOLLARS)**

SIGNED AT WINDHOEK on 2016 -11- 14
together with the Appearer, and confirmed with my Seal of Office

SIGNATURE OF APPEARER

In my presence

REGISTRAR OF DEEDS

1. Transfer duty receipt No. 102318855 issued by the Receiver of Revenue at WINDHOEK on 23 October 2014
For N$ 120 000,00
(Checked 1. 2.)

2. I the undersigned, F V DU TOIT

Conveyancer, hereby certify in terms of Section 78 of Act 23/1992 ("The Act") that all rates leviable in terspect of the immovable property contained in this Deed, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplies to such property in terms of the Act, inclusive of any availability charge and minium charge provided for in Section 30(1)(u) of the Act, have been paid up to and including the date of registration hereof.

CONVEYANCER

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD

460908 0032 5

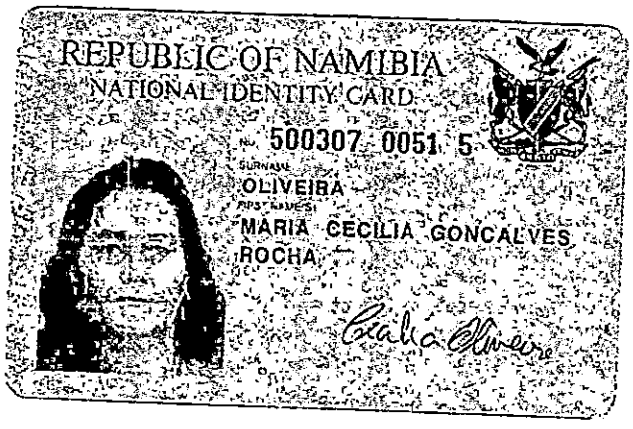
DE OLIVEIRA

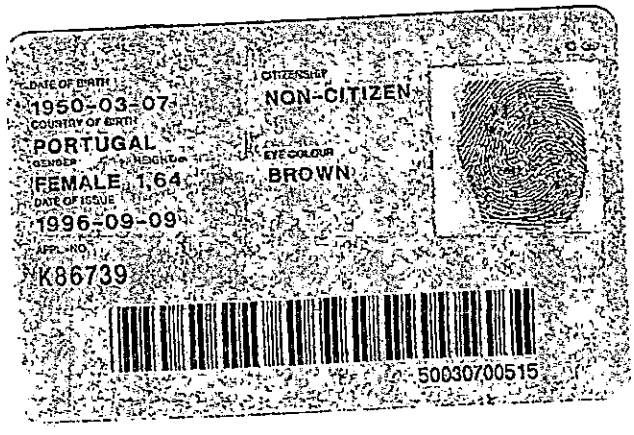
JOAO

DATE OF BIRTH
1946-09-08
COUNTRY OF BIRTH
PORTUGAL
GENDER HEIGHT
MALE 1.75
DATE OF ISSUE
1996-08-28
APPL. NO
A88502

CITIZENSHIP
NON-CITIZEN
EYE COLOUR
BROWN

46090800325


REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD
No. 500307 0051 5
SURNAME
OLIVEIRA
FIRST NAMES
MARIA CECILIA GONCALVES ROCHA


DATE OF BIRTH
1950-03-07
CITIZENSHIP
NON-CITIZEN
COUNTRY OF BIRTH
PORTUGAL
GENDER
FEMALE
HEIGHT
1,64
EYE COLOUR
BROWN
DATE OF ISSUE
1996-09-09
APPL. NO.
K86739
50030700515

VALUATION CERTIFICATE

DIVISION: VALUATION SERVICES

DATE OF VALUATION; 17/03/2023

Erf No.: 1241 **Suburb:** Pionierspark **Street name:** Hintrager

Erf size: 25904 m² **Zoning:** POS **Density:** N/A

Required portion size: 494 m²

Current use of the portion under consideration: vacant

Acquisition purpose: To be sold for consolidation with erf 704 Pionierspark

Current vacant land going price/ m²	N$ 1259	
Size of the portion Required	494 m²	
Estimated market Value	N$ 622 000	

The portion required was sold by Council as per Council Resolution 270/08/2008 at N$626/m². The aforementioned price per square meter is escalated from 2009 to 2022 which resulted in a price of N$1259/m². Therefore, the portion required should be valued at N$ 1259/m².

Valued-by: Kaulikufwa Hendjala **Date:** 17/03/2023

[Municipal Council Minutes: 2004-08-25]

8.3.4 BRB.2 [PLA] CALCULATION OF PURCHASE PRICE – ADDITIONAL LAND SALES
(16/15/2/2/1)

RGS:dcne

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

That Council Resolution 405/08/95 be rescinded and replaced by the following:

1 That portions of open spaces, which are big enough to enhance the potential of the property with which the portion is to be consolidated, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

2 That portions of open spaces which can be used as separate erven, with separate access and which are fully serviced, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

3 That portions of open spaces which are too small to enhance the potential of the erf with which the portion is to be consolidated, be valued at 50 % of the market value as determined by the Strategic Executive: Planning, Urbanisation and Environment.

4 That, where fully market-related prices is payable, the costs incurred for the closure, town planning and cadastral procedures (as calculated by the Strategic Executive: Planning, Urbanisation and Environment) be deducted from the eventual purchase price: Provided that the eventual purchase price not be less than 50 % of the market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.

5 That additional land being sold at a subsidised price for consolidation with the adjacent 'institutional' zoned properties not be allowed to deduct the costs mentioned in paragraph 4.

6 That the policy on the deduction of costs where full market-related purchase prices are payable also be made applicable to all outstanding sales subject to the conditions of the original resolution.

RESOLUTION 276/08/2004 [POLICY]

VALUATION CERTIFICATE

DIVISION: VALUATION SERVICES

DATE OF VALUATION; 17/03/2023

Erf No.: 1241 **Suburb:** Pionierspark **Street name:** Hintrager

Erf size: 25904 m² **Zoning:** POS **Density:** N/A

Required portion size: 337 m²

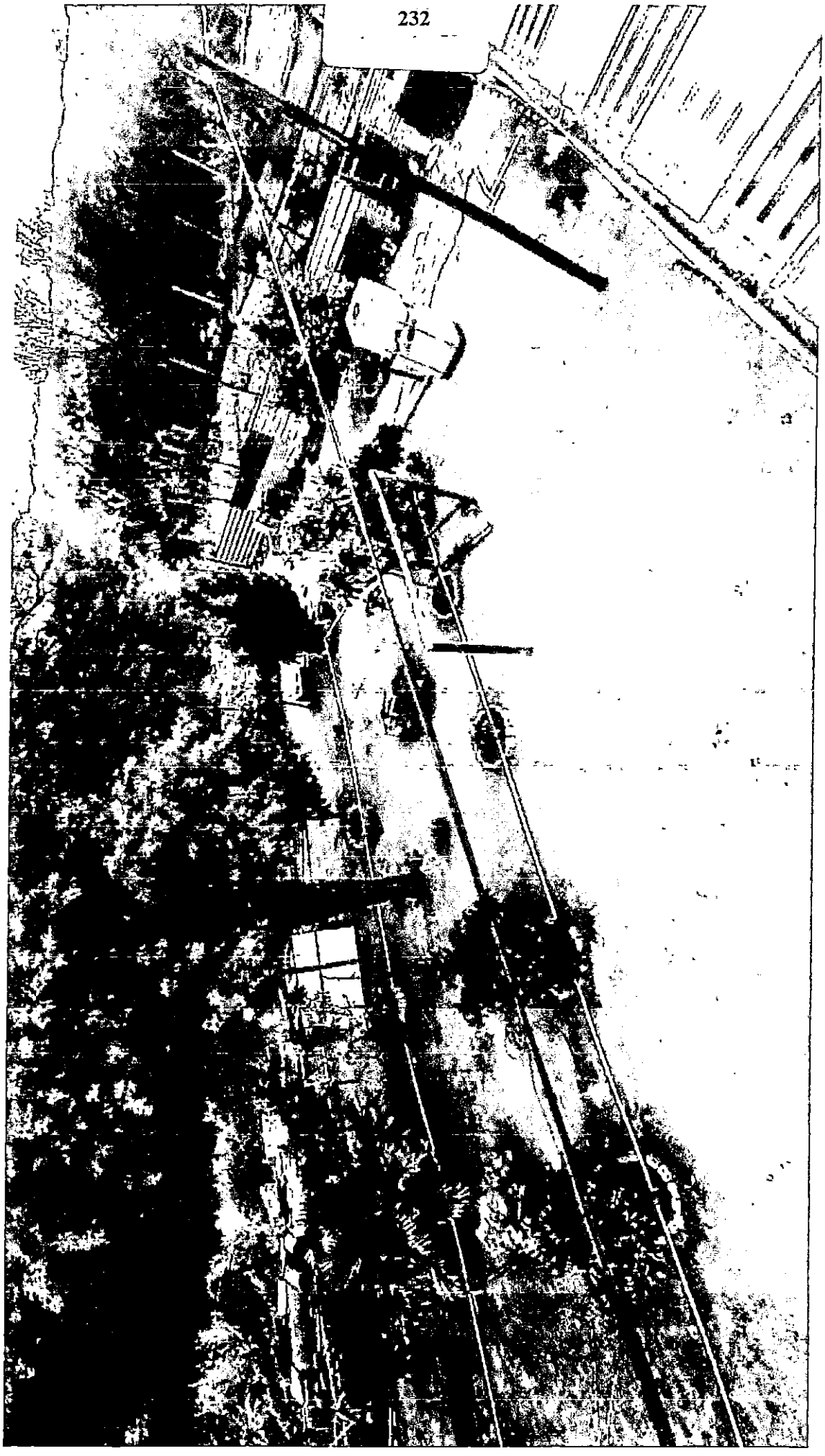
Current use of the portion under consideration: vacant

Acquisition purpose: To be sold for consolidation with erf 705 Pionierspark

Current vacant land going price/ m²	N$ 1259	
Size of the portion Required	337 m²	
Estimated market Value	N$ 424 000	

The portion required was sold by Council as per Council Resolution 270/08/2008 at N$626/m². The aforementioned price per square meter is escalated from 2009 to 2022 which resulted in a price of N$1259/m². Therefore, the portion required should be valued at N$ 1259/m².

Valued-by: Kaulikufwa Hendjala **Date:** 17/03/2023



NEIGHBOURS' CONSENT

SALE OF A PORTION OF PUBLIC OPEN SPACE ADJACENT TO ERVEN 704 AND 705 PIONIERSPARK

ERF 703 PIONIERSPARK

I/WE, A Alexander Botha; IDENTIFICATION NUMBER(S) 5905 16 0063, THE OWNER(S) OF **ERF 703, Pionierspark,** ~~OBJECT~~/DOES NOT OBJECT TO THE INTENDED SALE.

(SIGN) (SIGN)

DATE: 20.1.2020

ERF 705 PIONIERSPARK

I/WE, ...; IDENTIFICATION NUMBER(S)....., THE OWNER(S) OF **ERF 705, Pionierspark,** OBJECT/DOES NOT OBJECT TO THE INTENDED SALE.

(SIGN) (SIGN)

DATE:.....

NEIGHBOURS' CONSENT

SALE OF A PORTION OF PUBLIC OPEN SPACE ADJACENT TO ERVEN 704 AND 705 PIONIERSPARK

ERF 703 PIONIERSPARK

I/WE, ...; IDENTIFICATION NUMBER(S)....., THE OWNER(S) OF **ERF 703, Pionierspark**, OBJECT/DOES NOT OBJECT TO THE INTENDED SALE.

....

(SIGN) (SIGN)

DATE:.....

.....

ERF 705 PIONIERSPARK

I/WE, ERIC VAN DER WALT; IDENTIFICATION NUMBER(S) 6004270038 8, THE OWNER(S) OF **ERF 706 Pionierspark**, OBJECT/DOES NOT OBJECT TO THE INTENDED SALE.

....

(SIGN) (SIGN)

DATE: 17/07/2019

.....

NPV - Kupferberg Extension Investment Analysis

	NOTE		2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Discount Rate	4	10.25%	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
				1.10	1.2155	1.34	1.48	1.63	1.80	1.98	2.18	2.41	2.65	2.93	3.23	3.56	3.92	4.32
CAPITAL EXPENDITURE																		
Civil Works, Supply and Installation of Treatment Technology	[redacted]		$ (171,615,054)															
TOTAL CAPITAL EXPENDITURE			$ (171,615,054)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
CASH OUTFLOWS																		
Operational Expenditure - Payment to Operations Contractor	[redacted]	7%		$ (11,386,418)	(10,726,005)	(10,408,848)	(10,102,011)	(9,804,220)	(9,515,206)	(9,234,713)	(8,962,488)	(8,698,287)	(8,441,875)	(8,193,022)	(7,951,504)	(7,717,106)	(7,489,618)	(7,268,835)
Staff costs	[redacted]	7.50%		$ (1,888,135)	(1,553,373)	(1,750,341)	(1,706,681)	(1,664,111)	(1,622,603)	(1,582,130)	(1,542,666)	(1,504,187)	(1,466,667)	(1,430,084)	(1,394,413)	(1,359,632)	(1,325,718)	(1,292,650)
Total share of overheads	[redacted]	7%		$ (375,966)	(354,127)	(343,688)	(333,557)	(323,724)	(314,181)	(304,919)	(295,931)	(287,207)	(278,741)	(270,524)	(262,549)	(254,810)	(247,298)	(240,008)
TOTAL CASH OUTFLOWS			$ -	$ (13,650,519)	$ (12,632,505)	$ (12,502,877)	$ (12,142,249)	$ (11,792,055)	$ (11,451,990)	$ (11,121,762)	$ (10,801,085)	$ (10,489,681)	$ (10,187,284)	$ (9,893,630)	$ (9,608,466)	$ (9,331,547)	$ (9,062,634)	$ (8,801,494)
CASH INFLOWS																		
Total Revenue from Waste Disposal	[redacted]	10%		$ 25,347,561	25,232,736	25,175,519	25,118,432	25,061,474	25,004,645	24,947,945	24,891,374	24,834,931	24,778,616	24,722,428	24,666,368	24,610,436	24,554,630	236
TOTAL CASH INFLOWS			$ -	$ 25,347,561	$ 25,232,736	$ 25,175,519	$ 25,118,432	$ 25,061,474	$ 25,004,645	$ 24,947,945	$ 24,891,374	$ 24,834,931	$ 24,778,616	$ 24,722,428	$ 24,666,368	$ 24,610,436	$ 24,554,630	$ 24,498,950
NET CASHFLOW			$ (171,615,054)	$ 11,697,041	$ 12,600,231	$ 12,672,642	$ 12,976,182	$ 13,269,419	$ 13,552,655	$ 13,826,183	$ 14,090,289	$ 14,345,249	$ 14,591,332	$ 14,828,799	$ 15,057,902	$ 15,278,888	$ 15,491,996	$ 15,697,456
CUMMULATIVE NET CASH FLOW			$ (171,615,054)	$ (159,918,013)	$ (147,317,782)	$ (134,645,140)	$ (121,668,958)	$ (108,399,539)	$ (94,846,884)	$ (81,020,700)	$ (66,930,411)	$ (52,585,162)	$ (37,993,830)	$ (23,165,031)	$ (8,107,129)	$ 7,171,759	$ 22,663,755	$ 38,361,212

Notes:

1. The expenditure is based on avergae for last 5 years, and the percentage increase is based on average of the last 7 years excluding outlayers
2. No salary increase is expected in the next two years due to above market salaries, thereafter a 7.5% increase annually is provided though an increase may be lower. The 7.5% is an average of last 2 increases of 8% and 5%.
3. The average increase was capped to 10% though average of the last 5 years was 16%
4. The discount factor is based on Pre-Covid-19 Prime interest rate as it is more realistic and we are only expected to recover costs of rendering the services

HARMONIC

Town & Regional Planners
Property Development Specialist
Municipal Consultants

237

Date: 14 January 2022

To: The Urban Planner

City of Windhoek

P.O. Box 59

Windhoek

Attention: Mr. H. Rust

- **SUBDIVISION OF ERF 855 AND 856 AUASBLICK EXTENSION 1 INTO PORTION A, B AND THEIR RESPECTIVE REMAINDERS;**
- **RESERVATION OF PORTION A (A PORTION OF ERF 855) AND B (A PORTION OF ERF 856) AUASBLICK EXTENSION 1 AS 'STREET';**
- **SUBDIVISION OF JASON HAMUTENYA NDADI STREET INTO PORTIONS C, D AND THE REMAINDER;**
- **PERMANENT CLOSURE OF PORTION C AND D OF JASON HAMUTENYA NDADI STREET AS 'STREET' IN TERMS OF SECTION 50(1) OF THE LOCALAUTHORITY'S ACT, 1992 (ACT 23 OF 1992);**
- **REZONING OF THE PERMANENTLY CLOSED PORTION C AND D(PREVIOUSLY STREET) OF JASON HAMUTENYA NDADI STREET TO 'RESIDENTIAL'; AND**
- **SUBSEQUENT CONSOLIDATION OF PORTION C AND PORTION D OF JASON HAMUTENYA NDADI STREET WITH ERVEN 911 AND 912 AUASBLICK EXTENSION 1 INTO ERVEN X AND YRESEPECTIVELY.**

hkisting001@gmail.com
hkisting@namibnet.com

(061) 238 460

(Fax) 088 646401

Office 76B Pasteur Street, Windhoek West,
Box 3216, Windhoek

1. Appointment

Harmonic Town Planning Consultants was appointed by **City of Windhoek** and **Sinco Investments Sixty One (PTY) Ltd (Company Registration Number 2013/0874)** to obtain statutory approval for the subdivision, permanent closure, reservation, rezoning and consolidation. Sinco Investments Sixty One (PTY) Ltd had entered into a Public Private Partnership with the Windhoek Municipal Council for the establishment of Auasblick Extension 1. Amendments are required to re-align the road (Jason Hamutenya Ndadi Street) that runs from Auasblick Proper into Auasblick Extension 1 (Remainder of Auasblick Extension 1). Therefore, the following is applied for:

- **Subdivision of Erf 855 and 856 Auasblick Extension 1 into Portion A, B and their respective Remainders;**
- **Reservation of Portion A (a Portion of Erf 855) and B (a Portion of Erf 856) Auasblick Extension 1 as 'Street';**
- **Subdivision of Jason Hamutenya Ndadi Street into Portions C, D and the Remainder;**
- **Permanent Closure of Portion C and D of Jason Hamutenya Ndadi Street as 'Street' in terms of Section 50(1) of the Local Authority's Act, 1992 (Act 23 of 1992);**
- **Rezoning of the permanently closed Portion C and D (previously street) of Jason Hamutenya Ndadi Street to 'Residential'; and**
- **Subsequent consolidation of Portion C and portion D of Jason Hamutenya Ndadi Street with Erven 911 and 912 Auasblick Extension 1 into Erven X and Y respectively.**

2. Ownership

Erven 855, 856, 911 and 912 Auasblick Extension 1 with approved General Plan K500 ownership is vested in the City of Windhoek and the Township Establishment of Auasblick Extension 1 is established under a Private Public Partnership with Sinco Investments Sixty One (PTY) Ltd.

3. Location and Context

Erven 855, 856, 911 and 912 are located within Auasblick Extension 1 and obtain access from access from Jason Hamutenya Ndadi Street (20-meter-wide road reserve)

The location of Erven 855, 856, 911 and 912 Auasblick Extension 1 as well as Jason Hamutenya Ndadi is indicated on the attached locality plan dated **25 August 2020**.

4. Zoning and Present Use

Erven 855, 856, 911 and 912 Auasblick Extension 1 are all zoned 'Residential'. Jason Hamutenya Ndadi is part of the Remainder of the township Auasblick Extension 1 and is reserved as 'Street'.

5. Proposed Development

5.1 Erven 855 and 856 Auasblick Extension 1.

Subdivision

It is the intention to subdivide Erven 855 and 856 Auasblick Extension 1(both zoned 'Residential') that measure approximately 1228 m² and 1691 m² respectively into Portions A, B and their respective Remainders.

Below is a table that indicates the areas of the subdivision of Erven 855 and 856 Auasblick Extension 1.

Erf No.	Zoning	Erf Size
Erf 855	Residential	1228 m²
Portion A	Residential	168 m²
Rem/855	Residential	1060 m²

Table 1 Shows the areas of the subdivision of Erf 855 Auasblick Extension 1

Erf No.	Zoning	Erf Size
Erf 856	Residential	1691 m²
Portion B	Residential	381 m²
Rem/856	Residential	1310 m²

Table 2 Shows the areas of the subdivision of Erf 856 Auasblick Extension 1

Rezoning and Reservation

Portion A (a Portion of Erf 855) and B (a Portion of Erf 856) Auasblick Extension 1 are to be reserved from 'Residential' to 'Street'. Below is a table that indicates the areas of the reservation of Portions A and B

Erf No.	Zoning	Erf Size
Portion A/Erf 855	Street	168 m²
Portion B/Erf 856	Street	381 m²

Table 3 Shows the proposed reservation of Portion A and B

5.2. Erven 911, 912 and Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1.

Subdivision and Permanent Closure

Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1 is to be subdivided into Portion C, D and the Remainder. Portions C and D will measure approximately 369 m² and 208 m² respectively. Subsequently Portions C and D of Jason Hamutenya Ndadi Street will be permanently closed as 'Street'.

Below is a table that shows the subdivision of Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1:

Erf No.	Zoning	Erf Size
Portion C/JHN Street	Street	369 m²
Portion D/JHN Street	Street	208 m²
Jason H. Ndadi Street	Street	

Table 4 Shows the areas of the subdivision of Jason Hamutenya Ndadi Street.

Rezoning and Consolidation

Permanently closed Portions C and D (previously street) of Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1 is to be rezoned from 'Street' to 'Residential'. Subsequently Portions C and D are to be consolidated with Erven 911 and 912 Auasblick Extension 1 respectively.

Below are tables indicating the areas of the rezoning of Portions C and D and subsequent consolidation with Erven 911 and 912 into Erven X and Y.

Erf No.	Zoning	Erf Size
Portion C/JHN Street	Residential	369 m²
Erf 911	Residential	921 m²
Consolidated Erf X	Residential	1290 m²

Table 5 Shows the proposed zoning of Portion C and consolidation with Erf 911 Auasblick Extension 1

Erf No.	Zoning	Erf Size
Portion D/JHN Street	Residential	208 m²
Erf 912	Residential	842 m²
Consolidated Erf Y	Residential	1050 m²

Table 6 Shows the proposed zoning of Portion D and consolidation with Erf 912 Auasblick Extension 1

There are no servitudes registered over Portion A of Erf 855; Portion B of Erf 856; Portions C and D of Jason Hamutenya Ndadi (Remainder) Auasblick Extension 1 which prohibit the proposed development.

6. Environmental Clearance

An Environmental Impact Assessment (EIA) will be simultaneously conducted on the Subdivision and reservation as 'Street' of Portions A (a Portion of Erf 855) and Portion B (a Portion of Erf 855) Auasblick Extension 1 in accordance with the regulations of the Environmental Management Act 7 of 2007.

7. Motivation

The proposed subdivisions, permanent closures and consolidation seeks to rectify technical issues in regard to the alignment of Jason Hamutenya Ndadi Street (20-meter-wide road reserve) running from Auasblick Proper into Auasblick Extension 1. The road reserve connection between Auasblick Proper and Auasblick Extension 1 is currently not formal. This process will ensure a step further in the completion of the overall project (Public Private Partnership) between **City of Windhoek** and **Sinco Investments Sixty One (PTY) Ltd** in land delivery for housing as well as other complementary land uses such as business, institutional and municipal.

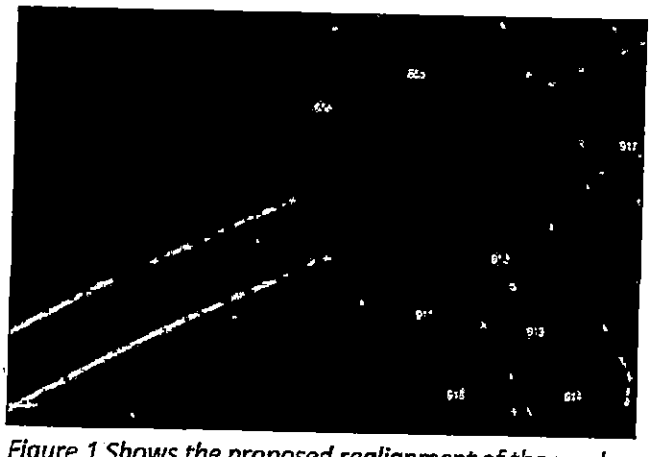


Figure 1 Shows the proposed realignment of the road reserve in Auasblick Extension 1 (Blue line) and in Auasblick Proper (Red line)

8. Application

Application is made for the following:

- To subdivide Erf 855 and 856 Auasblick Extension 1 into Portion A, B and their respective Remainders;

- To reserve Portion A (a Portion of Erf 855) and B (a Portion of Erf 856) Auasblick Extension 1 as 'Street';
- To subdivide Jason Hamutenya Ndadi Street into Portions C, D and the Remainder;
- To permanently Close Portion C and D of Jason Hamutenya Ndadi Street as 'Street' in terms of Section 50(1) of the Local Authority's Act, 1992 (Act 23 of 1992);
- To rezone the permanently closed Portion C and D (previously street) of Jason Hamutenya Ndadi Street to 'Residential'; and
- To subsequently consolidate Portion C and portion D of Jason Hamutenya Ndadi Street with Erven 911 and 912 Auasblick Extension 1 into Erven X and Y respectively.

In support of my application of the following documents are included:

1. Annexure A.1:	Application
2. Annexure A.2:	Prescribed Application Form
3. Annexure B:	Approval Letter/ Council Resolution from LA
4. Annexure C.1:	Locality Plan
5. Annexure C.2:	Subdivision Plan
6. Annexure D:	Conditions to be Registered
7. Annexure E:	Power of Attorney – Erf Owner
8. Annexure F:	Closure Certificate/ECC
9. Annexure G:	Previous Board Approval
10. Annexure H:	Roads Authority Approval
11. Annexure I:	Founding Statement/Company Resolution
12. Annexure J:	Title Deed
13. Annexure k:	Condition of Establishment
14. Annexure L:	Payment Receipt

I trust that this application will receive your positive consideration.

Yours in planning,

Mr Harold Kisting

Signed:

FORM 7 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

NOTICE OF INTENTION TO APPLY FOR SUBDIVISION OR CONSOLIDATION OF LAND

TO WHOM IT MAY CONCERN

Please take note that **Harmonic Town Planning Consultants cc**
(full names of applicant)

intends to apply to **Urban and Regional Board***
(authorised planning authority or other local authority or to the Board*)

for consent to subdivide or consolidate

Subdivision of Erf 855 and 856 Auasblick Extension 1
(full description of land concerned, e.g. erf number, street address and urban area)

into **Portion A, B and their respective Remainders**
(details of the subdivision concerned)

Please further take note that -

(a) the plan of the land lies for inspection at room **Council Notice Board** of the offices of the authorised planning authority other local authority or the Board;*

(b) any person having objections to the subdivision concerned or who wants to comment, may lodge such objections and comments, together with the grounds, in writing with the authorised planning authority or other local authority or the Board* and with the applicant within 14 days of the last publication of this notice.

The recommendation of the authorised planning authority or other local authority or the Board*, if any, and any conditions determined by it with regard to the subdivision are as follows:

.....

..... 17/02/2022

Signature of applicant Date

Address of applicant:
Harmonic Town Planning Consultants
P.O. Box 3216
WINDHOEK

FORM 1 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

NOTICE OF INTENTION TO APPLY FOR REZONING
TO WHOM IT MAY CONCERN

Please take note that **Harmonic Town Planning Consultants cc**
(Full names of applicant)

intends to apply to the **Urban and Regional Board*** to rezone **Portion A (a portion of Erf 855) and B (a portion of Erf 856), Auasblick Extension** 1 (Township area or other area) for **To reserve/rezone Portion A (a portion of Erf 855) and B (a portion of Erf 856), Auasblick Extension 1 from 'Residnetial' with a density of 1 dwelling per Erf to 'Street'.**
(Details of the amendment concerned)

Please further take note that -

(a) the plan of the erf or land lies for inspection at room **Council Notice Board** of the offices of the authorised planning authority or other local authority or the Board; *

(b) any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the authorised planning authority or other local authority or the Board*, and with the applicant within 14 days of the last publication of this notice.

The recommendation of the authorised planning authority or other local authority or Board*, if any, and any conditions determined by it with regard to the rezoning concerned are as follows:

.....
.....

..... 17/01/2022
Signature of applicant Date

Address of applicant:
Harmonic Town Planning Consultants
P.O. Box 3216
WINDHOEK

FORM 1 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

NOTICE OF INTENTION TO APPLY FOR REZONING
TO WHOM IT MAY CONCERN

Please take note that **Harmonic Town Planning Consultants cc**
(Full names of applicant)

intends to apply to the **Urban and Regional Board*** to rezone **Portion C and D (previously street) of Jason Hamutenya Ndadi Street (Remainder), Auasblick Extension 1** (Township area or other area) for **To rezone Portion C and D (previously street) of Jason Hamutenya Ndadi Street (Remainder), Auasblick Extension 1 from 'Street' to 'Residnetial' with a density of 1 dwelling per Erf.**
(Details of the amendment concerned)

Please further take note that -

(a) the plan of the erf or land lies for inspection at room **Council Notice Board** of the offices of the authorised planning authority or other local authority or the Board; *

(b) any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the authorised planning authority or other local authority or the Board*, and with the applicant within 14 days of the last publication of this notice.

The recommendation of the authorised planning authority or other local authority or Board*, if any, and any conditions determined by it with regard to the rezoning concerned are as follows:

.....
.....

..... 17/01/2022
Signature of applicant Date

Address of applicant:
Harmonic Town Planning Consultants
P.O. Box 3216
WINDHOEK

FORM 7 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

NOTICE OF INTENTION TO APPLY FOR SUBDIVISION OR CONSOLIDATION OF LAND

TO WHOM IT MAY CONCERN

Please take note that **Harmonic Town Planning Consultants cc**
(full names of applicant)

intends to apply to **Urban and Regional Board***
(authorised planning authority or other local authority or to the Board*)

for consent to subdivide or consolidate

Consolidation of Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1
(full description of land concerned, e.g. erf number, street address and urban area)

into **Portion C, D and their respective Remainders**
(details of the subdivision concerned)

Please further take note that -

(a) the plan of the land lies for inspection at room **Council Notice Board** of the offices of the authorised planning authority other local authority or the Board;*

(b) any person having objections to the subdivision concerned or who wants to comment, may lodge such objections and comments, together with the grounds, in writing with the authorised planning authority or other local authority or the Board* and with the applicant within 14 days of the last publication of this notice.

The recommendation of the authorised planning authority or other local authority or the Board*, if any, and any conditions determined by it with regard to the subdivision are as follows:

.....

..... 17/01/2022

Signature of applicant Date

Address of applicant:
Harmonic Town Planning Consultants
P.O. Box 3216
WINDHOEK

FORM 7 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

NOTICE OF INTENTION TO APPLY FOR SUBDIVISION OR CONSOLIDATION OF LAND

TO WHOM IT MAY CONCERN

Please take note that **Harmonic Town Planning Consultants cc**
(full names of applicant)

intends to apply to **Urban and Regional Board***
(authorised planning authority or other local authority or to the Board*)

for consent to subdivide or consolidate

Subdivision of Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1
(full description of land concerned, e.g. erf number, street address and urban area)

into **Portion C, D and their respective Remainders**
(details of the subdivision concerned)

Please further take note that -

(a) the plan of the land lies for inspection at room **Council Notice Board** of the offices of the authorised planning authority other local authority or the Board;*

(b) any person having objections to the subdivision concerned or who wants to comment, may lodge such objections and comments, together with the grounds, in writing with the authorised planning authority or other local authority or the Board* and with the applicant within 14 days of the last publication of this notice.

The recommendation of the authorised planning authority or other local authority or the Board*, if any, and any conditions determined by it with regard to the subdivision are as follows:

.....

..... 17/01/2022
Signature of applicant Date
Address of applicant:
Harmonic Town Planning Consultants
P.O. Box 3216
WINDHOEK

FORM 8 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

APPLICATION FOR SUBDIVISION OR CONSOLIDATION OF LAND

NB: Applicants are requested to complete this application form carefully and give sufficient particulars, as failure to do so may lead to unnecessary correspondence which may delay the final decision on the application.

TO: The Chief Executive Officer of * Authorised Planning Authority: ..... P O Box ....

OR

The Secretary*
Urban and Regional Planning Board
Private Bag 13289
Windhoek

1. Full names and residential and postal address of applicant:

Harmonic Town Planning

Windhoek West, Pasteur Street

Windhoek Namibia P.O. Box 3216

2. Land Owner

City of Windhoek
(Attach a power of attorney if land owner is not applying personally.)

3. Registered name(s) and number(s) of the land:

- **Erf 855 Auasblick Extension 1**
- **Erf 856 Auasblick Extension 1**
- **Erf 911 Auasblick Extension 1**
- **Erf 912 Auasblick Extension 1**

4. Approximate sizes of the land and new portions:

Erf No.	Erf Size
Erf 855	1228 m²
Portion A	168 m²
Rem/855	1060 m²

Erf No.	Erf Size
Erf 856	1691 m²
Portion B	381 m²
Rem/856	1310 m²

Erf No.	Erf Size
Portion C/JHN Street	369 m²
Portion D/JHN Street	208 m²
Jason H. Ndadi Street	

5. Is the land situated within an approved local authority area or outside an approved local authority area:

Erven 855, 856, 911, 912 and Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1 is located in an approved local authority of Windhoek.

6. The reasons for the proposed subdivision/consolidation*:

See attached motivation

7. If buildings are to be erected, for which purpose(s) will they be used?

No buildings to be erected

8. In what manner, and by whom, will water, electricity, storm water drainage, streets and sewerage be supplied to the relevant portions of land?

N/A

9.1 What is the *zoning (zoning scheme) /* land use (title conditions)?

- **Erf 855 Auasblick Extension 1 is Zoned 'Residential' with a density of 1 dwelling per Erf.**
- **Erf 856 Auasblick Extension 1 is Zoned 'Residential' with a density of 1 dwelling per Erf.**
- **Erf 911 Auasblick Extension 1 is Zoned 'Residential' with a density of 1 dwelling per Erf.**
- **Erf 912 Auasblick Extension 1 is Zoned 'Residential' with a density of 1 dwelling per Erf.**
- **Jason Hamutenya Ndadi Street (Remainder) Auasblick Extension 1 is zoned/reserved 'Street'.**

9.2 What is the proposed minimum building value of the main building, excluding the outbuildings, on each portion of land?

N/A

10. If access is to be taken from a public road, has permission been obtained from the Roads Authority?

N/A

11. Is any portion of the land situated within 100 metres from the median of a building or restriction road?

No ✓

12. Is the consolidation with other portions of land intended?

Yes ✓

13 Motivate the proposed new boundaries, in particular any unusual boundaries:

See attached motivation

14. Motivate the size of the new erven or portions of land in relation to the surrounding areas:

See attached motivation.

15. If buildings will lie within 3 metres of a proposed boundary, submit the comments of the authorised planning authority or other local authority or the Board;* as well as proposals for a fire wall and fire prevention methods.

N/A

16. If a new street or portion of a street is created which is to be transferred to the authorised planning authority or other local authority, submit the comments of the authorised planning authority or other local authority or the Board* regarding who will be responsible for the design and construction of the street.

N/A

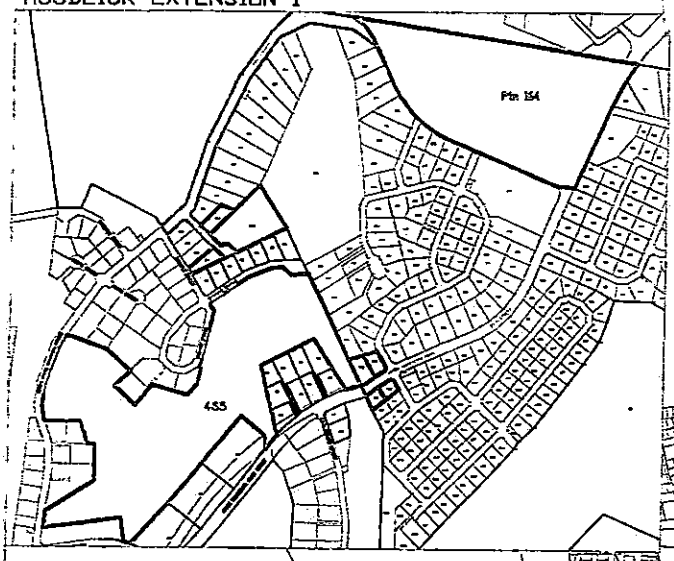
17. If any closure of a street or open space is involved, has all the necessary legal procedures been followed?

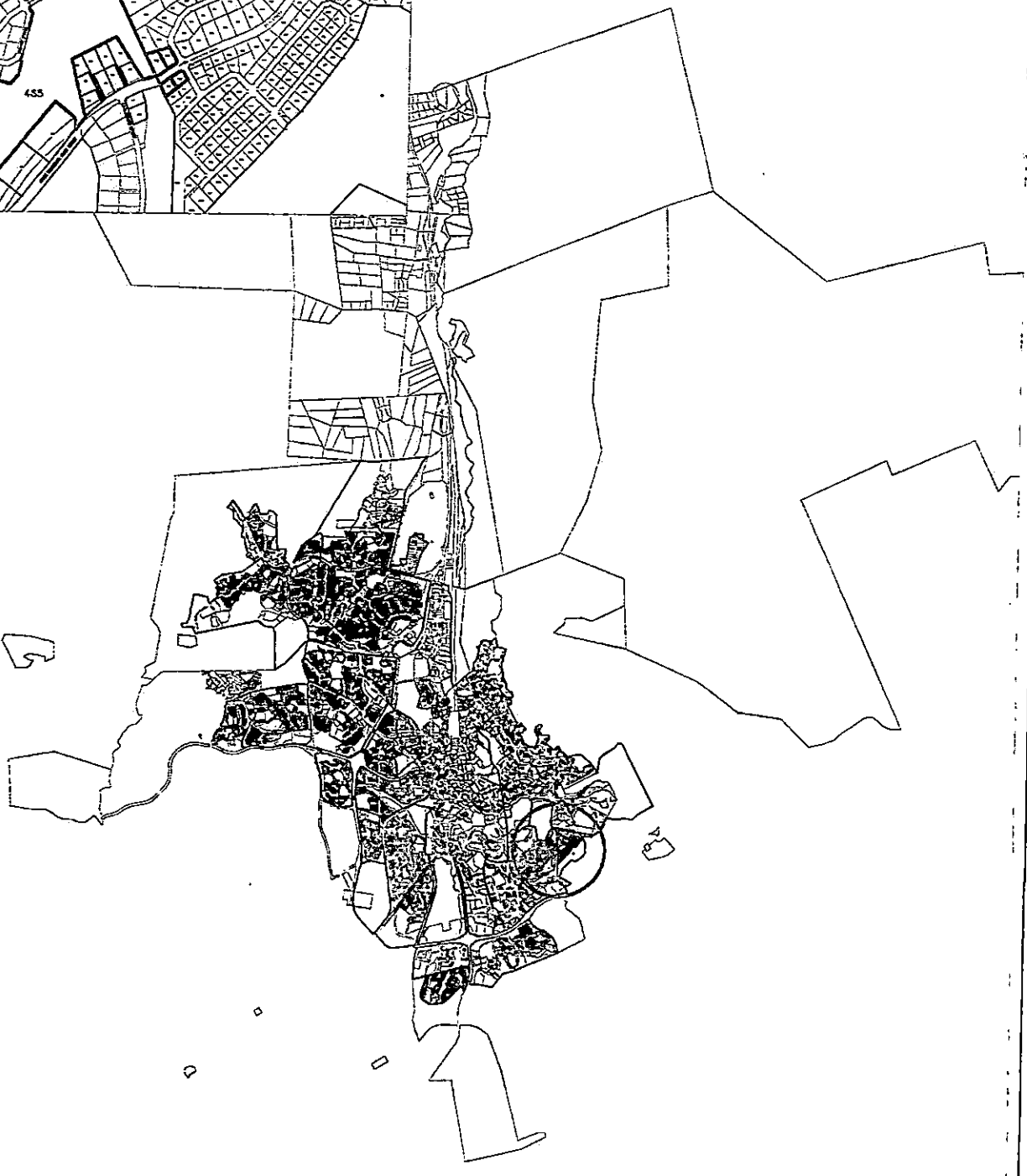
Yes ✓

.....
Signature of applicant

14/01/2022
Date

SUBJECT ERVEN AND IMMIDIATE SURROUNDING
AUSBLICK EXTENSION 1





LOCALITY PLAN
ERVEN 811, 812, 813 & 1092 (STREET); 855, 856, 911 & 912 AUSBLICK EXT 1; ERF 465 AUASBLICK PROPER; PTN 164 OF KLEIN WINDHOEK TOWN & TOWNLANDS NO. 70; AND JASON HAMUTENYA NDADI STR. (REMAINDER) AUASBLICK Ext 1

