

DOCUMENT 1

CITY OF WINDHOEK

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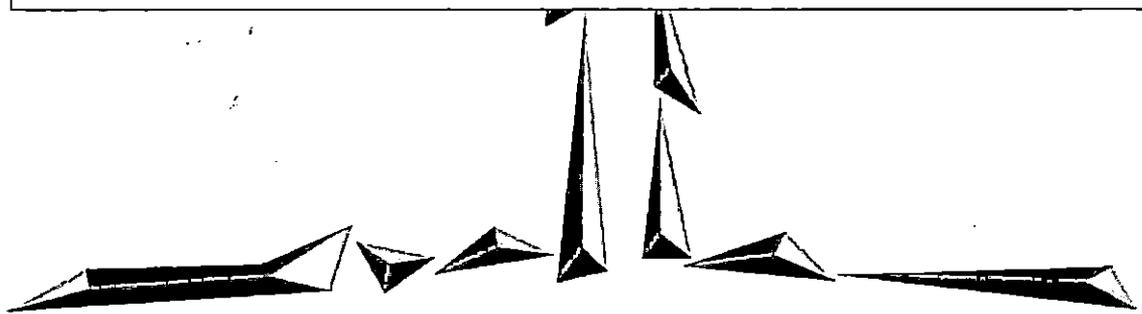
NOTICE is hereby given of the monthly meeting of the

MUNICIPAL COUNCIL OF WINDHOEK

to be held on **Thursday, 27 April 2023** at **17:30**, in the new Council Chambers, Windhoek.

A handwritten signature in black ink, appearing to read 'M. Garises', written over a horizontal line. The signature is positioned above the title of the Acting Chief Executive Officer.

.....
ACTING CHIEF EXECUTIVE OFFICER



ENQUIRIES: Ms M Garises/pk
Ms T Edward

REF: 27-04-2023.ca

TELEPHONE: 2902557/2902597

DATE: 2023-03-21

INDEX

		PAGE
1	OPENING BY PRAYER	
2	OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS BY THE MAYOR - COUNCILLOR J UAPINGENE	
3	APPLICATIONS FOR LEAVE OF ABSENCE	
4	DECLARATION OF INTEREST	
5	CONFIRMATION OF MINUTES	
5.1	MUNICIPAL COUNCIL MEETING HELD ON (3003) 4 APRIL 2023	1
5.2	SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 12 APRIL 2023	1
6	PETITIONS	
7	MOTIONS	
8	ANSWERS TO QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN	
9	OUTSTANDING MATTER ARISING FROM THE SPECIAL COUNCIL MEETING HELD ON 12 APRIL 2023	
9.1	ITEM 5.1 ITEM 13.5.1 GOV.1 [CEO/HCC] STAFF MATTER	2
10	MINUTES OF MANAGEMENT COMMITTEE	
10.1	APPROVAL OF MINUTES (MC 06/2023)	
10.1.1	GOV.1 [CIT] STAFF MATTER	3
10.1.2	GOV.3 [HCC] STAFF MATTER	3
10.1.3	FNS.1 [HPH] AMENDMENT TO COUNCIL RESOLUTION 377/10/2020 TO INCLUDE THE CLOSURE OF ERF R/7350, KATUTURA AND ITS PORTIONS	4

	PAGE	
10.1.4	FNS.2 [UTP] APPLICATION FOR THE REZONING OF ERVEN 108 AND 110 TO 122, THORN VALLEY (NUBUAMIS HILLS) FROM 'RESIDENTIAL' WITH A DENSITY OF 1:300 m ² TO 'GENERAL RESIDENTIAL' WITH A DENSITY OF 1:150 m ² , CONSENT TO COMMENCE WITH THE DEVELOPMENT WHILE THE REZONING IS BEING COMPLETED AND AMENDMENT OF PARAGRAPH 3.13 OF COUNCIL RESOLUTION 246/06/2009	6
10.1.5	FNS.3 [HPH] AMENDMENT OF PARAGRAPH 6 OF COUNCIL RESOLUTION 175/06/2020	16
10.1.6	FNS.4 [HPH] OMISSION OF DESCRIPTIONS COUNCIL RESOLUTION 258/10/2019 AND COUNCIL RESOLUTION 151/05/2020 - APPLICATION TO PURCHASE PORTIONS OF ERVEN 2365 AND 2486, KLEIN WINDHOEK EXTENSION 3, RESPECTIVELY FOR CONSOLIDATION WITH ERF 2366, KLEIN WINDHOEK EXTENSION 3	17
10.2	APPROVAL OF MINUTES (MC 07/2023)	
10.3	MINUTES (MC 07/2023)	
10.3.1	GOV.5 [CEO] CONFIDENTIAL MATTER	19
10.3.2	FNS.1 [UTP] APPLICATION FOR REZONING OF ERF 3170, WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF 1:900 m ² TO 'OFFICE' WITH A BULK OF 0.4 AND CONSENT TO OPERATE A BOUTIQUE HOTEL	20
10.3.3	FNS.2 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF 3066, OTJOMUISE EXTENSION 2 FOR CONSOLIDATION WITH ERF 3051, OTJOMUISE EXTENSION 2	31
10.3.4	FNS.3 [HPH] ALLOCATION OF ALTERNATIVE ERVEN TO APPLICANTS OF ERF R/196, ROCKY CREST AS PER COUNCIL RESOLUTION 180/06/2018	39
10.3.5	FNS.4 [HPH] AMENDMENT OF PARAGRAPH 4.7 (ERF NUMBER) OF COUNCIL RESOLUTION 21/02/2022	44

[Municipal Council Agenda: 2023-04-27]

1 OPENING BY PRAYER
(3/2/1)

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[Municipal Council Agenda: 2023-04-27]

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

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[Municipal Council Agenda: 2023-04-27]

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

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[Municipal Council Agenda: 2023-04-27]

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

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5 CONFIRMATION OF MINUTES

[Municipal Council Agenda: 2023-04-27]

**5.1 MUNICIPAL COUNCIL MEETING
HELD ON (3003) 4 APRIL 2023**
(3/2/1)

The minutes of the monthly meeting of the Municipal Council of Windhoek held on (3003) 4 April 2023 are submitted for confirmation.

[Municipal Council Agenda: 2023-04-27]

**5.2 SPECIAL MUNICIPAL COUNCIL
MEETING HELD ON 12 APRIL 2023**
(3/2/1)

The minutes of the special meeting of the Municipal Council of Windhoek held on 12 April 2023 are submitted for confirmation.

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[Municipal Council Agenda: 2023-04-27]

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

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[Municipal Council Agenda: 2023-04-27]

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

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[Municipal Council Agenda: 2023-04-27]

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

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9 **OUTSTANDING MATTER ARISING
FROM THE SPECIAL COUNCIL MEETING
HELD ON 12 APRIL 2023**

[Municipal Council Agenda: 2023-04-27]

9.1 **ITEM 5.1 ITEM 13.5.1 GOV.1 [CEO/HCC]
STAFF MATTER**
(4/2/2)

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

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

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

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

10 MINUTES OF MANAGEMENT COMMITTEE

[Municipal Council Agenda: 2023-04-27]

10.1 APPROVAL OF MINUTES (MC 06/2023)

The minutes of the Management Committee meeting (MC 06/2023) held on 05(04) April 2023 was approved by the said Committee on 19(18) April 2023 and is submitted for notice with the exception of Items GOV.1, GOV.3, FNS.1, FNS.2, FNS.3 and FNS.4, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 06/2023) held on 05(04) April 2023, be noted by its members, with the exception of Items GOV.1, GOV.3, FNS.1, FNS.2, FNS.3 and FNS.4.

[Municipal Council Agenda: 2023-04-27]

**10.1.1 GOV.1 [CIT] STAFF MATTER
(14/6/3/12)**

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

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

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

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

[Municipal Council Agenda: 2023-04-27]

**10.1.2 GOV.3 [HCC] STAFF MATTER
(4/2/2)**

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

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

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

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

[Municipal Council Agenda: 2023-04-27]

10.1.3

FNS.1 [HPH] AMENDMENT TO COUNCIL RESOLUTION 377/10/2020 TO INCLUDE THE CLOSURE OF ERF R/7350, KATUTURA AND ITS PORTIONS (L/7350/Kat)

Introduction

This item serves to submit to Council a proposal to include the closure of Erf R/7350 and its portions, as 'public open spaces' and the closure of a portion of Shanghai Street as 'street', as well as to seek approval for the zoning of the Remainder of Erf 7350, Katutura and the portion of Shanghai Street to 'institutional'.

