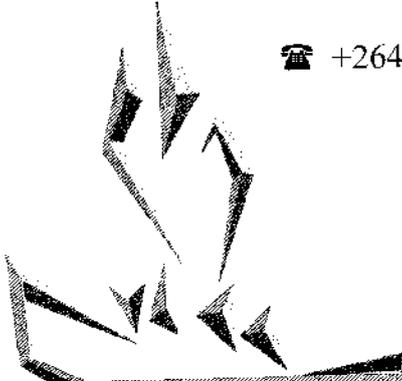


DOCUMENT 1

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, 28 July 2022 at 17:30**, postponed to be held on **Wednesday, 10 August 2022 at 17:30**, in the new Council Chambers, Windhoek.

A handwritten signature in black ink, appearing to be a stylized 'M' or similar character, positioned above the title of the official.

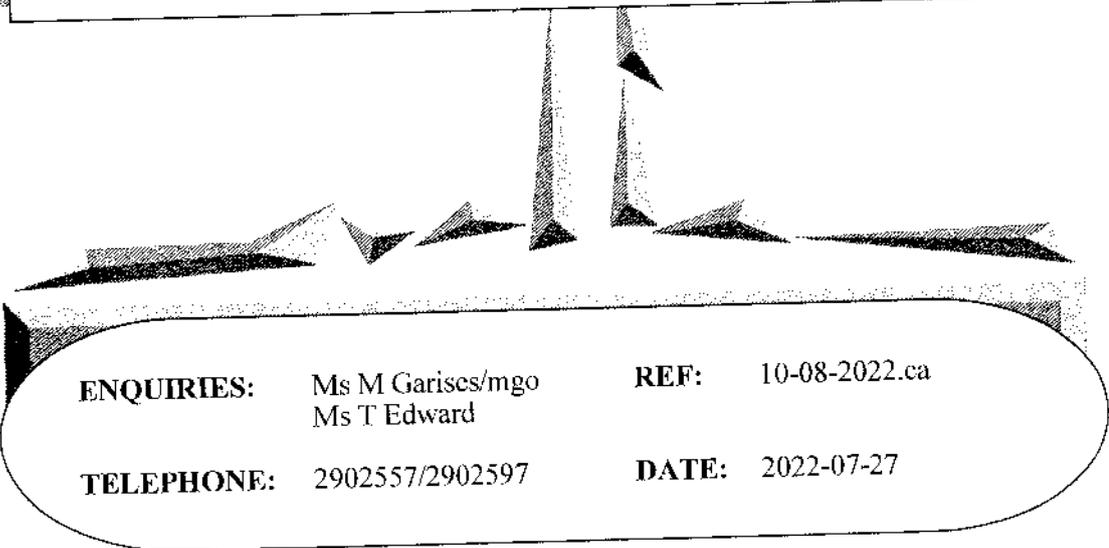
.....
ACTING CHIEF EXECUTIVE OFFICER

ENQUIRIES: Ms M Garises/mgo
Ms T Edward

REF: 10-08-2022.ca

TELEPHONE: 2902557/2902597

DATE: 2022-07-27



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[Municipal Council Agenda: 2022-08-10(07-28)]

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

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[Municipal Council Agenda: 2022-08-10(07-28)]

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

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[Municipal Council Agenda: 2022-08-10(07-28)]

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

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[Municipal Council Agenda: 2022-08-10(07-28)]

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

=====

5 **CONFIRMATION OF MINUTES**

[Municipal Council Agenda: 2022-08-10(07-28)]

5.1 **MUNICIPAL COUNCIL MEETING
HELD ON 30 JUNE 2022**
(3/2/1)

The minutes of the monthly meeting of the Municipal Council of Windhoek held on 30 June 2022 are submitted for confirmation.

[Municipal Council Agenda: 2022-08-10(07-28)]

5.2 **SPECIAL MUNICIPAL COUNCIL
MEETING HELD ON 27 JULY 2022**
(3/2/1)

The minutes of the special meeting of the Municipal Council of Windhoek held on 27 July 2022 are submitted for confirmation.

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[Municipal Council Agenda: 2022-08-10(07-28)]

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

=====

[Municipal Council Agenda: 2022-08-10(07-28)]

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

=====

[Municipal Council Agenda: 2022-08-10(07-28)]

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

9 **OUTSTANDING MATTERS ARISING
FROM THE COUNCIL MEETING
HELD ON 30 JUNE 2022**

[Municipal Council Agenda: 2022-08-10(07-28)]

9.1 **ITEM 10.1.3 - FNS.2 [HPH] APPLICATION TO
PURCHASE A PORTION OF THE REMAINDER
OF ERF 7076, LENSIE STREET, KATUTURA
TO BE CONSOLIDATED WITH ERF 6666,
LENSIE STREET, KATUTURA
(L/6666/Kat)**

Council at its meeting held on 30 June 2022 per Resolution 167/06/2022 *inter alia* resolved as follows:

- 1 *That discussion on this matter be suspended and resume at the next ordinary Council meeting scheduled to be held on 28 July 2022 in terms of Rule 28(1) of the Standing Rules of Order in order for the Strategic Executive: Housing, Property Management and Human Settlement to address the following:*
 - 1.1 *Clarify the concerns raised by the Councillors, i.e. establish the authenticity of the undated application received from Mr VH Pakarae, attached as page 13 to the agenda.*
- 2 *That the Strategic Executive: Housing, Property Management and Human Settlement ensure that the Letter of Executorship, attached as page 15 to the agenda, bear the stamp of the Namibian Police with the resubmission as per paragraph 1 above.*
- 3 *That the resolution be implemented prior to confirmation of the minutes.*

The above matters have been attended to as follows:

- *** - The applicant obtained a Police Declaration, **attached as pages 599 to the agenda**, confirming that he was the author of the undated letter; and
- *** - The Letter of Executorship, **attached as page 600 to the agenda**, is bearing a recent Namibian Police stamp (22 July 2022).

The item is herewith resubmitted to Council for consideration.

Introduction

- *** The purpose of this item is to submit an application received from Mr Vehemba H Pakarae, the appointed Executor for the estate of the late Mr Michael Uandara who is the owner of Erf 6666, Lensie Street, Katutura to seek Council's approval to purchase a portion of the Remainder of Erf 7076, Lensie Street, Katutura for consolidation with Erf 6666, Lensie Street, Katutura. The subdivision plan is **attached as page 601 to the agenda**.

Application

- *** An undated application, **attached as page 602 to the agenda**, was received from Mr Vehemba H Pakarae, the appointed Executor for the estate of the late Mr Michael Uandara who is the deceased owner of Erf 6666, Lensie Street, Street Katutura, to purchase a portion of the Remainder of Erf 7076, Lensie Street, Katutura to consolidate with Erf 6666, Lensie Street, Katutura. The Death Certificate and initial letter of appointment as Executor are **attached as pages 603 and 604 respectively to the agenda**.

Property description and locality

Erf 6666, Lensie Street, Katutura is $\pm 338 \text{ m}^2$ in extent, situated in Lensie Street and zoned 'residential', with a density of 1:250 m^2 .

The Remainder of Erf 7076, Lensie Street, Katutura is $\pm 4\,205 \text{ m}^2$ in extent, situated in Lensie Street and zoned 'public open space'.

- *** The locality plan indicating the craven is **attached as page 605 to the agenda**.

Technical comments

The Strategic Executive: Housing, Property Management and Human Settlement (Property Management Division) requested for technical comments and the following can be reported:

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

- Bulk Water, Waste Water and Engineering Services

The sale of a portion of the Remainder of Erf 7076 for consolidation with Erf 6666, Lensie Street, Katutura is not supported because municipal sewer and water lines are affected. The application can only be approved if the sewer and water lines be relocated outside the boundaries of the applied portion. To facilitate the consolidation, the applicant is required to appoint a registered professional Engineer to do the design for the sewer and water relocation. A complete 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 and water lines. The supervision of the construction work should be done by a registered Engineer. All costs related thereto will be for the applicant's account. The Deed of Sale may only be signed after the relocation of the sewer and water lines are done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.

Comment from the Strategic Executive: Electricity

- Technical Support

There is no objection to the sale of a portion of the Remainder of Erf 7076, Lensie Street, Katutura to be consolidated with Erf 6666, Lensie Street, Katutura. However, should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per a request received from the client, all costs will be for the applicant's account. Electricity does exist in the vicinity if upgrade is so required.

Only one (1) service connection from the municipal electrical network and one additional meter point will be allowed per erf/or 'single residential', and for more meter points, the erf must be zoned 'general residential' and a service connection larger than 3 x 60 ampere is then required. Therefore the applicant's 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 electricity network can handle the additional loading or whether a substation building or site 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

There is no objection to the proposed sale and consolidation. It should however be noted that the Remainder of Erf 7076, Lensie Street, Katutura is zoned 'public open space'. The rezoning of a public open space to any other land use requires an Environmental Management Clearance Certificate as per the Environmental Management Act, 2007 (Act 7 of 2007). Such Certificate can be obtained from the Environmental Management Division of the City.

- Parks

Only a 5 metre portion of the Remainder of Erf 7076, Lensie Street, Katutura is recommended for consolidation with Erf 6666, Lensie Street, Katutura as a 10 metre portion could restrict stormwater flow.

Comments from the Strategic Executive: Urban and Transport Planning

- Planning and Design

Erf 6666, Lensie Street, Katutura has a downward slope from the southwest into a north easterly direction. There is a stormwater course flowing ± 8 metres away and parallel to the north-eastern boundary of Erf 6666, Lensie Street, Katutura. The proposed Portion A (± 100 m² in extent) of the Remainder of Erf 7076, Lensie Street, Katutura, being along the north-western boundary of Erf 6666, Lensie Street, Katutura, has a downward slope from the south west into a north easterly direction. There appears to be no stormwater system on the proposed Portion A (± 100 m² in extent) of the Remainder of Erf 7076, Lensie Street, Katutura, except for surface stormwater run-off.

Furthermore, there is no objection to the subdivision of the proposed Portion A (± 100 m² in extent) of the Remainder of Erf 7076, Lensie Street, Katutura along the north western boundary of Erf 6666, Lensie Street, Katutura, for consolidation with Erf 6666, Lensie Street, Katutura: Provided:

- That the proposed portion be subdivided as indicated on Plan PDT/6666KAT, **attached as 601 page to the agenda.**
- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.

- Traffic Flow

There is no objection to the subdivision of a portion of the Remainder of Erf 7076, Lensie Street, Katutura along the western boundary of Erf 6666, Lensie Street, Katutura for consolidation with Erf 6666, Lensie Street, Katutura.

An Urban Arterial Account (UAA) contribution is not applicable, and access may not be obtained over the public open space.

- Urban Planning

The application to purchase a portion in terms of the Public Open Space Policy, from the Remainder of Erf 7076, Lensie Street, Katutura for consolidation purpose with Erf 6666, Lensie Street, Katutura is supported. Hence, the Portion should be subdivided and closed as public open space and thereafter be consolidated with Erf 6666, Lensie Street, Katutura. The current conditions registered against Erf 6666, Lensie Street, Katutura should be replaced by the usual short standard conditions of the Municipality, including a minimum building value equal to four (4) times the municipal valuation of the erf. The cost of all the procedures mentioned above should be for the applicant's account.

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

- Valuations

*** Portion A of the Remainder of Erf 7076, Lensie Street, Katutura is $\pm 100 \text{ m}^2$ in extent, and after consolidation with Erf 6666, Lensie Street, Katutura, the size of the consolidated erf would be $\pm 438 \text{ m}^2$ in total. The development potential is not enhanced in terms of the density being $1:250 \text{ m}^2$. Hence, the value payable is N\$16 750.00 in total (50 % of the market price of N\$335.00/m², or N\$33 500.00) in terms of Council Resolution 276/08/2004 (Policy), **attached as page 606 to the agenda** and as determined by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuations) as per the Valuation Certificate dated 17 March 2022, **attached as page 607 to the agenda**.

Should the owner of Erf 6666, Lensie Street, Katutura, wish to take occupation of Portion A of the Remainder of Erf 7076, Lensie Street, Katutura, 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\$139.58.

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.

Neighbours' consent

There are no neighbours affected by the consolidation of the Remainder of Erf 7076, Lensie Street, Katutura with Erf 6666, Lensie Street, Katutura, hence no neighbours' consent needed.

Site inspection

*** A site visit was conducted on 8 March 2022 by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Property Management) and there are no encroachments or any activities on the applied portion. Photographs of the site are **attached as pages 608 - 612 to the agenda**.

Conclusion

Having considered the application together with the technical comments from the various divisions, the Strategic Executive: Housing, Property Management and Human Settlement is therefore submitting the application to Council for its deliberations and consideration.

Management Committee, having considered the matter

RECOMMENDED

- 1 That the application of the owner/applicant of Erf 6666, Lensie Street, Katutura for consolidation with the Remainder of Erf 7076, Lensie Street, Katutura, be noted.

- 2 That following the application to purchase a portion of the Remainder of Erf 7076, Lensie Street, Katutura for consolidation with Erf 6666, Lensie Street, Katutura, that the Remainder of Erf 7076, Lensie Street, Katutura be subdivided into Portion A ($\pm 100 \text{ m}^2$ in extent) and the Remainder as indicated on Plan PDT/6666KAT, **attached as page 601 to the agenda.**
- 3 That approval be granted for the sale of Portion A ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura ($\pm 100 \text{ m}^2$ in extent) to the owner of Erf 6666, Lensie Street, Katutura (Estate of the late Mr Michael Uandara) for consolidation purposes.
- 4 That Portion A ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura be closed as 'public open space'.
- 5 That Portion A ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura be consolidated with Erf 6666, Lensie Street, Katutura simultaneously with the transfer.
- 6 That the City prepare the closure notice and that the applicant/owner of Erf 6666, Lensie Street, Katutura be responsible for inserting the notice in the media, placing a copy on-site and for distribution to the affected neighbours, and that proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before the transfer take place.
- 7 That Portion A ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura assumes the same zoning and density with the abutting Erf 6666, Lensie Street, Katutura in terms of clause 5(3) of the Windhoek Town Planning Scheme.
- 8 That the current conditions registered against Erf 6666, Lensie Street, Katutura be replaced by the usual short standard conditions of the Municipality, including a minimum building value equal to four (4) times the municipal valuation of the erf.
- 9 That the owner/applicant obtain an Environmental Management Clearance Certificate from the Strategic Executive: Economic Development and Community Services (Environmental Management Division) in terms of the Environmental Management Act, 2007 (Act 7 of 2007).
- 10 That the applicant/owner 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 related thereto.
- 11 That it be noted that sewer and water lines is passing through the applied portion of Remainder of Erf 7076, Lensie Street, Katutura.
- 12 That the application only be approved if the sewer and water lines are relocated outside the boundaries of the applied portion.

- 13 That to facilitate the consolidation, the applicant is required to appoint a registered professional Engineer to do the design for the new sewer and water relocation.
- 14 That a complete design be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start.
- 15 That after approval of the design, the applicant appoint a Contractor to do the construction of the sewer and water lines.
- 16 That the supervision of the construction work be done by a registered Engineer and that all costs related thereto be for the applicant's account.
- 17 That the Deed of Sale only be signed after the relocation of the sewer and water lines are done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical services.
- ***
- 18 That after obtaining the Environmental Management Clearance Certificate and successful completion of the closure, town planning and cadastral procedures, Portion A ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura be sold to the owner of Erf 6666, Lensie Street, Katutura for consolidation purposes at 50 % of the market price of N\$335.00/m², being N\$16 750.00 in terms of Council Resolution 276/08/2014, attached as page 17 to the agenda, and as per the Valuation Certificate dated 17 March 2022, **attached as page 607 to the agenda.**
- 19 That in terms of Council Resolutions 183/08/2021 and 184/08/2021, all funds generated from the sale resulting from the subdivision of public open spaces be used exclusively (unless with consent of Council), for the development of public open spaces.
- 20 That the sale of portion A ($\pm 100 \text{ m}^2$ in extent) be subject to the following conditions:
- 20.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
- 20.1.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drainpipes, 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.

- 21 That the following be noted:
- 21.1 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.
- 21.2 That only one (1) services connection from the municipal electrical network be allowed per erf.
- 21.3 That only one (1) additional meter point be allowed for an approval flat on an erf zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.
- 22 That the applicant/owner of Erf 6666, Lensie Street, Katutura:
- 22.1 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 Environmental Management Clearance Certificate has been obtained and the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.
- 22.2 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.
- 22.3 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.
- 22.4 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.
- 22.5 That should the applicant fail to comply with any of the conditions above or fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, that the allocation of Portion A of the Remainder of Erf 7076, Lensie Street, Katutura to the owners of Erf 6666, Lensie Street, Katutura beyond the eighteen (18) months be subject to the price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlement, and that the settlement be authorised to allow the extension at a revised price as calculated by the Strategic Executive: Housing, Property Management and Human Settlement.

- 23 That should the applicant wish to take occupation of Portion A ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura, prior to the conclusion of the sale, Portion A ($\pm 100 \text{ m}^2$ in extent) be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$139.58.00, further subject to annual escalation in line with the Namibia Inflation Rate.
- 24 That the intended lease and sale of Portion A ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 25 That the sale of Portion ($\pm 100 \text{ m}^2$ in extent) of the Remainder of Erf 7076, Lensie Street, Katutura be subject to ministerial approval being obtained in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 26 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

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

 [Municipal Council Agenda: 2022-08-10(07-28)]

9.2 **ITEM 10.1.8 - FNS.7 [HPH] REQUEST FOR APPROVAL OF THE PURCHASE PRICE FOR ERVEN 9015, 9016, 9017 AND 9018, WINDHOEK (ALL FORMERLY STREET) TO SAFARI HOTEL (PTY) LTD (L/8564/W)**

Council at its meeting held on 30 June 2022 per Resolution 172/06/2022 *inter alia* resolved as follows:

That this discussion be adjourned to the next meeting in order for the Strategic Executive: Housing, Property Management and Human Settlement, in consultation with the Chief Executive Officer (Acting Manager: Mayoral and Council Affairs), to arrange a site visit for Councillors to Erven 9015, 9016, 9017 and 9018, Windhoek, whereafter it be resubmitted to the Council meeting scheduled to be held on 28 July 2022, for consideration.

The Strategic Executive: Housing, Property Management and Human Settlement wishes to report that a site visit with the Councillors to Erven 9015, 9016, 9017 and 9018, Windhoek, took place on 13 July 2022, upon which the Councillors on-site indicated that the item proceed to Council for further deliberation. The Attendance Register is **attached as page 613 to the agenda.**

The matter is herewith resubmitted.

Introduction

This item is submitted to obtain Council's approval for the market related purchase price for the purpose of conclusion of the sales transaction of the following erven:

- Erf 9015 (formerly street) a portion of Erf 888, Windhoek;
- Erf 9016 (formerly street) a portion of Erf 893, Windhoek;
- Erf 9017 (formerly street) a portion of Erf 3348, Windhoek; and
- Erf 9018 (formerly street) a portion of Erf 5865, Windhoek.

Background

*** Council at its meeting held on 29 June 2017 per Resolution 114/06/2017, **attached as pages 614 - 616 to the agenda**, resolved that the approved diagrams be submitted to the then Strategic Executive: Urban Planning and Property Management which department has been renamed to Housing, Property Management and Human Settlement for the Sales Agreement to be drafted.

Although Council Resolution 114/06/2017 does not directly say that the portions be sold to Safari Hotels (Pty) Ltd, the content of the resolution, particularly paragraph 7, gives such impression that the intention of the proposed subdivisions is to sell the subject portions to Safari Hotels (Pty) Ltd, hence this submission to seek approval of the purchase prices and sale of the subject properties.

Submission of approved diagrams

*** Approved diagrams, **attached as pages 617 - 620 to the agenda**, were submitted to Property Management via e-mail dated 17 May 2021, **attached as pages 621 - 622 to the agenda**, following which the process of getting closure to this matter commenced, such as the determination of the purchase prices of the subject properties.

Valuation of erven

The Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuations) determined the market related purchase price for the erven as follows:

Erf No.	Amount (N\$)
Erf 9015 (1 390 m ² in extent) (formerly street) a portion of Erf 888, Windhoek	1 662 440.00
Erf 9016 (286 m ² in extent) (formerly street) a portion of Erf 893, Windhoek	342 100.00
Erf 9017 (625 m ² in extent) (formerly street) a portion of Erf 3348, Windhoek	747 500.00
Erf 9018 (483 m ² in extent) (formerly street) a portion of Erf 5865, Windhoek	577 700.00

*** The Valuation Certificates dated 26 January 2022 are attached as pages 623, 624, 625 and 626 respectively to the agenda.

Occupational penalties

*** It is worth noting that Safari Hotel (Pty) Ltd encroached on Erf 9018, Windhoek. In this regard, occupational penalties should apply in line with the provisions of Council Resolution 121/04/2005, attached as page 627 - 628 to the agenda.

Therefore, the penalties for the occupation of Erf 9018, Windhoek are determined as follows:

Retrospective pro rata payments

Erf 9018, Windhoek (± 483 m² in extent)

Rates (ground)

Period	Description	Amount (N\$)
15/10/2018 to 15/07/2019	121 000 x .000800 x 273/30	880.88
15/07/2019 to 15/07/2020	121 000 x .000920 x 365/30	1 354.39
15/07/2020 to 15/07/2021	121 000 x .000920 x 365/30	1 354.39
15/07/2021 to 15/10/2021	121 000 x .000920 x 92/30	341.38
Subtotal		3 931.04

Rates improvement

Period	Description	Amount (N\$)
15/10/2018 to 15/07/2019	136 000 x .000474 x 273/30	586.62
15/07/2019 to 15/07/2020	136 000 x .000545 x 365/30	901.79
15/07/2020 to 15/07/2021	136 000 x .000545 x 365/30	901.79
15/07/2021 to 15/10/2021	136 000 x .000545 x 92/30	227.30
Subtotal		2 617.50

Waste management

Period	Description	Amount (N\$)
15/07/2017 to 15/07/2018	257 000 x .000249 x 365/30	778.58
15/07/2018 to 15/09/2018	257 000 x .000286 x 62/30	151.90
15/09/2018 to 15/07/2019	257 000 x .000185 x 303/30	480.20
15/07/2019 to 15/05/2020	257 000 x .000194 x 365/30	606.61
15/07/2020 to 15/07/2021	257 000 x .000194 x 365/30	606.61
15/07/2021 to 15/10/2021	257 000 x .000204 x 92/30	160.78
Subtotal		2 784.68

Sewerage availability

Period	Description	Amount (N\$)
15/07/2017 to 15/07/2018	18 x 483/1000 x 13.29 x 365/30	1 405.78
15/07/2018 to 15/07/2019	18 x 483/1000 x 14.40 x 365/30	1 523.19
15/07/2019 to 15/05/2020	18 x 483/1000 x 15.12 x 365/30	1 599.35
15/07/2020 to 15/07/2021	18 x 483/1000 x 15.12 x 365/30	1 599.35
15/07/2021 to 15/10/2021	18 x 483/1000 x 15.12 x 92/30	403.12
Subtotal		6 530.79

Water availability

Period	Description	Amount (N\$)
15/07/2017 to 15/07/2018	40.23 x 365/30	489.47
15/07/2018 to 15/07/2019	43.00 x 365/30	523.17
15/07/2019 to 15/05/2020	45.15 x 365/30	549.33
15/07/2020 to 15/07/2021	45.15 x 365/30	549.33
15/07/2021 to 15/10/2021	45.15 x 92/30	138.46
Subtotal		2 249.76

Electricity availability

Period	Description	Amount (N\$)
15/07/2017 to 15/07/2018	131.00 x 365/30	1 593.83
15/07/2018 to 15/07/2019	131.00 x 365/30	1 593.83
15/07/2019 to 15/05/2020	131.00 x 365/30	1 593.83
15/07/2020 to 15/07/2021	131.00 x 365/30	1 593.83
15/07/2021 to 15/10/2021	131.00 x 92/30	401.73
Subtotal		6 777.05
Subtotal (VAT exclusive)		24 890.82
VAT @ 15 %		3 733.62
Grand total		28 624.44

Occupational rental

Safari Hotel (Pty) Ltd must pay retrospective occupational rental for Erf 9018, Windhoek ($\pm 438 \text{ m}^2$ in extent) for a period of thirty six (36) months as determined by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuations) – the market related rental for Erf 9018, Windhoek thus is **NS184 379.99**.

Conclusion

Having indicated the above the Strategic Executive: Housing, Property Management and Human Settlement herewith submits the Valuation Certificate for consideration and approval of the market related purchase price for the sale of the subject erven.

Management Committee, having considered the application,

RECOMMENDED

- 1 That Council Resolution 114/06/2017, **attached as pages 614 - 616 to the agenda**, be noted.
- 2 That it be noted that the valuation of Erf 9015 (formerly street) a portion of Erf 888, Windhoek; Erf 9016 (formerly street) a portion of Erf 893, Windhoek; Erf 9017 (formerly street) a portion of Erf 3348, Windhoek; and Erf 9018 (formerly street) a portion of Erf 5865, Windhoek was not included in Council Resolution 114/06/2017.

- 3 That the following erven be sold to Safari Hotels (Pty) Ltd at market related purchase prices, as determined by the Strategic Executive: Housing, Property Management and Human Settlement:

Erf No.	Amount (NS)
Erf 9015 (1 390 m ² in extent) (formerly street) a portion of Erf 888, Windhoek	1 662 440.00
Erf 9016 (286 m ² in extent) (formerly street) a portion of Erf 893, Windhoek	342 100.00
Erf 9017 (625 m ² in extent) (formerly street) a portion of Erf 3348, Windhoek	747 500.00
Erf 9018 (483 m ² in extent) (formerly street) a portion of Erf 5865, Windhoek	577 700.00

[The Valuation Certificates dated 26 January 2022 are **attached as pages 623, 624, 625 and 626 respectively to the agenda.**]

- 4 That it be noted that Safari Hotel (Pty) Ltd has encroached onto Erf 9018, Windhoek and the following penalties are applicable and payable prior to the signing of the Deeds of Sale of the subject properties:
- 4.1 That an amount of N\$184 379.99 be payable as occupational penalties.
- 4.2 That an amount of N\$28 624.44 be payable as the retrospective pro rata payment.
- 5 That the sale of Erven 9015, 9016, 9017 and 9018, Windhoek be subject to advertisement for objections in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 6 That the sale of Erven 9015, 9016, 9017 and 9018, Windhoek be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 7 That the recommendations of Council Resolution 114/06/2017 remain the same and apply *mutatis mutandis*.
- 8 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deeds of Sale.
- 9 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

None

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10 MINUTES OF MANAGEMENT COMMITTEE

[Municipal Council Agenda: 2022-08-10(07-28)]

10.1 APPROVAL OF MINUTES (MC 12/2022)

The minutes of the Management Committee meeting (MC 12/2022) held on 5 July 2022 was approved by the said Committee on 19 July 2022 and is submitted for notice with the exception of Items GOV.3, GOV.5, GOV.6, GOV.7, GOV.11, GOV.13, GOV.16, GOV.17, GOV.18, FNS.1, FNS.2, FNS.3, FNS.4, FNS.5, FNS.6, FNS.7, FNS.8, FNS.9, FNS.11, FNS.12 and IND.1, which follow immediately hereunder for consideration.

It is

RECOMMENDED

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

[Municipal Council Agenda: 2022-08-10(07-28)]

**10.1.1 GOV.3 [HCC] STAFF MATTER
(4/1/2/9/1)**

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.

[Municipal Council Agenda: 2022-08-10(07-28)]

10.1.2 GOV.5 [ICT] CONFIDENTIAL MATTER
(4/6)

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: 2022-08-10(07-28)]

10.1.3 GOV.6 [HCC] STAFF MATTER
(4/4)

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: 2022-08-10(07-28)]

10.1.4 GOV.7 [HCC] STAFF MATTER
(4/6/2/5/18)

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: 2022-08-10(07-28)]

10.1.5 GOV.11 [HPH] APPROVAL TO ALIENATE HOUSING CONSTRUCTED UNDER THE AFFORDABLE HOUSING PROGRAMME (16/9/1)

Introduction

This item aims to inform the Council of the commencement of Council Housing Programme by way of a pilot project on eight (8) 'residential' zoned erven in Khomasdal and then seek Council's approval for the sale of eight (8) houses to be constructed on the said erven to ensure that occupation follows immediately after completion of the construction phase.

*** Installation of municipal services to all the eight (8) erven started in April 2022 and is scheduled for completion by the end of June 2022. Construction of houses will start in July 2022 after installation of municipal services and is scheduled to be completed by the end of August 2022. To ensure that houses are occupied at the end of construction period, alienation process should be implemented simultaneously with the construction of the houses. The Housing Typologies are **attached as pages 1 - 4 to the agenda**, and photographs showing open trenches for installation of municipal services is **attached as page 5 to the agenda**.

Background

The Municipal Council of Windhoek is mandated in terms of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) to administer the local affairs of its stakeholders through planning, coordination and partnership in delivery of municipal services. Part of the services include the provision of adequate and sustainable access to affordable serviced land and housing for all income groups in Windhoek.

This mandate is implemented within the Department of Housing, Property Management and Human Settlement through the Housing and Land Delivery Division.

In its quest to expedite the provision of housing in the City, the Municipal Council of Windhoek via Council Resolution 53/03/2019, resolved to enter the housing space through the construction and alienation of houses in what is now known as the Council Affordable Housing Programme.

To affirm its commitment to enter the affordable housing market, the Municipal Council of Windhoek resolved as part of Council Resolution 53/03/2019, among others as follows:

- 11 *That it be approved that in future all available serviced single and general residential erven belonging to Council and within the jurisdiction of the City of Windhoek not be sold before being considered for the Affordable Housing Programme implementation.*

- 12 *That the Strategic Executive: Housing, Property Management and Human Settlement be mandated to continually identify available serviced erven within the City boundaries for the implementation of the Affordable Housing Programme.*
- 16 *That it be approved that the Affordable Housing Programme will only apply to First Time Buyers as defined in the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) in accordance with a criteria to be approved by Council as part of the Affordable Housing Policy.*
- 17 *That the Strategic Executive: Urban and Transport Planning be mandated to carry out all planning processes required to ensure that statutory approvals are obtained expeditiously for all erven identified for the Affordable Housing Programme in order to allow the commencement of construction of affordable housing.*
- 18 *That it be approved that the servicing of the erven (internal reticulation) and construction of the housing on the erven identified for the Affordable Housing Programme be allowed to continue while the planning and statutory processes are ongoing in order to avoid delays.*
- 27 *That the Strategic Executive: Housing, Property Management and Human Settlement be mandated to establish an Affordable Housing Project Team to enable the successful implementation of the Affordable Housing Programme.*
- 54 *That the Strategic Executive: Housing, Property Management and Human Settlement be mandated to draft a Policy on Affordable Housing for approval by Council.*

Paragraph 54 of Council Resolution 53/03/2019 was fully implemented, the Affordable Housing Policy was approved by Council on 28 October 2021 via Council Resolution 217/10/2021. The aim of the Housing Policy is to outline the strategic intent of Council in the provision of housing and to provide an implementation plan. The Department of Housing, Property Management and Human Settlement further drafted a five (5) year implementation plan for Council's approval which contains the implementation plan for both the provision of serviced land and housing within the short to medium term.

Council takes cognisance of the mammoth responsibility it has and the challenges it will face, but also the opportunities that lie ahead in playing an active role to ensure its residents are provided with housing as a way of restoring dignity and improving living conditions. The process of ensuring the provision of housing entails the identification of suitable vacant erven, the servicing of erven on which the houses are to be constructed, the appointment of experienced and reputable building Contractors, the actual construction of the houses and once completed, the alienation thereof. Council has previously only alienated serviced land; therefore, the alienation of houses is a new initiative which requires testing before full implementation.

Erf 6019, 6020, 6021, 6022, 6023, 6024, 6025 and 6026, Khomasdal (corner of Sigma and Visarend Streets) were identified to serve as the pilot for the implementation of the Council Affordable Housing Programme. The erven although situated within a fully serviced township, with services running close-by, were not serviced and therefore serve as a great model for the implementation of both servicing and construction of houses as they provide an opportunity for the provision of services and construction of a house by the same Contractor.

Locality, erf information and housing typologies

The erven are situated at the corner of, Sigma and Visarend street, Khomasdal. Relevant plans are **attached as pages 6 - 8 to the agenda**. Details of the eight (8) erven is provided as follows:

Erf No.	Erf sizes (m ²)	Zoning	Density
6019	549	Residential	1:300 m ²
6020	312	Residential	1:300 m ²
6021	653	Residential	1:300 m ²
6022	360	Residential	1:300 m ²
6023	738	Residential	1:300 m ²
6024	415	Residential	1:300 m ²
6025	1 022	Residential	1:300 m ²
6026	595	Residential	1:300 m ²

The two (2) typologies designed for implementation in this project are three (3) bedrooms named Nguni and Brahman respectively:

- Nguni (Dwelling size = 94 m²); and
- Brahman (Dwelling size = 91 m²)

Relaxation of clause 36(2) of the Town Planning Scheme

Clause 36(2) of the Windhoek Town Planning Scheme *inter alia* reading as follows, limits the submission of building plans or commencement of construction unless certain conditions are fulfilled:

36(2) *Building plans or building operations on unserviced land*

No Person shall submit building plans or commence any building operations on an erf or farm portion which lacks any of the following;

- (a) *Access to public street constructed and surfaced in accordance with Municipal Standards;*
- (b) *A Municipal water connection or access to Municipal communal water supply point or supply pipeline which has been approved by the Municipality for use by that erf or farm portion;*
- (c) *A sewer connection or access to sewerage disposal system or sewer which has been approved by the Municipality for use by that erf or farm portion;*

Except with consent of Council.

The design of the eight (8) houses was done with input of the Department of Infrastructure, Water and Technical Services (Built Environment, Architecture section), and the Department of Urban and Transport Planning (Building Control Division). To expedite the construction of houses on this project and other similar projects in the Council Affordable Housing Programme, the Municipal Council of Windhoek is requested to give consent to the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Housing and Land Delivery) to submit building plans for approval prior to, or during installation of services and base such submission on engineering design of municipal services set out under clause 36(2)(a),(b) and (c) of the Windhoek Town Planning Scheme. The consent as set out above be extended to similar housing projects under the Council Affordable Housing Programme.

Upset price, markup and erf comments

1 Upset price and markup

The upset price is calculated based on the construction cost of the house, and the municipal valuation of the serviced erf as provided by the Valuations Division in the Department of Housing, Property Management and Human Settlement. To recover administrative and other costs, the selling price includes a 10 % markup. The details for the eight (8) houses are set out as follows:

Erf No.	Erf size (m ²)	Erf price (NS)	House price (NS)	Upset price (NS)	Selling price with 10 % markup (NS)
6019	549	289 000.00	560 492.00	849 492.00	934 441.20
6020	312	164 000.00	570 285.00	734 285.00	807 713.50
6021	653	343 000.00	570 285.00	913 285.00	1 004 613.50
6022	360	189 000.00	560 492.00	749 492.00	824 441.20
6023	738	361 000.00	560 492.00	921 492.00	1 013 641.20
6024	415	218 000.00	570 285.00	788 285.00	867 113.50
6025	1 022	440 000.00	560 492.00	1 000 492.00	1 100 541.20
6026	595	312 000.00	560 492.00	872 492.00	959 741.20

2 Erf comments

The layout of services is **attached as page 7 to the agenda**. Erf comments will be prepared after the installation of services and will be presented to Council for approval together with names of qualifying beneficiaries to be sourced from the Waiting Lists.

Method of alienation and allocation criteria

1 Method of alienation

Council has previously only alienated serviced land and therefore the sale of improved erven specifically with a completed housing structure is new to the alienation process. Upon internal consultation with the relevant divisions within the Department of Housing, Property Management and Human Settlement the following method was recommended:

- That the closed bid method of sale be used;

- That similar sales process as for alienation of serviced erven be carried out which includes advertisement, an information session, bidding submission and evaluation period and award;
- That a Deed of Sale shall be entered into by Council and successful Bidder;
- That the Bidder submit a guarantee from a financial institution for the payment of the house; and
- That once the above are fulfilled, transfer process commences.

2 Allocation criteria

The Housing Policy under section 6 sets the target for affordable housing as follows:

- First time buyers;
- Title Deed holders;
- Owners of incomplete houses constructed under the Build-Together Programme; and
- Council employees.

Given the above, it is proposed that the criteria for target beneficiaries for the eight (8) houses be as follows:

- Six (6) houses be sold to first time buyers (with preference given to overqualified residents on Council's verified Waiting List that meet the affordability criteria);
- Two (2) houses be reserved for Council employees in line with Council Resolution 234/08/2011. To limit the need for competition among Council employees which will push prices up and defeat the affordability intentions of the project, names be sourced from the Waiting List for the lease of municipal houses maintained by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Property Management); and
- Council only allocate one (1) house per beneficiary.

Preliminary analysis shows that 93.9 % of the seventeen thousand four hundred and eighty seven (17 487) verified households on the Waiting List earns below N\$8 000.00. A detailed breakdown of income categories is presented as follows:

Gross salary range	Waiting List
Below N\$8 000.00	16 425
Between N\$8 000.00 and N\$15 000.00	791
Between N\$15 000.00 and N\$25 000.00	193
Above N\$25 000.00	78
Total	17 487

As indicated in the following table, the number of people seeking housing opportunities by way of registration on the Waiting List for land has reduced between 2015 and 2022. Scrutiny of the Waiting List reveals that 88 % of the prospective purchasers were on the waiting for more than fifteen (15) years:

Five (5) years	Waiting List	Distribution
2000 to 2004	4 514	25.8 %
2005 to 2009	4 828	27.6 %
2010 to 2015	5 996	34.3 %
2015 to 2022	2 149	12.3 %
Total	17 487	

The Affordable Housing Programme of the Municipal Council of Windhoek makes provision for various methods of payment, this phase of implementation includes houses to be alienated and paid for using Bank guarantee or Cash payments. As the Programme is being rolled out, other subsequent methods of payment will be introduced in consideration with Council's financial position and direction.

Further motivation

Recommendation to sell houses to first time buyers on the Waiting List for land and the Waiting List for those who registered to lease municipal houses, is grounded on the following reasons:

- The proposal is in line with the Affordable Housing Policy and Council Resolution 234/08/2011 (Staff Land Sale Scheme);
- The number of houses to be constructed is small, opening the sale to the public will result in an overwhelming response which will:
 - Defeat the affordability intent of the project;
 - Leave majority of the Bidders unhappy with the outcome; and
 - Administrative burden due to a heavy workload;
- Sourcing of names from the two (2) Waiting Lists is the fairest approach and promotes transparency in the sale of houses. Further, it will give hope to those on the Waiting List for land to employees alike; and
- Expedited sale of the houses will allow immediate occupation and, in a way, eliminate possible vandalism and the cost of guarding the houses.

The abovementioned lists are **attached as pages 8(a) – 8(c) and 8(d) – 8(e) respectively to the agenda.**

Once the process has been tried and improved, a portion of future houses to be constructed henceforth will be open to the general public in line with the Affordable Housing Policy. Should Council opt to open the sale to all residents, the restriction of sale to first time buyers should remain.

Deed of Sale

Due to the nature of the alienation of the improved erven (houses), it is contemplated that a new Deed of Sale be drafted to accommodate all the provisions of sales of an improved property, which includes a fully constructed house. The urgency of drafting a new sales agreement necessitates the procurement of an external legal entity to avoid additional workload to the already stretched Corporate Legal Division within Council. The success of the alienation process will depend on a watertight sales agreement which clearly sets out the terms of the sale and responsibility of the parties to the agreement.

The new Deed of Sale will also include items dealing with the quality of the constructed house including the handling of defects and any other workmanship or quality issues that may arise.