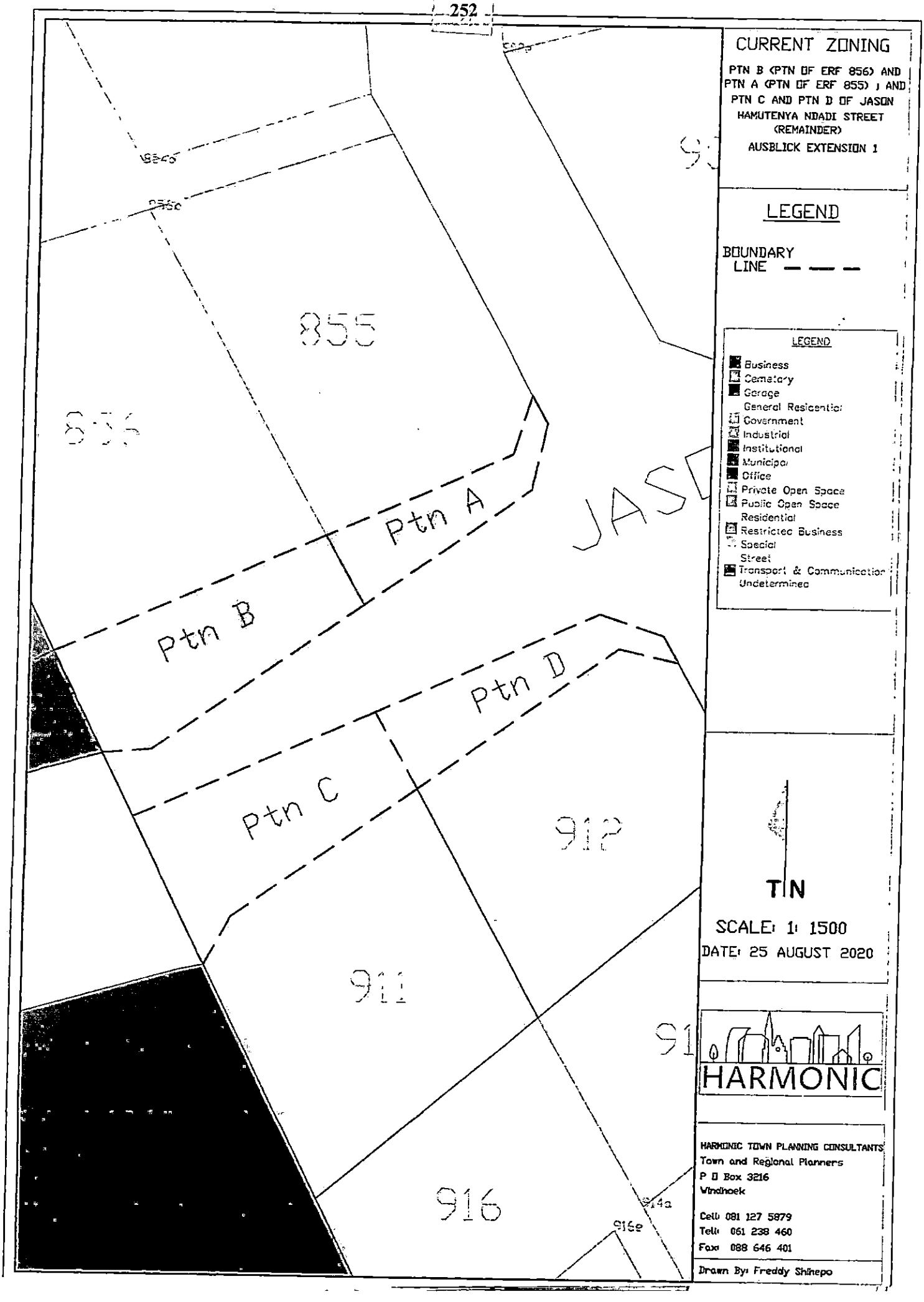
LEGEND

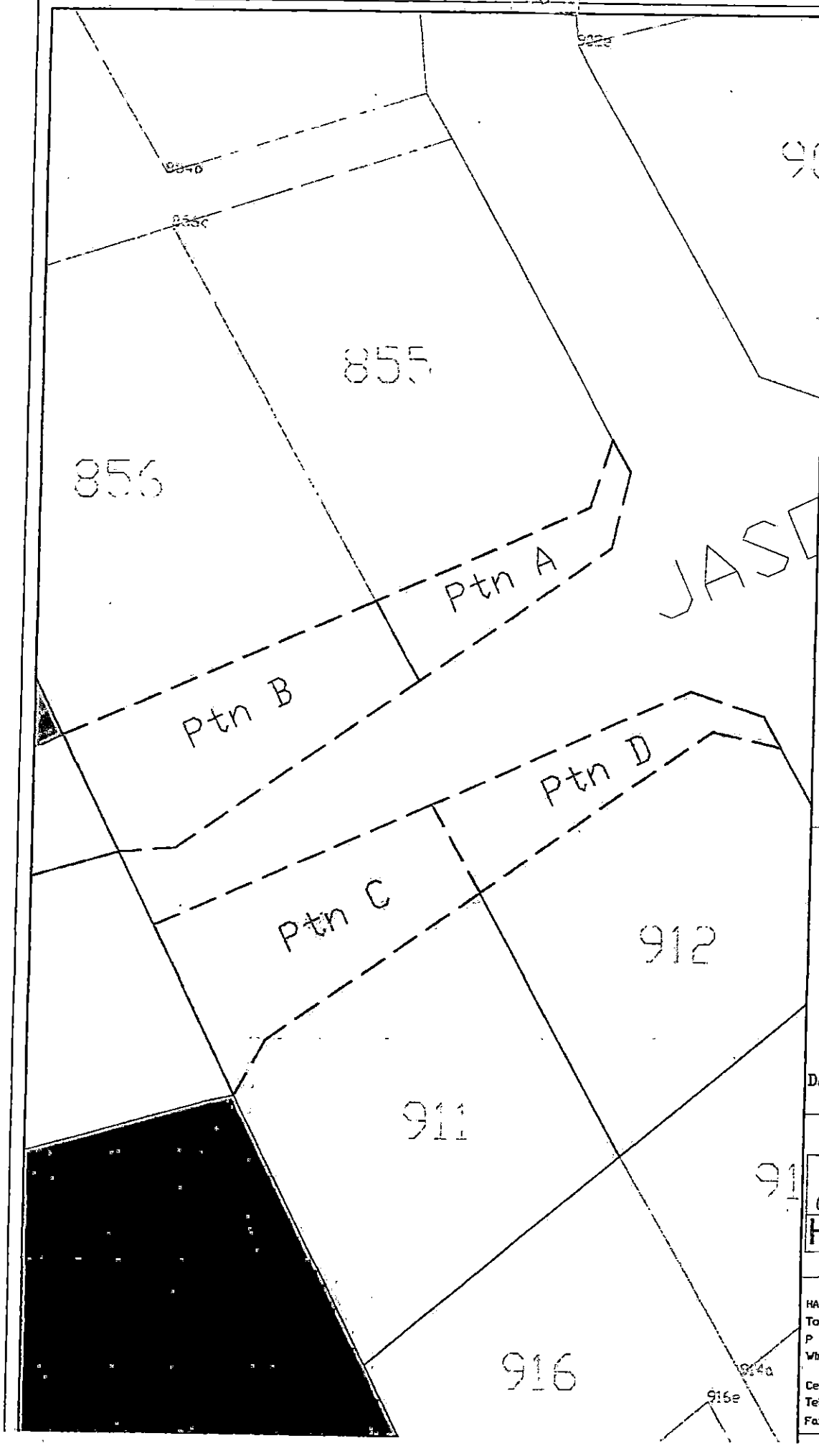
ERF BOUNDARY LINE

TN

DATE: 25 AUGUST 2020

HARMONIC
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek
Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401


CURRENT ZONING
PTN B (PTN OF ERF 856) AND PTN A (PTN OF ERF 855) ; AND PTN C AND PTN D OF JASON HAMUTENYA NDADI STREET (REMAINDER)
AUSBLICK EXTENSION 1
LEGEND
BOUNDARY LINE
LEGEND
Business
Cemetery
Garage
General Residential
Government
Industrial
Institutional
Municipal
Office
Private Open Space
Public Open Space
Residential
Restricted Business
Special
Street
Transport & Communication
Undetermined
855
856
Ptn A
Ptn B
Ptn C
Ptn D
912
911
916
TIN
SCALE: 1: 1500
DATE: 25 AUGUST 2020
HARMONIC
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek
Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401
Drawn By: Freddy Shinepo



PROPOSED ZONING

PTN B (PTN OF ERF 856) AND PTN A (PTN OF ERF 855) ; AND PTN C AND PTN D OF JASON HAMUTENYA NDADI STREET (REMAINDER)

AUSBLICK EXTENSION 1

LEGEND

BOUNDARY LINE

LEGEND

- Business
- Cemetery
- Garage
- General Residential
- Government
- Industrial
- Institutional
- Municipal
- Office
- Private Open Space
- Public Open Space
- Residential
- Restricted Business
- Special
- Street
- Transport & Communication
- Undetermined

TN

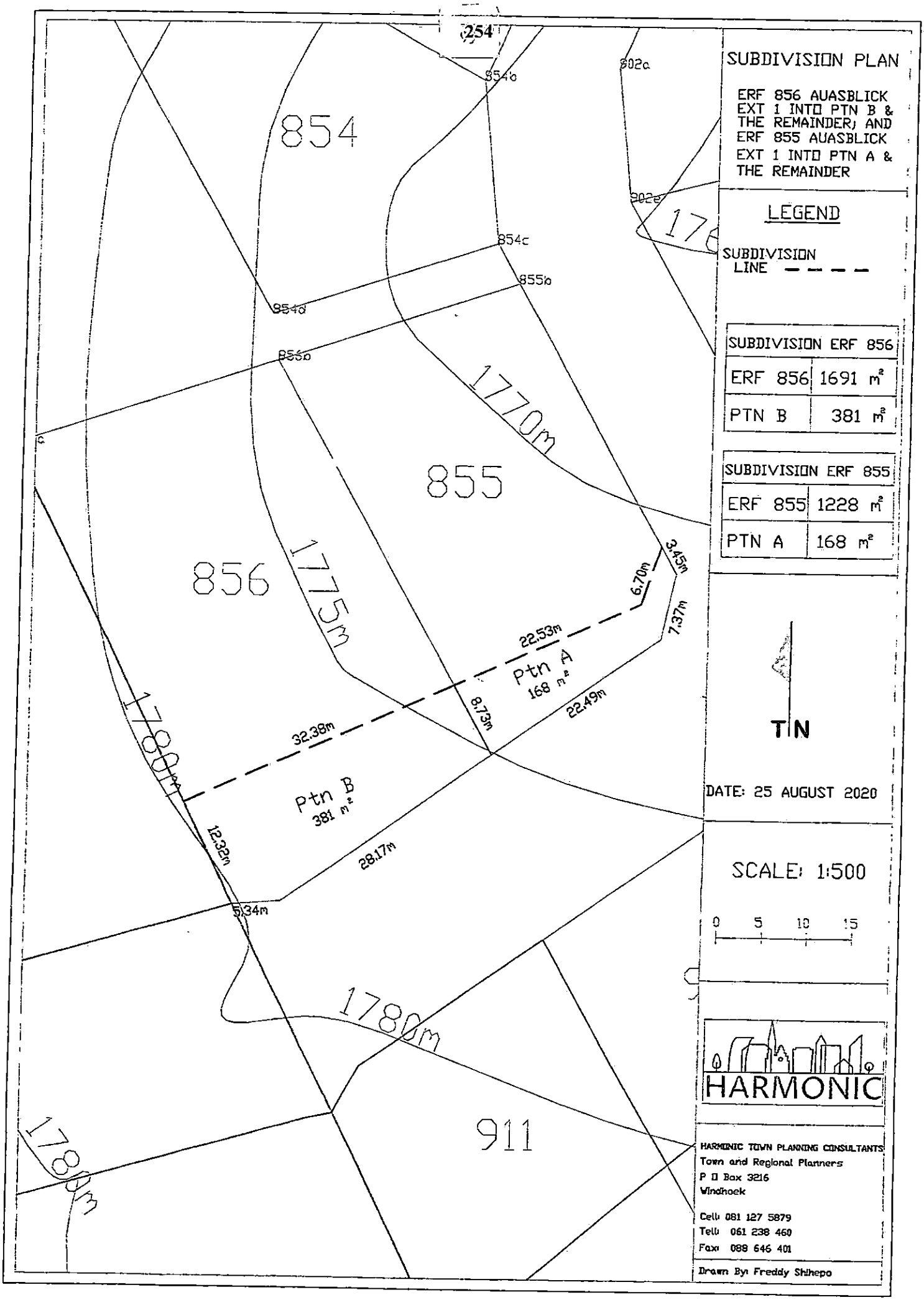
SCALE: 1: 1500

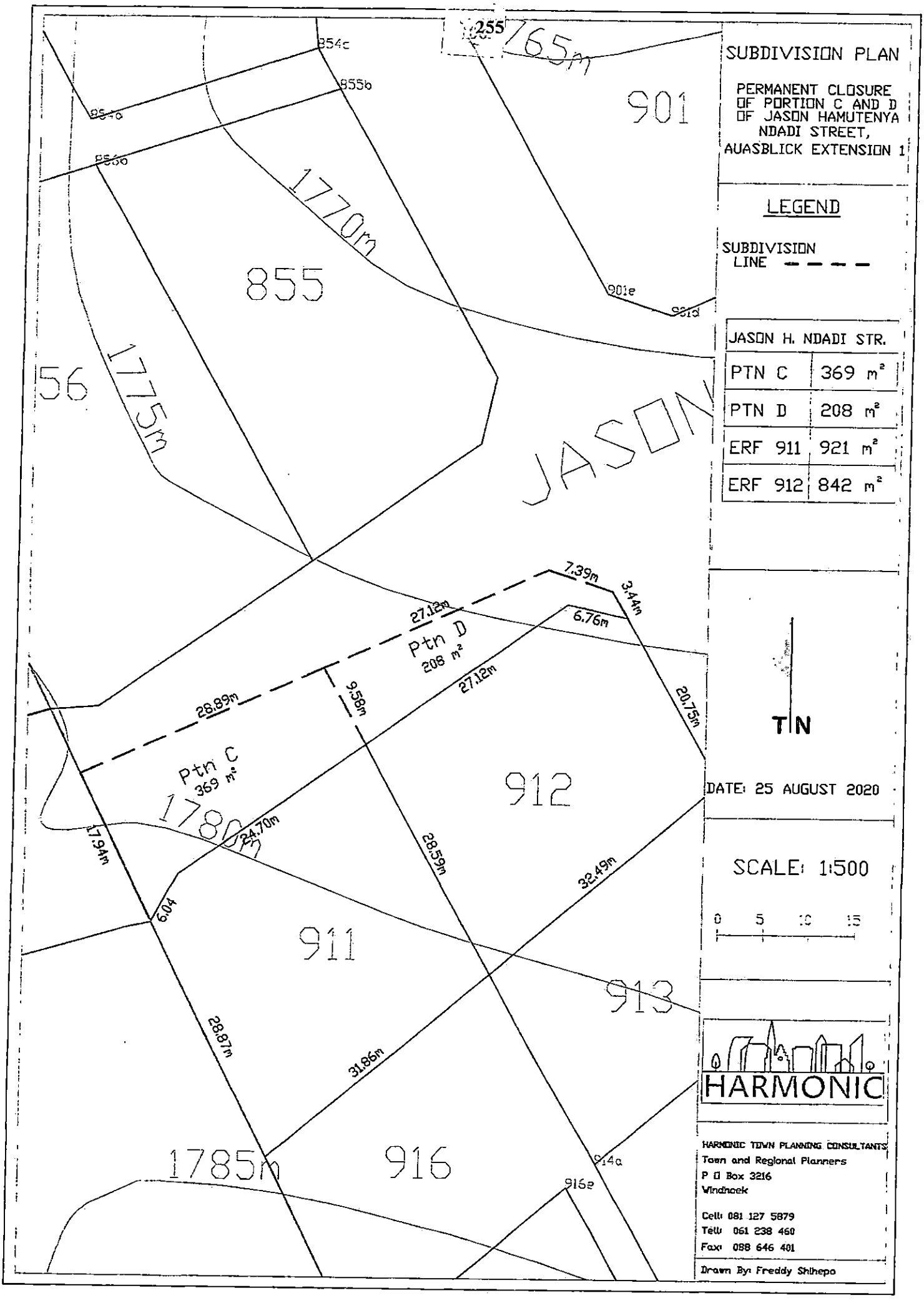
DATE: 25 AUGUST 2020

HARMONIC

HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek

Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401


SUBDIVISION PLAN
ERF 856 AUASBLICK EXT 1 INTO PTN B & THE REMAINDER; AND ERF 855 AUASBLICK EXT 1 INTO PTN A & THE REMAINDER
LEGEND
SUBDIVISION LINE
SUBDIVISION ERF 856
ERF 856 1691 m²
PTN B 381 m²
SUBDIVISION ERF 855
ERF 855 1228 m²
PTN A 168 m²
TIN
DATE: 25 AUGUST 2020
SCALE: 1:500
0 5 10 15
HARMONIC
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek
Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401
Drawn By: Freddy Shihepo
854
855
856
911
854b
854c
854d
855b
856b
902a
902e
1770m
1775m
1780m
1780m
1780m
22.53m
32.38m
8.73m
22.49m
6.70m
3.45m
7.37m
12.32m
28.17m
5.34m
Ptn A
168 m²
Ptn B
381 m²


255
765m
901
854c
855b
854a
854b
1770m
855
901e
901d
56
1775m
JASON
7.39m
3.44m
27.12m
6.76m
Ptn D
208 m²
9.58m
27.12m
20.75m
28.89m
Ptn C
369 m²
912
1780m
24.70m
17.94m
28.59m
32.49m
6.04
911
913
28.87m
31.86m
1785m
916
914a
916a
SUBDIVISION PLAN
PERMANENT CLOSURE OF PORTION C AND D OF JASON HAMUTENYA NDADI STREET, AUASBLICK EXTENSION 1
LEGEND
SUBDIVISION LINE
JASON H. NDADI STR.
PTN C 369 m²
PTN D 208 m²
ERF 911 921 m²
ERF 912 842 m²
TN
DATE: 25 AUGUST 2020
SCALE: 1:500
0 5 10 15
HARMONIC
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek
Cell: 081 127 5879
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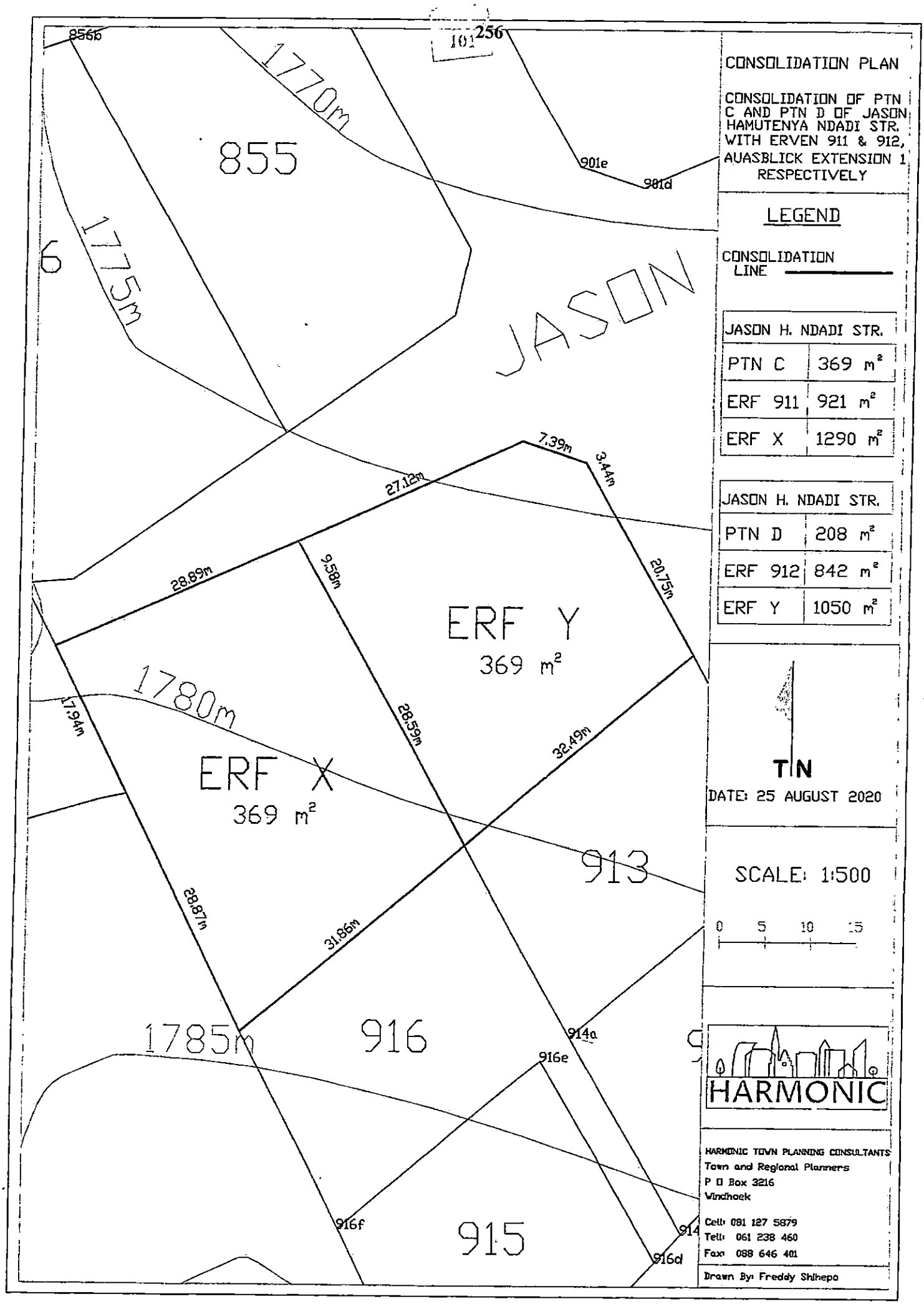
101 256
856b
1770m
855
901e
901d
6
1775m
JASON
7.39m
3.44m
27.12m
28.89m
9.58m
20.75m
ERF Y
369 m²
1780m
17.94m
28.59m
32.49m
ERF X
369 m²
913
28.87m
31.86m
1785m
916
914a
916e
916f
915
914
916d
CONSOLIDATION PLAN
CONSOLIDATION OF PTN C AND PTN D OF JASON HAMUTENYA NDADI STR. WITH ERVEN 911 & 912, AUASBLICK EXTENSION 1 RESPECTIVELY
LEGEND
CONSOLIDATION LINE
JASON H. NDADI STR.
PTN C 369 m²
ERF 911 921 m²
ERF X 1290 m²
JASON H. NDADI STR.
PTN D 208 m²
ERF 912 842 m²
ERF Y 1050 m²
TN
DATE: 25 AUGUST 2020
SCALE: 1:500
0 5 10 15
HARMONIC
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek
Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401
Drawn By: Freddy Shihepo

Department of Housing, Property Management and Human Settlements

✉ 59

Corner of 5378 Independence Avenue and Garten Street

WINDHOEK, NAMIBIA

Tel: (+264) 61 290 2170 • www.cityofwindhoek.org.na

Power of Attorney

I, the undersigned, **FANIEL MAANDA,** in my capacity as the Strategic Executive: Housing, Property Management and Human Settlement of the Municipal Council of Windhoek, and as such duly authorized to act on behalf of and represent the said Municipal Council in terms of Section 31 (1) of the Local Authorities Act, 1992 (Act 23 of 1992)
do hereby nominate, constitute and appoint

HARMONIC TOWN PLANNING CONSULTANTS CC
P. O. BOX 3216, WINDHOEK

With power of Substitution to be our lawful Attorney and Agent in name, place and stead, to submit the necessary application to the City of Windhoek and subsequently Urban and Regional Planning Board for the:

- **SUBDIVISION OF ERF 855 AND 856 AUASBLICK EXTENSION 1 INTO PORTION A, B AND THEIR RESPECTIVE REMAINDERS;**
- **RESERVATION OF PORTION A (A PORTION OF ERF 855) AND B (A PORTION OF ERF 856) AUASBLICK EXTENSION 1 AS 'STREET';**
- **SUBDIVISION OF JASON HAMUTENYA NDADI STREET INTO PORTIONS C, D AND THE REMAINDER;**
- **PERMANENT CLOSURE OF PORTION C AND D OF JASON HAMUTENYA NDADI STREET AS 'STREET' IN TERMS OF SECTION 50(1) OF THE LOCAL AUTHORITY'S ACT, 1992 (ACT 23 OF 1992);**
- **REZONING OF THE PERMANENTLY CLOSED PORTION C AND D (PREVIOUSLY STREET) OF JASON HAMUTENYA NDADI STREET TO 'RESIDENTIAL'; AND**
- **SUBSEQUENT CONSOLIDATION OF PORTION C AND PORTION D OF JASON HAMUTENYA NDADI STREET WITH ERVEN 911 AND 912 AUASBLICK EXTENSION 1 INTO ERVEN X AND Y RESEPECTIVELY.**

At the cost of the applicant and generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, for all intents and purposes, as I might or could do if personally present and acting herein –hereby ratifying, allowing and confirming and promising and agreeing to ratifying, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at **WINDHOEK** on this 28 day of June **2022** in the presence of the undersigned witnesses.

STRATEGIC EXECUTIVE: HOUSING, PROPERTY MANAGEMENT AND HUMAN SETTLEMENT
2022 -06- 28
WINDHOEK

F MAANDA
STRATEGIC EXECUTIVE: HOUSING, PROPERTY MANAGEMENT AND HUMAN SETTLEMENT

WITNESSES:

1. ..... **2.** .....

ANNEXURE K.

REPUBLIC OF NAMIBIA

Form CM 46

COMPANIES ACT 2004
(Section 180) (Regulation 38(1))

(to be lodged in duplicate)

CERTIFICATE TO COMMENCE BUSINESS

Registration Number of Company

2013/0874

I hereby certify that:

SINCO INVESTMENTS SIXTY ONE (PROPRIETARY) LIMITED

which was incorporated on the .....6..... day of .....October..... of the year .....2013.....

has complied with the requirements of section 180 of the Companies Act, 2004, and is with effect from this day entitled to commence business.

Signed and sealed at WINDHOEK this .....6..... day of .....October..... of the year Two Thousand and Thirteen (2013)

REPUBLIC OF NAMIBIA
REGISTRAR OF COMPANIES

Seal of the Companies Registration Office

Registrar of Companies

This certificate is not valid unless sealed by the Seal of the Companies Registration Office.

EACH YEAR FINANCIAL YEAR ENDS ON
LAST DAY OF February

Copyright: Ministry of Trade and Industry, Namibia

REPUBLIC OF NAMIBIA

Form CM 29

COMPANIES ACT 2004
(Sections 224(2), 284, 328(1), 331(1) and 333(1)) (Regulation 46(1))

CONTENTS OF REGISTER OF DIRECTORS, AUDITORS AND OFFICERS

Companies Registration Office
PO Box 21214
WINDHOEK
NAMIBIA

Registration Number of Company
2013/0874

MINISTRY OF INDUSTRIALISATION, TRADE AND SME DEVELOPMENT
PO Box 21214, Windhoek
NAMIBIA
REVENUE
N$100

Name and postal address of Company SINCO INVESTMENTS SIXTY ONE (PROPRIETARY) LIMITED
P O BOX 30, WINDHOEK, NAMIBIA

Return of particulars as at 16 August 2016

I, SGA Chartered Accountants & Auditors
(name of director of officer)

...te that, the written consent of the directors or officers whose names appear in this return have been obtained on a duly completed ...rm CM 27, the directors or officers are not disqualified under section 225.

Signed

SGA
Chartered Accountants & Auditors
Tel: +264 (61) 276000
Fax: +264 (61) 232309
PO Box 30, Windhoek
Namibia

Date 16 August 2016

A. Directors

KEY TO PERSONAL PARTICULARS REQUIRED	PERSONAL PARTICULARS
1. Surname	HANGALA
2. Full forenames	LEAKE SHILIMWATI
3. Former surname and forenames	
4. Identity number or, if not, available, date of birth	Year 53 Month 04 Day 12 — 0079 1
5. (a) Date of appointment	24 OCTOBER 2014
(b) Designation	DIRECTOR
6. Residential address	1 HERZINGER CRESCENT, KLEIN WINDHOEK, WINDHOEK, NAMIBIA
7. Business address	18 LILIENCRON STREET, KLEIN WINDHOEK, WINDHOEK, NAMIBIA
8. Postal address	P O BOX 23612, WINDHOEK, NAMIBIA
9. Nationality (If not Namibian)	NAMIBIAN
10. Occupation	BUSINESSMAN
11. Resident in Namibia (Yes or No)	YES
12. Nature of change in 1 to 5 above and date	NO CHANGE

Copyright: Ministry of Trade and Industry, Namibia

FOR KEY TO PARTICULARS, SEE PAGE 1

260

Registration Number of Company
2013/0874

1. NAMASEB
2. ISMAEL ISSY
3.
4. Year 5 6 Month 0 9 Day 1 3 0 0 1 9 0
5.(a) 24 OCTOBER 2014
(b) DIRECTOR
6. 10 EULEN STREET HOCHLAND PARK, WINDHOEK, NAMIBIA
7. 10 EULEN STREET HOCHLAND PARK, WINDHOEK, NAMIBIA
8. P O BOX 6115 AUSSPANNPLATZ, WINDHOEK, NAMIBIA
9. NAMIBIAN
10. BUSINESSMAN
11. YES
12. NO CHANGE

1. VAN DER WESTHUIZEN
2. CHRISTIAAN LOUW
3.
4. Year 7 6 Month 0 7 Day 2 9 5 0 8 0 0 8 4
5.(a) 24 OCTOBER 2014
(b) DIRECTOR
6. 8 STAUCH STRASSE, KLEIN WINDHOEK, NAMIBIA
7. UNIT 15, 18 LILIENCRON STREET, KLEIN WINDHOEK, WINDHOEK
8. P O BOX 28116, WINDHOEK, NAMIBIA
9. SOUTH AFRICAN
10. MANAGING DIRECTOR
11. YES
12. NO CHANGE

1. HITULA
2. HILMA TUKALE
3.
4. Year 7 2 Month 0 4 Day 2 6 0 0 2 8 3
5.(a) 24 OCTOBER 2014
(b) DIRECTOR
6. NO16 HENCA COURT, NELSON MANDELA AVENUE, KLEIN WINDHOEK
7. UNIT 4 ARIANS STREET, KLEIN WINDHOEK, WINDHOEK, NAMIBIA
8. P O BOX 1148, WINDHOEK, NAMIBIA
9. NAMIBIAN
10. LAWYER
11. YES
12. NO CHANGE

1.
2
3.
4. Year Month Day
5.(a)
(b)
6
7.
8.
9.
10.
11
12

Year Month Day
a)
b)

1.
2.
3
4. Year Month Day
5 (a)
(b)
6
7
8.
9
10
11.
12

CM 29 PAGE 2

Copyright Ministry of Trade and Industry, Namibia

FOR KEY TO PARTICULARS, SEE PAGE 1

Registration Number of Company
2013/0874

1	1.
2.	2.
3.	3.
4. Year / Month / Day	4. Year / Month / Day
5.(a)	5.(a)
(b)	(b)
6.	6
7.	7.
8.	8.
9.	9.
10.	10
	11
	12.

B. AUDITOR

1. Name SGA Chartered Accountants & Auditors

2. Date of appointment RESIGNATION: 27 APRIL 2016

3 Nature of change in 1 and 2 above and date.

RESIGNATION OF SGA CHARTERED ACCOUNTANTS AND AUDITORS 27 APRIL 2016

Perforated

(To be completed by company)

Return of particulars of company's register of directors, auditors & officers

CM29

Dated 16 August 2016

Name of company SINCO INVESTMENTS SIXTY ONE (PROPRIETARY) LIMITED

Postal address P O BOX 30
WINDHOEK
NAMIBIA

MINISTRY OF INDUSTRIALISATION, TRADE & SME DEVELOPMENT
PO Box 21214, Windhoek
Date received
18 AUG 2016
Datestamp of Companies Registration Office
REPUBLIC OF NAMIBIA
REGISTRAR OF COMPANIES
CLOSE CORPORATIONS
TRADE MARKS REGISTRY

Copyright: Ministry of Trade and Industry, Namibia

C. Officers and Local Managers

KEY TO PERSONAL PARTICULARS REQUIRED

PERSONAL PARTICULARS

Registration Number of Company
2013/0874

1. Surname	
2. Full forenames	
3. Former surname and forenames	
4. Identity number or, if not, available, date of birth	Year / Month / Day
5. (a) Date of appointment	
(b) Designation	
6. Address of registered office, and registration number if officer is a corporate body	
7. Residential address	
8. Business address	
Postal address	
Nationality (If not Namibian)	
11. Occupation	
12. Resident in Namibia (Yes or No)	
13. Nature of change in 1 to 6 above and date	

FOR KEY TO PARTICULARS, SEE ABOVE

1.	1
2.	2.
3.	3.
4 Year / Month / Day	4 Year / Month / Day
5.(a)	5.(a)
(b)	(b)
	6.
7.	7
8.	8
9.	9
10.	10.
11.	11.
12.	12.
13.	13.

Copyright: Ministry of Trade and Industry, Namibia

Date: 28 April 2022

To: The Urban Planner

City of Windhoek

P.O. Box 59

Windhoek

Attention: Mr. H. Rust

SUBDIVISION OF ERF 890 AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER.

1. Appointment

Harmonic Town Planning Consultants was appointed by **City of Windhoek** and **Sinco Investments Sixty One (PTY) Ltd (Company Registration Number 2013/0874)** to obtain statutory approval for the subdivision of Erf 890 Auasblick Ext. 1 into Portion 1 and the Remainder. Sinco Investments Sixty One (PTY) Ltd entered into a Public Private Partnership with the Windhoek Municipal Council for the township establishment of Auasblick Extension 1. Amendments are required to economise the approved layout. Therefore, the following is applied for

- **Subdivision of Erf 890 Auasblick Extension 1 into Portion 1 and the Remainder.**

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

2. Location and Context

Erf 890 is located within Auasblick Extension 1 and obtain access from Jason Hamutenya Ndadi Street and Eneas Peter Nanyemba Street (20-meter-wide road reserves). The location of Erf 890 Auasblick Extension 1 is indicated on the attached locality plan dated **25 August 2020**.

3. Zoning and Present Use

Erf 890 Auasblick Extension 1 is zoned 'Business' with a bulk of 1.0 and is currently vacant.

4. Proposed Development

5.1 Erf 890 Auasblick Extension 1.

Subdivision

It is the intention of the developer to subdivide Erf 890 Auasblick Extension 1 (Business) that measure approximately 1.6513 ha (16 513 m²) into Portions 1 (8 146 m²) and Remainder (8 367 m²). Below is a table that indicates the areas of the subdivision of Erf 890 Auasblick Extension 1. The new subdivision boundary is along the sewer and stormwater lines which will mainly run along the boundary within Portion 1 of Erf 890 Auasblick Extension 1.

Erf No.	Zoning	Erf Size
Erf 890	Business 1.0	1.6513 ha
Portion 1	Business 1.0	8 146 m²
Rem/890	Business 1.0	8 367 m²

Table 1 Shows the areas of the subdivision of Erf 890 Auasblick Extension 1

5. Motivation

The proposed development seeks to economise the layout of Auasblick Extension 1 by subdividing Erf 890 Auasblick Extension 1 into Portion 1 and the Remainder. Erf 890 Auasblick is zoned 'Business' with a bulk of 1.0 and creating an additional Business erf will allow a more commercial activities in Auasblick as most business activities are a distance away. The proposed development of the two Business properties will allow the development of a Shopping Centre respectively. The investment will stimulate the immediate neighbourhood to be self-sustaining through mixed land uses and activities and allow convenience in the neighbourhood as well as the surrounding in terms of saving time. The development is well located at the corner of Eneas Peter Nanyemba Street and Jason Hamutenya Ndadi (20 metre road reserves) within Auasblick Extension 1 making it highly accessible.

The proposed subdivision of Erf 890 Auasblick Extension 1 will ensure a step further in the completion of the overall project (Public Private Partnership) between **City of Windhoek** and **Sinco Investments Sixty One (PTY) Ltd** in land delivery for housing as well as other complementary land uses such as business, institutional and municipal.

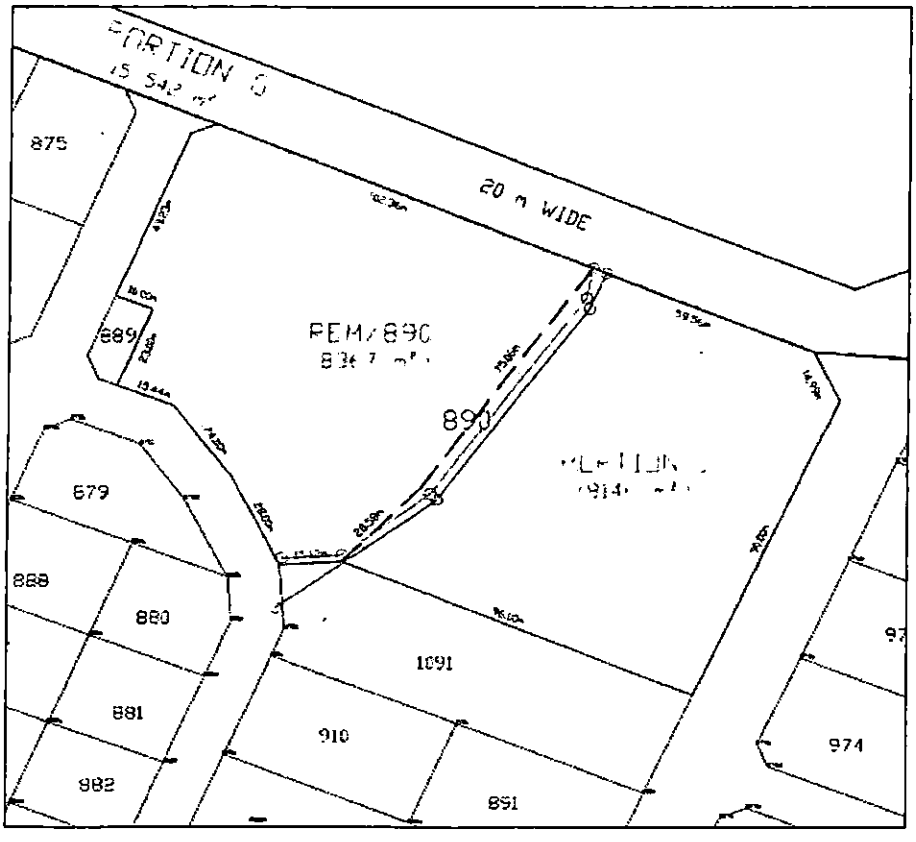

Figure 1: Shows the proposed subdivision line (Blue) on Erf 890 Auasblick Extension 1 and the Sewer line (Brown) as well as the Stormwater line (Magenta)

6. Application

Application is made for the following:

- **To subdivide Erf 890 Auasblick Extension 1 into Portion 1 and the Remainder.**

In support of my application of the following documents are included:

1. Annexure A.1:	Application
2. Annexure A.2:	Prescribed Application Form
3. Annexure B:	Approval Letter/ Council Resolution from LA
4. Annexure C.1:	Locality Plan
5. Annexure C.2:	Subdivision Plan
6. Annexure D:	Conditions to be Registered
7. Annexure E:	Power of Attorney – Erf Owner
8. Annexure F:	Closure Certificate/ECC
9. Annexure G:	Previous Board Approval
10. Annexure H:	Roads Authority Approval
11. Annexure I:	Founding Statement/Company Resolution
12. Annexure J:	Title Deed
13. Annexure k:	Condition of Establishment
14. Annexure L:	Payment Receipt

I trust that this application will receive your positive consideration.