Background

Council per Resolution 377/10/2020, **attached as pages 1 - 6 to the agenda**, approved the subdivision of Erf 7350, Katutura into various portions and the Remainder. Council further approved the sale of the portions of Erf 7350, Katutura and the Remainder thereof. It is worth noting that the approval excluded the closure of the Remainder of Erf 7350, Katutura and its portions as a 'public open spaces' and the closure of a portion of Shanghai Street, as well as the rezoning of Erf R/7350, Katutura and portion of Shanghai Street to 'institutional'.

In terms of Council Resolution 377/10/2020, Erf R/7350, Katutura is to be subdivided into Portion A ($\pm 210 \text{ m}^2$ in extent), Portion B ($\pm 125 \text{ m}^2$ in extent), Portion C ($\pm 125 \text{ m}^2$ in extent), Portion D ($\pm 250 \text{ m}^2$ in extent), Portion E ($\pm 260 \text{ m}^2$ in extent) and the Remainder ($\pm 2\,157 \text{ m}^2$ in extent). The portions, being Portion A ($\pm 210 \text{ m}^2$ in extent), Portion B ($\pm 125 \text{ m}^2$ in extent), Portion C ($\pm 125 \text{ m}^2$ in extent), Portion D ($\pm 250 \text{ m}^2$ in extent), Portion E ($\pm 260 \text{ m}^2$ in extent) are to be sold to the adjacent erf owners for consolidation.

Shanghai Street is to be subdivided into Portion F ($\pm 2\,220 \text{ m}^2$ in extent) and the Remainder. The Remainder of Erf 7350, Katutura and Portion F of Shanghai Street are to be consolidated and be sold to the Hallelujah Independent Parish for institutional purposes.

To enable the finalisation of the sale, the subject properties need to be rezoned to the appropriate zoning and for the rezoning to happen the portions need to be closed as 'public open space' and as 'street', in line with the provisions of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), hence this submission.

Conclusion

In light of the above, the Strategic Executive: Housing, Property Management and Human Settlement herewith submit the item to include the recommendations to be read together with Council Resolution 377/10/2020.

Management Committee,

RECOMMENDED

- 1 That the Remainder ($\pm 2\,157\text{ m}^2$ in extent) of Erf 7350, Katutura be closed off as 'public open space' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and be zoned 'institutional'.
- 2 That Portion A ($\pm 210\text{ m}^2$ in extent), Portion B ($\pm 125\text{ m}^2$ in extent), Portion C ($\pm 125\text{ m}^2$ in extent), Portion D ($\pm 250\text{ m}^2$ in extent) and Portion E ($\pm 260\text{ m}^2$ in extent) of Erf 7350, Katutura be closed off as 'public open space' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and assume the same zoning as that of the abutting erven.
- 3 That Portion F ($\pm 2\,220\text{ m}^2$ in extent) of Shanghai Street be closed off as 'street' in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and be zoned 'institutional'.
- 4 That the Municipal Council of Windhoek to prepare the closure notice and that the applicants and owners of the abutting erven 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 Sale Agreements are signed.
- *** 5 That this Council Resolution be read together with Council Resolution 377/10/2020, **attached as pages 1 - 6 to the agenda.**
- 6 That the recommendations of Council Resolution 377/10/2020 remain the same and apply *mutatis mutandis*.
- 7 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-27]

10.1.4

FNS.2 [UTP] APPLICATION FOR THE REZONING OF ERVEN 108 AND 110 TO 122, THORN VALLEY (NUBUAMIS HILLS) FROM 'RESIDENTIAL' WITH A DENSITY OF 1:300 m² TO 'GENERAL RESIDENTIAL' WITH A DENSITY OF 1:150 m², CONSENT TO COMMENCE WITH THE DEVELOPMENT WHILE THE REZONING IS BEING COMPLETED AND AMENDMENT OF PARAGRAPH 3.13 OF COUNCIL RESOLUTION 246/06/2009 (3/1/P)

Application

An application was received from Dunamis Consulting (Pty) Ltd on behalf of the owner, Fifty-Seven Development Trust represented by Dr Johan Rieckert as the owner for the following:

- Rezoning of Erven 108 and 110 to 122, Thorn Valley (Nubiamis Hills) from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m²;
- Consent to commence with the proposed development while the rezoning process is being completed; and
- Amendment of paragraph 3.13 of Council Resolution 246/06/2009.

The Power of Attorney is signed by Dr Johan Rieckert in his capacity as the owner of Fifty-Seven Development Trust.

The full application, including relevant correspondence/documentation is **attached as pages 7 - 66 to the agenda.**

A Credit Clearance was provided, and the Strategic Executive: Finance and Customer Services indicated that the application have no arrears.

Erven information

The properties in question are located in the Thorn Valley Township, which is north of the Lafrenz Industrial Township. Erven 108 and 110 to 122 are zoned 'residential' with a density of 1:300 m² and are between 2 000 m² and 6 700 m² in extent. The erven are still undeveloped.

Development intention

The intention of the owner is to provide smaller, more cost effective living units towards the overall aim of densification in the City.

Public consultation

The public consultation process was completed in line with the requirements of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and the Municipal Council of Windhoek's Public Consultation Policy for the proposed development as follows:

- *** - The proposed zoning was advertised in the Market Watch on 9 November and 16 November 2022, which is an insert on the Republikein and the Sun, as per the advertisements, **attached as pages 31 - 32 to the agenda;**
- *** - A notice, **attached as pages 27 - 30 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;
- *** - A letter, **attached as pages 24 - 26 to the agenda**, was sent to the Missionary Benedictine Sisters for Portion 83/37, Nubuamis, Portion 81/13/37, Nubuamis and the Trustco Group for the Remainder of Portion A/37, only on 15 November 2022; and
- *** - A notice was also published in the Government Gazette No. 7955 of 25 November 2022, **attached as pages 33 - 35 to the agenda.**

The closing date for objections was 30 November 2022 and no objections were received.

Technical comments

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

Comments from the Strategic Executive: Urban and Transport Planning

- Sustainable Development

There is no objection to the application.

- Roads Planning, Design and Traffic Flow

Erven 108, 110 to 122, Thorn Valley, a recently established township located in the eastern area of Nubuamis Hills

There are currently no houses, hence no traffic flow problems are experienced. The properties are currently zoned 'residential' with a density of 1:300 m² and are 3 025 m², 4 345 m², 4 157 m², 4 620 m², 4 159 m², 6 768 m², 2 617 m², 2 289 m², 2 019 m², 2 525 m², 2 525 m², 2 525 m², 2 637 m² and 3 494 m² in extent respectively. Rezoning these erven from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m² will be generating three hundred and eighteen (318) additional trips to the current road network.

There is no objection to the proposed rezoning of Erven 108, 110 to 122, Thorn Valley from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 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 Erven 108, 110 and 122 not be allowed within 15 metres from an intersection, measured from intersecting kerbs.

There is no objection to the proposed amendment of paragraph 3.13 of Council Resolution 246/06/2009.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erven 108 and 110 to 122 are situated on a relatively steep terrain, with a general downward slope from the southeast into a north westerly direction;
- Erven 108 and 110 to 122, Thorn Valley are located in the eastern area of Nubuamis Hills, just north of Okuryangava and the Lafrenz Townships. The erven are currently zoned 'residential' with a density of 1:300 m² and are 3 025 m², 4 345 m², 4 175 m², 4 620 m², 4 159 m², 6 768 m², 2 617 m², 2 289 m², 2 019 m², 2 525 m², 2 525 m², 2 637 m² and 3 494 m² in extent respectively; and
- It is worth noting that Erven 108, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121 and 122 are affected by stormwater courses.

The following conditions to be adhered to:

- That access to the erven be obtained from the proposed 15 metres wide Salzbrunn Street in the Thorn Valley Township.
- That it be noted that there are some proposed road reserves with very steep slopes along some proposed road sections (some up to 26 %), that has longitudinal slope in excess of the recommended maximum slopes.
- 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 standards.
- That it be noted that due to the steep slopes in some sections of proposed road reserves, it is not recommended to provide interim gravel wearing course roads that will only be surfaced at a later stage, and that all roads with a horizontal slope of more than 12 % be surfaced from the beginning.

- That the applicant's registered professional Engineer take note and consult regarding the steep slopes along some proposed road sections, where roads may exceed the maximum slope requirements.
- That should any works require to be taken over by Council, a Development Agreement be signed prior to the commencement of any work.

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

- Engineering Services

The development proposal indicates that the applicant intends to increase the density of Erven 108, 110 to 122, Thorn Valley from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m², which will result in additional loads on designed water and sewer networks. Sewer designs are already submitted and approved.

No municipal water or sewer services are currently installed and taken over by Council.