Conclusion

Council Resolutions 53/03/2019 and 217/10/2021 resolved to enter the affordable housing space and accelerate the provision of housing within the city. In 2020, the Municipal Council of Windhoek entered into a quadripartite agreement with the Ministry of Urban and Rural Development, the Khomas Regional Council (KRC) and the National Housing Enterprise (NHE) for the construction of affordable housing units in informal settlements that underwent upgrading or services and formalisation of land tenure. The construction of eight (8) houses in Khomasdal, expands the construction of affordable housing in other parts of the city.

Given that it is a first for Council to alienate houses, permission is hereby sought for Council to approve the process of alienation as follows:

- That six (6) houses be sold to first time buyers (with preference given to overqualified residents on Council's verified Waiting List that meet the affordability criteria).
- That two (2) houses be reserved for Council employees in line with Council Resolution 234/08/2011. [To limit the need for competition among Council employees which will push prices up and defeat the affordability intentions of the project, names be sourced from the Waiting List for lease of municipal houses maintained by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Property Management). Preference be given to those on B to C-Bands.]
- That only one (1) house be allocated per beneficiary.
- That consent be given to the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Housing and Land Delivery) to submit building plans for approval prior to, or during installation of services and base such submission on engineering design of municipal services set out under clause 36(2)(a)(b) and (c) of the Windhoek Town Planning Scheme.

- That erf comments be prepared after the installation of services, and such be presented to Council for approval together with names of qualifying beneficiaries to be sourced from the Waiting Lists.

The success of the alienation of houses requires drafting of a new Deed of Sale which takes into consideration serviced land and housing. Office of the Chief Executive Officer through the Legal Services Division be mandated, where required to source external legal services to ensure that the drafting of the Deed of Sale is done expeditiously.

The completion of eight (8) houses in August 2022 will mark a milestone in Council's endeavours to deliver affordable housing to its residents and will go a long way in assuring residents of the Council's commitments in following through on its promises. Lessons from the pilot project will inform future interventions.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the commencement of Council's Affordable Housing Programme by way of a pilot project on Erven 6019 to 6026, Khomasdal, be noted.
- 2 That the prices pertaining to Erven 6019 to 6026, Khomasdal detailed as follows, be noted and approved:

Erf No.	Erf size (m ²)	Erf price (N\$)	House price (N\$)	Upset price (N\$)	Selling price with 10 % markup (N\$)
6019	549	289 000.00	560 492.00	849 492.00	934 441.20
6020	312	164 000.00	570 285.00	734 285.00	807 713.50
6021	653	343 000.00	570 285.00	913 285.00	1 004 613.50
6022	360	189 000.00	560 492.00	749 492.00	824 441.20
6023	738	361 000.00	560 492.00	921 492.00	1 013 641.20
6024	415	218 000.00	570 285.00	788 285.00	867 113.50
6025	1 022	440 000.00	560 492.00	1 000 492.00	1 100 541.20
6026	595	312 000.00	560 492.00	872 492.00	959 741.20

- 3 That six (6) houses be sold to first time buyers (with preference given to overqualified residents on Council's verified Waiting List that meet the affordability criteria).
- 4 That two (2) houses be reserved for Council employees in line with Council Resolution 234/08/2011.
 - 4.1 That in order to limit the need for competition among Council employees which will push prices up and defeat the affordability intentions of the project, names be sourced from the Waiting List for the lease of municipal houses maintained by the Strategic Executive: Housing, Property Management and Human Settlement, and preference be given to staff members on the B to C-Bands.
- 5 That the sale to the employees of the Municipal Council of Windhoek be limited to staff members who do not have arrears on their municipal account.
- 6 That only one (1) house be allocated per beneficiary.

- 7 That Council approve the methods of payment for the constructed houses as cash or payment through a Bank Guarantee.
- 8 That consent be granted to the Strategic Executive: Housing, Property Management and Human Settlement, to submit building plans for approval prior to or during installation of services and base such submission on the engineering design of municipal services set out under clauses 36(2)(a)(b) and (c) of the Windhoek Town Planning Scheme, consent be extended to the future Affordable Housing Projects.
- 9 That erf comments be prepared after the installation of services, and such be presented to Council for approval together with names of qualifying beneficiaries to be sourced from the Waiting List mentioned above.
- 10 That should the sale by private treaty based on names to be sourced from abovementioned Waiting Lists fail to materialise, the sale be opened to the public by way of a Closed Bid, limited to first time buyers only.
- 11 That the standard pre-emptive condition and reverting clause be registered against the Title Deeds of the properties.
- 12 That the sale be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 13 That Ministerial approval be obtained in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 14 That the Strategic Executive: Housing, Property Management and Human Settlement, be authorised to lease the houses to prospective purchasers on a month-to-month basis pending Ministerial approval at 10 % of the selling price divided by twelve (12) months.
- 14.1 That the lease amount be deducted from the purchase price (selling price).
- 15 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreements and Deeds of Sale and be further mandated to procure, where required, external legal services for the drafting of the Deeds of Sale with relevant conditions for the alienation of houses constructed under the Affordable Housing Programme of Council.
- 16 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

Funds available

Item 4000/06/3/10/0698 - N\$4 700 000.00

[Municipal Council Agenda: 2022-08-10(07-28)]

**10.1.6 GOV.13 [CEO] CONFIDENTIAL MATTER
(1/3)**

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: 2022-08-10(07-28)]

**10.1.7 GOV.16 [ELE] TAKE-OVER OF ELECTRICAL
INFRASTRUCTURE ASSETS IN THE
EXTENDED BOUNDARIES OF WINDHOEK
(16/2/P)**

Background

The boundaries of the Local Authority area of Windhoek was altered by the responsible Minister as per section (4)(1)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) by a notice in the Government Gazette No. 4801 dated 30 September 2011.

As a result of the alteration of boundaries of the Local Authority Area of Windhoek, all the areas in the extended boundaries as far as electricity distribution is concerned now fall under the distribution and supply license area of the Municipal Council of Windhoek. Currently, the Department of Electricity only operates and maintain the electrical distribution network in the Local Authority area of Windhoek which existed prior to the alteration of the boundaries in 2011.

The Municipal Council of Windhoek, Ministry of Urban and Rural Development and the Khomas Regional Council (KRC) have reached a tripartite agreement to have the Groot Aub settlement taken over by the Municipal Council of Windhoek during July 2017. The Municipal Council of Windhoek was supposed to be responsible for the provision of all municipal services at the settlement.

Currently all other municipal services are provided by Municipal Council of Windhoek with the exception of electricity distribution which is still under NamPower. This situation created a confusing environment and frustrations for the Groot Aub residents to such an extent that residents are being sent between Municipal Council of Windhoek and NamPower offices as far as electricity issues are concerned.

The Department of Electricity attempted several times to initiate take-over of the electrical infrastructure assets in Brakwater, Döbra, Nubuanis and Groot Aub Settlements between 2011 to date. These attempts were not successful as the current electrical infrastructure assets owner (NamPower) requires appropriate compensation for assets alienation to Council. NamPower has in the past indicated willingness to alienate the electrical infrastructure assets to the Municipal Council of Windhoek in the abovementioned areas at an appropriate compensation with several offers extended to Municipal Council of Windhoek with none accepted primarily due to availability of funding.

The item also fully supports the recommendations of the Revenue Protection and Enhancement Committee 2020 that compel all service departments to come up with the plan to take over metered services within the extended boundary as revenue enhancement strategy for Council.

Purpose of the item

This item serves to seek approval for the proposed take-over plan of electrical infrastructures in the extended boundary. The item further seek approval for the Strategic Executive: Electricity, in consultation with Strategic Executive: Finance and Customers Services and the Chief Executive Officer (Corporate Legal Adviser), to be allowed to approach NamPower and other private entities in the extended boundary to negotiate the take-over of electrical infrastructure/assets based on the outcome of the Asset Valuation.

Electrical infrastructure take-over plan

It is proposed that the take-over of the electrical assets in the extended boundary be done in three (3) phases as described as follows:

Phase 1: Should involve the take-over of the operations and maintenance electrical infrastructure of Groot Aub Settlement as all other municipal services that are already rendered by the Council as per the tripartite agreement reached between Municipal Council of Windhoek, Ministry of Urban and Rural Development and the Khomas Regional Council (KRC).

After the finalisation of the Groot Aub Settlement take-over, the Municipal Council of Windhoek should move to Phase 2.

Phase 2: Should include the take-over of Brakwater, Döbra and Nubuanis settlements electrical infrastructure/assets. The electrical infrastructure of all these developments in Phase 2 currently belongs to NamPower.

Phase 3: Should include take-over of electrical infrastructure/assets in areas owned by private entities like Finkenstein Estate, Omeya Golf Estate, and other areas within the Municipal Council of Windhoek extended boundaries as per Government Gazette No. 4801 dated 30 September 2011.

As per the plan above, the Department of Electricity would like to first restart the negotiations with NamPower with regards to the take-over of electrical infrastructure assets within the extended boundaries of the Local Authority of Windhoek based on historic offers and asset valuations. These negotiations should endeavor to reach an agreement between the parties to allow Council to pay for the appropriate compensation to NamPower without burdening Council's cashflow.

Council needs to properly prepare for a smooth take-over of the distribution networks in the abovementioned settlements. The following information regarding the distribution networks is required from NamPower and private entities as a current electrical distributor in these areas:

- Bulk metering point information at 66/22/11 kV supply point (please provide CT ratio and class, bulk meter type);
- Number of customers (credit and prepayments);
- Confirm type and make of both credit and prepayment meters – confirm if all prepayment meters are Standard Transfer Specifications (STS) compliant;
- List all outstanding accounts for credit metered clients;
- Bulk supply point purchases *versus* sales information (kWh and N\$ values);
- Total supply point losses including technical and non-technical losses;
- Types of Protection Scheme implemented on the 22/11 kV lines;
- Indicate any power quality issues on the network;
- Indicate number of prepayment vending points – confirm if existing points are adequate for the entire settlement;
- Operating Drawings and Single Line Diagrams (SLD) in dwg format (with network details like transformer details [types and sizes, vector group], OHL conductor size, Voltage levels, OHL *versus* underground, underground cable sizes, phase rotation);
- Asset register and maintenance records of all the assets (Asset Valuation Report);
- Customer database with contact details and physical address;
- Fault level at the intake substation;
- Pfd files for the MV distribution network;
- Any planned upgrades for the settlements;
- List of clients awaiting for electricity services; and

- Any technical studies carried out at the settlement to verify integrity of the network (voltage, loading, etc.)

For the above information to be obtained, the Municipal Council of Windhoek needs to appoint an independent consultant(s) to carry out asset valuations to verify the information provided by NamPower and private entities to ensure that the appropriate compensation for assets alienation paid by Council. This exercise will also ensure that the records for the distribution network will be up to date.

Once the asset verification and valuation and negotiations are completed, the Department of Electricity will then proceed to seek Council approval to take over settlements clearly indicating the financial cost implication including internal resource requirements in a phased approach as proposed. This approach will be discussed and agreed upon with NamPower and all private entities currently doing electricity distribution in the extend boundary.

Financial implications

It is proposed that the compensation for assets alienation in the settlements under discussion should where possible based on negotiation be disbursed in instalments to NamPower and private entities to avoid the major capital outlays from Council for the compensation of the assets. The funding of taking over these infrastructures shall be done via loans, grants (Ministry of Urban and Rural Development) and through tariff collection as allowed for by the Electricity Control Board (ECB). The negotiating team should thus consider flexible payment terms to avoid huge upfront capital outlay for assets compensation in negotiation with NamPower and other private entities.

The provision to appoint an independent consultant(s) to carry out asset valuations is made under the department consultancy operational vote for the 2022/2023 Financial Year subject to the budget approval.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the proposed plan to take over electrical distribution infrastructure in the extended boundaries of Windhoek, be approved for implementation.
- 2 That permission be granted to the Strategic Executive: Electricity, in consultation with the Strategic Executive: Finance and Customer Services and the Chief Executive Officer (Corporate Legal Adviser), be allowed to approach NamPower and other private entities in the extended boundaries to negotiate the take-over of electrical infrastructure assets based on the outcome of the Asset Valuations.
- 3 That the Strategic Executive: Finance and Customer Services avail funds collected towards network contribution for the take-over of assets alienation to be paid by Council in addition to any secured loan, the Electricity Control Board (ECB) tariff collection provision and grants.

- 4 That once the asset valuations and negotiations are completed per settlement, the Strategic Executive: Electricity submit the same to Council for approval, clearly indicating the financial implications including internal resource requirements in a phased approach as proposed.
- 5 That the resolution be implemented prior to confirmation of the minutes.

 [Municipal Council Agenda: 2022-08-10(07-28)]

10.1.8

GOV.17 [ELE] ENERGY AUDIT RECOMMENDATIONS IMPLEMENTATION PLAN FOR COUNCIL BUILDINGS (16/2/P)

Background

Council at its meeting held on 16 May 2022 per Resolution 118/05/2022 *inter alia* resolved as follows:

That this matter be referred to the special Councillors Forum scheduled to be held on 17 May 2022, to discuss the way forward.

The Department of Electricity made a presentation on the subject matter to the special Councillors Forum held on 24 May 2022 and the item is hereby resubmitted with the inputs of Councillors, for consideration.

The Strategic Executives Forum in 2018 approved the Demand Side Management (DSM) and Energy Efficiency Plan, **attached as pages 9 - 17 to the agenda**. As part of one of the activities under the plan, an energy audit pilot exercise was therefore undertaken by the Department of Electricity in partnership with the Namibia University for Science and Technology (NUST), specifically on the Department of Electricity's building as well as the Head Office to determine ways in which the electricity bill for the two (2) buildings can be reduced and then use the methodology as a basis to roll-out the same to all other Council buildings. The Energy Audit Final Report is **attached as pages 18 - 90 to the agenda**.

There are two (2) methods of reducing the energy bill for Council. The first method requires zero or very little investment as it is a behavioural change method intended only to change the perspective of the City employees with regard to electricity use at the office. In order to facilitate the acceleration of the business rescue process, this method was already implemented prior to the conclusion of the energy audit study since there was little financial implication. This was done in the form of a roadshow to disseminate materials as well as information on how to save energy on all Council buildings due to the lack of awareness and negligence amongst the employees with regards to energy saving. These findings were as well confirmed by the Energy Audit Report. Energy champions for each building were also appointed and the success of the behavioural change depended on the drive in the energy champions to constantly remind employees on how to save energy.

A floating trophy is currently in circulation monthly between various buildings and is given to a building that achieves significant energy reduction compared to others. This serves as a monitoring method of how behavioural changes drive energy saving within Council. A summarised report for how various buildings achieved energy savings via behavioural changes is **attached as pages 91 - 100 to the agenda.**

The second method as per the energy audit findings and recommendations required the acquisition of new and efficient technology (i.e. Light Emitting Display (LED), solar water geysers, etc.) that can be used to replace the obsolete and inefficient technology loads (i.e. fluorescent lamps, old air conditioners, etc.) in Council buildings.

Council is amongst the largest employers in Windhoek with over two thousand (2 000) employees and many office buildings, therefore energy savings through the energy audit recommendations will have a significant financial benefit to Council and assist in the fight against blackouts as is evident from the power crisis in South Africa.

Savings to be made

The Energy Audit Report and findings as per the tables, **attached as pages 18 - 90 to the agenda**, indicates the savings to be achieved by the Department of Electricity's building and the Head Office building, respectively, as well as the initial capital investments to acquire new and efficient technology (the said savings is summarised as follows):

Table 1: Capital investment and savings to be made for both the Department of Electricity and Head Office buildings

Department	Cost of new equipment (N\$)	Annual saving (N\$)	Payback period (years)	Return on investments (%)
Department of Electricity	131 970.80	44 753.00	2.95	239.11
Head Office	587 845.70	249 707.00	2.35	324.78

Implementing the recommendations of the energy audit will mean procuring and installing the Light Emitting Display (LED) fittings, lights and motion sensors. The investment has a payback period of 2.95 years and a Return on Investment (ROI) of 239.11 % for the Department of Electricity, which equates to N\$44 753.00 annually. Similarly, the payback period of 2.4 years and the Return on Investment (ROI) is 324.78 % for the Head Office, which is N\$249 707.00 annually. The same methodology will be true for all other Council buildings since Light Emitting Display (LED) lights will save more than 40 % of the current consumption. Therefore, a cost estimate for the capital investment of all the other buildings was determined as indicated under the financial implications using the same methodology and taking the size of the various buildings in consideration.

Energy Audit Recommendations Implementation Plan

Using the results of the Energy Audit pilot exercise, the same recommendations was used to develop a four (4) years Implementation Plan as indicated in the table below for all Council buildings. The purpose of this submission is thus to seek approval of Energy Audit Recommendations Implementation Plan from the Municipal Council of Windhoek.

Implementation is to be done on an annual basis through an appointed Contractor(s) with each building to be done subject to the budget approval in each financial year starting with the Department of Electricity and Head Office to mitigate the financial impacts to Council.

The Implementation Plan is as follows:

No.	Building	Target year of implementation
1	Department of Electricity	2022/2023
2	Head Office	2022/2023
3	Building Maintenance	2023/2024
4	Katutura Finance/Revenue/Customer Care	2023/2024
5	Solid Waste (Genesis Street)	2023/2024
6	Municipal Council of Windhoek - City Police (PA de Wet Building)	2023/2024
7	Municipal Council of Windhoek - City Police (Newcastle Street)	2023/2024
8	Municipal Council of Windhoek - Emergency Division (Sand-Grouse Street)	2024/2025
9	Municipal Council of Windhoek - Emergency Unit (Lessing Street)	2024/2025
10	Municipal Council of Windhoek - Fire and Emergency Management (Independence Avenue)	2024/2025
11	Municipal Council of Windhoek (Social Youth Development - Community Services - 1)	2024/2025
12	Municipal Council of Windhoek (Okuryangava - Community Services - 2)	2024/2025
13	Municipal Council of Windhoek (Fleet - Community Services - 4)	2024/2025
14	Soweto Centre	2025/2026
15	Single Quarters	2025/2026
16	Parks and Gardens	2025/2026
17	Bokamoso Entrepreneurial Centre	2025/2026
18	Wanaheda Centre	2025/2026
19	Gammams Purification - 1	2025/2026

The Building Maintenance Division is the custodian of performing maintenance on all Council's buildings, therefore, they will be fully involved in the implementation of the plan.

Estimated cost of the Implementation Plan

The following Council buildings as per the plan will be done in each financial year subject to the budget approval and the costs indicated include installation and material costs:

No.	Building	Estimated total cost (yearly) (NS)	Year
1	Department of Electricity	900 000.00	2022/2023
2	Head Office		
3	Building Maintenance	650 000.00	2023/2024

No.	Building	Estimated total cost (yearly) (N\$)	Year
4	Katutura Finance/Revenue/Customer Care		
5	Solid Waste (Genesis Street)		
6	Municipal Council of Windhoek - City Police (PA de Wet Building)		
7	Municipal Council of Windhoek - City Police (Newcastle Street)	880 000.00	2024/2025
8	Municipal Council of Windhoek - Emergency Division (Sand-Grouse Street)		
9	Municipal Council of Windhoek - Emergency Unit (Lessing Street)		
10	Municipal Council of Windhoek - Fire and Emergency Management (Independence Avenue)		
11	Municipal Council of Windhoek - Social Youth Development - Community Services - 1		
12	Municipal Council of Windhoek - Okuryangava - Community Services - 2		
13	Municipal Council of Windhoek - Fleet - Community Services - 4		
14	Soweto Centre	760 000.00	2025/2026
15	Single Quarters		
16	Parks and Gardens		
17	Bokamoso Entrepreneurial Centre		
18	Wanaheda Centre		
19	Gammams Purification - 1		
Total		3 190 000.00	

Management Committee, having considered the application,

RECOMMENDED

- 1 That approval of the Energy Audit Recommendations Implementation Plan, be granted.
- 2 That the cost of implementing the Energy Audit Recommendations Implementation Plan be subjected to the annual budget approval.
- 3 That the ongoing behavioural change initiatives to reduce electricity in Council buildings, be noted.

Financial implications

Estimated project cost of N\$3 190 000.00, subject to annual budgetary provision over four (4) years

[Municipal Council Agenda: 2022-08-10(07-28)]

10.1.9

**GOV.18 [ELE] ELECTRICITY PREPAID
TOKEN IDENTIFIER (TID) ROLL-OVER
PROJECT - STANDARD TRANSFER
SPECIFICATIONS (STS) COMPLIANCE
(16/2/3/5/5)**

Background of the Municipal Council of Windhoek's prepaid system

Council at its meeting held on 16 May 2022 per Resolution 119/05/2022 *inter alia* resolved as follows:

- 1 That this matter be referred to the special Councillors Forum scheduled to be held on 17 May 2022, to discuss the way forward.*
- 1.1 That the Strategic Executive: Human Capital and Corporate Services provide his comments on the matter prior to the abovementioned Councillors Forum.*
- 1.2 That the resolutions be implemented prior to confirmation of the minutes.*

The Department of Electricity made a presentation on the subject matter to the special Councillors Forum held on the 24 May 2022, consulted the Strategic Executive: Human Capital and Corporate Services and the item is hereby resubmitted with the inputs of Councillors, for consideration.

The prepaid electricity system was introduced to Council during 1993. Since the inception of the system, there were only one thousand five hundred and eleven (1 511) prepayment meters installed which have gradually increased over the years. Currently the Municipal Council of Windhoek has a total of fifty four thousand four hundred and nine (54 409) installed prepayment meters with an annual revenue of over N\$533 000 000.00.

Prepaid metered customers require tokens in real time from the Municipal Council of Windhoek's pre-payment system server, which is run on Syntell software daily depending on the consumption patterns. The type of meters installed initially were Plessey Alpha numeric meters with Plessey encryption cards and these meters required twelve (12) digit tokens.

In May 2015, the Municipal Council of Windhoek undertook a project of replacing all propriety Plessey meters with Standard Transfer Specifications (STS) compliant meters, thus, only Standard Transfer Specifications (STS) compliant meters are currently installed. However, there are still four hundred and eighty one (481) old Plessey Standard Transfer Specifications (STS) meters which might struggle with the Token Identifier (TID) Roll-Over process and might need replacement.

Token Identifier (TID) Roll-Over

The Token Identifier (TID) is a twenty four (24) bit field contained in the Standard Transfer Specifications (STS) compliance token, that identifies the date and time of the token generated. The Standard Transfer Specifications (STS) is used to determine if a token has already been used in a prepayment meter. After a certain period (thirty (30) years), the Token Identifier (TID) in the token will run out of range by the end of 2024 (Token Identification (TID) Roll-Over event), thus preventing prepayment meters from accepting new tokens. Therefore, the Municipal Council of Windhoek and all other electricity distributors have received notification that all Standard Transfer Specifications (STS) prepayment meters will be affected by the Token Identifier (TID) Roll-Over on 24 November 2024. The notification and project guidelines are **attached as pages 101 – 102 and 103 - 113 respectively to the agenda.**

To overcome the abovementioned challenges, all prepayment meters will require the entering of two (2) key change tokens to reset each meter to a new reference base date. This requires substantial time, effort, and resources on the part of the Municipal Council of Windhoek. It is therefore important that the above process be properly managed and coordinated to minimise the impact on service delivery. The Token Identifier (TID) Roll-Over project is a critical and must do project for Council, otherwise all prepaid water and electricity customers in Windhoek will not be able to purchase water and electricity respectively after 24 November 2024.

Expectations from the Municipal Council of Windhoek and progress made on the preparations to date

The Municipal Council of Windhoek is currently using the Syntell back-end vending software system for the vending of prepaid electricity to enable the Municipal Council of Windhoek to efficiently collect revenue and improve on cashflow optimisation from non-paying customers. Syntell is a registered technology partner in the Token Identifier (TID) Roll-Over process. The same system is also currently used for water prepaid vending.

In preparation for the Token Identifier (TID) Roll-Over, the following groundwork is mandatory:

- **Vending systems upgrade**
 - The current Syntell vending software is only STS5 compliant, thus Syntell will start with the process of upgrading the vending software to be STS6 compliant, earmarked for completion by June 2022 prior to the commencement of the Token Identifier (TID) Roll-Over process; and
 - The Municipal Council of Windhoek needs to buy new Security Modules (TSM250) that are STS6 compliant. The procurement process for the Modules has commenced and is expected to be finalised soon.

- **Test existing electricity prepayment meters compatibility to the Token Identifier (TID) Roll-Over and new purchases**

- A sample of representative meters were sent to Syntell for the Token Identifier (TID) compliance test, and the feedback report indicated that all meters passed the Token Identifier (TID) compliance test. The test confirmation report is **attached as pages 103 - 113 to the agenda;**
- The Token Identifier (TID) Roll-Over requirements are already incorporated in all new prepaid electricity meter procurement specifications; and
- The existing four hundred and eighty one (481) old Plessey Standard Transfer Specifications (STS) meters although Token Identifier (TID) compliant, are planned to be replaced by June 2023 just for safety.

- **Water prepayment meters**

- The Department of Infrastructure, Water and Technical Services confirmed all their new prepayment meters (currently thirty (30) installed) are Token Identifier (TID) compliant;
- Token Identifier (TID) Roll-Over requirements are already incorporated in all new prepaid water meter procurement specifications; and
- However, just like with electricity, a token change to switch to STS6 will be required.

- **Communication of the Token Identifier (TID) Roll-Over project internally and externally**

- The Municipal Council of Windhoek needs to be informed of this project hence this item; and
- All prepaid customers shall be informed of the Token Identifier (TID) Roll-Over project via a public notice, meeting, and awareness campaigns. This shall be done as soon as all internal stakeholders are informed, and the vending system upgrade is completed after June 2022.

- **Resources to run Token Identifier (TID) project**

- A dedicated Helpdesk at our Call Centre needs to be in place before the Token Identifier (TID) Roll-Over process starts - it is proposed to have ten (10) Fixed-Term Helpdesk Agents to deal with field queries;
- Avail dedicated personnel trained in all scenarios of the Token Identifier (TID) Roll-Over process; and

- Training will have to be done as soon as the vending system is upgraded - training will be done internally by the Vending Officer with the assistance of Syntell and Metering Engineers.

The Token Identifier (TID) Roll-Over implementation options

The Municipal Council of Windhoek invited Syntell in 2021 to share information pertaining to the Token Identifier (TID) Roll-Over to aid the Municipal Council of Windhoek with preparations. An online meeting was arranged and Syntell presented the idea behind the Token Identifier (TID) Roll-Over to the Municipal Council of Windhoek's Department of Electricity employees.

The following options were considered by the Municipal Council of Windhoek to implement the Token Identifier (TID) Roll-Over:

Option 1: Field Electrician/Contractor approach

This approach involves making use of a dedicated Municipal Council of Windhoek's appointed task team/Contractor(s) that inputs two (2) special tokens into each customer's prepayment meter to reset the meter. The following steps will be involved:

- Produce the two (2) Token Identifier (TID) key change STS6 tokens (tokens 1 and 2);
- Enter Token Identifier (TID) tokens into prepayment meter, i.e. tokens 1 and 2 (at this point we may not always know if the meter has accepted the Token Identifier (TID) token);
- Produce STS6 credit test token (one (1) unit) to test if the prepayment meter has accepted the key change;
- Enter STS6 token to prove the meter is working correctly;
- If meter fails to accept the new STS6 token, replace meter with a STS6 ready meter;
- Proceed with auditing to determine if any remedial action is necessary; and
- Sign off on meter audit.

The above steps are graphically represented as per the drawing, **attached as page 114 to the agenda.**

Advantages

- Less risk;
- No need to group into geographical areas;
- All meters will be found and audited;

- Minimal support from the Helpdesk for technical queries;
- Meter audits carried out at the same time;
- Confirm the remaining credit in the event of a meter failure; and
- If meters do not accept Token Identifier (TID) the technician can replace the meter immediately.

Disadvantages

- Very costly, at least minimum N\$53 million; and
- More time consuming.

Option 2: Customer approach method

This approach involves the Municipal Council of Windhoek issuing two (2) tokens to the end customer when he does his next prepaid credit purchase. The customer then enters the two (2) special tokens (tokens 1 and 2) into the meter before entering the newly purchased prepaid credit token. A dedicated Helpdesk will have to be established, which will deal with customer queries:

- Customer purchases credit;
- In addition to the credit token two (2) additional tokens are issued, i.e. Token Identifier (TID) tokens, i.e. tokens 1 and 2;
- The customer is required to enter these three (3) tokens into the meter in the following particular sequence:
 - Token Identifier (TID) token 1;
 - Token Identifier (TID) token 2; and
 - Credit token.
- If the meter rejects the credit token, the customer will need to call the Helpdesk for assistance or a Standby Electrician will need to go out to assist the customer, verify the process and replace the meter if necessary.
- For efficiency, it is proposed to have twenty (20) Fixed-Term Electricians to deal with field queries;

The above steps are graphically represented as per the drawing, **attached as page 115 to the agenda.**

Advantages

- Less costly, no huge cost to the Municipal Council of Windhoek except internal staff and communication costs;

Disadvantages

- Need to conduct thorough customer education and awareness which could push up costs;
- Consumers may struggle to insert the two (2) tokens in the correct order, but this can be managed with proper communication; and
- Helpdesk will have to handle a much greater volume of calls, but this can be handled with proper communication and preparation.

Preferred option by the department

After thorough consideration and being mindful of the remaining time, the Department of Electricity recommends that the Municipal Council of Windhoek adopts the Customer Approach method (Option 2) supplemented by the Field Technician Approach but on a lower scale to minimise cost. The Field Technicians will primarily deal with customer complaints and any other challenges emanating from the preferred approach. This same approach will also be utilised for water prepayment meters.

However, in case of serious project management challenges with Option 1 that delays the Department of Electricity to finalise the Token Identifier (TID) Roll-Over Project before the implementation date of 24 November 2024, the Field Electrician/Contractor approach method (Option 2) can be deployed to run concurrently with Option 1.

Roll-out plan

The following tables indicates the project roll-out plan with a proposed completion target date of 30 March 2024, leaving at least seven (7) months to deal with any eventualities or delays:

Activities	Durations
1 Upgrade Syntell from STS5 to SST6	January 2022 to June 2022
2 Recruitment of fixed-terms employees	July 2022 to August 2022
3 Internal training of Electricians, Helpdesk/Call Centre Operators	August 2022 to September 2022
4 General public relations and customer educations	July 2022 to September 2022
5 Pilot customer approach with all City employees with prepayment meters	September 2022
6 Prepayment meter switching from STS5 to SST6 per suburb schedule for the general public	

Suburb	Number of meters	N/A
Farm Ujams No. 288	2	October 2022
Lafrenz	20	October 2022
Eros	238	October 2022
Prosperita	313	October 2022
Auasblick	560	October 2022
Academia	572	October 2022
Olympia	580	October 2022
Hochland Park	1 146	November to December 2022
Hakahana	1 204	January 2023
Elisenheim	1 232	February 2023
Cimbebasia	1 512	February 2023
Dorado Park	1 696	March 2023
Havana/Big Bend	1 888	March 2023
Wanaheda	2 204	April 2023

Suburb	Number of meters	N/A
Rocky crest	2 219	April 2023
Pionierspark	2 248	May 2023
Kleine Kuppe	2 544	May 2023
Klein Windhoek/Klein Windhoek blocks/ Ludwigsdorf	2 818	June 2023
Okuryangava	4 268	July 2023
Goreangab	4 579	August 2023
Windhoek/Windhoek blocks	4 862	September 2023
Khomasdal	5 127	October 2023
Otjomuise	5 445	November 2023
Katutura	7 132	January 2024 to March 2024

Before the Token Identifier (TID) Roll-Over process commences, public meetings aimed at customer education will be conducted a month prior to commencement and in addition to the proposed two (2) months of public education and awareness campaigns.

Estimated Token Identifier (TID) Roll-Over project cost

Based on the recommended customer approach method supplemented by the Field Technician, the following estimated budget for the project is envisaged over two (2) Financial Years (2022/2023 and 2023/2024):

Item description	Cost (NS)
Vending system upgrade to STS6	Cost will be incurred by Syntell
New security modules and license fees:	
- Hardware once-off; and	60 000.00
- License fees, yearly.	187 100.00
Cost of meter replacement	1 000 000.00
Cost to customers	None at this stage, except the inconvenience
Public relations and customer education (media pamphlets, radio, artist)	10 000 000.00
Fixed-Term Employees	8 880 000.00
Personal Protective Equipment (PPE) and Transport Cost (leasing of vehicles and fuel)	6 340 000.00
Overtime and after hours meeting allowances	3 000 000.00
10 % contingencies	2 946 710.00
Total	32 413 810.00

The above cost indications are just estimates. The estimated project costs will run over two (2) financial years, hence appropriate budget provisions must be done for both 2022/2023 and 2023/2024 Financial Years by the respective departments namely Electricity; and Finance and Customer Services subject to Council's budget approval process.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the submission on the Department of Electricity's Prepaid Token Identifier (TID) Roll-Over project, be noted.
- 2 That the presentation by Syntell to the Department of Electricity on the entire process of the Token Identifier (TID) Roll-Over and various implementation options, be noted.

- 3 That the progress made to date by the Department of Electricity in preparation for this project, be noted.
- 4 That the following be noted:
 - 4.1 That the existing prepaid water meters of the Municipal Council of Windhoek are not affected by this initiative as they are Token Identifier (TID) compliant. [The current S3 prepayment back-end system used by the Municipal Council of Windhoek will be upgraded by Syntell and the Municipal Council of Windhoek will in turn upgrade its hardware modules to allow for implementation of the Token Identifier (TID) Roll-Over project.]
 - 4.2 That the process of upgrading the vending software from STS5 to STS6 compliant, is earmarked for completion by end June 2022 prior to the commencement of the Token Identifier (TID) Roll-Over process.
- 5 That the recommended Customer Approach method partly supported by a dedicated but limited task team in order to minimise the financial impact on the Municipal Council of Windhoek be as the preferred method, noted and approved.
- 6 That in case of serious project management challenges with the preferred option that delay the Department of Electricity to finalise the Token Identifier (TID) Roll-Over project before the implementation date of 24 November 2024, the Field Electrician/Contractor approach method be deployed to run concurrently, subject to budgetary provision.
- 7 That the proposed roll-out plan for the Token Identifier (TID) Roll-Over project, be noted and approved.
- 8 That the estimated total project cost of N\$32 413 810.00 over two (2) financial years subject to Council budget approval process, be noted.
- 9 That both the Strategic Executives: Electricity; and Finance and Customer Services be allowed to make budgetary provisions in both the 2022/2023 and 2023/2024 Financial Years as proposed in the project estimated budget subject to Council budget approval process.
- 10 That the Strategic Executive: Electricity, in consultation with the Strategic Executive: Human Capital and Corporate Services, be allowed to recruit up to a maximum of twenty x (20) temporary Fixed-Term Field Electricians for two (2) years, to assist as field staff members and as members of the proposed task team. [The recruitment process and number of recruits hired, should be needs based.]
- 11 That the Strategic Executive: Finance and Customer Services, in consultation with the Strategic Executive: Human Capital and Corporate Services, be allowed to recruit up to a maximum of ten (10) temporary Fixed-Term Helpdesk Operators for two (2) years, to ensure that the Helpdesk is sufficiently manned to manage the volume of expected calls. [The recruitment process and number of recruits hired, should be needs based.]

- 12 That the Strategic Executives: Electricity; and Infrastructure, Water and Technical Services, in conjunction with the Chief Executive Officer (Manager: Corporate Communication, Marketing and Public Participation), develop and disseminate educational materials for the Token Identifier (TID) Roll-Over project.
- 13 That any costs crucial for the fulfilment of the Token Identifier (TID) Roll-Over project and not listed on the project cost, be covered under the 10 % contingency funding provision of the estimated cost, subject to Council's budget approval process.
- 14 That the procurement of the required resources be done on a need basis.
- 15 That it be noted that all Standard Transfer Specifications (STS) prepayment meters (both water and electricity) will be affected by the Token Identifier (TID) Roll-Over on 24 November 2024 being the final date for the roll-over, hence all meters must be switched over to STS6 prior to that date in order to be able to purchase both water and electricity.

Financial implications

Estimated project cost of N\$32 413 810.00, subject to annual budgetary provision over two (2) years.

[Municipal Council Agenda: 2022-08-10(07-28)]

10.1.10 FNS.1 [UTP] APPLICATION FOR THE BUILDING LINE RELAXATION ON ERF 900, 11 ANDREW INTAMBA STREET, ACADEMIA EXTENSION 1 (L/900/AC)

Application

An application with Building Permit Application No. 2444/2021 was submitted for Erf 900, Academia by the owner of Erf 900, Academia (Mr Joseph Kakololo) requesting the following:

- Relaxation of the 3 metre building line for Erf 900, Academia to construct an entertainment area.

*** The locality plan is **attached as page 116 to the agenda**. The submitted application will be availed.

The proposed development on Erf 900, Academia encroaches the 3 metre common lateral boundary line with Erf 907, Academia. The owner of Erf 907, Academia (Lawrence Hamilton referred to as objector) objects to the relaxation of the 3 metre building line.

Existing situation

Erf 900, Academia Extension 1 is 665 m² extent and is zoned 'residential' with a density of 1:500 m² and coverage of 50 %. The subject property is located in Andrew Intamba Street, Academia Extension 1. The erf allows for a residential dwelling with a total floor area of 332.5 m². A site inspection conducted on 25 March 2022 confirmed that there is an existing main building on the Erf 900, Academia, which has already covered up to 44 % of his erf. It was also observed that the existing house on Erf 900, Academia is still within the allowable coverage even after considering the proposed new development. During the inspection, it was observed that the objector has breached the 3 metre building line towards the boundary with the adjacent Erf 906, Academia with 1.5 metres and has also built a garage on the erf boundary with Erf 908, Academia.

Development proposal

The owner intends to construct an entertainment area of ± 26 m² in extent. The proposed new building is to be build up to the common boundary with Erf 907, Academia.

The owner of Erf 907, Academia is objecting to this due to concerns that the building of an entertainment area on the common boundary between Erven 900 and 907, will have a negative influence on the resale and value of their property as well as the quality of living. However, the owner of Erf 907, Academia (the objector) is willing to give consent only if Mr Kakololo respects a distance of at least 1.5 metres from the erf boundary.

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 per paragraph 4 of Resolution 233/09/2019, **attached as pages 117 - 118 to the agenda**, *inter alia* resolved 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.*

The plan and the objections are herewith submitted to Council, for consideration.

Objection

The applicant is required to obtain comments from the neighbour (owner of Erf 907, Academia) for the relaxation of the 3 metre building line onto the common boundary line. A copy of the building plan was physically presented to the owner of Erf 907, Academia and the owner (referred to as the objector) objected to be building line relaxation in writing.

*** The letter for the relaxation of building lines with objections is **attached as page 119 to the agenda**.

The objector indicated the following:

- *That the proposed development should not be built on the boundary.*

Urban Policy insight on objections and response

Despite the general position of Council as set out above, the Urban Policy Division does not foresee any negative impact by approving the building plan as submitted due to the following:

- The proposed building on Erf 900, Academia will only cover up a small fraction in the corner of the boundary leaving the majority of the boundary clear and unobstructed;
- Given that the objector (owner of Erf 907, Academia) also built his garage on the boundary of Erf 908, Academia, it is deemed only fair to allow the owner of Erf 900, Academia to enjoy the same property development rights as that enjoyed by his neighbour; and
- The applicant is complying with all safety measures (e.g. firewall, etc.) hence the development is not expected to have any impact of the neighbour or his/her property value.

Conclusion

Following on the information provided the relaxation of building lines on Erf 900, Academia and the associated building permit application is supported.