Yours in planning,

Mr Harold Kisting

Signed: _____

ERF 890 AUASBLICK EXTENSION 1 AND THE IMMIDIATE SURROUNDING

LOCALITY PLAN

ERF 890 AUASBLICK EXT. 1

LEGEND

ERF BOUNDARY LINE

TN

DATE: 26 APRIL 2022

HARMONIC

HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek
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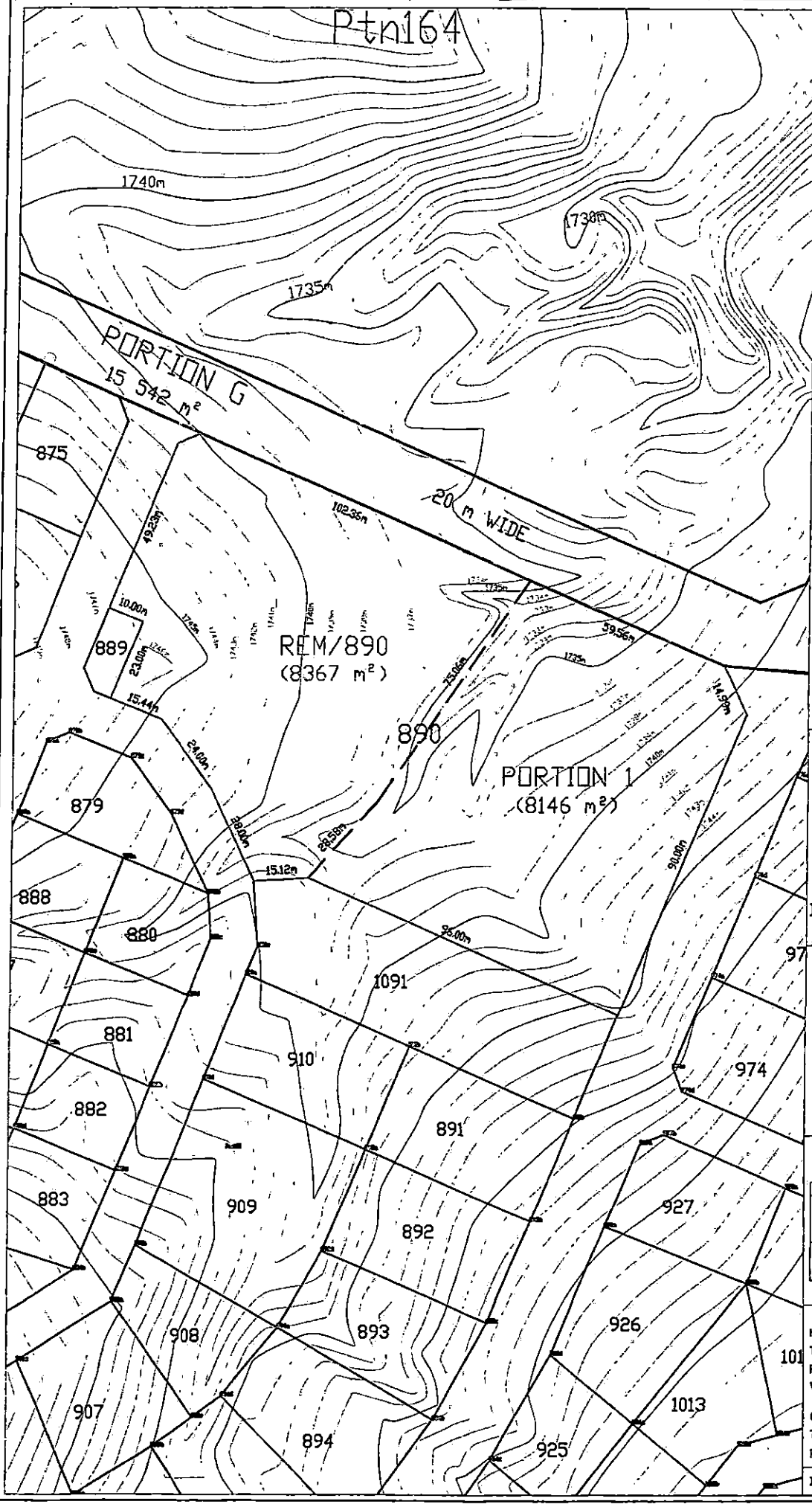

SUBDIVISION PLAN

SUBDIVISION OF ERF 890 AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER

LEGEND

SUBDIVISION LINE - - - -

ERF 890	
ERF 890	1.6513ha
PTN 1	8146 m²
REM/890	8367 m²

TN

DATE: 20 APRIL 2022

SCALE: 1:1500

0 5 10 15

HARMONIC

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Town and Regional Planners
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Windhoek

Cell: 081 127 5879
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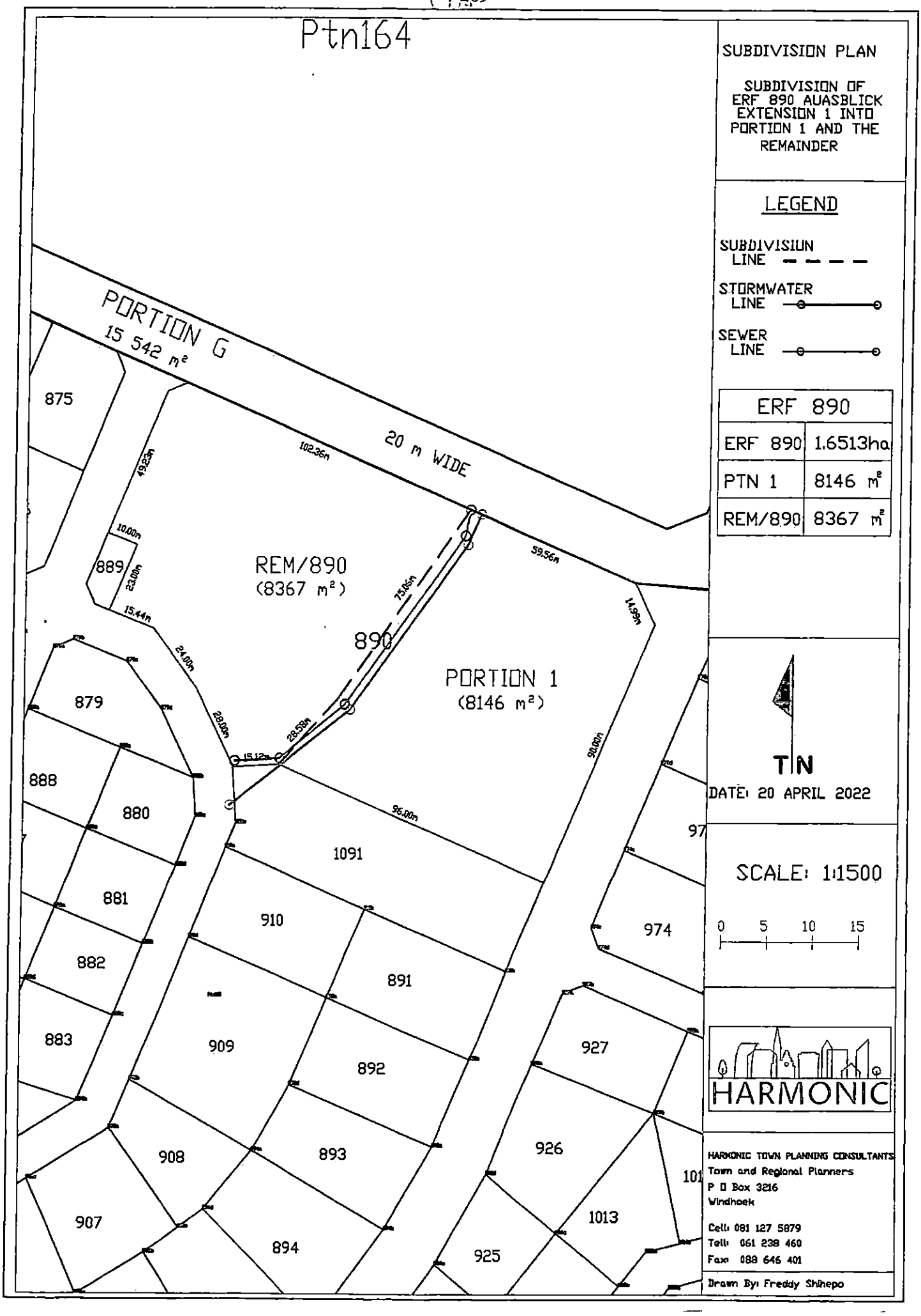
Fax: 088 646 401

Drawn By: Freddy Shihepo


Ptn164
PORTION G
15 542 m²
20 m WIDE
102.36m
49.23m
10.00m
22.00m
15.44m
24.00m
28.00m
15.12m
28.58m
75.85m
59.56m
14.99m
90.00m
96.00m
REM/890
(8367 m²)
890
PORTION 1
(8146 m²)
875
889
879
888
880
881
882
883
1091
910
909
891
892
893
894
907
908
925
926
927
1013
974
97
101
SUBDIVISION PLAN
SUBDIVISION OF ERF 890 AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER
LEGEND
SUBDIVISION LINE
STORMWATER LINE
SEWER LINE
ERF 890
ERF 890 1.6513ha
PTN 1 8146 m²
REM/890 8367 m²
TN
DATE: 20 APRIL 2022
SCALE: 1:1500
0 5 10 15
HARMONIC
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek
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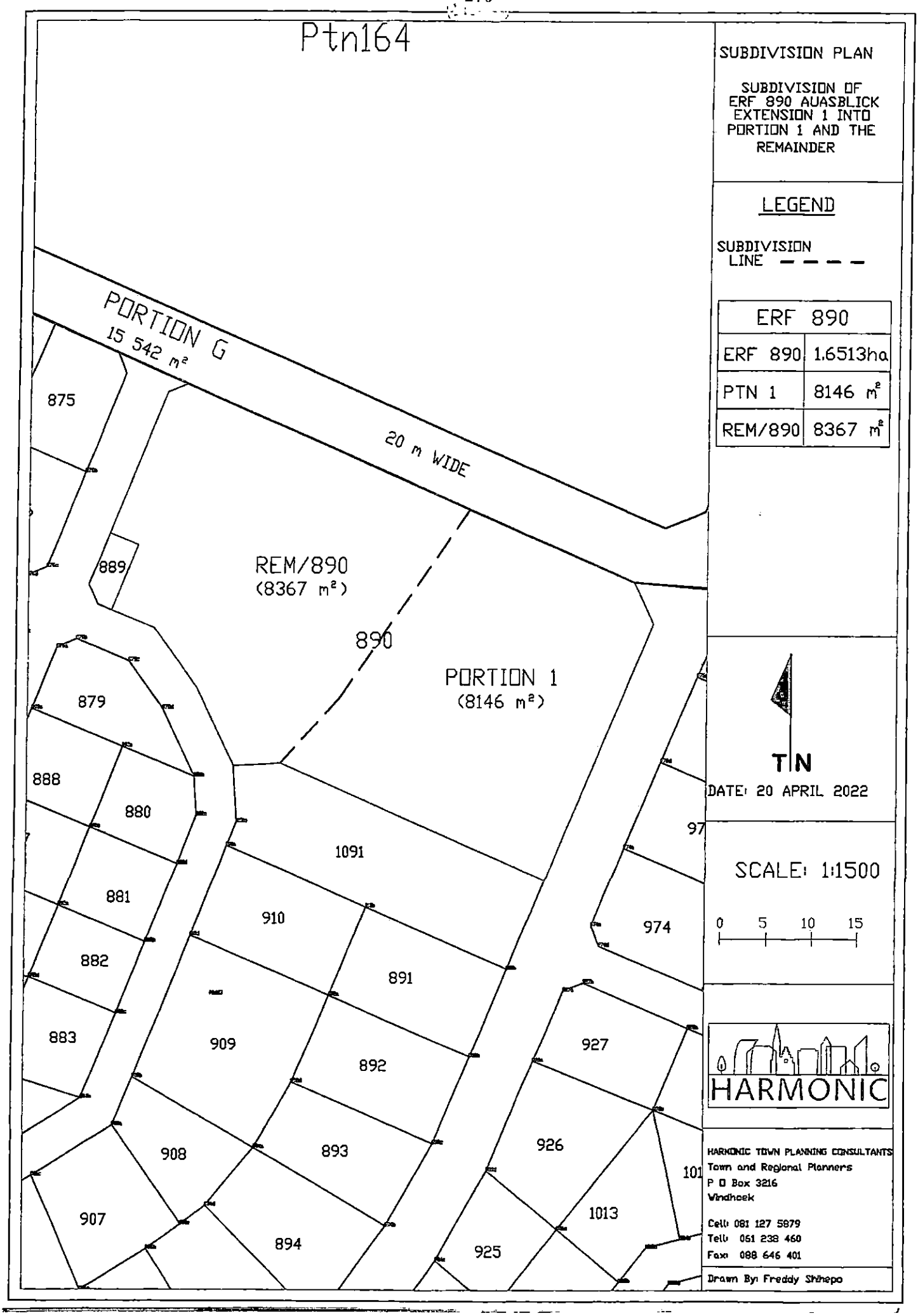
Drawn By: Freddy Shihepo


Ptn164
PORTION G
15 542 m²
20 m WIDE
875
889
REM/890
(8367 m²)
890
PORTION 1
(8146 m²)
879
888
880
881
882
883
1091
910
909
891
892
908
893
907
894
925
926
927
974
1013
97
101
SUBDIVISION PLAN
SUBDIVISION OF ERF 890 AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER
LEGEND
SUBDIVISION LINE
ERF 890
ERF 890 1.6513ha
PTN 1 8146 m²
REM/890 8367 m²
TN
DATE: 20 APRIL 2022
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Department of Housing, Property Management and Human Settlements
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WINDHOEK, NAMIBIA
Tel: (+264) 61 290 2170 • www.cityofwindhoek.org.na

Power of Attorney

I, the undersigned, **FANIEL MAANDA** in my capacity as the Strategic Executive: Housing, Property Management and Human Settlement of the Municipal Council of Windhoek, and as such duly authorized to act on behalf of and represent the said Municipal Council in terms of Section 31 (1) of the Local Authorities Act, 1992 (Act 23 of 1992)
do hereby nominate, constitute and appoint

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PO BOX 3216
WINDHOEK

With power of Substitution to be our lawful Attorney and Agent in name, place and stead, to submit the necessary application to the City of Windhoek and subsequently Urban and Regional Planning Board for the:

- **SUBDIVISION OF ERF 890 AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER.**

At the cost of the applicant and generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, for all intents and purposes, as I might or could do if personally present and acting herein –hereby ratifying, allowing and confirming and promising and agreeing to ratifying, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at **WINDHOEK** on this 28 day of June **2022** in the presence of the undersigned witnesses.

STRATEGIC EXECUTIVE: HOUSING, PROPERTY MANAGEMENT AND HUMAN SETTLEMENT
2022 -06- 28
P.O. BOX 59
WINDHOEK

F MAANDA
STRATEGIC EXECUTIVE: HOUSING, PROPERTY MANAGEMENT AND HUMAN SETTLEMENT

WITNESSES:

1. ..... **2.** .....

NAMIBIA REVENUE NS5

POWER OF ATTORNEY

I, the undersigned **Dr. Leake S. Hangala (ID Number 53041200791),** in my capacity as the duly authorized representatives of **Sinco Investments Sixty One (Propriety) Limited (Company Registration Number 2013/0874)** hereby nominate, constitute and appoint,

HARMONIC TOWN PLANNING CONSULTANTS CC

With power of Substitution to be our lawful Attorney and Agent in name, place and stead, to submit the necessary application to the **City of Windhoek** and the **Urban and Regional Planning Board** for the:

- **SUBDIVISION OF ERF 890 AUASBLICK EXTENSION 1 INTO PORTION 1 AND THE REMAINDER.**

At the cost of the applicant and generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, for all intents and purposes, as I might or could do if personally present and acting herein –hereby ratifying, allowing and confirming and promising and agreeing to ratifying, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at **WINDHOEK** on this 13TH of MAY **2022,** in the presence of the undersigned witnesses.

.....

DR. LEAKE S. HANGALA

AS WITNESSES:

1. ..... 2. .....

Republic of Namibia

Ministry of Urban and Rural Development

Enquiries: H. N. Van Wyk
Tel: (+264+61) 297-5230
Fax: (+264+61) 297-5305
Email: hvanwyk@murd.gov.na

Government Office Park
Luther Street

Private Bag 13289
Windhoek, Namibia

Our Ref.: 17/1/W3/17 Ext 1
Your Ref.:

Date: 8 November 2018

Messrs Harmonic
Town Planning Consultants CC
P O Box 3216
WINDHOEK

SUBJECT: AUASBLICK EXTENSION 1: ESTABLISHMENT OF THE TOWNSHIP ON PORTION 165 (A PORTION OF PORTION B) OF THE FARM KLEIN WINDHOEK TOWN AND TOWNLANDS NO. 70.

1. Your letter dated March 2018 has reference.

2. Approval has been granted in terms of Section 6 (2) and 6 (3) of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), for permission to establish the township **Auasblick Extension 1** on Portion 165 (a portion of Portion B) of the Farm Klein Windhoek Town and Townlands No. 70 under the attached Townships Board Resolution Item 125/2018 dated 11 September 2018.

3. You are hereby informed that all planning processes must be complied with, within two (2) years from the date of this letter.

Yours faithfully

TOWNSHIPS BOARD SECRETARIAT

Item	Date
125/2018 17/2/2/W3/17 Ext 1	11 September 2018

AUASBLICK EXTENSION 1: ESTABLISHMENT OF THE TOWNSHIP ON PORTION 165 (A PORTION OF PORTION B) OF THE FARM KLEIN WINDHOEK TOWN AND TOWNLANDS NO. 70 (HARMONIC TOWN PLANNING CONSULTANTS) (MG-5AC/W5, X5 – Auas. A/I)

The Board recommended that –

a) the layout plan of the to be established township of **Auasblick Extension 1** on Portion 165 (a portion of Portion B) of the Farm Klein Windhoek Town and Townlands No. 70 be approved on condition that no residential erf be smaller than 300 m²;

b) the General Plan shall be **K 500**;

c) the original Need and Desirability certificate of NAMPAB Item 01/2006 dated 16 April 2006 must be lodged with the Registrar of Deeds simultaneously with the opening of the townships register;

d) the conditions registered against Portion 165 (a portion of Portion B) of the Farm Klein Windhoek Town and Townlands No. 70 be cancelled;

e) the panhandles must be at least 4 metres wide; and

f) the following conditions of establishment be approved.

SCHEDULE

1. **Name of Township:**

The township shall be called **Auasblick Extension 1.**

2. **Composition of Township:**

The township comprises 285 erven numbered 808 to 1092 and the remainder streets as indicated on General Plan **K 500.**

3. **Reservation of Erven**

The following erven are reserved for the Local Authority:

- for General Administrative purposes: Erven 980, 995 and 997
- for Electrical substation purposes: Erven 821, 889, 917, 998 and 1028

- for Public Open Space purposes: Erven 1089, 1090 and 1091.
- for Street purposes: Erf 1092

4. Conditions of Title:

The following conditions shall be registered in favour of the Local Authority against the title deeds of all erven except the erven referred to in paragraph 3.

The erf must 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 Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954).

The building value of the main building, excluding the outbuildings to be erected on the erf shall be at least four times the prevailing valuation of the erf.

CORRECT
S.G. COPY

APPROVED
for SURVEYOR-GENERAL

2013 -10- 25

S.G. NO. A189/2009
Sheet 1 of 4 sheets

SIDES metres		ANGLES OF DIRECTION	CO-ORDINATES System: 2217°	Y	X	DESIGNATION
			Constants	+0,00	+0,00	
A B	17,92	322.17.40	A	-11 805,34	+64 815,06	P113K
B C	86,77	278.56.40	B	-11 816,30	+64 829,24	162
C D	26,50	307.01.40	C	-11 902,01	+64 842,73	P113M
D E	12,03	318.01.50	D	-11 923,17	+64 858,69	P112A
E F	8,65	323.47.40	E	-11 931,21	+64 867,63	P112C
F G	13,12	330.09.30	F	-11 936,32	+64 874,62	P112D
G H	16,07	335.25.20	G	-11 942,85	+64 885,99	P112E
H J	79,58	335.38.30	H	-11 949,53	+64 900,60	P112F
J K	15,15	333.01.00	J	-11 982,36	+64 973,10	P112G
K L	9,97	330.54.20	K	-11 989,23	+64 986,60	P112H1
L M	27,81	325.15.00	L	-11 994,08	+64 995,31	P112H2
M N	16,53	319.37.30	M	-12 009,93	+65 018,16	P112H4
N P	30,20	313.29.00	N	-12 020,64	+65 030,76	P112J
P Q	22,19	306.35.20	P	-12 042,55	+65 051,54	P112K
Q R	13,78	302.00.50	Q	-12 060,37	+65 064,76	P112L
R S	16,63	297.56.40	R	-12 072,05	+65 072,07	P112N
S T	29,11	293.42.00	S	-12 086,74	+65 079,86	P112O
T U	209,92	293.15.00	T	-12 113,39	+65 091,56	P112P
U V	33,89	274.28.00	U	-12 306,26	+65 174,43	P112S
V W	163,92	203.16.10	V	-12 340,05	+65 177,07	P112T
W X	28,73	205.15.20	W	-12 404,81	+65 026,48	P112V
X Y	11,65	207.39.50	X	-12 417,07	+65 000,49	P112W
Y Z	13,23	209.19.40	Y	-12 422,48	+64 990,17	P112Y
Z A1	19,47	211.11.40	Z	-12 428,96	+64 978,64	P112Z
A1 B1	14,14	214.02.50	A1	-12 439,04	+64 961,98	P112A1
B1 C1	24,08	216.11.40	B1	-12 446,96	+64 950,26	P112C1
C1 D1	168,46	278.59.10	C1	-12 461,18	+64 930,83	3834p
D1 E1	153,19	320.17.30	D1	-12 627,57	+64 957,15	3834h
E1 F1	23,62	322.53.40	E1	-12 725,44	+65 075,00	P113P
F1 G1	55,55	327.22.10	F1	-12 739,69	+65 093,84	P113Q
G1 H1	74,49	51.56.50	G1	-12 769,65	+65 140,62	P114N
H1 J1	51,26	54.05.40	H1	-12 710,99	+65 186,54	P114M
J1 K1	29,83	49.19.20	J1	-12 669,47	+65 216,60	P114L
K1 L1	87,87	33.17.20	K1	-12 646,85	+65 236,05	P114K
L1 M1	126,07	32.39.20	L1	-12 598,62	+65 309,50	P114J
M1 N1	38,22	118.13.30	M1	-12 530,59	+65 415,64	P114I
N1 P1	74,03	91.58.50	N1	-12 496,92	+65 397,57	P114H
P1 Q1	88,66	18.46.30	P1	-12 422,94	+65 395,01	P114G
Q1 R1	52,52	35.18.50	Q1	-12 394,40	+65 478,95	P114F
R1 S1	158,82	37.15.20	R1	-12 364,04	+65 521,81	P114E
S1 T1	40,10	47.52.30	S1	-12 267,89	+65 648,22	P114D
T1 U1	17,06	31.51.30	T1	-12 238,15	+65 675,12	P114C
U1 V1	333,95	42.51.50	U1	-12 229,14	+65 689,61	P114B
V1 W1	28,23	90.14.40	V1	-12 001,98	+65 934,39	P114A
W1 X1	277,23	180.15.50	W1	-11 973,74	+65 934,27	P113A
X1 Y1	444,53	153.15.40	X1	-11 975,02	+65 657,04	Q
Y1 Z1	206,61	63.33.30	Y1	-11 775,02	+65 260,04	P
Z1 A2	111,58	147.15.20	Z1	-11 590,02	+65 352,04	N
A2 B2	64,24	226.23.40	A2	-11 529,67	+65 258,19	464a
B2 C2	127,57	197.11.00	B2	-11 576,18	+65 213,89	P113F

The figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 R1 S1 T1 U1 V1 W1 X1 Y1 Z1 A2 B2 C2 D2 E2 F2

represents 57,2310 hectares of land, being

PORTION ~~142~~ 165 (a portion of Portion B) of the farm KLEIN WINDHOEK TOWN AND TOWNLANDS NO. 70

Registration Division K, Khomas Region, Namibia
Surveyed in November 2008 - April 2009 by me

Land Surveyor

This diagram is annexed to No. d.d. Registrar of Deeds	The original diagram is No. A265/23 annexed to C.R.T. No. 117/1931	S.R. No. E61/2009 Gen. Plan No. Noting Plan. MG-5AC/W5,X5 File No. K70 Lat. Long.

S.G. COPY

APPROVED 2013 -10- 25

for SURVEYOR-GENERAL

S.G. NO.A189/2009

Sheet 2 of 4 sheets

SIDES metres		ANGLES OF DIRECTION	CO-ORDINATES System: 2217°	Y	X	DESIGNATION
			Constants	+0,00	+0,00	
C2 D2	148,02	205.09.00	C2	-11 613,87	+65 092,02	P113G
D2 E2	107,04	215.35.10	D2	-11 676,77	+64 958,03	P113H
E2 F2	67,11	225.37.00	E2	-11 739,07	+64 870,98	P113I
F2 A	20,39	243.53.30	F2	-11 787,03	+64 824,04	P113J
TOWN SURVEY MARKS:						
			⊕	-12 511,03	+64 618,32	TSM295
			⊕	-12 719,29	+64 983,22	TSM296

Beacon description:

All beacons..... 16mm Round iron peg with cairn of stones.

A.N

PORTION ~~142~~ 165 (a portion of Portion B) of the farm KLEIN WINDHOEK TOWN AND TOWNLANDS NO. 70

Surveyed in November 2008 - April 2009 by me

Land Surveyor

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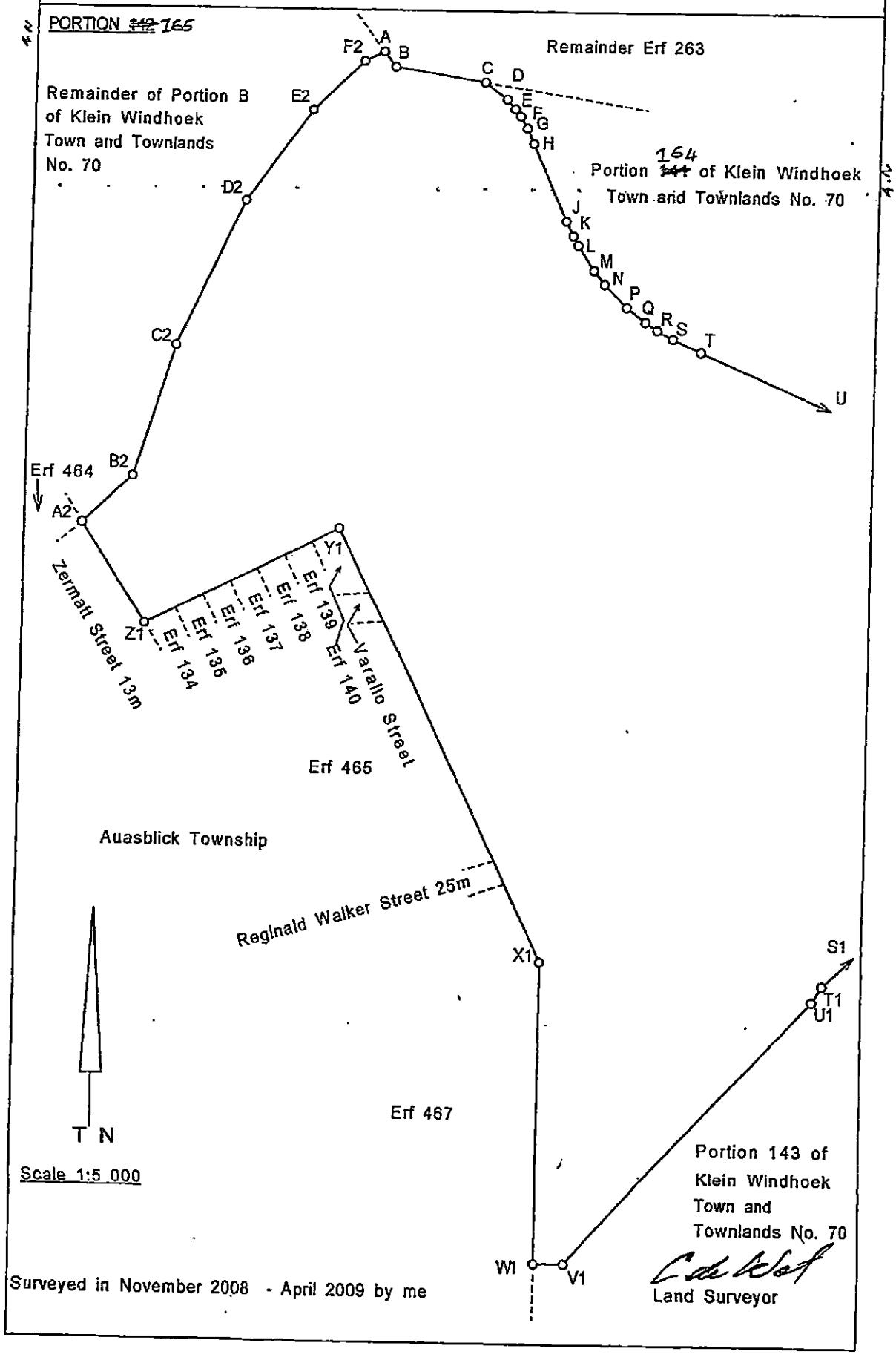
S.G. COPY

APPROVED
for SURVEYOR-GENERAL

2013 -10- 25

S.G. NO. A189/2009
Sheet 3 of 4 sheets



Surveyed in November 2008 - April 2009 by me

Land Surveyor

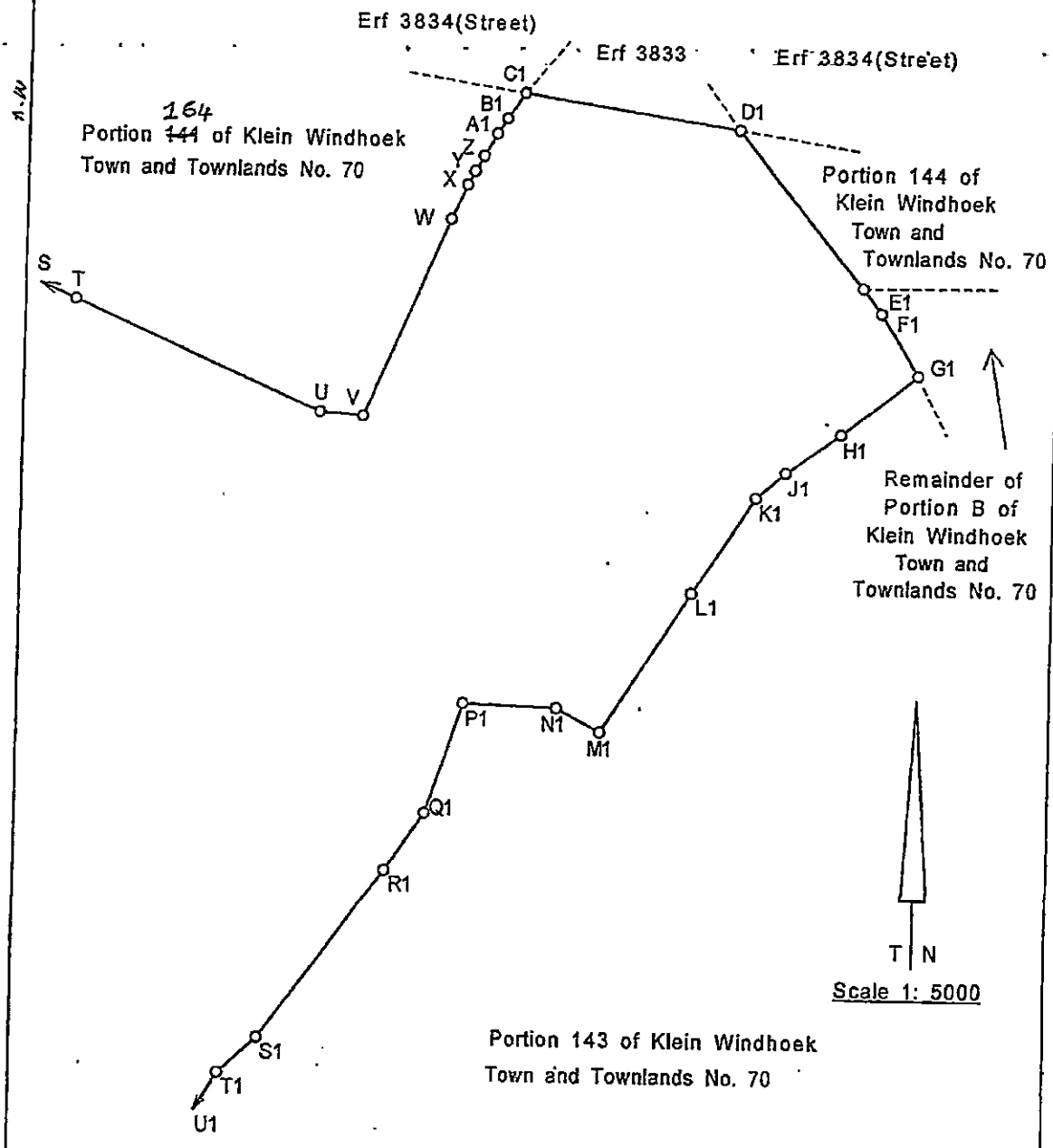
S.G. COPY

APPROVED
for SURVEYOR-GENERAL

2013 -10- 25

S.G. NO. A189/2009
Sheet 4 of 4 sheets

PORTION ~~142~~ 165



Surveyed in November 2008 - April 2009 by me

Land Surveyor

ANNEXURE K.

REPUBLIC OF NAMIBIA

Form CM 46

COMPANIES ACT 2004
(Section 180) (Regulation 38(1))

(to be lodged in duplicate)

CERTIFICATE TO COMMENCE BUSINESS

Registration Number of Company

2013/0874

I hereby certify that:

SINCO INVESTMENTS SIXTY ONE (PROPRIETARY) LIMITED

which was incorporated on the 6 day of October of the year 2013

has complied with the requirements of section 180 of the Companies Act, 2004, and is with effect from this day entitled to commence business.

Signed and sealed at WINDHOEK this 6 day of October of the year Two Thousand and Thirteen (2013)

REPUBLIC OF NAMIBIA REGISTRAR OF COMPANIES

Seal of the Companies Registration Office

Registrar of Companies

This certificate is not valid unless sealed by the Seal of the Companies Registration Office.

EACH YEAR FINANCIAL YEAR ENDS ON LAST DAY OF February

Copyright: Ministry of Trade and Industry, Namibia

281

REPUBLIC OF NAMIBIA

Form CM 29

COMPANIES ACT 2004
(Sections 224(2), 284, 328(1), 331(1) and 333(1)) (Regulation 46(1))

CONTENTS OF REGISTER OF DIRECTORS, AUDITORS AND OFFICERS

Companies Registration Office
PO Box 21214
WINDHOEK
NAMIBIA

Registration Number of Company
2013/0874

MINISTRY OF INDUSTRIES, TRADE AND SME DEVELOPMENT
PO Box 21214, Windhoek
18 AUG 2016
NAMIBIA
REPUBLIC OF NAMIBIA
REGISTRAR OF COMPANIES
REVENUE
NS10

Name and postal address of Company SINCO INVESTMENTS SIXTY ONE (PROPRIETARY) LIMITED
P O BOX 30, WINDHOEK, NAMIBIA

Return of particulars as at 16 August 2016

I, SGA Chartered Accountants & Auditors
(name of director of officer)

...te that, the written consent of the directors or officers whose names appear in this return have been obtained on a duly completed ...rm CM 27, the directors or officers are not disqualified under section 225.

Signed

SGA
Chartered Accountants & Auditors
Tel: +264 (61) 276000
Fax: +264 (61) 232309
PO Box 30, Windhoek
Namibia

Date 16 August 2016

A. Directors

KEY TO PERSONAL PARTICULARS REQUIRED	PERSONAL PARTICULARS
1. Surname	HANGALA
2. Full forenames	LEAKE SHILIMWATI
3. Former surname and forenames	
4. Identity number or, if not, available, date of birth	Year 5 3 Month 0 4 Day 1 2 0 0 7 9 1
5. (a) Date of appointment	24 OCTOBER 2014
(b) Designation	DIRECTOR
6. Residential address	1 HERZINGER CRESCENT, KLEIN WINDHOEK, WINDHOEK, NAMIBIA
7. Business address	18 LILIENCRON STREET, KLEIN WINDHOEK, WINDHOEK, NAMIBIA
8. Postal address	P O BOX 23612, WINDHOEK, NAMIBIA
9. Nationality (If not Namibian)	NAMIBIAN
10. Occupation	BUSINESSMAN
11. Resident in Namibia (Yes or No)	YES
12. Nature of change in 1 to 5 above and date	NO CHANGE

Copyright: Ministry of Trade and Industry, Namibia

FOR KEY TO PARTICULARS, SEE PAGE 1

Registration Number of Company
2013/0874

1. NAMASEB
2. ISMAEL ISSY
3.
4. Year | Month | Day
5 8 0 9 1 3 0 0 1 9 0
5.(a) 24 OCTOBER 2014
(b) DIRECTOR
6. 10 EULEN STREET HOCHLAND PARK, WINDHOEK, NAMIBIA
7. 10 EULEN STREET HOCHLAND PARK, WINDHOEK, NAMIBIA
8. P O BOX 6115 AUSSPANNPLATZ, WINDHOEK, NAMIBIA
9. NAMIBIAN
10. BUSINESSMAN
11. YES
NO CHANGE

1. VAN DER WESTHUIZEN
2. CHRISTIAAN LOUW
3.
4. Year | Month | Day
7 5 0 7 2 9 5 0 8 0 0 8 4
5.(a) 24 OCTOBER 2014
(b) DIRECTOR
6. 8 STAUCH STRASSE, KLEIN WINDHOEK, NAMIBIA
7. UNIT 15, 18 LILIENCRON STREET, KLEIN WINDHOEK, WINDHOEK
8. P O BOX 28116, WINDHOEK, NAMIBIA
9. SOUTH AFRICAN
10. MANAGING DIRECTOR
11 YES
12 NO CHANGE

1. HITULA
2. HILMA TUKALE
3.
4. Year | Month | Day
7 2 0 4 2 6 0 0 2 5 3
5.(a) 24 OCTOBER 2014
(b) DIRECTOR
6. NO16 HENCA COURT, NELSON MANDELA AVENUE, KLEIN WINDHOEK
7. UNIT 4 ARIANS STREET, KLEIN WINDHOEK, WINDHOEK, NAMIBIA
8. P O BOX 1148, WINDHOEK, NAMIBIA
9. NAMIBIAN
10. LAWYER
YES
NO CHANGE

1.
2
3.
4 Year | Month | Day
5.(a)
(b)
6
7.
8.
9.
10.
11
12

1.
2.
3.
4. Year | Month | Day
5.(a)
(b)
6.
7.
8.
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11.
12.

1.
2.
3
4. Year | Month | Day
5 (a)
(b)
6
7
8.
9
10
11.
12

Copyright Ministry of Trade and Industry, Namibia

FOR KEY TO PARTICULARS, SEE PAGE 1

Registration Number of Company
2013/0874

1.	1.
2.	2.
3.	3.
4. Year / Month / Day	4. Year / Month / Day
5.(a)	5.(a)
(b)	(b)
6.	6.
7.	7.
8.	8.
9.	9.
10.	10.
11.	11.
12.	12.

B. AUDITOR

1. Name SGA Chartered Accountants & Auditors

2. Date of appointment RESIGNATION: 27 APRIL 2016

3 Nature of change in 1 and 2 above and date.

RESIGNATION OF SGA CHARTERED ACCOUNTANTS AND AUDITORS 27 APRIL 2016

Perforated (To be completed by company)

Return of particulars of company's register of directors, auditors & officers CM29

Dated 16 August 2016

Name of company SINCO INVESTMENTS SIXTY ONE (PROPRIETARY) LIMITED

Postal address P O BOX 30 WINDHOEK NAMIBIA

MINISTRY OF INDUSTRIALISATION, TRADE & SME DEVELOPMENT
PO Box 21214, Windhoek
18 AUG 2016
REPUBLIC OF NAMIBIA
REGISTRAR OF COMPANIES
CLOSE CORPORATIONS
TRADE MARKS DESIGNS

Date stamp of Companies Registration Office

Copyright: Ministry of Trade and Industry, Namibia

C. Officers and Local Managers

KEY TO PERSONAL PARTICULARS REQUIRED	PERSONAL PARTICULARS	Registration Number of Company 2013/0874
1. Surname		
2. Full forenames		
3. Former surname and forenames		
4. Identity number or, if not, available, date of birth	Year / Month / Day	
5. (a) Date of appointment		
(b) Designation		
6. Address of registered office, and registration number if officer is a corporate body		
7. Residential address		
8. Business address		
Postal address		
Nationality (If not Namibian)		
11. Occupation		
12. Resident in Namibia (Yes or No)		
13. Nature of change in 1 to 6 above and date		

FOR KEY TO PARTICULARS, SEE ABOVE

1.	1
2.	2.
3.	3.
4 Year / Month / Day	4 Year / Month / Day
5.(a)	5.(a)
(b)	(b)
6.	6.
7.	7
8.	8
9.	9
10.	10.
11.	11.
12.	12.
13.	13.

Copyright: Ministry of Trade and Industry, Namibia

ORIGINAL.
STAMPED.
DUTY EXEMPT
FEES N$50.00

Prepared by me

CONVEYANCER
VAN DER MERWE C J W

BC 4755 /1997

ENDORSEMENT IN TERMS OF SECTION 45(2) OF ACT 47 OF 1937

The land hereby dealt with is now known as 462 erven numbered 1-462 and 14 public open spaces numbered 463-476

and shown on General Plan SG No. A490/95 approved by the Surveyor-General on the and looked in a separate Register under the name of: AMASBLICK

Deeds Office WINDHOEK 24 OCT 1997

Registrar of Deeds

COPY ISSUED—DATE 27 MAR 2006

APPLICATION NO. VA 111 /2006

Lorentz & Bone
Attorneys, Notaries
and Conveyancers
Standard Bank Chambers
Kaiserstreet, P.O. Box 85
WINDHOEK

FOR INFORMATION ONLY

CERTIFICATE OF CONSOLIDATED TITLE

T 5011 /1997

Issued under Section 40 of the Deeds Registries Act, 1937 (Act 47 of 1937)

WHEREAS the

MUNICIPAL COUNCIL OF WINDHOEK

has applied for the issue to it of a Certificate of Consolidated Title under the provisions of Section 40 of the Deeds Registries Act, 1937,

AND WHEREAS the said MUNICIPAL COUNCIL OF WINDHOEK is the registered owner of:

1.	CERTAIN	ERF NO 3178 KLEIN WINDHOEK
	SITUATE	in the Municipality of Windhoek Registration Division "K"
	HELD	by Certificate of Registered Title no. T 2 /1997
2.	CERTAIN	REMAINDER OF BLOCK III KLEIN WINDHOEK
	SITUATE	in the Municipality of Windhoek Registration Division "K"
	HELD	by Certificate of Registered Title no. T116/1931

which have been consolidated into the land hereinafter described;

NOW THEREFORE, in pursuance of the provisions of the said Act, I, the REGISTRAR OF DEEDS at WINDHOEK, do hereby certify that the said

MUNICIPAL COUNCIL OF WINDHOEK

its Successor in title or Assigns, are the registered owners of

FOR INFORMATION ONLY

CERTAIN	ERF NO 3179 KLEIN WINDHOEK
SITUATE	in the Municipality of Windhoek Registration Division "K"
MEASURING	368,1183 (THREE SIX EIGHT COMMA ONE ONE EIGHT THREE) Hectares according to Diagram No. A 489/95 hereunto annexed

and that by virtue of these presents, the said

MUNICIPAL COUNCIL OF WINDHOEK

its Successors in Title or Assigns,

now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

SIGNED at WINDHOEK on 24 OCT 1997, and confirmed with my seal of office.

REGISTRAR OF DEEDS

FOR INFORMATION ONLY

INV20288[illegible]521

CITY OF WINDHOEK

P O Box 59, WINDHOEK NAMIBIA
Telephone No: (061) 290 2911

TAX INVOICE

VAT Reg. Number 2646057-01-5

Invoice Number : INV2022183521	**Date Issued :** 2022/06/29
Account Number : N/A	**Vote Number :** 5000132050048
Name : HARMONIC TOWN PLANNING CONSULTANTS	**Reference Number :** ERF 890 AUSBLICK
Address : P.O BOX 3216 WINDHOEK	**System Reference :** INV324901
	Issued By : 17057 - SISAMU-KABOZU (V.K)
	Contact Details : +264 61 290 2299
Description : SUBDIVISION	

PAYMENT DUE

Total Amount Excluding VAT	: N$ 1800.00
Total VAT Amount	: N$ 270.00
Total Amount Payable	: N$ 2070.00

INVOICE DETAILS

Department : 5000 - URBAN & TRANSPORT PLANNING

Tariff Code	: N/A
Tariff Description	: N/A
Quantity Provided	: 1
Unit Price	: N$ 1800.00
Tariff Amount Excluding VAT	: N$ 1800.00
Tariff VAT Amount	: N$ 270.00
Tariff Total Amount	: N$ 2070.00
Service Code	: N/A

City of Windhoek Banking Details - Bank: First National Bank - Number: 62012146115 - Branch: 281872

FNB

NOTIFICATION OF PAYMENT

To Whom It May Concern:

First National Bank Namibia hereby confirms that the following payment instruction has been received:

Date Actioned	: 2022/07/06
Time Actioned	: 18:45:38
Trace ID	: NAM06QTNSGKB

Payer Details

Payment From	: Mr Harold Kisting - Business Cheque Account
Cur/Amount	: NAD2,070.00

Payee Details

Recipient/Account No	: . . 146115
Name	: City Windhoek
Bank	: First National Bank
BIC Code	: FIRNNANX
Reference	: Erf890ausbinv324901
Reason for payment	: CREDITOR PAYMENT

END OF NOTIFICATION

To authenticate this Payment Notification, please visit the First National Bank of Namibia Limited website at fnbnamibia.com.na, select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank of Namibia Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank of Namibia Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

Board of Directors: II Zaamwani-Kamwi (Chairperson), J Coetzee, OLP Capelao, C Dempsey** (Chief Executive), P Grüttemeyer, CLR Haikali, JH Hausiku, IN Nashandi, E Tjipuka **South African with Namibian Permanent Residence
Company Secretary: N Makemba

First National Bank of Namibia Limited, Reg. No. 2002/0180.

CREDIT CHECK LIST

Surname HANGALA Full Names LEAKE SHILIMWATI

Erf no. N/A Township AUASBLICK EXTENSION 1

Company/ cc SINCO INVESTMENTS SIXTY ONE (PTY) LTD 2013/0874

Namibian Id 53041200791

Postal Adress P.O. BOX 30, WINDHOEK, NAMIBIA

Physical residential or Business address 18 LILIENCRON STREET, KLEIN WINDHOEK

Telephone (B) ..... (H) .....

Mobile no. .....

DEBT MANAGEMENT

Service Accounts (MS)

Comments: Proceed

CITY OF WINDHOEK 2022-01-20 CREDIT CONTROL

Accounting Technician Credit Control Vivianol. Signature

Date: .....

LAND SALES

Comments: Proceed

CITY OF WINDHOEK 20 JAN 2022 Sundry Debtors Finance Department

Accounting Technician Credit Control H. Cloete Signature

Date: 20/01/2022

Accountant Credit Control ..... Date .....

FORM 8 OF ANNEXURE 4

MINISTRY OF URBAN AND RURAL DEVELOPMENT

APPLICATION FOR SUBDIVISION OR CONSOLIDATION OF LAND

NB: Applicants are requested to complete this application form carefully and give sufficient particulars, as failure to do so may lead to unnecessary correspondence which may delay the final decision on the application.

TO: The Chief Executive Officer of * Authorised Planning Authority: ..... P O Box ....

OR

The Secretary*
Urban and Regional Planning Board
Private Bag 13289
Windhoek

1. Full names and residential and postal address of applicant:

Harmonic Town Planning

Windhoek West, Pasteur Street

Windhoek Namibia P.O. Box 3216

2. Land Owner

City of Windhoek
(Attach a power of attorney if landowner is not applying personally.)

3. Registered name(s) and number(s) of the land:

- **Erf 890 Auasblick Extension 1**

4. Approximate sizes of the land and new portions:

Erf No.	Zoning	Erf Size
Erf 890	Business 1.0	1.6513 ha
Portion 1	Business 1.0	8 146 m²
Rem/890	Business 1.0	8 367 m²

5. Is the land situated within an approved local authority area or outside an approved local authority area:

Erf 890 Auasblick Extension 1 is located in an approved local authority of Windhoek.

6. The reasons for the proposed subdivision/consolidation*:

See attached motivation

7. If buildings are to be erected, for which purpose(s) will they be used?

Business

8. In what manner, and by whom, will water, electricity, storm water drainage, streets and sewerage be supplied to the relevant portions of land?

N/A

9.1 What is the *zoning (zoning scheme) /* land use (title conditions)?

- **Erf 890 Auasblick Extension 1 is Zoned 'Business' with a Bulk of 1.0**

9.2 What is the proposed minimum building value of the main building, excluding the outbuildings, on each portion of land?

N/A

10. If access is to be taken from a public road, has permission been obtained from the Roads Authority?

N/A

11. Is any portion of the land situated within 100 metres from the median of a building or restriction road?

No ✓

12. Is the consolidation with other portions of land intended?

No ✓

13 Motivate the proposed new boundaries, in particular any unusual boundaries:

See attached motivation

14. Motivate the size of the new erven or portions of land in relation to the surrounding areas:

See attached motivation.

15. If buildings will lie within 3 metres of a proposed boundary, submit the comments of the authorised planning authority or other local authority or the Board;* as well as proposals for a fire wall and fire prevention methods.