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 as follows by the Strategic Executive: Infrastructure, Water and Technical Services:

- That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezonings and developments on both the designed bulk water and sewer infrastructure.
- 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.
- 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 rezonings and developments;
 - Whether water supply requirements will be met with sufficient pressure during peak flows and fire flow within the pressure zone of the applicable reservoir;

- An analysis of the impact of the proposed rezonings and developments on the existing bulk water infrastructure within the applicable reservoir 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 rezonings, into account;
 - The calculated design wastewater generated by the proposed rezonings and developments;
 - An analysis of the impact of the proposed rezonings and developments on the existing municipal bulk sewer infrastructure downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the proposed rezonings and developments, into account;
 - The Design Report to include detailed design calculations, assumptions and clear referencing to standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.
- That all cost for the provision of bulk and internal services be for the applicant's account.
 - That the Design Report and water and sewer designs 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 installed and taken over by Council as per the approved Design Report and designs.
 - That design criteria be in accordance with 'The Neighbourhood Planning and Design Guide' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.
 - That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from Strategic Executive: Electricity

- Technical Support

There is in principle no objection to the application submitted for the rezoning of Erven 108, 110 to 122, Thorn Valley from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m², as there are no municipal electrical services there and therefore no services are affected.

Comments from Strategic Executive: Economic Development and Community Services

- **Environmental Management**

The application is supported with no environmental requirements.

- **Urban policy evaluation**

Thorn Valley is a new township development, north of the Lafrenz Township and laid out on Portion 57 of Farm No. 37, Nubuamis. The proclamation of the township was done in the Government Gazette No. 7069 of 29 November 2019, **attached as pages 55 - 57 to the agenda**, and as indicated on General Plan No. K454 (SG No. A324/2018), **attached as page 58 to the agenda**. The township was proclaimed as Thorn Valley.

The township comprises of one hundred and twenty seven (127) erven. The erven to be rezoned are all currently zoned as 'residential' with a density of 1:300 m². The erven are located in the core of Thorn Valley and are zoned 'residential' with a density of 1:300 m².

The layout generally comprises of 50 % 'general 'residential' and 50 % residential erven.

With the establishment of the township, it was initially known as Paradise Park, but changed name to Thorn Valley (and gazetted/proclaimed as such).

Amendment of paragraph 3.13 of Council Resolution 246/06/2009

When the application for the establishment of the township (previously known as Paradise Park and now known as Thorn Valley) was initially considered by Council, the Roads Planning, Design and Traffic Flow Division had concerns regarding the height of the buildings and potential impact.

Subsequently, a condition restricting the height of the buildings (in terms of the number of storeys) was imposed against the township as per paragraph 3.13 of Council Resolution 246/06/2009 *inter alia* stating as follows:

3.13 *That a new subclause (2)(a) be added to section 38 of the Windhoek Town Planning Scheme, reading as follows:*

(2) *The following conditions shall be applicable to Paradise Park Township:*

Save with the consent of the Council, no double storey or higher buildings will be allowed.

The Windhoek Town Planning Scheme was however not amended to include the aforesaid subclause. Furthermore, the conditions of establishment for Thorn Valley Township (pursuant to the township proclamation as per Government Gazette No. 7069 of 29 November 2019) did not include any conditions restricting the height of the buildings or the number of storeys.

Additionally, one of the conditions imposed against the Thorn Valley erven (as per the proclamation) is that *the erf must only be used or occupied for purposes which are in accordance with the provisions of the Windhoek Town Planning Scheme.*

Hence, the intention of the current application is to rezone the subject properties so that double storey residential buildings (comprising of dwelling units) can be constructed on the sites in accordance with the provisions of the Windhoek Town Planning Scheme.

Notwithstanding the comments initially provided during the process of establishing the Thorn Valley Township, the Roads Planning, Design and Traffic Flow Division has now indicated that there are no longer issues with double storey buildings at Thorn Valley Township.

Consequently, paragraph 3.13 of Council Resolution 246/06/2009 can now be repealed as it was never implemented and has become obsolete. This will allow the proposed development of double storey units to proceed in accordance with the Windhoek Town Planning (Zoning) Scheme.

Betterment fee/compensation

No betterment fee is payable as the Developer is responsible for all infrastructure, which will be constructed to municipal standards for eventual transfer once the development has been completed.

Conclusion

The rezoning of all erven on the western side of the township, Erven 108 and 110 to 122 from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m² is supported.

Consent to commence with the proposed development while the rezoning process is being completed cannot be supported until the legal finalisation of the proclamation and general plan.

The amendment and or deletion of paragraph 3.13 of Council Resolution 246/06/2009 can also be granted as its definition and implications have now been cleared.

Management Committee,

RECOMMENDED

- 1 That the rezoning of Erven 108 and 110 to 122, Thorn Valley from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m² be recommended for approval to the Urban and Regional Planning Board in accordance with section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).
- 2 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, in line with the requirements of the Windhoek Town Planning Scheme.

- 3 That access to Erven 108 and 110 to 122, Thorn Valley not be allowed within 15 metres from an intersection, measured from intersecting kerbs.
- 4 That the applicant submit a Building Permit application to the Municipal Council of Windhoek's Building Control Division for approval, prior to any construction taking place in line with the Windhoek Building Regulations.
- 5 That consent to use the erven with the new densities while the rezoning is in process **not be recommended** as this is legally not allowable in terms of the issuing of building permits.
- 6 That paragraph 3.13 of Council Resolution 246/06/2009 as resolved on 30 June 2009 be rescinded to allow for double storey buildings within Thorn Valley Township (previously known as Paradise Park), as this condition contradict the conditions of the township establishment as published in Government Gazette No. 7069 of 29 November 2019 and the Windhoek Zoning Scheme.
- 7 That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezonings and developments on both the designed bulk water and sewer infrastructure, prior to the submission to the Urban and Regional Planning Board.
- 8 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.
- 9 That all costs involved due to the Design Report be for the applicant's account.
- 10 That the Design Report stipulate at least the following:
 - 10.1 The expected water demand for the proposed rezonings and developments;
 - 10.2 Whether water supply requirements will be met with sufficient pressure during peak flows and fire flow within the pressure zone of the applicable reservoir;
 - 10.3 An analysis of the impact of the proposed rezonings and developments on the existing bulk water infrastructure within the applicable reservoir 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 rezonings, into account;
 - 10.4 The calculated design wastewater generated by the proposed rezonings and developments;

- 10.5 An analysis of the impact of the proposed rezonings and developments on the existing municipal bulk sewer infrastructure downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the proposed rezonings and developments, into account;
- 10.6 The Design Report to include detailed design calculations, assumptions and clear referencing to standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.
- 11 That all costs for the provision of bulk and internal services be for the applicant's account in lieu of land sales and the standard cost recovery mechanism in that regard.
- 12 That the Design Report and water and sewer designs 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.
- 13 That no building plans be approved before water and sewer services are installed and taken over by Council as per approved Design Report and designs.
- 14 That design criteria are to 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/ (Red Book).
- 15 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.
- 16 That the Developer note that there are no municipal electrical services and therefore no services are affected and/or available.
- 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 roads and stormwater be planned, designed and constructed to municipal standard.
- 17.8 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with confirmation of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 18 That it be noted that due to the steep slopes in some sections of proposed road reserves, it is not recommended to provide interim gravel wearing course roads that will only be surfaced at a later stage, and note that all roads with a horizontal slope of more than 12 % be surfaced from the beginning.
- 19 That the applicant's registered professional Engineer take note and consult regarding the steep slopes along some proposed road sections, where roads may exceed the maximum slope requirements.
- 20 That should any works require to be taken over by Council, a development agreement be signed prior to the commencement of any work.
- 21 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.
 - 21.1 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.
- 22 That the applicant accept the conditions of the Council Resolution in writing within twenty eight (28) days.

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

[Municipal Council Agenda: 2023-04-27]

**10.1.5 FNS.3 [HPH] AMENDMENT OF PARAGRAPH 6
OF COUNCIL RESOLUTION 175/06/2020
(L/1833/W)**

Introduction

*** The purpose of this item is to amend Paragraph 6 of Council Resolution 175/06/2020, **attached as pages 67 - 72 to the agenda.**

Background and problem statement

*** Council at its meeting held on 25 June 2020, per Resolution 175/06/2020, **attached as pages 67 - 72 to the agenda**, approved the subdivision of Dr Kuaima Riruako Street into Portion B and the Remainder. It is worth noting that paragraph 6 of Council Resolution 175/06/2020 did not read correct. Paragraph 6 reads as follows:

6 That Portion B of Dr Kuaima Riruako Street be rezoned from 'street' to 'residential' with a density of 1:900 m² in terms of clause 5(3) of the Windhoek Town Planning Scheme.