Management Committee, having considered the application,

RECOMMENDED

- 1 That Building Permit Application No. 2444/2021 requesting for the relaxation of the 3 metre building line on Erf 900, 11 Andrew Intamba Street, Academia Extension 1, adjacent to Erf 907, 11 Andrew Intamba Street, Academia Extension 1, be approved.
- 2 That both the applicant and objector be informed of Council's decision in terms of the Windhoek Town Planning Scheme.
- 3 That any notice of intention to appeal the Council decision be submitted to Council within twenty eight (28) days from the date of notification of this Council Resolution.
- 4 That the resolution be implemented prior to confirmation of the minutes to allow for prompt feedback to the applicant.

[Municipal Council Agenda: 2022-08-10(07-28)]

10.1.11

FNS.2 [UTP] APPLICATION FOR THE FOLLOWING:

- 1 **REZONING OF ERF 543 (A PORTION OF ERF 209), HELIODOOR STREET, EROSPARK FROM 'OFFICE' WITH A BULK OF 0.4 TO 'OFFICE' WITH A BULK OF 0.75;**
- 2 **REZONING OF ERF 542 (A PORTION OF ERF 209), ANDRADIET STREET, EROSPARK FROM 'GENERAL RESIDENTIAL' WITH A DENSITY OF 1:250 m² TO 'OFFICE' WITH A BULK OF 0.75;**
- 3 **CONSOLIDATION OF ERVEN 542 AND 543 (PORTIONS OF ERF 209) INTO ONE (1) ERF;**
- 4 **CONSENT IN TERMS OF TABLE B OF THE TOWN PLANNING SCHEME TO USE THE ERF FOR A BUSINESS BUILDING FOR MEDICAL CONSULTING ROOMS AND A KIDNEY DIALYSIS CENTRE AND RELATED USES; AND**
- 5 **CONSENT IN TERMS OF SECTION 23(1) OF THE TOWN PLANNING SCHEME TO ALLOW FOR ADDITIONAL FLOOR AREA WHICH SHALL BE DEVOTED SOLELY TO RESIDENTIAL USE (FREE RESIDENTIAL BULK)**
(L/542/EP) (L/543/EP)

Application

An application was received from Du Toit Town Planning Consultants, on behalf of the owners of the erven, Jary Enterprises One hundred and Twenty Five CC with nine (9) members (JA van Rooyen, RD Volker, F Petkar, PE le Roux, PI Murphy, M van der Merwe, BG Hollick, AJ le Roux and JH Venter) for:

- Rezoning of Erf 543 (a portion of Erf 209), Heliodoor Street, Erospark from 'office' with a bulk of 0.4 to 'office' with a bulk of 0.75;

- Rezoning of Erf 542 (a portion of Erf 209), Andradiet Street, Erosark from 'general residential' with a density of 1:250 m² to 'office' with a bulk of 0.75;
- Consolidation of Erven 542 and 543 (portions of Erf 209) into one (1) erf;
- Consent in terms of Table B of the Town Planning Scheme to use the erven for a business building for medical consulting rooms and a kidney dialysis centre and related uses;
- Consent in terms of section 23(1) of the Town Planning Scheme to allow for additional floor area which shall be devoted solely to residential use (free residential bulk); and
- The conditions registered against Erven 542 and 543 (portions of Erf 209), Erosark to 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 erf.

*** The full application, including relevant correspondence/documentation is **attached as pages 120 - 212 to the agenda.**

A Credit Clearance was provided and the Strategic Executive: Finance and Customer Services indicated that the application may proceed.

Background

Following discussions at the Town Planning Committee a notice to adhere to parking regulations was submitted to the applicant before the rezoning could proceed to Council. The parking conditions have now been met by the applicant and therefore, the rezoning is being submitted to the Council for consideration.

Erf information

Erf 542, Erosark is zoned 'general residential' with a density of 1:250 m², is ± 395 m² in extent and is located in Andradiet Street. There is a dwelling house on the erf.

Erf 543, Erosark is zoned 'office' with a bulk of 0.4, is ± 604 m² in extent, and is located in Andradiet Street. The Kidney Dialysis Centre is established on the erf.

Erf 543 is located in the is located in the Eros Office Policy area allowing a bulk of 0.75 as approved by Council Resolution 204/09/2019.

Development intention

The intention is to rezone and consolidate so that the owners can expand the Kidney Dialysis Centre to accommodate more patients.

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 of Erven 542 and 543, Klein Windhoek was advertised in the New Era and The Namibian on 10 and 17 June 2020, as per the advertisements, **attached as pages 170 - 173 to the agenda;**
- *** - A notice of the proposed rezoning, **attached as pages 174 - 176 to the agenda,** was placed on the Notice Board of the Municipal Council of Windhoek's Customer Care Centre (CCC) as well as on-site; and
- *** - Neighbour consultation letters/forms, **attached as pages 177 - 183 to the agenda,** were sent to the direct neighbours on Erven 688 (now 741), 538, 541, 545, 546, 547, 548, R/458 and 538.

The closing date for objections was on 1 July 2020 and one (1) objection was received from the owner of Erf 541, Erospark.

Objection received

The objection as received from the owner of Erf 541, Erospark is as follows:

- *The building is close to their property and it will block their winter sunlight and make their home dark;*
- *It's a quiet neighbourhood and it is turning into a business area;*
- *The construction will lower the value of their property and they would like to know if they will be compensated for this; and*
- *It will ruin their standard of living.*

Objections are discussed in the Urban Policy evaluation below.

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, taking into consideration that it maximises the development potential without any adverse impact to the surrounding amenities.

- Roads Planning and Traffic Flow

Erf 543 is located in Heliodoor Street. This is a main collector road with high traffic volumes, but no major traffic flow problems are currently experienced during peak hours. Erf 542 is located in Andradiet Street which is a less busy short cul-de-sac which feeds into Eros Road, a main collector road within this area. Traffic volumes are low and no major traffic flow problems are currently experienced during peak hours. The rezoning of both erven will generate approximately thirty (30) vehicular

trips to the current road network. This will have no major effect on the current road network. A Traffic Impact Assessment (TIA) to evaluate a policy wide adoption was concluded in 2020. The results stipulated in the Traffic Impact Assessment (TIA) indicate that numerous intersections operate at unacceptable LOS for the existing 2019 traffic demand and certain improvements were proposed. The densification within the study area has the potential to add one thousand one hundred and ninety eight (1 198) new trips to the study area during the morning peak hour nine hundred and forty four (944) in and two hundred and fifty five (255) out) and for the afternoon peak hour three hundred and two (302) in and eight hundred and ninety six (896) out. The traffic impact of the proposed densification has been assessed by investigating the performance of most dominant intersections.

The results of the Traffic Impact Assessment (TIA) are listed below.

Recommendations include the following:

- Upgrade Heliodoor Street/General Murtala Muhammed Avenue intersection to a roundabout intersection with one (1) circulating lane and an inscribed diametre of 30 metre;
- Upgrade Eros Road/Heliodoor Street and Eros Road/General Murtala Muhammed Avenue intersections to mini-roundabout intersections with one circulating lane and an inscribed diametre of at least 20 metre;
- Provide taxi embayment's along the upstream north eastern and south western approaches of Heliodoor Street at the Heliodoor Street/General Murtala Muhammed Avenue intersection;
- Provide taxi embayment's along the upstream western and eastern approaches of Heliodoor Street at the Heliodoor Street/Eros Road intersection;
- Construct sidewalks along the bell mouths of the intersections at the locations of the proposed taxi embayments.

In view of the above findings, it must be considered that the City is lagging far behind in upgrading road infrastructure and considering the current financial situation of Council, and other road upgrading priorities that need to be addressed before the above upgrading can be considered, one could certainly conclude that the City will not provide such upgrading within the foreseeable medium period of ten (10) to fifteen (15) years. In terms of the Infrastructure Development Contribution Policy, such upgrading is to be funded from such contributions as calculated according to the policy from the densification within the new proposed policy area, indication is that adequate funds can be generated this way to cover the proposed upgrades. Such proposed upgrading will not only solve present experienced problems but will also be adequate to address increased trips as a result of the policy area. Note should be taken that the Developers of Erf 6225, Windhoek have indicated commitment to proceed with upgrading of Eros Road/Heliodoor Street.

There is no objection to the proposed rezoning of Erf 543, Erosspark from 'office' with a density of 0.4 to 'office' with a bulk of 0.75: Provided:

- That the applicant pay the development contribution amount to Council for upgrading of intersections as identified in the Traffic Impact Assessment (TIA) report for Eros.
- That no access or parking be allowed opposite or within an intersection.
- That a minimum of one (1) parking bay per 25 m² floor area be provided on-site for office use or five (5) parking bays per medical practitioner, whichever is the greater.

There is no objection to the proposed rezoning of Erf 542, Erosspark from 'general residential' with a density of 1:250 m² to 'office' with a bulk of 0.75: Provided:

- That the applicant pay the development contribution amount to Council for upgrading of intersections as identified in the Traffic Impact Assessment (TIA) report for Eros.
- That no access or parking be allowed opposite or within an intersection.
- That a minimum of one (1) parking bay per 25 m² floor area be provided on-site for office use or five (5) parking bays per medical practitioner, whichever is the greater.

There is no objection to the proposed consent to use the erven for business building for medical consulting rooms: Provided:

- That parking be provided as per the approved parking layout, at a ratio of 1.2 parking bays per bed for the dialysis.

There is no objection to the proposed consent for free residential bulk: 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.

There is no objection to the proposed consolidation of Erven 542 and 543, Erosspark into Erf X: Provided:

- 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:

- Both Erven 542 and 543 has a general downward slope from the east towards the west;
- There is no stormwater system crossing both Erven 542 and 543, except for surface stormwater run-off;
- It should however be noted that there is a stormwater outlet structure that discharges stormwater from underneath Helidoor Street onto Erf 538 from where the stormwater flows into a south westerly direction, flowing all along and \pm 6 metres away from the north western boundaries of Erven 542 and 543, Erosark; and
- Access to Erven 542 and 543 is indicated to be from Andradiet and Helidoor Streets respectively.

There is no objection to the proposed rezoning, consolidation and consent use of Erven 542 and 543, Andradiet and Helidoor Streets, Erosark; 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 determine whether the north western boundaries of Erven 542 and 543 require to be protected against any potential flood damage.

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

- **Engineering Services**

It should be noted that a water and sewer connection is available, and 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 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; 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 therefore, the existing municipal electrical connections be converted to one (1) connection from the municipal network.
- That for erven that are zoned or consent use thereof as 'office' 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.
- That it be noted that a connection charge will be payable at the applicant's account 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 applicant should register with the Solid Waste Management Division to dispose of the medical waste at the Health Care Risk Waste Facility.

Urban Policy evaluation

The rezoning of Erf 543 (a portion of Erf 209), Heliodoor Street, Erosark from 'office' with a bulk of 0.4 to 'office' with a bulk of 0.75 should be supported as the erf falls within the Eros Interim Policy area and it is in line with the Windhoek Town Planning Scheme.

However, the rezoning of Erf 542 (a portion of Erf 209), Andradiet Street, Erosark from 'general residential' with a density of 1:250 m² to 'office' with a bulk of 0.75 cannot be supported as it is outside the established Eros Office Policy area.

Consequently, the consolidation of Erven 542 and 543 (portions of Erf 209) into one (1) erf is not supported as it is only erven with the same zoning which can be consolidated.

The consent in terms of section 23(1) of the Town Planning Scheme to allow for additional floor area which shall be devoted solely to residential use (free residential bulk) is supported and is limited to 50% of allowable bulk on Erf 543, Erosark.

The conditions registered against Erven 542 and 543 (portions of Erf 209), Erosark remain as is as the consolidation is not supported.

The objections with regards to the blocking of winter sunlight, turning the quite residential area into a business area and lowering the value of surrounding properties as raised by the owner of Erf 541 are not grounds to decline a rezoning. Matters relating to design, height and placement of building is addressed during the building permit application process. The area is part of an established Office Policy area with many developments along the corridor in Heliodoor Street from Medi Clinic to the Paramount Health Centre already having taken place. There is not substantiation that office or any other development for that matter reduces property value in an area.

The consent in terms of Table B of the Town Planning Scheme to use the erven for a business building for medical consulting rooms and a kidney dialysis centre and related uses is supported and only comes into effect after the payment of the development contribution and provision of parking on-site as per the approved parking layout.

Betterment fee

The betterment fee for Erf 543 is 30 % which amounts to N\$XX.00.

Conclusion

The rezoning of Erf 543 (a portion of Erf 209), Heliodoor Street, Erospark from 'office' with a bulk of 0.4 to 'office' with a bulk of 0.75 is supported.

The rezoning of Erf 542 (a portion of Erf 209), Andradiet Street, Erospark from 'general residential' with a density of 1:250 m² to 'office' with a bulk of 0.75 is not supported as it is outside the Eros Office Policy area.

The consolidation of Erven 542 and 543 (portions of Erf 209) into one (1) erf is not supported as the zonings of the two (2) properties are not homogenous.

The consent in terms of Table B of the Town Planning Scheme to use Erf 543 for a business building for medical consulting rooms and a kidney dialysis centre and related uses is supported and only comes into effect after the payment of the development contribution and provision of parking on-site as per the approved parking layout.

The consent in terms of section 23(1) of the Town Planning Scheme to allow for additional floor area which shall be devoted solely to residential use (free residential bulk) is supported and is limited to 50 % of allowable bulk on Erf 543, Erospark.

The conditions registered against Erven 542 and 543 (portions of Erf 209), Erospark remain as is as the consolidation is not supported.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the rezoning of Erf 543 (a portion of Erf 209), Heliodoor Street, Erospark from 'office' with a bulk of 0.4 to 'office' with a bulk of 0.75 is supported.

- 2 That the rezoning of Erf 542 (a portion of Erf 209), Andradiet Street, Erospark from 'general residential' with a density of 1:250 m² to 'office' with a bulk of 0.75, not be supported.
- 3 That the consolidation of Erven 542 and 543 (portions of Erf 209) into one (1) erf, not be supported.
- 4 That the consent in terms of Table B of the Town Planning Scheme to use Erf 543 for a business building for medical consulting rooms and a kidney dialysis centre and related uses, be supported and only come into effect after the payment of the development contribution as identified in the Traffic Impact Assessment (TIA) Report and provision of parking on-site as per the approved parking layout, dated 8 June 2021.
- 5 That the consent in terms of section 23(1) of the Town Planning Scheme to allow for additional floor area which shall be devoted with nine (9) solely for residential use (free residential bulk), be supported and limited to 50 % of allowable bulk on Erf 543, Erospark.
- 6 That the conditions registered against Erven 542 and 543 (portions of Erf 209), Erospark remain as is as the consolidation is not supported.
- 7 That no access or parking be allowed opposite or within an intersection.
- 8 That a minimum of one (1) parking bay per 25 m² floor area be provided on-site for office use or five (5) parking bays per medical practitioner, whichever is greater.
- 9 That parking be provided as per the approved parking layout, dated 8 June 2021 and at a ratio of 1.2 bays per bed for the dialysis.
- 10 That a minimum of one (1) exclusive parking bay be provided for every dwelling unit on-site.
- 11 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek 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.
 - 11.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

- 12 That the applicant appoint a registered professional Engineer to determine whether the north western boundaries of Erven 542 and 543 require to be protected against any potential flood damage.
 - 13 That it be noted that a water and sewer connection is available, and 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.
 - 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, and therefore, the existing municipal electrical connections are to be converted to one (1) connection from the municipal network.
 - 16 That for erven that are zoned or consent use thereof as 'office' 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.
 - 17 That it be noted that a connection charge will be payable at the applicant's account 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.
 - 18 That the applicant register with the Solid Waste Management Division to dispose of the medical waste at the Health Care Risk Waste Facility before the activities of the dialysis centre commence.
 - 19 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.
 - 19.1 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.
-

[Municipal Council Agenda: 2022-08-10(07-28)]

**10.1.12 FNS.3 [UTP] CONSENT TO OPERATE
A BUSINESS BUILDING IN THE FORM
OF A COFFEE SHOP AND TAKE
AWAY ON ERF 1106, OLYMPIA
(L/1106/Oku)**

Application

An application was received from Stubenrauch Planning Consultants, on behalf of the owner of the owner of the Erf, Dr Jonathan Joffe for:

- Consent in terms of Table B of the Windhoek Town Planning Scheme to operate a 'business building' in the form of a coffee shop and take away on Erf 1106, Olympia

*** The full application, including relevant correspondence/documentation is **attached as pages 213 - 275 to the agenda.**

A Credit Clearance was provided and the Strategic Executive: Finance and Customer Services indicated that the application may proceed.

Background

Following discussions at the Town Planning Committee a notice to adhere to parking regulations was submitted to the applicant before the rezoning could proceed to Council. The parking conditions have now been met by the applicant and therefore, the rezoning is being submitted to the Council for consideration.

Erf information

Erf 1106 is located at the corner of Esther Brand and David Carstens Streets, Olympia. The erf is 2 327 m² in extent and is zoned 'office' with a bulk of 0.4.

The erf accommodates a building hosting the Olympia Eye and Laser Centre as well as a coffee shop. Currently no consent for the operation of the coffee shop exists, hence the application.

Development intention

The intention of the applicant is to legalise the existing coffee shop. The coffee shop operates on a small scale as it only has four tables and it primarily targets people who accompany patients of the eye clinic.

Advertisement

Public consultation was completed as follows in line with the requirements of the Public Consultation Policy for the proposed development:

- *** - The proposed consent use on Erf 1106, Olympia was advertised in The Namibian and New Era newspapers on 17 and 24 July 2020 as per the advertisements, **attached as pages 240 - 243 to the agenda;**

- *** - A notice of the proposed consent application, **attached as pages 244 - 245 to the agenda**, was placed on the Notice Board at the Municipal Council of Windhoek's Customer Care Centre (CCC) as well as on-site; and
- *** - Neighbour consultation letters/forms, **attached as pages 246 - 267 to the agenda**, were sent to the direct neighbours on Erven R/290, 431, 432, 433, 377, 411, 374, 375, 376 and 396 (there is no neighbour consultation for Erven 394 and 395 as the owner is the applicant).
- *** The closing date for any comments was on 10 July 2020 and an objection, **attached as page 268 to the agenda**, was received from the owner of Erf 432.

Objection received

The objection received on 9 July 2020 from the owner of Erf 432, Olympia *inter alia* reads as follows:

- *This area is purely a residential and office area and not a business area.*

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: Provided:

- That the applicant meet all other Council requirements.

- Roads Planning and Traffic Flow

Erf 1106 is at the corner of Esther Brand and David Carstens Streets, zoned 'office' and is 2 327 m² in extent. The erf obtains its access from both streets. David Carstens Street is a short street with low traffic volumes while Esther Brand Street is a collector street which has medium traffic volume and no major traffic problems are experienced during peak hours.

There is no objection to the proposed consent to operate a business building in the form of a coffee shop and take away on Erf 1106, Olympia, Windhoek: Provided:

- That for a coffee shop, a minimum of one (1) parking bay be provided per four (4) seats plus a loading zone.
- That parking be provided as per the approved parking layout.
- That the applicant register a 'right of use' for the parking allocated on Erf 395 in favour of Erf 1106, Olympia.

- That the applicant finalise the Lease Agreement for the parking allocated on the sidewalk with the Property Management Division.
- That the applicant note that sidewalk parking is further subjected to the following conditions:
 - That parking be properly constructed with kerb stones making distinction between parking and pedestrian movements.
 - That Council reserve the right to cancel the lease should such land be needed for municipal services.
 - That Council not be held liable to reinstate any parking or compensate the owner for any improvements should the lease/parking be terminated.
 - That the owner remain responsible to provide any shortfall of parking on-site or any other area approved by Council should the lease be cancelled/terminated.
 - That such parking on Council land remain public parking and not be reserved for exclusive use.
 - That due thereto that construction is taking place within the road reserve, the location of services be verified beforehand.
- Consent use shall only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

The applicant revised the parking layout and the Roads Planning and Traffic Flow Section approved it (layout dated: 10 June 2021).

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erf 1106 has a general downward slope from the north east towards the south west;
- There is no stormwater system crossing Erf 1106, except for surface stormwater run-off; and
- Access to Erf 1106 is indicated to be from Esther Brand and David Carstens Street.

There is no objection to the application: 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

It should be noted that a water and sewer connection is available, and that any additional requirements with regard to water and sewer services brought on as a direct consequence of the consent use or subsequent activities 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. Erf 1106, Olympia is connected to the municipal reticulation system of the Municipal Council of Windhoek. The existing services are sufficient for the proposed consent use as stipulated in the application. The following conditions are to be considered:

- 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.

Comments from the Strategic Executive: Economic Development and Community Services

- Environmental Management

The application is supported with no environmental requirements.

Urban Policy evaluation

The Windhoek Town Planning Scheme allows for a business building as a consent use in terms of Table B on properties with an 'office' zoning.

Use zone (1)	Primary uses (2)	Consent uses (3)	Prohibited uses (4)
XII Office	Offices	Dwelling units, residential buildings, institutions, places of public worship, business buildings , hotels, restaurant	Other uses not under column 2 and 3

A business building is defined as: *a building designed and/or used as offices, warehouses, medical or dental consulting rooms, laboratories or other business purposes but does not include other buildings specifically defined or mentioned elsewhere in this Scheme with the exception of offices.*

A medical facility (eye clinic) which is being operated on Erf 1106 is classified as a business building, the coffee shop and take-away are mere auxiliary services. Erf 1106, Olympia is already being used for a medical practice, coffee shop and take away and the requested consent use is in line with the provisions of the Windhoek Zoning Scheme.

The objection with regards to the area being purely a residential and not a business area made by the owner of Erf 432 is not grounds to decline the consent because there are already a number of businesses in the area. In addition, the coffee shop only operates during normal office hours as part of the dental practice, is limited in terms of the number of patrons and in line with the provisions of the Windhoek Town Planning Scheme.

There are pre-conditions for meeting the parking provisions on Erf 1106, Olympia. Therefore, the consent use for a business building for a coffee shop is supported but only comes into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

Betterment fee

Betterment fees are not applicable for consent use applications.

Conclusion

The consent in terms of Table B of the Windhoek Town Planning Scheme to operate a 'business building' for the purposes of a coffee shop and take away on Erf 1106 is supported but only comes into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the consent in terms of Table B of the Windhoek Town Planning Scheme to operate a business building for the purpose of a coffee shop and take away on Erf 1106, Olympia be supported.
- 2 That parking be provided as per the approved parking layout dated 27 January 2022.
- 3 That for a coffee shop, a minimum of one (1) parking bay be provided per four (4) seats plus a loading zone.
- 4 That the applicant register a 'right of use' for the parking allocated on Erf 395 in favour of Erf 1106, Olympia.
- 5 That the applicant finalise the Lease Agreement for the parking allocated on the sidewalk with the Property Management Division.

- 6 That the applicant take note that sidewalk parking is further subjected to the following conditions:
 - 6.1 That parking be properly constructed with kerb stones making a distinction between parking and pedestrian movement areas.
 - 6.2 That Council reserve the right to cancel the lease should such land be needed for municipal services.
 - 6.3 That Council not be held liable to reinstate any parking or compensate the owner for any improvements should the lease/parking be terminated.
 - 6.4 That the owner remain responsible to provide any shortfall of parking on-site or any other area approved by Council should the lease be cancelled/terminated.
 - 6.5 That such parking on Council land remain public parking and not be reserved for exclusive use.
 - 6.6 That due thereto that construction is taking place within the road reserve, the location of services be verified beforehand.
- 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 that any additional requirements with regard to water and sewer services brought on as a direct consequence of the consent use or subsequent activities will 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 per erf.

- 11 That the applicant accept the conditions of this Council Resolution in writing.
- 12 That the objector be informed of Council's decision and his right to appeal such decision.
- 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: 2022-08-10(07-28)]

10.1.13 FNS.4 [UTP] DEVELOPMENT APPLICATION FOR THE REZONING AND SUBDIVISION OF ERF 1499, ROCKY CREST EXTENSION 4 (L/1499/RC)

Introduction

An application was lodged with the Municipal Council of Windhoek by Van Rooi & Associates Urban and Regional Planners acting on behalf of Mr Lewis Kawaamwa Kapofi, the owner of Erf 1499, Rocky Crest Extension 4, to seek approval for the following:

- Rezoning of Erf 1499, Rocky Crest Extension 4 from 'general residential' with a density of 1:250 m² to 'residential' with a density of 1:300 m²;
- Subdivision of Erf 1499, Rocky Crest Extension 4 into twelve (12) portions and the Remainder; and
- Consent to commence with development on the newly created erven while the town planning processes are underway.

*** The full application, including relevant correspondence/documentation is **attached as pages 276 - 348 to the agenda.**

Background

*** The submission of this item to Council for consideration was delayed by pending deed of sale conditions and the subsequent transfer of the property to the applicant as attested by the appended land ownership documents dated 24 January 2022, **attached as pages 336 - 339 to the agenda.**

Locality, size and land use

- *** Erf 1499, Rocky Crest Extension 4 is currently vacant and is located south of David Hosea Meroro Road which for years formed the southern boundary of the developed suburbs of Rocky Crest. It is 4 275 m² in extent and is currently zoned 'general residential' with a density of 1:250 m². It forms part of the recently serviced suburb thus falls within a relatively new settlement area. A locality plan is **attached as page 343 to the agenda.**

Ownership

- *** Transfer of ownership to Mr Lewis Kawaamwa Kapofi is initiated via an Addendum to the Deed of Sale which was signed on 8 December 2020. The initial Deed of Sale was signed on 19 May 2020 between the Municipal Council of Windhoek and Super Mega Investments CC. The documents are **attached as pages 285 - 316 to the agenda.**
- *** The properties were acquired via tender and the transfer of the property is registered by way of Title Deed No. T100/2022, **attached as pages 336 - 339 to the agenda.**

Proposed development

- *** The rationale is to satisfy the market demand of potential buyers with the preferred sense of privacy of owning a free-standing house as opposed to owning a sectional title dwelling where certain ownership rights are shared. This requires the rezoning of Erf 1499, Rocky Crest Extension 4 from 'general residential' with a density of 1:250 m² to 'residential' with a density of 1:300 m²; to allow for the creation of thirteen (13) 'residential' erven, with a density of 1:300 m² as per National Housing Policy standards. The subdivision proposed for the following land uses is indicated in the following table and the layouts, **attached as pages 327 - 332 to the agenda:**

Table 1: Subdivision of Erf 1499, Rocky Crest Extension 4 into twelve (12) erven and the Remainder

Erf No.	Erf size (m ²)	Zoning	Density
1	308	Residential	1:300 m ²
2	303	Residential	1:300 m ²
3	301	Residential	1:300 m ²
4	305	Residential	1:300 m ²
5	300	Residential	1:300 m ²
6	308	Residential	1:300 m ²
7	308	Residential	1:300 m ²
8	322	Residential	1:300 m ²
9	318	Residential	1:300 m ²
10	305	Residential	1:300 m ²
11	301	Residential	1:300 m ²
12	353	Residential	1:300 m ²
R/1499	537	Residential	1:300 m ²

Access to other land uses and desired amenities, institutions, businesses, higher density housing erven and open spaces are complimented for in close proximities by the broader Rocky Crest Extension 4.

Connectivity to adjacent townships is provided for by collectors and major arterial road networks. Two (2) internal streets provide individual connection hence sufficiently address access to the proposed erven, as per the subdivision layout, **attached as page 325 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

- Emergency Management

In terms of the general fire protection requirements concerning a new town planning design the following is a pre-requisite as per the applicable standards (SANS 10090 and SANS 10400):

- The current development has provided public fire hydrants in the extended 'residential' zoned area;
- Provision of access for firefighting and other related emergencies to the township development has been provided, and the turning circles for emergency vehicles and the width of the streets, to accommodate all types of emergency vehicles in sufficient; and
- The designer(s) of all built structures should consider appropriate safety distances between buildings, and designs must be submitted to the Building Control Division for fire protection scrutiny as part of the permit application.

- Parks

There is no objection to the proposed development.

Comments from the Strategic Executive: Electricity

- Technical Support

There is in principle no objection for 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, and further distribution be from the main LV kiosk/board of each erf.
- That only one (1) additional meter point will 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

No water and sewer connections will be available for the proposed new erven. The application is subject to the following conditions:

- That the applicant appoint a registered professional Engineer to do the designs for new municipal water and sewer connections for the new developed erven.
- That the designs for the new water and sewer connections be submitted by the appointed Engineer to the Engineering Services Division for approval before starting with construction work.
- That after approval of the water and sewer designs, the applicant appoint a Contractor to do the construction of the water and sewer lines.
- That the supervision of the construction of the work be done by a registered professional Engineer.
- That all costs involved due to water and sewer connections be for the applicant's account.
- That it be noted that water and sewer connections be provided to the new developed erven before any registration of erven take place.
- That the registration of erven only take place upon written acceptance of the completed work by the Strategic Executive: Infrastructure, Water and Technical Services.

- That no building plans be approved before water and sewer connections are provided to the new developed erven as per approved designs, and before these services are taken over by Council.
- That any additional requirements with regard to water and sewer services be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Further to the above comments, the following conditions apply for all developments (Municipal Council of Windhoek, private developments, Public Private Partnership (PPP), etc.):

- That the design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, be done by a registered professional Engineer (details to be submitted for approval before design work commence).
- That the design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, be done according to the standards and specifications of the Strategic Executive: Infrastructure, Water and Technical Services and be submitted for approval by the applicant to the Strategic Executive: Infrastructure, Water and Technical Services before any work may proceed.
- 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 materials and construction standards comply with the latest edition of SANS 1200 and special standards of the Municipal Council of Windhoek.
- That water reticulation networks connect to the existing main services provided by NamWater or the Municipal Council of Windhoek and all connection points be approved by the Municipal Council of Windhoek.
- That the design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, be done on a CAD system adaptable to the system used by the Municipal Council of Windhoek and the information be made available to the Chief Engineer: Engineering Services. (A complete set of as-built drawings (paper copies and electronically), hydraulic models (WADISO and SEWSAN) must be submitted to the Strategic Executive: Infrastructure, Water and Technical Services or his representative once the project is completed).

- That the existing water, sewer, electricity and telecom services be indicated on the construction drawings, and the applicant be held responsible for any damages to existing services.
- That registered professional Engineers supervise the construction of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, to ensure that the work is done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services, and a Certificate of Acceptance be submitted by the applicant's Engineer to certify that construction conforms to the design and approved drawings.
- That no deviations in-situ from the 'Released for Construction' drawings be allowed, in the absence of preapproval from the Strategic Executive: Infrastructure, Water and Technical Services. [The Developer will be responsible to 'make good' these deviations where no such approval exist.]
- That after the construction period, all the new services be inspected by the Chief Engineers: Engineering Services; and Bulk Water and Waste Water or their respective representatives at an official site inspection whereafter a Certificate of Completion be issued to the applicant.
- That no building plan for any improvements be approved without the proof of a Certificate of Completion of the water and sewerage infrastructure, as well as waste water treatment plants, reservoirs and pump stations, if applicable.
- That the applicant bear the full costs of all water and sewer services (as well as waste water treatment plants, reservoirs and pump stations, if applicable), including the professional fees for planning, design and supervision costs and the construction costs.
- That the applicant be held responsible by the Strategic Executive: Infrastructure, Water and Technical Services for a retention period of twelve (12) months on the water and sewerage reticulation networks (as well as reservoirs and pump stations if applicable) after completion and take-over of the work. [This will only be applicable where services are taken over by the Municipal Council of Windhoek.]
- That the operation and maintenance of the waste water treatment plant shall be the responsibility of the applicant for a predetermined number of years as described in the Development Agreement which will dictate taking over pre-conditions (if applicable).

- That it be noted that there is a possibility that the Municipal Council of Windhoek will not be able to take-over the services and to do any maintenance on the water and sewerage reticulation networks. [In this case, the applicant will then be responsible to do maintenance on all the water and sewerage reticulation networks until such time that the Municipal Council of Windhoek will be able to take-over the services. The Chief Engineer: Bulk Water and Waste Water should be contacted regarding the taking-over of services.]
- That if it come to the attention of the Municipal Council of Windhoek that any of the work constructed by the applicant are at fault, no further developments will be permitted and no building plans will be approved until such time that the work is rectified to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.

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

- Housing and Land Delivery

There is no objection to the proposed subdivision of and rezoning of erven to be created on Erf 1499, Rocky Crest. The division in principle supports the proposed layout as per submitted documentation. However, it must be emphasised that all technical comments from the different technical departments be carefully considered and implemented in the development phases to follow, especially regarding access to the respective erven.

- Property Management

There is no objection to the proposed subdivision and rezoning as proposed: Provided:

- That the conditions imposed against Erf 1499, Rocky Crest, as contained in the original Deed of Sale be passed onto all the erven resulting from the subdivision.
- That the subdivision not be registered in the Deeds Office prior to Erf 1499, Rocky Crest being paid in full.
- That the purchaser not commence with any excavations/erection of buildings prior to the property having been paid in full.

The applicant is the duly registered owner of the property hence the latter noted as addressed.

Comments from the Strategic Executive: Urban and Transport Planning

- Urban Planning

There is no objection to the proposed subdivision and rezoning subject to the fulfilment of the public consultation requirements as per the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and the Municipal Council of Windhoek's Public Consultation Policy for proposed development.

- Traffic Flow

Erf 1499 is zoned 'general residential' with a density of 1:250 m², located on the new Extension 4 of Rocky Crest and is ± 4 275 m² in extent. The erven on Extension 4 are not fully occupied and the roads are currently used by construction vehicles. Rezoning Erf 1499, Rocky Crest from 'residential' with a density of 1:250 m² to 'residential' with a density of 1:300 m² will not be generating additional trips to the current roads network.

There is no objection to the proposed rezoning of Erf 1499, Rocky Crest Extension 4 from 'general residential' with a density of 1:250 m² to 'residential' with a density of 1:300 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 units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.
- That access to Portions 6 and 7 be obtained minimum 15 metre from the intersection, measured from the intersecting kerb.

There is an objection to the proposed subdivision of Erf 1499, Rocky Crest Extension 4 into twelve (12) portions and a Remainder due thereto that no access is allowed opposite an intersection especially on a major collector road.

There is furthermore an objection to the proposed consent to commence with development on the newly created erven while the town planning processes are underway due to the layout need to be revised to rectify access for Erf R/1499 as above.

The above concerns have been addressed in the corrected layout upon review. An amended layout addressing the concerns is attached to the application.

- Roads Planning and Design

A stormwater investigation was done and the following is reported:

- Erf 1499 is currently undeveloped and ± 4 275,3 m² in extent;

- It is noted that some earthworks were recently done on Erf 1499 as part of the construction of services in Rocky Crest Extension 4;
- Erf 1499 is proposed to be subdivided into thirteen (13) erven, being Portions 1 to 12 and the Remainder of Erf 1499 (Erf R/1499);
- Erf 1499 is situated in Rocky Crest Extension 4, \pm 145 metres south of David Hosea Meroro Road and \pm 445 metres west of the A1 Freeway;
- Road 2, being a surfaced street, is situated within a 25 metre wide road reserve adjacent to the eastern boundary of Erf 1499;
- Road 6, being a surfaced street, is situated within a 15 metre wide road reserve adjacent to the northern boundary of Erf 1499;
- Road 14, being a surfaced street, is situated within a 12 metre wide road reserve adjacent to the western boundary of Erf 1499;
- Erf 1499, and thus all the proposed subdivided Portions, being Portions 1 to 12 and the proposed Portion R/1499, has a general downward slope from the south west into a north easterly direction;
- There is a depressed area formed in the central and eastern parts of the proposed Portion R/1499 for defined stormwater flow from where it flows along a defined stormwater courses into a northerly direction, flowing across the central and eastern parts of the proposed Portions 12, 11, 10, 9, 8 and 7;
- There is a depressed area forming in the northern part of the proposed Portion 1 for defined stormwater flow from where it flows along a defined stormwater course into a north easterly direction across the proposed Portion 2, flowing across the south eastern parts of the proposed Portions 3, 4 and 5, flowing across the north western part of proposed Portion 8, flowing across the western part of the proposed Portion 7;
- There is a smaller stormwater course flowing from the stormwater course as referred to in point 10 above, flowing from the southern boundary of the proposed Portion 3 into a north easterly direction, flowing across the north western part of the proposed Portion 10, flowing into a north easterly direction across the proposed Portions 9, 8 and 7;
- There is no sign of any stormwater system crossing the proposed Portion 6, except for surface stormwater run-off;
- Except for the depressed area for stormwater collection that formed in the northern part of the proposed Portion 1 as referred to above, there is no other sign of any stormwater system crossing the referred portion;

- There was a low-lying area in the north eastern part of the proposed Portion 7 that was levelled, that allowed for stormwater flow into a northerly and north easterly direction across the referred portion;
- There is a stormwater catch pit situated along the road edge of Road 14 in front of the proposed Portion 6;
- There are stormwater catch pits situated along the road edge of Road 2 in front of the proposed Portions 7 and 12;
- There are mountable kerbs situated along the road edge of Road 14 in front of proposed Portions 1, 2, 3, 4 and 5, and along the road edge of Road 2 in front of proposed Portions 8, 9, 10 and 11;
- There are mountable kerbs situated along the road edges of Roads 14, 6 and 2 in front of the proposed Portions 6 and 7, except along the bell mouths between Roads 14 and 6, and between Roads 6 and 2, where there are barrier kerbs;
- There are barrier kerbs situated along the road edge of Road 2 in front of proposed Portions 12 and Erf R/1499;
- There is an electrical substation situated on Erf 1500, the referred erf being situated adjacent to the southwestern boundary of the proposed Erf R/1499 in front of Road 2; and
- From the Deed of Sale for Erf 1499, it is noted that the applicant purchased the whole of Erf 1499; Provided that stormwater conditions as above will be applicable, i.e. that the applicant appoint an Engineer to determine defined stormwater flow and submit stormwater engineering plans for detailed stormwater flow prior to any development.

There is in principle no objection to the proposed rezoning, consent use and subdivision of Erf 1499, Rocky Crest Extension 4, into twelve (12) Portions and a Remainder: Provided:

Proposed Portions 1 and 6

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.
- That no access to proposed Portion 6 be allowed over any stormwater catch pit, manhole or other stormwater structure.

Proposed Portions 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and the Remainder

- That surface stormwater run-off be accommodated according to clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme).

- That no development be allowed onto or over any stormwater system or structure.
- That no access to the proposed Portions 7 and 12 be allowed over any stormwater catch pit, manhole or other stormwater structure.

Motivation

The proposed subdivision and zoning blend in well with the existing land uses and will not have any detrimental effect on the current and future surrounding land uses.

The protracted issues of shortage of urban serviced land and affordable housing which attributes a result of rapid urbanisation and urban growth continues to be a development concern for the city and development stakeholders. With housing being considered at the front of battling the unprecedented COVID-19 Pandemic, under the stringent preventative strategies of 'staying at home', 'working from home', 'self-isolation', and 'social distancing'. The importance of accessible, adequate and affordable housing and related urban spatial development cannot be over-emphasised.

The complex issue of housing in the proximities of Rocky Crest and other residential suburbs can irrevocably be linked to the escalating private rental cost, unnecessary skyrocketing housing prices and the diverse interest for the type of housing. The proposed development appends to the provision of the desirable housing typology to cater for preferred accommodation choices in the market.

Thus, argued to be in conformity to the needs and desired vision for urban growth in Windhoek and can therefore be supported, provided all relevant technical aspects are adhered to and addressed to avoid contributing to institutional liabilities.

Municipal services

A full-service level will be provided to all the proposed new erven. This service level implies full-service delivery, i.e., water and sewer reticulation with individual connections fully designed and constructed. Appropriate stormwater management systems constructed and complete with electricity, reticulation for individual connections. Contribution towards bulk service charges will be calculated and applied in line with Council's Infrastructure Development Contribution Policy. The provision of municipal services will be at the Developer's costs and will be facilitated by the Land Delivery Division (Strategic Executive: Housing, Property Management and Human Settlement).