N/A

16. If a new street or portion of a street is created which is to be transferred to the authorised planning authority or other local authority, submit the comments of the authorised planning authority or other local authority or the Board* regarding who will be responsible for the design and construction of the street.

N/A

17. If any closure of a street or open space is involved, has all the necessary legal procedures been followed?

No ✓

Signature of applicant

Date

GENERAL PLAN K500

COMPRISING 4 SHEETS

AUASBLICK EXTENSION 1

COMPRISING 285 ERVEN
NUMBERED 808 to 1092
INCLUDING 3 PUBLIC OPEN SPACES
NUMBERED 1089 to 1091,
1092(STREET) AND REMAINDER STREETS

BEING THE SUBDIVISION OF
PORTION 186 OF THE FARM KLEIN
WINDHOEK TOWN AND TOWNLANDS NO.70

Vide Diagram S.G. No. A189/2008

SITUATE IN THE MUNICIPAL AREA OF WINDHOEK
REGISTRATION DIVISION K KHOMAS REGION
REPUBLIC OF NAMIBIA

Surveyed in August 2019 by me

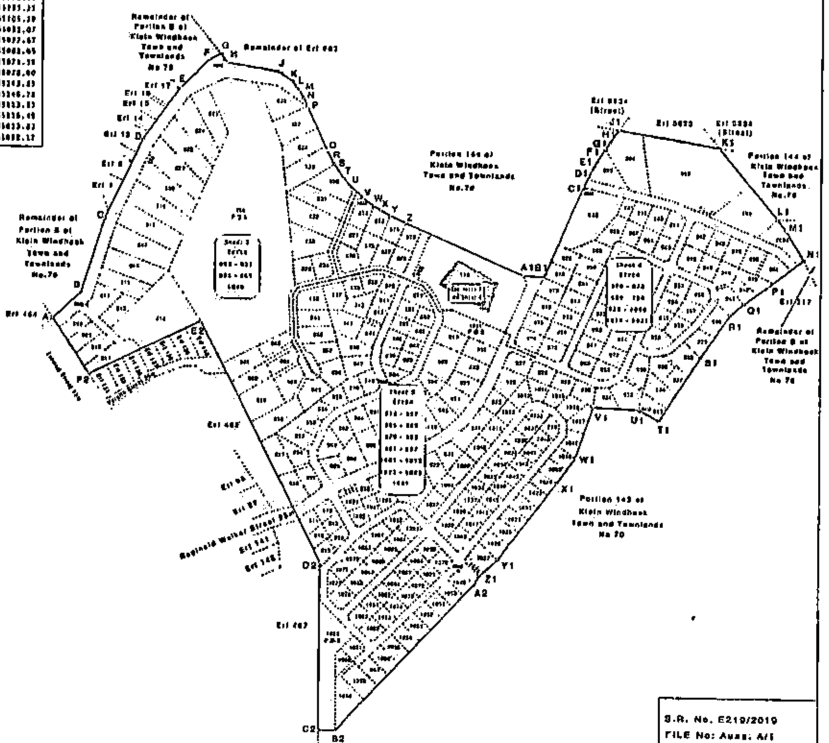
Land Surveyor

SG No. A710/2019
SHEET 1 OF 4
Approved
Surveyor-General
Date:

This plan has been amended as follows ENDORSEMENTS			
Ref.	Amendment	Date	Initialled

T N

1:3000



S.R. No. E219/2019
FILE No: Auas. A/1
COMP.: MG-5AC/W6,X6

MAIN FIGURE						
DATA			CO-ORDINATES			
Sides	metres	Angles of Direction		System 22/83 Y metres	X metres	Descrip.
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

CO-ORDINATES		
BLOCK CORNERS		
[illegible]	[illegible]	[illegible]

CO-ORDINATES		
BLOCK CORNERS		
[illegible]	[illegible]	[illegible]

CO-ORDINATES		
BLOCK CORNERS		
[illegible]	[illegible]	[illegible]

CO-ORDINATES		
BLOCK CORNERS		
[illegible]	[illegible]	[illegible]

CO-ORDINATES		
BLOCK CORNERS		
[illegible]	[illegible]	[illegible]

REFERENCE MARKS		
[illegible]	[illegible]	[illegible]

AREAS		AREAS		AREAS		AREAS		AREAS		AREAS	
Erf number	Square metres	Erf number	Square metres	Erf number	Square metres	Erf number	Square metres	Erf number	Square metres	Erf number	Square metres
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

1295

K500/4

SG No. A710/2019
SHEET 4 OF 4

Erf 3834 (Street)
Erf 3833
Erf 3834 (Street)
Portion 144 of Klein Windhoek Town and Townlands No.70
Remainder of Portion B of Klein Windhoek Town and Townlands No.70
Erf 317
Portion 143 of Klein Windhoek Town and Townlands No.70
Portion 164 of Klein Windhoek Town and Townlands No.70
Remainder Street 13m
Remainder Street 16m
See Sheet 3

GENERAL PLAN K500

COMPRISING 4 SHEETS

AUASBLICK EXTENSION 1

SITUATE IN THE MUNICIPAL AREA OF WINDHOEK
REGISTRATION DIVISION K KHOMAS REGION
REPUBLIC OF NAMIBIA

Surveyed in August 2019 by me
N.J. Seyffer
Land Surveyor

Inset 2
Scale 1:750

Inset 3
Scale 1:500

S.R. No. S219/2019
FILE No: Auas. Art
COMP.: MG-SAC/W5,X8

PLAN AFRICA CONSULTING CC
TOWN AND REGIONAL PLANNERS
Box 4114
WINDHOEK
8 Delius Street
Windhoek (West)
Tel: (061) 212096 Cell: 0812716189
Fax to Mail: 088614626

26 OOctober 2021

Chief Planner: Urban Policy
Department: Urban and Transportation Planning

Windhoek City Council

Box 59

WINDHOEK

Attention Mr. Hugo Rust

Dear Sir

- **REZONING OF ERF 3576 KATUTURA, WINDHOEK FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF 1:500 TO "OFFICE" WITH A BULK OF 0.4 AND CONSENT TO USE THE ERF FOR PURPOSE OF A BUSINESS BUILDING IN THE FORM OF DOCTORS CONSULTING ROOMS**
- **CONSENT TO PROCEED WITH DEVELOPMENT WHILE THE REZONING IS IN PROCESS**

1. Appointment

Plan Africa Consulting CC by virtue of the Power of Attorney as an annexure has been appointed by the owner, David Risuro to submit an application to the City of Windhoek to rezone Erf 3576 Katutura, Windhoek from "Residential" with a density of 1:500 to "Office"

with a bulk of 0.4 and consent to use the erf for the purpose of a business building in the form of doctors consulting rooms. Furthermore, consent is sought to use the erf in line with the proposed zoning whilst all formal zoning procedures are ongoing.

2. Erf Information

The Erf 3576 is located in Katutura Extension 15, a northern suburb in Windhoek. The erf is situated along Independence Avenue at the corner with Apostle Street. The erf is zoned *"Residential"* with a density of 1:500 and measures 804m² in size. The erf is surrounded by mixed use developments such as doctors consulting practices, the Soweto Market, the UN plaza, a service station, number of shops between, Penning, Abraham Masego Streets and Independence Avenue and residential erven among others. Extension 15 was created as a luxury housing area of Katutura.

Figure 1: Ariel image of Erf 3576, Katutura Windhoek

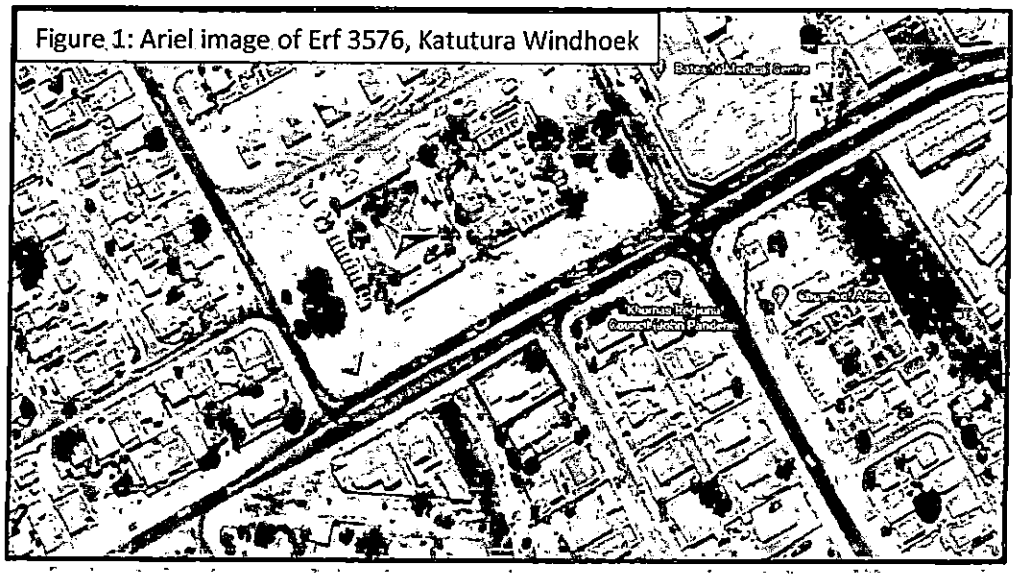
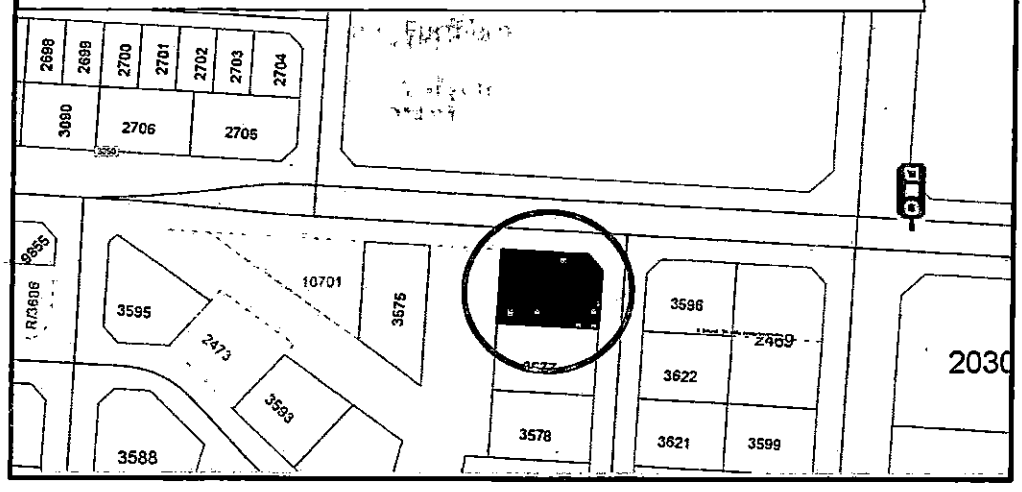


Figure2: Locality of Erf 3576, Katutura Windhoek *(Source: COW Map guide)*



3. Proposed Development and Motivation

It is the applicant's intention to rezone to "Office" with a bulk of 0.4. In terms of the Town Planning Scheme the erf is restricted to one dwelling unit with outbuildings per erf as it is zoned "residential". The erf should therefore be rezoned to comply with the provisions of the Windhoek Town Planning Scheme in order to accommodate the intended activity. This will allow the owner to use the property to its full potential. The proposed zoning will allow the increase of the erf density thereby contributing to effective use of land. The owner intends to use the existing house for the purpose of an administrative office. The existing house would be customized for the purpose of doctors consulting rooms, would not be demolished.

An office as defined in the Windhoek Town Planning Scheme means a building, room or suite of rooms used for administrative work and planning and may include a place for related subordinate draughting work with consent uses of dwelling units, residential buildings, institutions, places of public worship, business buildings, hotels and a restaurant. Doctors consulting rooms are mentioned in the definition of a *business building* in the Windhoek Town Planning Scheme.

4. Council Policy Directive

Erf 3576 is located adjacent to the Araham Masego policy area where Council promotes mix land use. A number of other policy areas were recommend by Council but it is not sure why

the declaration of Independence Avenue as an activity corridor was left out. Independence Avenue stretches from the CBD to Eveline Street another development corridor at this stage. The extension of Independence Avenue to Masthisthi Street is in process. Independence Avenue is already characterized by a number of commercial nodes and mix use along its length, namely the center of town, the northern industrial area, B1 shopping Center, Katutura Hospital, Red Cross Shopping Centre, the "Big Shops"/Community hall, Black Chain Shopping Center, the Soweto business area (Soweto Market, UN Plaza, Yetu Yama Namcol Centre) and the Wanaheda Shopping Centre (Oshakati Services Station, Spar, Police Station, Clinic, etc.)

Independence Avenue carries heavy traffic throughout the day and has the potential be declared an activity corridor.

The erf is surrounded by mixed use developments making the intended rezoning suitable. Development of mixed use neighbourhoods foster integration, density, compatibility of land uses and rejuvenates communities. It creates an opportunity for complete self-sustaining neighbourhoods, streetscape and character when a mixture of land uses are introduced within a neighbourhood.

The proposed rezoning will not only benefit the property owner but the City of Windhoek as well in terms of increased revenue flow through increased property taxes.

5. Access

Erf 3576 is one of many erven within its surrounding areas. The erf is well linked with the existing internal streets and therefor creates excellent accessibility. Access to the erf can be gained directly from Independence Avenue and Apostel Street. Parking space will be provided in accordance to the City of Windhoek Municipal and Town Planning Scheme requirements.

6. Services

The erf is located in a well-developed area and is connected to all municipal services. Any addition and extension of services from what is existing already, will be on the account of the owner.

7. **Public Support**

The intention to rezone will be advertised in two different newspapers for two consecutive weeks. A notice will also be affixed on the City of Windhoek notice board and on-site. Documents will be mailed to the neighbours in order to provide comments.

8. **Application**

Herewith application for the following:

- Rezoning of Erf 3576 Katutura, from "Single Residential" with a density of 1:500 to "Office" with a bulk of 0.4

- Consent be granted to use the erf for the purpose of a business building in line with the definition in the Windhoek Town Planning Scheme.

- Consent to proceed with development while the rezoning is in process.

- That the declaration of *Independence Avenue* as an activity spine be considered.

In support of my application the following are included:

1. Locality Plan
2. Current and Proposed Zoning Planning
3. Title Deed
4. Power of Attorney

I trust this application meets all the requirements for your favourable consideration.

Yours faithfully,

.....

H. A. KRÖHNE

"SPECIAL POWER OF ATTORNEY"

I, the undersigned *David Risuro* in my capacity as the owner of Erf 3576 Windhoek hereby nominates, constitute and appoint,

PLAN AFRICA CONSULTING CC

8 DELUIS STREET WINDHOEK (WEST)

P.O. BOX 4114

WINDHOEK

With the power of Substitution, to be my lawful Attorney and Agent in my name, place and stead, to make the necessary application to Municipality of Windhoek and Urban and Regional Planning Board, Ministry of Urban and Rural Development for the

- REZONING OF ERF 3576 KATUTURA EXTENTION 14 CORNER OF INDEPENDENCE AVENUE AND APOSTEL STREET" RESIDENTIAL 1" WITH A DENSITY OF 500m^2 TO "BUSINESS 1" WITH A BULK OF 0.4

- CONSENT FOR BUSINESS BUILDING FOR MEDICAL PRACTISE WHILE THE REZONING IS IN PROCESS.

at the cost of the applicant and generally for the effecting the purposes aforesaid, to so or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes I might or could do if personally present and acting herein – hereby ratify, allowing and confirm all and whatsoever my said Attorney shall lawfully do, or cause to be done, by virtue of these presents.

Signed at WINDHOEK this 12th day of OCTOBER 2021, in the presence of the undersigned witnesses.

.....

SIGNED

WITNESSES:

1. .....

2. .....

Town Planning Certificate No. 1:
Town Planning Scheme Information

302

Ref : _____

Enq : _____

Tel : _____

Applicants Address _____

_____

Telephone Number : _____

Sir / Madam

Erf No: 3576

Township : KATUTURA

Street : INDEPENDENCE AVE

In terms of the Windhoek Town Planning Scheme the following conditions apply to the above mentioned erf.

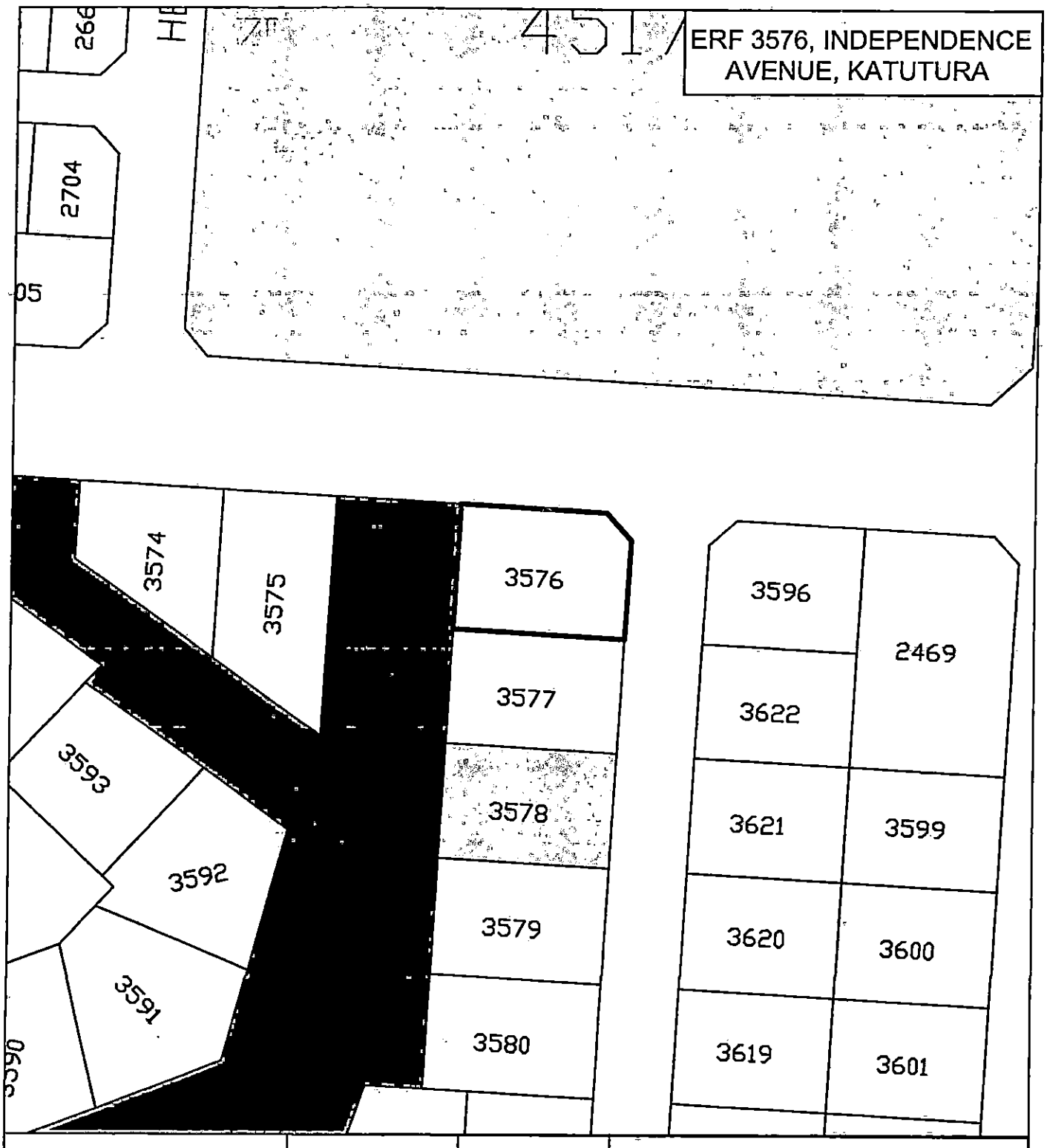
1. Use Zone : RESIDENTIAL — Refer to Table B.
2. Density : 1 DWELLING / 500M² — Refer to Table E.
3. Bulk Factor : 0 00 — Refer to Table F.
4. Coverage : 50 % — Refer to Table G.
5. Erf Size : 804 m²
6. Parking : _____

(The parking ratio should be confirmed with the Transportation Department for erven in the business zone, and for restaurants, grouped housing schemes, hotels, bed & breakfasts, resident occupations, places of amusement, social halls and churches)

7. Street Build Lines _____
8. Position Of Buildings : _____
9. Street Address : 807 INDEPENDENCE AVE
10. Flood Line : _____
11. Height Restriction : _____ Refer to Table J.
12. Street Reservation : _____
13. Other : _____

The TOWN PLANNING SCHEME and MAP are open for inspection on the passage wall of the 7th floor of the town house. The information provided herein must be verified by the applicant by inspection of the Scheme and Map.

Your attention is further directed to any condition which may be registered against your property in the title deeds. You may be required to furnish a certified copy of the title deeds conditions before any building plans are approved.



CURRENT ZONING OF ERF 3576, INDEPENDENCE AVENUE, KATUTURA AS 'RESIDENTIAL' WITH A DENSITY OF 1:500.

ZONING LEGEND	
	RESIDENTIAL
	GEN RESIDENTIAL
	PUBLIC OPEN SPACE
	UNDETERMINED

SCALE 1:1000

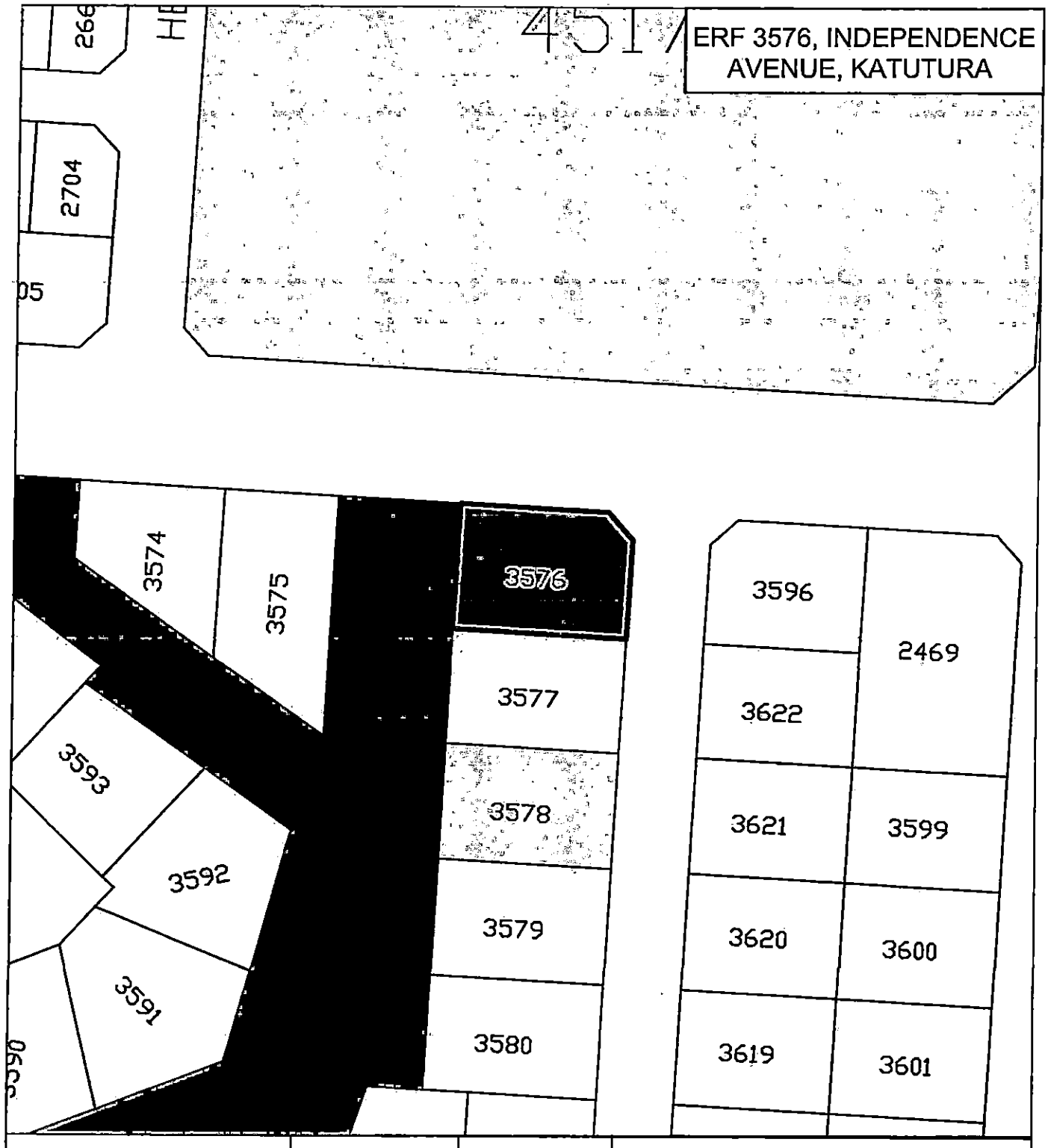
OCT.2021

TN

Plan Africa Consulting cc

Tel : (061) 212096
Cell : 0812716189
P.O.Box : 4114 Windhoek
Fax : 088614626
8 Delius Street
Email: pafrica@mweb.com.na

The copyrights of this drawing is reserved by Plan Africa Consulting CC



PROPOSED REZONING OF ERF 3576, INDEPENDENCE AVENUE, KATUTURA FROM 'RESIDENTIAL' WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4.

ZONING LEGEND
RESIDENTIAL
GEN RESIDENTIAL
PUBLIC OPEN SPACE
UNDETERMINED
OFFICE

SCALE 1:1000

OCT.2021

TN

Plan Africa Consulting cc

Tel : (061) 212096
Cell : 0812716189
P.O.Box : 4114 Windhoek
Fax : 088614626
8 Defius Street
Email: pafrica@mweb.com.na

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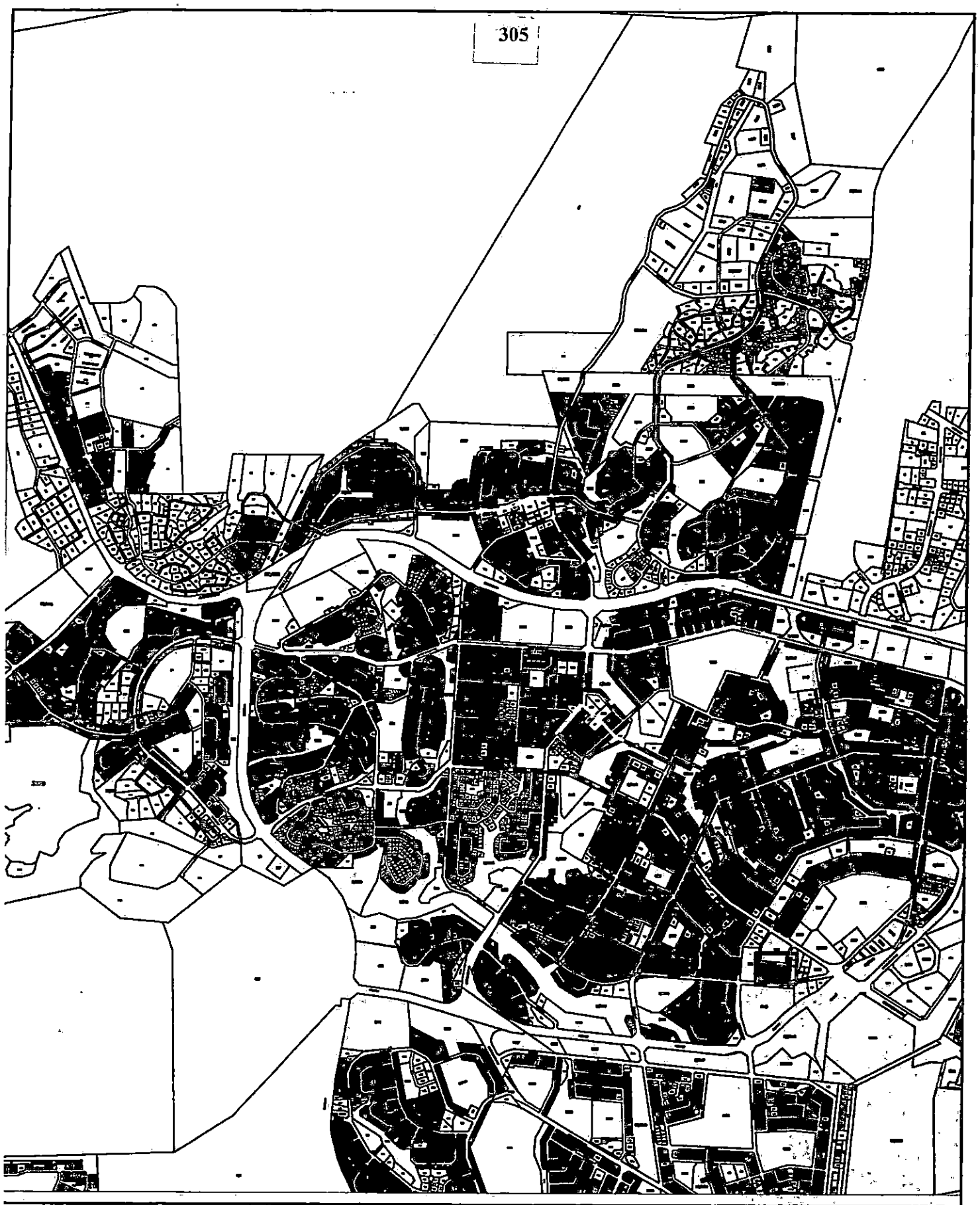


File L/ OFFICIAL

Network: O:\Groups\LS\CJe\Cartographymaps\OfficePolicyZone.dwg

ITY OF WINDHOEK

Designed	Date 26 October 2017
Drawn	Date 26 October 2017
Checked	Date 26 October 2017
Divisional Head	

KATUTURA BUSINESS POLICY AREAS

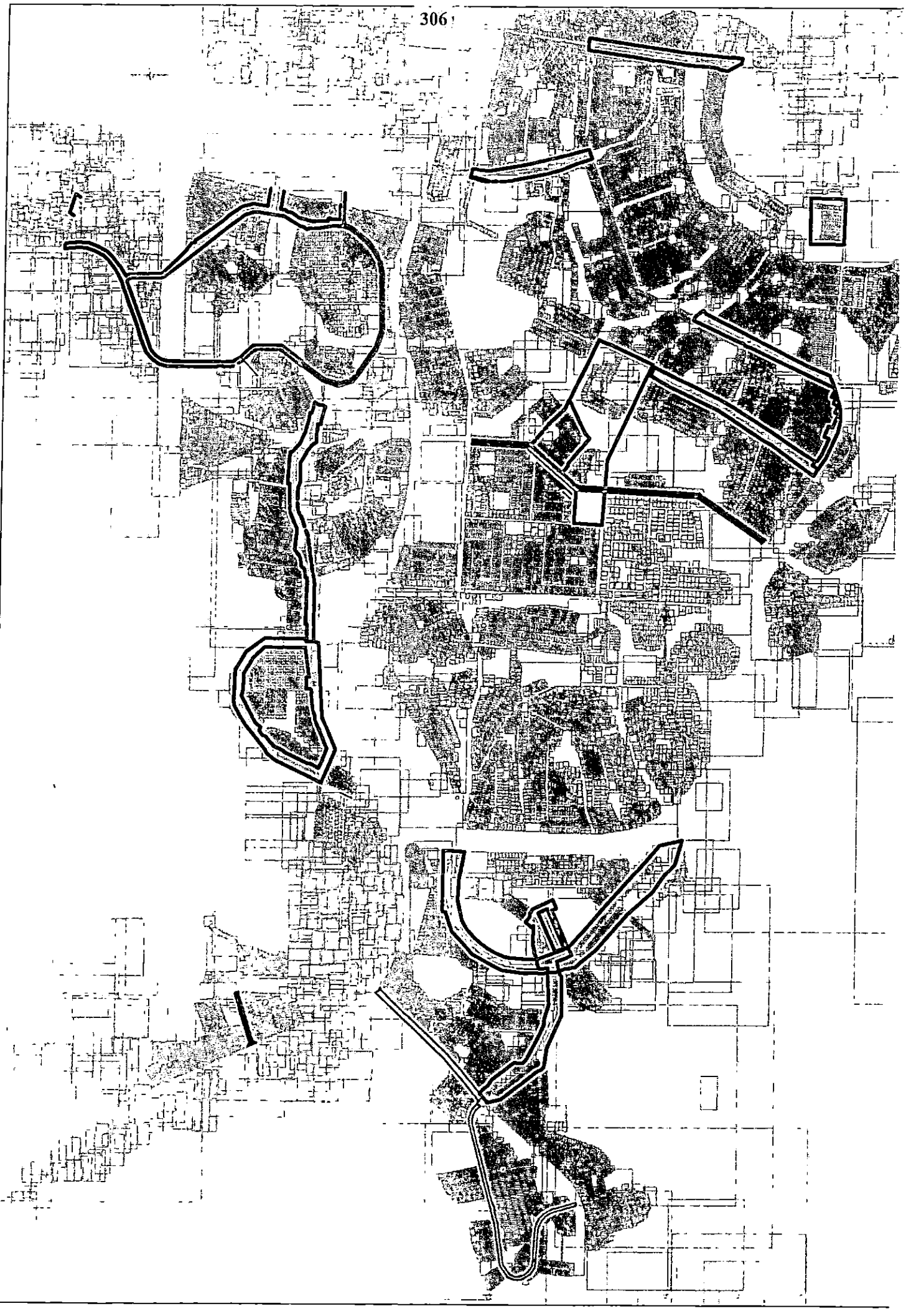
2013 10 Scale: 1/20 000

UP201710-04

REV

LEGEND

— Business bulk 0.4



Notices

• Legal •

your intention to oppose, to file your answering affidavits, if any and further that you are required to appoint in such notification an address within a notable radius from the court, referred to in rule 65(5) at which you will accept notice and service of all documents in these proceedings. If no notice of intention to oppose is given the application will be moved on 31st of January 2022 at 15:30. DATED and SIGNED at WINDHOEK this 05th day of NOVEMBER 2021. Applicant's legal practitioner for plaintiff/applicant DR. WEDER, KAUTA & HOVEKA INC WKH HOUSE JAN JONKER ROAD WINDHOEK REF: PUK/cs/MAT44862 TO THE REGISTRAR High Court Windhoek – Main Division AND TO WILLEM JOHANNES PETRUS CLOETE Farm Lehnsten, No 193 Hardap Region (Service by the Deputy Sheriff) AND TO ALL LESSEES Farm Lehnsten No 193 Hardap Region (Service by the Deputy Sheriff)

CLAO210007981

PUBLIC NOTICE FOR ENVIRONMENTAL IMPACT ASSESSMENT & CALL FOR PUBLIC PARTICIPATION SM Dynamic Environmental Consultants hereby gives notice to all potentially Interested and Affected Parties (I&APs) that an application will be made to the Environmental Commissioner in terms of the Environmental Management Act (No 7 of 2007) and the Environmental Impact Assessment Regulations (GN 30 of 6 February 2012) for the following activity:

PROJECT DESCRIPTION.
New Proposed Landfill Site
PROJECT LOCATION: Tsumeb Town
PROPONENT: Tsumeb Municipality
Public Meeting:
Date: 30 November 2021
Time: 15:00
Venue: Nomtsoub Community Hall
Environmental Assessment Practitioner (EAP): SM Dynamic Environmental Consultants
REGISTRATION OF I&APs AND SUBMISSION OF COMMENTS: All Interested & Affected Parties are hereby invited to register and submit their comments, concerns or questions in writing or request for Background Information Document via Email: mikluvon@gmail.com, or info@smdynamic.org 085 1413800 on or before 3rd December 2021

CLAO210007946

IN THE HIGH COURT OF NAMIBIA CASE No. HC-MD-CIV-ACT-CON-2020/01004 In the matter between – BANK WINDHOEK LIMITED PLAINTIFF and MOSES PROFILIO KANKONDI FIRST DEFENDANT SUOMA NAANGO KANKONDI SECOND DEFENDANT SHIULIFA PROPERTY DEVELOPMENT CC THIRD DEFENDANT NOTICE OF SALE IN EXECUTION OF IMMOVABLE PROPERTY Pursuant to Judgment of the above Honourable Court granted on 03RD SEPTEMBER 2020, the following immovable property will be sold without reserve and voetstoots by the Deputy Sheriff of the District of WINDHOEK on the 22ND OF NOVEMBER 2021 at 12H00 in the afternoon at ERF NO 460, PIONIERSPARK, WINDHOEK, REPUBLIC OF NAMIBIA
CERTAIN ERF
NO 460,PIONIERSPARK
SITUATE In the Municipality of WINDHOEK REGISTRATION DIVISION "K" KHOMAS REGION
MEASURING 1 027 (ONE THOUSAND AND TWENTY SEVEN) square metres
CONSISTING OF Garage (double) Entrance Hall, Open Plan Lounge/Dining room/Kitchen, Study, 3 Bedrooms, 1 full Bathroom, (2 en-suite Shower/toilet bathrooms Flat Lounge, Bedroom and shower/toilet bathroom, outside toilet Minors Pavin, Alarm with beams Remote entrance Swimming pool with roll-up cover, Boundary walls with electric fencing Stoep, Solar Geyser, Net carports (1 single & 1 double) The "Conditions of Sale-in-Execution" will lie for inspection at the office of the Deputy Sheriff at WINDHOEK and at the Head Office of Plaintiff at WINDHOEK and Plaintiff's Attorneys Fisher Quarmby & Pfeifer at the under mentioned address. Dated at WINDHOEK this 31ST day of AUGUST 2021. FISHER, QUARMBY & PFEIFER LEGAL PRACTITIONER FOR PLAINTIFF Cnr Robert Mugabe Avenue & Thorer Street Entrance in Theo-Ben Gurirab Street
WINDHOEK FPC/bc/244153

CLAO210006267

CASE NO. HC-MD-CIV-ACT-CON-2018/04932 IN THE HIGH COURT OF NAMIBIA In the matter between STANDARD BANK NAMIBIA LIMITED Plaintiff and NEU-NIQUE RASHIDA WILLIAMS Defendant NOTICE OF SALE IN EXECUTION In execution of a judgment of the above Honourable Court dated 23 April 2021 in the above action, a sale will be held by the Deputy Sheriff, HENTIES BAY, at ERF NO 290 OMDEL, ELAND STREET, HENTIES BAY, on 19 NOVEMBER 2021, at 11H00, of the under mentioned property
CERTAIN Erf No 290 Omdel
SITUATE in the Municipality of Henties Bay Registration Division "G" Erongo Region
MEASURING
500 (Five Hundred) Square Metres
Improvements 1 x Kitchen, 1 x Lounge, 1 X Scullery, 3 x bedrooms, 1 bath/wb, 1 Guest wc, 1 x Garage
TERMS 10% of the purchase price and the auctioneers' commission must be paid on the date of the sale. The further terms and conditions of the sale will be read prior to the auction and lie for inspection at the office of the Deputy Sheriff, HENTIES BAY and at the offices of the execution creditors attorneys. DATED at WINDHOEK this 5th day of OCTOBER 2021
DR WEDER KAUTA & HOVEKA INC
Legal Practitioner for Plaintiff
3RD Floor WKH House
Jan Jonker Road
WINDHOEK
(PUK/pg/MAT44734)

CLAO210007788

NOTICE
Take notice that PLAN AFRICA CONSULTING CC, TOWN AND REGIONAL PLANNERS, on behalf of the owner of the respective erf intends to apply to the Windhoek City Council for:
•REZONING OF ERF 3576 KATUTURA FROM 'RESIDENTIAL' WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4
•CONSENT TO USE THE ERF FOR THE PURPOSE OF A BUSINESS BUILDING IN LINE WITH THE DEFINITION IN THE WINDHOEK TOWN PLANNING SCHEME FOR A MEDICAL PRACTICE.
•CONSENT TO PROCEED WITH DEVELOPMENT WHILE THE REZONING IS IN PROCESS.
Erf 3576 is 804m² in extent. The intention to develop the respective erf for the use by a medical practitioner.
Further take notice that the plan of the erf lies for inspection on the Town Planning Notice board at the Windhoek City Council and at Plan Africa Consulting CC, No 8 Delius Street, Windhoek West. Further take notice that any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the City Council and with the applicant (Plan Africa Consulting CC) in writing within 14 days of the last publication of this notice (final date for objections is 30 November 2021).

CLAO210007933

IN THE HIGH COURT OF NAMIBIA FOR THE DISTRICT OF MARIENTAL Case No: HC-MD-CIV-ACT-CON-2019/01850 In the matter between MCC NINETEENTH METALLURGICAL PLAINTIFF CORPORATION NAMIBIA (PTY) LTD and UUDENGE INVESTMENTS CC DEFENDANT NOTICE OF SALE IN EXECUTION Pursuant to a judgment granted by the High Court of Namibia for the District of Mariental, the following goods will be sold in execution by on site public auction on 22nd of November 2021 at 11h00, at the address Gochas Village Council, Gochas, Mariental, Namibia, namely
1x ZAXIS 470 LCP (POCKLINE)
IN A DAMAGED STATE
1X BELL B40D TIPPER TRUCK
IN A DAMAGED STATE
Terms. Goods to be sold cash to the highest bidder Goods is sold voetstoots. Dated at WINDHOEK on this 03RD DAY of NOVEMBER 2021
HENRY SHIMUTWIKENI & CO INC
LEGAL PRACTITIONERS FOR THE PLAINTIFF c/o 66 John Meinert & Hosea Kutako Road Nammic Building
WINDHOEK NAMIBIA
(Our Ref: HSA/1057//CR)

CLAO210007964

NOTICE TO CREDITORS IN DECEASED ESTATE All persons having claims against the estate specified below are called upon to lodge their claims with the executors concerned within a period of 30 days (or otherwise as indicated from the date of publication hereof)
Registered Number of Estate.
E 1225/2021
Surname NDOROMA
Christian Names: REMARKUS
Date of Birth: 30 MARCH 1960
Identity Number 6003301100297
Last Address ERF 5807 ONGWEDIVA NAMIBIA
Date of death 16 SEPTEMBER 2021
First Names and Surname of Surviving Spouse. N/A
Date of Birth N/A
Identity Number N/A
Name and (only one) address of executor or authorized agent
TJITEMISA & ASSOCIATES
NO 5 WEBB STREET WINDHOEK - NORTH WINDHOEK Notice of publication in the Government Gazette. 05 NOVEMBER 2021
clao21000

Obituaries

• In Memoriam •

Mika Shikongo Nambombola
*07/04/1993
+07/11/2020

Tomorrow marks exactly a year since you departed, your caring kindness and loving memories are still fresh in our memories.

Deeply missed by your Mom, Aunty, Brother, Sister and the entire family.

May your soul continue resting in peace Nkelo

CLAO210007814

gef | Benguela CURRENT CONVENTION | UNDP

REQUEST FOR QUOTATION (RFQ)

The Benguela Current Convention (BCC) is a multi-sectoral initiative by Angola, Namibia and South Africa (Parties) to spearhead regional collaboration for integrated management, sustainable development and protection of the environment using an ecosystem approach to ocean governance in the Benguela Current Large Marine Ecosystem (BCLME).

The Secretariat of the BCC invites a competent company/individual to submit a quotation to coordinate/facilitate the National Action Plan (NAP) in Namibia for the BCC.

Detailed Terms of Reference for the RFQ is available at www.benguelacc.org or from Mr Ipeinge Mundjulu, (ipeinge@benguelacc.org, Tel: + 264 64 406 901).