*** M&N Planning and Property Development CC, representing the owner of Erf 1883, Windhoek as per the letter dated 24 February 2022, **attached as page 73 to the agenda**, sought clarity regarding paragraph 6 of Council Resolution 175/06/2020, **attached as pages 67 - 72 to the agenda.**

Paragraph 6 states that Portion B of Dr Kuaima Riruako Street should be rezoned to 'residential' with a density of 1:900 m² instead of indicating that it should assume the same zoning and density as the abutting Erf 1883, Windhoek, being 'residential' with a density of 1:900 m².

The Strategic Executive: Housing, Property Management and Human Settlement consulted with the Strategic Executive: Urban and Transport Planning regarding paragraph 6 of Council Resolution 175/06/2020. Therefore, paragraph 6 need to be amended in accordance with the recommendations of the Strategic Executive: Urban and Transport Planning.

Conclusion

Having explained the above, approval is sought to amend paragraph 6 of Council Resolution 175/06/2020 to read accordingly. It is further proposed that the new resolution be read together with Council Resolution 175/06/2020, and that the rest of the recommendations of Council Resolution 175/06/2020 remain the same and apply *mutatis mutandis*.

Management Committee,

RECOMMENDED

- *** 1 That the discrepancy in paragraph 6 of Council Resolution 175/06/2020, **attached as pages 67 - 72 to the agenda**, be noted.
- *** 2 That paragraph 6 of Council Resolution 175/06/2020, **attached as pages 67 - 72 to the agenda**, be rescinded and be replaced with the following:
- 6 *That in relation to Clause 5(3) of the Town Planning Scheme that Portion B of Dr Kuaima Riruako Street assume the same zoning and density of Erf 1883, Windhoek, being 'residential' with a density of 1:900 m².*
- *** 3 That this resolution be read together with Council Resolution 175/06/2020, **attached as pages 67 - 72 to the agenda**, and that the rest of the recommendations of Council Resolution 175/06/2020 remain the same and apply *mutatis mutandis*.
- 4 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2023-04-27]

**10.1.6 FNS.4 [HPH] OMISSION OF DESCRIPTIONS
COUNCIL RESOLUTION 258/10/2019 AND
COUNCIL RESOLUTION 151/05/2020 -
APPLICATION TO PURCHASE PORTIONS
OF ERVEN 2365 AND 2486, KLEIN
WINDHOEK EXTENSION 3, RESPECTIVELY
FOR CONSOLIDATION WITH ERF 2366,
KLEIN WINDHOEK EXTENSION 3
(L/2365/KW) (L/2366/KW) (L/2486/KW)**

Introduction

- *** The purpose of this item is to seek Council's approval for the subdivision of Erven 2486 and 2365, Klein Windhoek Extension 3, into portions to be consolidated with Erf 2366, Klein Windhoek Extension 3. The resolution should be read together with Council Resolution 258/10/2019 and Council Resolution 151/05/2020, **attached as pages 74 - 77 and 78 respectively to the agenda.**

Purpose

- *** Council resolved as per Resolution 258/10/2019, **attached as pages 74 - 77 to the agenda**, that Portion A (± 141 m² in extent) of Erf 2486, Klein Windhoek Extension 3, and Portion A (± 68 m² in extent) of Erf 2365, Klein Windhoek Extension 3 be sold to the owner of Erf 2366, Klein Windhoek Extension 3 for consolidation purposes.

*** Council also resolved as per Resolution 151/05/2020, **attached as page 78 to the agenda**, that Portion of A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein Windhoek Extension 3 be closed as a public open space in terms of Section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and that Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek Extension 3 be rezoned from 'municipal' to 'residential' with a density of 1:900 m^2 and the rezoning be included into an Amendment Scheme.

Upon issuing of the Power of Attorney to the client's appointed Town Planner, it was discovered that none of the mentioned Council Resolutions have directions about the subdivision of Erven 2365 and 2486, Klein Windhoek Extension 3.

The paragraphs referred to are standard paragraphs that ought to read as follows:

*** - *That Erf 2486, Klein Windhoek Extension 3 be subdivided into Portion A ($\pm 141 \text{ m}^2$ in extent) and the Remainder as per Plan KW 2366, **attached as page 79 to the agenda.***

*** - *That Erf 2365, Klein Windhoek Extension 3 be subdivided into Portion A ($\pm 68 \text{ m}^2$ in extent) and the Remainder as per Plan KW 2366, **attached as page 79 to the agenda.***

*** It is against this background that the Council's approval is sought to include the above and that the resulting resolution is to be read together with Council Resolutions 258/10/2019 and 151/05/2020, **attached as pages 74 - 77 and 78 respectively to the agenda.**

Conclusion

Having explained the above, the Strategic Executive: Housing, Property Management and Human Settlement submit the request to Council for its deliberation and consideration.

Management Committee,

RECOMMENDED

- 1 That the request to add the omitted recommendations as follows, be noted and approved.
- *** 1.1 That Erf 2486, Klein Windhoek Extension 3 be subdivided into Portion A ($\pm 141 \text{ m}^2$ in extent) and the Remainder as per Plan KW 2366, **attached as page 79 to the agenda.**
- *** 1.2 That Erf 2365, Klein Windhoek Extension 3 be subdivided into Portion A ($\pm 68 \text{ m}^2$ in extent) and the Remainder as per Plan KW 2366, **attached as page 79 to the agenda.**
- *** 2 That this resolution be read together with Council Resolutions 258/10/2019 and 151/05/2020, **attached as pages 74 - 77 and 78, respectively to the agenda.**

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

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[Municipal Council Agenda: 2023-04-27]

10.2 APPROVAL OF MINUTES (MC 07/2023)

The minutes of the Management Committee meeting (MC 07/2023) held on 19(18) April 2023 is submitted to Management Committee members for approval.

[Municipal Council Agenda: 2023-04-27]

10.3 MINUTES (MC 07/2023)

The minutes of the Management Committee meeting (MC 07/2023) held on 19(18) April 2023 as approved by its members at this Council meeting, is submitted for notice with the exception of Items GOV.5, FNS.1, FNS.2, FNS.3, FNS.4 which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 07/2023) held on 19(18) April 2023, be noted by its members, with the exception of Items GOV.5, FNS.1, FNS.2, FNS.3, FNS.4.

[Municipal Council Agenda: 2023-04-27]

**10.3.1 GOV.5 [CEO] CONFIDENTIAL MATTER
(4/1/2/7) (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 -

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

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

[Municipal Council Agenda: 2023-04-27]

10.3.2 FNS.1 [UTP] APPLICATION FOR REZONING OF ERF 3170, WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF 1:900 m² TO 'OFFICE' WITH A BULK OF 0.4 AND CONSENT TO OPERATE A BOUTIQUE HOTEL (L/3170/W)

Application

An application was received from Kamau Town Planning & Development Specialist, on behalf of the owner of the erf, Phillipus Ngeno for:

- Rezoning of Erf 3170, Windhoek from 'residential' with a density of 1:900 m² to 'office' with a bulk of 0.4;
- Consent to operate a boutique hotel on the erf; and
- Consent to use the erf as 'office' and a boutique hotel while the rezoning is in progress.

The full application, including relevant correspondence/documentation is **attached as pages 80 - 132 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 3170, Windhoek is zoned 'residential' with a density of 1:900 m² and is 1 006 m² in extent. The erf is located in Salk Street, in the Windhoek West area and in close proximity of the old SWABOU Building and the Multi-Save Supermarket.

According to Building Permit No. 1648/2014, there is a dwelling unit with outbuildings comprising of a servant's quarter, one (1) bedroom granny's flat and an entertainment area.

There was a guesthouse on the erf which operated under consent. The consent for the guesthouse expired on 23 July 2020 and in the meantime ceased operation.

The erf is located within the Windhoek Office Policy area for 'office' with a bulk of 0.4 and higher residential density to 1:250 m².

Development intention

The intention is to rezone the erf to 'office' for the owner to have offices and a boutique hotel with five (5) rooms.

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 Erf 3170, Windhoek was advertised in the New Era newspaper on 23 February 2022 and 3 March 2022 and in the Confidante newspaper on 25 February 2022 and 3 March 2022, and 4 and 10 March 2022, as per the advertisements, **attached as pages 104 - 108 to the agenda;**
- *** - A notice, **attached as pages 109 - 110 to the agenda**, of the proposed rezoning was placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;
- *** - Neighbour consultation letters/forms, **attached as page 111 to the agenda**, were sent to the direct neighbours on Erven 3169, 3171, 6144, 6143, 6145, 3181 and 3182, Windhoek by certified mail; and
- *** - A notice was also published in the Government Gazette of 1 March 2022, Notice No. 7758, **attached as pages 112 - 113 to the agenda**,

The closing date was on 15 March 2022 and one (1) objection was received from the owner of Erf 6144.