Therefore, the approval of this application by Council requires completing of the **Acknowledgement of Process Form (APF)** and the **Acknowledgement of Debt (AoD)**, to amongst other validate the feasibility of the project and consenting of the development if all other requirements are complied with. The signing of the forms further confirms that the applicant is duly informed of the process of establishing development contribution which are payable against any development rights being granted with the approval.

The approval of the rezoning, subdivision and the proposed consent use should therefore be subjected to the signing of Acknowledgement of Debt (AoD) based on the development contribution for the proposed development. The signed Acknowledgement of Process Form (APF) and the Acknowledgement of Debt (AoD) are **attached as pages 340 and 341 - 342 respectively to the agenda.**

Finally, there will be a **Development Agreement (DA): Memorandum of Agreement (MoA)** that will be signed between the Developer and the Municipal Council of Windhoek. The Memorandum of Agreement (MoA) will regulate the provision of internal reticulation of municipal services before they can be handed over to Council and capture the fact that development rights have been allocated to the property. All service installations will be required to be in line with the Council requirements and should be to the satisfaction and standards of the relevant Strategic Executive.

Conditions to be registered

The conditions imposed and to be registered against Erf 1499, Rocky Crest Extension 4 are contained in the aforementioned Deed of Sale. These conditions, as well as the standard Windhoek Town Planning Scheme conditions shall be respected, retained, and would not affect the proposed rezoning and subsequent subdivision. The following are the conditions to be registered in favour of the Local Authority against the title deeds of the newly created portions as follows:

- That the erf 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 Urban and Regional Planning Act, 2016 (Act 5 of 2016).
- That the minimum building value of the main building, excluding the outbuilding to be erected on the erf be at least four (4) times the municipal valuation of the erf.
- That the application be further subject to the following condition imposed by the Municipal Council of Windhoek:
 - That transfer to a third party only take place with approval 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.]

Conclusion

The proposed development encourages spatial transformation that is consistent with smart urban growth, as it advocates for compatible land uses and considerable development activities.

This submission serves to request for the following approvals:

- Rezoning of Erf 1499, Rocky Crest from 'general residential' with a density of 1:250 m² to 'residential' with a density of 1:300 m²;

- Subdivision of Erf 1499, Rocky Crest Extension 4 into twelve (12) portions and a Remainder;
- *** - Approval of the rezoning and subdivision layouts **attached as pages 327 - 332 to the agenda**; and
- The Infrastructure Development Contribution Policy for private developments and the subsequent signing of Acknowledgement of Process Form (APF) and Acknowledgement of Debt (AoD) should be noted.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the application for the rezoning of Erf 1499, Rocky Crest Extension 4 from 'general residential' with a density of 1:250 m² to 'residential' with a density of 1:300 m² be supported.
- 2 That the application for the subdivision of Erf 1499, Rocky Crest Extension 4 into twelve (12) portions and the Remainder be approved.
- *** 3 That the rezoning and subdivision layouts of Erf 1499, Rocky Crest Extension 4, **attached as pages 327 - 332 to the agenda**, be approved.
- 4 That any approval of building plans and or construction of services prior to completion of statutory processes be granted on existing land rights.
- 5 That the Infrastructure Development Contribution Policy for private developments and the subsequent signing of Acknowledgement of Process Form (APF) and Acknowledgement of Debt (AoD), be noted.
- 6 That approval of the development application be further subject to compliance with large subdivision requirements for provision of bulk and internal municipal infrastructure reticulation; hence Development Agreements (DA)/Memorandum of Agreement (MoA) are to be signed between the Developers and the Municipal Council of Windhoek.
- 7 That all conditions as stipulated in the Notarial Deed of Imposition of Conditions of Establishment be registered against the Title Deeds of the newly created portions.

Emergency Management

- 8 That the designs for the development provide public fire hydrants in the extended 'residential' zoned area, and the water reticulation with adequate water-pressure and water-flow, supplying the hydrants, and be designed in accordance with general fire protection requirements concerning a new town planning design as per the applicable standards SANS 10090 and SANS 10400), and design by competent Engineers.

- 9 That the provision of access for firefighting and other related emergencies to the township layout development be provided; determining sufficient turning circles for emergency vehicles and the width of the streets, to accommodate all types of emergency vehicles.
- 10 That the designer(s) of all built structures consider appropriate safety distances between buildings, and designs be submitted to the Building Control Division for fire protection scrutiny as part of the permit application.

Electricity

- 11 That the electricity network design and installation be guided by the following:
 - 11.1 That any existing municipal electrical infrastructures that need to be relocated, dismantled or replaced as per the Developer's request, be for the Developer's account.
 - 11.2 That only one (1) service connection from the municipal electrical network be allowed per erf, with one (1) additional meter point for an approved flat on erven zoned 'single residential', and any additional meter points on single residential erven be subject to rezoning of the erf to 'general residential'.
 - 11.3 That the connection charges as stipulated in the reviewed Department of Electricity Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or information on connection charges by the Department of Electricity be for the applicant's account.

Engineering Services

- 12 That it be noted that there is no water and sewer connections available for the proposed subdivision and the application is subject to the following conditions:
 - 12.1 That the applicant appoint a registered professional Engineer to do the designs for new municipal water and sewer connections for the new developed erven.
 - 12.2 That the designs for the new water and sewer connections be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with construction work.
 - 12.3 That after approval of the water and sewer designs, the applicant appoint a Contractor to do the construction of the water and sewer lines.
 - 12.4 That the supervision of the construction work be done by a registered professional Engineer.
 - 12.5 That all costs involved due to the water and sewer connections be for the applicant's account.

- 12.6 That it be noted that water and sewer connections be provided to the new developed erven before any registration of erven take place.
- 12.7 That the registration of erven only take place upon written acceptance of the completed work by the Strategic Executive: Infrastructure, Water and Technical Services.
- 12.8 That no building plans be approved before water and sewer connections are provided to the new developed erven as per approved designs, and before these services are taken over by Council.
- 12.9 That any additional requirements with regard to water and sewer services be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 13 That further to the above, the following conditions apply for all developments (Municipal Council of Windhoek, private developments, Public Private Partnership (PPP), etc.):
 - 13.1 That the design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, be done by a registered professional Engineer (details to be submitted for approval before design work commence).
 - 13.2 That the design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, be done according to the standards and specifications of the Strategic Executive: Infrastructure, Water and Technical Services and be submitted for approval by the applicant to the Strategic Executive: Infrastructure, Water and Technical Services before any work may proceed.
 - 13.3 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/.
 - 13.4 That materials and construction standards comply with the latest edition of SANS 1200 and special standards of the Municipal Council of Windhoek.
 - 13.5 That water reticulation networks connect to the existing main services provided by NamWater or the Municipal Council of Windhoek and all connection points be approved by the Municipal Council of Windhoek.
 - 13.6 That the design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, be done on a CAD system adaptable to the system used by the Municipal Council of Windhoek and the information be made available to the Chief Engineer: Engineering Services. (A complete set of as-built drawings (paper copies and electronically), hydraulic models (WADISO and SEWSAN) must be submitted to the Strategic Executive: Infrastructure, Water and Technical Services or his representative once the project is completed).

- 13.7 That the existing water, sewer, electricity and telecom services be indicated on the construction drawings, and the applicant be held responsible for any damages to existing services.
- 13.8 That registered professional Engineers supervise the construction of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, to ensure that the work is done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services, and a Certificate of Acceptance be submitted by the applicant's Engineer to certify that construction conforms to the design and approved drawings.
- 13.9 That no deviations in-situ from the 'Released for Construction' drawings be allowed, in the absence of preapproval from the Strategic Executive: Infrastructure, Water and Technical Services. [The Developer will be responsible to 'make good' these deviations where no such approval exist.]
- 13.10 That after the construction period, all the new services be inspected by the Chief Engineers: Engineering Services; and Bulk Water and Waste Water or their respective representatives at an official site inspection whereafter a Certificate of Completion be issued to the applicant.
- 13.11 That no building plan for any improvements be approved without the proof of a Certificate of Completion of the water and sewerage infrastructure, as well as waste water treatment plants, reservoirs and pump stations, if applicable.
- 13.12 That the applicant bear the full costs of all water and sewer services (as well as waste water treatment plants, reservoirs and pump stations, if applicable), including the professional fees for planning, design and supervision costs and the construction costs.
- 13.13 That the applicant be held responsible by the Strategic Executive: Infrastructure, Water and Technical Services for a retention period of twelve (12) months on the water and sewerage reticulation networks (as well as reservoirs and pump stations if applicable) after completion and take-over of the work. [This will only be applicable where services are taken over by the Municipal Council of Windhoek.]
- 13.14 That the operation and maintenance of the waste water treatment plant shall be the responsibility of the applicant for a predetermined number of years as described in the Development Agreement which will dictate taking over pre-conditions (if applicable).
- 13.15 That it be noted that there is a possibility that the Municipal Council of Windhoek will not be able to take over the services and to do any maintenance on the water and sewerage reticulation networks. [In this case, the applicant will then be responsible to do maintenance on all the water and sewerage reticulation networks until such time that the Municipal Council of Windhoek will be able to take over the services. The Chief Engineer: Bulk Water and Waste Water should be contacted regarding the taking-over of services.]

- 13.16 That if it come to the attention of the Municipal Council of Windhoek that any of the work constructed by the applicant are at fault, no further developments will be permitted and no building plans will be approved until such time that the work is rectified to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.

Roads Planning, Design and Traffic Flow

- 14 That the proposed Portions 1 and 6 be subjected to the following conditions:
- 14.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
- 14.1.1 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.
- 14.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 14.2 That no access to the proposed Portion 6 be allowed over any stormwater catch pit, manhole or other stormwater structure.
- 14.3 That access to Portion 6 be obtained at a minimum of 15 metres from the intersection, measured from the intersecting kerb.
- 14.3.1 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 units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.
- 15 That the proposed **Portions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and the Remainder** be subjected to the following conditions:
- 15.1 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:
- 15.1.1 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.
- 15.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 15.2 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 15.3 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.
- 15.4 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.
- 15.5 That no building plans be approved until the stormwater conditions are met.
- 15.6 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 approval 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.]
- 15.7 That no development be allowed onto or over any stormwater system or structure.
- 15.8 That no access to the proposed Portions 7 and 12 be allowed over any stormwater catch pit, manhole or other stormwater structure.
- 15.9 That access to Portion 7 be obtained at a minimum of 15 metres from the intersection, measured from the intersecting kerb.
- 15.9.1 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 units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.
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[Municipal Council Agenda: 2022-08-10(07-28)]

10.1.14 FNS.5 [UTP] APPLICATION FOR THE REZONING OF PORTION 178/58/48, BRAKWATER FROM 'RESIDENTIAL' WITH A DENSITY OF 1:5 HECTARE TO 'INSTITUTIONAL' FOR A REHABILITATION CENTRE (16/15/4)

Application

An application was received from Dunamis Consulting (Pty) Ltd on behalf of the owner, Human Dreams e.V. (owner, Nicole Mtawa) for:

- Rezoning of Portion 178/58/48, Brakwater from 'residential' with a density of 1:5 hectare to 'institutional' for a rehabilitation centre; and
- Consent to commence with the proposed development while the rezoning is in process.

The Power of Attorney is signed by Nicole Mtawa, the owner.

*** The full application, including relevant correspondence/documentation is **attached as pages 349 - 411 to the agenda.**

A Credit Clearance was provided and the Strategic Executive: Finance and Customer Services indicated that the application may proceed.

Erf information

Portion 178/58/48, Brakwater is located to the west of the A1 highway, more or less in the middle of the area known as Brakwater. The erf appears on the municipal system as 178/58/H/48, is zoned 'residential' with a density of 1:50 000 and is 50 003 m² in extent.

Development intention

The intension of the owner is to operate an animal supported rehabilitation and recreational centre for disabled and socially disadvantaged children on 2.5 hectare or 50 % of the property.

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 24 September 2020 and 1 October 2020 and the Confidantè on 14 to 30 September and 1 to 7 October 2020 as per the advertisements, **attached as pages 359 - 362 to the agenda;**

*** - A Notice of the proposed rezoning, **attached as pages 363 - 366 to the agenda,** was placed on the Notice Board of the Municipal Council of Windhoek's Customer Care Centre (CCC) as well as on-site;

- *** - Letters were sent via certified mail to the owners of Portions R/58/H/48, 179/58/48, 92/58/48 and 358/58/48, which were signed in September 2020 (refer to proof, **attached as page 367 to the agenda**); and
- *** - The consultant also sent registered mail to the owner of Portions R/58/U/48, 179/58/48, 92/58/48 and 358/58/48 on 31 August 2021 (refer to proof, **attached as page 368 to the agenda**).

The closing date for objections was 21 October 2020 and no objections were received.

Technical comments

The following can be reported:

Comments from the Strategic Executive: Urban and Transport Planning

- Roads Planning, Design and Traffic Flow

The roads within the larger Brakwater area are still undeveloped and the collector road system is also not yet finalised. Most properties obtain their accesses through registered right of way servitudes. The traffic volumes are similarly low in this area as it is characterised mainly by large portions of remaining farmland. However it is becoming increasingly difficult for the Council to maintain the main gravel roads due to increasing traffic volumes.

There is no objection to the proposed rezoning of Portion 178 (a portion of Portion 58), Farm Brakwater No. 48 from 'residential' with a density of 1:5 hectare to 'institutional' for a rehabilitation and recreational centre:
Provided:

- That the applicant take note of the collector road running on the southern boundary of the erf as per the Figure 1. [The collector road is 25 metre wide. The exact co-ordination can be obtained from the Chief Engineer: Roads Planning, Design and Traffic Flow. A right of way servitude must be registered over the portions in favour of the general public (Farm 178/58/48 - 12.8 metre on the southern boundary and Farm 92/59/48 – 12.2 metre over the northern boundary).]
- That the 10 metre right of way servitude be increased to a minimum of 12.8 metres, the portion of collector roads running over the southern boundary of the farm, and access be maintained from the Collector Road.
- That adjacent neighbouring properties accept the collector alignment in writing or propose an alternative for approval.

- That a parking requirements for 'institutional' for a rehabilitation and recreational centre of one (1) parking bay be provided per classroom and/or office plus one (1) parking bay per ten (10) children for on and off-loading.
- That for office use, one (1) parking bay be provided for every 25 m² utilised bulk.
- That for canteen or food store/restaurant, one (1) parking bays be provided per three (3) seats, plus a loading zone.
- That the development plans be submitted to the Strategic Executive: Urban and Transport Planning prior to submission for a Building Permit.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- The proposed Portion 178/58/48 of Farm Brakwater is located in the northern part of the Brakwater area and is situated to the west of the B1 (A1) Trunk Road from Windhoek to Okahandja;
- The proposed Portion 178/58/48 of Farm Brakwater is indicated to be ± 50 000 m² in extent;
- Access to the proposed Portion 178/58/48 is indicated to be obtained from an internal collector road that intersects from the B1 Trunk Road;
- The proposed Portion 178/58/48 is situated along hilly terrain with a general downward slope into various directions;
- There is a major stormwater course flowing from the south east, flowing over the south eastern corner of Portion 178/58/48, flowing across the south western part of Portion 178/58/48, flowing into a north westerly direction over the northern part of Portion 358/58/48;
- Another stormwater course flows from the east, flowing across the central part of Portion 178/58/48, flowing into the stormwater course as referred to above;
- There is another stormwater course flowing from the north east, flowing across the north western corner of Portion 178/58/48, flowing into the stormwater course as referred to above; and
- A future planned arterial road encroaches along the southern boundary of Portion 178/58/48.

There is no objection to the proposed rezoning of Portion 178/58/48 from 'residential' to 'institutional': Provided:

- That the applicant appoint a registered professional Engineer to compile a detailed 50 year flood report of the 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, appoints 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 any river or stormwater course.
- That no development be allowed within the 50 year flood level of any stormwater course.
- That no development will be allowed onto or over any stormwater system or structure.
- That any stormwater crossing be accommodative of at least a 50 year flood.
- 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 access and right of way servitudes be according to the conditions as stipulated by the Strategic Executive: Urban and Transport Planning.
- That should any services be required to be taken over, a Development Agreement be signed.

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 or sewer services are available.

- That it be noted that Council conducted a bulk Water and Sewer Reticulation Master Plan for the entire Brakwater area during 2010, and the bulk services requirements anticipated for the area is specified in the said document.
- That the supply of bulk water and sanitation/sewerage services, if feasible for the applicant, be executed in-line with the bulk services framework established for the entire area.
- That all cost for the provision of bulk and internal services be borne by the Developer, including the cost of bulk infrastructure upstream and downstream from the development.
- That all new water and sewer infrastructure requirements comply with the standard conditions to large subdivisions in respect of services, and that it be noted that these requirements can be obtained from the Department of Infrastructure, Water and Technical Services (Engineering Services Division).
- That the Developer appoint a registered professional Engineer to design the water supply reticulation and sewer reticulation to the applicable municipal standards and subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services before construction commence.
- That the Developer provide its own water storage for the development with a storage capacity of 48 hours, as well as sufficient storage for fire risk.
- That it be noted that the Municipal Council of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorates in case of boreholes.
- That the Developer appoint a registered professional Engineer to propose an acceptable waste water disposal system subject to the following:
 - That no pollution of the ground water occur.
 - That there be no health risks to the users and surrounding residents.
 - That final effluent at all times comply with applicable legislation.
- 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, and 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 facility comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.
- That the operation and maintenance of all water and sewer infrastructure be the responsibility of the Developer.
- 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 no objection to the application submitted.

Council does not have any electrical network in the area. However, there is electricity in the area under the operation of NamPower, and the applicant must approach NamPower.

Furthermore, since the Electricity Control Board (ECB) has a proposal that Council to possibly take over the distribution in this area, hence the applicant or his/her electrical engineering representative should approach the Strategic Executive: Electricity to be advised on Council electricity specifications when designing for internal reticulations, and all design drawings to be submitted for approval by the Strategic Executive: Electricity.

Comments from the Strategic Executive: Economic Development and Community Services

- Environmental Management

The application is supported: Provided that the following conditions be adhered to prior to construction:

- That the applicant conduct an Environmental Impact Assessment (EIA) to assess the environmental impacts of the proposed activities.
- That the applicant notify and register with the Health and Environment Services upon commencing with the Environmental Impact Assessment (EIA) process.
- That the applicant obtain an Environmental Management Clearance Certificate and submit a copy to the Health and Environment Services Division.

Urban Policy evaluation

Portion 178/58/48, Brakwater falls within the Brakwater Policy Area B which intends residential use as the Northern Flats, Brakwater.

In terms of Table B the following land uses are allowed on an 'institutional' zoned land:

Use zone (1)	Primary uses (2)	Consent uses (3)	Prohibited uses (4)
IX Institutional	Places of instruction, social halls and places of public worship	Dwelling units, residential buildings, institutions, special buildings, shops, industrial buildings and business buildings	Other uses not under columns 2 and 3

The proposed development includes the following amenities, which can only be considered on a small scale in relation to the proposed institutional use. These activities should not be separate activities and/ or 'leases' to third parties for business purposes:

- A bus parking area;
- Canteen or food store;
- Material storage; and
- Animal shelter.

Betterment fee

No betterment fee is applicable to a rezoning application to 'institutional'.

Conclusion

The application for the rezoning of Portion 178/58/48, Brakwater from 'residential' with a density of 1:5 hectare to 'institutional' for a rehabilitation centre is supported.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the rezoning of Portion 178/58/48, Brakwater from 'residential' with a density of 1:5 hectare to 'institutional' be recommended with a built area of not more than a bulk of 0.1.
- 2 That all amenities be for the institutional uses, and not serve as third party business leases.

- ***
- 3 That the applicant take note of the collector road running on the southern boundary of the erf as per the Figure 1, **attached as page 381 to the agenda**. [The collector road is 25 metres wide. Exact co-ordination can be obtained from the Strategic Executive: Urban and Transport Planning. A right of way servitude must be registered over the portions in favour of the general public (Farm 178/58/48 - 12.8 metre on the southern boundary and Farm 92/59/48 – 12.2 metre over the northern boundary).]
 - 4 That the 10 metre right of way servitude be increased to a minimum of 12.8 metre of the portion of collector roads running over the southern boundary of the farm, and access be maintained from the collector road.
 - 5 That adjacent neighbouring properties accept the collector alignment in writing or propose an alternative for consideration by the Strategic Executive: Urban and Transport Planning.
 - 6 That in the event of neighbouring properties not accepting the collector alignment the applicant submit an alternative collector alignment for the approval of the Strategic Executive: Urban and Transport Planning.
 - 7 That the parking requirement for 'institutional' be one (1) parking bay per classroom plus one (1) parking bay per ten (10) children for on and off-loading.
 - 8 That for office use, one (1) parking bay be provided for every 25 m² utilised bulk.
 - 9 That for canteen or food store/restaurant, one (1) parking bay be provided per three (3) seats plus a loading zone.
 - 10 That the development plans be submitted to the Strategic Executive: Urban and Transport Planning prior to the submission of a building permit application.
 - 11 That the applicant appoint a registered professional Engineer to compile a detailed 50 year flood report of the stormwater courses at own cost and risk.
 - 12 That the applicant accept and apply the outcome of the detailed 50 year flood report as approved, and if dictated 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.
 - 13 That no adjacent or opposite property be negatively affected by the proposed development along any river or stormwater course.
 - 14 That no development be allowed within the 50 year flood level of any stormwater course.
 - 15 That no development be allowed onto or over any stormwater system or structure.
 - 16 That any stormwater crossing be accommodative of at least a 50 year flood.

- 17 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:
- 17.1 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.
- 17.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 17.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 17.4 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.
- 17.5 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.
- 17.6 That no building plans be approved until the stormwater conditions are met.
- 17.7 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 approval 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.]
- 18 That roads and stormwater be planned, designed and constructed to municipal standard.
- 19 That access and right of way servitudes be according to the conditions as stipulated by the Strategic Executive: Urban and Transport Planning.
- 20 That should any services be required to be taken over by Council, a Development Agreement be signed.
- 21 That it be noted that no existing bulk water or sewer services are available.

- 22 That it be noted that Council conducted a bulk Water and Sewer Reticulation Master Plan for the entire Brakwater area during 2010, and the bulk services requirements anticipated for the area is specified in the said document.
- 23 That the supply of bulk water and sanitation/sewerage services, if feasible for the applicant, be executed in-line with the bulk services framework established for the entire area.
- 24 That all cost for the provision of bulk and internal services be borne by the Developer, including the cost of bulk infrastructure upstream and downstream from the development.
- 25 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 obtained from the Department of Infrastructure, Water and Technical Services (Engineering Services Division).
- 26 That the Developer appoint a registered professional Engineer to design the water supply reticulation and sewer reticulation to the applicable municipal standards and subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services, before construction commence.
- 27 That the Developer provide its own water storage for the development with a storage capacity of 48 hours, as well as sufficient storage for fire risk.
- 28 That it be noted that the Municipal Council of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorates in case of boreholes.
- 29 That the Developer appoint a registered professional Engineer to propose an acceptable waste water disposal system subject to the following:
 - 29.1 That no pollution of the ground water occur.
 - 29.2 That there be no health risks to the users and surrounding residents.
 - 29.3 That final effluent at all times comply with applicable legislation.
- 30 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, and the issuing of the waste water discharge permit be subject to the adherence of all conditions pertaining to such permit.
- 31 That only full waterborne waste systems be utilised and all Windhoek service standards should apply.
- 32 That final effluent from any treatment facility comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.
- 33 That the operation and maintenance of all water and sewer infrastructure be the responsibility of the Developer.

- 34 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/.
- 35 That the applicant note that Council does not have any electrical network in the area, however, there is electricity in the area under the operation of NamPower, and the applicant must approach NamPower.
- 36 That note be taken that, since the Electricity Control Board (ECB) has a proposal of Council to possibly take over the distribution in this area, hence the applicant or his/her electrical engineering representative should approach the Strategic Executive: Electricity to be advised on Council's electricity specifications when designing for internal reticulations, and all design drawings to be submitted for approval by the Strategic Executive: Electricity.
- 37 That the applicant conduct an Environmental Impact Assessment (EIA) to assess the environmental impact of the proposed activities.
- 38 That applicant notify and register with the Health and Environment Services upon commencing with the Environmental Impact Assessment (EIA) process.
- 39 That the applicant obtain an Environmental Management Clearance Certificate and submit a copy to the Health and Environment Services Division.

 [Municipal Council Agenda: 2022-08-10(07-28)]

10.1.15

**FNS.6 [UTP] APPLICATION FOR THE
 REZONING OF ERF 5391, SHOVELLER
 STREET, KHOMASDAL EXTENSION 16
 FROM 'BUSINESS' WITH A BULK OF 1.0
 TO 'GENERAL RESIDENTIAL'
 WITH A DENSITY OF 1:50
 (L/5391/KD)**

Application

An application was received from KAMAU Town Planning & Development Specialists on behalf of the owner, Joseph Ndafediva, of Erf 5391 Khomasdal on 13 January 2022 for:

- Rezoning of Erf 5391, Khomasdal from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:50.

The Power of Attorney is signed by Josef Ndakalimwe Ndafediva in his capacity as sole member of Ndakalimwe Investment CC (CC/2010/1133).

*** The full application, including relevant correspondence/documentation is **attached as pages 412 - 448 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 5391, Khomasdal is zoned 'business' with a bulk of 1.0 and is 547 m² in extent. Ten (10) dwelling units were constructed on the erf. The units are 52 m² each.

The erf is located in Shoveller Street, which was planned to contain businesses on either side. A new service station was constructed recently on Erf 5425, Khomasdal.

Development intention

The intension of the owner is to bring the land use activity in line with the zoning of the erf.

Advertisement

The public consultation process was completed as follows for the proposed development in line with the requirements of the Public Consultation Policy:

- *** - The application was advertised in the New Era and Confidantè of 18 and 25 February 2022, as per the advertisements, **attached as pages 435 - 438 to the agenda**;
- *** - A notice, **attached as page 439 to the agenda**, was put on-site;
- *** - A notice, **attached as page 440 to the agenda**, was put at the Customer Care Centre (CCC);
- *** - Registered letters were sent to the owners of Erven 5451, 5371, 5372, 5373, 5390 and 5392 (refer to proof, **attached as page 441 to the agenda**);
- *** - A notice, **attached as page 442 to the agenda**, was also inserted in the Government Gazette No. 7758 of 1 March 2022.

The closing date for objections was 11 March 2022. 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

The proposed application can be granted but due consideration of Urban Policy comments and the undertaking of the relevant by-laws as administered by the respective division should be noted.

All relevant planning procedures to be undertaken in accordance to planning laws, and the associated liabilities be accounted for by applicant.

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

The erf is located Shoveller Street in Khomasdal. The erf is 547 m² in extent and is currently zoned 'business' with a bulk of 1.0. The street is a major collector road and carries moderate traffic volumes. Most erven in this area are still underdeveloped and traffic is expected to peak up once the area is fully developed. The rezoning to 'general residential' with a density of 1:50 generates lower vehicular trips than the current business having a bulk of 1.0, thus the rezoning will not generate any additional trips to the current road network.

The division would want to reemphasise its previous raised concerns, raised numerous times in the past ten (10) years, in which planning is done to create workplaces close to residential areas, to amongst others, minimise travel needs, and these are converted into residential areas, undermining such planning objectives. Accordingly, good planning intentions are undermined by own policies. Despite such raised concerns same remains undressed.

There is no objection to the proposed rezoning of Erf 5391, Khomasdal Extension 16 from 'business' with a bulk of 1.0 to 'general residential' with a density 1:50: 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 units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erf 5391 has a general downward slope from the northeast into a southwesterly direction;
- There is a stormwater course flowing from the northeast, flowing across the proposed Erf 5391, flowing into a southwesterly direction; and
- Access to the proposed Erf 5391 is indicated to be obtained from Shoveller Street.

There is no objection to the proposed application for the rezoning of Erf 5391, Shoveller Street, Khomasdal from 'business' to 'general residential': 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 should any services require to be taken over by the City, a Development Agreement be signed.

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

- **Engineering Services**

There is no objection to the application: Provided:

- That any additional requirements with regard to 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: Electricity

- **Technical Support**

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, 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.

Strategic Executive: Economic Development and Community Services

- Environmental Management

The division is supporting the application with no environmental requirements.

Urban Policy evaluation

Erf 5391, Khomasdal is located in an area the Municipal Council of Windhoek perceived to be a business and industrial development node. The closest node is found in Delhi Square in Otjomuise.

The 'business' zoning allows the following:

Table B: Land use zones

Use zone (1)	Primary uses (2)	Consent uses (3)	Prohibited uses (4)
IV Business	Shops, business buildings, dwelling units, residential buildings and social halls	Other uses not under columns 2 and 4	Noxious industrial buildings

The owner made use of the above primary land use of dwelling units and constructed the eight units on Erf 5391, Khomasdal.

Council Resolution 79/03/2020 introduced a density of 1:50 for residential development. This density was proclaimed in Amendment Scheme 102. Two (2) erven, i.e. Erven 6533 and 5471, obtained consent for a density of 1:50. These erven are located at about 300 metres south of Erf 5391, Khomasdal.

Betterment fee

No betterment fee is payable.

Conclusion

The rezoning of Erf 5391, Khomasdal is supported. The eight (8) units are already build.

Management Committee, having considered the application,

RECOMMENDED

- 1 That Erf 5391, Khomasdal be rezoned from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:50.

- 2 That the existing Title Deed conditions be retained for the erf.
- 3 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 units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.
- 4 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:
 - 4.1 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.
 - 4.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
 - 4.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
 - 4.4 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.
 - 4.5 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.
 - 4.6 That no building plans be approved until the stormwater conditions are met.
 - 4.7 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 approval 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.]
- 5 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.

- 6 That only one (1) service connection from the municipal electrical network be allowed per erf.
- 7 That it be noted that the erf is already serviced and more meters are thus allowed for erven zoned 'general residential' as per density of the erf.
- 8 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.
- 9 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.
- 10 That it be noted that any additional requirements with regard to water or sewer services be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 11 That the applicant acknowledge receipt of this Council Resolution in writing, within twenty eight (28) days of receipt of this letter.
- 12 That it further 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.
- 12.1 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.

 [Municipal Council Agenda: 2022-08-10(07-28)]

10.1.16

**FNS.7 [UTP] APPLICATION FOR THE
 REZONING OF ERF 8681, WINDHOEK FROM
 'RESIDENTIAL' WITH A DENSITY OF 1:900 m²
 TO 'OFFICE' WITH A BULK OF 1.0
 (L/8681/W)**

Application

An application was received from Plan Africa Consulting on behalf of the owner, the Business and Intellectual Property Authority (BIPA), on 5 August 2021 for:

- Rezoning Erf 8681, Windhoek from 'residential' with a density of 1:900 m² to 'office' with a bulk of 1.0 with a revised application (the initial application was for a bulk of 2.0);

- Consent in terms of Council's Heritage Policy to use the existing historical building on the erf as included in Table H of the Town Planning Scheme for office purposes; and
- Consent to proceed with construction and the use of the existing house while the rezoning is in process.

*** The full application, including relevant correspondence/documentation is **attached as pages 449 - 484 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 8681, Windhoek is 3 479 m² in extent and is zoned 'residential' with a density of 1:900 m² in extent. The erf was subdivided from Erf 1575, Windhoek and is located opposite the Offices of the Registrar of Deeds and the Surveyor General. The erf and building is part of heritage classified buildings along Robert Mugabe Avenue.

Development intention

The intension of the owner is to use existing heritage buildings for offices under a consent and later construct a multi-storey office building with a bulk of 1.0, that would be in addition to the exiting floor area of the exiting heritage building.

Advertisement

The public consultation process was completed in line with the requirements of Council's Public Consultation Policy for the proposed development as follows:

- *** - The proposed rezoning was advertised in the New Era and Namibian newspapers on 8 and 15 September 2021, as per the advertisements, **attached as pages 461 - 467 to the agenda;**
- *** - A notice of the proposed rezoning, **attached as page 468 - 469 to the agenda**, was placed on the Notice Board at the Municipal Council of Windhoek's Customer Care Centre (CCC) as well as on-site;
- *** - Neighbour consultation letters/forms were sent to the direct neighbours on Erven 5648, 8680, 841 and 8682, Windhoek (refer to proof, , **attached as page 470 to the agenda**); and
- *** - A notice was also placed in the Government Gazette No. 7636 of 15 September 2021, **attached as pages 471 - 472 to the agenda.**

The closing date for objections was 29 September 2021. No objections were received.

Technical comments

The application was circulated, and the following service comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- Sustainable Development

There is no objection provided that the applicant meet all Council requirements.

- Roads Planning, Design and Traffic Flow

Erf 8681 is located between Robert Mugabe Avenue and Sperlingslust Street. The erf still obtain access from Robert Mugabe Avenue because Sperlingslust Street is not yet upgraded to bitumen standard. Erf 8681, Windhoek is zoned 'residential' with a density of 1:900 m² and is 3 479 m² in extent. Robert Mugabe Avenue is a busy arterial road with high traffic volumes during peak hours. However, there is currently no alternative access. The proposed rezoning of Erf 8681, Windhoek from 'residential' with a density of 1:900 m² to 'office' with a bulk of 1.0 for the purpose of Business and Intellectual Property Authority (BIPA) offices will be generating two hundred and seventy one (271) additional trips to the current road network.

This division objects to the proposed rezoning of Erf 8681, Windhoek from 'residential' with a density of 1:900 m² to 'office' with a bulk of 1.0 for the purpose of Business and Intellectual Property Authority (BIPA) offices, due to the following:

- Only a bulk of 0.4 can be supported for this erf without a Traffic Impact Assessment (TIA);
- Of immediate requirement is that no access or on street parking will be allowed from Robert Mugabe Avenue for 'office' zoning, hence Sperlingslust Street would have to be constructed and upgraded to bitumen standard to enable access to the erf;
- It is currently difficult to access Robert Mugabe Avenue due to the high traffic volumes, A Traffic Impact Assessment (TIA) will be required to assess system capacity, Non-Motorised Transport (NMT) and public transport requirements;
- The applicant is thus requested to conduct a Traffic Impact Assessment (TIA), as an area wide Traffic Impact Assessment (TIA) is required to determine capacity of the immediate road network and the mitigation required to support a bulk of two (2) or any other higher than 0.4 as guided by the findings of the Traffic Impact Assessment (TIA). Such Traffic Impact Assessment (TIA) must consider amongst others the node encompassed by Robert Mugabe Avenue, Heinitsburg Street, and Sam Nujoma Drive as being directly influenced by such a bulk.

With due consideration for a public transport facility. Subsequently same needs to be planned and incorporated close to the road reserve making adequate provision for turnaround movements;

- The roads and intersection improvements for transport systems within the indicated enclave of the development must be informed by the Traffic Impact Assessment (TIA) to be submitted together with conceptual plans to the Chief Engineer: Transport Planning, Design and Traffic Flow (Department of Urban and Transport Planning);
- The applicant must further take note that where Street upgrading are required a corresponding Development Agreement needs to be signed with Council. An Engineer must be appointed for the detail design and supervision of the proposed construction work for the applicant's account, and such work must be completed to the satisfaction on the Strategic Executive: Urban and Transport Planning, before a completion certificate is approved for the site development;
- The Engineer must consult the Chief Engineer: Roads Planning, Design and Traffic Flow, during the planning stages to ensure that all potential drawbacks in respect of traffic impact and access are addressed before development gets under way;
- Adequate stacking should be accommodated at the entrance (to be informed by the Traffic Impact Assessment (TIA)) before access to any drop off area or parking facility, being to the satisfaction of the Strategic Executive: Urban and Transport Planning;
- The minimum parking requirements to be provided on-site are as follows:
 - Parking requirement for office is one (1) parking bay per 25 m² utilised bulk to be provided for on-site; and
 - A minimum of one (1) exclusive parking bay must be provided for every dwelling unit on-site;
- The free residential bulk is limited to 50 % of the allowable bulk.

There is objection to the use of the existing house, while the rezoning is in process, due to the following:

- The applicant failed to submit a plan indicating parking for the current building - applicant must provide the parking layout with parking calculations;
- Parking requirement for office is one (1) parking bay per 25 m² utilised bulk to be provided for on-site;
- Parking calculations for office space includes the 199 m²;

- Parking requirement for office is one (1) parking bay per 25 m² utilised bulk to be provided for on-site; and
- Consent use can be supported if parking requirements are met.

There is objection to the additional free residential bulk to be used exclusively for residential purposes: Provided:

- That the 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.

- **Roads and Stormwater**

The application for the proposed rezoning of Erf 8681, Robert Mugabe Avenue, Windhoek, from 'residential' to 'office', received on 2 September 2021, refers.

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

- The proposed Erf 8681 has a general downward slope from the northeast into a south westerly direction;
- There is a defined stormwater course flowing from the northeast into a south westerly direction, flowing ± 10 to 13 metres away from the southern boundary of the proposed Erf 8681; ND
- Access to the proposed Erf 8681 is indicated to be obtained from Robert Mugabe Avenue.

There is no objection to the proposed application for rezoning of Erf 8681, Robert Mugabe Avenue, Windhoek, from 'residential' to 'office', 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 regarding the above subject matter has reference:

The Development Proposal indicates that the applicant intends to rezone Erf 8681, Windhoek, which will result in additional loads on existing water and sewer networks.

No municipal sewer connection is available for Erf 8681, Windhoek.

The applicant is advised that the consideration of the intended rezoning will be subject to the submission and approval of an Engineering Report/Design for water and sewer provision as stipulated by the Department of Infrastructure, Water and Technical Services as follows:

- That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report that is 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 the 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 stipulate at least the following:
 - The expected water demand for the proposed development;
 - How access to an existing water supply source or linkage to an existing water supply network will cater for the water demand of the development;
 - An analysis of the impact of the proposed development on the existing bulk water infrastructure within the applicable pressure zone, as well as on the existing water supply source by taking the existing water demand as well as the additional water demand, due to the development, into account;
 - The minimum and maximum pressures within the municipal reticulation network under peak and low flow demand within the applicable pressure zone;
 - The calculated design waste water generated by the proposed development;
 - How the generated waste water will be disposed of; and
 - 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.
- That the Design Report 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 recommended by the Design Report, be borne by the applicant.
- That it be noted that a Design Report be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission to the 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 the applicant appoint a registered professional Engineer to design a municipal sewer connection for the erf.
- That the sewer design be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with construction work.
- That after approval of the sewer design, the applicant appoint a Contractor to do the construction of the sewer line.
- That the supervision of the construction work be done by a registered professional Engineer.
- That all costs involved due to the municipal sewer connection be for the applicant's account.
- That it be noted that a sewer design 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 a municipal sewer connection is provided to the erf, and before infrastructure is upgraded as per approved Design Report by the applicant and taken over by Council.
- 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

There is in principle no objection to the application submitted for the rezoning of Erf 8681 from 'residential' to 'office', with a bulk of 1.0, as well as consent use as per subject matter: 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.

Urban Policy evaluation

Erf 8681, Windhoek falls within the Windhoek Township (Central) Office and High Density Policy area, which would allow for a bulk of 0.4 and a density of 1:250 m². This policy area aimed at development within an existing building, usually an old house with minor alterations or demolishing of an old house to revive the area around the Central Business District (CBD) without much pressure on services.

The existing house on Erf 8681, Windhoek is an example of a heritage building, which should be preserved in terms of Table H of the Windhoek Town Planning Scheme.

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 cascades 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 table above (highlighted line) indicates the category within which Erf 8681, Windhoek falls in terms of the current approved Structure Plan, i.e. Central Business District (CBD) Periphery and therefore qualifies for office zoning with a bulk factor of maximum 1.0. Consent to use the current heritage building for offices while planning procedures are being finalised can be considered.