Entries must be submitted before 16:00 before or on **12 November 2021.**

VACANCY

NAMFISA
NAMIBIA FINANCIAL INSTITUTIONS SUPERVISORY AUTHORITY

The Namibia Financial Institutions Supervisory Authority (NAMFISA) exists to supervise financial institutions and financial services, and to advise the Minister of Finance on matters relating to financial institutions and financial services in terms of the NAMFISA Act No 3 of 2001. NAMFISA is an equal opportunity employer and invites competent & suitably qualified candidates to apply for the following position(s):

LEGAL OFFICER
DIVISION: MARKET CONDUCT

Interested candidates are invited to visit the NAMFISA website for more information
www.namfisa.com.na

Only short-listed candidates will be contacted and no documents will be returned
No faxed applications will be accepted.

CLOSING DATE: FRIDAY, 12 NOVEMBER 2021

PUMA ENERGY

PUMA ENERGY (NAMIBIA) (PROPRIETARY) LIMITED

VACANCY
Terminal Manager
Based in Walvis Bay
Reporting to the Operations Manager

General Purpose of Position:
This position reports to the Operations Manager and is part of the Walvis Bay Operations team.

The Depot Manager is accountable for the efficient and economic storage and handling, transport and maintenance operation of the Fuel Depot. They will lead the team and drives Terminal performance to ensure Healthy, safe, efficient, and cost-effective operation which is in compliance with Puma Energy practice and standards.

Requirements:
Education:
Minimum Grade 12 Diploma or Degree in Logistics or commercial or engineering-related fields Valid driving licence.

Experience:
- Possess a sound knowledge and on the job experience in Depot and Transport Operation. Minimum of 5 (Five) years working experience is required.
- Thorough knowledge of HSSE systems
- Thorough knowledge of Fuel Depot operations procedures, supply and logistics.
- Knowledge of other Operating Performance Unit (OPU) strategies and plans, particularly markets will be an advantage
- Ability to work with diverse teams including management and third-party negotiations

Skills:
- Must be able to plan and organise
- Must have numerical & Analytical skills
- Must be able to work independently and lead a team
- Must actively take part in HSSE management activities
- Must have advanced knowledge and experience of basic business principles
- Must have advanced Computer skills, Excel is a pre-requisite
- Must be able to cope under pressure

Competencies:
- HSSE Management
- Site Operations Management
- Change Management
- Compliance Management
- Fuel Product Quality Knowledge
- Human Resources Management
- Financial/Administrative Skills
- Leading People
- Performance Bias
- Communication Skills
- Interpersonal Relationship Skills
- Planning, Organizing and Controlling Skills
- Partnership and Teamwork
- Wise Decisions/Decision Making
- Driving skills

Interested candidates who meet the above application criteria are requested to apply for this vacancy by sending an updated CV to Leone.Wolhuter@pumaenergy.com

For any enquiries, please contact +264 85 324 5252
Candidates are requested to ensure that a copy of qualifications and a detailed cover/motivational letter accompany their CV.

Closing date for Applications: On or before 14 November 2021

308

CLASSIFIEDS

Tel: (061) 2080844 Fax: (061) 220584 Email: Classifieds@nepc.com.na

Notices

NOTICE

Please take note that Van Der Westhuizen Town Planning & Properties CC on behalf of the owner/s of Portion 48 (A Portion of Portion 24) of the Farm no. 163, Swakopmund herewith intend to apply to the Municipality of Swakopmund for the following:

CONSENT TO CONSTRUCT AND OPERATE A "TOURIST ESTABLISHMENT" ON PORTION 48 (A PORTION OF PORTION 24) OF THE FARM NO. 163, SWAKOPMUND

Any person having any objection against such application should lodge such objection/s or comment/s in writing within 14 days of the last newspaper publication to both the Chief Executive Officer of the Swakopmund Municipality and the applicant during normal business hours. Closing date for objection/s or comment/s is 25 November 2021.

Contact Persons: A vd Westhuizen / W v/d Westhuizen
Tel: 0811224661 / 081244 4441
Email: andrew.namib@gmail.com / wimdw@gmail.com
P O Box 457, Swakopmund
Or
Swakopmund Municipality:
Manager: Town Planning:
Mr J Heita
Tel: 064-410 4403
Email: jheita@swkmun.com.na

SM DYNAMIC

PUBLIC NOTICE FOR ENVIRONMENTAL IMPACT ASSESSMENT & CALL FOR PUBLIC PARTICIPATION

SM Dynamic Environmental Consultants hereby gives notice to all potentially Interested and Affected Parties (I&APs) that an application will be made to the Environmental Commissioner in terms of the Environmental Management Act (No 7 of 2007) and the Environmental Impact Assessment Regulations (GN 30 of 6 February 2012) for the following activity:

PROJECT DESCRIPTION: New Proposed Landfill Site.
PROJECT LOCATION: Tsumeb Town
PROPONENT: Tsumeb Municipality

Public Meeting:
Date: 30 November 2021
Time: 15 00
Venue:
Nomtsoub Community Hall

Environmental Assessment Practitioner (EAP): SM Dynamic Environmental Consultants

REGISTRATION OF I&APs AND SUBMISSION OF COMMENTS:

All Interested & Affected Parties are hereby invited to register and submit their comments, concerns or questions in writing or request for Background Information Document via Email mkulvert@gmail.com, or info@smdynamic.org 085 1443800 on or before 3rd December 2021.

NOTICE TO CREDITORS

In the ESTATE OF THE LATE JOHANNES NARIMAB, ID No 61032100230 of Windhoek, Khomas Region, who died on 01 March 2021. Master's Ref No E 2051/2021.

Creditors and debtors in the above estate are hereby called upon to submit their claims and to pay their debts within 30 days from the date of this advertisement.

Chairmaine Schultz

Chairman Schultz Legal Practitioner
8 Adler Street
Corner Adler and Freud
P O Box 23823, Windhoek
Tel: 061 226652
Fax: 061 226663
Fax 2 Mail: 088543664

NOTICE

Take notice that **PLAN AFRICA CONSULTING CC**, TOWN AND REGIONAL PLANNERS, on behalf of the owner of the respective erf, intends to apply to the Windhoek City Council for:

• REZONING OF ERF 3576 KATUTURA FROM 'RESIDENTIAL' WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4

•CONSENT TO USE THE ERF FOR THE PURPOSE OF A BUSINESS BUILDING IN LINE WITH THE DEFINITION IN THE WINDHOEK TOWN PLANNING SCHEME FOR A MEDICAL PRACTICE.

•CONSENT TO PROCEED WITH DEVELOPMENT WHILE THE REZONING IS IN PROCESS.

Erf 3576 is 804m² in extent. The intention to develop the respective erf for the use by a medical practitioner.

Further take notice that the plan of the erf lies for inspection on the Town Planning Notice board at the Windhoek City Council and at Plan Africa Consulting CC, No 8 Delius Street, Windhoek West.

Further take notice that any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the City Council and with the applicant (**Plan Africa Consulting CC**) in writing within 14 days of the last publication of this notice (final date for objections is 30 November 2021).

PLAN AFRICA CONSULTING CC
TOWN and Regional Planners
Box 4114, 8 Delius Street
Windhoek (West)
Tel. (061) 212096
Cell: 0812716189
Fax: (061) 213051
Email:
pafrica@mweb.com.na

PARTICULARS OF CLAIM

1. PLAINTIFF is **STANDARD BANK NAMIBIA LIMITED**, with registration number 78/1799, a registered commercial bank and public company with limited liability, duly registered as such in terms of the applicable laws with its registered head office and principal place of business situated in the Standard Bank Campus, No. 1 Chasie Street, Kleine Kuppe, Windhoek, Republic of Namibia.

2. DEFENDANT is **SARAH JACOBA MOWES**, an adult female with identity number 571220 0039 7 with her chosen *domicilium citandi et executandi* at Section 24, City View, Windhoek, Republic of Namibia, whose full and further particulars are to the Plaintiff unknown

3. The entire cause of action arose within the jurisdiction of the above Honourable court.

4. The Defendant is indebted to Plaintiff in the amount of N$889 903.99, as certified in Annexure "A" hereto (which amount includes compound interest calculated daily and capitalised monthly at Plaintiff's home loan base rate of interest from time to time, currently 7.00% per year as from 7 October 2020 until date of full payment) being the outstanding balance in respect of monies lent and advanced by Plaintiff, duly represented by Ms. Carotine Orange to the Defendant, having acted personally, in terms of a written Home Loan Agreement, titled "Letter of Grant" entered into on the 4th of July 2012 at Windhoek, the terms whereof appear from annexure "B" attached hereto.

5.The following were the materials terms of the agreement as appears from Annexure "B":The Plaintiff would lend and advance the Defendant the sum of N$600 000.00 in respect of the agreement.

5.1 In terms clause 2.2, the Defendant would receive an additional sum not exceeding N$150 000.00, in respect of interest on all amounts secured by the bond issued to the Plaintiff.

5 2 In terms of clause 2.3 any additional interest on amounts secured by this Bond and/or any additional costs of the kind mentioned in 2 2 2 that would otherwise not be secured by this Bond

5.3 In terms of clause 3.1 of the aforesaid agreement between the parties the loan was repayable in variable monthly instalments of N$6 912.98 which instalments includes the capital amount and interest, failing which, the full outstanding balance would forthwith become due, owing and payable.

5.4 The Plaintiff may, in terms of clause 20 of the agreement, issue a certificate through any of its managers or branch administrators which certificate would constitute sufficient proof of the factors stated therein in respect of the Defendant's indebtedness to the Plaintiff.

5 5. In terms of clause 21, more specifically 21 1 1 read with 21.2 of the agreement, should the Defendant breach the agreement, then at the option of the Plaintiff, all amounts whatsoever owing to the Plaintiff by the Defendant shall forthwith be payable in full and the Plaintiff may institute proceedings for the recovery thereof and for an order declaring the mortgaged property executable

6 The Plaintiff and Defendant opened a home loan account, account number 42719783 in respect of servicing the interest over the afore-stated bond

7. The Defendant is in default with the payment of the agreed monthly instalments having failed to pay same since the 3rd of September 2019, and demand notwithstanding, fails and or neglects to pay the aforesaid amount together with further interest thereon as agreed. The Defendant is in breach of the terms of the agreement.

8. A letter of demand which also constitutes a notice of termination of the agreement was issued by the Plaintiff to the Defendant on the 13th of October 2020, a copy whereof is annexed hereto marked "C".

9. As and for security for the due and punctual fulfilment of its obligations to the Plaintiff, the Defendant passed a Sectional Continuing Covering Mortgage Bond with number ST 32/2012 (24) (Unit), in favour of Plaintiff over the following property:

A unit consisting of:

(a)Section No. 24 as shown and more fully described on Sectional Plan No. 32/2012 in the building or buildings known as City View situate at Windhoek, in the Municipality of Windhoek, Registration Division "K", Khomas Region of which the floor area, according to the said Sectional Plan is 95 (Ninety Five) square metres in extent; and

(b) An undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan apportioned to the said section in accordance with the participation quota of the said section

Held under Certificate of Registered Sectional Title 32/2012 (24) (Unit) dated subject to the conditions therein contained

A copy of the Sectional Continuing Covering Mortgage Bond is attached hereto marked "D"

10. In these circumstances Plaintiff is entitled to have the bonded properly declared executable and to recover its costs of suit on an attorney and client scale as per the agreement.

11 In the premises the Defendant is liable to Plaintiff for the payment of the aforesaid outstanding amount together with further interest thereon as agreed but, demand notwithstanding, the Defendant fails and/or neglect to make payment thereof to Plaintiff.

12. It is unknown to the Plaintiff whether the immovable property is the primary residence of the Defendant and whether or not same is leased to a third party.

13 In the event that the Plaintiff applies for default judgment against the Defendant, the Plaintiff shall apply for an order in terms of Rule 108(1)(b) declaring the mortgaged property executable. The Defendant or any other person is hereby informed to provide reasons to this reasonable Court and judgment creditor within 10 (ten) days of this summons as to why an order declaring the property executable may not be granted.

14. The Defendant or any other person must show cause why the property should not be executable within 10 days of receipt of service.

WHEREFORE PLAINTIFF CLAIMS FOR JUDGMENT AGAINST THE DEFENDANT FOR:

1. Payment in the amount of N$889 903.99.

2. Compound interest calculated daily and capitalised monthly on the amount of N$889 903.99 at the rate of 07.00% per year as from 7 October 2020 until date of final payment.

3. An order declaring the following property executable:

A unit consisting of:

(a) Section No. 24 as shown and more fully described on Sectional Plan No. 32/2012 in the building or buildings known as City View situate at Windhoek, in the Municipality of Windhoek, Registration Division "K", Khomas Region of which the floor area, according to the said Sectional Plan is 95 (Ninety Five) square metres in extent, and

(b) An undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan apportioned to the said section in accordance with the participation quota of the said section

Held under Certificate of Registered Sectional Title 32/2012 (24) (Unit) dated subject to the conditions therein contained.

4. Costs of suit on a scale as between attorney and client.

5. Further and or alternative relief.

DATED AT WINDHOEK ON THIS DAY OF MAY 2021

ANGULACO. INCORPORATED
Legal Practitioner for Plaintiff
Unit 112 E/F, Block C
Maerua Park, Centaurus Street
WINDHOEK
(Ref: DEB1454)

Rule7(1)
COMBINED SUMMONS IN THE HIGH COURT OF NAMIBIA
(Main Division)

CaseNumber:HC-MD-CIV-ACT-CON-2021/02006

In the matter be tween:
STANDARD BANK NAMIBIA LIMITED
PLAINTIFF
and
SARAH JACOBA MOWES
DEFENDANT

To the deputy-sheriff: INFORM SARAH JACOBA MOWES, Female, with Domicillium citandi et executandi SECTION 24, CITY VIEW, WINDHOEK, KHOMAS, Namibia, here after called the defendant(s), that **STANDARD BANK NAMIBIA LIMITED**, with Principal Place of Business STANDARD BANK CAMPUS, NO 1 CHASIE STREET, KLEINE KUPPE, WINDHOEK, KHOMAS, Namibia, hereby institutes action against him or her in which action the plaintiff(s) claims there lief and on the grounds set out in the particulars annexed here to.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she must-

1 Within 10 days of the service on him or her of this summons file with the registrar of the court at **High Court of Namibia (Main Division)** notice of his or her intention to defend and serve a copy thereof on the plaintiffs legal practitioner, which notice must give an address (not being a post office box or poste restante) referred to in rule 14(3)(b) for the service on the defendant of all notices and documents in the action, but, if the defendant chooses to have further pleadings served on him or her by way of electronic means, such electronic address must be provided to the plaintiff in the notice of defence.

2 Simultaneously with the delivery of the notice of intention to defend, the defendant must deliver the return in terms of rule 6 (4), which contains the following information about the defendant:

"(a) in the case of a natural person, his or her full names, identity number where available and if a Namibian citizen or any other person ordinarily resident in Namibia, his or her physical address and where available, his or her telephone or cellular phone number or both, work place telephone number, facsimile number and personal or work place email address or both;

(b) in the case of a close corporation, its name and registration number, postal address and registered office referred to in section 25 of the Close Corporations Act 1988 (Act No 28 of 1988) and the particulars referred to in paragraph (a) of at least one member or officer as defined in that Act and the particulars referred to in paragraph (a) of its accounting officer appointed in terms of section 59 of that Act,

(c) in the case of a company, its name and registered number, postal address and registered office referred to in section 178 of the Companies Act 2004 (Act No. 28 of 2004) and the particulars referred to in paragraph (a) of at least one director and the secretary referred to in section 223 of that Act including all particulars referred to in section 223 (1) of that Act and in case of the officer or secretary of any other body corporate the particulars referred to in paragraph(b) of section 223 (1) of that Act;

(d) in the case of any other juristic person, the particulars referred to in paragraph (a) of at least one officer or secretary or a person, by what ever name called, running its affairs, and

(e) in the case of a trust which is duly authorised to litigate, the particulars referred to in paragraph (a) of all trustees and a reference number given by the master to the trust deed registered with the master."

3 The particulars provided in terms of item 2 remain binding on the party to which they relate and may be used by the court, or by the other party to effect service of any notice or document on such party or give notice to such party.

4 As soon as the managing judge has given notice of a case planning conference in terms of rule 23(1), he or she is required to meet with the plaintiff in order to agree a case plan in terms of rule 23(3) for submission to the managing judge for the exchange of pleadings, and the time within which he or she must deliver his or her plea and counterclaim, if any, will be determined by the court having regard to such plan and if he or she fails to cooperate in submitting such a plan, the court will determine the time within which he or she must deliver his or her plea and counter claim, if any, and he or she must comply with such order.

INFORM the defendant further that if he or she fails to file and serve notice of intention to defend judgment as claimed may be given against him or her without further notice to him or her or if, having filed and served such notice, he or she fails to plead, except, make application to strike out or counter claim, judgment may be given against him or her And immediately thereafter serve on the defendant a copy of this summons and return it to the registrar with whatsoever you have done there upon

DATED at Windhoek on this 19th day of May 2021.

Leatitia Hussemann
Legal practitioner for the plaintiff
Angula Co Inc
Unit 112 E/F Block C,
First Floor, Maerua Park,
Centaurus Street, Windhoek,
Khomas Region, Namibia
Office Reference Number
DEB1454, Tel 061-419500
Fax: 061-419505
TO: SARAH JACOBA MOWES, SECTION 24, CITY VIEW, WINDHOEK, KHOMAS, Namibia
Authorize Code SBrebW

AND TO:
Registrar of the HighCourt
Main Division Windhoek

CLASSIFIEDS

Tel: (061) 208 0800/44 Fax: (061) 220 584 Email: classifieds@nepc.com.na

Employment Offered

Company: China Geo-Engineering Corporation Namibia (Pty) Ltd

Postal Address:
P.O.Box 35383,
Klein Kuppe, Windhoek
Contact Person
Mr Alfred Zhang
Tel: 0818537815
Email:
namibia@chinageo.com.cn

Vacancy 1 Details:
Position: Site Manager

Position Requirement:

1. At least twelve(12) years experience in construction and engineering market, at least seven(7) years' site experience in housing projects; at least two(2) relevant project experience in Site Manager position, of which at least one was financed by World Bank/ African Development Bank/KFW Development Bank,
2. Bachelor Degree in Civil Engineering;
3. Fluent English writing and speaking;

Vacancy 2 Details:
Position: Civil Engineer

Position Requirement:
1. At least seven(7) years experience in construction and engineering market;
2. Diploma Certificate / Bachelor Degree in Civil Engineering;
3. Fluent English writing and speaking;

Vacancy 3 Details:
Position: ESHS Engineer

Position Requirement:
1. At least ten(10) years experience in designing and monitoring the implementation of ESHS management plans for construction works; at least 5 years' site experience in housing projects; at least one(1) relevant project experience which were financed by World Bank/ African Development Bank/KFW Development Bank;
2. Diploma Certificate / Bachelor Degree in Environmental Engineering;
3. Fluent English writing and speaking;

Employment Offered

AWMI Soweto Medical Centre and Day hospital

Vacancies

AWMI invites proactive and professional candidates to apply for the following positions.

2x General Practitioners

Minimum Requirements:
- MBChB or equivalent
- 5 Years experience.
- Experience in obstetrics a must
- Registered with HPCNA
- Prepared to start immediately

Closing Date:
20 November 2021

Hand Delivery only
Enquiries.
Tel: 061-224446

Notice Legal Notice

PUBLIC NOTICE
ENVIRONMENTAL IMPACT ASSESSMENT

Quintessential Trading and Consultancy hereby give notice to all potentially Interested and Affected Parties (I&APs) that an application will be made to the Environmental Commissioner in terms of the Environmental Management Act (No 7 of 2007) and the Environmental Impact Assessment Regulations (GN 30 of 6 February 2012) for the following:

Project Details:
- Subdivision of Public Open Space Erf 231 Matutura Proper, Swakopmund measuring 2558 sqm into Erf 231 and Remainder
- Rezoning the 120 sqm portion of Remainder from Public Open Space to Parastatal and registration in the name of ErongoRed
- Subdivision of Public Open Space Erf 233 Matutura Proper, Swakopmund measuring 6261 sqm into Erf 233 and Remainder
- Rezoning the 120 sqm portion of Remainder from Public Open Space to Parastatal and registration in the name of ErongoRed

The rezoning of land from zoned public open space to any other land use are listed activities as per the List of Activities requiring Environmental Clearance (Government Notice 29 of 6 February 2012) and accordingly require an Environmental Scoping Assessment process to be conducted.

The Proponent: Municipality of Swakopmund
Environmental Assessment Practitioner (EAP): Quintessential Trading and Consultancy

Registration of I&AP's and Submission of Comments

In line with Namibia's Environmental Management Act (No. 7 of 2007) and EIA regulations (GN 30 of 6 February 2012), all I&APs are hereby invited to register, request a BID document, submit their comments, concerns or questions before 06 December 2021 in writing to:

Mail: Po Box 2112, Swakopmund, Post Code 13001, Namibia
Email: quintessentialtrading@gmail.com
Mobile: +264814815077

Notice Legal Notice

PUBLIC NOTICE
TOWNSHIP ESTABLISHMENT OF OUTAPI EXTENSION 20

INVITATION TO A TOWN PLANNING PUBLIC MEETING

SPC has been appointed by the Outapi Town Council to prepare a layout design and to undertake a township establishment for Outapi Extension 20 on the Remainder of Erf 3339 Outapi Extension 6. The new township extension has the aim to primarily provide and develop affordable housing at Outapi, which are to be supported by public open spaces, residential and general residential land uses.

The residents of the affected areas and the general public as well as any interested parties are hereby invited to attend the town planning meeting during which the draft layout design prepared of the new township extension will be presented for comments and inputs from the public. The meeting is scheduled to take place as follows:

DATE:	TIME:	VENUE:
24 November 2021	16h00	Anamulenge Open Market (Outapi)

<u>Please note that the Covid-19 regulations will be strictly adhered to.</u>

For persons interested to register as an 'Interested and Affected Party', or for any other reasons concerning this project, may do so by contacting our office:

Contact: Mr. Günther Stubenrauch
Tel: 061 251189
Email: gunther@spc.com.na

PORTION 124 (A PORTION OF PORTION 2 (SONNLEITEN)) OF THE FARM ONDEKAREMBA NO. 78: ESTABLISHMENT OF THE TOWNSHIP, GREY THORN NATURE ESTATE – MUNICIPALITY OF WINDHOEK

Notice is hereby given in terms of Section 107(1) of the Urban and Regional Planning Act, 2018(Act No. 5 of 2018), that application has been made for the Establishment of the Township Grey Thorn Nature Estate situated on Portion A of Portion 124 (A Portion of Portion 2 (Sonnleiten)) of the Farm Ondekaremba No. 78.

The proposed development will be for the purpose of a Nature Estate and will comprise of 346 plots including Public Open Spaces and Streets. The plots will vary in size from 1Ha to 1.2Ha.

The application is lying open for inspection at the City of Windhoek, customer care Centre, Office of the Ministry of Urban and Rural Development: Division Planning, 2nd floor, Room No. 237, GRN Office Park, Windhoek and at the office of Plantek Town and Regional Planners, 97 Amasoniet Street, Eros.

Any person who wishes to object to the application or who desires to be heard in the matter may lodge their objections at any of the above mentioned offices on or before the 12th of October 2020.

PLANTEK TOWN AND REGIONAL PLANNERS
P. O BOX 9807
EROS

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

INVITATION TO COMMENT / PARTICIPATION

Omata Investments (Pty) Ltd; EPL 8422, Karas Region, Namibia

CENTRE FOR GEOSCIENCES RESEARCH cc has been appointed to undertake an Environmental Impact Assessment (EIA) in accordance with the Namibian Environmental Management Act (2007) and it Regulations (2012).
Omata Investments (Pty) Ltd; EPL 8422, Karas Region, Namibia is proposing to undertake exploration of base, rare and precious metals.

The exploration is being undertaken in line with the exploration programme that has been approve by the Ministry of Mines and Energy. Interested and affected parties are encouraged to register via email in order to receive the Background Information Document (BID) to the email below within a period of fourteen days from the date of advert to the email below, and information on a possible arrangement for a Public meeting.

All comments and concerns should be submitted to **CENTRE FOR GEOSCIENCES RESEARCH.**

Please contact:
Mr Mulife Siyambango
CENTRE FOR GEOSCIENCES RESEARCH cc
P.O. Box 31423 Pioneerspark
Windhoek, Namibia 128A
Bach Street
Tel: 061-307157/ Cell: 0856419511
Email: <u>cegeomam@gmail.com</u>

Notice Legal Notice

PUBLIC PARTICIPATION NOTICE
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR THE ONGOING EXPLORATION AND PROPOSED SMALL-SCALE MINING ACTIVITIES ON EPL 6891, LÜDERITZ DISTRICT, KHARAS REGION

Notice is hereby given to all Interested and Affected Parties (I&APs), that an application for an Environmental Clearance Certificate will be submitted to the Competent Authority and the Ministry of Environment, Forestry and Tourism (MEFT) for the following activities.

Project title: Ongoing exploration and small-scale mining activities on EPL 6891

Project location: [illegible], Lüderitz District, Kharas region

Proponent: Bonya Exploration (Pty) Ltd

Description: The proponent intends to continue with exploration activities and commence with the small-scale mining activities of base and rare metals, dimension stones, industrial minerals, precious metals, precious stones, and semi-precious stones. In terms of the Environmental Management Act 07 of 2007, the intended activities cannot be undertaken without an EIA study being carried out.

I&APs are hereby invited to register, request the Background Information Document (BID), attend the public meeting and submit comments/ inputs to [illegible]. The last day to submit inputs is 03 December 2021.

The public and stakeholder meeting is scheduled as follows:
Venue: Benhof Conference Center Aus
Date: Friday, 19 November 2021
Time: 10.30

Green Gain Consultants
For more information
Cell: +264 811422927 or +26481 3360114
http://www.greengain.com.na

PUBLIC PARTICIPATION NOTICE
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) FOR THE ESTABLISHMENT OF A NEW CEMETERY IN LÜDERITZ, //KHARAS REGION

Notice is hereby given to all Interested and Affected Parties (I&APs) that an application for the Environmental Clearance Certificate will be submitted to the Environmental Commissioner for the following activities.

Project title: Establishment of a new Cemetery in Lüderitz

Proponent: Lüderitz Town Council

EAP: Green Gain Environmental Consultants cc

Background: The town of Lüderitz is served with three cemeteries; one has already reached its maximum capacity while the remaining two are also about to reach maximum capacity. Hence, the Town Council has identified two alternative sites within its townlands for the establishment of a new cemetery. In terms of the Environmental Management Act, No. 07 of 2007 and the EIA Regulations (GN No. 30 of 6 February 2012) the intended activities cannot be undertaken without an EIA study being carried out.

I&APs are hereby invited to register, request for the Background Information Document (BID), and send their comments to eia@greengain.com.na on or before 03 December 2021.

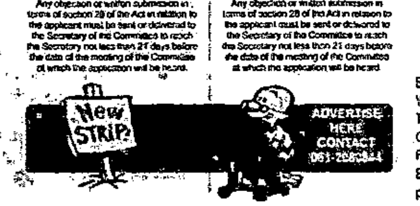
The public meeting is scheduled as follows:
Date: Thursday, 18 November 2021
Venue: Lüderitz Secondary School
Time: 16:30

For further information

Green Gain Consultants
+264 81 142 2927
info@greengain.com.na
http://www.greengain.com.na

REPUBLIC OF NAMIBIA
MINISTRY OF TRADE & INDUSTRY
LIQUOR ACT, 1998 NOTICE OF APPLICATION TO A COMMITTEE IN TERMS OF THE LIQUOR ACT, 1998
(regulations 14, 26 & 33)
Notice is given that an application in terms of the Liquor Act, 1998, particulars of which appear below, will be made to the Regional Liquor Licensing Committee.
Region:
OSHANA
1. Name and postal address of applicant:
PETRUS ASHIPALA
P.O. BOX 3515 ONGWEDIVA
2. Name of business or proposed Business to which applicant relates
THE PUB
3. Address/Location of premises to which Application relates:
ERF: 1259 ONAMBINGA, OMATANDO, ONGWEDIVA
4. Nature and details of application:
SPECIAL LIQUOR LICENCE
5. Clerk of the court with whom Application will be lodged:
OSHAKATI MAGISTRATE
6. Date on which application will be Lodged: **15-30 NOVEMBER 2021**
7. Date of meeting of Committee at Which application will be heard:
12 JANUARY 2022
Any objection or written submission in terms of section 28 of the Act in relation to the applicant must be sent or delivered to the Secretary of the Committee to reach the Secretary not less than 21 days before the date of the meeting of the Committee at which the application will be heard.

REPUBLIC OF NAMIBIA
MINISTRY OF TRADE & INDUSTRY
LIQUOR ACT, 1998 NOTICE OF APPLICATION TO A COMMITTEE IN TERMS OF THE LIQUOR ACT, 1998
(regulations 14, 26 & 33)
Notice is given that an application in terms of the Liquor Act, 1998, particulars of which appear below, will be made to the Regional Liquor Licensing Committee.
Region:
OMUSATI
1. Name and postal address of applicant
AIRONJEKE GERVASIUS KALIPI
P.O.BOX 15553 OSHAKATI, NAMIBIA
2. Name of business or proposed Business to which applicant relates
ETEVE SHEBEEN
3. Address/Location of premises to which Application relates:
OMUFITU LOCATION IN OMBAFI VILLAGE OF OKSALANTU
4. Nature and details of application
SHEBEEN LIQUOR LICENCE
5. Clerk of the court with whom Application will be lodged
OUTAPI MAGISTRATE
6. Date on which application will be Lodged: **15-30 NOVEMBER 2021**
7. Date of meeting of Committee at Which application will be heard:
12 JANUARY 2022
Any objection or written submission in terms of section 28 of the Act in relation to the applicant must be sent or delivered to the Secretary of the Committee to reach the Secretary not less than 21 days before the date of the meeting of the Committee at which the application will be heard.



Notice Legal Notice

NOTICE TO CREDITORS

In the **ESTATE OF THE LATE JOHANNES NARIMAB**, ID No. 61032100230 of Windhoek, Khomas Region, who died on 01 March 2021. Master's Ref No. E 2051/2021.

Creditors and debtors in the above estate are hereby called upon to submit their claims and to pay their debts within 30 days from the date of this advertisement.

Chairmaine Schultz

Chairman Schultz Legal Practitioner
8 Adler Street
Corner Adler and Freud
P O Box 23823, Windhoek
Tel: 061 226652
Fax: 061 226653
Fax 2 Mail: 088643654

NOTICE

Take notice that **PLAN AFRICA CONSULTING CC, TOWN AND REGIONAL PLANNERS**, on behalf of the owner of the respective erf, intends to apply to the **Windhoek City Council** for:

- **REZONING OF ERF 3576 KATUTURA FROM 'RESIDENTIAL' WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4**
- **CONSENT TO USE THE ERF FOR THE PURPOSE OF A BUSINESS BUILDING IN LINE WITH THE DEFINITION IN THE WINDHOEK TOWN PLANNING SCHEME FOR A MEDICAL PRACTICE.**
- **CONSENT TO PROCEED WITH DEVELOPMENT WHILE THE REZONING IS IN PROCESS.**

Erf 3576 is 804m² in extent. The intention to develop the respective erf for the use by a medical practitioner.

Further take notice that the plan of the erf lies for inspection on the Town Planning Notice board at the Windhoek City Council and at Plan Africa Consulting CC, No 8 Delius Street, Windhoek West.

Further take notice that any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the City Council and with the applicant **(Plan Africa Consulting CC)** in writing within 14 days of the last publication of this notice **(final date for objections is 30 November 2021).**

PLAN AFRICA CONSULTING CC
TOWN and Regional Planners
Box 4114, 8 Delius Street
Windhoek (West)
Tel: (061) 212096
Cell: 0812716189
Fax: (061) 213051
Email:
pafrica@mweb.com.na

310

Notices • Legal •

Entrance in Burg Street P O Box 37, WINDHOEK (Ref: SU/av24205)

clao210008137

CASE NO. HC-MD-CIV-ACT-CON-2018/03084 IN THE HIGH COURT OF NAMIBIA In the matter between, STANDARD BANK NAMIBIA LIMITED Plaintiff and SAKARIA NIKODEMUS 1st Defendant HILJA NDILIMEKE KAUNAPAWA NIKODEMUS 2nd Defendant NOTICE OF SALE IN EXECUTION In execution of a judgment of the above Honourable Court dated 21 August 2020 in the above action, a sale will be held by the Deputy Sheriff, OKAHANDJA, at Erf No. 704 (A Portion of Erf No. 697) Gawen de Laan, Okahandja, on 25 November 2021, at 14H00, of the under mentioned property:
CERTAIN: Erf No 704 (A Portion of Erf No. 697) Okahandja
SITUATE: In the Municipality of Okahandja Registration Division "J" Otjozondjupa Region
MEASURING: 1008
(One Zero Nine Eight Square Metres
IMPROVEMENTS:
1 x balcony,
1 x kitchen,
1 x lounge
2 x bedrooms,
1 x shr/wc/hwb
TERMS 10% of the purchase price and the auctioneers' commission must be paid on the date of the sale. The further terms and conditions of the sale will be read prior to the auction and are for inspection at the office of the Deputy Sheriff, OKAHANDJA and at the offices of the execution creditor's attorneys. DATED at WINDHOEK this 12th day of OCTOBER 2021. DR WEDER KAUTA & HOVEKA INC. Legal Practitioner for Plaintiff 3RD Floor WKH House Jan Jonker Road WINDHOEK (PUK/pg/MAT42442)

clao210007792

CASE NO: HC-MD-CIV-ACT-CON-2020/00173 IN THE HIGH COURT OF NAMIBIA MAIN DIVISION - WINDHOEK In the matter between: BANK WINDHOEK LIMITED Plaintiff and MYNHARDT JAKOBUS DU PREEZ Defendant NOTICE OF SALE IN EXECUTION In execution of a Judgement of the above Honourable Court in the above action, a sale without reserve will be held by the Deputy Sheriff, Okahandja, at Section 12, Jo'Bro Village, Dinter Road, Okahandja, on 28 January 2022, at 10h00, of the undermentioned property.
CERTAIN. Section 12, Jo'Bro Village
SITUATE. In the municipality of Okahandja (Registration division "J")
MEASURING. 74 Square metres
IMPROVEMENTS: Two bedroom townhouse with lounge, kitchen, bathroom, courtyard and carport
AUCTIONEER'S NOTE REFUNDABLE REGISTRATION FEE OF N$3 000.00
TERMS 10% of the purchase price and the auctioneers' commission must be paid on the date of the sale. The further terms and conditions of the sale will be read prior to the auction and lie for inspection at the office of the Deputy Sheriff, Okahandja and at the offices of the execution creditor's attorneys. DATED at WINDHOEK this 11th day of OCTOBER 2021. DR WEDER KAUTA & HOVEKA INC
Legal Practitioner for Plaintiff
WHK House Jan Jonker Road
WINDHOEK
REF: MAT47392/CP/av

clao210007403

NOTICE OF ENVIRONMENTAL SCOPING ASSESSMENT PROCESS: THE PROPOSED PROSPECTING & EXPLORATION ACTIVITIES ON EXCLUSIVE PROSPECTING LICENSE (EPL) 7246 IN THE OMATJETE DISTRICT, ERONGO REGION Under the Environmental Management Act No. 7 of 2007 and its 2012 Environmental Impact Assessment (EIA) Regulations, the public is hereby notified that an application for an Environmental Clearance Certificate (ECC) will be submitted to the Environmental Commissioner. The proposed project is a listed activity that cannot be undertaken without an ECC from the Department of Environmental Affairs and Forestry (DEAF).
Project Type & Location:
The proposed prospecting and exploration of Base & Rare Metals and Precious Metals on the 24 567-hectare (ha) EPL No. 7246. The EPL is located about 40km west of Kalkfeld and 27km northeast of the Omatjete in the Erongo Region. It covers Farm Enadi Onganga 27, Eremutua Nord Ost 25, Groot Omaue 190, Groot Ongarwenda 192, Klein Okombahe 21, Onjombojumuwawa 32, Otjonwanga 33, Okomborombonga 30, Klein Okombahe Sud Ost 22, Otjongoro 226 and The Farm-Eremutua 225.
The Project Proponent:
Mundarn Investments (Pty) Ltd
Environmental Consultant:
Excel Dynamic Solutions Pty Ltd (EDS Namibia) Members of the public are invited to register as Interested and Affected Parties (I&APs) to be able to submit comments, suggestions, raise concerns on the proposed activities and or receive further information on the Environmental Assessment process. Registration requests and comments should reach EDS before end of business or on Tuesday, 30 November 2021. Contact Person: Ms. Fredrika Shagama
Tel.: +264 (0) 61 259 530
Email: public@edsnamibia.com

clao210008139

NOTICE
Take notice that PLAN AFRICA CONSULTING CC, TOWN AND REGIONAL PLANNERS, on behalf of the owner of the respective erf, intends to apply to the Windhoek City Council for:
•REZONING OF ERF 3576 KATUTURA FROM 'RESIDENTIAL' WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4
•CONSENT TO USE THE ERF FOR THE PURPOSE OF A BUSINESS BUILDING IN LINE WITH THE DEFINITION IN THE WINDHOEK TOWN PLANNING SCHEME FOR A MEDICAL PRACTICE.
•CONSENT TO PROCEED WITH DEVELOPMENT WHILE THE REZONING IS IN PROCESS.
Erf 3576 is 804m² in extent. The intention to develop the respective erf for the use by a medical practitioner. Further take notice that the plan of the erf lies for inspection on the Town Planning Notice board at the Windhoek City Council and at Plan Africa Consulting CC, No 8 Delius Street, Windhoek West. Further take notice that any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the City Council and with the applicant (Plan Africa Consulting CC) in writing within 14 days of the last publication of this notice (final date for objections is 30 November 2021).

CLAO210007933

MINISTRY OF JUSTICE NOTICE TO CREDITORS IN DECEASED ESTATES All persons having claims against the estate specified below, are called upon to lodge their claims with the executors concerned within a period of 30 days (or otherwise as indicated) from the date of publication hereof. Registered number of estate: E3201/2021
Master's Office: WINDHOEK
Surname: SITUNDA
First names: ALPHONSINA LUMBA
Date of birth: 1952.07.08
Identity Number: 52070800181
Last address: NGWEZE
KATIMA MULILO
Date of death: 2021.07.24
First Names and Surname of Surviving Spouse:
Date of Birth:
Identity Number: REF: SIT2 - 0001
Name and (only one) address of executor or authorised agent: INONGE MAINGA ATTORNEYS, PO. BOX 3453 ONGWEDIVA
Period allowed for lodgement of claims if other than 30 days: Advertiser, and address: INONGE MAINGA ATTORNEYS CENTRAL UNITY 10 DR LIBERTINE AMADHILA & AUGUSTE TAANYANDA STREET ONGWEDIVA
Date: 12.11.2021
Tel: 065/232136
Notice for publication in the Government Gazette on: 14.11.2021

CLAO210008155

MINISTRY OF JUSTICE
NOTICE TO CREDITORS IN DECEASED ESTATES All persons having claims against the estate specified below, are called upon to lodge their claims with the executors concerned within a period of 30 days (or otherwise as indicated) from the date of publication hereof. Registered number of estate: E2536/2021
Master's Office: WINDHOEK
Surname: MUCHALI
First names: FRANCIS SISEHO
Date of birth: 1964.02.17
Identity Number: 64021710035
Last address: KATIMA MULILO ZAMBEZI
Date of death: 2021.08.04
First Names and Surname of Surviving Spouse: OUT OF COMMUNITY OF PROPERTY
Christian names and surname of surviving spouse: BERNADINE NARUMSU SHIKONGO
Date of Birth: 1980.05.25
ID: 80052511243
Identity Number: REF: MUC1-0001
Name and (only one) address of executor or authorised agent: INONGE MAINGA ATTORNEYS, PO. BOX 3489 ONGWEDIVA
Period allowed for lodgement of claims if other than 30 days: Advertiser, and address: INONGE MAINGA ATTORNEYS PUUKALI UNITY 1CNR DR LIBERTINE AMADHILA & AUGUSTE TAANYANDA STREET ONGWEDIVA
Date: 12.11.2021
Tel: 065/232136
Notice for publication in the Government Gazette on: 12.11.2021

CLAO210008157

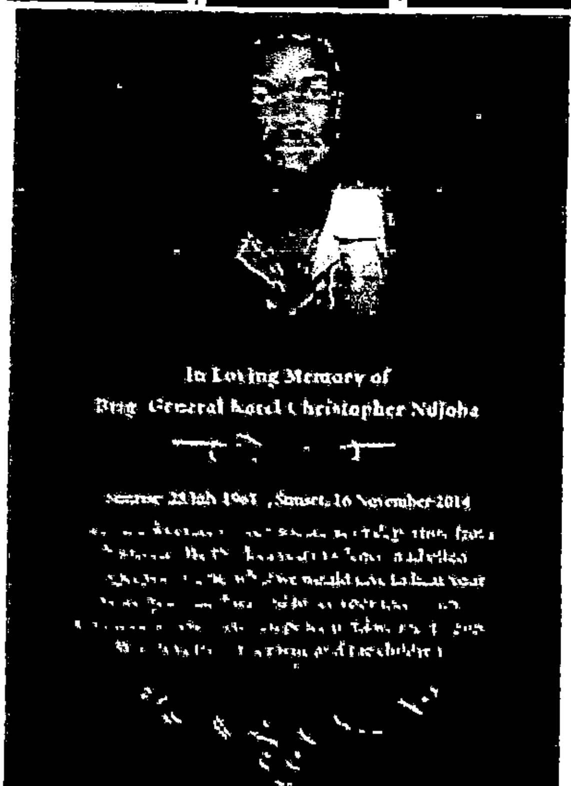
MINISTRY OF JUSTICE NOTICE TO CREDITORS IN DECEASED ESTATES All persons having claims against the estate specified below, are called upon to lodge their claims with the executors concerned within a period of 30 days (or otherwise as indicated) from the date of publication hereof. Registered number of estate: E3251/2021
Master's Office: WINDHOEK
Surname: NEMBUNGU
First names: SIMON
Date of birth: 1959.05.28
Identity Number: 59052910017
Last address: OKALUMBA OSHIKOTO
Date of death: 25 01 2014
First Names and Surname of Surviving Spouse:
Date of Birth:
Identity Number. REF: NEM1-0001
Name and (only one) address of executor or authorised agent:
INONGE MAINGA ATTORNEYS, PO. BOX 3489 ONGWEDIVA
Period allowed for lodgement of claims if other than 30 days: Advertiser, and address: INONGE MAINGA ATTORNEYS PUUKALI UNITY 1CNR DR LIBERTINE AMADHILA & AUGUSTE TAANYANDA STREET ONGWEDIVA
Date: 12.11.2021
Tel: 065/232136
Notice for publication in the Government Gazette on: 12.11.2021

CLAO210008156

IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION, HELD AT WINDHOEK ON WEDNESDAY, THE 27th DAY OF OCTOBER 2021 BEFORE THE HONOURABLE JUSTICE SCHIMMING-CHASE PLAINTIFF PAUL EDWARD DICK COURT ORDER Having heard Mr W Christians, on behalf of the plaintiff and having read the papers filed of record for HC-MD-CIV-ACT-MAT-2020/04329: IT IS HEREBY ORDERED THAT: 1. The court grants judgment for the plaintiff for an order for Restitution of Conjugal Rights and orders the defendant to return to or receive the plaintiff on or before 8 December 2021, failing which, to show cause, if any, to the court on 24 January 2022 at 15:30, why: 1.1 The bonds of the marriage subsisting between the plaintiff and the defendant should not be dissolved. 1.2 Custody of the minor child should not be awarded to the plaintiff with reasonable access to the defendant. 1.3 Defendant should not pay maintenance for the minor child at a rate of N$ 2000.00 per month. 2. The court grants leave for the plaintiff to serve this order on the defendant via substituted service by publication in the Namibian newspaper. BY ORDER OF THE COURT In the matter between: ALIDA LOTHIA DICK and HC-MD-CIV-ACT-MAT-2020/04329 DEFENDANT page2image384 REGISTRAR TO: AND TO: WILLEM CHRISTIANS On behalf of Plaintiff WT Christians Legal Practitioners Erf 122 Block B Rehoboth c/o Engelbrecht Attorneys Brandberg Street No. 2 Eros Windhoek Rehoboth Hardap Region Namibia 9000 PAUL EDWARD DICK Defendant ERF 55 NAMIB STREET NARRAVILLE WALVIS BAY ERONGO Namibia 9000

CLAO210008106

Obituaries • In Memoriam •



We are moving soon to our new Head Office.