Objection received

An objection was received from the owner of Erf 6144, Windhoek as follows:

The whole yard is already built-up with the creation of eleven (11) rooms which do not come close to the design of a boutique hotel.

Parking space is very limited and many a times some visitors park on our pavements. Hooting has become a problem, even employees ignore the 'No Hooting' sign.

The objection is discussed under the Urban Policy evaluation heading.

Technical comments

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

Comments from the Strategic Executive: Urban and Transport Planning

- Sustainable Development

There is no objection to the proposed rezoning and consent: Provided:

- That rezoning to 'office' with to a bulk of 0.4, be supported.
- That consent for office use while the rezoning on process only be granted once the betterment fee has been paid in full.

- That consent for a boutique hotel only be granted once the rezoning has been approved by the Urban and Regional Planning Board.

- **Roads Planning and Traffic Flow**

Erf 3170 is located in Salk Street, Windhoek. Salk Street is a short street that carries low to moderate traffic volumes. The erf is located within the Windhoek West High-Density Policy area and no traffic flow problems are currently experienced during peak hours. The proposed rezoning will generate approximately fourteen (14) additional vehicular trips to the current road.

There is no objection to the proposed rezoning of Erf 3170, Salk Street, Windhoek from 'residential' with a density of 1:900 m² to 'office' with a bulk of 0.4: Provided:

- That a minimum of one (1) parking bay per 25 m² utilised bulk be provided on-site for office use.

There is no objection to the proposed consent to operate a boutique hotel on the respective erf (Erf 3170, a portion of consolidated Erf 3150, Windhoek): Provided:

- That 0.66 parking bays be provided per leasable room plus five (5) parking bays per 100 m² open floor space (excluding reception area), plus loading zone on-site.

There is no objection to the proposed consent to use the respective erf as 'office' and boutique hotel while the rezoning is in progress: Provided:

- That parking be provided as per the submitted parking layout dated 15 June 2022.
- That parking on the sidewalk be further subject to the following conditions:
 - That the applicant apply for the sidewalk lease to the Property Management Division.
 - That parking be properly constructed with kerb stones making distinction between parking and pedestrian movements.
 - That the sidewalk parking remain public parking and not be reserved for exclusive use.
 - That Council reserve the right to cancel the lease should such land be needed for municipal services.

- That it be noted that Council cannot 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 the location of services be verified beforehand when construction is taking place within the road reserve.
 - That the applicant finalise the Lease Agreement with Council for the parking allocated on the sidewalk.
 - That consent use only come into effect after meeting the parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- **Roads and Stormwater**
- There is no objection to the proposed application for rezoning of Erf 3170, Salk Street, Windhoek from 'residential' to 'office', and consent use as stipulated above: 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**

No municipal sewer connection is available for Erf 3170, as this erf is connected to a private combined sewer system. Erven that are rezoned to 'office' may not connect to a private combined sewer system and requires a direct connection to the closest available municipal sewer system.

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

- 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 any work may start.
- 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 should 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 a Fitness Certificate only be issued after a municipal sewer connection is provided by the applicant.
- That no building plans be approved before a municipal sewer connection is installed by the applicant and taken over by Council as per the approved designs.
- 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 submitted for the rezoning of Erf 3170, Salk Street, Windhoek from 'residential' with density of 1:900 m² to 'office' with a bulk of 0.4: Provided:

- That it be noted that the area already is fully serviced.
- 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.

Comments from the Strategic Executive: Economic Development and Community Services

- Environmental Management

There is no objection to the application and the rezoning from 'residential' to 'office' is not a listed activity thus there is no need for an environmental assessment.

Urban Policy evaluation

The erf is zoned 'residential' and the intended zoning is 'office' with a bulk of 0.4. The 'office' zoning has the following primary and consent uses allowed under the Windhoek Zoning Scheme:

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 building, hotels, restaurant	Other uses not under columns 2 and 3

Hotel means a building designed and/or used for the business of providing accommodation and meals for rewards, as defined in and which complies with the provisions of the Accommodation Establishments and Tourism Ordinance, 1973 (Ordinance 20 of 1973) (as amended) and the Liquor Act, 1998 (Act 6 of 1998) but excludes any off-sales department.

The applicant would like to rezone to 'office' with a bulk of 0.4 and they would like to have a consent for a boutique hotel with five (5) rooms. A hotel is a consent use under the 'office' zoning. However, according to the Municipal Council of Windhoek's 'hospitality' zoning which was approved as per Council Resolution 401/11/2020, the following definitions are applicable:

Guest House refers to an accommodation establishment as per the Tourism Board Act, 2000 (Act 21 of 2000) and its regulations where accommodation and breakfast is provided to guests comprising of at least five (5) but not more than ten (10) bedrooms and meets the requirements as stipulated in the Tourism Board Act and its regulations.

Hotel means an accommodation establishment used for the business of providing accommodation and meals for reward and has at least twenty (20) bedrooms or as approved by Council, as defined in, and which complies with the provisions of the Namibian Tourism Board Act, 2000 (Act 21 of 2000) and its Regulations and the Liquor Act, 1998 (Act 6 of 1998), but excludes any off-sales department. Hotel may include a restaurant, a shop, a conference and entertainment facilities subservient to the dominant use of the hotel only with consent of Council.

Therefore, based on the number of rooms the applicant requested and in line with the Municipal Council of Windhoek's Accommodation Policy, the erf qualifies to be a guest house and not a boutique hotel.

Erf 3170 falls within the Windhoek Office Policy area of a bulk of 0.4 and this is in line with the office bulk that the applicant requested for.

The erf is located in a midblock of residential properties with a density of 1:900 m² and it is therefore of utmost importance to minimize noise that can be brought about by the activities of the guest house. Therefore, the guest house is not allowed to host functions, conferences, etc as these can be nuisance to the neighbours.

With regards to the objection raised by the owner of Erf 6144, the design of a guest house does not have an impact on the rezoning of a property. The Building Control Division at the Municipal Council of Windhoek ensures that building plans adhere to building regulations before there are approved. Building Permit No. 1648/2014 shows that the main dwelling has four (4) bedrooms while the granny's flat and servant's quarter each have one (1) room, making it a total of six (6) rooms while the objector talks about eleven (11) rooms. This was confirmed on-site.

As for the parking bays, the approved parking layout dated 17 June 2022 shows that parking is only allowed on-site and this should be adhered to. And lastly, if there is excessive noise caused by the activities on Erf 3170, the neighbours have the privilege of reporting such incidences to Municipal Council of Windhoek Police and the department of Urban Policy and the necessary steps will be followed. The neighbour should be aware that if there is a valid cause where the applicant is violating the conditions of the consent for a guest house, it can be withdrawn.

The Traffic Flow Division indicated that the sidewalk parking should be leased from Council while the Strategic Executive: Infrastructure, Water and Technical Services indicated that there is no municipal sewer connection available as the erf is currently connected to a combined sewer and properties which rezone to 'office' is requiring a direct connection to the closest available municipal sewer system. Therefore, the application can only be submitted to the Urban and Regional Planning Board upon submission of a sidewalk lease application and upon approval of the sewer design.

Betterment fee

The betterment fee will be 40 %. The standard betterment fee conditions will be stipulated.

Conclusion

The rezoning of Erf 3170, Windhoek from 'residential' with a density of 1:900 m² to 'office' with a bulk of 0.4 is supported but can only be submitted to the Urban and Regional Planning Board upon provision of approved sewer designs and submission of a sidewalk lease application.

The consent for a boutique hotel is not supported but rather a consent for a guest house with five (5) rooms is in accordance with the correct definitions.

The consent for the guest house should form part of the allowable office bulk.

The consent to operate an accommodation establishment (guest house) on the erf is supported but only comes into effect after the rezoning has been approved by the Urban and Regional Planning Board.

The consent to use the erf as 'office' while the rezoning is in progress is supported, but only comes into effect after payment of betterment fees and provision of parking as per the approved parking layout dated 17 June 2022 and is limited to existing buildings.

The consent to use the erf as a guesthouse while the rezoning is in progress is not supported as the rezoning first have to be approved by the Urban and Regional Planning Board.

It should be noted that the guest house cannot host functions such as weddings, parties, etc., as it is in the middle of a residential block.