Heritage consent

The Windhoek Town Planning Scheme as per Table H indicates that Erf 8681, Windhoek, which was subdivided from mother Erf 1575, Windhoek has various grades for preservations. These grades were allocated by the Heritage Council in conjunction with the Municipal Council of Windhoek. These grades are as follows:

Erf No.	Street name	Description	Grade
Erf 1575	Robert Mugabe Avenue	Dwelling	B76
Erf 1575	Robert Mugabe Avenue	Dwelling	B79
Erf 1575	Robert Mugabe Avenue	Dwelling	B69
Erf 1575	Robert Mugabe Avenue	Dwelling	B74
Erf 1575	Robert Mugabe Avenue	Dwelling	B74
Erf 1575	Heinitzburg Street	Dwelling	C48

It is required that the entire building be preserved as opposed to only a certain feature. The applicant had indicated this would be the case.

Heritage building means *a building included in Table H and which, in the opinion of Council, is worth preserving in whole or in part.*

Heritage consent means *the entering into of an agreement between Council and the owner of a 'heritage building' in terms of which agreement the owner undertakes to preserve the building or certain specified features of the building to the satisfaction of Council as quid pro quo for the granting of permission by Council to use such building and ground for any use, provided that Council shall not enter into such an agreement where it is expected that the use will have a detrimental effect on the neighbourhood.*

In terms of the proposed zoning and heritage consent, the erf can be used for offices. By granting consent for the use of the building on Erf 8681, Windhoek, Council and the owner agree to maintain and preserve the heritage status, irrespective a portion to be preserved or the whole of the erf. It can also be the entire building, which is mostly the case.

In compliance with the above heritage consent, the following implications will be applicable:

- With an erf size of 3 479 m², a bulk of 1.0 will culminate in building with a floor area 3 479 m². This would exclude the floor area of the heritage consent, which will bring the total allowable bulk floor area to 3 678 m². The corresponding parking for the total allowable floor area must be provided on-site.

In the case where the applicant must preserve a heritage building as stipulated in the Windhoek Town Planning Scheme, the applicant is 'rewarded' with additional floor area. This conservation of heritage buildings mandates the Municipal Council of Windhoek to be responsive in the same way as the undertaking by the applicant to preserve and maintain the building.

The Roads Planning, Design and Traffic Flow Division however indicated that the building on the erf was used for residential purposes and the use by one family could sustain the access from Robert Mugabe Avenue. However, the drastic increase in the proposed land use activities to office with a bulk of 1.0, would not justify safe access anymore. Robert Mugabe Avenue is a busy Arterial Street with high traffic volumes during peak hours. However, there is currently no alternative access as the alternative access, Sperlingslust Street is not constructed yet.

The applicant is thus requested to conduct a Traffic Impact Assessment (TIA) Study. An area wide Traffic Impact Assessment (TIA) is required to determine capacity of the immediate road network and the mitigation required to support a bulk of two (2) or any other higher than 0.4 as guided by the findings of the Traffic Impact Assessment (TIA). Such traffic impact assessment must consider amongst other the node encompassed by Robert Mugabe Avenue, Heinitzburg Street, and Sam Nujoma Drive as being directly influenced by such a bulk.

With due consideration for a public transport facility. Subsequently same needs to be planned and incorporated close to the road reserve making adequate provision for turnaround movements.

The Department of Infrastructure, Water and Technical Services also indicated that there are no municipal services connection available for Erf 8681, Windhoek. This intended Development Proposal will result in additional loads on existing water and sewer networks. Thus, the applicant is advised that the consideration of the intended rezoning will be subject to the submission and approval of an Engineering Report/Design for water and sewer provision as stipulated by the Department of Infrastructure Water and Technical Services as contained in the recommendations.

Betterment fee

A betterment fee of 40 % is payable, which amounts to N\$459 228.00.

Conclusion

The rezoning from 'residential' with a density of 1:900 m² to 'office' with a bulk of 1.0 and consent to use the heritage building for offices is in line with the Windhoek Structure Plan and the policy on heritage buildings and is supported, subject to all technical conditions and the payment of the compensation.

Management Committee, having considered the application,

RECOMMENDED

- 1 That Erf 8681, Windhoek be rezoned from 'residential' with a density of 1:900 m² to 'office' with a bulk of 1.0.
- 2 That the applicant take note that the rezoning will only be submitted to the Urban and Regional Planning Board for final approval and promulgation upon compliance with all the infrastructure provision conditions and service design approvals as stated in this Council Resolution.
- 3 That consent be granted to use the heritage building for offices, which serves as additional floor area and be excluded from the bulk of 1.0 calculations, with corresponding parking, and after compliance with all conditions and service design approvals as stated in this Council Resolution. [The exclusion of the bulk calculations for the heritage building serves as an incentive for the preservation and renovations of the building.]
- 4 That the applicant forward an undertaking and sign an agreement to preserve and maintain the heritage building as offices with the accompanied preservation detail thereof separately and before the submission of a new building plan.
- 5 That the applicant take note that the rezoning of Erf 8681, Windhoek will result in additional load on existing water, sewer and road networks.
- 6 That the applicant take note that no municipal sewer connection is available for Erf 8681, Windhoek.
- 7 That the applicant be advised that the submission of the intended rezoning to the Urban and Regional Planning Board will be subject to the submission and approval of an Engineering Report/Design for water and sewer provision as stipulated by the Strategic Executive: Infrastructure, Water and Technical Services as follows:
 - 7.1 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 bulk sewer infrastructure.
 - 7.2 That the Design Report be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with detail water and sewer infrastructure designs.

- 7.3 That all costs involved due to the Design Report be for the applicant's account.
- 7.4 That the Design Report stipulate at least the following:
 - 7.4.1 The expected water demand for the proposed development;
 - 7.4.2 How access to an existing water supply source or linkage to an existing water supply network will cater for the water demand of the development;
 - 7.4.3 An analysis of the impact of the proposed development on the existing bulk water infrastructure within the applicable pressure zone, as well as on the existing water supply source by taking the existing water demand as well as the additional water demand, due to the development, into account;
 - 7.4.4 The minimum and maximum pressures within the municipal reticulation network under peak and low flow demand within the applicable pressure zone;
 - 7.4.5 The calculated design waste water generated by the proposed development;
 - 7.4.6 How the generated waste water will be disposed of;
 - 7.4.7 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
 - 7.4.8 The Design Report must 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.
- 8 That all cost for the upgrading of existing services if recommended by the Design Report, be on the applicant's.
- 9 That it be noted that a Design Report shall be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission of the rezoning application to the Urban and Regional Planning Board.
- 10 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.
- 11 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/.

- 12 That the applicant appoint a registered professional Engineer to design a municipal sewer connection for the erf.
- 13 That the sewer design be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with construction work.
- 14 That after approval of the sewer design, the applicant appoint a Contractor to do the construction of the sewer line.
- 15 That the supervision of the construction work be done by a registered professional Engineer.
- 16 That all costs involved due to the municipal sewer connection be for the applicant's account.
- 17 That it be noted that a sewer design should be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission to Urban and Regional Planning Board.
- 18 That no building plans be approved before a municipal sewer connection is provided to the erf, and before infrastructure is upgraded as per approved Design Report by the applicant and taken over by Council.
- 19 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 applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 20 That no access or on street parking be allowed from Robert Mugabe Avenue for the proposed 'office' zoning, hence Sperlingslust Street would have to be constructed and upgraded to bitumen standard to enable access to the erf.
- 21 That it is currently difficult to access Robert Mugabe Avenue due to the high traffic volumes, a Traffic Impact Assessment (TIA) will be required to assess system capacity, Non-Motorised Transport (NMT) and public transport requirements.
- 22 That the applicant thus be requested to conduct a Traffic Impact Assessment (TIA) Study, as an area wide Traffic Impact Assessment (TIA) is required to determine capacity of the immediate road network and the mitigation required to support a bulk of 1.0 or any other higher than 0.4 as guided by the findings of the Traffic Impact Assessment (TIA).
- 23 That such Traffic Impact Assessment (ITA) consider amongst others the node encompassed by Robert Mugabe Avenue, Heinitzburg Street and Sam Nujoma Drive as being directly influenced by such a bulk with due consideration for a public transport facility, and subsequently same be planned and incorporated close to the road reserve making adequate provision for turnaround movements.

- 24 That the roads and intersection improvements for transport systems within the indicated enclave of the development be informed by the Traffic Impact Assessment (TIA) to be submitted together with conceptual plans to the Strategic Executive: Urban and Transport Planning.
- 25 That the applicant further take note that where street upgrading is required a corresponding Development Agreement need to be signed with Council.
- 25.1 That an Engineer be appointed for the detail design and supervision of the proposed construction work for the applicant's account, and such work be completed to the satisfaction on the Strategic Executive: Urban and Transport Planning, before a completion certificate is approved for the site development.
- 26 That the Engineer consult the Strategic Executive: Urban and Transport Planning, during the planning stages to ensure that all potential drawbacks in respect of traffic impact and access are addressed before development gets under way.
- 27 That adequate stacking be accommodated at the entrance (to be informed by the Traffic Impact Assessment (TIA)) before access to any drop-off area or parking facility, being to the satisfaction of the Strategic Executive: Urban and Transport Planning
- 28 That the minimum parking requirement be provided on-site be as follows:
 - 28.1 That the parking requirement for office be one (1) parking bay per 25 m² utilised bulk to be provided for on-site.
 - 28.2 That a minimum of one (1) exclusive parking bay be provided for every dwelling unit on-site.
 - 28.3 That the free residential bulk be limited to 50 % of the allowable bulk.
- 29 That the existing historical building on Erf 8681, Windhoek for the purposes of office floor area of 199 m² be exempted from the calculation of bulk in exchange of the preservation of the historical building, subject to the following conditions:
 - 29.1 That the parking calculations for office space include the 199 m² for the heritage building.
 - 29.2 That the parking requirement for office be one (1) parking bay per 25 m² utilised bulk to be provided for on-site.
 - 29.3 That the applicant be requested to conduct a Traffic Impact Assessment (TIA) Study to determine the impact caused by the rezoning of Erf 8681 to 'office' with a bulk of 1.0 and the mitigation thereof, considering the capacity of the major network and intersections in the vicinity.

- 30 That the use of the existing house, while the rezoning is in process not be granted, due to the following:
- 30.1 The applicant failed to submit a plan indicating parking for the current building;
- 30.2 The applicant must provide the parking layout with parking calculations;
- 30.3 The parking requirement for office is one (1) parking bay per 25 m² utilised bulk to be provided for on-site; and
- 30.4 Consent use can be supported if parking requirements are met.
- 31 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
- 31.1 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.
- 31.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 32 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.
- 33 That only one (1) service connection from the municipal electrical network be allowed.
- 34 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.

- 35 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.
- 36 That the applicant accept the conditions of this Council Resolution in writing within twenty eight (28) days of receipt thereof.
- 37 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.
- 37.1 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.

 [Municipal Council Agenda: 2022-08-10(07-28)]

**10.1.17 FNS.8 [HPH] APPLICATION TO LEASE
 ERF 2882, WANAHEDA TO OPERATE
 A RECREATIONAL PARK
 (L/2882/Wan)**

Background

- *** An application dated 29 January 2019, **attached as pages 485 - 488 to the agenda**, was received from Mr Collin Kustaa to lease Erf 2882, Wanaheda for recreational purposes inclusive of a gym, playground with swings, plastics pools and jumping castles, mini car wash, internet, photo copying and printing and photo development and a kiosk for non-alcoholic beverages as well as refreshments.
- *** The Municipal Council of Windhoek as per letter dated 17 May 2019, **attached as page 489 to the agenda**, informed the applicant that Erf 2882, Wanaheda is zoned 'public open space' and in terms of the Windhoek Town Planning Scheme, public open spaces are reserved for public use and strictly to be used as open space, parks, garden, playground and recreation. Commercial activities such as operating a gym, printing shop and kiosk can therefore not be allowed on a 'public open space' zoned land. In the same vein the Municipal Council of Windhoek also informed the applicant that the Municipal Council of Windhoek is in the process of reviewing the current Car Wash Policy and Procedures and is therefore not in a position to process the said application for a car wash. The Municipal Council of Windhoek further advised the applicant that for a playground, the Council requires him to submit a properly drawn diagram depicting the exact the extent of the proposed site which is important for the Municipal Council of Windhoek to make proper investigation onto his lease proposal.

*** Given the response from the Municipal Council of Windhoek, the applicant per letter dated 29 July 2019, **attached as pages 490 - 493 to the agenda**, responded that they wanted to lease Erf 2882, Wanaheda for recreational purposes inclusive of mini swings, climbing and sliding towers (small), inflatable kiddies' plastic pools, inflatable jumping castles, toys and sand games as per diagrams.

*** It should be noted that another application dated 11 February 2016 from Safile Engineering cc (Welding), **attached as page 494 to the agenda**, was turned down for reasons given above and as per the letter dated 21 November 2017, **attached as page 495 to the agenda**.

Application

An application dated 29 January 2019 was received from Mr Collin Kustaa to lease Erf 2882, Wanaheda to establish a recreational park.

Site inspection

*** A site inspection was conducted on the subject portion on 8 April 2022, and it revealed that the particular portion is free from any occupation. However, the portion has been cleared as per the aerial photographs, **attached as page 496 to the agenda**.

Property description

*** Erf 2882, Wanaheda is situated on the corner of Claudius Kandovazu and City Streets and is zoned 'public open space' and is $\pm 2\,534\text{ m}^2$ in extent. The applicant requires the entire erf. The locality plan indicating the required portion is **attached as page 492 to the agenda**.

Technical comments

Technical comments were requested on 3 December 2019 and the following were received:

Comments from the Strategic Executive: Economic Development and Community Services

- Health and Environmental Management

There is in principle no objection to the application.

- Parks

There is no objection to lease Erf 2882, Wanaheda and that the design of the recreational park be shared and approved by Council (Parks Division) before signing the Lease Agreement. That the applicant is prohibited to cut and remove protected trees on the erf. The applicant to work around existing protected trees if necessary.

Comments from the Strategic Executive: Electricity

- Technical Support

There is in principle no objection to the application submitted to lease Erf 2882, Wanheda to operate as a recreational park: 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

A water connection is available. Any further water requirements shall be for the applicant's account.

- **Engineering Services**

A sewer line passes through the centre of the erf as well as within the northern part of the erf. No permanent structures shall be erected less than 1.5 metre from the main sewer line. Any further sewer requirements shall be for the applicant's account.

- **Solid Waste Management**

There is no objection to the application; however the applicant is advised to incorporate waste minimisation and recycling activities at an early stage. Since the erf is situated in the formal area, the owner has to make sure that there is enough waste containers such wheelie bins, skips etc. depend on type and kind of waste will be generated on site. The wheelie bins can be obtained from Solid Waste Management which will be charged according to the zoning of the erf, the owner can also make use of other private waste Contractors (the list is available on request from Solid Waste Management Division).

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

- **Property Management**

There is no objection to the proposed lease for a recreational park. The applicant should be given seven (7) days to accept the resolution. Should the lease be terminated for whatever reason that the City not compensate for the improvements.

- **Valuations**

The rental Valuation Certificate for Erf 2882, Wanaheda is **attached as page 497 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.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Planning**

There is no objection to the proposed lease of Erf 2882, Wanaheda for a recreational park. The lease should be kept at a five (5) year renewable period in order to control when problems arises due to the recreational park.

- **Sustainable Development**

Erf 2882, Wanaheda is zoned 'public open space' in terms of the Windhoek Town Planning Scheme. 'Public open spaces' are reserved for amongst other functional areas for 'green spaces' within the built environment. This is in compliance to design guidelines as well as the Urban and Regional Planning Board requirements to provide for functional open spaces, hence the reservation of Erf 2882, Wanaheda. The request to lease a portion can be considered due to its temporary

nature. The proposed activities are not foreseen to have any adverse effect on the surroundings and/or restrict the functionally/purpose of the erf. The Sustainable Development Division in the Department of Urban and Transport Planning DOES SUPPORT the proposed application: Provided:

- That a short term lease be considered to allow for the review of activities.

- **Traffic Flow**

There is no objection to lease Erf 2882, Wanaheda for a recreational facility: Provided:

- That no access be allowed from Claudius Kandovazu and City Streets, due to heavy traffic volumes and proximity of the intersections.
- That access only be allowed only from Harare Street.
- That access be at least 20 metre from the intersection, measured from the intersecting kerbs.
- That no access be allowed over a 'public open space'.
- That parking be provided to the satisfaction of the Strategic Executive: Urban and Transport Planning.

- **Stormwater**

The site was investigated and the following can be reported:

- Erf 2882, Wanaheda is $\pm 2\,533\text{ m}^2$ in extent and has a general downward slope from the north west towards the south east;
- There is a major stormwater course flowing along the south eastern boundary of Erf 2882, Wanaheda flowing between 0 and 15 metres away from the south eastern boundary of Erf 2882, Wanaheda and cutting across the south eastern corner of Erf 2882, Wanaheda;
- There is a minor stormwater course flowing across Erf 2882, Wanaheda flowing over the south western corner of Erf 2882, Wanaheda from underneath City Street, flowing from the south west towards the major stormwater course as referred to above; and
- In addition, there are two (2) more stormwater systems discharging stormwater onto Erf 2882, Wanaheda, one from along City Street from where it flows into a south eastern direction towards the major stormwater course, and the other one that discharges stormwater from Harare street, from where it flows into a south easterly direction towards the major stormwater course as referred to above.

This section therefore does not support the proposed lease of Erf 2882, corner of Claudius Kandovazu and City Streets, Wanaheda, for the purpose of operating a recreational park.

The proposed lease of Erf 2882, corner of Claudius Kandovazu and City Streets, Wanaheda would however be reconsidered: Provided:

- That the applicant appoint a registered professional Engineer to compile a detailed fifty (50) year flood report of the major stormwater course.
- That no development be allowed in the fifty (50) year flood level of the stormwater course.
- 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 across any stormwater course be accommodative of at least a fifty (50) year flood.
- That the applicant appoint a registered professional Engineer at his/her own cost and risk, to determine if any portion of Erf 2882, Wanaheda requires to be protected against any potential flood damage, especially the south eastern boundary of Erf 2882, Wanaheda.

Conclusion

In light of the technical comments as provided under the respective departments, the subject application is supported. The applicant should be given seven (7) days to accept the resolution. Should the lease be terminated for whatever reason that the Municipal Council of Windhoek not compensate for the improvements. The lease should be kept at five (5) year renewable period in order to control when problems arises due to the recreational park and to allow for review of activities.

Management Committee, having considered the application,

RECOMMENDED

- 1 That Erf 2882, corner of Claudius Kandovazu and City Streets, Wanaheda ($\pm 2\,534\text{ m}^2$ in extent) be leased to Mr Collin Kustaa at a monthly rental of N\$6 715.10 for a period of five (5) years subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.

- 1.1 That the application received from Safile Engineering CC (welding) be turned down due to reasons stated in the letter dated 21 November 2017, **attached as page 495 to the agenda.**

- 2 That in the event the applicant fail to conclude the Lease Agreement within the given time that the rental be revised prior to concluding the Lease Agreement.
- 3 That the property only be used for a recreational park.
- 4 That the design of the recreational park be shared and approved by Council (Parks Division) before signing the Lease Agreement.
- 5 That the applicant be prohibited to cut and remove protected trees on the erf.
- 6 That the applicant work around existing protected trees if necessary.
- 7 That it be noted that a 300 kVA substation is situated on a portion of Erf 8628, Wanaheda.
- 8 That it be noted that the Strategic Executive: Electricity will allow the lease of Erf 8628, Wanaheda: Provided that a 6 metre x 6 metre substation area be maintained. [This is to ensure that there is 24/7 access to the substation by the Municipal Council of Windhoek's maintenance team.]
- 9 That unhindered access to Council's electricity infrastructure be availed at all times.
- 10 That should a subdivision be required, the cost be for the applicant's account and the portion for the substation must be zoned as 'municipal'.
- 11 That the following be noted:
 - 11.1 That a water connection is available.
 - 11.2 That a sewer line is passing through the centre of the erf.
 - 11.3 That a sewer line is also passing within the northern part of the erf.
- 12 That no permanent structures be erected less than 1.5 metre from the main sewer line.
- 13 That any further water and sewer requirements be for the applicant's account.
- 14 That the applicant be advised to incorporate waste minimisation and recycling activities at an early stage.
- 15 That the owner ensure that there are enough waste containers such wheelie bins, skips etc. depend on type and kind of waste will be generated on-site, and the following be noted:
 - 15.1 That the wheelie bins can be obtained from Solid Waste Management which will be charged according to the zoning of the erf.

- 15.2 That the owner can also make use of other private waste Contractors (the list is available on request from Solid Waste Management Division).
- 16 That the lease be kept at five (5) year renewable lease period in order to control when problems arise due to the recreational park.
- 17 That no access be allowed from Claudius Kandovazu and City Street, due to heavy traffic volumes and proximity of the intersections.
- 18 That access only be allowed only from Harare Street.
- 19 That access be at least 20 metres from the intersection, measured from the intersecting kerbs.
- 20 That no access be allowed over a public open space.
- 21 That parking be provided to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- 22 That the following also be noted:
 - 22.1 That there is a major stormwater course flowing along the south eastern boundary of Erf 2882, Wanaheda flowing between 0 and 15 metres away from the south eastern boundary of Erf 2882, Wanaheda cutting across the south eastern corner of Erf 2882, Wanaheda.
 - 22.2 That there is a minor stormwater course flowing across Erf 2882, Wanaheda flowing over the south western corner of Erf 2882, Wanaheda from underneath City Street, flowing from the south west towards the major stormwater course as referred to above.
 - 22.3 That there are two (2) more stormwater systems discharging stormwater onto Erf 2882, Wanaheda, one (1) from along City street from where it flow into a south eastern direction towards the major stormwater course, and the other one that discharges stormwater from Harare street, from where it flows into a south easterly direction towards the major stormwater course as referred to above.
- 23 That the applicant appoint a registered professional Engineer to compile a detailed fifty (50) year flood report of the major stormwater course.
- 24 That no development be allowed in the fifty (50) year flood level of the stormwater course.
- 25 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:
 - 25.1 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.
- 25.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 25.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 25.4 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.
- 25.5 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.
- 25.6 That no building plans be approved until the stormwater conditions are met.
- 26 That access across any stormwater course be accommodative of at least a 50 year flood.
- 27 That the applicant appoint a registered professional Engineer at his/her own cost and risk, to determine if any portion of Erf 2882, Wanaheda requires to be protected against any potential flood damage, especially the south eastern boundary of Erf 2882, Wanaheda.
- 28 That the lease be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 29 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).
- 30 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.
- 31 That the resolution be implemented prior to confirmation of the minutes.
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[Municipal Council Agenda: 2022-08-10(07-28)]

10.1.18 FNS.9 [HPH] APPLICATION FOR THE SALE OF ERF 10812, KATUTURA TO THE MOTOR VEHICLE ACCIDENT (MVA) FUND TO ESTABLISH A TRAUMA AND REHABILITATION CENTRE (L/10812/Kat)

Introduction

The purpose of this item is to submit to Council an application received from the Motor Vehicle Accident Fund (MVA) of Namibia to purchase Erf 10812, Katutura.

Application

*** The Motor Vehicle Accident Fund (MVA) of Namibia submitted an application dated 20 October 2021, **attached as pages 498 - 499 to the agenda**, wherein they indicated their interest in purchasing Erf 10812, Katutura. The Motor Vehicle Accident (MVA) Fund intend to develop a trauma and rehabilitation centre.

It is further worth noting that the applicant also indicated interest in purchasing Erf 10811, Katutura. The Motor Vehicle Accident (MVA) Fund intend to develop Phase 1 of the trauma and rehabilitation centre on Erf 10812, Katutura and Phase 2 on Erf 10811, Katutura if approved.

The two (2) properties are located in a close proximity to each other hence the interest by the applicant to have both phases of the trauma and rehabilitation centre on both erven. However, the sale of Erf 10811, Katutura will only be finalised at a later stage once sales conditions have been obtained and approved by Council.

Property description and locality

Erf 10812, Katutura is ± 27 243 m² in extent, is zoned 'business' and situated along Claudius Kandovazu Street, Katutura.

*** The locality of the properties is indicated on the plan, **attached as page 500 to the agenda**.

Background

*** Council per Resolution 267/09/2013, **attached as pages 501 - 504 to the agenda**, resolved to subdivide Erf 2461, Katutura into Portion A (now Erf 10811), Portion B (now Erf 10812) and the Remainder. Council further resolved that Portion B (now Erf 10812, Katutura) be sold to Otjomuise Hospital (Pty) Ltd, subject to the terms and conditions of the Council Resolution 267/09/2013. The subdivision of Erf 2461, Katutura into Portions A, B and the Remainder was finalised where Erven 10811, 10812 and the Remainder of Erf 2461, Katutura have been created. The allocation of Erf 10812, Katutura was cancelled in terms of Council Resolution 254/09/2018, **attached as pages 505 - 506 to the agenda**, due to failure of the purchaser to finalise the sale.

Sales conditions

The Strategic Executive: Housing, Property Management and Human Settlement indicates that Erf 10812, Katutura was previously investigated for technical comments and sales conditions. Such conditions are proposed under the recommendations as it was already obtained as indicated in Council Resolution 267/09/2013, **attached as pages 501 - 504 to the agenda**. It is worth noting that Motor Vehicle Accident (MVA) Fund's request to purchase Erf 10812, Katutura to build a trauma and rehabilitation centre, which use is similar in nature (zoning) as what the property was initially allocated for hence the conditions remaining relatively the same as was approved for Otjomuise Hospital (Pty) Ltd. Since the previous allocation of the subject property was to build a hospital, the sale conditions should be same.

Technical comments

It should be noted that this item was circulated to the Erf Application Committee (technical departments) for confirmations or revision of the technical comments (sales conditions) and the relevant departments confirmed the sale conditions as incorporated in the recommendations. Where the departments have not reconfirmed their comments, the initial comments have been sustained.

Comments from the Strategic Executive: Electricity

- Technical Support

There is in principle no objection to the application submitted for sale of Erf 10812, Katutura to Motor Vehicle Accident (MVA) Fund to establish a trauma and rehabilitation centre: Provided:

- That where MV/HV overhead lines 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 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 the following 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 shall 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 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: Urban and Transport Planning

- Urban Planning

There is no objection to the application, as the erf is zoned 'business' and suitable for medical activities.

- Roads and Stormwater

A stormwater investigation was done and the following is reported:

- Erf 10812 has a general downward slope from the north west towards the south east; and
- There is no stormwater system crossing Erf 10812, except for surface stormwater run-off.

There is no objection to the proposed sale of Erf 10812, Bondel Street Katutura: Provided:

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

Purchase price

The Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuations) determined the value of Erf 10812, Katutura at N\$21 000 000.00 excluding 15 % VAT as indicated on the Valuation Certificate dated 11 February 2022, **attached as page 507 to the agenda.**

Conclusion

In light of the above, the Strategic Executive: Housing, Property Management and Human Settlement propose that Erf 10812, Katutura be sold to the Motor Vehicle Accident (MVA) Fund of Namibia. It is further recommended that approval be granted in principle for the sale of Erf 10811, Katutura to the Motor Vehicle Accident (MVA) Fund for the development of Phase 2, where the sale only be finalised upon finalisation of Phase 1 and subject to sales conditions being obtained and approved by Council.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the application from the Motor Vehicle Accident (MVA) Fund to establish a Trauma and Rehabilitation Centre, be noted.
- 2 That Erf 10812, Katutura be sold to the Motor Vehicle Accident (MVA) Fund at a purchase price of N\$21 000 000.00 (excluding 15 % VAT).
- 3 That approval be granted in principle for the sale of Erf 10811, Katutura to the Motor Vehicle Accident (MVA) Fund for the development of Phase 2, where the sale only be finalised upon finalisation of Phase 1 and subject to sales conditions being obtained and approved by Council.
- 4 That a restrictive condition be registered against the Title of Erf 10812, Katutura that it may only be used for medical purposes (hospital) and that other land uses be considered in line with the provisions of the Windhoek Town Planning Scheme, subject to be approval by the Strategic Executive: Urban and Transport Planning.
- 5 That the applicant note that Erf 10812, Katutura has no access and that Leonard Auaka Street need to be extended by the applicant to provide access, should same not be in place by the time the applicant commence with the development.
- 6 That the applicant note that Erf 10812, Katutura is not serviced.
- 7 That the applicant, at his own cost, conduct a Traffic Impact Assessment (TIA) and submit same, together with conceptual plans to the Strategic Executive: Urban and Transport Planning for consideration, prior to the submission of building plans.

- 8 That the allocation of Erf 10812, Katutura to Motor Vehicle Accident (MVA) Fund be subject to the following conditions:
- 8.1 That access be provided to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- 8.2 That the applicant note that direct access is not possible from Dortmund Street or the Western Bypass.
- 8.3 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
- 8.3.1 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.
- 8.3.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 8.4 That for a hospital parking be provided as follows:
- 8.4.1 That four (4) parking bays be provided per medical practitioner (consulting room).
- 8.4.2 That three (3) parking bays per 100 m² floor area be provided for any pharmacy or dispensary services.
- 8.4.3 That one point two zero (1.20) parking bays be provided for every bed.
- 8.4.4 That a minimum of 20 % of the parking requirement be converted for taxi provisions.
- 8.5 That the servitude on the erf be confirmed and clarified.
- 8.6 That the applicant at his own cost, be responsible for the extension or upgrading of the surrounding road network, amongst the upgrading of Hans-Dietrich Genscher Street to a dual carriage way capacity up to Bondel Street, the construction of Leonard Auala Street to provide access to the new hospital, and provide adequate access and turning lanes, as verified in the Traffic Impact Assessment (TIA).

- 8.7 That the applicant consult the Strategic Executive: Urban and Transport Planning during the planning stages of the development to discuss matters related to street access, parking, public transport provision and traffic circulation.
- 8.8 That the applicant take note that the extension of Claudius Kandovazu Street will no longer realise.
- 8.9 That the applicant in subsequent submissions, clearly undertake the construction of access roads and stormwater accommodation, signage and road marking, to be constructed according to municipal standards.
- 8.10 That a Development Agreement be signed, whereby an Engineer be appointed for the detailed design and supervision of any road upgrading and the provision of access and services to Erf 10812, Katutura.
- 8.11 That the Engineer consult the Strategic Executive: Urban and Transport Planning during the planning stages to ensure that all potential drawbacks in respect of traffic impact and access be addressed before development get underway.
- 8.12 That the Developer plan around the larger existing indigenous trees.
- 8.13 That the applicant take note of the positions of the water and sewerage services and plan its development accordingly.
- 8.14 That a 3 metre wide servitude be registered over the sewer situated on the erf.
- 8.15 That it be noted that any additional requirements with regard to water/sewer services, brought on as a direct consequence of the rezoning or subsequent activities, will be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 8.16 That where MV/HV overhead lines 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:
- 8.16.1 220/132 kV - 25 metres either side of the overhead line structure; and
- 8.16.2 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.**
- 8.17 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.
- 8.18 That only one (1) service connection from the municipal electrical network be allowed per erf.

- 8.19 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.
- 9 That the applicant sign the Deed of Sale and pay the purchase price and 15 % VAT in line with Council's Policy not later than ninety (90) days after having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement.
- 10 That should the Motor Vehicle Accident (MVA) Fund fail to finalise the sale within ninety (90) days as indicated in paragraph 9 above, that the allocation of Erf 10812, Katutura be cancelled and the property be allocated to another applicant.
- 11 That the standard reverting clause and restrictive resale conditions be registered against the Title Deed in favour of Council.
- 12 That the intended sale of Erf 10812, Katutura be subjected to Ministerial approval being obtained in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 13 That the intended sale of Erf 10812, Katutura be advertised for public objections in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 14 That the resolution be implemented prior to confirmation of the minutes.

 [Municipal Council Agenda: 2022-08-10(07-28)]

10.1.19 FNS.11 [HPH] APPLICATION TO PURCHASE A PORTION OF THE REMAINDER OF ERF 3337, WINDHOEK FOR CONSOLIDATION WITH ERF 5935 (A PORTION OF ERF 3109), WINDHOEK (L/3337/W)

Introduction

The purpose of this item is to submit to Council an application from Plan Africa Consulting CC on behalf of the owner of Erf 5935, Windhoek Ms Carmelita Melissa Sylvester for the purchase a portion of the Remainder of Erf 3337, Windhoek for consolidation purposes.

Application

*** An application dated 13 December 2015, **attached as pages 508 - 515 to the agenda**, was received from Plan Africa Consulting CC on behalf of the owner of Erf 5935 (a portion of Erf 3109), Windhoek, Ms Carmelita Melissa Sylvester, to purchase a portion ($\pm 216 \text{ m}^2$ in extent) of the Remainder of Erf 3337, Windhoek for consolidation with Erf 5935 (a portion of Erf 3109), Windhoek.

*** The client wants to add an additional outbuilding to the existing structures. The sale of the additional portion is in line with the conditions of Council Resolution 251/07/2001, **attached as pages 516 - 519 to the agenda**, and involves the following:

- Subdivision of the Remainder of Erf 3337, Windhoek into Portion A ($\pm 216 \text{ m}^2$ in extent) and the Remainder;
- Closure of Portion A ($\pm 216 \text{ m}^2$ in extent) of the Remainder of Erf 3337, Windhoek 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 ($\pm 216 \text{ m}^2$ in extent) with Erf 5935 (a portion of Erf 3109), Windhoek; and
- Sale of Portion A ($\pm 216 \text{ m}^2$ in extent) to the owner of Erf 5935 (a portion of Erf 3109), Windhoek.

Ownership of Erf 5935, Windhoek

*** Ms Carmelita Melissa Sylvester is the owner of Erf 5935, Windhoek. The following documents are **attached as pages 520 - 524, 525 - 526 and 527 respectively to the agenda**:

- Deed of Transfer (17836/2006);
- Identity Document of Ms CM Sylvester; and
- Special Power of Attorney to Plan Africa Consulting CC.

Property description and locality

Erf 5935 (a portion of Erf 3109), Windhoek, zoned 'residential' with a density of 1:900 m^2 , is $\pm 1\,241 \text{ m}^2$ in extent and is situated along Johann Albrecht Street.

The Remainder of Erf 3337, Windhoek, zoned 'public open space', is $\pm 29\,530 \text{ m}^2$ in extent and is situated along Lister Street.

*** The locality of the properties is indicated on the plan, **attached as page 528 to the agenda**.

Technical comments

The following comments were received:

Comments from the Strategic Executive: Electricity

- Technical Support

There is in principle no objection to the application submitted: Provided:

- That it be noted that there are no existing municipal electrical infrastructures in the portion applied for.
- 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 done from the distribution board.
- 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

The sale of a portion of the Remainder of Erf 3337, Windhoek for consolidation with Erf 5935 (a portion of Erf 3109), Windhoek 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 portion, at the cost of the applicant and to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services. The applicant/owner has to appoint a registered professional Engineer to design the sewer line and a Contractor, to be supervised by a registered professional Engineer to construct the sewer line. The cost is for the applicant's/owner's account.

The Deed of Sale may only be signed after the relocation of the sewer line is done. Any further sewer requirements shall be for the applicant's/owner's account.

- **Water**

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

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Policy**

The Remainder of Erf 3337, Windhoek is zoned 'public open space'.

Erf 5935 (a portion of Erf 3109), Windhoek is zoned 'residential' with a density of 1:900 m² and is ± 1 241 m² in extent.

The proposed Portion A is ± 216 m² in extent and should be subdivided from the Remainder of Erf 3337, Windhoek and consolidated with Erf 5935 (a portion of Erf 3109), Windhoek. The cost of the Town Planning procedures should be for the account of the applicant/owner.

The consolidation will result in a residential erf of 1, 457 m² in extent, which at the current density will allow one residential dwelling unit on the consolidated erf.

There is no objection to the subdivision of a portion of the Remainder of Erf 3337, Windhoek for consolidation purposes with Erf 5935 (a portion of Erf 3109), Windhoek: 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 3337, Windhoek be subdivided into the proposed Portion A (± 216 m² in extent) and the Remainder as indicated on the subdivision plan. [The same plan must be submitted to the Ministry of Urban and Rural Development.]
- That the proposed Portion A (± 216 m² in extent) 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 applicant.
- That the applicant advertise the intended closure as per 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 applicant submit copies of the approved erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlements upon approval of the subdivision and consolidation.

- That the current conditions registered against Portion A of the Remainder of Erf 3337 and Erf 5935 (a portion of Erf 3109), Windhoek be replaced with the usual short standard conditions of the Municipality, including a minimum building value equal to four (4) times the municipal valuation of the erf.

- **Traffic Flow**

There is no objection to the subdivision of the Remainder of Erf 3337, Windhoek into Portion A ($\pm 216 \text{ m}^2$ in extent) and the Remainder and consolidation of Portion A ($\pm 216 \text{ m}^2$ in extent) with Erf 5935 (a portion of Erf 3109), Windhoek. No Urban Arterial Account (UAA) contribution is payable.

- **Stormwater**

A stormwater investigation was done and the following is reported:

- Erf 5935 (a portion of Erf 3109), Windhoek and the proposed Portion A of the Remainder of Erf 3337, Windhoek have a general downward slope from the south east towards the north west;
- There are stormwater catchpits along Johan Albrecht Street, connected to a stormwater pipe that flows towards a stormwater outlet structure that discharges stormwater onto the north eastern corner of Erf 5935 (a portion of Erf 3109), Windhoek from where it flows into a westerly direction along the northern boundaries of Erf 5935 (a portion of Erf 3109), Windhoek and the proposed Portion A of the Remainder of Erf 3337, Windhoek discharging into a stormwater course flowing along the Remainder of Erf 3337, Windhoek; and
- There is a stormwater course flowing along the Remainder of Erf 3337, Windhoek, flowing from the south into a northerly direction, continuing ± 12 metres away from the western boundary of Erf 5935, Windhoek.

This division therefore does not support the sale of the proposed 10 metre wide portion of the Remainder of Erf 3337, Windhoek to be consolidated with Erf 5935, Johan Albrecht Street, Windhoek. The extent of Portion A was revised to 7 metres, resulting in an area of 216 m^2 in extent. Provided:

- That the proposed Portion A of the Remainder of Erf 3337, Windhoek be no more than 7 metres wide measured parallel from the western boundary of Erf 5935 (a portion of Erf 3109), Windhoek. [The 7 metres is equal to an area of 216 m^2 in extent.]
- That the applicant/owner appoint a registered professional Engineer at her own cost and risk, to determine whether the proposed Portion A of the Remainder of Erf 3337, Windhoek require protection against any potential flood damage.

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

Comments from the Strategic Executive: Economic Development and Environment

- Environmental Management

There is no objection to the sale of a portion as per Policy. It should however be noted that the Remainder of Erf 3337, Windhoek is zoned 'public open space', therefore the applicant/owner should obtain Environmental Clearance from the Environmental Management Division of the City once the application has been approved by Council.

- Parks

There is no objection to the application.

Strategic Executive: Housing, Property Management and Human Settlement

- Valuations

*** Portion A of the Remainder of Erf 3373, Windhoek, is $\pm 216 \text{ m}^2$ in extent and after consolidation with Erf 5935 (a portion of Erf 3109), Windhoek, the size of the newly consolidated erf will be $\pm 1\,457 \text{ m}^2$ in extent. The development potential is not enhanced in terms of the density being 1:900 m^2 . Hence, the value payable is 50 % of N\$1 307.00/ m^2 being N\$653.50/ m^2 or N\$141 150.00 (rounded off) in total as per Resolution 276/08/2004, **attached as page 529 to the agenda.**

*** Should the owner of Erf 5935 (a portion of Erf 3109), Windhoek wish to take occupation of Portion A 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\$1 176.25. 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. The Valuation Certificate dated 8 June 2022 is **attached as page 530 to the agenda.**

All funds generated from the sale of 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.

- **Property Management**

The proposed Portion A of the Remainder of Erf 3337, Windhoek is too small to constitute a single residential erf as the standard size erf should at least be 300 m² in extent. The portion will also not have direct access. Having perused the comments from the technical departments, the Strategic Executive: Housing, Property Management and Human Settlement is in support of the sale of Portion A (± 216 m² in extent) of the Remainder of Erf 3337, Windhoek.