BUILDING
FOR SALE / TO RENT

55 Rehobother Road, Ausspannplatz,
Snyman Circle, Windhoek, Namibia

Contact Holger Hoffmann at **061 295 2157** or
HolgerHo@Nedbank.com.na for more information

TRANSNAMIB AUCTIONS

transnamib

KEETMANSHOOP

VIEWING DATE 17 November 2021
AUCTION DATE 18 November 2021
TIME Registration @ 07:00, Auction @ 10:00
PLACE TransNamib Grounds, Keetmanshoop

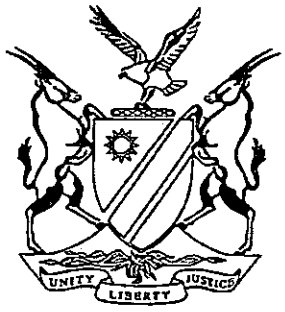
Semi-trailer, Dropside
Semi-trailer, Flatdeck
Hilux 1.6 LDV, SWB
M/Benz 4x4
M/Benz 4x4
Various Loose Goods
Printers
Fax Machines

MUCH, MUCH MORE !!

- N$5 000.00 Refundable Deposit payable.
- T & C's

(061) 228 901 | 081 147 7450 | www.pro-ex.com.na | windhoek@pro-ex.com.na

PRO-EX



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N$10.40 WINDHOEK - 1 December 2021 No. 7695

CONTENTS

Page

GOVERNMENT NOTICES

No. 257 Correction of Government Notice No. 176 of 14 July 2017: Declaration of Ompumbu Extension 1 to be an approved township: Urban and Regional Planning Act, 2018 2

No. 258 Notification of appointment of members of Gambling Board: Gaming and Entertainment Control Act, 2018 2

No. 259 Notification of appointment of members of Lotteries Board: Lotteries Act, 2017 3

No. 260 Declaration of operations at Paratus Telecommunication (Pty) Ltd, Department Network Operations Centre as continuous operations: Labour Act, 2007 3

No. 261 Declaration of operations at Metal Mill Engineering, Uis Tin Mine as continuous operations: Labour Act, 2007 4

No. 262 Declarations of operations at Standard Bank, Customer Contact Centre and Production Operations as continuous operations: Labour Act, 2007 4

No. 263 Declaration of operations at Komatsu Namibia (Pty) Ltd, Parts Department at Husab Mine as continuous operations: Labour Act, 2007 4

No. 264 Declaration of Operations at Coca-Cola Namibia Bottling Company (Pty) Ltd as continuous operations: Labour Act, 2007 5

No. 265 Declaration of Operations at Otjozondu Mining (Pty) Ltd as continuous operations: Labour Act, 2007 5

No. 266 Declaration of Operations at Lodestone Namibia (Pty) Ltd as continuous operations: Labour Act, 2007 6

No. 267 Notification of alteration of boundaries of township of Lüderitz: Urban and Regional Planning Act, 2018 6

No. 268 Change of surname: Aliens Act, 1937 7

GENERAL NOTICES

No. 676 Bethanie Village Council: Notice of vacancies 7

No. 677 Maltahöhe Village Council: Notice of vacancy 8

No. 678	Notice of intention to apply for rezoning of Erf 2919, Windhoek from 'Residential' to 'Office'	8
No. 679	Notice of intent to apply for the layout approval and township establishment of Gwashamba Estate	9
No. 680	Rezoning of Erf 100, Oshakati Proper from "Single Residential" to "General Residential" with a density of 1:100	9
No. 681	Rezoning of Erf 3576, Katutura from 'Residential' with a density of 1:500 to 'Office' with a Bulk of 0.4	10
No. 682	Correction of General Notice No. 631 of 1 November 2021: Rezoning of Erf 229, Rehoboth Block A from "Single Residential 1" with a density of 1:500m to "General Residential" with a density of 1:300	10
No. 683	Rezoning of Erven 4230 and 4231, Windhoek, No. 16 and No. 18 Hahnemann Street from 'Residential' with a density of 1:250m² to 'Office' with a buk of 0.4	11
No. 684	Municipality of Okahandja: Tariffs 2021/2022	12
No. 685	Bank of Namibia: Statement of assets and liabilities at 31 October 2021	13

Government Notices

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 257 2021

CORRECTION OF GOVERNMENT NOTICE NO. 176 OF 14 JULY 2017: DECLARATION OF OMPUMBU EXTENSION 1 TO BE AN APPROVED TOWNSHIP: URBAN AND REGIONAL PLANNING ACT, 2018

Government Notice No. 176 issued under Government Gazette No. 6358 of 14 July 2017 is corrected in paragraph 2 of the Schedule by the substitution for the phrase "122 to 3103" of the phrase "122 to 310".

E. UUTONI
MINISTER OF URBAN
AND RURAL DEVELOPMENT

Windhoek, 11 November 2021

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM

No. 258 2021

NOTIFICATION OF APPOINTMENT OF MEMBERS OF GAMBLING BOARD: GAMING AND ENTERTAINMENT CONTROL ACT, 2018

In terms of subsection (6) of section 7 of the Gaming and Entertainment Control Act, 2018 (Act No. 13 of 2018), I give notice that I have, in terms of subsection (1) of that section, appointed the following persons as members of the Gambling Board for a period of three years with effect from 1 July 2021 to 30 June 2024:

1.	Mr. Ben Shikongo	Chairperson
2.	Ms. Toska Sem	Deputy Chairperson
3.	Mr. Erastus Johannes	Member
4.	Mr. Josua Kaumbi	Member
5.	Ms. Sandra !Owoses	Member
6.	Ms. Amanda Heydenreich	Member
7.	Ms. Uerijeta Kauaria	Member

P. SHIFETA
MINISTER OF ENVIRONMENT,
FORESTRY AND TOURISM

Windhoek, 8 November 2021

Applicant: **Nghivelwa Planning Consultants**
P.O. Box 40900
Ausspannplatz
Web: www.nghivelwa. com.na
Email: planning(@nghivelwa. com.na
Tel: 061 269 697, Cell: 085 3232 230

No. 681 2021

REZONING OF ERF 3576, KATUTURA FROM 'RESIDENTIAL' WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4

Take notice that **PLAN AFRICA CONSULTING CC**, Town and Regional Planners, on behalf of the owner of the respective Erf, intends to apply to the Windhoek City Council for:

- **REZONING OF ERF 3576, KATUTURA FROM 'RESIDENTIAL' WITH A DENSITY OF 1:500 TO 'OFFICE' WITH A BULK OF 0.4**
- **CONSENT TO USE THE ERF FOR THE PURPOSE OF A BUSINESS BUILDING IN LINE WITH THE DEFINITION IN THE WINDHOEK TOWN PLANNING SCHEME FOR A MEDICAL PRACTICE.**
- **CONSENT TO PROCEED WITH DEVELOPMENT WHILE THE REZONING IS IN PROCESS.**

Erf 3576 is 804m² in extent. The intention is to develop the respective erf for the use by a medical practitioner.

Further take notice that the plan of the Erf lies for inspection on the Town Planning Notice Board at the Windhoek City Council and at Plan Africa Consulting CC, No. 8 Delius Street, Windhoek West.

Further take notice that any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the City Council and with the applicant (Plan Africa Consulting CC) in writing within 14 days of the last publication of this Notice **(final date for objections is 22 December 2021).**

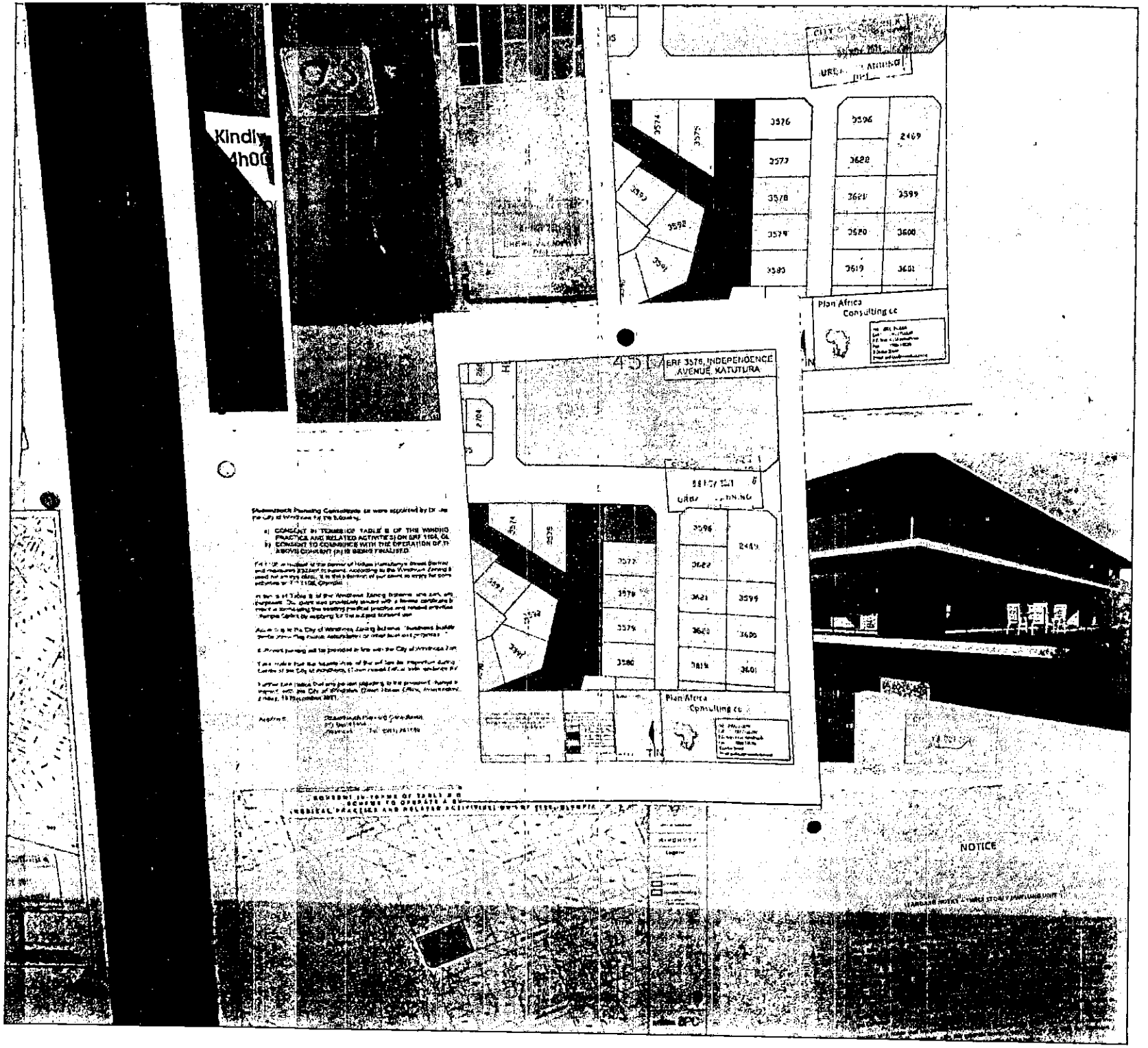
Plan Africa Consulting CC
Town and Regional Planners
P.O. Box 4114
8 Delius Street
Windhoek (West)
Tel: (061) 212 096; Cell: 081 271 6189
Fax: (061) 213 051
Email: pafrica@mweb.com.na

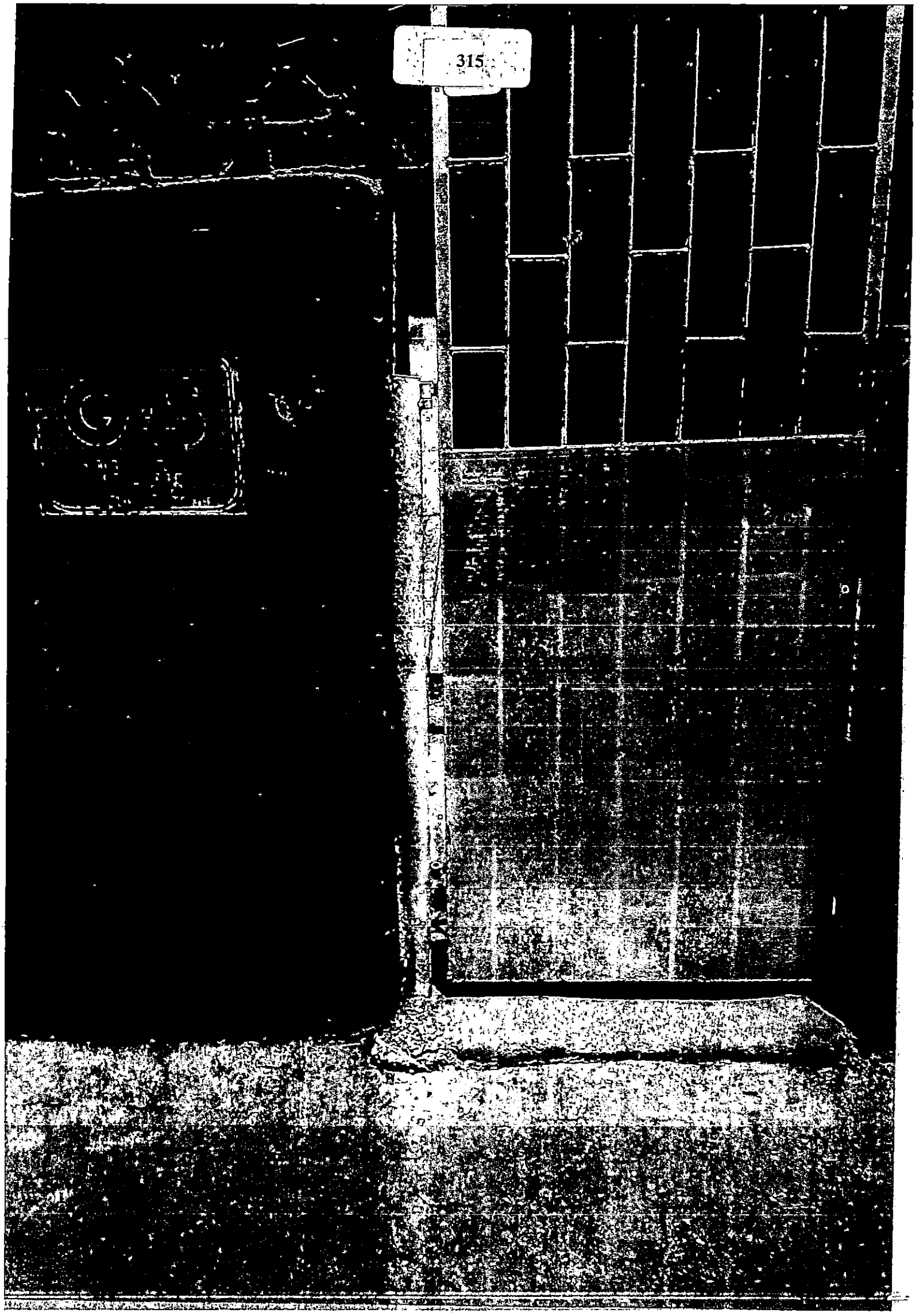
No. 682 2021

CORRECTION OF GENERAL NOTICE NO. 631 OF 1 NOVEMBER 2021: REZONING OF ERF 229, REHOBOTH BLOCK A FROM "SINGLE RESIDENTIAL 1" WITH A DENSITY OF 1:500M TO "GENERAL RESIDENTIAL" WITH A DENSITY OF 1:300

Take notice that PLAN AFRICA CONSULTING CC, Town and Regional Planners hereby wish to make a correction to the notice published on 1 November 2021 in the Government Gazette for the rezoning of Erf 229 Rehoboth Block A. The notice referred at the bottom to the Municipality of Keetmanshoop instead of the Rehoboth Town Council.

This notice should have read at the bottom part as follows:


Kindly
4h00
ERF 3576, INDEPENDENCE AVENUE, KATUTURA
Plan Africa Consulting cc
NOTICE


315

3577 – G B Katzao

P O Box 95218

Kiosk Katutura

3596 – H Nderura

P O Box 2590

Windhoek

3622 – MV Tjitjo

P O Box 96088

Windhoek

1 Letter	$5.30
Certified	$17.60
(Certified Item No:183322)	
(P1 185 Form No)	
(Recipient Name:N U TJITJO)	
(Address Line 1:BOX 96088)	
(Address Line 2:WINDHOEK)	
(Address Line 3)	
(Address Line 4)	
PrePaid	-$22.90
Net	-$2.30

Tax Code	Amount	Total Tax
VAT A (0%)		
VAT B (15%)	$15.30	$2.30

Tc ...1.00

Na

Ad

R.

№ 183322

CERTIFIED MAIL

P1/98

DHARIE DAT U DIE ...

TANGI ESHI HOLONGIFA OPOOSA YOVE

1 Letter	$5.30
Certified	$17.60
(Certified Item No:183323)	
(P1 185 Form No)	
(Recipient Name:GB KATZAO)	
(Address Line 1:BOX 95218)	
(Address Line 2:KIOSK KATUTURA)	
(Address Line 3)	
(Address Line 4)	
PrePaid	-$22.90
Net	-$2.30

Tax Code	Amount	Total Tax
VAT A (0%)		
VAT B (15%)	$15.30	$2.30

$0.00

№ 183323

CERTIFIED MAIL

P1/98

TANGI ESHI HOLONGIFA OPOOSA YOVE

Certified	$17.60
(Certified Item No:183321)	
(P1 185 Form No)	
(Recipient Name:H NDERURA)	
(Address Line 1:BOX 2580)	
(Address Line 2:WINDHOEK)	
(Address Line 3)	
(Address Line 4)	
PrePaid	-$22.90
Net	-$2.30

Tax Code	Amount	Total Tax
VAT A (0%)		
VAT B (15%)	$15.30	$2.30

Tot 00

Nan

Add

Rec

№ 183321

CERTIFIED MAIL

P1/98

TANGI ESHI HOLONGIFA OPOOSA YOVE

317

318

Prepared by me

CONVEYANCER
DREYER, R

N$ 9000-00

25 FEB 2016
MORTGAGED No. B 0730 /2016
for N$ 1 200 000-00 (with ~~assessed fee~~)
an additional amount not exceeding N$ 240 000-00
DEEDS OFFICE, WINDHOEK
DEPUTY REGISTRAR OF DEEDS

FOR INFORMATION ONLY

DR WEDER, KAUTA & HOVEKA INC.
Attorneys, Notaries and
Conveyancers
P O BOX 864
WINDHOEK

8000000686510

DEED OF TRANSFER

T 0706 /2016

BE IT HEREBY MADE KNOWN:

THAT ~~RISA DREYER~~ **LIANA THERESA VAN DEN BERG**

appeared before me, DEPUTY Registrar of Deeds at Windhoek, she the said Appearer, being duly authorised thereto by a Power of Attorney granted to her by

CARL KANDANGA
Identity Number: 541220 0026 2
UNMARRIED

dated the 8th **SEPTEMBER 2015** and signed at **WINDHOEK**

LK

AND THE SAID APPEARER declared that her Principal had truly and legally sold on the **8th SEPTEMBER 2015**

and that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

DAVID RISURO
Identity Number: 790819 0010 2
UNMARRIED

FOR INFORMATION ONLY

His Heirs, Executors, Administrators or Assigns

CERTAIN	ERF NO. 3576, KATUTURA (Extension No. 14)
SITUATE	In the Municipality of WINDHOEK Registration Division "K" KHOMAS Region
MEASURING	804 (EIGHT NIL FOUR) Square metres
FIRST TRANSFERRED	by Deed of Transfer No. T 1988/1981 with General Plan No. A. 225/79 relating thereto and
HELD	by Deed of Transfer No. T 803/2005
SUBJECT	to the following conditions imposed in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), namely:

IN FAVOUR OF THE LOCAL AUTHORITY:

1. 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 Windhoek Town Planning Scheme, prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.

2. The building value of the main building, excluding the outbuildings to be erected on the erf shall be at least **four times** the municipal valuation of the erf.

FOR INFORMATION ONLY

WHEREFORE the Appearer renouncing all the right and title which the said **TRANSFEROR**
heretofore had to the premises, did, in consequence also acknowledge it to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said **TRANSFEREE**

His Heirs, Executors, Administrators or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however reserving its rights; and finally, acknowledging that the purchase price amounts to **N$1 500 000.00.**

SIGNED at WINDHOEK on 25 FEB 2016 together with the appearer, and confirmed with my seal of office.

In my presence,

REGISTRAR OF DEEDS

DEPUTY REGISTRAR OF DEEDS
MINISTRY OF LAND REFORM

Signature of Appearer

FOR INFORMATION ONLY

Transfer Duty Receipt No. **102331438**
Issued at Windhoek on **8 February 2016**
For **N$29 000.00.**

(Checked) 1. ..... 2. .....

I the undersigned, **RISA DREYER,** Conveyancer hereby certify in terms of Section 78 of Act 23/1992 that all rates leviable in respect of such immovable property in terms of this Act, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid up to and including the date of registration hereof.

CONVEYANCER
DREYER, R

DEBT MANAGEMENT CREDIT CHECK FORM

Surname Risuko First name(s) D

Erf/stand no 3576 Township Katutura

If company or registered under cc

Namibian I. D / Passport no. 790819

Postal/Private Bag address Box 40345 Township of address Auspanplat 2

Physical Residential or Business address 3576 KAT 807 INDEPENDENCE AVE

Tel no (H) Cell

DEBT MANAGEMENT CREDIT CHECK

Service Accounts (MS)

Credit Control Officer Comments:

Proceed

Acc. Technician Credit Control Vivian

Signature Acc. Tech Credit Control

CITY OF WINDHOEK
Date stamp
27 OCT 2021
CREDIT CONTROL

LAND SALES

Comments:

proceed

Acc. Technician Land Sales Lesley

Signature Acc. Technician Land Sales

Date stamp

ACCOUNTANT LAND SALES:

City of Many Faces

323

FNB

Thank You!

Your Payment was successful
Ref: NAM0CJ3PKMJB

Ref	**NAM0CJ3PKMJB**
Date	**01-Dec-2021**
Time	**15:30:57**

Payment History Details

Payment From :
BusinessWise
62275894361

Last Payment Account

Account Name
BusinessWise

Account Number
62275894361

Recipient Details

Payment Name
City Of Windhoek

Account Number
62012146115

Bank
First National Bank 281572

Account Type
Current (cheque/bond) account

BIC Code
FIRNNANX

Payment reason
P.A.Y.E

Country
Namibia

References

My Reference
Rezoning

Amount
4,025.00

Their References
3576, Katutura

Notifications

Type	To
Email address	Drlumbidi@gmail.com

Department Infrastructure, Water and Technical Services
✉ 59
80 Independence Avenue
WINDHOEK, NAMIBIA

Tel: (+264) 61 290 2096 E Mail: oca@windhoekcc.org.na

10 May 2022

To Whom It May Concern

Dear Madam/Sir

RE: ERF 3576 KATUTURA: SEWER CONNECTION

Please take note of the following before construction commences:

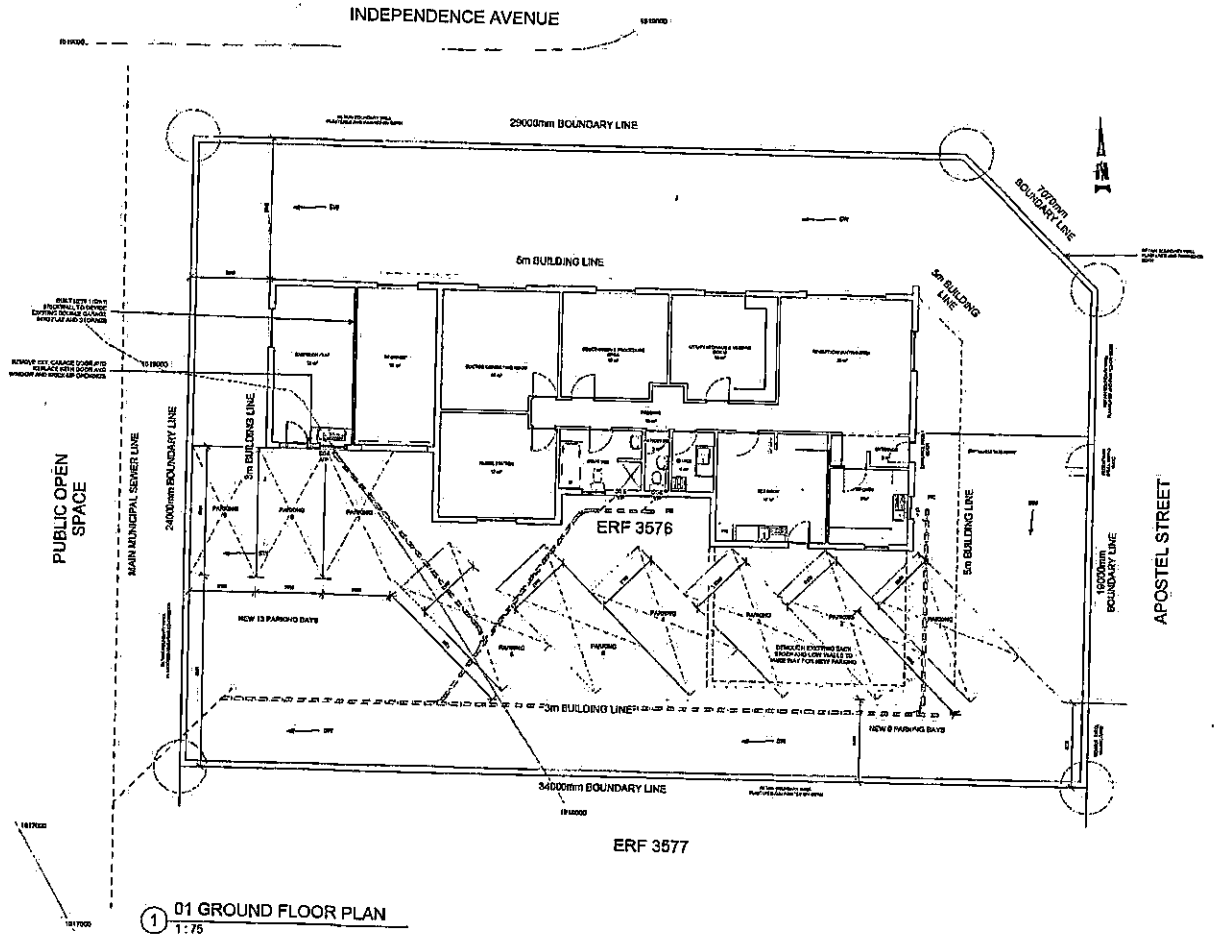
- Copies to be submitted of the approved signed drawings for our records.
- Before construction works commence in road reserves, the Applicant should sign a Memorandum of Agreement (MOA) with the City of Windhoek (COW). The applicant has to contact the Project Management Division, Mr. Haraseb, regarding the signing of the MOA. His contact details are:
  Tel (w): 290-3677 e-mail: Samuel.Haraseb@windhoekcc.org.na
- The Quality Monitoring Official (QMO) for water and sewer related services will be Mr. Clarence Katjazengi (2903426) and should be contact before commencing with construction.
- Quality Assurance tests should be submitted in a Quality Assurance Report and should be submitted to the QMO for auditing.
- Quality Assurance tests should comply with municipal specifications/standards and minimum requirements as per SABS1200.
- A professional registered engineer should do the supervision of the works.
- Concrete pressure strength tests should be done by a private laboratory as per SABS1200, and be submitted by the applicant's engineer to COW as part of the Quality Assurance Report.
- Photos of the steel reinforcement should be submitted by the applicant's engineer as part of the Quality Assurance Report.
- As built drawings should be submitted as part of the Quality Assurance Report. (xyz coordinates of new manholes to be submitted, invert and cover levels of new manholes to be submitted)
- Backfill compaction to be done according to SABS1200 as part of the Quality Assurance Report.
- Pressure tests to be done according to SABS1200 as part of the Quality Assurance Report.
- Works will be taken over by COW after Quality Assurance Report and as built drawings are approved by COW.

Yours faithfully,

Mr OC Archer
Section Engineer:
Engineering Services Division

Drawings collected by:

Name & Surname	Signature	Date
ISAK NEPEMBE		10/05/2022



1 01 GROUND FLOOR PLAN
1:75

CLIENT: Dr Tony K Lumbidi Cell: +264 81 374 4569	STRUCTURAL ENGINEER / QUANTITY SURVEYORS	PROJECT: PROPOSED PARKING LAYOUT FOR DR T LUMBIDI - ERF 3576 KATUTURA	REVISIONS: NO. / DATE / DESCRIPTION	ALL DIMENSIONS TO BE CHECKED ON SITE BEFORE ANY WORK IS PUT IN HAND. THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEERS DRAWINGS AND APPROVED, EMERGENCY NOTE: DO NOT SCALE FROM DRAWINGS AND ALL ERRORS TO BE REPORTED TO THE DESIGNER. COPYRIGHT RESERVED	REFERENCE: H4 CONCEPT PO BOX 2857, WINDHOEK CELL: +264 85 695 6573 www.facebook.com/H4Concept h4concept@gmail.com	TITLE: SITE PLAN; PROJ. NO: 2022 1263; DRG.No: M101; SCALE: AS INDICATED; DATE: OCT 2023; DESIGN: REZCIE

C:\Users\Rezcie\Desktop\projects\2022\2022 1263 - LUMBIDI OFFICES - ERF 3576 KATUTURA\MAIN1 - LUMBIDI.rvt

325 173

We need to write memo [illegible] instructions for them to set out in detail the [illegible] ulation of the land value from ~~20~~ 2012 until the land was offered to Quivertree. Thereafter we need to prepare a short item to council on the purchase price based on this letter. 26/11/2021

Republic of Namibia

Ministry of Urban and Rural Development

Enquiries: F.S Andreas
Tel: (+264+61) 297-5285
Fax: (+264+61) 297 5305

Government Office Park
Luther Street

Private Bag 13289
Windhoek, Namibia

Our Ref.: 17/14/3/W3
Your Ref.:

NOV 2021

His Worship Job Shipululo Amupanda
Mayor: Municipality of Windhoek
P.O. Box 59
WINDHOEK

Your Worship,

RE: OBJECTIONS TO THE SALE OF ERF RE/8413, WINDHOEK TO QUIVER TREE

Reference is made to letters dated 05 July 2020 and 28 October 2021, respectively on the above caption matter.

1. After scrutiny of the content therein, as per the historical background of the matter, Quiver Tree Investment CC was the initial applicants before Erf 8413, Windhoek was subdivided, and after the subdivision of Erf 8413, Windhoek, Council sold one portion to Lucco Property Developers on private treaty at a purchase price of N$ 2,652,195.00. It is on this basis that Quiver Tree based its selling price of the remaining portion at a purchase price of N$ 2,484,000.00 as that was the value of the land in 2012.

2. However, Council opted to sell the land to Zest Investment 73 CC at an offer of NS 9,500,000.00 on tender basis; despite the fact there issue of Quiver Tree Investment 26 CC was never resolved. After Zest Investment73 CC defaulted and could not honour its obligations to Council, Council revoke the transaction and the matter was brought before Court by Zest Investment 73 CC siting Quiver Tree Investment 26 CC as well as the Ministry of Urban and Rural Development and the Plaintiff claims were dismissed.

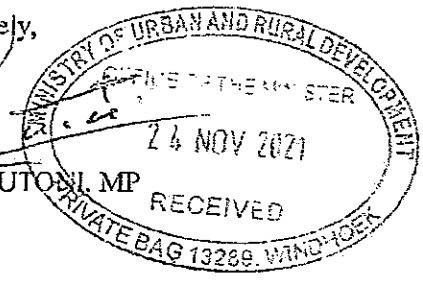
3. Council as a remedial measure, sold the RE/8413, Windhoek to Quiver Tree Investment 26 CC at a purchase price of N$ NS 9,500,000.00, which was an offer made by Zest Investment 73 CC, hence Quiver Tree Investment is in agreement with this selling price as if this transaction could have been finalised simultaneously with the transaction of Lucco Property Developers on private treaty at a purchase price of N$ 2,652,195.00.

4. Further reference is made in your letter that the Minister is not addressing the objections lodged against the sale, we are bringing under your attention that the transaction cannot be processed further if the issues of the sale price as raised by the applicant is not resolved.

It is against this backdrop that, the matter be referred back to seek Council's indulgence with the purchase price before I diligently pronounce myself on the matter in terms of Section 63 (3) (c) of the Local Authorities Act 1992, (Act No: 23 of 1992), as amended.

Please accept, Worship, the assurances of my highest regard.

Yours Sincerely,



ERASTUS UUTONI, MP
MINISTER

Cc: Jennifer Comalie, Acting CEO
Ms. Lavinia Somses. of Quiver Tree Investment 26 CC

114

C

[Municipal Council Minutes: 2010-11-25]
UIK

8.3.22 BRB.23 [CEO] SUBDIVISION OF ERF 8413, WINDHOEK AND SALE OF PORTION A OF ERF 8413, WINDHOEK FOR CONSOLIDATION WITH ERF R/7961, WINDHOEK – LUCO PROPERTY DEVELOPERS (L/7961/W) (L/8413/W)

On proposal by Councillor Ms E Trepper, it was

RESOLVED

1 That Erf 8413, Windhoek be subdivided into Portion A (± 5 405.7 m² in extent), Portion B (± 32 m² in extent) and the Remainder of Erf 8413, Windhoek (± 5 586.99 m² in extent) as per subdivisional plan WHK 8431-1, attached as page 391 to the agenda.

2 That Portion B (± 32 m² in extent) be rezoned to 'municipal' and be reserved for the municipal substation on-site.

3 That Portion A (± 5 405.7 m² in extent) be offered for sale by private treaty in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) to Luco Property Developers CC, after completion of the town planning and cadastral procedures: Provided that Portion A be consolidated with the Remainder of Erf 7961, Windhoek, at a purchase price of N$2 351 600.00.

4 That the sale of Portion A of Erf 8413, Windhoek be subject to the following conditions:

4.1 That Portion A of Erf 8413, Windhoek be consolidated with the adjacent Remainder of Erf 7961 simultaneously with transfer.

4.2 That the owner of the abutting Erf 7961, Windhoek be responsible for the town planning and cadastral procedures, i.e. subdivision, consolidation, survey and registration of the new erf, and the costs involved.

4.3 That Luco Property Developers CC comply with the provisions of the Memorandum of Understanding.

5 That the applicant and owner of Erf 7961, Windhoek:

5.1 Submit proof to the Chief Executive Officer not later than six (6) months from the date of this Council Resolution, that the proposed subdivision and consolidation have been submitted to the Townships Board for consideration.

5.2 Submit proof to the Chief Executive Officer within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a surveyor has been appointed.

115

5.3 Submit to the Chief Executive Officer draft erf diagrams within three (3) months after appointment of the surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.

5.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General and having been requested to do so by the Chief Executive Officer and pay the purchase price.

6 That, should the owner of Erf 7961, Windhoek fail to comply with any of the conditions stipulated in paragraph 5 above, the allocation of Portion A of Erf 8413, Windhoek to the owner of Erf 7961, Windhoek be cancelled.

7 That, should the owner of Erf 7961, Windhoek fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, the allocation of Portion A of Erf 8413, Windhoek to the owner be cancelled: Provided that, should extension for the finalisation of the sale be requested and granted, the Chief Executive Officer reallocate the applicable portion at a revised price as calculated by the Strategic Executive: Planning, Urbanisation and Environment.

8 That, should the owner of Erf 7961, Windhoek wish to take occupation of Portion A of Erf 8413, Windhoek prior to the finalisation of the town planning and cadastral procedures, Portion A of Erf 8413, Windhoek be leased to the owner at a monthly rental of 10 % of the full purchase price per annum calculated monthly, further subject to the annual escalation in line with the Namibia Inflation Rate, and that the rental not be set off against the purchase price.

9 That the Remainder of Erf 8413 (± 5 586.99 m² in extent) be offered for sale as a 'restricted business' zoned erf by way of tender at an upset price to be determined by Strategic Executive: Planning, Urbanisation and Environment after the town planning and cadastral procedures have been completed.

10 That Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) for the sale and lease of Portion A of Erf 8413, Windhoek be obtained.

Financial implications

None

RESOLUTION 417/11/2010

[Municipal Council Minutes: 2011-09-28]

3.13 **BRB.14 [PLA] AMENDMEND TO SUBDIVISION OF ERF 8413, WINDHOEK AND SALE OF PORTION A OF ERF 8413, WINDHOEK FOR ACCESS PURPOSES – LUCO PROPERTY DEVELOPERS CC**
(L/7961/W) (L/8413/W)

On proposal by Councillor M Shiikwa, it was

RESOLVED

1 That Council Resolution 417/11/2010, attached as pages 216 - 217 to the agenda, be rescinded.

2 That Erf 8413, Windhoek be subdivided into Portion A (± 5 829 m² in extent), Portion B (± 32 m² in extent) and the Remainder (± 5 277 m² in extent) as per the new subdivisional plan PDT/8413W_1, attached as page 111 to the agenda.

1 That Portion B (± 32 m² in extent) be rezoned to 'municipal' and be reserved for the municipal substation on-site.

2 That Portion A (±5 829 m² in extent) be offered for sale by private treaty in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) to Luco Property Developers CC, CC/2003/1095, after the completion of the town planning and cadastral procedures: Provided that paragraphs 2 and 3 above be met, at a purchase price of N$2 652 195.00, of which an amount of N$798 666.00 be contributed to the Urban Arterial Account (UAA).

3 That the sale of Portion A of Erf 8413, Windhoek be subject to the following conditions:

5.1 That Luco Property Developers CC, CC/2003/1095, be responsible for the town planning and cadastral procedures, i.e. subdivision, consolidation, survey and registration of the new erf, and the costs involved.

5.2 That Luco Property Developers CC, CC/2003/1095, comply with the provisions of the Memorandum of Understanding (MoU).

6 That Luco Property Developers CC, CC/2003/1095:

6.1 Submit proof to the Chief Executive Officer not later than six (6) months from the date that the finalisation of the subdivision has been submitted to the Townships Board for consideration.

6.2 Submit proof to the Office of the Chief Executive Officer within sixty (60) days after the issuing of the Subdivision Certificate that a surveyor has been appointed.

6.3 Submit draft erf diagrams to the Chief Executive Officer within three (3) months after appointment of the surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.

6.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General and having been requested to do so by the Chief Executive Officer and pay the purchase price.

7 That, should the owner of Erf 7961, Windhoek fail to comply with any of the conditions stipulated in paragraphs 5 and 6 above, the allocation of Portion A of Erf 8413, Windhoek to Luco Property Developers CC, CC/2003/1095, be cancelled.

8 That, should Luco Property Developers CC, CC/2003/1095, fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, the allocation of Portion A of Erf 8413, Windhoek be cancelled: Provided that, should extension for the finalisation of the sale be requested and granted, the Chief Executive Officer reallocate the applicable portion at a revised purchase price as calculated by the Strategic Executive: Planning, Urbanisation and Environment.

9 That, should Luco Property Developers CC, CC/2003/1095, wish to take occupation of Portion A of Erf 8413 Windhoek prior to the finalisation of the town planning and cadastral procedures, Portion A of Erf 8413 Windhoek be leased to Luco Property Developers CC, CC/2003/1095, at a monthly rental of 10 % of the full purchase price per annum calculated monthly, further subject to annual escalation in line with the Namibian Inflation Rate, and that the rental not be set off against the purchase price.

10 That the Remainder (± 5 277 m² in extent) of Erf 8413 be offered for sale as a 'restricted business' zoned erf by way of tender at an upset price to be determined by Strategic Executive: Planning, Urbanisation and Environment after the town planning and cadastral procedures have been completed.

11 That Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) for the sale and lease of Portion A of Erf 8413, Windhoek be obtained.

Financial implications

None

RESOLUTION 266/09/2011

2.9 **BRB.12 [EDE] APPLICATION FOR THE PURCHASE OF ERF R/8413, WINDHOEK BY WAY OF PRIVATE TREATY BY QUIVER TREE INVESTMENTS 26 CC**
(L/8413/W)

After Councillor T Gaeseb excused himself from the discussion of this matter, and on proposal by Councillor Ms AM Kafula, it was

RESOLVED

1 That the application for the purchase of Erf R/8413, Windhoek by way of private treaty by Quiver Tree Investments 26 CC be noted.

2 That Council Resolution 266/09/2011, attached as page 44 to the agenda, be enforced and that the Strategic Executive: Economic Development and Environment inform the applicant in writing accordingly.

3 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 423/11/2012

[Municipal Council Minutes: 2013-02-27]

8.5.3 **BRB.3 [EDE] APPEAL BY QUIVER TREE INVESTEMENTS 26 CC ON THE APPLICATION FOR THE PURCHASE OF ERF R/8413, WINDHOEK BY WAY OF PRIVATE TREATY**
(L/8413/W)

After Councillor T Gaeseb excused himself from the discussions on this matter and Councillor Ms BE Cornelius abstain from the decision, and on proposal by Councillor M Shiikwa, it was

RESOLVED

1 That the appeal by Quiver Tree Investments 26 CC be noted.

2 That it be noted that Quiver Tree Investments 26 CC addressed Council on 26 February 2013 at 16:30 in the Immanuel Ngatjizeko Committee Room.

3 That Council Resolution 266/09/2011, attached as page 115 to the agenda, be upheld and that the Strategic Executive: Urban Planning and Property Management proceed with the processes to offer the Remainder (± 5 277 m² in extent) of Erf 8413, Windhoek for sale as a 'restricted business' zoned erf, by way of tender immediately.

4 That the Strategic Executive: Urban Planning and Property Management and the Chief Executive Officer (Corporate Legal Adviser), in consultation with the Chief Executive Officer (Office of the Mayor), arrange a workshop for Councillors to brainstorm and come up with clear guidelines for the selling/dispose off land by way of private treaty/tender and in line with the Local Authorities Act, 1992 (Act 23 of 1992).

5 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 43/02/2013

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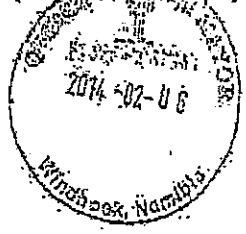
(9)

Referred to Mr [illegible] 6/3/2014



REPUBLIC OF NAMIBIA

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT, HOUSING AND RURAL DEVELOPMENT

Tel: +264-61-287 2215
Fax: +264-61-249 908

Government Office Park
Luther Street

Private Bag 13289
Windhoek Namibia

OFFICE OF THE MINISTER

Enquiries: F.S. Andreas

Ref: [illegible]

03 February 2014

Honourable Agnes Kandjii
The Mayor
City of Windhoek
P.O.Box 59
WINDHOEK

Dear Your Worship,

RE: WINDHOEK: OFFER TO PURCHASE ERF RE/8413 QUIVER TREE INVESTMENTS 26.

Reference is made to the attached documentations on the above mentioned subject matter.

On the basis of all issues that had surfaced during the perusal of these documents hereto attached, it is clearly evident that Council is not handling its land issues on the merits of the applications and transparency and fairness in this matter is lacking.