It should also be noted that the violation of consent agreements with regard to the guesthouse in terms of noise levels, parking, etc., can result in the consent being cancelled by the Municipal Council of Windhoek.

Management Committee,

RECOMMENDED

- 1 That the rezoning of Erf 3170, Windhoek from 'residential' with a density of 1:900 m² to 'office' with a bulk of 0.4, be supported but can only be submitted to the Urban and Regional Planning Board upon provision of approved sewer designs and submission of a sidewalk lease application.
- 2 That consent to operate a guest house with five (5) leasable rooms be supported.
- 3 That the consent for the guest house form part of the allowable office bulk.
- 4 That the consent to operate an accommodation establishment (guest house) on the erf be supported but only come into effect after the rezoning has been approved by the Urban and Regional Planning Board and legally published in the Government Gazette.
- 5 That the consent to use existing buildings on the property as 'office' while the rezoning is in progress be supported, but only come into effect after payment of the betterment fee and provision of parking as per the approved parking layout dated 17 June 2022.
- 6 That the consent to use the erf as a guesthouse while the rezoning is in progress, not be supported as the rezoning first have to be approved by the Urban and Regional Planning Board.
- 7 That it be noted that the guest house cannot host any functions such as weddings, parties, etc., as it is in the middle of an otherwise residential block.

- 8 That it also be noted that the violation of consent agreements with regard to the guesthouse in terms of noise levels, parking, etc. will result in the consent being withdrawn by the Strategic Executive: Urban and Transport Planning.
- 9 That the applicant take note that betterment fee (compensation) is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).
- 10 That the applicant obtain an invoice for the betterment fee (compensation) from the Strategic Executive: Urban and Transport Planning.
- 11 That the applicant take note that the application will only be submitted to the Urban and Regional Planning Board upon payment of the betterment fee (compensation).
- 12 That it be noted that the rezoning can only be submitted to the Urban and Regional Planning Board after the lease for the sidewalk is submitted to the Property Management Division.
- 12.1 That parking be properly constructed with kerb stones making distinction between parking and pedestrian movements.
- 12.2 That sidewalk parking remain public parking and not be reserved for exclusive use.
- 12.3 That Council reserve the right to cancel the lease should such land be needed for municipal services.
- 12.4 That Council not be held liable to reinstate any parking or compensate the owner for any improvements should the lease/parking be terminated.
- 12.5 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.
- 12.6 That the location of services be verified beforehand when construction is taking place within the road reserve.
- 12.7 That the applicant finalise the Lease Agreement with Council for the parking allocated on the sidewalk.
- 13 That a minimum of one (1) parking bay per 25 m² utilised bulk be provided on-site for office use.
- 14 That for the guest house, 0.66 parking bays be provided per leasable room plus five (5) parking bays per 100 m² open floor space (excluding reception area), plus a loading zone on-site.

- 15 That the applicant take note that no municipal sewer connection is available for Erf 3170, as this erf is connected to a private combined sewer system, and that erven that are rezoned to 'office' may not connect to a private combined sewer system and is requiring a direct connection to the closest available municipal sewer system, and as such the submission of the application to the Urban and Regional Planning Board be subject to the following:
 - 15.1 That the applicant appoint a registered professional Engineer to design a municipal sewer connection for Erf 3170, Windhoek.
 - 15.2 That the sewer design be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start.
- 16 That after approval of the rezoning by the Urban and Regional Planning Board, the applicant appoint a Contractor to do the construction of the sewer line.
- 17 That the supervision of the construction work be done by a registered professional Engineer.
- 18 That all costs involved due to the municipal sewer connection be for the applicant's account.
- 19 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 the Urban and Regional Planning Board.
- 20 That a Fitness Certificate only be issued after a municipal sewer connection is provided by the applicant.
- 21 That no building plans be approved before a municipal sewer connection is installed by the applicant and taken over by Council as per approved designs.
- 22 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.
- 23 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
 - 23.1 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.
 - 23.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
 - 24 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.
 - 25 That only one (1) service connection from the municipal electrical network be allowed per erf, and further distribution be from the main LV kiosk/board of each erf.
 - 26 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.
 - 27 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.
 - 28 That the applicants and objectors be informed of this Council Resolution in writing.
 - 29 That it be noted that in terms of section 110 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister.
 - 29.1 That the Notice of the Appeal and the Grounds for the Appeal be lodged within twenty one (21) days from the date of this Notice to the Minister and local authority whose decision is the subject of the appeal.
-

[Municipal Council Agenda: 2023-04-27]

**10.3.3 FNS.2 [HPH] APPLICATION TO PURCHASE
A PORTION OF ERF 3066, OTJOMUISE
EXTENSION 2 FOR CONSOLIDATION
WITH ERF 3051, OTJOMUISE
EXTENSION 2
(L/3066/Otj) (L/3051/Otj)**

Introduction

The purpose of this item is to submit to Council an application received from the owner of Erf 3051, Otjomuise Extension 2 to purchase a portion of Erf 3066, Otjomuise Extension 2 for consolidation with Erf 3051, Otjomuise Extension 2 and to seek Council's approval thereof.

*** The full application, including relevant correspondence/documentation is **attached as pages 133 – 154 to the agenda.**

Application

*** An application dated 21 December 2015, **attached as page 133 to the agenda**, was received from Ms Julia Amukwaya, the owner of Erf 3051, Otjomuise Extension 2 to purchase a portion of Erf 3066, Otjomuise Extension 2 for consolidation with Erf 3051, Otjomuise Extension 2. Ms Julia Amukwaya is a Namibian Citizen as indicated by her Identity Document of which a copy is **attached as page 134 to the agenda**. Proof of ownership of Erf 3051, Otjomuise Extension 2 is evidenced by Title Deed No. T557/2006, **attached as pages 135 - 138 to the agenda.**

Property descriptions and locality

Erf 3066, Otjomuise Extension 2 is zoned 'public open space', is ± 13 067 m² in extent, and is situated in Bonn Street.

Erf 3051, Otjomuise is zoned 'residential' with a density of 1:300 m², is ± 438 m² in extent, and is situated in Osaka Street.

*** The locality plan indicating the erven, is **attached as page 147 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 to purchase a portion of Erf 3066, Otjomuise Extension 2 for consolidation with Erf 3051, Otjomuise Extension 2: Provided:

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

- That only one (1) service connection from the municipal electrical network be allowed per erf.
- That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf be rezoned to 'general residential'.
- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical Engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation, and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

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

- **Bulk Water and Waste Water**

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

- **Engineering Services**

The sale of a portion of the Remainder of Erf 3066, Otjomuise Extension 2 for consolidation with Erf 3051, Otjomuise Extension 2 is not supported because a municipal sewer line is affected. The application can only be supported if the sewer line is relocated outside the boundaries of the applied 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 Engineer. All costs involved will be for the applicant's account.

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 Policy. It should however be noted that Erf 3066, Otjomuise Extension 2 is zoned 'public open space'. The rezoning of a 'public open space' to any other land use is a listed activity in the Environmental Management Act, 2007 (Act 7 of 2007). The applicant should therefore obtain Environmental

Clearance from the Environmental Management Division of the Municipal Council of Windhoek once the application has been approved by Council.

- **Parks**

There is no objection to the application to purchase a portion of Erf 3066, Otjomuise Extension 2 for consolidation with Erf 3051, Otjomuise Extension 2. This is a 'public open space' zoned waterway, but there is enough space for at least an 8 metre strip of Erf 3066, Otjomuise Extension 2 to consolidate with Erf 3051, Otjomuise Extension 2 as per the application.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Planning**

Erf 3066, Otjomuise Extension 2 is zoned 'public open space' and is $\pm 12\,762\text{ m}^2$. Erf 3051, Otjomuise Extension 2 is zoned 'residential' with a density of 1:300 m^2 and is $\pm 438\text{ m}^2$ in extent. The proposed portion is $\pm 159\text{ m}^2$ in extent and should be subdivided from Erf 3066, Otjomuise Extension 2. The proposed portion should be consolidated with Erf 3051, Otjomuise Extension 2, and the consolidated Erf will be $\pm 597\text{ m}^2$ in extent.

There is no objection to the subdivision of a 10 metre portion of Erf 3066, Otjomuise Extension 2 for consolidation purposes with Erf 3061, Otjomuise Extension 2 subject to the comments of Strategic Executive: Infrastructure, Water and Technical Services and further: Provided:

- That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.
- That Erf 3066, Otjomuise Extension 2 be subdivided into proposed Portion A and Remainder as indicated on Subdivision Plan 3051-1 OTJ dated 12 November 2021 and that the same plan 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 Municipal Council of Windhoek 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 as per section 50(3) for such as neighbour notifications and others.
- 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 3051, Otjomuise Extension 2 upon consolidation.
- That the current conditions registered against Portion A of Erf 3066, Otjomuise Extension 2 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**

There is in principle no objection to the subdivision of Erf 3066, Otjomuise Extension 2 for consolidation with Erf 3051, Otjomuise Extension 2 provided that all technical departments also support the application.