Neighbour's comment

*** The favourable neighbours' consent is **attached as pages 531 and 532 respectively to the agenda.**

Site visits

*** A site visit was conducted on 3 March 2022. No encroachment or other illegal activities were detected. Photographs of the site are **attached as pages 533 - 534 to the agenda.**

Conclusion

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

Management Committee, having considered the application,

RECOMMENDED

- ***
- 1 That the Remainder of Erf 3337, Windhoek, be subdivided into Portion A (± 216 m² in extent) in extent) and the Remainder as indicated on Plan W 5935-1, **attached as page 528 to the agenda.**
 - 2 That Portion A (± 216 m² in extent) of the Remainder of Erf 3337, Windhoek, be closed as 'public open space' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
 - 2.1 That the City prepare the closure notice and that the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek 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 That Portion A (± 216 m² in extent) of the Remainder of Erf 3337, Windhoek assume the same zoning as the abutting Erf 5935 (a portion of Erf 3109), Windhoek (being 'residential' with a density of 1:900 m²) in terms of clause 5(3) of the Windhoek Town Planning Scheme.

- 4 That the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek be responsible for the town planning and cadastral procedures, i.e., subdivision into Portion A ($\pm 216 \text{ m}^2$ in extent), consolidation of Portion A with Erf 5935 (a portion of Erf 3109), Windhoek, survey and registration of the new consolidated erf, and the costs involved.
- 5 That the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek obtain an Environmental Management Clearance Certificate from the Strategic Executive: Economic Development and Environment.
- 6 That subject to the successful closure and implementation of all town planning and cadastral procedures and obtaining of an Environmental Clearance Certificate, Portion A ($\pm 216 \text{ m}^2$ in extent) of the Remainder of Erf 3337, Windhoek be sold to the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek at an upset price of N\$653.50/m², being 50 % of N\$1 307.00./m² or N\$141 150.00 (rounded off) in total as per Valuation Certificate dated 8 June 2022.
 - 6.1 That should the applicant wish to take occupation of Portion A ($\pm 216 \text{ m}^2$ in extent) of the of the Remainder of Erf 3337, Windhoek prior to the sale, same be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$1 176.25, further subject to annual escalation in line with the Namibia Inflation Rate.
 - 6.2 That in terms of Council Resolutions 183/08/2021 and 184/08/2021, all funds generated from the sale resulting from the subdivision of public open spaces be used exclusively (unless with consent of Council), for the development of public open spaces.
- 7 That the sale of Portion A ($\pm 216 \text{ m}^2$ in extent) of the Remainder of Erf 3337, Windhoek be subject to the following conditions:
 - 7.1 That Portion A ($\pm 216 \text{ m}^2$ in extent) of Erf 3337, Windhoek be consolidated with Erf 5935 (a portion of Erf 3109), Windhoek, simultaneously with transfer.
 - 7.2 That the existing conditions registered against Portion A ($\pm 216 \text{ m}^2$ in extent) of the Remainder of Erf 3337, Windhoek be replaced by the standard conditions of the title including a minimum building value equal to four (4) times the municipal valuation be registered against the consolidated erven.
 - 7.3 That it be noted that a municipal sewer line is affected and that the sewer line be relocated outside the boundaries of the applied portion, at the cost of the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek and to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
 - 7.4 That the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek appoint a registered professional Engineer to design the sewer line to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.

- 7.5 That the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek appoint a Contractor to do the relocation of the sewer line to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 7.6 That engineering drawings for the design of the sewer line be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval prior to commencement of the work.
- 7.7 That all cost involved in the relocation of the sewer line be for the applicant/owner of Erf 5935, Windhoek.
- 7.8 That the Deed of Sale only be signed after the conditions for relocation of the sewer line are met satisfactory as required by the Strategic Executive: Infrastructure, Water and Technical Services.
- 7.9 That the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek note:
- 7.9.1 There are stormwater catchpits along Johan Albrecht Street, connected to a stormwater pipe that flows towards a stormwater outlet structure that discharges stormwater to the north eastern corner of Erf 5935 (a portion of Erf 3109), Windhoek from where it flows into a westerly direction along the northern boundaries of Erf 5935 (a portion of Erf 3109), Windhoek and the proposed Portion A of the Remainder of Erf 3337, Windhoek, discharging into a stormwater course flowing along the Remainder of Erf 3337, Windhoek;
- 7.9.2 There is a stormwater course flowing along the Remainder of Erf 3337, Windhoek, flowing from the south into a northerly direction, continuing \pm 12 metres away from the western boundary of Erf 5935 (a portion of Erf 3109), Windhoek; and
- 7.9.3 That the applicant/owner of Erf 5935 (a portion of Erf 3109), Windhoek appoint a registered professional Engineer to determine whether the proposed Portion A of the Remainder of Erf 5935 (a portion of Erf 3109), Windhoek require protection from potential flood damage.
- 8 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:
- 8.1 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.
- 8.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 8.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 8.4 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.
- 8.5 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.
- 8.6 That no building plans be approved until the stormwater conditions are met.
- 8.7 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 approval 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.]
- 9 That the following be noted:
 - 9.1 That only one (1) electrical service connection be allowed from the municipal network to the consolidated erf.
 - 9.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.
 - 9.3 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 That the applicant/owner:
 - 10.1 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 Environmental Management Clearance Certificate has been obtained and the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.

- 10.2 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.
- 10.3 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.
- 10.4 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.
- 11 That should the applicant/owner fail to comply with any of the conditions of this Council Resolution or fail to finalise the purchase within eighteen (18) months of the date of this Council Resolution, that the allocation of Portion A of Erf the Remainder of Erf 3337, Windhoek be subject to the purchase price being revised by the Strategic Executive: Housing, Property Management and Human Settlement.
- 12 That the sale and lease of Portion A ($\pm 216 \text{ m}^2$ in extent) of the Remainder of Erf 3337, Windhoek be subject to Ministerial approval being obtained in terms of section 30(1)(f) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 13 That the intended sale and lease of Portion A of the Remainder of Erf 3337, Windhoek ($\pm 216 \text{ m}^2$ in extent) be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 14 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 15 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: 2022-08-10(07-28)]

10.1.20 FNS.12 [HPH] APPLICATION TO LEASE AIR RIGHTS OVER STREET PORTION OF ERF 1370, KLEINE KUPPE (OMBIKA STREET) TO CONNECT WITH THE LADY POHAMBA PRIVATE HOSPITAL (L/1370/KK)

Application

*** An application dated 24 November 2020, **attached as pages 535 - 536 to the agenda**, was received from Lady Pohamba Private Hospital Property (Pty) Ltd to lease the air rights over Erf 1370, Kleine Kuppe which is a portion of Ombika Street. The purpose of the air rights lease will be to allow the erection of structures to extended from Erven 1367 to 1369, Kleine Kuppe without impeding the traffic flow on Ombika Street (Erf 1370, Kleine Kuppe).

*** The applicant is the owner of Erven 1367 to 1369, Kleine Kuppe, which is adjacent to Erf 1370, Kleine Kuppe. Mr Nicolaas Jacobus Langford, Identity Document (ID) No. 861119 00277 has been nominated/appointed to act and sign documents on behalf of Lady Pohamba Private Hospital Property (Pty) Ltd. The Resolution dated 7 April 2022 and Identity Document (ID), are **attached as pages 537 and 538 respectively to the agenda**.

Property description

*** Erf 1370, Kleine Kuppe is zoned 'street' and the required air right portion is $\pm 2\,550\text{ m}^2$ in extent, of which only air right is required for the lease. The locality plan indicating the required portion is **attached as page 539 to the agenda**.

Technical comments

Technical comments were requested and the following were received:

Comments from the Strategic Executive: Economic Development and Community Services

- **Health and Environmental Management**

There are no issues of environmental or public health concern.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is in principle no objection: Provided:

- That it be noted that there are electrical infrastructures, being two (2) MV underground cables, running through the applied portion.

- That unhindered access to Council's electricity infrastructure be availed at all times.
- That any damages caused by the applicant to underground services be repaired at the cost of the applicant.

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

- Bulk Water and Waste Water

A water line crosses the erf near the south western part and no permanent structures should be erected less than 1.5 metre from the water line. It should be noted that any additional requirements with regard to water and sewer services brought on as a direct consequence of the lease or subsequent activities will be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

- Engineering Services

A sewer line is situated near the south western boundary of the erf and no permanent structures shall be erected less than 1.5 metre from the sewer line. It should be noted that any additional requirements with regard to water and sewer services brought on as a direct consequence of the lease or subsequent activities will be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Urban and Transport Planning

- Sustainable Development

There is no objection to the proposed lease application: Provided that the applicant meet all Council requirements.

- Road Planning, Design and Traffic Flow

There is no objection to the proposed lease of air rights over Street portion of Erf 1370, Kleine Kuppe to connect with the Lady Pohamba Hospital: Provided:

- That an Air Right Lease Agreement be drafted once all detail has been finalised.
- That the ownership of the structure over the street (Erf 1370) occupying the air right lease area remain with the applicant.
- That the owner remain liable for the usage and maintenance of the bridge.
- That a minimum clearance height of 5.2 metres be maintained over the street (Erf 1370).

- That there be lighting (street lighting) under the bridge and such lighting be taken into consideration when considering the bridge height.
- That the applicant be required to appoint a registered professional Engineer to sign a Development Agreement with Council, for the detail design of the bridge and the supervision of the bridge over public space, being to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- That the applicant indemnify the City against likely damages as a result of the structure located over public space that might cause harm or damage to property or persons and be incorporated as part of the Lease Agreement.
- That the applicant submit clear road closure procedures and traffic accommodation plans during the construction phase.
- That all costs be for the applicant's account.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erf 1370, Kleine Kuppe has a general downward slope from the south east towards the north west;
- There is no stormwater system crossing Erf 1370, except for surface stormwater run-off;
- It should be noted that Erf 1370 is a road reserve; and
- It should further be noted that this is an aerial lease.

There is no objection to the proposed lease of air rights over Erf 1370, Ombika Street, Kleine Kuppe: 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: Housing, Property Management and Human Settlements

- **Valuations**

The Rental Valuation Certificate for a portion of Erf 1370, Kleine Kuppe is **attached as page 540 to the agenda**. In the event that the applicant fail to conclude the Lease Agreement within the given time, the rental should be revised at any given time before concluding such a Lease Agreement.

- **Property Management**

There is no objection to the proposed air rights lease: Provided that the applicant abide by all the conditions as provided by the technical departments.

In as much as the client did not indicate the period of lease, it is advisable that a long-term lease period of twenty (20) years be entered into with the applicant given the permanent structures intended to be erected. Given that this lease is of a long term over a period of ten (10) years, it is proposed that the lease be notarially registered by the applicant at their cost.

It is advisable that the lease area be described as Lease Area A over Erf 1370, Kleine Kuppe. This is to make the property description easy in the future, should the applicant wish to lease an additional lease floor area on top of Lease Area A of Erf 1370, Kleine Kuppe.

Conclusion

Concluding from the technical comments received from the respective departments the lease for Lady Pohamba Private Hospital Property (Pty) Ltd is supported, as it will be beneficial to both the City and the residents. The air rights of Lease Area A over Erf 1370, Klein Kuppe will have permanent structures that will not hamper any traffic activity, and it is therefore advisable that a long-term lease period of twenty (20) years be entered into with the applicant. Given that this lease is of a long term over twenty (20) years, it is proposed that the lease be notarially registered. The air right Lease Agreement should be drafted once all detail has been finalised.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the air rights of Lease Area A over Erf 1370, Kleine Kuppe be leased to Lady Pohamba Private Hospital Property (Pty) Ltd for a period of twenty (20) years at a monthly rental of N\$23 766.00, subject thereto that the rental escalate annually in line with the Namibian Inflation Rate, but not exceeding 10 %.
- 2 That in the event that the applicant fail to conclude the Lease Agreement within the given time, that the rental be revised prior to concluding the Lease Agreement.
- 3 That the lease be notarially registered.
- 4 That it be noted that there are electrical infrastructure, two (2) MV underground cables running through the applied portion.
- 5 That unhindered access to Council's electricity infrastructure be availed at all times.
- 6 That any damages caused by the applicant to underground services be repaired at the cost of the applicant.

- 7 That it be noted that a water line is crossing Erf 1370, Kleine Kuppe near the south western part and no permanent structures be erected less than 1.5 metre from the water line.
- 8 That additional requirements with regard to water and sewer services brought on as a direct consequence of the lease or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 9 That it be noted that a sewer line is situated near the south western boundary of Erf 1370, Kleine Kuppe and no permanent structures be erected less than 1.5 metre from the sewer line.
- 10 That the air right Lease Agreement only be drafted once all detail has been finalised.
- 11 That the ownership of the structure over street (Erf 1370) occupying the air right lease area remain with the applicant.
- 12 That the owner remain liable for the usage and maintenance of the bridge.
- 13 That a minimum clearance height of 5.2 metres be maintained over the street (Erf 1370).
- 13.1 That there be lighting (street lighting) under the bridge and such lighting be taken into consideration when considering the bridge height.
- 14 That the applicant be required to appoint a registered professional Engineer to sign a Development Agreement with Council, for the detail design of the bridge and the supervision of the bridge over public space, being to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- 15 That the applicant indemnify the City against likely damages as a result of the structure located over the public space that might cause harm or damage to property or persons and be incorporated as part of the Lease Agreement.
- 16 That the applicant submit clear road closure procedures and traffic accommodation plans during the construction phase.
- 17 That all costs be for the applicant's account.
- 18 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
 - 18.1 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.
- 18.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 19 That the lease be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 20 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).
- 21 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.
- 22 That the resolution be implemented prior to confirmation of the minutes.

 [Municipal Council Agenda: 2022-08-10(07-28)]

10.1.21

**IND.1 [HPH] NEED AND DESIRABILITY
 AND LAYOUT APPROVAL FOR THE
 TOWNSHIP ESTABLISHMENT ON
 FARM 1029 (A PORTION OF THE
 REMAINDER FARM 508)
 (L/Farm 1029)**

Introduction

The purpose of this item is to motivate the need and desirability and layout approval for the township establishment on Farm 1029 (a portion of Farm R/508).

The Municipal Council of Windhoek continues to experience rapid expansion of the informal settlements. Existing informal settlements have become congested presenting a major challenge in the upgrade of these informal settlements. The number of households in some of the informal settlements exceed the capacity of the areas and not all households can be accommodated by the upgrading resulting in the need to relocate the surplus households to alternative sites. Practical examples of these areas are Max Mutongolome with one thousand two hundred and ten (1 210) households but can only accommodate four hundred and ninety four (494) households and Kavikuna with nine hundred and ten (910) households but can only accommodate three hundred and eighty nine (389) households just to mention a few. It is against this background the Municipal Council of Windhoek, needs to prioritise the planning of Greenfield areas such as the township establishment on Farm 1029 that is being proposed in this item to serve as relocation sites for surplus household in order to ensure success of upgrading projects.

The site

Farm 1029 is located in the northern corner of the Remainder of Farm 508 and shares its northern boundary with Farm Ongos. The farm is located in close proximity to informal settlements such as Max Mutongolome, Kavikuna and Farm 1030 which accommodates the informal households that were relocated from Eneas Peter Nanyemba Road (former Monte Christo Road). Farm 1029 is ± 58 hectares in extent.

The locality plan is **attached as page 541 to the agenda.**

Need

Namibia is urbanising at a reasonable rate 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. Positive shifts in the country's urbanisation landscape has coincided with rapid growth of Windhoek's population and more so the informal settlements. In 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 eight hundred and fifty eight (325 858) inhabitants which represented a share of 36 % of the country's urban population. 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 a rapid numbering of informal structures in all the informal settlements. A total of forty eight thousand two hundred and thirty three (48 233) informal structures were recorded and are distributed as follows:

- Khomasdal Constituency 3 394 structures,
- Moses Garoëb Constituency 9 052 structures,
- Samora Machel Constituency 21 241 structures; and
- Tobias Hainyeko Constituency 14 546 structures.

Sample surveys conducted in the four (4) constituencies recorded an average household size of 3.8 persons per household. Using the average size of 3.8 persons per household, the number of people living in Windhoek's informal settlement was estimated at one hundred and eighty three two hundred and eighty five (183 285) inhabitants. As mentioned in the introduction section of this item some if not most of these existing informal settlements have become congested because of this population growth presenting a challenge in the upgrading of these areas as most cannot accommodate all households. It is without shadow of a doubt that the proposed township establishment is highly needed to ensure the success of upgrading projects, as it will address informality, guarantee the beneficiaries security of tenure and access to basic services which improves quality of life.

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, etc.

Proposed development

The development is intended as a relocation site for upgrading projects. The predominant land use as indicated on the attached layout is 'residential' in the form of 'single' and 'general residential' to serve the intended purpose. Provision is however made for other complimentary land uses such as public open space, business (local supermarket or shop) and institutional in order to ensure functional urban space.

In order to achieve the intended purpose, the statutory procedure to establish a township comprising of one hundred and seventy nine (179) erven is proposed as follows on Farm 1029:

Township establishment on Farm 1029 (comprising of one hundred and seventy nine (179) erven)

Land use	Total number of erven	Potential number of dwelling units	Estimated population at an average household size of 3.8 (2020)
Residential @ 1:300 m ²	152	152	577
General residential @ 1:150 m ²	11	43	1 637
Business @ a bulk of 0.4	4		
Institutional	1		
Undetermined	1		
Public open space	10		
Total	179 (erven)	583 (dwelling units)	2 214 (people)

The layout for this township is **attached as pages 542 - 547 to the agenda.**

Using the March 2020 pilot survey average household size of 3.8 persons per households it is estimated that the development will accommodate two thousand two hundred and fourteen (2 214) people with 26 % of the population living on single residential erven whilst the remaining 74 % in high density development. The proposed layout has been designed with the principle of 60/40 in mind as outlined in the Development and Upgrading Policy. This is mainly to ensure that the area accommodates more households/people than it would, should it have been designed with single residential as a predominant land use.

Single residential land-use

The proposed layout makes provision for one hundred and fifty two (152) single residential portions with an average size of 335 m². It is proposed that, all single residential erven be zoned 'residential' with a density of 1:300 m².

In keeping with the comments received from the Strategic Executive: Urban and Transport Planning, the following residential portions, namely Portions 118, 119, 123 and 128 might be affected by stormwater. As a precautionary measure, it is recommended that the proposed erven in reference be sold with relevant stormwater conditions which will require *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 Strategic Executive: Urban and Transport Planning.*

General residential land-use

The layout has been designed not only in line with the principle of 60/40 in mind but also with the intent to provide future residents with different housing typology choices. It is against this background that eleven (11) general residential portions are provided. Of the eleven (11) portions, seven (7) portions, namely Portions 153, 155, 158, 159, 160, 161 and 162 are subdivided into two hundred and one (201) informal sites, measuring on average 200 m² in extent. The plan indicating the portions is **attached as pages 548 - 552 to the agenda.** These portions are to be allocated to residents that wish to acquire land as a group and security of tenure can be administered through the Flexible Land Tenure Systems/Laws. The other remaining four (4) portions, namely Portions 156, 157, 163 and 168 can be used for flats which can be built through private developers and this can serve as a way of generating income that can be reinvested in further development of the township. A density of 1:150 m² is proposed for all eleven (11) general residential portions.

In keeping with the comments received from the Strategic Executive: Urban and Transport Planning, the following general residential portions, namely Portions 153, 155, 158, 159, 160, 161 and 168 might be affected by stormwater. As a precautionary measure, it is recommended that the proposed erven in reference be sold with relevant stormwater conditions which will require *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 Strategic Executive: Urban and Transport Planning.*

Business land-use

Taking into consideration that Farm 1029 is located adjacent to Farm 1024 which is proposed to accommodate a district hospital, it is seen fit to provide business portions in close proximity to the hospital. The locality creates a small economic node, that will cater for the business needs of future inhabitants and those visiting the district hospital. A bulk factor of 0.4 is proposed for the business portions (Portions 164, 165, 166 and 167) and on-site parking should be provided as stipulated in the Windhoek Town Planning Scheme.

In keeping with the comments received from Strategic Executive: Urban and Transport Planning, the following business portions, namely Portions 165 and 166 might be affected by stormwater. As a precautionary measure, it is recommended that the proposed erven in reference be sold with relevant stormwater conditions which will require *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 Strategic Executive: Urban and Transport Planning.*

Institutional erven

One (1) institutional portion (Portion 154) is provided to accommodate institutional use as maybe seen fit.

Undetermined

Portion 169 is zoned 'undetermined' for now as it is characterised by high mountainous slopes which maybe expensive to develop at this stage considering the target market. However, in future the Municipal Council of Windhoek may find a developer that may present a creative proposal on how to utilise the land under discussion, of which appropriate zonings can then be assigned in line with the proposed use.

Public open space

The layout provides for ten (10) 'public open spaces' (Portions 170 to 179) of which majority of these are reserved to accommodate the number of watercourses that traverse the area mostly flowing from the east, south towards the west direction.

In order to ensure that these rivers have no negative effect on the proposed development and vice-versa, it is recommended by the Strategic Executive: Urban and Transport planning (roads and stormwater Engineers) that **a registered professional Engineer be appointed to do a detailed 50 year flood report for the river and stormwater courses.**

In addition to the primary function, the erven that accommodate the watercourse can be developed into creative public spaces (walking or jogging trails), the layout further makes provision for three (3) functional public open spaces (Portions 174, 175 and 178) that can be developed into functional neighbourhood parks. The three (3) proposed portions are dispersed within the layout to ensure equal access for all residents.

The Strategic Executive: Electricity confirmed that there is an existing NamPower line that pass-through Farm 1029, it is against this background that Portions 170 and 171 zoned 'public open space' have been created to accommodate this electrical line.

Proposed street layout

Access to the proposed development will be obtained through two access points. One access is through a 20 metre wide street that traverses Farm 1028 and further connects to the extended Ivory coast street. the second access is through a 20 metre wide street that further connects to Eneas Peter Nanyemba Road (former Monte Christo Road). The proposed development is further made up of 15 metre and 13 metre wide streets which provide access to the individual erven.

Street names

The proposed layout comprises of seven (7) new streets. The street name theme for the proclaimed township of Havana and its extensions is names of Namibian Local Authorities, African countries and Capital Cities. It is therefore proposed that a similar theme (Capital Cities of African countries) be extended to this proposed development. The seven (7) streets should be named after the following listed Capital Cities:

- Algiers (Algeria);
- Djibouti (Djibouti);
- Lobamba (Eswatini);
- Ouagadougou (Burkina Faso);
- Freetown (Sierra Leone);
- Juba (South Sudan); and
- Porto-Novo (Benin).

*** It is therefore proposed that the abovementioned street names be referred to the Street and Place Naming/Renaming Committee for consideration. The street names plan is **attached as page 553 to the agenda**.

Technical comments

*** Comments received from various specialist units within the Municipal Council of Windhoek are **attached as pages 554 - 563 to the agenda**, and is summarised as follows:

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

- Water

It was confirmed that although there is no bulk water infrastructure, the proposed development falls partly within the existing Katlo Reservoir pressure zone while the remaining falls within the Augeigas Reservoir pressure zone. The closest bulk waterline that links to the Katlo Reservoir pressure zone is located within Eneas Peter Nanyemba Road (former Monte Christo Road) and can be extended to serve the portion of Farm 1029 that falls within the Katlo Reservoir pressure zone. The remaining portion of Farm 1029 that falls within the Augeigas Reservoir pressure zone can only be connected once the Augeigas Reservoir has been constructed.

- **Sewer**

It was confirmed that there is no sewer system available to service Farm 1029. As the proposed development drains in a northern direction away from the existing municipal sewer system. The department further stated that the only existing oxidations pond in this area is the Havana oxidation ponds however they are no longer acceptable treatment for waste water. A waste water treatment plant therefore needs to be constructed to cater for the greater Havana area including Farm 1029 and to replace the Havana oxidation ponds.

Comments from the Strategic Executive: Electricity

It was confirmed that bulk electrical services are not available at present to service the proposed development. However, with the Farm Ongos Lifestyle Village a 11 kV overhead line will be constructed and the Municipal Council of Windhoek could possibly negotiate with Ongos to tap off this line until such time that the bulk services can be extended.

Natural environment: Topography

The proposed site is characterised by uneven terrain. The proposed layout was designed in a way that the gentle to flat slopes accommodate the 'residential', 'general residential', 'business' and 'institutional' erven. The sections of the site characterised by watercourses are reserved for public open space to ensure that the natural flow is not disturbed by the proposed development and ensuring environmental protection. Steeper slopes are zoned 'undetermined' considering the challenge and cost of developing such areas.

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. In accordance to the Strategic Environmental Assessment (SEA) the proposed development (Farm 1029) falls within the medium (zone 5 and 6) environmental control zones. These zones include landscape sensitive, vegetation sensitive and water sensitive zones. Residential, institutional and commercial land uses are permissible within these zones with limited environmental assessment. It is therefore on record that the environmental protection has been considered in the designing of this proposed development as the development comprises predominantly residential with few commercial and institutional land use. 'Public open spaces' and 'undetermined' zones have been designed in a way to further protect the water and landscape sensitive areas. To ensure compliance with the Environmental Management Act, 2007 (Act 7 of 2007), 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 Farm 1029. Farm 1029 was subdivided from Farm R/508. Certificate of Consolidated Title No. T2008/2005 confirming ownership of Farm R/508, is **attached as pages 564 - 567 to the agenda.**

Required planning procedure

After Council 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 the need and desirability to establish a township on Farm 1029 as well as the approval of the township layout.

Following approval by the 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 568 to the agenda**, will apply to the erven in the proposed township. The conditions in reference *inter alia* read as follows:

The following condition shall be registered in favour of the Local Authority against the title deeds:

- 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 Urban and Regional Planning Act 5 of 2018;*
- b) *The minimum building value of any erf zoned 'Institutional' shall equal the current municipal value of the land comprising that erf;*
- c) *The minimum building value of any erf zoned 'Business' shall equal 4 times the current municipal value of the land comprising that erf;*
- d) *The minimum building value of any erf zoned 'Residential', or 'General Residential' shall equal 2 times the current municipal value of the land comprising that erf;*

- e) *Portions 170 to 179 be reserved as Public Open Spaces; and*
- f) *Remainder Farm 1029 be reserved as street.*

Conclusion

This submission motivated the need and desirability to establish a township on Farm 1029 as well as the approval of the township layout. The proposed statutory procedure will allow for the creation of a township that can serve as relocation sites for surplus household during upgrading of existing informal settlement. It can therefore be concluded that the development is needed to address the land shortage and access to basic service.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the need and desirability to establish a township on Farm 1029, be supported.
- *** 2 That the layout for the proposed township on Farm 1029 **attached as page 542 to the agenda**, be approved as the settlement pattern.

Standard conditions

- *** 3 That standard conditions in favour of the Municipal Council of Windhoek be registered against all newly created erven, except for erven zoned 'public open space', 'undetermined' and 'street against which no conditions shall be registered. [The conditions are included below and **attached as page 547 to the agenda**].
- 3.1 That the erf only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf 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).
- 3.2 That the minimum building value of any erf zoned 'institutional' be equal to the current municipal value of the land comprising that erf.
- 3.3 That the minimum building value of any erf zoned 'business' be equal to four (4) times the current municipal value of the land comprising that erf.
- 3.4 That the minimum building value of any erf zoned 'residential', or 'general residential' be equal two (2) times the current municipal value of the land comprising that erf.
- 3.5 That erven 170 to 179 be reserved as 'public open spaces'.
- 3.6 That the Remainder of Farm 1029 be reserved as street.

Land use, Town Planning Scheme and minor cadastral adjustments

- 4 That Portions 1 to 152 be zoned 'residential' with a density of 1:300 m².
- 5 That Portions 153, 155 to 163 and 168 be zoned 'general residential' with a density of 1:150 m²;
- 6 That Portions 153, 155,158,159, 160, 161 and 162 be subdivided into informal sites measuring ± 200 m² in line with the Development and Upgrading Policy with the intent of promoting and advancing high density development.
- 7 That Portion 154 be zoned 'institutional'.
- 8 That Portion 169 be zoned 'undetermined'.
- 9 That Portions 164 to 167 be zoned 'business' with a bulk of 0.4.
- 10 That Portions 170 to 179 be reserved for 'public open spaces'.
- 11 That the Remainder of Farm 1029 be reserved as a 'street'.
- 12 That the township layout and its zoning, attached as page 1065 to the agenda, be included in the next Amendment Scheme.
- 13 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 Town Planning Scheme.
- 14 That the Human Settlement Division follow all required steps to obtain necessary approvals from Urban and Regional Planning Board.
- 15 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

- 16 That part of the development that can be supplied through the existing Katlo Reservoir by way of extending the bulk water line located within Eneas Peter Nanyemba Road (former Monte Christo Road), be connected.
- 17 That consideration be made for the construction of the Augcigas Reservoir.
- 18 That the remaining part of the development which fall within the Augcigas Reservoir pressure zone be connected once the Augcigas Reservoir has been constructed.
- 19 That consideration be made to construct a new waste water treatment plant to cater for the greater Havana area and to replace the Havana oxidation ponds.

- 20 That Farm 1029 be connected to the waste water treatment plant once constructed.
- 21 That the Strategic Executive: Electricity engage the Developers of Ongos Lifestyle Village for connection of the development to the 11 kV overhead line that will be constructed to service the Ongos Development.

Stormwater and flood studies

- 22 That the standard stormwater conditions as set out in the Windhoek Town Planning Scheme apply to the development.
- 23 That the following portions, namely Portions 118, 119, 123, 128, 153, 154, 155, 158, 159, 160, 161, 165 and 166, be sold with the following stormwater condition:
- 23.1 That building plans be accompanied with engineering drawings which indicates how stormwater will be accommodated to the satisfaction of the Chief Engineer: Planning Design and Traffic Flow.
- 24 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 on Farm 1029.

Environmental clearance

- 25 That the Strategic Executive: Economic Development and Community Services undertake the necessary procedures to obtain Environmental Clearance as prescribed by the law.

Street naming

- 26 That the similar theme as already approved for the existing Havana and its extensions, be extended to this township.
- ***
- 27 That the seven (7) proposed streets be named after the theme of Capital Cities of African countries as follows and indicated on the street names plan, **attached page 553 to the agenda:**
- 27.1 Algiers (Algeria);
- 27.2 Djibouti (Djibouti);
- 27.3 Lobamba (Eswatini);
- 27.4 Ouagadougou (Burkina Faso);
- 27.5 Freetown (Sierra Leone);
- 27.6 Juba (South Sudan); and
- 27.7 Porto-Novo (Benin).

28 That the proposed street names be referred to the Street and Place Naming/Renaming Committee, for consideration.

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

Financial implications

Funds required

N\$4 080.00

Funds available

Item 4000/15/1/10/0025 – For the township establishment comprising of one hundred and seventy nine (179) erven

[Municipal Council Agenda: 2022-08-10(07-28)]

10.1.22 IND.2 [INF] REPORT ON NORTHERN SUBURBS TARRING PROGRAMME (16/3/2/2)

Introduction

*** This submission serves to inform Management Committee on progress made in the implementation of the upgrading of streets to bitumen standard in the Northern Suburbs of Windhoek, since Management Committee meeting held on 4 April 2017. (Refer to Item REP.3, **attached as pages 569 - 571 to the agenda**).

The submission further affords the Management Committee opportunity to make certain decisions pertaining to additional streets which are to be upgraded to Bituminous Standard and which will be discussed further below.

Background

The tarring programme commenced with Phase 1 in 2000. Many streets have been upgraded to bitumen standard since, with one of the aims of alleviating the high maintenance cost. Phases 1 to 7 have been completed, with Phase 6 being completed in 2012 and Phase 7 in 2020.

Phases 8 to 10 of the Northern Suburb residential streets are still to commence as well as the completion of Phase 2 of the Northern Suburb Collectors Roads, with either design and/or construction as detailed further as follows:

Phase 8 consists of the following streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 8		
Wanaheda Extension 2		
Sabi	Samora Machel	Update design and construct
Juba	Samora Machel	
Volta	Samora Machel	
Zaire	Samora Machel	

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 8		
Maputo	Samora Machel	
Pongola	Samora Machel	
Swakop	Samora Machel	
Molopo	Samora Machel	
Kwanza	Samora Machel	
Gambia	Samora Machel	
Senegal	Samora Machel	
Benu	Samora Machel	
Niger	Samora Machel	
Kei	Samora Machel	
Nile	Samora Machel	
Wanaheda Extension 3		
Kampala	Samora Machel	Update design and construct
Mbabanc	Samora Machel	
Nairobi	Samora Machel	
Kinshasa	Samora Machel	
Luanda	Samora Machel	
Wanaheda Extension 4		
HG Veit Street	Samora Machel	Update design and construct
Rev Gottlob Mungunda Street	Samora Machel	
GBS Kanguuehi Street	Samora Machel	
R Ruzo Street	Samora Machel	

- The total kilometre length for Phase 8 is 4.772 kilometres;
- The construction contract for Phase 8 was originally advertised in 2016, however due to the financial constraints the Municipal Council of Windhoek cancelled the Bid;
- Due to the prolonged period since the project was first advertised, the Department of Infrastructure, Water and Technical Support requested a budget for the update of the design and re-procurement in the 2019/2020 and 2021/2022 Financial Years respectively with each request unfortunately not being approved;
- It is to be noted that the Department of Infrastructure, Water and Technical Services has again requested a budget for approval for the 2022/2023 Financial Year, but it has not been approved by Council; and
- However, it may be possible that through savings on other projects, it might be possible to finance the design and re-procurement in the current 2022/2023 Financial Year, so that construction may commence during the 2023/2024 Financial Year.

Phase 9 consists of the following streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 9		
Otjomuise Extension 1		
Bangalore	Khomasdal North	Design and construct
Konya	Khomasdal North	
Havana	Khomasdal North	
Mersin	Khomasdal North	
Huambo	Khomasdal North	
Lobito	Khomasdal North	
Dimbokro		
Otjomuise Extension 2		
Akureyri	Khomasdal North	Design and construct
Osaka (San Paulo)	Khomasdal North	

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 9		
Santa Clara	Khomasdal North	
Linz (San Mames)	Khomasdal North	
San Diego	Khomasdal North	
San Diego	Khomasdal North	
Nagasaki	Khomasdal North	
Trossingen	Khomasdal North	
Okuryangava		
Gaddafi	Tobias Hainyeko	Design and construct
Patrick I Lunganda	Tobias Hainyeko	
King Kauluma	Tobias Hainyeko	

- The total kilometre length for Phase 9 is 3.810 kilometre;
- The roads are still to be designed and constructed;
- The Department of Infrastructure, Water and Technical Services requested a budget for the consulting services for design only in the 2018/2019 Financial Year as Phase 8 was to be constructed during this period, however the budget was not approved, and no subsequent budget has been requested since, due to Phase 8 not being constructed; and
- Design and construction of Phase 9 is earmarked to commence during the 2023/2024 Financial Year, subject to budget approval.

Phase 10 consists of the following streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 10		
Goreangab Extension 3		
Barlett	Moses Garoëb	Design and construct
Kenncy Dam	Moses Garoëb	
Hoover	Moses Garoëb	
Dalleo	Moses Garoëb	
Coffee Dam	Moses Garoëb	
Guddu	Moses Garoëb	
Dokan	Moses Garoëb	
Daan Viljoen	Moses Garoëb	
Mica	Moses Garoëb	
Hardap	Moses Garoëb	
Jinja Dam	Moses Garoëb	
Von Bach	Moses Garoëb	
Midmar	Moses Garoëb	
Kainji	Moses Garoëb	
Itaipu	Moses Garoëb	
Omaheke	Moses Garoëb	
Omusati	Moses Garoëb	
Ohangwena	Moses Garoëb	
Otjozondjupa	Moses Garoëb	
Fort Peck	Moses Garoëb	

- The total kilometre length for Phase 10 is 3.90 kilometre;
- The roads are still to be designed and constructed; and
- Phase 10 is earmarked to commence during the 2014/2015 Financial Year, subject to budget approval.

Northern Suburbs Collectors Phase 2A consists of the following streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 2A		
Goreangab Extension 3		
Tolla Street	Moses Garoeb	Update - design and construct
Lucia Street	Moses Garoeb	
Havana		
Walvis Bay	Samora Machel	Update - design and construct
Outapi Street	Samora Machel	
Bethanic Street	Samora Machel	

- Northern Suburbs Collectors Phase 2 Phase 2A (sections 1 and 2 only) is a replacement Contract for the terminated Contract TRA 149/2012 with a total kilometre length of 7.27 kilometre;
- The Department of Infrastructure, Water and Technical Services budgeted for the completion of Phase 2A in the 2020/2021 Financial Year, which unfortunately was not approved;
- The Department of Infrastructure, Water and Technical Services received reduced budgeted for the 2021/2022 Financial Year which is being used for the Updating of the Design and Bid Documentation; due to time constraints the Construction Bid could not be implemented the 2021/2022 Financial Year; and
- The Department of Infrastructure, Water and Technical Services has budgeted for the 2022/2023 Financial Year for the Construction to commence.

Discussion

As previously noted, Phases 1 to 7 of the Northern Suburb residential streets have been completed with Phases 8 to 10 which is still to commence.

In saying so, a number of new streets have recently been identified to be upgraded to bitumen standard. The streets were identified during various constituency meetings where the Municipal Councillors and community members discussed the need to upgrade certain streets. As a result of high maintenance costs, some streets have been identified by the Roads and Stormwater Division (Maintenance) as having a high priority for upgrading to bitumen standard. The aim is to reduce maintenance costs (the blading and re-gravelling of steep streets) over the next few years.

A total of forty two (42) streets have been identified and included in the following phases, which are proposed for implementation:

Phase 11 consists of the following proposed streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 11		
Otjomuise		
Kitchener	Khomasdal	Design and construct
Akureyri	Khomasdal	
Trossingen	Khomasdal	
Santa Clara	Khomasdal	
Manheim	Khomasdal	

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 11		
Liverpool	Khomasdal	
Munchen	Khomasdal	
Philadelphia	Khomasdal	
Alexandria	Khomasdal	

- The total kilometre length for Phase 11 is 5.417 kilometre; and
- The roads are still to be designed and constructed.

Phase 12 consists of the following proposed streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 12		
Otjomuise		
Calcutta	Khomasdal	Design and construct
Cassamba	Khomasdal	
Kigoma	Khomasdal	
Mpanda	Khomasdal	
Kitunda	Khomasdal	
Istanbul	Khomasdal	
Miami	Khomasdal	
Tokyo	Khomasdal	
Kawasaki	Khomasdal	
Beijing	Khomasdal	
Bangalore	Khomasdal	

- The total kilometre length for Phase 12 is 5.058 kilometre; and
- The roads are still to be designed and constructed.

Phase 13 consists of the following proposed streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 13		
Hakahana		
Omuuva	Moses Garoëb	Design and construct
Ompilo	Moses Garoëb	
Edimba	Moses Garoëb	
Ehoma	Moses Garoëb	
Omupwaka	Moses Garoëb	
Ongolo	Moses Garoëb	
Flyata	Moses Garoëb	
Omusva	Moses Garoëb	
Okadhilankaoa	Moses Garoëb	
Omutyuala	Moses Garoëb	
Omuundi	Moses Garoëb	
Omungoo	Moses Garoëb	
Oshimamu	Moses Garoëb	
Omusheshe	Moses Garoëb	
Ongwere	Moses Garoëb	
Havana		
Wanaheda	Moses Garoëb	Design and construct
Zambesi	Moses Garoëb	
Nairobi	Moses Garoëb	
Mbabane	Moses Garoëb	
Luanda	Moses Garoëb	
Kampala	Moses Garoëb	
Lilongwe	Moses Garoëb	

- The total kilometre length for Phase 13 is 5.311 kilometre; and

- The roads are still to be designed and constructed.