1. Council is to reconsider its decision and to revise the decision taken on 26 November 2012 when it resolved to sell erf RE/8413 by way of tender and accord Quiver Tree Investment 26 the opportunity to acquire the property on a private treaty basis as the tender process is seen as a way of not creating an enabling environment for Quiver Tree Investment 26.

2. It is also very worrisome for Quiver Tree Investment 26, as it might not be the highest bidder, the reason being that when Quiver Tree Investment 26 applied for the land, there were no other interested parties but the fact that Council opted to put it on tender has risen the interest of other developers and this practice is regarded as an unfair

treatment, and thus they should be allowed by Council to purchase the RE/Erf 8413, Windhoek on private treaty as initially was the case.

3. The assertion made by the Council that there is a need to draft guidelines for selling/dispose of land by way of private treaty/tender does not augur well and far way beyond my comprehension, as I am aware of land transactions that Council is currently selling/dispose off by way of private treaty/tender despite the fact that Council claim that there are no guidelines in the case of the application by Quiver Tree Investments 26.

4. The matter needs to be reconsidered in favour of Quiver Tree Investment 26 without prejudice, as Quiver Tree Investments 26, has solicited the opportunity and has thus made the offer to Council to purchase Erf RE/8413, Windhoek. Granting the opportunity to Quiver Tree Investments 26 to make a meaningful contribution to the economic growth of the City of Windhoek and to the economic transformation of the country at large, meanwhile, the investors are aiming towards economic emancipation and empowering themselves through this project as well as meeting government half way in curbing unemployment.

May I conclude that Council will diligently and without any further delay deliberate on the matter without compromising Good Governance Principles and creating equal opportunities for its residents and making the City of Windhoek a vibrant economic hub.

Yours sincerely,

Major-General (rtd) Charles DNP Namoloh
Hon-Chi-Minh
MINISTER

Ministry of Regional and Local Government, Housing and Rural Development
Office of the Minister
2011 - 02 - 09

CC: Mrs. Levinia Somaeb
QUIVER TREE INVESTMENTS 26

[Municipal Council Minutes: 2014-06-04]

8.6.18 **REP.3 [PLA] REPORT ON THE SALE OF ERF R/8413, WINDHOEK**
(L/8413/W)

On proposal by Councillor M Shiikwa, it was

RESOLVED

1 That the report with regard to the sale of Erf R/8413, Windhoek, be noted.

2 That the letter dated 3 February 2014 from the Minister of Regional and Local Government, Housing and Rural Development addressed to Her Worship the Mayor, attached as pages 729 – 759 to the agenda, be noted.

3 That it be noted that the matter was brought under the attention of Management Committee on 18 March 2014, whereupon an acknowledgement was issued to the line Minister and the applicant as per the letters dates 11 April 2014, attached as pages 760 and 761 respectively to the agenda.

4 That, upon due consideration of the facts reflected in the submission of Quiver Tree Investments 26 to the line Minister, Council Resolution 423/11/12 be upheld, due to the fact that various applications were received for the sale of Erf R/8413, Windhoek and all applicants were informed that the property would be sold on tender.

5 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 154/06/2014

[Special Municipal Council Minutes: 2014-11-27]

5.1 **BRB.1 [CEO] TENDER PLA 01/2014 – TENDER FOR THE SALE OF 'INDUSTRIAL', 'RESTRICTED BUSINESS', 'BUSINESS' AND 'OFFICE' ZONED PROPERTIES IN KHOMASDAL, KATUTURA, KLEINE KUPPE, KLEIN WINDHOEK AND WINDHOEK**
(L/Various)

After Councillor JS Moonde excused himself from the discussion and on proposal by Councillor M Shiikwa, it was

RESOLVED

1 That it be noted that two hundred and fourteen (214) tender proposals were received at closure of Tender PLA 01/2014.

2 That the following one hundred and fifty eight (158) Tenderers as listed in Table 1, be disqualified for not meeting all Tender Conditions and requirements:

Table 1: Disqualified Tenderers

Tenderer	Tenderer	Tenderer
Electro & Aircon Contractors CC	Ambrosius Lucas Tierspoor	Hisky Investment CC
Yatatu Properties CC	Rhino Airconditioning & Refrigeration Services CC	Filippus Atushi Amputu
Forward In Faith (Pty) Ltd	Proventures Investments	Elias Kambinda
Ernst Shane Augustinius Nashenda	Leonhard Kurz	Namib Flooring CC
Katrina Enterprises CC	Tate Distributors CC	Jariis Trading Enterprises CC
Sir Welcome Hikuepi Kazondunge	Greensquare Investments No. 109 CC	Ipilak Investments
Three Dimension Printing	Rockland Construction CC	FTN Investments CC
K+G Bricks CC	Dibasen Investments CC	Jordaan Oosthuysen Nangolo Quantity Surveyors
Tune-Up And Advanced Auto Engineering	Dressed In Time Laundry CC	Ronnie's Trading CC
Millenium Refrigeration And Electrical Services	Gravity Empire Investments (Pty) Ltd	Gregs Motor Spares
Taleni Beauty Shop CC	Cam Investments CC	Kalahari Engeneering Works
Susan Paulus	Boshele Building Construction CC	Michael Frans Shihwandu
J Groenewald Properties CC	P Pegram Investments CC	Maverick Investments CC
Omhedi Investment CC	Monicol Manufacturing	Marnel Management Services CC
Supa Tech Auto Repairs CC	Ndafediva Investment Family Trust	Ruthie Therisia Diergaardt
Inamutila Trading CC	Reggio Emilia Creation CC	Neto Contractors CC
Oluzizi Guest House CC	Ndakalimwe Investments CC	T Yatale Constructions CC
Vantage Enterprises CC	Tangi Trading Enterprise CC	Talia Estate Investment CC
IPBF Investment Holding	Alexandra Smit	Feliciano Investment CC
Exclusive Homes Property Developers CC	Wesley L Anderson	Oluzizi World Of Commence (Pty) Ltd
Salomo Hango	Diteko Trading CC	Oshipoya Trust
Ogone Werner Thataone	Nathan R Goliath	Teopolina M Shishiveni

Tenderer	Tenderer	Tenderer
Otjomuise Cleaning Services CC	Ouhamba Meat Market CC	Speedy Solar Specialist And Construction CC
435 Development Companies	Namdev Trading Enterprises CC	Hayley Thelma Fay
Execute Investment CC	Shikongo Martin	Concheeta Auxillia Steenkamp Bezuidenhout
Adonai's Multiple Investments CC	Wynand A Kurz (A-G-K Engeneering Services CC)	Laz Projects CC
Igloo Investment CC	Namibia Engeneering Laboratory CC	Tara and Eino Investments CC
Okasisiti Express CC	Wilar Communication CC	Expresso Mineral Exploration
Okasisiti Express CC	Petrus Amakali	Immanuel Sheefeni
Mega Investment Close Corporation	Ohole Trading Enterprises CC	Pikkies Investment (Pty) Ltd
Wiga Properties Developers CC	Ndapewaoshali Andjamba	Paulett C Miguel G Varela
Vuyatenda Transfer And Tours CC	Oluzizi Luxury Investment Number Five CC	Africa Creative Synergy
Mafanikio Investments CC	Ananias Nangombe	Amilcar Miguel Gomes Varela
Kanau Real Estates CC	W Jason Construction CC	Business Knowledge Solutions
Hue-Waldt Electrical And Construction CC	Sinclair Investments 52 CC	Holmat Investments CC
David Sheehama David	Ekwao Investments (Pty) Ltd	Top Stories Trading CC
Empowerment Investments CC	Boniface Dineo Mokhatu	Nandjoval Enterprise CC
Katrina Lugodhi Elifas	Dr Daniel Bengasai	Ndatiwelao Construction CC
D-Square Trading Enterprise CC	Elton E Vries	Kalahari Holdings (Pty) Ltd
Evale Investment CC	Oshipaya Investments CC	Hulda Kahungi
PD Bricks and Property CC	Leading L construction CC	JLG Investment CC
Roan Investments CC	Namib Viper Trading Enterprises CC	Institute For Corporate Sustainability CC
Ilongwa Investments CC	Iipanda Minerals Exploration CC	Vibe Lounge And Restaurant
Wangara Motor Spares CC	Twist On Investments CC	Harvest Investment
Ya Negumbo Properties CC	Dunedine Investment CC	NDI Holding (Pty) Ltd
Fikama Property Developers CC	Unicar And Parts Trading CC	Multi Solutions CC
Angelika & Angela Atlantis Rechter	Immanuel Sheefeni	Valeska Trading Enterprises (Goliat Kahungi)
Supply Solutions Namibia (Pty) Ltd	Siyanda Trading (Pty) Ltd	Dimensions Trading CC
Ottilia Nangula Ipinge	Leading Construction CC	Kumwe Professional Products and Services
Ferusa Capital Financing Partners CC	Ohole Trading Enterprises CC	
GFG Slasto Supplies CC	Petrus Ndatipo	
Monitronic Business School (Monitronic Success College)	AHT Heita	
Gweri Investments CC	Petrus Shetuhangana Kanelombe	
Oshali Constructions CC	Millemium Property Management CC	

3 That approval be granted for the allocation of the thirty seven (37) unimproved properties to the following successful Tenderers:

3.1 That the tender for unimproved property Erf 287, Kleine Kuppe, ± 3 325 m² in extent with an upset price of N$4 150 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Gui & Gam Investments Thirteen CC, CC/2011/5917, whose members are Ms Felicia Brenda Claassen and Mr Bennet Edward Bessinger, at a tendered amount of N$12 000 000.00 or N$1 248.12/m².

3.2 That the tender for unimproved property Erf 1759, Klein Windhoek, ± 1 164 m² in extent with an upset price of N$1 470 000.00 and zoned 'office' with a bulk of 0.5, be awarded to Lim Investments CC, CC/2012/9017, whose members are Messrs John Ali Ipinge, Joseph Ze Figura, and Mesdames Aisha Shoaib Latif and Magdalena Gamxamus, at a tendered amount of N$3 700 000.00 or N$3 178.69/m².

3.3 That the tender for unimproved property Erf R/8413, Windhoek, ± 5 277 m² in extent with an upset price of N$2 879 000.00 and zoned 'restrictive business' with a bulk of 0.5, be awarded to Zest Investments 73 CC, CC/2010/2746, whose sole member is Ms Josefina Ndinelao Muashindange, at a tendered amount of N$8 595 000.00 or N$1 628.76/m².

3.4 That the tender for unimproved property Erf 5455, Khomasdal, ± 468 m² in extent with an upset price of N$373 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Etemo Trading Enterprises CC, CC/2006/3319, whose members are Mr Gideon Kapolo and Ms Suama Ndataamba Kapolo, at a tendered amount of N$390 000.00 or N$833.33/m².

3.5 That the tender for unimproved property Erf 5452, Khomasdal, ± 384 m² in extent with an upset price of N$306 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Mr Jackson VH Hamata at a tendered amount of N$550 000.00 or N$796.88/m².

3.6 That the tender for unimproved property Erf 5451, Khomasdal, ± 444 m² in extent with an upset price of N$353 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Angermund Transport CC, CC/2006/0146, whose sole member is Mr Pieter Angermund, at a tendered amount of N$425 060.00 or N$957.34/m².

3.7 That the tender for unimproved property Erf 5450, Khomasdal, ± 444 m² in extent with an upset price of N$350 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Mary-Mag Investment CC, CC/2012/2904, whose sole member is Ms Junin Pieternella Buys, at a tendered amount of N$441 100.00 or 993.47/m².

3.8 That the tender for unimproved property Erf 5440, Khomasdal, ± 387 m² in extent with an upset price of N$308 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Mr Joseph Colin Ramothibe and Ms Christine Ramothibe, at a tendered amount of N$361 000.00 or N$932.82/m².

3.9 That the tender for unimproved property Erf 5436, Khomasdal, ± 408 m² in extent with an upset price of N$325 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Luxury Investments 56 (Pty) Ltd, 2010/0473, whose Directors are Messrs Jesko Woerman, Simon Andjamba and Ms Tanya Retief, at a tendered amount of N$550 000.00 or N$1 348.04/m².

3.10 That the tender for unimproved property Erf 5435, Khomasdal, ± 588 m² in extent with an upset price of N$312 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Sidney Mentile (Sidmore Automotive CC, CC/2012/2185), whose members are Mr Sindey Mentile and Ms Maureen Francisca Mentile, at a tendered amount of N$342 000.00 or N$612.90/m².

3.11 That the tender for unimproved property Erf 5434, Khomasdal, ± 480 m² in extent with an upset price of N$255 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Pandueli Investment CC, CC/2012/3523, whose sole member is Ms Justina Ndapandula Kavale, at a tendered amount of N$315 000.00 or N$656.25/m².

3.12 That the tender for unimproved property Erf 5431, Khomasdal, ± 558 m² in extent with an upset price of N$296 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Omungandu Trading CC, CC/2009/3311, whose members are Mr David Namulo Andreas and Ms Loide Talohole Andreas, at a tendered amount of N$310 000.00 or N$555.56/m².

3.13 That the tender for unimproved property Erf 5430, Khomasdal, ± 558 m² in extent with an upset price of N$296 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Soweto Cleaning Services CC, CC/2009/1588, whose sole member is Mr Shaalukeni John Moonde, at a tendered amount of N$365 000.00 or N$654.12/m².

3.14 That the tender for unimproved property Erf 5426, Khomasdal, ± 588 m² in extent with an upset price of N$312 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Gray's Lark Trading Enterprises CC, CC/2007/0883, whose sole member is Mr Ryno Francoise Janser, at a tendered amount of N$430 000.00 or N$731.29/m².

3.15 That the tender for unimproved property Erf 5425, Khomasdal, ± 10 301 m² in extent with an upset price of N$6 559 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Waterberg Investments CC whose members are Dr Tjama Tjivikua, and Mesdames Neavera Fransica Olivier and Engelhaldine Angela Katjimune, at a tendered amount of N$19 677 000.00 or N$1 910.20/m².

3.16 That the tender for unimproved property Erf 5424, Khomasdal, ± 480 m² in extent with an upset price of N$264 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Greenwell Matongo

Investment CC, CC/2013/09790, whose members are Messrs Johannes Shikumuna Shimaneni and Albert Nikanor, at a tendered amount of N$561 000.00 or N$1 100.00/m².

3.25 That the tender for unimproved property Erf 5383, Khomasdal, ± 493 m² in extent with an upset price of N$392 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Henlevi Trading CC, CC/2010/4800, whose sole member is Mr Chrely Stevens !Naruseb, at a tendered amount of N$400 000.00 or N$811.36/m².

3.26 That the tender for unimproved property Erf 5221, Khomasdal, ± 2 068 m² in extent with an upset price of N$1 274 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Ritta Khiba Planning Consultants CC, CC/2012/7889 & Bongola Investment Projects CC, CC/2010/1335, whose members are Mesdames Ritta Khiba and Johanna Haleluya Shikongo respectively, at a tendered amount of N$1 500 000.00 or N$725.34/m².

3.27 That the tender for unimproved property Erf 5220, Khomasdal, ± 3 024 m² in extent with an upset price of N$1 862 000.00 and zoned 'business' with a bulk of 1.0, be awarded to GJ Claasen Property Marketing, whose sole members is Mr Gerald John Claassen, at a tendered amount of N$6 820 000.00 or N$2 255.29/m².

3.28 That the tender for unimproved property Erf 10611, Katutura, ± 302 m² in extent with an upset price of N$240 000.00 and zoned 'business' with a bulk of 1.0, be awarded to High Definition Printing and Signs CC, CC/2011/6429, whose sole member is Mr Emanuel Sihlahla, at a tendered amount of N$300 000.00 or N$993.38/m².

3.29 That the tender for unimproved property Erf 10610, Katutura, ± 315 m² in extent with an upset price of N$251 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Adaptic Investment CC, CC/2013/09909, whose sole member is Ms Claudia Ngurimuye Ngairorue are at a tendered amount of N$260 000.00 or N$825.40/m².

3.30 That the tender for unimproved property Erf 10608, Katutura, ± 303 m² in extent with an upset price of N$241 000.00 and zoned 'business' with a bulk of 1.0, be awarded to Luxury Investments 204 (Pty) Ltd., 2013/0430, whose directors are Mr Masilo Joshua Silvan Hochobeb and Ms Tanya Blaauw, at a tendered amount of N$502 000.00 or N$1 656.77/m².

3.31 That the tender for unimproved property Erf 10603, Katutura, ± 435 m² in extent with an upset price of N$185 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Pumanelago Motor Spares CC, CC/2010/3255, whose sole member is Mr Elago Petrus Itula, at a tendered amount of N$185 000.00 or N$425.29/m².

3.32 That the tender for unimproved property Erf 10595, Katutura, ± 447 m² in extent with an upset price of N$189 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Roburst Investment Corporation (Pty) Ltd, whose directors are Ms Hilkka Opolili Ndahafa

Ndjaula and Mr Erastus Mbumba Hafeni Haitengela, at a tendered amount of N$380 500.00 or N$851.23/m².

3.33 That the tender for unimproved property Erf 10593, Katutura, ± 611 m² in extent with an upset price of N$259 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Mr Rudolph Himarua, at a tendered amount of N$270 000.00 or N$441.90/m².

3.34 That the tender for unimproved property Erf 10586, Katutura, ± 627 m² in extent with an upset price of N$266 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Sanny Auto Repairs CC, CC2004/0959, whose sole member is Mr Sonia Tamutindje Ambuga, at a tendered amount of N$270 000.00 or N$430.62/m².

3.35 That the tender for unimproved property Erf 10585, Katutura, ± 450 m² in extent with an upset price of N$191 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to Shaziza Nawa Au'omotive CC, CC/2011/0878, whose members are Messrs Sedney Jonathan Ockhuizen, Quinto Elliner Ockhuizen and Vernon Gerard Ockhuizen, at a tendered amount of N$335 000.00 or N$744.44/m².

3.36 That the tender for unimproved property Erf 10582, Katutura, ± 450 m² in extent with an upset price of N$191 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to BMI Investments CC, CC/2007/1997, whose sole member is Ms Bertha Mingana Iitana, at a tendered amount of N$250 000.00 or N$555.56/m².

3.37 That the tender for unimproved property Erf 10581, Katutura, ± 900 m² in extent with an upset price of N$382 000.00 and zoned 'industrial' with a bulk of 1.0, be awarded to RD Trading Enterprise CC, CC/2008/3310, whose members are Messrs Roland Donavan Jacobs and David Imene Ilonga, at a tendered amount of N$620 000.00 or N$688.89/m².

4 That the following be adopted as Tender Conditions for all future tendering to improve and streamline the tender document:

4.1 That the Tenderers attach a table of content indicating the annexures attached to the tender document.

4.2 That the criteria with regard to community participation be incorporated in the Deed of Sale for all those tenderers that have pledged to support community upliftment.

4.3 That it be proposed that, for fairness and equitable distribution of land, all successful Tenderers not be considered for land tender allocations for a period of two (2) years, for 'business', 'restricted business', 'industrial' and 'office' zoned properties.

4.4 That the above proposal be applicable for all residential block erven.

5 That it be noted that since there were no successful Tenderers for the following remaining fifty seven (57) unallocated unimproved properties as listed in Table 2, the said erven will be re-advertised at the end of February 2015:

Table 2: Fifty seven (57) unallocated unimproved properties

Erf 10576, Katutura	Erf 10600, Katutura	Erf 5385, Khomasdal	Erf 5407, Khomasdal	Erf 5422, Khomasdal	Erf 5439, Khomasdal	Erf 5449, Khomasdal
Erf 10583, Katutura	Erf 10601, Katutura	Erf 5391, Khomasdal	Erf 5408, Khomasdal	Erf 5423, Khomasdal	Erf 5441, KhomasdaL	Erf 5453, Khomasdal
Erf 10584, Katutura	Erf 10602, Katutura	Erf 5399, Khomasdal	Erf 5409, Khomasdal	Erf 5427, Khomasdal	Erf 5442, Khomasdal	Erf 5454, Khomasdal
Erf 10589, Katutura	Erf 10604, Katutura	Erf 5400, Khomasdal	Erf 5410, Khomasdal	Erf 5428, Khomasdal	Erf 5443, KhomasdaL	
Erf 10590, Katutura	Erf 10605, Katutura	Erf 5401, Khomasdal	Erf 5417, Khomasdal	Erf 5429, Khomasdal	Erf 5444, Khomasdal	
Erf 10591, Katutura	Erf 10606, Katutura	Erf 5402, Khomasdal	Erf 5418, Khomasdal	Erf 5432, Khomasdal	Erf 5445, Khomasdal	
Erf 10592, Katutura	Erf 10607, Katutura	Erf 5403, Khomasdal	Erf 5419, Khomasdal	Erf 5433, Khomasdal	Erf 5446, Khomasdal	
Erf 10594, Katutura	Erf 10609, Katutura	Erf 5405, Khomasdal	Erf 5420, Khomasdal	Erf 5437, Khomasdal	Erf 5447, Khomasdal	
Erf 10596, Katutura	Erf 5384, Khomasdal	Erf 5406, Khomasdal	Erf 5421, Khomasdal	Erf 5438, Khomasdal	Erf 5448, Khomasdal	

6 That all successful Tenderers who have arrears for rates and services accounts first settle their arrears on the accounts prior to the conclusion of the Sales Agreements.

7 That in the event of any Tenderers failure to conclude the tender agreements within sixty (60) calendar days from the date of allocation, the properties be included in the unallocated unimproved properties in paragraph 5 above for advertisements.

8 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

None

RESOLUTION 431/11/2014

REPUBLIC OF NAMIBIA

THE PRIME MINISTER

Tel No: (061) 237 2002/2094
Fax No: (061) 249 546

Private Bag 13338
WINDHOEK

November 6, 2014

Hon. Maj. Gen (rtd) Charles Namoloh
Minister of Regional and Local Government, Housing and Rural Development
Private Bag 13289
WINDHOEK

Dear Comrade Namoloh,

REQUEST FOR AN APPOINTMENT: QUIVER TREE INVESTMENTS 26 CC

I refer to the attached letter dated October 8, 2014, written by Honourable Henk Mudge to me in which he makes several serious allegations against the City of Windhoek and its handling of land sales.

It is disturbing to note that such an impression has been formed about the City of Windhoek and it is therefore crucial that Government determines whether the allegations contained in the letter of Hon. Mudge are true so that corrective measures can be taken if deemed necessary.

Comrade Minister, it is in this light that I forward to you the attached letter for further investigation and advice on this matter.

A

Republic of Namibia

Ministry of Urban and Rural Development

Tel: (+264 61) 297 5215
Fax: (+264 61) 259 906
Email: enquiries@mrlgh.gov.na
Website: www.mrlgh.gov.na

Government Office Park
Luther Street

Private Bag 13289
Windhoek, Namibia

OFFICE OF THE MINISTER

Enquiries: P.T. Haindongo
Tel: (+264+61) 297 5184
Fax: (+264+61) 259906

Our Ref:
Your Ref:

08 June 2015

Your Worship Muesee Kazapua
Mayor
City of Windhoek
P. O. Box 59
WINDHOEK

Your Worship

SUBJECT: OFFER TO PURCHASE ERF RE/8413 - QUIVER TREE INVESTMENTS 26

Reference is hereby made to the subject matter.

1. I have studied the previous communiques from the former Prime Minister (current President), from Quiver Tree Investment 26, and also between my predecessor and the City of Windhoek.

2. Against this background, I stand by my predecessor's decision as per the attached letter addressed to the City of Windhoek dated 03 February 2014. I therefore reiterate his directives and I am hereby directing that the matter be reconsidered in favor of Quiver Tree Investment 26 without prejudice.

3. The City of Windhoek is hereby directed to implement the directive contained herein and provide proof thereon (Council Resolution) on or before 30 June 2015.

4. I trust that the above is found in order and please accept herewith assurances of my highest esteem.

Yours faithfully,

MINISTRY OF URBAN AND RURAL DEVELOPMENT
Office of the Minister
2015-06-08
PRIVATE BAG 13289
WINDHOEK

Sophia Shaningwa, MP

MINISTER

Cc: H.E. Dr Hage Geingo: President of the Republic of Namibia

Mrs L. Somses: Quiver Tree Investments 26

[Municipal Council Minutes: 2015-11-26]

12.2.4 **BRB.5(a) [PLA] APPLICATION FOR THE CANCELLATION OF THE SALE OF ERF R/8413, WINDHOEK TO ZEST INVESTMENT 73 CC**
(L/8413/W)

After Councillor T Gaeseb excused himself from the discussions, and on proposal by Councillor M Shiikwa, it was

RESOLVED

1 That the legal opinion be noted.

2 That the sale of Erf R/8413, Windhoek to Zest Investments 73 CC be cancelled.

3 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 350/11/2015

[Municipal Council Minutes: 2015-11-26]

12.2.5 BRB.5(b) [PLA] SUBSEQUENT ALLOCATION OF ERF R/8413, WINDHOEK FOR SALE TO QUIVER TREE INVESTMENTS 26 (L/8413/W)

After Councillor T Gaeseb recused himself from the discussion of this matter, and on proposal by Councillor M Shiikwa, it was

RESOLVED

1 That all previous Council Resolutions with regard to the allocation of Erf R/8413, Windhoek be rescinded.

2 That Erf R/8413, Windhoek be sold to Quiver Tree Investment 26 at a purchase price of N$9 540 800.00 (excluding 15% VAT) as determined by the Strategic Executive: Urban Planning and Property Management.

3 That Quiver Tree Investment 26 take note of the following technical conditions:

3.1 That a main sewer line pass through Erf R/8413, Windhoek.

3.2 That a 3 metre servitude need to be surveyed and registered.

3.3 That the surveying and registration cost be to the account of the applicant.

3.4 That Erf R/8413, Windhoek has a downward slope from the south east into a north westerly direction.

3.5 That there was no evidence of stormwater systems crossing the erf except for surface stormwater run-off.

3.6 That the turning circle of Maxwell Street is just along the northern boundary of Erf R/8413, Windhoek.

3.7 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

3.7.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or

- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

3.7.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

3.8 That access be to the satisfaction of the Strategic Executive: Urban Planning and Property Management.

3.9 That there is not sufficient sidewalk to accommodate pedestrian movement and parking therefore, all parking should be provided on-site as per Council's Parking Policy.

3.10 That access only be obtained from Maxwell Street.

3.11 That the property is located within the airport approach zone. [This might constrain development potential and height restrictions should be clarified with the airports company. With only 75 % coverage, indication might be that the full bulk of 2.0 might not be feasible should only two (2) stories be possible in terms of the height restriction.]

3.12 That the Maxwell substation is nearby and a service connection can be provided from the substation.

3.13 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all costs related thereto be for the applicant's account.

3.14 That only one (1) service connection per erf be allowed from the municipal electrical network.

3.15 That for erven that is zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative must contact the Strategic Executive: Electricity well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation; and also to determine the financial contribution to be made by the Developer towards the upgrade cost of the network.

4 That the standard reverting clause and restrictive resale conditions be registered against the Title Deed in favour of Council.

5 That the standard conditions, including a minimum building value equal to the municipal valuation of the erf be included in the Deed of Sale.

6 That, should the applicant fail to finalise the sale within thirty (30) days, the allocation of Erf R/8413, Windhoek to the applicant be cancelled and the property be offered for sale on tender procedure.

7 That the intended sale of Erf R/8413, Windhoek be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992).

8 That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Lease/Sale.

9 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 351/11/2015

Department of Urban Planning and
Property Management
✉ 59
80 Independence Avenue
WINDHOEK, NAMIBIA
Tel: (+264) 61 290 2073 • Fax: (+264) 61 290 2060 • www.cityofwindhoek.org.na

351

ENQ: Mr. Elia Shapopi
E-MAIL: Elia.Shapopi@windhoekcc.org.na
DATE: 07 December 2015
PHONE: 290-3354
FAX: 290-2493
OUR REF: L/6880/W

Ms. L Somses
Executive Director
Quiver Tree Investments 26
P O Box 70567
WINDHOEK

Dear Ms. Somses

APPLICATION TO PURCHASE ERF RE/8413 WINDHOEK

Reference is made to previous correspondence regarding the above.

City Council considered the application at its monthly meeting held on 26 November 2015 and resolved per Council Resolution 351/11/2015, attached, as follows:

"1 *That all previous Council Resolutions with regard to the allocation of Erf R/8413, Windhoek be rescinded.*

2 *That Erf R/8413, Windhoek be sold to Quiver Tree Investment 26 at a purchase price of N$9 540 800.00 (excluding 15% VAT) as determined by the Strategic Executive: Urban Planning and Property Management.*

3 *That Quiver Tree Investment 26 take note of the following technical conditions:*

3.1 *That a main sewer line pass through Erf R/8413, Windhoek.*

3.2 *That a 3 metre servitude need to be surveyed and registered.*

3.3 *That the surveying and registration cost be to the account of the applicant.*

3.4 *That Erf R/8413, Windhoek has a downward slope from the south east into a north westerly direction.*

3.5 *That there was no evidence of stormwater systems crossing the erf except for surface stormwater run-off.*

3.6 *That the turning circle of Maxwell Street is just along the northern boundary of Erf R/8413, Windhoek.*

3.7 *That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:*

3.7.1 *That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:*

- *The flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or*

- *The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.*

3.7.2 *That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.*

3.8 *That access be to the satisfaction of the Strategic Executive: Urban Planning and Property Management.*

3.9 *That there is not sufficient sidewalk to accommodate pedestrian movement and parking therefore, all parking should be provided on-site as per Council's Parking Policy.*

3.10 *That access only be obtained from Maxwell Street.*

3.11 *That the property is located within the airport approach zone. [This might constrain development potential and height restrictions should be clarified with the airports company. With only 75 % coverage, indication might be that the full bulk of 2.0 might not be feasible should only two (2) stories be possible in terms of the height restriction.]*

3.12 *That the Maxwell substation is nearby and a service connection can be provided from the substation.*

3.13 *That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all costs related thereto be for the applicant's account.*

3.14 *That only one (1) service connection per erf be allowed from the municipal electrical network.*

3.15 *That for erven that is zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative must contact the Strategic Executive: Electricity well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical*

network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation; and also to determine the financial contribution to be made by the Developer towards the upgrade cost of the network.

4 *That the standard reverting clause and restrictive resale conditions be registered against the Title Deed in favour of Council.*

5 *That the standard conditions, including a minimum building value equal to the municipal valuation of the erf be included in the Deed of Sale.*

6 *That, should the applicant fail to finalise the sale within thirty (30) days, the allocation of Erf R/8413, Windhoek to the applicant be cancelled and the property be offered for sale on tender procedure.*

7 *That the intended sale of Erf R/8413, Windhoek be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992).*

8 *That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Lease/Sale.*

9 *That the resolution be implemented prior to confirmation of the minutes."*

Kindly indicate in writing and within 30 days hereof whether the conditions of the Council Resolution is acceptable to you.

Trusting that the above is in order.

Yours sincerely

.....

Mr Elly Shipiki
Manager: Property Management Division

! Powering the Economy!
Reg. No. CC/2011/1055

P.O. Box 70567, Khomasdal; Erf: 4486, Dodge Street, Khomasdal;
Tel: 061-215918; Fax: 0886-49798; Cell: 0817-693138 / 0812-775877
Windhoek
Namibia

6 January 2016

The Manager: Property Management Division
City of Windhoek

Attention: Mr. E Shipiki
Per Hand

Dear Mr. Shipiki,

AGREEMENT OF SALE: ERF 8413, MAXWELL STREET

It is with appreciation that we welcome the decision by Council to allocate the above mentioned Erf for sale to Quiver Tree, as it also puts an end to this issue which has been four years in the making.

We herewith wish to place on record that we accept Council's resolution in this regard in principle.

However, we are still awaiting a response to our letter of 07 December 2015, addressed to the acting CEO as well as Mr. Narib, regarding the sale price as well as the issue of the restrictive sale condition.

Once these issues have been agreed upon, the agreement of sale will be signed without delay.

We look forward to your positive response in anticipation.

Yours sincerely,

Ms. L Somses

CC Hon Minister S Shaningwa

The acting CEO: City of Windhoek

Mr. Narib: Strategic Executive, Urban Planning and Property Management

Namibian 19/02/16

855

CITY OF WINDHOEK

City of Windhoek

TO ENHANCE THE QUALITY OF LIFE OF ALL OUR PEOPLE

STRATEGIC EXECUTIVE: URBAN PLANNING AND PROPERTY MANAGEMENT
Enquiries: Customer Care Centre, Reverend Michael Scott Street

NOTICE FOR OBJECTIONS

ALLOCATION OF VARIOUS ERVEN BY WAY OF PRIVATE TREATY IN TERMS OF SECTION 63(2)(3) OF THE LOCAL AUTHORITIES ACT, ACT 23 OF 1992

The City of Windhoek intends to sell or lease properties or portions thereof as indicated in the table below by way of private treaty in terms of Section 63(2)(3) of the Local Authorities Act, Act 23 of 1992.

Maps with all the relevant information with respect to the Erven or portions thereof are available free of charge at the Customer Care Centre, Reverend Michael Scott Street for inspection.

All interested parties are called upon to lodge their written objections in a sealed envelope in the **GLASS BOX** indicating **"OBJECTIONS TO THE SALE OR LEASE OF VARIOUS UNIMPROVED PROPERTIES, NOTICE NO. 08/2016"** by no later than 26 February 2016. The objections will be removed on 26 February 2016 at 11:00.

SALE OF VARIOUS UNIMPROVED PROPERTIES

Erf	Township	Size	Street	Zoning	Council Resolution	Purchaser/ Lessee
Sale of Erf 1956	Khomasdal	± 1 486m²	Johanna Street	Institutional	336/11/2015	Children Crèche Pre-Primary School
Sale of a Portion of Erf R/485	Khomasdal	± 429 m²	Kornalyn Street	Institutional	329/11/2015	Rheinish Evangelical Lutheran Church
Sale of Portion A of Erf R/7374	Windhoek	± 161 m²	Rhino Street	Office	87/04/2014	The owner of Erven 7370 to 7372 and 7344
Sale of Erf R/8413	Windhoek	± 5 277 m²	Maxwell Street	Restrictive business	351/11/2015	Quiver Tree Investments 26
Sale of Erven 2876; Erf 2877; Erf 2878; Erf 2880; and Erf 2881	Wanaheda	± 4045 m² ± 3681 m² ± 5111 m² ± 4845 m² ± 2914 m²	Caesar Street and Monte Christo	General Residential	347/11/2015	Shililifa Property Developers CC

LEASE OF VARIOUS UNIMPROVED PROPERTIES

Lease of Portion A of Erf R/8457 Adjacent to Erf 10436,	Katutura	± 815 m²	Brug Street	Public Open Space	243/10/2015	Mr. Thomas Nangolo

Mr. E. S Shipiki
Manager: Property Management Division
Department of Urban Planning and Property Management

Notice No. 08/2016

356

KOEP PARTNERS

ATTORNEYS | NOTARIES | CONVEYANCERS

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Partners:
Josias Andries Agenbach, BComm LLB
Willem Carel Kotzé, BA LLB
Irvin David Titus, BA LLB
Beate Karen Loch, BA LLB
Stephen Vlieghe, BComm LLB LLM
Hugo Meyer van den Berg, BAHons LLB LLM

Consultant:
Peter Frank Koep, BA LLB

Associates at Windhoek Office:
Stefania Cagnetta, BA LLB
Chastin Bassingthwaighte, BComm LLB

Associate at Swakopmund Office:
Daniël Kotzé, BA LLB
Alfred George Ellis, LLB

Our Ref: SV/68087
Your Ref: Notice number 08/2016

24 February 2016

THE COUNCIL FOR THE MUNICIPALITY OF WINDHOEK
INDEPENDENCE AVENUE
WINDHOEK

ATT: THE CHIEF EXECUTIVE OFFICER/MR SHIPIKI
BY HAND

Dear Sirs,

RE: OBJECTION TO THE INTENDED SALE OF ERF R/8413, MAXWELL STREET, WINDHOEK (NOTICE NUMBER 08/2016)

We refer to the above matter and confirm that we act on instructions from Zest Investments Seventy Three CC ("our client).

Our instructions are as follows -

1. On Friday 5 February 2016 publication was made that the City of Windhoek intends to sell by private treaty the property more fully described as -

Erf:	R/8413
Size:	+- 5 277m²
Township:	Windhoek
Street:	Maxwell Street

Zoning: Restrictive business

357

("the property")

2. The intended purchaser listed in the publication is Quiver Tree Investments Two Six. We are aware that Quiver Tree Investments Two Six is a close corporation. We refer to this close corporation as "Quiver Tree" in this letter of objection.

3. In terms of Section 63(2)(b) of the Local Authorities Act 23 of 1992 ("the Act") we hold instructions to file the following grounds of objection to the aforementioned intended sale of the property.

4. The property is currently the subject matter of litigation in the High Court of Namibia under High Court case number I 166/2016 in the matter between *Zest Investments Seventy Three CC versus the Municipal Council of the Municipality of Windhoek, Sofia Shaningwa (cited in her capacity as Minister of Urban and Rural Development) and Quiver Tree Investments Two Six CC*. A copy of the combined summons issued out of the High Court of Namibia is attached hereto marked annexure "**Z1**". We respectfully refer you to the entire contents of the combined summons, particulars of claim and supporting annexures thereto and ask that same be incorporated into this notice of objection by reference.

5. The combined summons was served on the aforementioned defendants on 11 February 2016. We attach hereto a filing notice with the returns of service evidencing that the combined summons was served as annexure "**Z2**".

6. The relief prayed for in the combined summons is, *inter alia*, that the property be transferred into the name of our client against payment of the purchase price. Without derogating from any of the allegations which are made in the particulars of claim, we note that it is in particular alleged that a deed of sale for the property was concluded between the City of Windhoek and our client, that our client complied with the conditions set forth in that deed of sale and

that the City of Windhoek attempted to cancel the deed of sale. It is alleged and submitted th 358 client does not accept this purported attempt to cancel the deed of sale and that our client demands that the property be transferred into its name.

7. The purported attempt by the City of Windhoek to cancel the deed of sale was brought to the attention of our client by way of a letter sent from the Department of Urban Planning and Property Management, dated 9 December 2015 but received by our client on 8 January 2016. A copy of the letter is attached hereto marked "Z3". In response to this our firm sent the letter marked "Z4" hereto, disputing that the deed of sale was validly cancelled and placing the City of Windhoek on terms not to sell the property until the litigation has been finalised. The combined summons was then served.

8. On the aforementioned grounds alone we submit that the property should not be sold to Quiver Tree until such time as the pending High Court litigation has been determined, including any resultant appeal from a decision of the High Court, should that be the case.

9. Without derogating from what has been stated above as a ground for objection, we set out the background to this matter and advance further grounds of objection against the sale of the property to Quiver Tree.

10. The Municipal Council of Windhoek ("the Council") resolved as per paragraph 12 of Council Resolution 417/11/2010 that the property be offered for sale by way of open tender after the cadastral and town planning procedures have been finalised.

11. An application for the property was received from Quiver Tree. Quiver Tree was informed by the Council that the property was not available (presumably not available with reference to the manner in which Quiver Tree applied to purchase the property). It does not appear that the application by Quiver Tree in this regard was submitted in terms of any tender. Quiver Tree was informed of the Council's decision to sell the property by way of open tender. Although Quiver Tree submitted an appeal to this decision the

Management Committee upheld Council's decision to sell by way of open tender. 359

12. The tender number allocated for this purpose is Tender number PLA01/2014.

13. We attach hereto the addendum to the agenda of the monthly meeting of the Municipal Council of Windhoek, dated 26 November 2015, in terms of which the aforementioned facts are set out, as annexure **"Z5"**.

14. It appears that the following entities submitted applications pursuant to tender PLA 01/2014 -

    14.1 Our client (Zest Investments Seventy Three CC);
    14.2 Waterberg Investments CC;
    14.3 GJ Klazen Property Marketing.

15. After having considered the applications for the tender it was resolved to allocate the property to our client. A chronology of events following this is summarised in the particulars of claim forming the combined summons and we refer you to those supporting documents.

16. It is clear that Quiver Tree did not apply or take part in terms of Tender PLA01/2014. This is also expressly confirmed on page 25 of annexure **"Z5"** Hereto.

17. At a Management Committee meeting held by the Council on 19 November 2015 an item was tabled in terms of which the Council's approval was sought to allocate the property to Quiver Tree. This was before the aforementioned deed of sale was (purportedly) cancelled. A recommendation was made that all previous Council Resolutions with regard to the property be rescinded and that the property be sold to Quiver Tree at a price of N$ 9,543,800.00.

18. This item appears to have been motivated by an opinion which was tabled before the Manag 360 Committee in which the letter of undertaking provided by our client was questioned. It was concluded in the opinion that our client did not comply with a condition in the deed of sale which required our client to provide a bank or financial institution guarantee payable against registration of transfer for the full purchase price and interest due by our client in terms of the deed of sale.

19. It is common cause that our client provided a letter of undertaking for the purchase price. Without prejudice to any ground which our client may advance in the High Court proceedings relating to this issue, we respectfully submit that the letter of undertaking does constitute a bank or financial institution guarantee or that it substantially complies with the requirements to provide a bank or financial institution guarantee.

20. We note further that -

20.1 Your Property Management Division accepted the letter of undertaking as a suitable form of guarantee and instructed the legal practitioners, Ellis Shilengudwa Incorporated, to transfer the property into the name of our client. Ellis Shilengudwa Incorporated were so instructed on 22 September 2015, after you received the letter of undertaking. We submit that you are in any event bound by the conduct of your Department of Urban Planning and Property Management in terms of the Turquand rule, which finds application in contractual matters such as this, involving the Council and that you cannot now raise as a purported ground for cancellation that the letter of undertaking does not comply with clause 2.2 of the deed of sale.

20.2 By way of previous conduct from the Council you have accepted letters of undertaking where transfer of a property and payments were successful. A list of sample letters of

undertaking in this regard appears on annexure "Z5" on page 23.

21. It appears that the decision to purportedly cancel the deed of sale was based on the legal opinion regarding the nature of the letter of undertaking which was provided to you. We submit that the opinion is incorrect and it follows that the decision to purportedly cancel the deed of sale is wrong and invalid in the circumstances. This issue is in any event subject to litigation in the High Court of Namibia under the aforementioned High Court case number. We submit that the High Court should be left to determine this issue.

22. It appears that the resolution reached on 26 November 2015 in terms of which *inter alia* the sale of the property to our client was (purportedly) cancelled, resolution 350/11/2015, was reached at a meeting where, just prior to the item being tabled, Councilor Tertius Gaeseb excused himself from the discussions. The resultant resolution is that all of the other council resolutions regarding the allocation of the property were rescinded and that the property was sold to Quiver Tree. Councilor Gaeseb holds 50% member's interest in Quiver Tree. We attach the latest Amended Founding Statement in this regard as annexure "Z6".

23. The intended sale, although not specified as such in terms of the resolution, is one by private treaty. This much is clear from the notice for objections which was published. The resolution furthermore states that should the sale to Quiver Tree fail to be finalised within 30 days the allocation of the property would be cancelled and the property would be offered for sale on tender procedure once more.

24. The Council resolved to sell the property by way of tender. It is bound by this decision. The minutes of the Council meetings do not specify that the property should be sold by private treaty to Quiver Tree, although this is what is happening. Quiver Tree was not one of the applicants for the tender. If Quiver Tree does not comply with the conditions set, and subject to this objection and the High Court

proceedings, the property shall once more sold by way of tender. We submit that –

24.1 There is no resolution evidencing that the property should be sold to Quiver Tree by means of private treaty. The City of Windhoek does not have jurisdiction to do so in the circumstances;

24.2 A reasonable perception of bias has been created by virtue of the fact that Quiver Tree is the only entity which has been offered the property by way of private treaty, albeit without the Council having even resolved to do this. It is furthermore the only entity which has as one of its two members a Councilor at the City of Windhoek;

24.3 For purposes of transparency and good governance it would not be acceptable for a Municipal Council, who is obliged to act in accordance with Article 18 of the Constitution of the Republic of Namibia, to favour one entity over another when a property is sold. This has clearly been the case with Quiver Tree.