- **Planning, Design and Traffic Flow**

There is no objection to the subdivision of Erf 3066, Otjomuise Extension 2 for consolidation with Erf 3051, Otjomuise Extension 2.

The Urban Arterial Account (UAA) contribution applicable will be N\$254.00.

- **Roads and Stormwater Design**

There is no objection to the proposed sale of a portion of Erf 3066 Otjomuise Extension 2 for consolidation with Erf 3051 Otjomuise Extension 2: Provided:

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

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

- **Valuations**

Portion A of the Remainder of Erf 3066, Otjomuise Extension 2 is $\pm 159 \text{ m}^2$ in extent, and after consolidation with Erf 3051, Otjomuise Extension 2 the size of the consolidated erf would be $\pm 597 \text{ m}^2$ in total. The development potential is not enhanced in terms of the density being $1:300 \text{ m}^2$. Hence, the value payable is half of N\$350.00/m², being the current vacant land going price/m² and N\$27 850.00 (half of N\$55 700.00) in total as per Valuation Certificate dated 24 January 2023, attached as page 144 to the agenda.

Should the owner of Erf 3051, Otjomuise Extension 2 wish to take occupation of Portion A of the Remainder of Erf 3066, Otjomuise Extension 2 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\$232.08. 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.

- **Property Management**

There is no objection for the subdivision of Remainder of Erf 3066, Otjomuise Extension 2 into Portion A ($\pm 159 \text{ m}^2$ in extent) and the Remainder of Erf 3066, Otjomuise Extension 2 and the sale of Portion A ($\pm 159 \text{ m}^2$ in extent) to the owner of Erf 3051, Otjomuise Extension 2 for consolidation purposes.

Site visit

*** The Strategic Executive: Housing, Property Management and Human Settlement (Manager: Property Management) conducted a site inspection on 28 March 2023 and it was discovered that the applied portion is free from illegal occupation. Photographs of the site are **attached as page 145 to the agenda.**

Neighbour's consent

*** The favourable consent, **attached as page 146 to the agenda**, was received from the owners of Erven 3042 and 3052, Otjomuise Extension 2.

Conclusion

*** It is proposed that the application be approved and that Erf 3066, Otjomuise Extension 2 be subdivided into Portion A ($\pm 159 \text{ m}^2$ in extent) and the Remainder as indicated on Subdivision Plan 3051-1 OTJ, **attached as page 147 to the agenda.**

Management Committee,

RECOMMENDED

- ***
- 1 That Erf 3066, Otjomuise Extension 2 be subdivided into Portion A ($\pm 159 \text{ m}^2$ in extent) and the Remainder as indicated on Subdivision Plan 3051-1 OTJ, **attached as page 147 to the agenda.**
 - 2 That the sale of Portion A of Erf 3066, Otjomuise Extension 2 to the owner of Erf 3051, Otjomuise Extension 2 for consolidation purposes, be approved.
 - 3 That Portion A of Erf 3066, Otjomuise Extension 2 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).
 - 3.1 That the Municipal Council of Windhoek prepare the closure notice.
 - 3.2 That the applicant/owner of Erf 3051, Otjomuise Extension 2 be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours at the applicant's cost.

- 3.3 That proof of successful advertising be provided to the Strategic Executive: Urban and Transport Planning before the transfer process.
- 4 That Portion A of Erf 3066, Otjomuise Extension 2 be consolidated with Erf 3051, Otjomuise Extension 2 into one (1) erf, simultaneously with transfer.
- 5 That the standard conditions registered against Erf 3051, Otjomuise Extension 2 be retained against the consolidated erf.
- 6 That upon consolidation, Portion A of the Remainder of Erf 3066, Otjomuise Extension 2 assume the same zoning as Erf 3051, Otjomuise Extension 2, being 'residential' with a density of 1:300 m², in terms of clause 5(3) of the Windhoek Town Planning Scheme.
- 7 That the applicant/owner of Erf 3051 Otjomuise Extension 2 obtain an Environmental Management Clearance Certificate from the Strategic Executive: Economic Development and Community Services in terms of the Environmental Management Act, 2007 (Act 7 of 2007).
- 8 That the applicant/owner of Erf 3051 Otjomuise Extension 2 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 the Environmental Management Clearance Certificate and successful completion of the closure, town planning and cadastral procedures, that Portion A (± 159 m² in extent) of Erf 3066, Otjomuise be sold to the owner of Erf 3051, Otjomuise Extension 2 for consolidation purposes at 50 % of the market price of N\$350.00/m² or N\$55 700.00, thus N\$27 850.00 in total in terms of Council Resolution 276/08/2004, **attached as page 148 to the agenda**, and as per the signed Valuation Certificate dated 24 January 2023, **attached as page 144 to the agenda**.
- ***
- 10 That henceforth, all funds generated from the sale of resulting from the subdivision of public open spaces be used exclusively (unless with consent of Council), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc as per Council Resolution 183/08/2021 and 184/08/2021, **attached as pages 149 - 151 and 152 - 154 respectively to the agenda**.
- 11 That the Urban Arterial Account (UAA) contribution applicable be N\$254.00.
- 12 That the sale of the Portion A (± 159 m² in extent) of Erf 3066, Otjomuise be subject to the following conditions:
- 12.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

- 12.1.1 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.
- 12.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 12.2 That should any municipal electrical infrastructure on the sidewalk need to be relocated to accommodate a new access to the erf, all costs involved be for the applicant's account.
- 12.3 That only one (1) service connection and one (1) meter point be allowed from the municipal electrical network.
- 12.4 That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential' and for more meter points, the erf be rezoned to 'general residential'.
- 12.5 That the sewer line be relocated outside the boundaries of the applied portion, at the applicant's account and to the satisfaction of the Strategic Executive, Infrastructure, Water and Technical Services.
- 12.6 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.
- 12.7 That a design be submitted by the appointed Engineer to Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start.
- 12.8 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 should be done by a registered professional Engineer.
- 12.9 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 Erf 3066, Otjomuise Extension 2 only be signed after the relocation of the sewer line is done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 12.10 That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.

- 12.11 That the current conditions registered against Portion A of Erf 3066, Otjomuise Extension 2 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.
- 13 That the applicant/owner of Erf 3051, Otjomuise Extension 2:
 - 13.1 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 Townships Board for consideration.
 - 13.2 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.
 - 13.3 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.
 - 13.4 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.
 - 13.5 That should the applicant fail to comply with any of the conditions stipulated in this resolution or fail to finalize the sale within eighteen (18) months from the date of this Council Resolution, that the allocation of Portions A ($\pm 159 \text{ m}^2$ in extent) of the Remainder of Erf 3066, Otjomuise Extension 2 to the owner of Erf 3051, Otjomuise Extension 2 beyond the eighteen (18) months, be subject to the price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 14 That should the applicant wish to take occupation of Portion A ($\pm 159 \text{ m}^2$ in extent) of Erf 3066, Otjomuise, prior to the conclusion of the sale thereof, Portion A ($\pm 159 \text{ m}^2$ in extent) of Erf 3066, Otjomuise Extension 2 be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$232.08, further subject to annual escalation in line with the Namibia Inflation Rate.
- 15 That the sale/lease of Portion A of the Remainder of Erf 3066, Otjomuise Extension 2 be advertised in terms of section 63(2)(a)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 16 That the sale/lease of Portion A of the Remainder of Erf 3066, Otjomuise be subject to Ministerial approval in terms of section 30(1)(t) 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 (NS)	Funds available
Advertisement cost	4 000.00	Item 4000/20/1/10/0025
Urban Arterial Account applicable	254.00	

[Municipal Council Agenda: 2023-04-27]

10.3.4 FNS.3 [HPH] ALLOCATION OF ALTERNATIVE ERVEN TO APPLICANTS OF ERF R/196, ROCKY CREST AS PER COUNCIL RESOLUTION 180/06/2018 (L/196/RC)

Introduction

*** The purpose of this item is to seek Council's approval for the sale of Erven 5446 or 5447, 5453 and 5454, Khomasdal to Mr C Tjikongo, Gravitas Construction and Kelly's Trading CC respectively. This follows Council Resolution 180/06/2018, **attached as pages 155 - 157 to the agenda**, which resolved that alternative erven be identified and allocated to Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction for lease purposes. The proposal is to sell because the properties are fully serviced erven and can be sold. The selling of the properties will also empower the applicants as Small and Medium Enterprise (SME) economically. It is also only viable and advisable for the Municipal Council of Windhoek to sell the subject properties instead of leasing them out as they are vacant properties that will require improvements to appropriately and successfully make use of them.