Management Committee, having considered the application,

RECOMMENDED

- 1 That the following be noted:
 - 1.1 That Phases 1 to 7 of the upgrading to bitumen standards of the northern suburb residential streets have been completed, with the Phase 7 streets of the tarring programme completed in June 2020.
 - 1.2 That the budget for the completion of Phase 2 for the upgrading of the northern suburb collector and arterial streets, the remaining work as well as the required amendments to the tender documentation and drawings, has been approved by Council under the 2022/2023 Financial Year.
 - 1.3 That budget approval was requested by the department for Phase 8 of the northern suburb residential streets for the updating of the design and construction for the 2022/2023 and 2023/2024 Financial Years respectively, but not yet approved by Council.
 - 1.4 That the Strategic Executive: Infrastructure, Water and Technical Services is hopeful that through savings on other projects, it might be possible to finance the design and re-procurement of Phase 8 of the northern suburb residential streets in the 2022/2023 Financial Year, so that construction may commence during the 2023/2024 Financial Year.
- 2 That the Phase 9 design and construction be budgeted for during the 2023/2024 and 2024/2025 Financial Years, respectively.
- 3 That the Phase 10 design and construction be budgeted for during the 2024/2025 and 2025/2026 Financial Years, respectively.
- 4 That the following list of streets be approved for the design and construction as Phase 11 of the tarring programme, for design in the 2025/2026 Financial Year and construction during the 2026/2027 Financial Year at a project cost of ± N\$65 million:

Road/Street	Constituency	Conventional construction
Contract: Northern suburbs - Phase 11		
Otjomuise		
Kitchener	Khomasdal	Design and construct
Akureyri	Khomasdal	
Trossingen	Khomasdal	
Santa Clara	Khomasdal	
Manheim	Khomasdal	
Liverpool	Khomasdal	
Munchen	Khomasdal	
Philadelphia	Khomasdal	
Alexandria	Khomasdal	

- 5 That the following list of streets be approved for the design and construction as Phase 12 of the tarring programme, for design in the 2026/2027 Financial Year and construction during the 2027/2028 Financial Year at a project cost of ± N\$65 million:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs - Phase 12		
Otjomuise		
Calcutta	Khomasdal	Design and construct
Cassamba	Khomasdal	
Kigoma	Khomasdal	
Mpanda	Khomasdal	
Kitunda	Khomasdal	
Istanbul	Khomasdal	
Miami	Khomasdal	
Tokyo	Khomasdal	
Kawasaki	Khomasdal	
Beijing	Khomasdal	
Bangalore	Khomasdal	

- 6 That the following list of streets be approved for design and construction as Phase 13 of the tarring programme, for design in the 2027/2028 Financial Year and construction during the 2028/2029 Financial Year at a project cost of ± N\$67.61 million:

Road/Street	Constituency	Conventional construction
Contract: Northern suburbs - Phase 13		
Hakahana		
Omuuva	Moses Garoëb	Design and construct
Ompilo	Moses Garoëb	
Edimba	Moses Garoëb	
Ehoomaa	Moses Garoëb	
Omupwaka	Moses Garoëb	
Ongolo	Moses Garoëb	
Elyata	Moses Garoëb	
Omusva	Moses Garoëb	
Okadhilankaoa	Moses Garoëb	
Omutyuafa	Moses Garoëb	
Omuundi	Moses Garoëb	
Omungoo	Moses Garoëb	
Oshimamu	Moses Garoëb	
Omusheshe	Moses Garoëb	
Ongwere	Moses Garoëb	
Havana		
Wanaheda	Moses Garoëb	Design and construct
Zambesi	Moses Garoëb	
Nairobi	Moses Garoëb	
Mbabane	Moses Garoëb	
Luanda	Moses Garoëb	
Kampala	Moses Garoëb	
Lilongwe	Moses Garoëb	

- 7 That a 'rolling budget' be implemented by means of which some continuity in the planning and scheduling of these construction projects in the northern suburbs can be facilitated, and that this matter be raised with the Strategic Executive: Finance and Customer Services.

Financial implications

Funds required

The anticipated financial implications are estimated to be as follows:

Financial Year	Description	Amount (NS)
2022/2023 Budget	Completion of Phase 2A (Collector Roads)	35 million budget requested
	Surfacing residential streets of the Northern Suburbs (Phase 8) – updating of Design and Bid Documentation	1.5 million to be budgeted
2023/2024 Budget	Surfacing residential streets of the Northern Suburbs (Phase 8) – Construction	45.5 million to be budgeted
	Surfacing residential streets of the Northern Suburbs (Phase 9) – Design and Bid Documentation	1.9 million to be budgeted
2024/2025 Budget	Surfacing residential streets of the Northern Suburbs (Phase 9) – Construction	80.1 million to be budgeted
	Surfacing residential streets of the Northern Suburbs (Phase 10) – Design and Bid Documentation	1.957 million to be budgeted
2025/2026 Budget	Surfacing residential streets of the Northern Suburbs (Phase 10) – Construction	50.98 million to be budgeted
	Surfacing residential streets of the Northern Suburbs (Phase 11) – Design and Bid Documentation	4.89 million to be budgeted
2026/2027 Budget	Surfacing residential streets of the Northern Suburbs (Phase 11) – Construction	60.13 million to be budgeted
	Surfacing residential streets of the Northern Suburbs (Phase 12) – Design and Bid Documentation	4.69 million to be budgeted
2027/2028 Budget	Surfacing residential streets of the Northern Suburbs (Phase 12) – Construction	57.83 million to be budgeted
	Surfacing residential streets of the Northern Suburbs (Phase 13) – Design and Bid Documentation	5.07 million to be budgeted
2028/2029 Budget	Surfacing residential streets of the Northern Suburbs (Phase 13) – Construction	62.54 million to be budgeted

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 [Municipal Council Agenda: 2022-08-10(07-28)]

10.2 APPROVAL OF MINUTES (MC 13/2022)

The minutes of the Management Committee meeting (MC 13/2022) held on 19 July 2022 was approved by the said Committee on 2 August 2022 and is submitted for notice with the exception of Items GOV.3, GOV.4, GOV.5, GOV.6, FNS.2 and FNS.3, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 13/2022) held on 19 July 2022, be noted by its members, with the exception of Items GOV.3, GOV.4, GOV.5, GOV.6, FNS.2 and FNS.3.

[Municipal Council Agenda: 2022-08-10(07-28)]

10.2.1 **GOV.3 [INF] REQUEST FOR EXTENSION OF PRIVATE MANAGEMENT AGREEMENT BETWEEN THE MUNICIPAL COUNCIL OF WINDHOEK AND THE NEW GOREANGAB OPERATING COMPANY (WINGOC)**
(16/4)

This matter was discussed at the Special Council meeting held on 27 July 2022 and resolved as per Council Resolution 177/07/2022.

[Municipal Council Agenda: 2022-08-10(07-28)]

10.2.2 **GOV.4 [CEO] CONFIDENTIAL MATTER**
(3/2/2)

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.

[Municipal Council Agenda: 2022-08-10(07-28)]

10.2.3 **GOV.5 [CEO] CONFIDENTIAL MATTER**
(1/3)

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: 2022-08-10(07-28)]

**10.2.4 GOV.6 [CEO] LEGAL MATTER
(3/1/P)**

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 -

(iii) the institution of any legal proceedings by, or opposition of any legal proceedings instituted against, 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: 2022-08-10(07-28)]

**10.2.5 FNS.2 [HPH] APPLICATION TO PURCHASE
A PORTION OF ERF 1398, KLEIN WINDHOEK
FOR CONSOLIDATION WITH ERF 1378,
(A PORTION OF ERF 131) KLEIN WINDHOEK
(L/1398/KW)**

Introduction

The purpose of this item is to submit an application from the owners of Erf 1378 (a portion of Erf 131), Klein Windhoek for a portion of the Remainder of Erf 1398, Klein Windhoek for consolidation purposes.

Application

*** An application dated 23 August 2018, **attached as page 572 to the agenda**, was received from Ms R Wittsack and Mr CJ Dippenaar, the owners of Erf 1378 (a portion of Erf 131), Klein Windhoek for the acquisition of portion of Brits Street (± 128 m² in extent). The portion required is zoned 'street'.

The Public Open Spaces Policy is not relevant for this application. All technical comment are favourable for the consolidation of the Remainder of Erf 1398, Klein Windhoek with Erf 1378 (a portion of Erf 131), Klein Windhoek.

Consolidation of the portion in question will align the boundary of the applicants' property with that of the adjacent properties situated along Brits Street and will add additional space for development.

The application involves the following:

- Subdivision of the Remainder of Erf 1398, Klein Windhoek into Portion A (± 128 m² in extent) and the Remainder;

- Closure of Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek as 'street' in term of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);
- Consolidation of Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek with Erf 1378 (a portion of Erf 131), Klein Windhoek;
- Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek will assume upon consolidation the same zoning and density as Erf 1378 (a portion of Erf 131), Klein Windhoek, being 'residential' with a density of 1:900 m^2 ; and
- Sale of Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek for consolidation with Erf 1378 (a portion of Erf 131), Klein Windhoek.

*** The registered owners of Erf 1378 (a portion of Erf 131), Klein Windhoek are Mr CJ Dippenaar as per Deed of Transfer No. T/3592/2018, **attached as pages 573 - 577 to the agenda**, and Ms R Wittsack as per Deed of Transfer No. T/3593/2018, **attached as pages 578 - 582 to the agenda**, and both owners hold one half ($\frac{1}{2}$) share in Erf 1378 (a portion of Erf 131), Klein Windhoek. The Identity Documents (IDs) of the owners are **attached as pages 583 and 584 respectively to the agenda**.

Property description and locality

Erf 1378 (a portion of Erf 131), Klein Windhoek is zoned 'residential, is $\pm 1\,096 \text{ m}^2$ in extent and is situated along Brits Street, with a density of 1:900 m^2 .

The required portion of the Remainder of Erf 1398, Klein Windhoek is $\pm 128 \text{ m}^2$ in extent and zoned 'street'.

*** The locality of the properties is indicated on the plan, **attached as page 585 to the agenda**.

Technical comments

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

Comments from the Strategic Executive: Electricity

- Technical Support

There is in principle no objection to the application submitted; Provided

- That should any existing 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 metre point be allowed for an approved flat on erven that are zoned 'single residential', and for more metre 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**

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

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Policy**

The Remainder of Erf 1398, Klein Windhoek was created for widening of Brits Street. The portion should be confirmed with the Roads Planning Design and Traffic Flow for comments.

Following the above directive from the Urban Policy Division, the item was referred to the Traffic Flow Section who responded on 29 October 2019 that there are no objections to the sale of the indicated portion for consolidation with Erf 1378 (a portion of Erf 131), Klein Windhoek. The comments reflect under comments from the **Traffic Flow Section**.

- **Revised comments 28 June 2022**

There is no objection to the proposed purchase of Portion A of the Remainder of Erf 1398, Klein Windhoek, and consolidation with Erf 1378 (a portion of Erf 131), Klein Windhoek; Provided:

- That the Remainder of Erf 1398, Klein Windhoek be subdivided into Portion A ($\pm 128 \text{ m}^2$ in extent) and the Remainder.

- That Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek be closed as 'street' in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- That Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek be consolidated with Erf 1378 (a portion of Erf 131), Klein Windhoek.
- That Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek assume the same zoning as Erf 1378 (a portion of Erf 131), Klein Windhoek, upon consolidation as per clause 5(3) of the Town Planning Scheme.

- **Stormwater**

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

- Erf 1378 (a portion of Erf 131), Klein Windhoek has a general downward slope from the south towards the north;
- The proposed Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek has a general downward slope from the south towards the north; and
- There is no stormwater system crossing Erf 1378 (a portion of Erf 131), Klein Windhoek or the proposed Portion A of the Remainder of Erf 1398, Klein Windhoek except for surface stormwater run-off.

There is no objection to the proposed purchase of Portion A of the Remainder of Erf 1398, Klein Windhoek, and consolidation with Erf 1378 (a portion of Erf 131), Klein Windhoek: Provided:

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

- **Traffic Flow**

There is in principle no objection to the purchase of Portion A of the Remainder of Erf 1398, Klein Windhoek for consolidation with Erf 1378 (a portion of Erf 131), Klein Windhoek: Provided:

- That the subdivided portion be aligned with the boundaries of Erf 1378 (a portion of Erf 131), Klein Windhoek.
- That it be noted that an Urban Arterial Account (UAA) contribution is not applicable.

- **Sustainable Development**

There is no objection to the proposed application, subject to noting and undertaking: Provided:

- That due consideration be given to the comments from the Roads Planning and Design Section.
- That the permanent closure of the newly created Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek, be utilised for residential purposes.
- That Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek, and Erf 1378 (a portion of Erf 131), Klein Windhoek, be consolidated into Erf X.
- That all relevant cadastral procedures be undertaken and associated liabilities be accounted by the applicant.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

The application is supported with no environmental requirements.

- **Parks**

There is no objection to the application.

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

- **Valuations**

*** Portion A of the Remainder of Erf 1398, Klein Windhoek is $\pm 128 \text{ m}^2$ in extent. After consolidation with Erf 1378 (a portion of Erf 131), Klein Windhoek the size of the newly consolidated erf will be $\pm 1\,224 \text{ m}^2$ in extent. The development potential is not enhanced in terms of the density being 1:900 m^2 . Hence, the value payable is 50 % of N\$1 703.00, being N\$851.50/ m^2 or N\$109 000.00 in total as per Council Resolution 276/08/2004 (Policy), **attached as page 586 to the agenda.**

*** Should the owner of Erf 1378 (a portion of Erf 131), Klein Windhoek wish to take occupation of Portion A 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\$908.33. The rental was calculated at 10 % of the purchase price divided by twelve (12) and should be further subject to the annual escalation in line with the Namibia Inflation Rate. The Valuation Certificate dated 28 June 2022 is **attached as pages 587 to the agenda.**

- **Property Management**

The Strategic Executive: Housing, Property Management and Human Settlement has perused the comments from the technical departments. All comments support the sale of Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek to the owners of Erf 1378 (a portion of Erf 131), Klein Windhoek.

The Strategic Executive: Housing, Property Management and Human Settlement supports the application.

Neighbours' consent

No neighbour is affected by the sale.

Site Visit

*** A site visit was conducted on 28 June 2022, no issues of encroachment or other illegal activities were detected. Photographs of the site are **attached as pages 588 - 592 to the agenda.**

Conclusion

Having presented the comments from the technical departments, the item is submitted for Council's consideration.

Management Committee, having considered the application,

RECOMMENDED

- ***
- 1 That the Remainder of Erf 1398, Klein Windhoek, be subdivided into Portion A ($\pm 128 \text{ m}^2$ in extent) and the Remainder as indicated on Plan KW 1378-1, **attached as page 585 to the agenda.**
 - 2 That Portion A of the Remainder of Erf 1398, Klein Windhoek be closed as 'street' in terms of section 50(1)(c) of the Local Authorities Act 1992, (Act 23 of 1992) (as amended).
 - 3 That Portion A of the Remainder of Erf 1398, Klein Windhoek assume the same zoning and density as Erf 1378 (a portion of Erf 131), Klein Windhoek, being 'residential' with a density of $1:900 \text{ m}^2$ in terms of clause 5(3) of the Windhoek Town Planning Scheme.
 - 4 That the Municipal Council of Windhoek prepare the closure notice and that the applicants/owners of Erf 1378 (a portion of Erf 131), Klein Windhoek 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.

- 5 That the applicants/owners of Erf 1378 (a portion of Erf 131), Klein Windhoek be responsible for the town planning and cadastral procedures, i.e., subdivision, consolidation, survey and registration of the new consolidated erf, and the costs involved.
- 6 That subject to the successful closure and implementation of all town planning and cadastral procedures, Portion A of the Remainder of Erf 1398, Klein Windhoek, Portion A of the Remainder of Erf 1398, Klein Windhoek be sold to the applicants/owners of Erf 1378 (a portion of Erf 131), Klein Windhoek at a purchase price of N\$851.50/m², being 50 % of N\$1 703.00/m² or N\$109 000.00 (for the portions of ± 128 m²) in total as indicated on the Valuation Certificate dated 28 June 2022, attached as page 131 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 6.1 That should the applicants/owners wish to take occupation of Portion A of the Remainder of Erf 1398, Klein Windhoek prior to the sale, same be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$908.33, further subject to annual escalation in line with the Namibia Inflation Rate.
- 7 That the sale of Portion A (± 128 m² in extent) of the Remainder of Erf 1398, Klein Windhoek be subject to the following conditions:
 - 7.1 That Portion A of the Remainder of Erf 1398, Klein Windhoek be consolidated with Erf 1378 (a portion of Erf 131), Klein Windhoek simultaneously with transfer.
 - 7.2 That the existing conditions registered against Portion A (± 128 m² in extent) of the Remainder of Erf 1398, Klein Windhoek be replaced and the standard conditions including a minimum building value equal to four (4) times the municipal valuation, be registered against the consolidated erf.
 - 7.3 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
 - 7.3.1 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.
 - 7.3.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.

- 8 That the following be noted:
 - 8.1 That only one (1) electrical service connection be allowed from the municipal network to the consolidated erf.
 - 8.2 That only one (1) additional electrical meter can be applied for an approved flat, should it be required.
 - 8.3 That should an upgrade of the electricity supply point be required, the applicants and/or their 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.
- 9 That the applicants/owners of Erf 1378 (a portion of Erf 131), Klein Windhoek:
 - 9.1 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.
 - 9.2 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.
 - 9.3 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.
 - 9.4 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.
- 10 That should the applicants/owners 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, that the allocation of Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek to the owner of Erf 1378 (a portion of Erf 131), Klein Windhoek beyond the eighteen (18) months, be subject to the price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 11 That the sale and lease of Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek be subject to Ministerial approval being obtained in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- 12 That the intended sale and lease of Portion A ($\pm 128 \text{ m}^2$ in extent) of the Remainder of Erf 1398, Klein Windhoek, be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 13 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale and Lease Agreement.
- 14 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: 2022-08-10(07-28)]

10.2.6

FNS.3 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF R/1338, WANAHEDA EXTENSION 5 FOR CONSOLIDATION WITH ERF 2824, WANAHEDA EXTENSION 5 (L/R/1338/Wan)

Introduction

The purpose of this submission is to submit to Council an application received from the owner of Erf 2824, Wanaheda Extension 5 to purchase a portion of Erf R/1338, Wanaheda Extension 5 to consolidate with Erf 2824, Wanaheda Extension 5.

Application

*** An application dated 22 November 2017, **attached as page 593 to the agenda**, was received from Ms Emilia Mbatjiua Kapitako, the owner of Erf 2824, Wanaheda Extension 5, who has requested to purchase a portion of Erf R/1338, Wanaheda Extension 5 for consolidation with Erf 2824, Wanaheda Extension 5.

Property description and locality

Erf 2824, Wanaheda Extension 5 is zoned 'residential' with a density of 1:250 m^2 , is $\pm 610 \text{ m}^2$ in extent, and is situated in Erindi Street.

Erf R/1338, Wanaheda Extension 5 is zoned 'public open space', is $\pm 12\,772 \text{ m}^2$ in extent, and is situated in Independence Avenue.

*** The locality of the property is indicated on the plans, **attached as pages 594 - 595 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 sale of a 10 metre portion as per the Policy: Provided:

- That it be noted that Erf R/1338, Wanaheda Extension 5 is zoned 'public open space'.
- That it be noted that under the new Environmental Management Act, 2007 (Act 7 of 2007), read with paragraph 5.1 of the Promulgated Regulations under Government Notice No. 29 of 2012, the rezoning of a 'public open space' to any other land use is a listed activity for which an Environmental Management Clearance Certificate is a pre-requisite.

However, the said Act also makes provision for an exemption of such a requirement. The applicant should contact the Health and Environment Services Division to apply for Environmental Clearance Exemption once the application has been approved by Council.

- Health Services

There is no objection to the application: Provided that no activities taking place on the property constitute a public health nuisance.

- Parks

There is no objection to the application to consolidate a 10 metre portion.

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

- Solid Waste Management

There is no objection to this application.

Comments from the Strategic Executive: Electricity

- Technical Support

There is in principle no objection to the application submitted to purchase a portion of Erf R/1338, Wanaheda Extension 5 for consolidation with Erf 2824, Wanaheda Extension 5: Provided:

- That where MV/HV overhead lines are in close proximity and servitudes have not been registered, the following horizontal clearing width apply for allowing access to the line and for the following 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 be crected within the stipulated area.**
- 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.

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

- **Water**

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

- **Sewer**

The sale of a portion of Erf R/1338, Wanaheda Extension 5 for consolidation with Erf 2824, Wanaheda Extension 5 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 portion. To facilitate the consolidation, the applicant is required to appoint a registered professional Engineer to design the new relocation for the erf.

A complete design with the necessary long sections 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 professional Engineer. All costs involved will be for the applicant's account.

Strategic Executive: Urban and Transport Planning

- Urban Planning

Erf R/1338, Wanaheda Extension 5 is zoned 'public open space' and is $\pm 12\,772\text{ m}^2$.

Erf 2824, Wanaheda Extension 5 is zoned 'residential' with a density of 1:250 m^2 and is $\pm 610\text{ m}^2$ in size.

The proposed portion is $\pm 391.6\text{ m}^2$ in extent and should be subdivided from Erf R/1338, Wanaheda Extension 5. The proposed portion should be consolidated with Erf 2824, Wanaheda Extension 5 and the consolidated erf will be $\pm 1\,001.6\text{ m}^2$ in extent.

There is no objection to the subdivision of a 10 metre portion of Erf R/1338, Wanaheda Extension 5 for consolidation purposes with Erf 2824, Wanaheda Extension 5, subject to the comments of Strategic Executive: Infrastructure Water and Technical Services: Provided:

- That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.
- That Erf R/1338, Wanaheda Extension 5 be subdivided into the proposed Portion A and Remainder as indicated on the subdivision plan, Plan WAN 2824 date stamped 27 October 2020. [The same plan must be submitted to the Ministry of Urban and Rural Development.]
- That the proposed Portion A 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 applicant.
- That the applicant advertise the intended closure as per section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and follow all other requirements of section 50.
- That the applicant be responsible for all the cadastral town planning applications to the Ministry of Urban and Rural Development.

- That the applicant submit copies of the approved erf diagrams to the Strategic Executive: Urban and Transport Planning upon approval of the subdivision and consolidation;
- That in terms of clause 5(3) of the Windhoek Town Planning Scheme, the subdivided portion assume the same zoning of Erf 2824, Wanaheda Extension 5 upon consolidation.
- That the current conditions registered against Erf R/1338, Wanaheda Extension 5 be replaced with the usual short standard conditions of the Municipality, including a minimum building value as stipulated in clause 39 of the Windhoek Town Planning Scheme.

- **Sustainable Development**

Erf R/1338 ($\pm 12\,772.86\text{ m}^2$), Wanaheda Extension 5 is zoned 'public open space' in terms of the Windhoek Town Planning Scheme. Public open spaces are reserved for amongst other functional areas for 'green spaces' within the built environment. This is in compliance to design guidelines as well as the requirements of the Urban and Regional Planning Board to provide for functional open spaces, hence the reservation of Erf R/1338, Wanaheda Extension 5.

The City equally makes provision for the acquisition of 10 metres under section 9 of the Public Open Space Policy which deals with the distribution and future usage of the public open space in Windhoek.

Furthermore, Management Committee on 17 August 2017 resolved to review and amend the Policy for it to proactively respond towards solutions dealing with availability of serviced land for housing purposes.

The above stated creates provisions for erf owners of a 'residential' zoned erven adjacent to erven zoned 'public open space' to procure a 10 metre portion provided it is technically suited.

Municipal infrastructure located on Erf R/1338, Wanaheda Extension 5 should however be noted as it can limit the full application of the Public Open Spaces Policy prescribing an offset of 10 metres from the neighbouring boundary. It is therefore suggested that comments from the respective division guide the parametres within which the application can be accommodated.

- **Proposal/recommendations**

The Sustainable Development Division of the Department of Urban and Transport Planning **SUPPORT** the proposed application, subject to noting and undertaking the following:

- That the provision to acquire 10 metres as per the provision stated under section 9 of the Public Open Space Policy on the Distribution and Future Usage of Public Open Space in Windhoek, be considered.

- That the request be granted but due consideration of comments from the Strategic Executives: Electricity; and Infrastructure, Water and Technical Service, be noted.
- That the following town planning procedures be followed to enable the above:
 - That Erf R/1338, Wanaheda Extension 5, be subdivided into Portion A and the Remainder.
 - That the newly created Portion A of Erf R/1338, Wanaheda Extension 5 be permanently closed and assume the zoning of Erf 2824, Wanaheda Extension 5 in terms of clause 5(3) of the Windhoek Town Planning Scheme.
 - That the newly created Portion A (a portion R/1338, Wanaheda Extension 5), be consolidated with Erf 2824, Wanaheda Extension 5 into Erf X, Wanaheda.
 - That all relevant cadastral procedures be undertaken in accordance to planning laws and Windhoek municipal council's by-laws, and the associated liabilities be for the applicant's account.
- **Roads Planning, Design and Traffic Flow**
 There is no objection to the purchase and consolidation of a 10 metre portion of Erf R/1338, Wanaheda Extension 5 with Erf 2824, Wanaheda Extension 5: Provided:
 - That it be noted that the density of Erf 2824, Wanaheda Extension 5 is not available on enlighten, therefore the Urban Arterial Account (UAA) contribution is N\$9 890.10 if the erf is enhanced by more than one (1) dwelling unit, otherwise an Urban Arterial Account (UAA) contribution is not applicable.
- **Roads and Stormwater Design**
 A stormwater investigation was done and the following is reported:
 - Erf 2824, Wanaheda Extension 5 has a general downward slope from the north west towards the south east;
 - There is no stormwater system crossing Erf 2824, Wanaheda Extension 5, except for surface stormwater run-off; and
 - There is a stormwater course flowing along Erf R/1338, Wanaheda Extension 5, flowing ± 9 metres away from the south eastern boundary of Erf 2824, Wanaheda Extension 5, flowing from the north east into a south westerly direction towards a culvert underneath Erindi Street.

This division therefore does not support the sale of the proposed 10 metre wide portion of Erf R/1338, Wanaheda Extension 5 to be consolidated with Erf 2824, Erindi Street, Wanaheda Extension 5.

The proposed purchase of a portion of Erf R/1338, Wanaheda Extension 5 would however be considered to be consolidated with Erf 2824, Erindi Street Wanaheda Extension 5: Provided:

- That the proposed Portion A of Erf R/1338, Wanaheda Extension 5 be no more than 4 metres wide measured parallel from the south eastern boundary of Erf 2824, Wanaheda Extension 5.
- 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 own cost and risk, to determine if the proposed portion A of Erf R/1338, Wanaheda Extension 5 require to be protected against any potential flood damage.

Valuations

*** Portion A of Erf R/1338, Wanaheda Extension 5 is $\pm 155 \text{ m}^2$ in extent and after consolidation with Erf 2824, Wanaheda Extension 5 the size of the consolidated erf would be $\pm 765 \text{ m}^2$ in total. The development potential is enhanced in terms of the density being 1:250 m^2 . Hence, the full purchase price of N\$52 000.00 as determined by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuations) as indicated on the Valuation Certificate dated 30 June 2022, **attached as page 596 to the agenda**, will be paid.

Should the owner of Erf 2824, Wanaheda Extension 5 wish to take occupation of Portion A ($\pm 155 \text{ m}^2$ in extent) of Erf R/1338, Wanaheda Extension 5 prior to the conclusion of the sale, it could be leased to the applicant once the preliminary consolidation diagram are available, pending the finalising of the sale, at a monthly rental of N\$433.33.

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

Neighbours' consent

Favourable consent was received from the adjacent owner of Erf 2824, Wanaheda Extension 5.

Site visit

*** A site visit was conducted on 14 May 2020 by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Property Management) and it was found that there is no encroachment or any activities on the applied portion. Photographs of the site are **attached as pages 597 - 598 to the agenda**.

Conclusion

*** Having considered the application together with the technical comments from various divisions, the Strategic Executive: Housing, Property Management and Human Settlement proposed that the application be approved and that Erf R/1338, Wanaheda Extension 5 be subdivided into Portion A ($\pm 155\text{m}^2$ in extent) and the Remainder as indicated on the subdivision plan, Plan WAN 2824, **attached as page 595 to the agenda.**

Management Committee, having considered the application,

RECOMMENDED

- 1 That the application received from the owner of the Erf 2824, Wanaheda Extension 5 for consolidation with the Remainder of Erf R/1338, Wanaheda Extension 5, be noted.
- *** 2 That the Remainder of Erf R/1338, Wanaheda Extension 5, be subdivided into Portion A ($\pm 155\text{ m}^2$ in extent) and the Remainder as indicated on the subdivision plan, Plan WAN 2824, **attached as page 595 to the agenda.**
- 3 That approval be granted for the sale of Portion A ($\pm 155\text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5 to the owner of Erf 2824, Wanaheda Extension 5 for consolidation purposes.
- 4 That Portion A ($\pm 155\text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5 be closed as a 'public open space' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
 - 4.1 That the City prepare the closure notice and that the applicant/owner of Erf 2824, Wanaheda Extension 5 be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours and the costs involved.
 - 4.2 That proof of successful advertising be provided to the Strategic Executive: Urban and Transport Planning before the transfer process.
- 5 That Portion A ($\pm 155\text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5 be consolidated with Erf 2824, Wanaheda Extension 5 into one (1) erf simultaneously with transfer.
- 6 That upon consolidation of Portion A ($\pm 155\text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5 assume the same zoning as Erf 2824, Wanaheda Extension 5, being 'residential' with a density of 1:250 m^2 , in terms of clause 5(3) of the Windhoek Town Planning Scheme.
- 7 That the applicant/owner of Erf 2824, Wanaheda Extension 5 obtain an Environmental Management Clearance Certificate from the Strategic Executive: Economic Development and Community Services (Environment Division) in terms of the Environmental Management Act, 2007 (Act 7 of 2007).

- 8 That the applicant/owner of Erf 2824, Wanaheda Extension 5 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.
- ***
- 9 That after obtaining Environmental Clearance Certificate and successful completion of the closure, town planning and cadastral procedures, Portion A ($\pm 155 \text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5, be sold to the owner of Erf 2824, Wanaheda Extension 5 for consolidation purposes at the full market price of N\$335.00/m², being N\$52 000.00 as per the Valuation Certificate dated 30 June 2022, **attached as page 596 to the agenda**, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 10 That the sale of Portion A ($\pm 155 \text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5 be subject to the following conditions:
- 10.1 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:
- 10.1.1 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.
- 10.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 10.3 That it be noted that should any municipal electrical infrastructure be relocated, dismantled or replaced as per request received from the applicant, all costs related thereto be for the applicant's account.
- 10.4 That it also be noted that only one (1) service connection from the municipal electrical network be allowed per erf.

- 10.5 That the sewer line be relocated outside the boundaries of the applied portion, at the cost of the applicant and to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 10.5.1 That the applicant appoint a registered professional Engineer to do the designs for the relocation of the municipal sewer line outside the 3 metre building lines of the new created erf.
- 10.5.2 That a design be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start.
- 10.5.3 That after approval of the design, the applicant appoint a Contractor to do the construction of the water and sewer lines and the supervision of the construction work be done by a registered Engineer.
- 10.5.4 That all costs involved, due to the relocation of the sewer line, be for the applicant's account, and that the Deed of Sale for the applied portion of the Remainder of Erf R/1338, Wanaheda Extension 5 only be signed after the relocation of the sewer line is done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 10.6 That the use of the land and building (s) comply with the provisions of the Windhoek Town Planning Scheme.
- 10.7 That the current conditions registered against Erf 2824, Wanaheda Extension 5 be retained with the usual short standard conditions of the Municipality, including a minimum building value equal to two (2) times the municipal valuation of the erf, against the consolidated erf.
- 11 That the applicant/owner of Erf 2824, Wanaheda Extension 5:
- 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 and finalisation of the closure procedures that the proposed closure, 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 applicant fail to comply with any of the conditions of 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 ($\pm 155 \text{ m}^2$ in extent) of the Erf R/1338, Wanaheda Extension 5 to the owner of Erf 2824, Wanaheda Extension 5 beyond the eighteen (18) months, be subject to the price escalation to be determined by the Strategic: Housing, Property Management and Human Settlement.
- 13 That should the applicant wish to take occupation of Portion A ($\pm 155 \text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5, prior to the conclusion of the sale thereof that Portion A ($\pm 155 \text{ m}^2$ in extent) of the Remainder of Erf R/1338 Wanaheda Extension 5, be leased to the applicant N\$433.33 further subject to annual escalation in line with the Namibia Inflation Rate.
- 14 That the applicant contact the Strategic Executive: Economic Development and Community Services to apply for Environmental Clearance Exemption once the application has been approved by Council.
- 15 That the sale/lease of Portion A ($\pm 155 \text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5 be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 16 That the sale/lease of Portion A ($\pm 155 \text{ m}^2$ in extent) of the Remainder of Erf R/1338, Wanaheda Extension 5 be subject to Ministerial approval in terms of section 30(1)(f) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 17 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 18 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

=====

REVISIONS

NO.	BY	DATE	DESCRIPTION
1			

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.

5. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL DEBRIS.

7. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL DEBRIS.

9. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL DEBRIS.



HOUSING PROPERTY MANAGEMENT & RENTAL SETTLEMENT

354154, APPROXIMATE FUTURE FLOORING
CONSTRUCTION OF 1-1/2 STORY RESIDENTIAL HOUSE

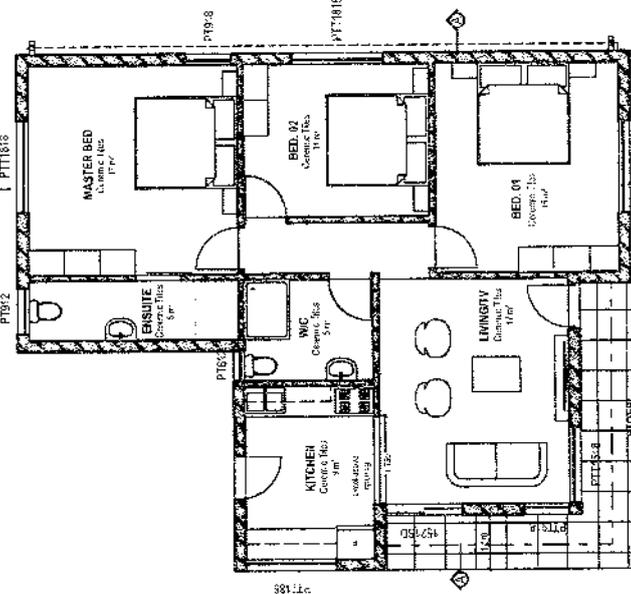
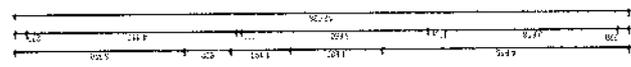
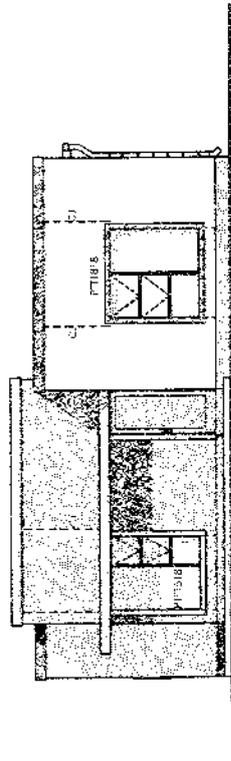
OWNER: [Name], City of [Location]
PROJECT NO.: [Number]

COVERAGE:
House Type: [Type] New Dwelling: [Type]

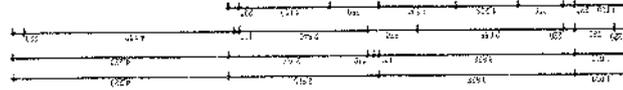
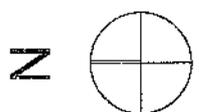
NGWHI - 3 BEDROOM

NO.	BY	DATE	DESCRIPTION
1			

AS SHOWN
REVISION NO. [Number]



Total Footprint : Exc. Porch
94 m²



FLOOR PLAN 1:100

NO.	DATE	REVISIONS

NO.	DESCRIPTION
1	<p>1.1. GENERAL INFORMATION</p> <p>1.2. PROJECT INFORMATION</p> <p>1.3. CLIENT INFORMATION</p> <p>1.4. PROJECT LOCATION</p> <p>1.5. PROJECT STATUS</p> <p>1.6. PROJECT PHASE</p> <p>1.7. PROJECT TYPE</p> <p>1.8. PROJECT CATEGORY</p> <p>1.9. PROJECT SUB-CATEGORY</p> <p>1.10. PROJECT SUB-TYPE</p> <p>1.11. PROJECT SUB-CATEGORY</p> <p>1.12. PROJECT SUB-TYPE</p> <p>1.13. PROJECT SUB-CATEGORY</p> <p>1.14. PROJECT SUB-TYPE</p> <p>1.15. PROJECT SUB-CATEGORY</p> <p>1.16. PROJECT SUB-TYPE</p> <p>1.17. PROJECT SUB-CATEGORY</p> <p>1.18. PROJECT SUB-TYPE</p> <p>1.19. PROJECT SUB-CATEGORY</p> <p>1.20. PROJECT SUB-TYPE</p>



HOUSING, PROPERTY MANAGEMENT & HUMAN SETTLEMENT

COUNCIL AFFORDABLE HOUSING PROGRAMME

CONSTRUCTION OF AFFORDABLE HOUSING IN MIDWAYDALE

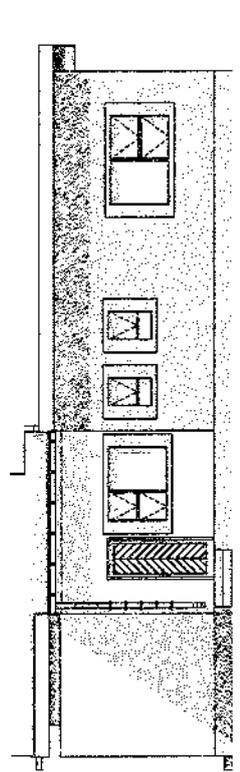
COVERPAGE

Project Name: 3 Bedroom New Dwelling (B-3)

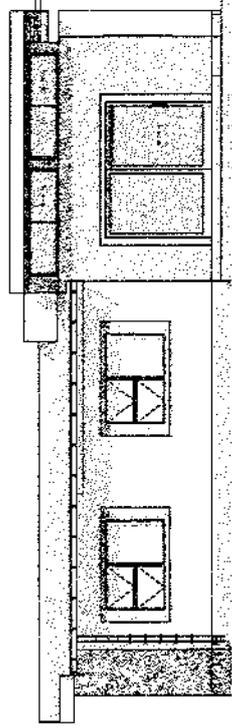
Client: Council of Midwaydale

Address: 6015 - 6028 Kilmacraigh

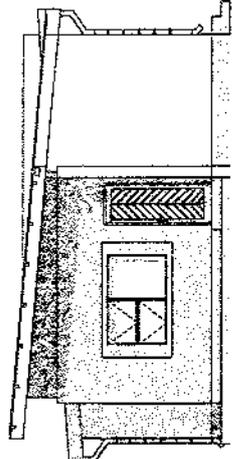
PROJECT INFORMATION	
PROJECT NO.	12345678
PROJECT NAME	3 Bedroom New Dwelling (B-3)
PROJECT ADDRESS	6015 - 6028 Kilmacraigh
PROJECT TYPE	As Shown
PROJECT STATUS	As Shown
PROJECT PHASE	As Shown
PROJECT CATEGORY	As Shown
PROJECT SUB-CATEGORY	As Shown
PROJECT SUB-TYPE	As Shown



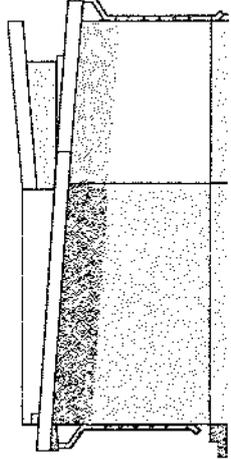
e4 Elevation
SCALE:1:100



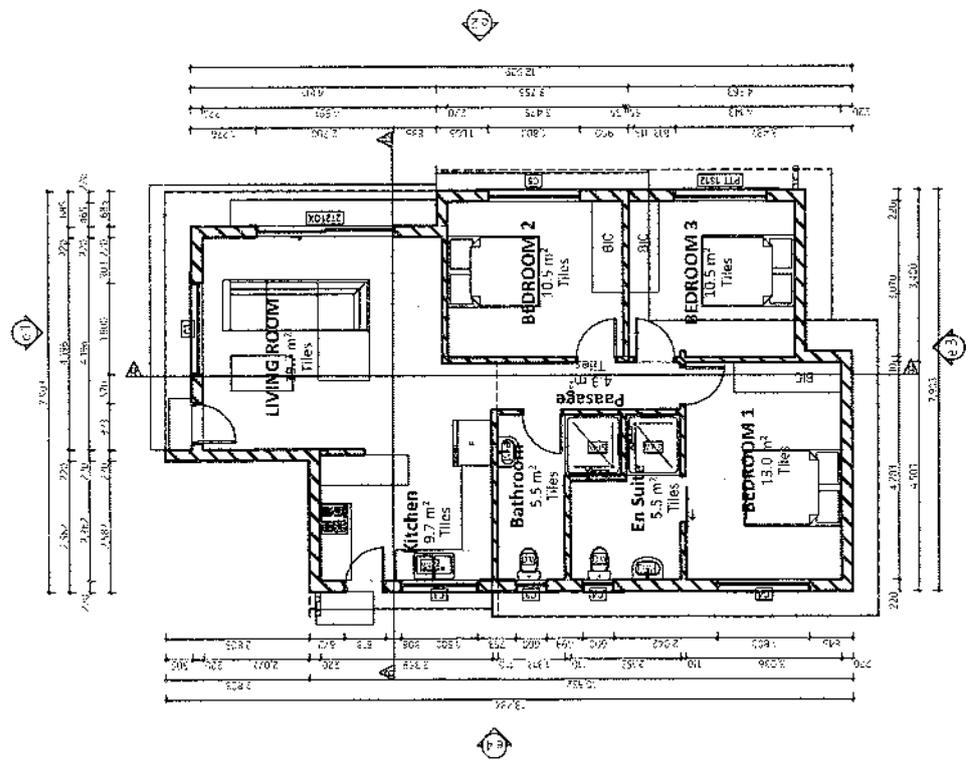
e2 Elevation
SCALE:1:100



e1 Elevation
SCALE:1:100



e3 Elevation
SCALE:1:100



Ground floor
SCALE:1:100

NO.	DATE	DESCRIPTION
1	12/12/2023	Initial design

NOTES

1. All work to be done in accordance with the relevant standards and specifications.

2. The contractor shall be responsible for obtaining all necessary permits and approvals.

3. The contractor shall ensure that all work is completed in a timely and efficient manner.

4. The contractor shall ensure that all work is completed in a safe and sound manner.

5. The contractor shall ensure that all work is completed in a professional and courteous manner.

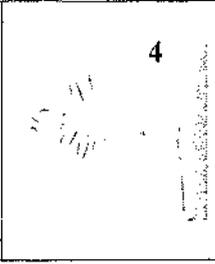
6. The contractor shall ensure that all work is completed in a cost-effective manner.