25. We respectfully submit that the Honourable Minister should consider all of the facts set out herein in making her decision on this objection. We are aware that the Honourable Minister previously directed that the property be sold to Quiver Tree. This appears to have been before the aforesaid opinion was tabled. We refer to annexure **"Z7"** hereto.

26. On the basis of all of the aforementioned grounds we submit that the property should not be allocated to any third party, in particular but not limited to Quiver Tree, until such time as the pending High Court litigation has been finalised, including any resultant appeal. Our client's rights in respect of the above-mentioned facts and the pending High Court litigation are reserved.

27. In the event that this objection is not upheld please immediately inform our offices of such a decision and provide us with reasons why the objection has not been upheld. All further communication pertaining to this matter should be addressed to our offices for the attention of writer hereof.

Yours faithfully,

KOEP & PARTNERS

STEPHEN VLIEGHE

[Municipal Council Minutes: 2019-04-25]

9.3.1 **FNS.2 [HPH] REPORT ON OBJECTIONS RECEIVED AND REQUEST FROM QUIVER TREE INVESTMENTS 26 CC TO BUY ERF R/8413, WINDHOEK**
(L/Objections Notice 08/2016)(L/R/8413/W)

On proposal by Councillor Ms AK Ashilelo, it was

RESOLVED

1 That the objection for the sale of Erf R/8413, Windhoek, be noted.

2 That it be noted that following the cancellation of the allocation of Erf R/8413, Windhoek to Zest Investments 73 CC, Council resolved in terms of Resolution 351/11/2015, attached as pages 15 - 17 to the agenda, to sell Erf R/8413, Windhoek to Quiver Tree Investments 26 CC by private treaty.

3 That it be noted that the sale of Erf R/8413, Windhoek to Quiver Tree Investments 26 CC, being a private treaty was duly advertised for public objections on 5 February 2016 as per the provisions of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992).

4 That it be noted that following the subject the advertisement, an objection, attached as pages 64 - 71 to the agenda, was received from Koep & Partners Attorneys (on instruction from Zest Investments 73 CC).

5 That it be noted that Koep & Partners Attorneys (on behalf of Zest Investments 73 CC) instituted legal action (Case No. I 166/2016, attached as pages 39 - 58 to the agenda) against the City.

6 That following the legal action indicated in paragraph 5 above, the High Court of Namibia delivered a Judgement on 22 June 2018, attached as pages 39 - 58 to the agenda, and dismissed the claim made by Zest Investments 73 CC.

7 That the objection received for the sale of Erf R/8413, Windhoek after advertising as per section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) as amended, be perused.

8 That the objection, comments and Council Resolution 351/11/2015, attached as pages 15 - 17 to the agenda, as contained in the item, be submitted to the line Minister for a decision in terms of section 63(3)(c) of the Local Authorities Act, 1992 (Act 23 of 1992).

9 That the motivation from Quiver Tree Investments 26 CC to purchase Erf R/8413, Windhoek at a purchase price of 2012 being N$2 484 000.00, be noted and not supported.

10 That it be noted that Council per Resolution 351/11/2015, attached as pages 15 - 17 to the agenda, allocated Erf R/8413, Windhoek to Quiver Tree Investments 26 CC at a purchase price of N$9 540 800.00 (15 % VAT exclusive), and that such allocation and purchase price be reconfirmed.

11 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 71/04/2019

OFFICE OF THE CHIEF EXECUTIVE OFFICER
✉ 59
80 Independence Avenue
WINDHOEK, NAMIBIA

The Gateway to Endless Opportunities

Tel: (+264) 61 290 2615 **Fax: (+264) 61 290 2344** **www.cityofwindhoek.org.na**

Enquiries: GW Esterhuizen/E Shapopi
Tel nr: 2902171/3354

Email: elia.shapopi@windhoekcc.org.na
Ref: S/8413/W

Mr. Nghidinua Daniel
Permanent Secretary
Ministry of Urban and Rural Development
Private Bag 13289
WINDHOEK

Dear Mr. Nghidinua

SUBJECT: OBJECTIONS TO THE SALE OF ERF R/8413, WINDHOEK TO QUIVER TREE INVESTMENTS 26 CC

Introduction

This letter serves to inform the **Honorable Minister** Dr. Peya Mushelenga of the objection received after the Windhoek City Council at its meeting held on 26 November 2015, per resolution 351/11/2015, **attached,** resolved to sell by private treaty, Erf R/8413, Windhoek to Quiver Tree Investments 26 CC at a purchase price of N$9,540,800.00 (exclusive of 15% Value Added Tax).

Background

The City Council per Council Resolution 431/11/2014,**attached,** to the agenda allocated Erf R/8413 Windhoek to Zest Investment 73 CC at a purchase price of N$8,595,000.00 (excluding 15% Value Added TAX) in respect of Tender PLA01/2014.

Council per Resolution 350/11/2015, **attached,** cancelled the allocation of Erf R/8413 Windhoek to Zest Investment 73 CC due to non-performance.

Following Council's decision in terms of Resolution 350/11/2015, **attached,** to cancel the Deed of Sale of Erf Re/8413 Windhoek to Zest Investments 73 CC, the later instituted legal proceedings in the High Court of Namibia against the City, as per Case No. I 166/2016.

Following the legal proceedings, the High Court, delivered a judgement on 22 June 2018, **attached,** and dismissed the claim by Zest Investments 73 Cc.

Allocation of Erf R/8413 Windhoek to Quiver Tree Investments 26 CC

Council per Resolution 351/11/2015, **attached,** allocated Erf R/8413 Windhoek to Quiver Tree Investments 26 CC at a purchase price of N$9,540,800.00 (exclusive of 15% Value Added Tax).

The allocation of Erf R/8413 Windhoek to Quiver Tree Investment 26 Cc, being a private treaty, was duly advertised for public objections on 05 February 2016 as per the provisions of Section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended.

Objection received

The lodgement for objections closed on 26 February 2016 at 11:00 and only one (1) objection (from Koep & Partners Attorneys), **attached,** was received in the Objection Box at closure time. There is however, another objection was received from Ms Beverley Gawanas-Vugs, **attached,** but this objection was not received in the objection box as it was emailed to the Acting Chief Executive Office on 26 February 2016 at 10:25. The objection by Gawanas-Vugs cannot be considered as it was not submitted in the prescribed manner. Thus, it is only one (1) objection received against the sale of Erf Re/8413 Windhoek has been considered and is herewith being submitted to the Honorable Minister for consideration.

The objector registered their objection against the sale of Erf Re/8413, Windhoek to Quiver Tree Investments 26 Cc for reasons as set out in their objection submission dated 24 February 2016, **attached.**

In light of the above, Council at a meeting held on 25 April 2019 deliberated on the objections received and resolved per Resolution 71/04/2019, **attached,** as follows:

"1. *That the objection for the sale of Erf R/8413, Windhoek, be noted.*

2 *That it be noted that following the cancellation of the allocation of Erf R/8413, Windhoek to Zest Investments 73 CC, Council resolved in terms of Resolution 351/11/2015, attached as pages 15 - 17 to the agenda, to sell Erf R/8413, Windhoek to Quiver Tree Investments 26 CC by private treaty.*

3 *That it be noted that the sale of Erf R/8413, Windhoek to Quiver Tree Investments 26 CC, being a private treaty was duly advertised for public objections on 5 February 2016 as per the provisions of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992).*

4 *That it be noted that following the subject the advertisement, an objection, attached as pages 64 - 71 to the agenda, was received from Koep & Partners Attorneys (on instruction from Zest Investments 73 CC).*

5 *That it be noted that Koep & Partners Attorneys (on behalf of Zest Investments 73 CC) instituted legal action (Case No. I 166/2016, attached as pages 39 - 58 to the agenda) against the City.*

6 *That following the legal action indicated in paragraph 5 above, the High Court of Namibia delivered a Judgement on 22 June 2018, attached as pages 39 - 58 to the agenda, and dismissed the claim made by Zest Investments 73 CC.*

7 *That the objection received for the sale of Erf R/8413, Windhoek after advertising as per section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) as amended, be perused.*

8 *That the objection, comments and Council Resolution 351/11/2015, attached as pages 15 - 17 to the agenda, as contained in the item, be submitted to the line Minister for a decision in terms of section 63(3)(c) of the Local Authorities Act, 1992 (Act 23 of 1992).*

9 *That the motivation from Quiver Tree Investments 26 CC to purchase Erf R/8413, Windhoek at a purchase price of 2012 being N$2 484 000.00, be noted and not supported.*

10 *That it be noted that Council per Resolution 351/11/2015, attached as pages 15 - 17 to the agenda, allocated Erf R/8413, Windhoek to Quiver Tree Investments 26 CC at a purchase price of N$9 540 800.00 (15 % VAT exclusive), and that such allocation and purchase price be reconfirmed.*

11 *That the resolution be implemented prior to confirmation of the minutes."*

City Council's comments to the objection

The Honourable Minister should take note that following Koep & Partners Attorneys (on behalf of Zest Investment 73CC) legal action against Council in respect of the cancellation of Erf Re/8314 Windhoek to Zest Investment 73 cc, the High Court of Namibia passed a judgement to dismiss the claim by Zest Investment 73 cc and therefore the objection can no longer stand.

Conclusion

Given the above, the City hereby submits the objections, the City Council's comments as indicated above and seeks the Honourable Minister's decision regarding the objections.

Honourable Minister, kindly accept the assurances of my highest regard while trusting that the above is in order.

Yours faithfully,

FN Kahimise
CHIEF EXECUTIVE OFFICER

Chief Executive Officer - Acting Officer in line with 27 (1) Act 23 of 1992 - Authority
09 AUG 2019
Box 59
Windhoek
Tel: 061-290 2615

[Municipal Council Minutes: 2020-05-28]

10.1.5 FNS.1 [HPH] DISPUTING OF PURCHASE PRICE – ERF R/8413, WINDHOEK QUIVER TREE INVESTMENTS 26 CC (L/R/8413/W)

On proposal by Councillor M Shiikwa, it was

RESOLVED

1 That this matter be referred back in order for the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson, through Her Worship the Mayor, issue a letter to the line Minister in which the sequence of events regarding the purchase of Erf R/8413, Windhoek are listed and requesting the latter to address the objections received, whereafter it be resubmitted to Management Committee/Council, for consideration.

1.1 That the Acting Strategic Executive: Housing, Property Management and Human Settlement, upon receipt of the Ministerial response as per paragraph 1 above, provide the Valuation Certificates that clearly state that Erf R/8413, Windhoek was evaluated for N$9 540 800.00.

2 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 140/05/2020

OFFICE OF THE CHIEF EXECUTIVE OFFICER
370
✉ 59
80 Independence Avenue
WINDHOEK, NAMIBIA

Tel: (+264) 61 290 2615 Fax: (+264) 61 290 2344 www.cityofwindhoek.org.na

Enquiries: Mr. E. T. Shapopi
Email: Elia.Shapopi@windhoekcc.org.na
Tel nr: 061-2902 2170

Date: 18 June 2020
Ref: L/RE/8413W

MINISTRY OF URBAN AND RURAL DEVELOPMENT
OFFICE OF THE MINISTER
14 JUL 2020
RECEIVED
PRIVATE BAG 13289, WINDHOEK

Hon. Erastus Uutoni
Minister
Ministry of Urban and Rural Development
Private Bag 13289
WINDHOEK

Dear Hon. Minister Uutoni

RE: OBJECTIONS TO THE SALE OF ERF RE/8413, WINDHOEK TO QUIVER TREE INVESTMENT 26 CC

Honorable Minister, reference is made to previous correspondences regarding the above subject matter.

Honorable Minister, specific reference is made to your Ministry's letter dated 17 March 2020 which is a request for the City to sell Erf Re/8413, Windhoek to Quiver Tree Investment 26 Cc at the initial purchase price of N$2,401,000.00 and not at the current escalated price of N$9,500,000.00. This matter served before the City Council and Council, per Resolution 140/5/2020, resolved that the Honorable Minister be informed of the sequence of events with regards to the subject property and request the Honorable Minister to pronounce himself on the objections lodged.

Therefore, the following is the sequence of events on Erf R/8413, Windhoek as it pertains to Quiver Tree Investments 26 Cc:

Sequence of events

1. The City Council considered the sale of Portion A of Erf 8413, Windhoek as per Council Resolution 266/09/2011, **attached,** and resolved that Erf 8413, Windhoek be subdivided into Portion A (± 5 829 m² in extent), Portion B (± 32 m² in extent) and the Remainder (± 5 277 m² in extent). Council further resolved that Portion A be sold to Lucco Property Developers at a purchase price of N$2,652,195.00. Council further resolved that the Remainder of Erf 8413 (±5 277 m² in extent) be offered for sale as a 'restricted business' zoned erf by way of tender. Portion B was rezoned to Municipal.

2. Quiver Tree Investments 26 CC submitted an application dated 5 April 2012, under Special Projects for the purchase of Erf R/8413 Windhoek. Their application was rejected as per Council Resolution 423/11/2012, **attached,** and they were accordingly informed that the property will be sold by way of tender.

3. Quiver Tree submitted an appeal by addressing the Council on 26 February 2013, the appeal was dismissed as per Council Resolution 43/02/2013, **attached,** and were again informed that the property will be sold by way of tender.

4. A letter dated 3 February 2014, attached was received from the then Minister of Regional and Local Government, Housing and Rural Development for Council to reconsider and rescind its decision as per Council Resolution 423/11/2012. Council deliberated on the letter at its meeting on 4 June 2014 and resolved as per Council Resolution 154/06/2014 attached that due to the fact that various applications were received the property be sold on tender and that the client be informed accordingly.

5. Erf Re/8413 Windhoek, together with other Erven, was advertised for sale on tender as per Tender PLA01/2014.

6. Council as per Council Resolution 431/11/2014 **attached** allocated Erf R/ 8413 Windhoek to Zest Investment 73 CC at a purchase price of N$8,595,000.00 in respect of Tender PLA01/2014.

7. In a letter dated 6 November 2014, **attached**, the then Prime Minister wrote to the Minister of Regional and Local Government requesting the Minister to look into the matter after a complaint was lodge by Mr. Henk Mudge on behalf of Quiver Tree Investments 26 Cc.

8. In a letter dated 8 June 2015, **attached**, the Minister of Urban and Rural Development directed that Erf R/8413 Windhoek be considered in favour of Quiver Tree Investment 26 Cc.

9. Council as per Resolution 350/11/2015, **attached**, cancelled the allocation to Zest Investment 73 CC due to non-performance.

10. Council as per Resolution 351/11/2015, **attached**, allocated Erf R/8413 to Quiver Tree Investment 26 Cc at a purchase price of N$9,540,800.00 (excluding 15%VAT).

11. Quiver Tree Investment 26 Cc was issued with the Council Resolution per letter dated 07 December 2015, **attached**, and following such issuance, they communicated their acceptance of the terms of the Council Resolution in a letter dated 06 January 2016, **attached**.

12. Following Council's decision in terms of Resolution 350/11/2015, to cancel the Deed of Sale of Erf Re/8413 Windhoek to Zest Investments 73 CC, the later instituted legal proceedings in the High Court of Namibia against the City, as per Case No. I 166/2016. The High Court, delivered a judgement on 22 June 2018, **attached**, and dismissed the claim by Zest Investments 73 Cc.

13. The sale to Quiver Tree Investment 26 Cc, being a private treaty, was duly advertised for public objections on 05 February 2016 as per the provisions of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) as amended.

14. The lodgment for objections closed on 26 February 2016 at 11:00 and only one (1) objection (from Koep & Partners Attorneys) was received in the Objection Box at closure time.

15. The objections were submitted to Council for deliberation at its meeting held on 25 April 2019 and Council per Resolution 71/04/2019, **attached**, reconfirmed and upheld the decision to sell Erf R/8413 Windhoek to Quiver Tree Investment 26 Cc as per Resolution 351/11/2015. Council further resolved that the motivation from Quiver Tree Investment 26 Cc to purchase Erf R/8413 Windhoek at a purchase price of 2012 being N$2,484,000.00 not be supported.

16. In line with the provisions of Section 63 [illegible] f the Local Authorities Act of 1992, (Act 23 of 1992) as amended the City in a letter of 09 August 2019, **attached**, submitted the objection to the Minister for the Honorable Minister's decision regarding the objections.

17. The Ministry in a letter dated 16 March 2020, **attached**, urged Council to sell the Remainder of Erf 8413 Windhoek to Quiver Tree Investment 26 Cc at an initially offered price of N$2,401,000.00 and not at the current escalated price of N$9,500,000.00. It is however worth noting that the Ministry's letter is not addressing the objections lodged against the sale of the Remainder of Erf 8413 Windhoek but is rather addressing the dispute regarding the purchase price.

Honorable Minister, it should be noted that the fact that Quiver Tree Investment 26 Cc applied and offered to purchase the Remainder of Erf 8413 Windhoek at N$2,484,000.00 in 2012 as per their own calculations does not constitute a binding agreement on the City side to consider such price. Furthermore, it is worth noting that there was no injustice done to Quiver Tree Investments 26 with respect to the allocation of the Remainder of Erf 8413 Windhoek to justify the allocation of the Erf at a price of 2012. Selling the subject property at a price of 2012 will only disadvantages the City.

Given the above, the City hereby requests the Honourable Minister to peruse the objection lodged and make a decision in terms of Section 63(3)(c) of the Local Authorities Act of 1992, (Act 23 of 1992) as amended, in regards to the objections lodged against the sale of Erf R/8413 Windhoek.

Honourable Minister, kindly accept the assurances of my highest regard while trusting that the above is in order.

Yours Sincerely

RN Kahimise
CHIEF EXECUTIVE OFFICER

VALUATION CERTIFICATE
DIVISION: VALUATION SERVICES
DATE OF VALUATION: 24/11/2022

Erf No.: R/8413 **Suburb:** Windhoek **Street name:** Maxwell

Erf size: 5277 **Zoning:** Restricted **Bulk:** 0.5

Required portion size: Whole erf

Current use of the portion under consideration: vacant

Acquisition purpose: To be sold

Similar land in the same area as the subject, with the same zoning restricting business with a bulk of 0.5 and subject to the same limitation on aviation routes, was sold in 2012 for N$ 514 per square meter. The price shown above was increased from 2012 to 2022 to arrive at a price per square meter that served as the foundation for the R/8413 Windhoek valuation with a zoning of bulk 0.5.

The table below shows the price escalation from 2012 to 2022 as requested.

Year	N$/m²	Value (N$)
2013	545.51	2,878,670.12
2014	605.52	3,195,323.83
2015	**675.15**	**3,562,786.07**
2016	727.28	3,837,833.16
2017	774.55	4,087,292.31
2018	826.83	4,363,184.55
2019	880.57	4,646,791.54
2020	937.81	4,948,807.80
2021	971.57	5,126,964.88
2022	1,008.00	5,319,226.07
2022 Nov	1,044.29	5,510,718.21

Valued by: Kaulikufwa Hendjala **Date:** 24/11/2022

REPUBLIC OF NAMIBIA

HIGH COURT OF NAMIBIA MAIN DIVISION, WINDHOEK

JUDGMENT

Case no: I 166/2016

In the matter between:

ZEST INVESTMENTS SEVENTY-THREE CC	PLAINTIFF

and

MUNICIPAL COUNCIL OF THE MUNICIPALITY OF WINDHOEK	FIRST DEFENDANT
THE MINISTER OF URBAN AND RURAL DEVELOPMENT	SECOND DEFENDANT
QUIVER TREE INVESTMENTS TWO SIX CC	THIRD DEFENDANT

Neutral citation: *Zest Investments Seventy-Three CC v Municipal Council of Windhoek* (I 166/2016) [2018] NAHCMD 186 (22 June 2018)

Coram: USIKU, J

Heard on: **14, 15, 16 and 17 August 2017 and 25 October 2017**

Delivered: **22 June 2018**

Flynote: Contract – Sale of land – Breach of contract by purchaser – Purchaser failing to furnish Seller with guarantee payable against registration of transfer of the property– Purchaser furnishing Seller with guarantee payable "*subject to availability of funds*" – Such guarantee not a guarantee required in terms of the contract.

Summary: The First Defendant sold certain immovable property to the Plaintiff in terms of a written agreement of sale. In terms of the agreement, the Plaintiff was obliged to furnish the First Defendant with a bank guarantee payable against registration of transfer of the property. The Plaintiff furnished the First Defendant with a letter of undertaking from a law firm undertaking to pay the purchase price "*subject to availability of funds*" The court held that a letter of undertaking or bank guarantee payable "*subject to availability of funds*" is not a guarantee contemplated in terms of the written agreement between the parties. The court held further that the First Defendant was entitled to cancel the agreement due to failure by the Plaintiff to provide a guarantee payable against registration of the transfer of the property. Plaintiff's claim dismissed with costs.

ORDER

1. The Plaintiff's claim is dismissed.

2. The Plaintiff is ordered to pay the costs of the Third Defendant, such costs to include costs of one instructing and one instructed counsel.

3. The Registrar of this court is directed to forward a copy of this judgment to the First Defendant, to look into the concerns raised in paragraph 47 of this judgment.

4. The matter is removed from the roll and regarded finalized.

JUDGMENT

USIKU, J:

Introduction

[1] On 26 January 2016, the Plaintiff instituted action against the First Defendant claiming judgment in the following terms:

(a) transfer of the following immovable property namely:

Certain: Remaining Extent of Erf No. 8413, Windhoek;

Situate: In the Municipality of Windhoek, Registration Division "K" Khomas Region;

Measuring: 5 277 square metres;

into the name of the Plaintiff against payment of the purchase price;

(b) costs of suit, including the costs one instructing and one instructed counsel;

(c) further and/or alternative relief.

[illegible]s in th[illegible]

[2] The Plaintiff is Zest Investments Seventy-Three Close Corporation, a close corporation duly registered and incorporated in terms of the laws of Namibia.

[3] The First Defendant is the Municipal Council of Windhoek, established in terms of section 6(1) of the Local Authorities Act (Act 23 of 1992). The First Defendant had initially defended the action but withdrew its defence on the 22 March 2017 and tendered costs. At present the First Defendant does not defend the action.

[4] The Second Defendant is the Minister of Urban and Rural Development, cited in her official capacity as such. No relief is sought against the Second Defendant, as she is cited due to interest she may have in the matter. The Second Defendant does not defend the action.

[5] The Third Defendant is Quiver Tree Investments Two Six Close Corporation, a close corporation duly registered and incorporated in terms of the laws of Namibia. As would become apparent later, the First Defendant had cancelled a sale agreement in terms whereof the aforesaid immovable property was sold to the Plaintiff, and subsequently resolved to allocate the property for sale to the Third Defendant. Against this backdrop, the Third Defendant defends the action.

Background

[6] The dispute between the Plaintiff and the Third Defendant arises out of a written agreement of sale concluded on the 20 May 2015 between the First Defendant and the Plaintiff. In terms of that agreement, the First Defendant sold to the Plaintiff the immovable property ("the property"), described under paragraph [1] hereof, for the purchase price of N$ 8 595 000.00. A non-refundable amount of N$ 42 975.00 was payable by the Plaintiff to the First Defendant against the signing of a Reservation Allocation Letter.

[7] In terms of clause 2.2.2 of the agreement the Plaintiff was obliged to provide the First Defendant, *"within 60 days from the date of sale, a Bank or Financial Institution Guarantee, payable against registration of transfer, for the full purchase price and interest as well as all amounts due to the seller in terms of this agreement."*

[8] Clause 12 of the agreement confers a right to the First Defendant, *inter alia*, to cancel the agreement should the Plaintiff:

'fail on due date to submit the necessary guarantee or fail to pay the purchase price or any portion thereof or commit any breach of any of the terms of this agreement, the SELLER shall, notwithstanding the condition precedent created in clause 2.4 and 2.5 above, be entitled at its option-

12.1 after thirty (30) days notice given personally or by registered post to the PURCHASER of its intention to do so, to cancel the sale hereby made . . . .'

[9] Clause 20 of the agreement reads:

'No relaxation of a term or condition of this Agreement by the SELLER and no indulgence which the SELLER may expressly or by implication concede to the PURCHASER , by not insisting on explicit performance of the PURCHASER'S obligations in terms of this Agreement, nor the acceptance of any payments after due date, shall prejudice the SELLER'S rights under this Agreement nor be constructed as constituting a waiver of any such right, nor shall it be constructed as a novation of this Agreement or as a tacit amendment of any of the terms or conditions of this Agreement. None of the aforegoing shall operate as an Estoppel against the SELLER.'

[10] And clause 16 (1) of the agreement provides:

'Transfer of the PROPERTY shall be given to the PURCHASER, as soon as possible after payment of the full purchase price plus interest, if payment of interest is applicable or provision of an acceptable Bank or Building Society guarantee in respect of any unpaid amounts.'

[11] On 04 February 2015, the Plaintiff paid to the First Defendant the N$ 42 975.00 non-refundable amount referred to in para [6] hereof.

[12] As earlier stated, the Plaintiff and the First Defendant concluded the aforesaid agreement on 20 May 2015.

[13] By letter dated 18 August 2018, the Plaintiff requested the First Defendant for an extension of 30 days to allow the Plaintiff opportunity to secure approval for bank-finance in respect of the purchase price.

[14] By letter dated 25 August 2015, the First Defendant responded, informing the Plaintiff that the First Defendant was invoking clause 12 of the agreement and that the Plaintiff was afforded 30 days from the date of the letter to furnish the required guarantee. This letter reads:

'FINAL NOTICE OF CANCELLATION OF THE SALE OF REMAINDER OF ERF 8413 WINDHOEK

Reference is made to your letter dated 18 August 2015 and received on 25 August 2015. A further reference is also made to the letter from Bank Windhoek dated, 15 August 2015, but only received on 25 August 2015 regarding the same matter.

As per clause 2.1 and sub-clause 2.2.2 on the Deed of sale, you were granted sixty (60) days from the date of signature, which date was 20 May 2015, to provide Council with a Bank or Financial Institution's Guarantee. The date on which you were to provide such a Bank Guarantee lapsed on 20 July 2015.

You thus failed to comply with the conditions of the above clauses of the Deed of Sale. You had sufficient time since 20 July 2015 to provide the City with the required Bank Guarantee and hence your request for further extension is equally not granted.

The City herewith invokes the conditions of Clause 12 of the Deed of Sale and hereby gives you a notice of cancellation. You are therefore informed that this letter gives you the notice to submit the required Bank Guarantee within a period of 30 days *from the date of this letter. Failure* to comply with this notice shall lead to automatic cancellation of this sales transaction and no further negotiations shall be accommodated.

Trusting that you will find the above in order,
Yours faithfully

(Signature)

MR. K. UIRAB
ACTING MANANGER: PROPERTY MANAGEMENT'

[15] On 21 September 2015 the law firm Ellis Shilengudwa Incorporated ("ESI") issued a letter of undertaking in favour of the First Defendant, in the following terms:

'YOUR TRANSFER: ERF NO 8413, WINDHOEK

MUNICIPAL COUNCIL OF WINDHOKE // ZEST INVESTMENT CC

We hereby wish to advise that we hold at your disposal an amount of N$ 10'682'525.34(TEN **Million Six Hundred And Eighty Two Thousand Five Hundred And Twenty Five Namibia Dollars And Thirty Four Cents)** [which amount is inclusive of VAT and interest calculated up until 31 December 2015] plus 15% interest per annum calculated on N$ 8 595 000.00 as from 31 December 2015 until date of payment (both dates inclusive), which will be paid to you free of exchange on completion of the following transactions and subject to the availability of funds:

1. Registration of the transfers of the members interest in the entities owning Sections 1 to 8 of the sectional title development "Windmill Industrial Units (East)" situated on Erf 521 (a portion of remaining extent of Erf 50) Prosperita, Windhoek;

2. Registration of the transfers of the members interest in the entities owning section 2 to 10 of the sectional title development "Windmill Industrial Units (West)" situated on Erf 522 (a portion of remaining extent of Erf 50) Prosperita, Windhoek;

3. Cancellation of all extisting Bonds over the property; and

4. Registration of transfer of the Property into the name of Zest Investment CC

Should any circumstances arise to prevent, or in our opinion, unduly delay the registration of the abovementioned transactions, we reserve the right to withdraw from this undertaking by giving ourselves written notice to that effect.

This undertaking is not negotiable or transferable and must be returned to ourselves upon payment of the aforementioned amount.

Yours faithfully

PER: I Dos Santos'

[16] On 22 September 2015, the First Defendant addressed a letter to ESI, in the following terms:

'INSTRUCTIONS: TRANSFER OF THE REMAINDER OF ERFT 8413, WINDHOEK

THE MUCIPAL COUNCIL OF WINDHOEK // ZEST INVESTMENTS 73 CC

The above subject matter bears reference.

The City confirms that a Letter of Undertaking was received from your office for the payment of the purchase price, 15% VAT and interest on the sale of the Remainder of Erf 8413, Windhoek. It is against this background that the City appoints you to attend to the transfer and registration of the Remainder of Erft 8413, Windhoek, into the name of the purchaser.
The details of the sale transaction are as follows:

PURCHASER:	:ZEST INVESTMENTS 73CC
REG NO.	: CC/201/2746
ADDRESS	: P.O BOX 3153, WINDHOEK
CONTACT NO	: 0812400540
PURCHASER PRICE	: N$ 8,595,000.00
DATE OF PURCHASER	: 20TH May 2015

Special conditions to be registered: Clause 10.1 – 10.4, 21.1.6.7 and 21.9.1 – 21.9.6

All costs pertaining to this transaction should be for the account of the Purchaser.

Kindly annexed hereto find the following:

- Copy of Deed of Sale;
- Copy of Amended Founding Statement;
- Copy of Special Power of Attorney
- Original Letter of Undertaking from your office for the sum of N$ 9 393.34 plus 15% interest per annum calculated on N$ 8 595 000.00 as from 31 December 2015 until date of payment, (both dates inclusive), plus 15% VAT amount to N$ 1 289 250.00.

Yours faithfully

Signature
Mr. E Shipiki
MANAGER: PROPERTY MANAGEMENT DIVISION'

[17] Also that same day, First Defendant received a letter from the First National Bank, in the following terms:

'CONFIRMATION OF AVAILABLE FACILITIES

We, First National Bank of Namibia Limited, FNB Business, herein represented by Margot Ackermann and Jeffrey Katjivena, in our capacities as Commercial Property Finance Managers confirm that we have approved the amount of N$ 6 464 200.00(Six Million, Four Hundred and Sixty Four Thousand and Two Hundred Namibia Dollar) inclusive of VAT on behalf of Zest Investments 73 CC, represented by Mr OJJ Roque at their disposal for the purchase of Erf Re/8413.

The facilities will be made available subject to conditions amongst others but not limited to the registering of a mortgage bond and the transferring of the Erf into client's name.

Yours faithfully
Signature

MARGOT ACKERMANN
COMMERCIAL PROPERTY MANAGER

Signature
JEFFREY KATJIVENA
COMMERCIAL PROPERTY MANAGER'

[18] By letter date the 16 October 2015, the First Defendant instructed ESI to put the transfer of the property on hold till further notice. This letter reads:

'LETTER OF INSTRUCTION FOR TRANSFER OF THE REMAINDER OF ERF 8413 WINDHOEK – ZEST INVESTMENTS 73 CC

The above subject matter bears reference.

The City further refers to the letter of instruction, dated 22 September 2015 for the transfer of the Remainder of Erf 8413 Windhoek from the City to Zest Investments 73 CC.

Kindly note that you are herewith instructed to put the transfer of the Remainder of Erf 8413 Windhoek on hold until further notice.

Trusting that you find the above in order.

Yours faithfully

Signature

L. NARIB
STRATEGIC EXECUTIVE: URBAN PLANNING AND PROPERTY MANAGEMENT'

[19] On 26 November 2015, the First Defendant passed a resolution to cancel the agreement between the Plaintiff and the First Defendant. The First Defendant further passed another resolution allocating the property to the Third Defendant for sale. The

First Defendant communicated its first-mentioned resolution to the Plaintiff in the following terms:

'CANCELLATION OF THE SALE OF ERF R/8413, WINDHOEK TO ZEST INVESTMENTS 73 CC

Reference is made to previous correspondence regarding the above.

The City wishes to inform you that the City Council considered the above matter at its monthly meeting held on 26 November 2015 and resolved per Council Resolution **350/11/2015,** attached hereto for ease of reference, to cancel the allocation of Erf RE/8413 Windhoek to Zest Investments 73 CC after considering the Legal Opinion submitted to the Council.

Having said the above kindly consider the Deed of Sale signed on the 20th May 2015 to be cancelled.

Thanking you in interest shown in purchasing properties from the City.

Yours sincerely
Signature
Mr. E. S Shipiki
MANAGER; PROPERTY MANAGEMENT DIVISION'

[20] Thereafter, on 26 January 2016, the Plaintiff caused summons to be issued against the Defendants praying for the relief set out in paragraph [1] hereof.

<u>The Plaintiff's case</u>

[21] At the trial the Plaintiff called three (3) witnesses namely: Elli Shoombe Shipiki ("Mr Shipiki"); Kenneth Uirab ("Mr Uirab") and Sophia Shaningwa ("Mrs Shaningwa").

[22] The relevant parts of Mr Shipiki's evidence was that he signed the relevant sale agreement on behalf of the Chief Executive Officer of the First Defendant, in terms of a

standing resolution taken by the First Defendant authorizing him to do so. He further confirmed that he instructed ESI on the 22 September 2015, on behalf of the First Defendant to attend to the registration of the transfer of the property into the name of the Plaintiff, on the strength of the letter of undertaking furnished by ESI to the First Defendant, dated the 21st September 2015.

[23] On the issue whether the letter of undertaking in question guarantees payment of the purchase price against registration of the transfer of the property into the name of the Plaintiff, Mr Shipiki explained that a practice has been adopted by the First Defendant whereby the First Defendant accepts letters of undertaking similar to one provided by ESI as proper instruments for payment of the purchase price.[1] He further underlined that he accepted the letter of undertaking in question against that background. Indeed Mr Shipiki went as far as saying that in the course of his employment at the First Defendant, he had received "so many letters of undertaking"[2] of the kind as the one provided by ESI and were accepted and acted upon. Mr Shipiki could not give a clear explanation why the First Defendant ultimately decided not to accept and act on the letter of undertaking provided by ESI in respect of the present transaction. All he could say is: 'this one they did not accept'[3].

[24] The testimonies of Mrs Shaningwa and Mr Uirab did not take the matter further, insofar as the issues in dispute are concerned.

[25] The Plaintiff argues that it had complied with its obligations in terms of the sale agreement and that the First Defendant breached the material terms of the agreement when it resolved to cancel the same. The Plaintiff further contends that the letter of undertaking provided by ESI constituted a bank guarantee, or alternatively, substantially complied with the requirements to furnish a bank guarantee, in terms of the agreement.

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[1] Page 167 of the recording proceedings.
[2] Page 172 of the record proceedings.
[3] *Ibid.*

[26] When Mr Shipiki accepted the letter of undertaking, the Plaintiff contends, the First Defendant, through Mr Shipiki, affirmed the agreement by instructing ESI to attend to the registration of the transfer of the property into the name of the Plaintiff. Any attempt to cancel the agreement after the First Defendant had elected to affirm the agreement must be seen as unlawful. The Plaintiff further contends that it has discharged its onus and is entitled to the relief of specific performance as set out in its particulars of claim.

The Third Defendant's case

[27] The Third Defendant closed its case without calling any witness.

[28] The Third Defendant contends that the First Defendant was entitled to invoke the provisions of clause 12 of the sale agreement and request the Plaintiff to provide the requisite guarantee within 30 days, as the First Defendant did on 25 August 2015.

[29] The letter of undertaking furnished by ESI, the Third Defendant argues, was not a Bank or Financial Institution Guarantee contemplated under clause 2.2.2 of the sale agreement. The letter of undertaking in question contains a number of conditions, the significant of which is that payment of the purchase price is subject to availability of funds.

[30] The Third Defendant thus argues that the Plaintiff has failed to comply with its aforesaid obligation in terms of the sale agreement, and accordingly failed to discharge its onus to qualify for an order for specific performance.

[31] The Third Defendant also questioned the authority of Mr Shipiki to represent the First Defendant in the execution of the sale agreement. Because of the conclusion I reach in this matter, I do not deem it necessary to determine the question of authority.

Analysis

[32] It common cause that the Plaintiff seeks specific performance in terms of the sale agreement concluded between the Plaintiff and the First Defendant. A party claiming specific performance in terms of an agreement must allege and prove:

(a) the terms of the agreement;

(b) compliance with such terms or must tender to perform them (where applicable);

(c) non-performance by the defendant; and

(d) then claim specific performance.[4]

[33] The main issue for determination by this court is whether the Plaintiff had complied with its obligation in terms of the agreement to provide the First Defendant with a bank or financial institution guarantee contemplated under clause 2.2.2 of the sale agreement. In terms of clause 2.2.2 the Plaintiff is required to provide the First Defendant within 60 days from the date of sale (or after a 30 days' notice contemplated under clause 12):

(a) a bank or financial institution guarantee;

(b) payable against registration of the transfer of the property into the name of the Plaintiff;

(c) for the full purchase price and interest as well as all amounts due to the First Defendant in terms of the agreement.

[34] The Plaintiff contends that it had complied with the above requirement in the form of the letter of undertaking provided to the First Defendant by ESI which letter was accepted by the First Defendant.

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[4] *Von Weldts v Goussard and Another* 2016 (1) NR 169 at pp 184-185.

[35] Insofar as the letter of undertaking is concerned, the crucial question in whether such letter complies with the requirements of clause 2.2.2 of the sale agreement.

[36] It is common ground that the letter in question is from ESI (a law firm) and not from a bank or financial institution. But this aspect is not crucial for the present purposes, as the purpose for requiring a guarantee is to ensure that the Seller obtains payment of the purchase price against registration of the transfer into the name of the purchaser.

[37] What appears prominently from the letter of undertaking from ESI is that, it permits registration of the transfer of the property from the First Defendant into the name of the Plaintiff without simultaneous payment of the purchase price against the registration of the transfer. The letter of undertaking in question does not guarantee payment of the purchase price against the registration of the transfer of the property. In terms of that letter of undertaking, payment of the purchase price is expressly made *"subject to the availability of funds"*. This position is a far cry from the express provisions of clause 2.2.2 which require a guarantee for payment of the full purchase price plus other charges payable in terms of the agreement, against registration of the transfer of the property.

[38] In addition to the above, in terms of the aforesaid letter of undertaking, payment of the purchase price is made subject to separate, as opposed to simultaneous, registration of transfer of members' interest in undisclosed entities owning some 17 sectional units, situated in Prosperita, Windhoek.

[39] It therefore, follows from the terms of the aforesaid letter of undertaking, that:

(a) should transfer of the members' interests in anyone of the aforesaid units not be registered, at any point in time, or;

(b) should the Plaintiff, for any reason, not have funds available; then the First Defendant receives no payment of the purchase price, notwithstanding that registration of the transfer had already been effected in favour of the Plaintiff.

[40] Based on the above analysis, I find that the letter of undertaking in question does not comply with the requirement to provide a guarantee, contemplated under clause 2.2.2 of the sale agreement. Only a person who has *funds available*, or who has *availability* of such funds *guaranteed*, can guarantee payment. A person who has *no funds available* cannot guarantee payment. I find that the letter of undertaking furnished to the First Defendant guarantees nothing, for the purposes of clause 2.2.2 of the sale agreement, and it is as good as no guarantee was furnished at all. A promise to pay a specified amount on condition that the promisor *"has available funds"* to pay, is not "payment guaranteed". I also find that the initial acceptance of the letter of undertaking by the First Defendant and the initial instructions to ESI to transfer the property did not have the effect of waiving the requirement to provide a bank guarantee, because of the provisions of clause 20 (non-waiver clause) of the agreement. In any event a waiver for the provision to furnish of a bank guarantee would have the effect of making the transaction a donation, which is contrary to the intention of the parties.

[41] Having found that the Plaintiff has not complied with its obligation to provide the First Defendant with a bank or financial institution guarantee contemplated under clause 2.2.2 of the sale agreement, it therefore follows that the First Defendant was entitled to cancel the sale agreement, and did lawfully cancel the agreement in terms of the provisions of the sale agreement.

Comments on the conduct of the First Defendant

[42] It is commonground that the First Defendant is a statutory body having power, among other things, to alienate immovable property which constitutes public assets. There are some disturbing facts which arose during the hearing of this matter. The Plaintiff had tendered to buy from the First Defendant the property in question. The property was allocated by the First Defendant to the Plaintiff for purchase, on certain

specified written terms. One of such terms was that the Plaintiff would furnish the First Defendant a written proof of a loan approval from a financial institution. Failing such proof of a loan approval, the Plaintiff would not be permitted to enter into a sale agreement with the First Defendant in respect of the purchase of the property in question.

[43] However, the above condition appears to have been orally altered by the First Defendant, and the Plaintiff was allowed to execute the sale agreement without furnishing the required proof of a loan approval. There is no indication as to what the First Defendant had considered, prior to allowing the aforesaid oral waiver for proof of a loan approval. From all appearances, the Plaintiff ought not to have been allowed to progress to execute the sale agreement, in the first place.

[44] As if the aforegoing was not bad enough, on the 21 September 2015, the Plaintiff furnishes the First Defendant the letter of undertaking from ESI referred to above. I have already held that such letter of undertaking clearly does not guarantee payment of the purchase price required in terms of clause 2.2.2 of the sale agreement. Indeed a letter of undertaking or a bank guarantee that is payable subject to availability of funds, does not guarantee payment against registration of a property into the name of a purchaser. Yet the same letter of undertaking was apparently regarded, initially, as good guarantee, and lawyers were, initially, instructed to proceed with the registration of the transfer of the property.

[45] What played out in this matter could validly be understood, if it could be explained as a once-off incident. However, according to the evidence of Mr Shipiki, as was briefly sketched in paragraph [23] hereof, it is an adopted practice that the First Defendant accepts and acts on letters of understanding or guarantees of the kind as the one referred to above.

[46] The practice of the kind referred to above is very alarming and disturbing indeed, more so because it involves dealing with public assets, a matter in which all tax-payers and rate-payers have an interest. Dealing with immovable property in such a cavalier

fashion amounts to playing *ducks and drakes* with public assets. It is abdication of the responsibility that the public reposes in the First Defendant.

[47] For the aforegoing reasons, I would direct the Registrar of this court to refer a copy of this judgment to the First Defendant in the hope that remedial action is taken to ensure that the practice adopted by the First Defendant, as set out in para [45] hereof, involving acceptance of letter of undertaking or any guarantee, payable "*subject to availability of funds*" is ceased forthwith.

Conclusion

[48] In the result, I make the following order:

1. The Plaintiff's claim is dismissed.

2. The Plaintiff is ordered to pay the costs of the Third Defendant, such costs to include costs of one instructing and one instructed counsel.

3. The Registrar of this court is directed to forward a copy of this judgment to the First Defendant, to looking into the concerns raised in paragraph 47 of this judgment.

4. The matter is removed from the roll and regarded finalised.

B Usiku
Judge

APPEARENCES:

PLAINTIFF	E Schimming-Chase (assisted by S Vlieghe) instructed by Koep & Partners, Windhoek
THIRD DEFENDANT	CE Van Der Westhuizen (assisted by AJ Malherbe) instructed by Dr Weder Kauta & Hoveka Inc, Windhoek