7. The contractor shall ensure that all work is completed in a high-quality manner.

8. The contractor shall ensure that all work is completed in a sustainable manner.

9. The contractor shall ensure that all work is completed in a socially responsible manner.

10. The contractor shall ensure that all work is completed in an environmentally friendly manner.



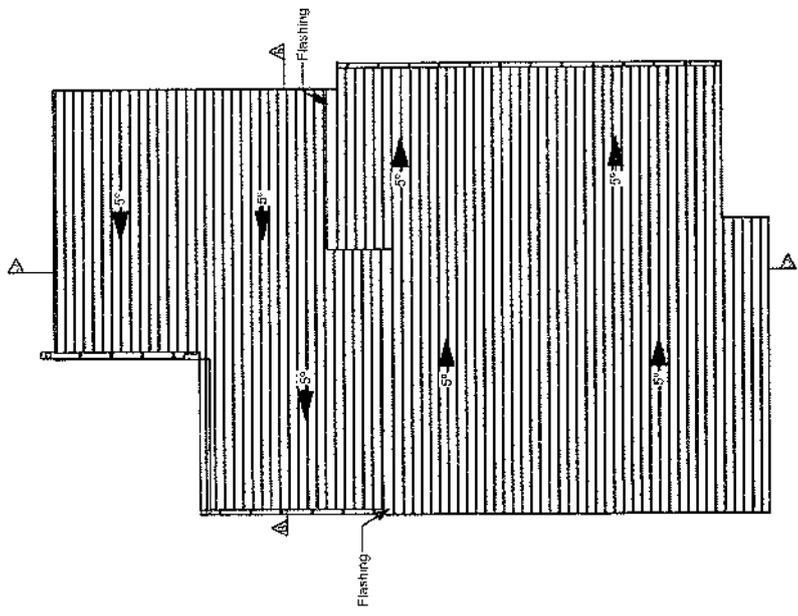
HOUSING PROPERTY MANAGEMENT & JOURNAL SETTLEMENT

CONTRACT REFERENCE: FINISHES & FLOORING
CONSTRUCTION OF A RESIDENTIAL BUILDING IN A SUBURBAN AREA

CONTRACT NO. 12345678
DATE: 12/12/2023
BY: [Signature]

COVER SHEET
PROJECT NO. 12345678
DATE: 12/12/2023

DRAWING NO.		REVISION NO.	
1	12/12/2023	1	12/12/2023
2	12/12/2023	2	12/12/2023
3	12/12/2023	3	12/12/2023
4	12/12/2023	4	12/12/2023
5	12/12/2023	5	12/12/2023
6	12/12/2023	6	12/12/2023
7	12/12/2023	7	12/12/2023
8	12/12/2023	8	12/12/2023
9	12/12/2023	9	12/12/2023
10	12/12/2023	10	12/12/2023

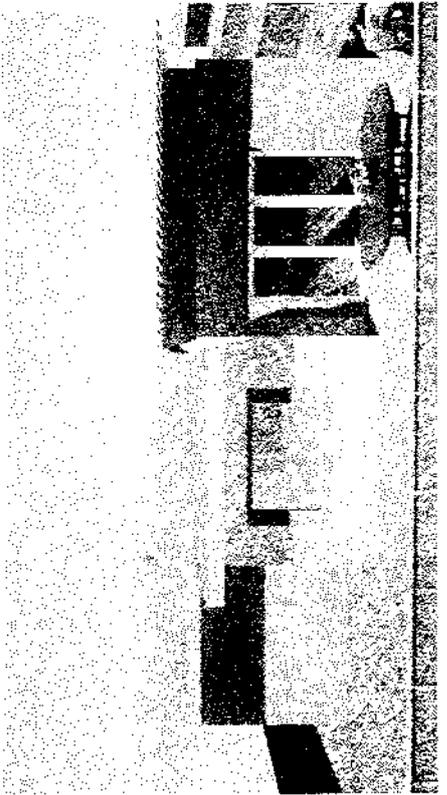


0.5mm for roofing on 76 x 50mm timber purlins 152 x 76 mm timber rafters fixed to wall with Hoop Irons, all necessary fixing and flashing as per supplier. Roof pitch: 5 degrees

Gypsum ceiling board fixed to 88 x 38mm balens on top of rafters

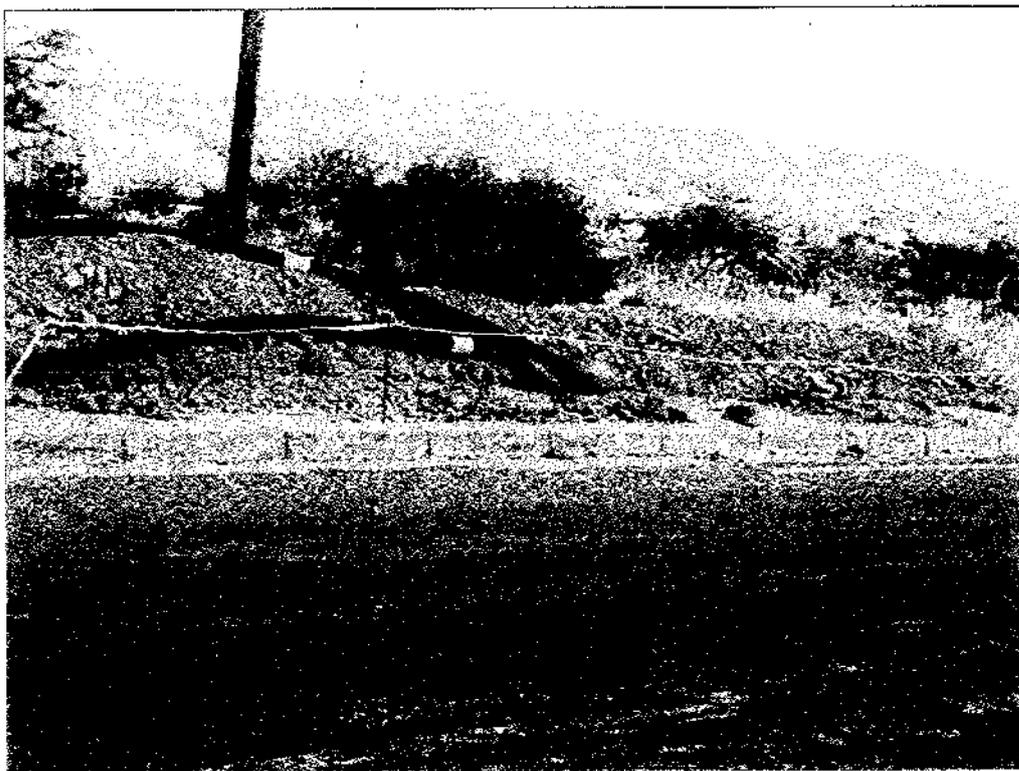
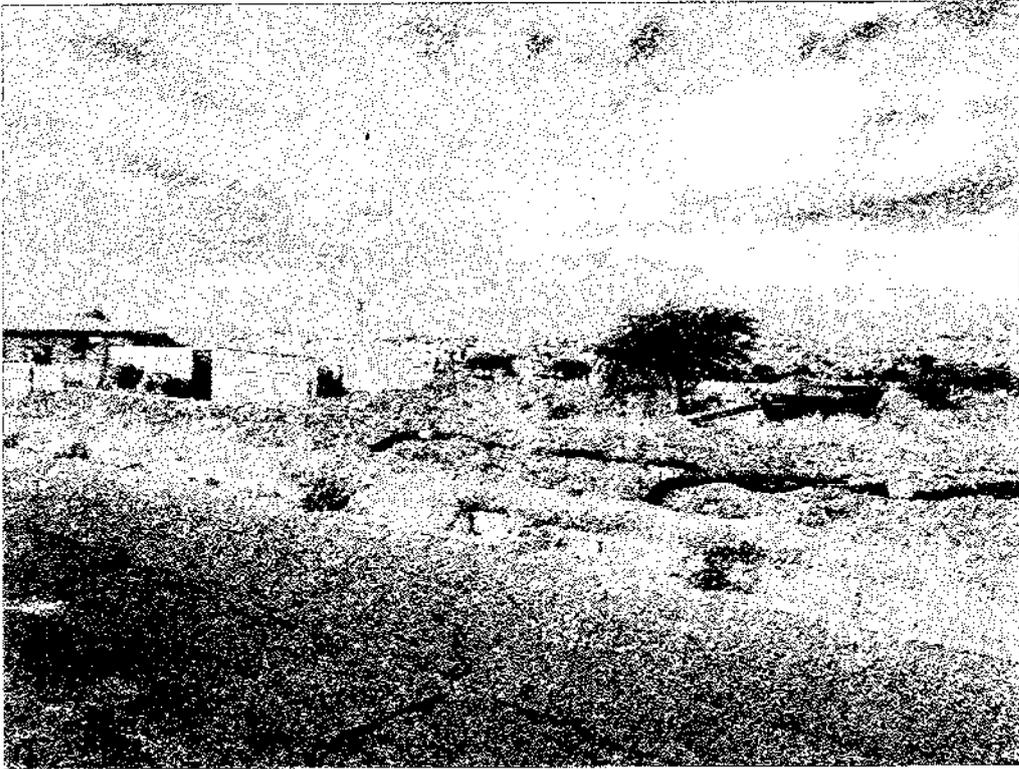
100mm concr. surface bed (15 MPa) concrete on top on sand layer on fill with approved ant poisoning, 250 micron thick dpm with min. 30mm cold & side laps with edges of membrane fully & continuously visible along all sides of surface beds, sheeting to be

B Section B-B
SCALE: 1:100

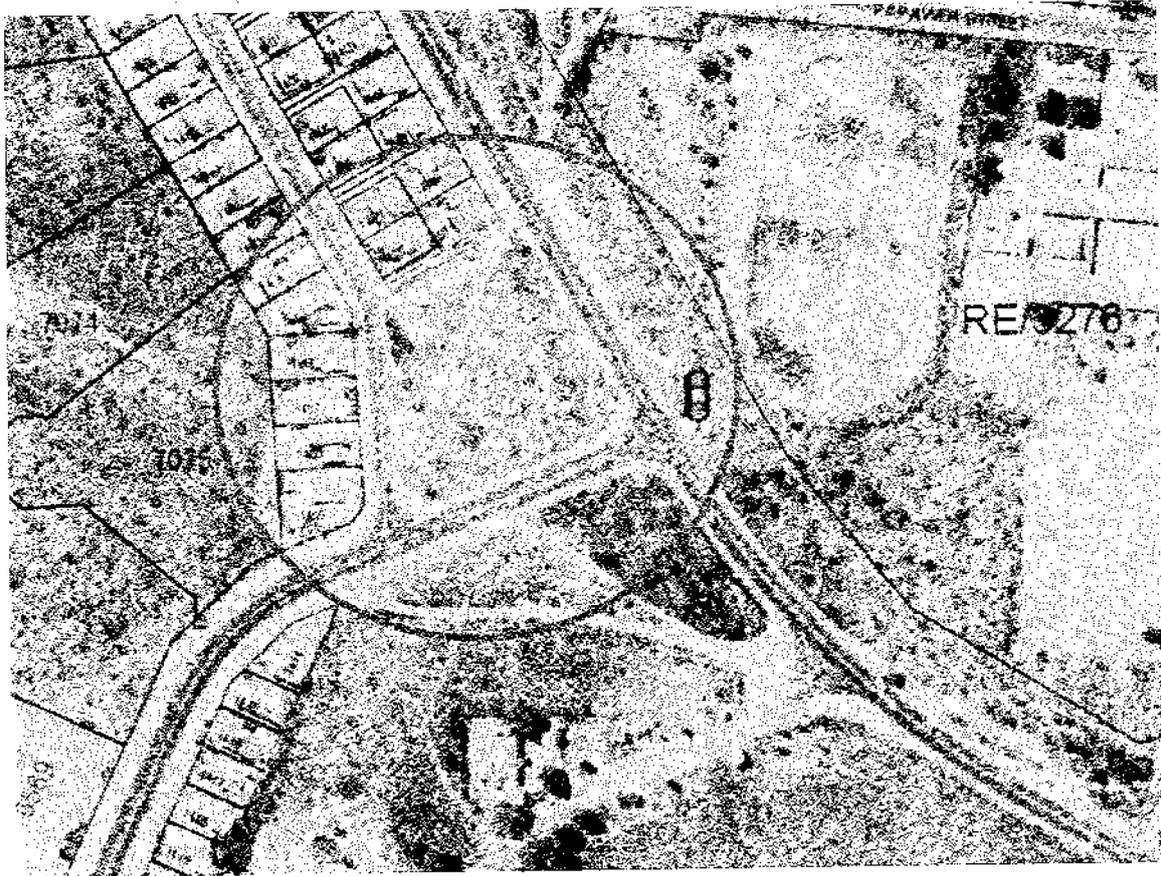


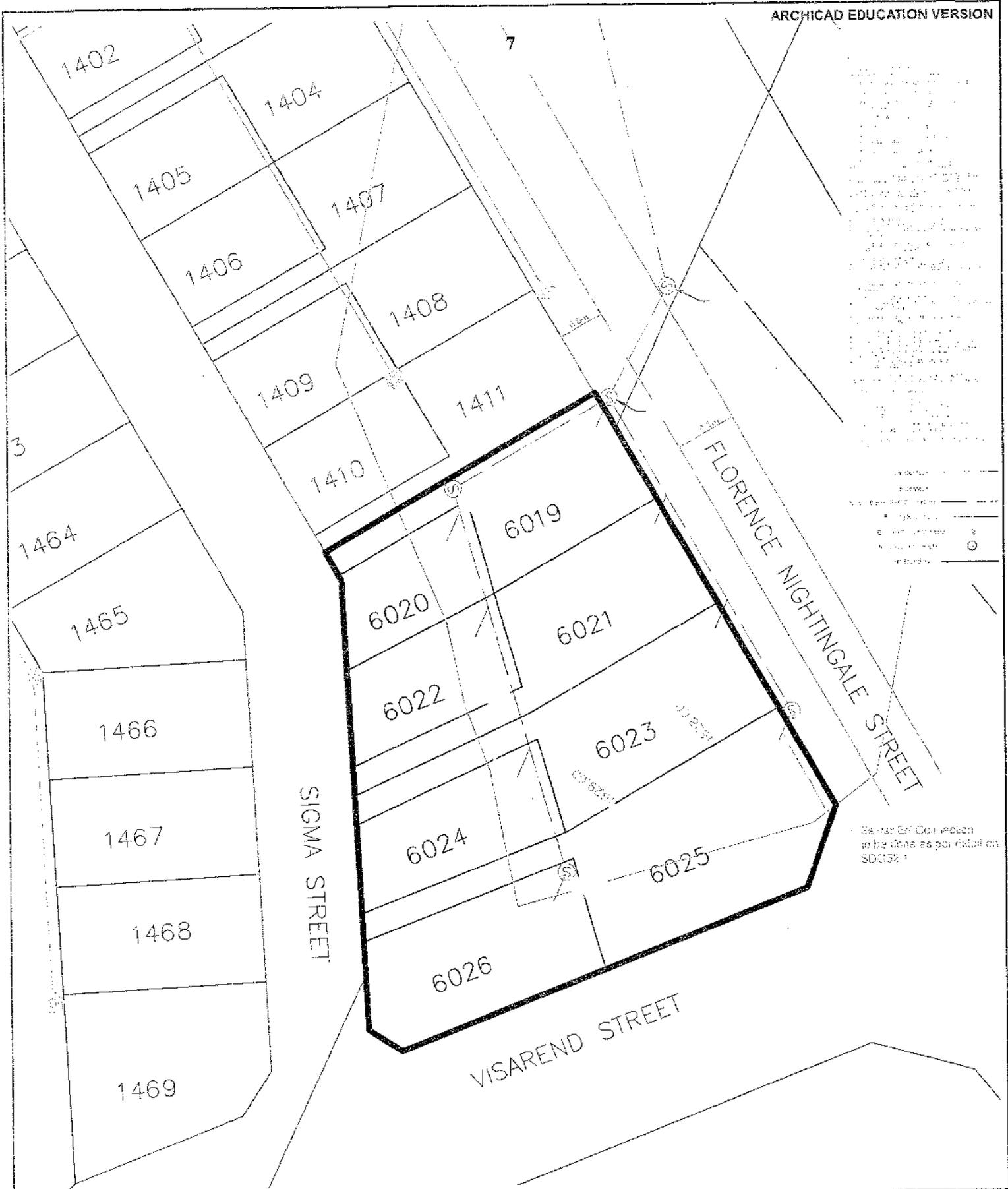
ANNEXURE B:

Open Trenches



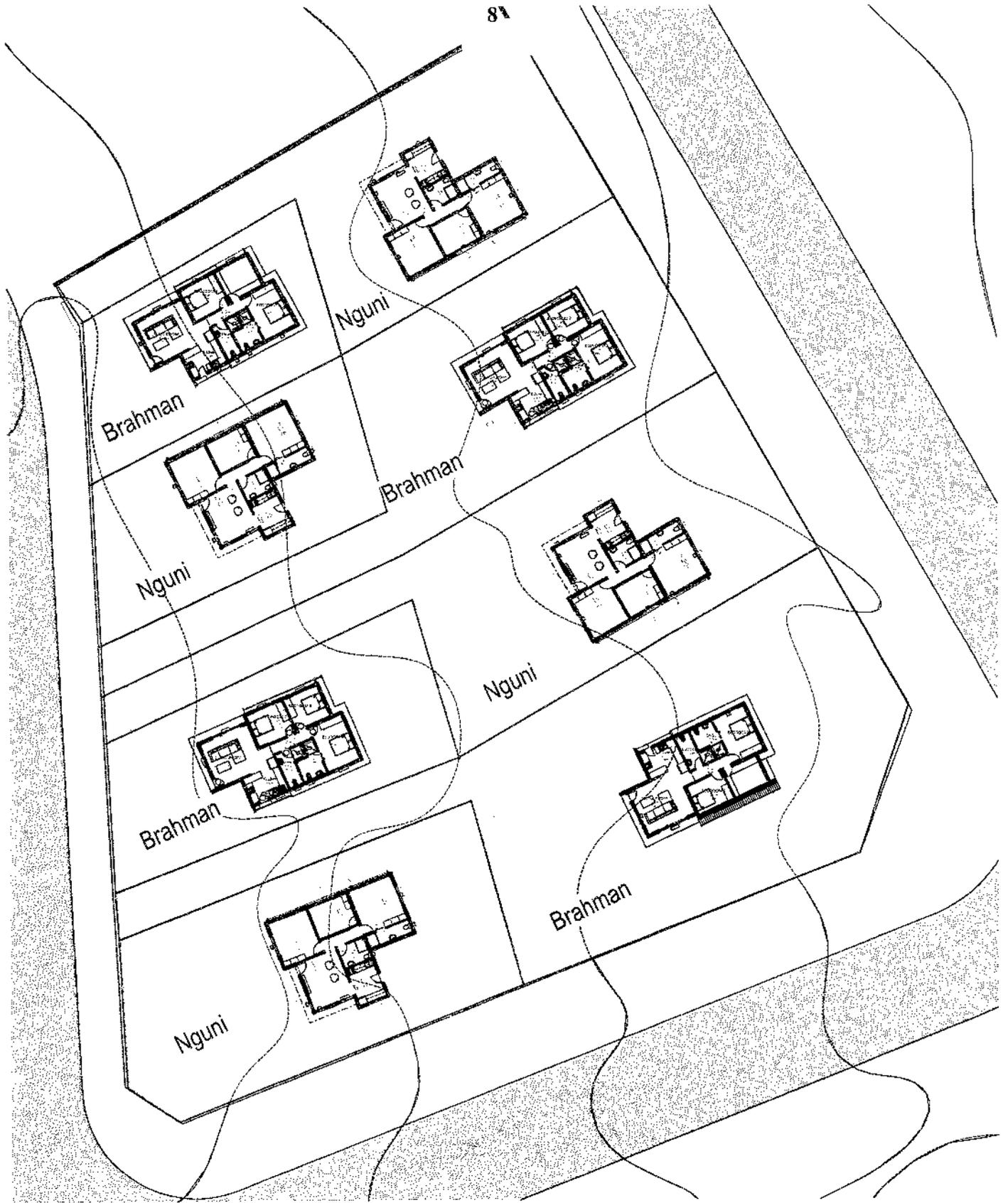
LOCALITY PLAN





	PROJECT: COUNCIL AFFORDABLE HOUSING PROGRAMME CONSTRUCTION OF 8 AFFORDABLE HOUSING IN KHOMASDALE		DRAWING TYPE: SITE PLAN WITH SERVICES
	DEPARTMENT: HOUSING, PROPERTY MANAGEMENT & HUMAN SETTLEMENT	DIVISION: HOUSING & LAND DELIVERY	LAYOUT: L.01
			DATE: 23/06/2022

81



	PROJECT COUNCIL AFFORDABLE HOUSING PROGRAMME CONSTRUCTION OF 8 AFFORDABLE HOUSING IN KHOMASDALE		DRAWING TYPE SITE PLAN WITH TYPOLOGY ALLOCATIONS
	DEPARTMENT HOUSING, PROPERTY MANAGEMENT & HUMAN SETTLEMENT	DIVISION HOUSING & LAND DELIVERY	LAYOUT L.02
			DATE 23/06/2022

2022 - Waiting List - 18 Beneficiaries

8(a)

Year	Surname	FirstNames	IDNumber	Gender	Citizenship	PeriodOfRe	MobileNum	Telephone	MaritalStat	HeadsIncor	ExtralIncom	TotalIncom	Employer
2000	KASANAPI	JOHANNES	611009050012	MALE	NAMIBIAN		081330121/081275636		Single	25000.00	0.00	25000.00	SELF EMPLC
2001	UUSIKU	ABSALOM	67122800164	MALE	NAMIBIAN		0812529018/08138269		MARRIED	2579399.00	0.00	2579399.00	
2001	NYAMBALI	JUSTUS	73101500494	MALE	NAMIBIAN		081270669/061-225688		Single	646308.00	0.00	646308.00	
2002	PUJATURA	EDLA K	77111100433	FEMALE	NAMIBIAN		0813391715		Single	47460.00	0.00	47460.00	
2003	FESTUS	NICOLAUS N	670525110076	MALE	NAMIBIAN		0812462910		Single	25093.00	0.00	25093.00	
2004	ANGULA	BARKIAS E.	76122400556	MALE	NAMIBIAN		0812845866		MARRIED	7671.00	WIFE SALAF	18341.92	EMPLOYED
2005	MARENGA	ALFONS	61060800934	MALE	NAMIBIAN		081301495/081668421		MARRIED	8000.00	WIFES INCC	20000.00	EMPLOYED
2005	UISES	JUSTINE	66011700810	FEMALE	NAMIBIAN		081227242/061245188		MARRIED	10000.00	HUSBAND'S	20868.75	SELF-EMPLC
2005	KAVINDJA	FIINA MAGANO	68111000138	FEMALE	NAMIBIAN		81220744	061-377150	MARRIED	41527.82	0.00	41527.82	
2005	AFRIKANER	HENDRIK ERNST	78061800039	MALE	NAMIBIAN		081472987	081720322	MARRIED	35564.00	0.00	35564.00	EMPLOYED
2005	HOMSEB	CARLETON S.	80041510275	MALE	NAMIBIAN		812875601	061-218886	MARRIED	30000.00	0.00	30000.00	SELF EMPLC
2005	KANGUATJI	VIOLA	81022110233	FEMALE	NAMIBIAN		0813635800		SINGLE	59000.00	0.00	59000.00	EMPLOYED
2005	NDIPOLIFA	TULIMEVAVA M	81090910630	FEMALE	NAMIBIAN		0812766101		MARRIED	25000.00	0.00	25000.00	EMPLOYED
2006	GAWASEB	DAWID	81112710337	MALE	NAMIBIAN		0812925872		MARRIED	21649.42	WIFES INCC	21573.75	EMPLOYED
2007	SHIVUTE	JACKSON TANGI	70022500219	MALE	NAMIBIAN		0814771288		SINGLE	44499.83	0.00	44499.83	EMPLOYED
2007	HANSEN	NIKLAAS F	700520090030	MALE	NAMIBIAN		0813055227		Married	30000.00	0.00	30000.00	SELF EMPLC
2007	TJIVI	IMMANUEL	71092700730	MALE	NAMIBIAN		081361265/061207296		MARRIED	31513.85	0.00	31513.85	EMPLOYED
2007	NGHSHIDIN	HILMA	74040800427	FEMALE	NAMIBIAN		812927046	374550		139098.00	0.00	139098.00	
2007	KANDJOU	JULIA	77090300000	FEMALE	NAMIBIAN		0813531612		Single	48000.00	0.00	48000.00	SELF EMPLC
2007	OWOS-OAB	ALPHEUS	78020900209	MALE	NAMIBIAN		0810323121		MARRIED	25000.91	0.00	25000.91	EMPLOYED
2007	KATJKURU	ROSALIA	78120100115	FEMALE	NAMIBIAN			061-2903412		1080300.00	0.00	1080300.00	
2007	GOASEB	FRIEDRIK	84010310127	MALE	NAMIBIAN		0813409955		MARRIED	32000.00	0.00	32000.00	SELF-EMPLC
2007	MOUTON	GARTH CORNEL	84072010022	MALE	NAMIBIAN		811241101	061-246557	Single	30000.00	0.00	30000.00	
2008	NARIB	IMMANUEL	55123100245	MALE	NAMIBIAN		0812746157		MARRIED	114421.78	0.00	114421.78	
2008	MUHEUA	MARTHA V	72070100294	FEMALE	NAMIBIAN		813528557	061-572215	Single	2477050.00	0.00	2477050.00	
2008	MAKAYA	KAINO A	75060900649	FEMALE	NAMIBIAN		0812212920		SINGLE	34128.16	0.00	34128.16	EMPLOYED
2008	ALBERT	TABITHA U.	81042810017	FEMALE	NAMIBIAN		081286537	061203210	SINGLE	26224.42	0.00	26224.42	EMPLOYED
2008	CLOETE	LYDIA	84052510232	FEMALE	NAMIBIAN		0815562179		SINGLE	30000.00	0.00	30000.00	SELF-EMPLC
2009	HOCHOBEB	IMMANUEL T.	481128050009	MALE	NAMIBIAN		0812064895		MARRIED	183000.00	0.00	183000.00	
2009	UIRAB	REINHARD	68121200237	MALE	NAMIBIAN		0816911975		SINGLE	3500.00	PANEL BEA	35000.00	EMPLOYED
2009	HANGERO	ZEBALDINE	76103100178	FEMALE	NAMIBIAN		0812859403		MARRIED	20000.81	SELLING CA	15000.00	EMPLOYED
2009	PAULUS	JOEL HOMATEN	83051410087	MALE	NAMIBIAN		0811247447		Single	38719.07	0.00	38719.07	SELF EMPLC
2010	HENGARI	NELSINE	62083100107	FEMALE	NAMIBIAN		0814017439 / 0855938		Single	48600.00	0.00	48600.00	
2010	KARIKO	MURIEL L	73082500056	FEMALE	NAMIBIAN		081125848	081263066	MARRIED	28095.71	0.00	28095.71	EMPLOYED
2010	SHIKONGO	SALMIE O N	76101900363	FEMALE	NAMIBIAN		081290278	081124740	SINGLE	60000.00	0.00	60000.00	SELF-EMPLC

2010	HAMBODI VALDE N.	79021900122	MALE	NAMIBIAN		264812119	081230528	MARRIED	12000.00	SPOUSE INC	20875.75	32875.75	SELF-EMPLC
2010	KANDEE UKAURUA	80062010565	MALE	NAMIBIAN		0812884677		Single	29735.04		0.00	29735.04	SELF-EMPLC
2010	SHAFASHIK HIDISHANGE F	82010710010	MALE	NAMIBIAN		081249629	081230979	MARRIED	26992.58		0.00	26992.58	EMPLOYED
2010	KUZAI SOFIA	82010910125	FEMALE	NAMIBIAN		0812796380		Single	4778386.00		0.00	4778386.00	
2010	MATAMU BERTHA	82061611281	FEMALE	NAMIBIAN		0812933677		SINGLE	70000.00		0.00	70000.00	SELF-EMPLC
2010	KAMBA LORRAINE	84071610565	MALE	NAMIBIAN		0813174213		Single	100505.48		0.00	100505.48	SELF-EMPLC
2010	NGHIMWETA ABISAITUHAFEN	85062410088	MALE	NAMIBIAN		0814633438		SINGLE	20000.00	BUSINESS T	10000.00	30000.00	EMPLOYED
2010	SHIPEE SAREUS	86120900233	MALE	NAMIBIAN		0811506070		SINGLE	30000.00		0.00	30000.00	SELF-EMPLC
2011	ISAACKS EBENEZER	65101900133	MALE	NAMIBIAN		0811245810		Single	171814.00		0.00	171814.00	
2011	GAWA-NAB FREDERIK	67011610014	MALE	NAMIBIAN		085387469	081387469	SINGLE	28513.97		0.00	28513.97	EMPLOYED
2011	KARUKUA GRACE	77032200176	FEMALE	NAMIBIAN		0814481105		SINGLE	27844.33		0.00	27844.33	EMPLOYED
2011	JASON MWALESHAN	80030300207	MALE	NAMIBIAN		081307921	081339025	SINGLE	11600.00	TAXI	18000.00	29600.00	EMPLOYED
2011	KAWASEB STANLEY MAX	81080710485	MALE	NAMIBIAN		0812012898		MARRIED	10047.00	TRANSPOR	30000.00	40047.00	EMPLOYED
2011	KUUSTA SOPHIA T	82090310758	FEMALE	NAMIBIAN		081207085	061-29034	Single	165760.00		0.00	165760.00	
2011	MUMOYE ERASTUS NDEMI	83081510074	MALE	NAMIBIAN		0813668686		SINGLE	44252.92		0.00	44252.92	EMPLOYED
2012	KLEINBOO GILBERT	56050501084	MALE	NAMIBIAN		0814919148		SINGLE	1300.00	TRANSPOR	36000.00	37300.00	PENSIONER
2012	SHALYEFU RAUNA N	69021101084	FEMALE	NAMIBIAN		0812797494		MARRIED	65470.00		0.00	65470.00	
2012	HANSE DOROTHEA E	79120100051	FEMALE	NAMIBIAN		0816326496			56850.00		0.00	56850.00	
2012	RICHTER ANTON	79123100117	MALE	NAMIBIAN		0812051208		SINGLE	36000.00		0.00	36000.00	SELF-EMPLC
2012	FISCH BERNADETTE C	80010900071	FEMALE	NAMIBIAN		0812891175			75000.00		0.00	75000.00	
2012	MUBITA MARTIN AMUKU	80060710438	MALE	NAMIBIAN		0814623347			390177.00		0.00	390177.00	
2012	NDILULA FEINGE N	83102310060	FEMALE	NAMIBIAN		0812303807		MARRIED	5000.00	SPOUSE	22454.08	27454.08	EMPLOYED
2012	KAZOMBUN SILVER G	86081300145	MALE	NAMIBIAN		0812067810		SINGLE	70000.00		0.00	70000.00	EMPLOYED
2012	KAMEYA MARTHA K	87010400407	FEMALE	NAMIBIAN		0814421084			36030.00		0.00	36030.00	
2012	ISAAK TIMOTHEUS	91013100317	MALE	NAMIBIAN		0816884991		SINGLE	31160.00		0.00	31160.00	
2012	TOPNAAR CHANTELL	92060200776	FEMALE	NAMIBIAN		0811461599		MARRIED	25759.66		0.00	25759.66	EMPLOYED
2013	SOMAES LETICHIA	70101800304	FEMALE	NAMIBIAN		0812104113		SINGLE	123999.50		0.00	123999.50	EMPLOYED
2014	SHILUME CECILIE N	75112400234	FEMALE	NAMIBIAN		0812131341		Single	497460.00		0.00	497460.00	
2014	VAN WYK REBEKKA KATRIN	78092310041	FEMALE	NAMIBIAN		0813675464		Single	34460.00		0.00	34460.00	
2014	TJITTEERE OPERI	81060210444	MALE	NAMIBIAN			062500465	Single	44247.15		0.00	44247.15	
2014	KIYALA SAARA T	82082210243	FEMALE	NAMIBIAN		0812330156		SINGLE	55000.00		0.00	55000.00	SELF-EMPLC
2014	HAMUTENY STEFANUS	82093010259	MALE	NAMIBIAN		0813308025		Single	32050.00		0.00	32050.00	
2014	MBAEVA RUBEN	86062100268	MALE	NAMIBIAN		081-2504355	0812267	Single	70069.92		0.00	70069.92	
2015	MUNGEND DELIZIA	77101810438	FEMALE	NAMIBIAN		812785785		MARRIED	81010.75			81010.75	STORE MAN
2015	MBINGE UJAMA BEAUTY	79030800038	FEMALE	NAMIBIAN		816187475		MARRIED	87254.00			87254.00	LANCE CORI
2015	SOMAE B CHARLES GOER	84060810576	MALE	NAMIBIAN		812036866		MARRIED	73150.00			73150.00	

2016	THOMAS	KONDJENI GIDE	93120400057	MALE	NAMIBIAN		0818184607	SINGLE	29000.00		0.00	29000.00	SELF-EMPLC
2021	DARIES	MANDLEY	71031000267	FEMALE	NAMIBIAN		0812289831	SINGLE	26500.00		0.00	26500.00	EMPLOYED
2021	UUPINDI	WILKKA	77091200497	FEMALE	NAMIBIAN		0812482195	MARRIED	150000.00	SPOUSE INC	0.00	150000.00	OTHER
2021	AMAKALI	PAULINUS NDEU	84070710582	MALE	NAMIBIAN		0812307876	MARRIED	10456.33	SPOUSE INC	19419.42	29875.75	EMPLOYED
2022	AMTANA	MARTA ZURI	64120800601	FEMALE	NAMIBIAN		0816733322	SINGLE	30693.00		0.00	30693.00	EMPLOYED
2022	ABNER	FESTUS HAILEKA	90033000646	MALE	NAMIBIAN		081271430	SINGLE	35175.00		0.00	35175.00	EMPLOYED
2022	SHADJUKA	JOSEPHINE NDIN	94042500021	FEMALE	NAMIBIAN		0814806619	SINGLE	25000.00		0.00	25000.00	SELF-EMPLC

PERSONNEL WAITING LIST

NUMBER	SURNAME	INITIALS	IDENTITY NO	TELEPHONE	DATE OF APPLICATION	COMMENTS
1	SHAKWA	LS	73122500930	811421437	06/06/2008	
2	SEYAVE	BS	63102800645	2623/0812018230	08/07/2008	
3	NAKATHINGO	EM	81041410360	2514/08112226545	16/07/2008	
4	HAIFIDI	EK		812431292	24/07/2008	
5	KHI-KHOEB	M	78051400038	0813105089/08137849 63	17/10/2008	
6	BEUKES	RF		3176 / 2717	26/11/2008	
7	NEIS	T	66052900059	2532	03/2009	2 nd letter 19/10/11
8	SITARARA	R	77110300226	816781589	01/06/2011	
9	HAMIEB-THOMPSON	N		814741512	07/10/2011	
10	MPASI	J	74060700401	813169256	31/01/2012	
11	AUSIKU	S	77072600035	811277469	06/02/2012	
12	MUPUNGA	P	74060600393	812700558	06/02/2012	
13	GAROËS	S	7.50115E+12	812437113	03/05/2012	
14	GOWASES	P	67030700163	814131909	09/05/2012	
15	HEITA	O	79040800138	812540671	14/05/2012	
16	SALOM	NL	83021410324	812331168	22/05/2012	
17	THEKWANE	CW	86112500167	813701164	31/05/2012	
18	BOOIS	B&J	81041010281	061-2902385	04/10/2012	
19	ISAAKS	JJ	81011210681	814239698	12/12/2012	
20	STRAUSS	JM			10/06/2013	
21	ENGELBRECHT	WJ	79112610291	812498232	16/09/2013	
22	LISAO	LC	76062300291	812717043	19/01/2015	
23	SHANINGWA	J	84022510277	812213412	19/01/2015	
24	THERON	MJ	66010100380	818376690	28/01/2015	
25	AMPUEJA	AN	86091000314	812852387	23/06/2015	