Background

Applications were received from Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction to lease Erf R/196, Rocky Crest. The applications were submitted to Council with a proposal to subdivide Erf R/196, Rocky Crest into three (3) portions and that these portions be allocated as follows for lease purposes:

- Mr C Tjikongo (Portion A - ± 620 m² in extent);
- Gravitas Construction (Portion B - ± 321 m² in extent); and
- Kelly's Trading CC (the Remainder of Erf R/196 - ±307 m² in extent).

*** Council per Resolution 180/06/2018, **attached as pages 155 - 157 to the agenda**, turned down the above proposal and resolved that the lease applications from Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction with

respect to proposed portions of Erf R/196, Rocky Crest not be supported, and that alternative erven be identified and allocated to Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction for lease purposes.

Property description and locality

- Erf 5446, Khomasdal is ± 468 m² in extent, zoned 'business' and is located in Crake Street;
- Erf 5447, Khomasdal is ± 384 m² in extent, zoned 'business' and is located in Crake Street;
- Erf 5453, Khomasdal is ± 384 m² in extent, zoned 'business' and is located in Shoveller Street; and
- Erf 5454, Khomasdal is ± 384 m² in extent, zoned 'business' and is located in Shoveller Street.

Implementation of Council Resolution 180/06/2018

Council Resolution 180/06/2018, **attached as pages 155 - 157 to the agenda**, and in particular to paragraph 4 of the said resolution *inter alia* reads as follows:

- 4 *That alternative erven be identified and allocated to Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction for lease purposes.*

A list of 'business' zoned erven where then availed to the three (3) applicants to choose from, of which they have accordingly made their choices as follows:

- Mr C Tjikongo made a choice on both Erven 5446 and 5447, Khomasdal. Although he had to choose only one (1) property, the applicant chose two (2) properties motivating that he need enough trading space given the nature of his intended activity as per letter dated 6 June 2019, **attached as page 158 to the agenda**. The applicant further indicated that the application ought to have been on CRT Farming, Investment and Trading and thus request Council to rectify the name;
- Gravitas Construction has made its choice of Erf 5453, Khomasdal and has indicated their interest to purchase it; and
- Kelly's Trading CC, has made its choice of Erf 5454, Khomasdal.

The Property Management Division is supposed to enter into Lease Agreements with Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction. However, Property Management is herewith rather proposing that Erven 5446 or 5447, 5453 and 5454, Khomasdal be sold to Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction, respectively because these erven are ready to be sold and are zoned business which befits their intended use. Furthermore, it should be noted that the mentioned erven already have sales conditions.

With regards to the request of Mr C Tjikongo to be allocated two (2) erven, it is recommended that only one (1) erf be allocated to Mr Tjikongo as per the City's Policy of one (1) erf per person. Mr Tjikongo will therefore have to choose between Erven 5446 and 5447, Khomasdal. Mr C Tjikongo has indicated that

the allocation should be done into his company name CRT Farming, Investment and Trading and not into his name.

Motivation for sale

It is Council's Land Sales Policy in terms of Resolution 114/03/94 that 'business' and 'industrial' zoned erven be sold by tender. However, an exception to the rule is herewith requested to sell the erven mentioned herein on private treaty. It would make economic sense not only to the Municipal Council of Windhoek but to the applicants to sell these properties. The Municipal Council of Windhoek would recover its development cost (servicing of the erven) in the shortest period, while the applicants would be owners of immovable properties, which will improve their status of business asset ownership but as well have security to secure funding for their businesses from financial institutions.

Furthermore it should be noted that Erven 5446, 5447, 5453 and 5454, Khomasdal, amongst others were advertised for sale on tender in 2014 (Tender PLA 01/2014), 2015 (Tender PLA 01/2015), and 2018 (Tender HPH 01/2018) and were not allocated either because no interest was shown or allocation was cancelled due to non-payment, thus indicating that there is little interest in the properties or that they are unaffordable when on tender.

*** Council in terms of Resolution 250/11/2021 (paragraph 3.1), **attached as pages 159 - 163 to the agenda**, *inter alia* resolved as follows:

3.1 That commercial erven that have been advertised more than two (2) times be offered on private treaty to applicants as per the provision in the Land Sales Policy in terms of Council Resolution 114/03/94, paragraphs 5 and 5.3.

Therefore, this means that Erven 5446, 5447, 5453 and 5454, Khomasdal can be sold on Private Treaty in line with Council Resolution 250/11/2021.

The Strategic Executive: Housing, Property Management and Human Settlement further proposes that the option of lease remain open, so that if the applicants are unable to purchase at this point, that they be given to lease for a period of ten (10) years with an option to purchase. A ten (10) years lease period is proposed as ample time for the applicants to set up business, be operational and recover what is invested.

*** Letters from the applicants are **attached as pages 164 - 165 to the agenda**.

Valuations

*** The Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuation Division) valued the properties as follows as per the Valuation Certificates dated 31 March 2023, **attached as pages 166 - 168 to the agenda**:

- Erf 5446, Khomasdal (± 468 m² in extent), at a price of N\$600 000.00;
- Erf 5447, Khomasdal (± 384 m² in extent), at a price of N\$492 000.00;

- Erf 5453, Khomasdal (\pm 384 m² in extent), at a price of N\$492 000.00; and
- Erf 5454, Khomasdal (\pm 384 m² in extent), at a price of N\$492 000.00.

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.

Conclusion

The Strategic Executive: Housing, Property Management and Human Settlement (Manager: Property Management), is hereby submitting the item to Council, for consideration and deliberation. It is recommended that the erven in question be sold to the applicants because these erven are zoned 'business' and are ready to be sold. It is further proposed that the option of lease remain open for those unable to purchase.

Management Committee,

RECOMMENDED

- 1 That the applications received from Mr C Tjikongo (CRT Farming, Investment and Trading), Gravitas Construction and Kelly's Trading CC to purchase Erven 5446, 5453 and 5454, Khomasdal, be noted and supported.
- 2 That it be noted that Erven 5446, 5447, 5453 and 5454, Khomasdal, amongst others, were advertised for sale on tender in 2014 (Tender PLA 01/2014), 2015 (Tender PLA 01/2015) and 2018 (Tender HPH 01/2018) and were not allocated either, because no interest was shown or allocation were cancelled due to non-payment, thus indicating that there is little interest in the properties or that they are unaffordable when on tender.
- *** 3 That in line with paragraph 3.1 of Council Resolution 250/11/2021, **attached as pages 159 - 163 to the agenda**, Erven 5446, 5453 and 5454, Khomasdal be sold on private treaty.
 - 3.1 That Erf 5453, Khomasdal be sold to Gravitas Construction at a purchase price of N\$492 000.00 (15 % VAT exclusive).
 - 3.2 That Erf 5454, Khomasdal be sold to Kelly's Trading CC at a purchase price of N\$492 000.00 (15 % VAT exclusive).
 - 3.3 That Erf 5446, Khomasdal be sold to CRT Farming, Investment and Trading at a purchase price of N\$600 000.00.
- 4 That it be noted that Mr C Tjikongo is trading as CRT Farming, Investment and Trading hence the recommendation to sell Erf 5446, Khomasdal to CRT Farming, Investment and Trading.
- 5 That only one (1) erf be allocated per purchaser and that the purchasers be informed accordingly.

- 6 That the sale of Erven 5446, 5453 and 5454, Khomasdal be subject to the standard Restrictive Resale Condition to be registered against the title of the properties.
- 7 That the applicants sign the Deeds of Sale and finalise the sale of the subject erven within ninety (90) days from the date of being informed of this Council Resolution by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price together with VAT in line with Council Policy.
- 8 That the option to lease for a period of ten (10) years remain open, should the applicant wish to rather lease and that the purchasers be compelled to purchase the properties after the ten (10) year lease period.
- 8.1 That should Mr C Tjikongo (CRT Farming, Investment and Trading), Kelly's Trading CC and Gravitas Construction wish to lease the respective erven, that the monthly rental amount be calculated as 10 % of the purchase price of the respective erf, divided by twelve (12) months: Provided that the rental escalate annually with the Namibia Inflation Rate.
- 8.2 That no permanent structures be allowed on the leased properties without Council's (Strategic Executive: Housing, Property Management and Human Settlement) approval.
- 8.3 That in an event when improvements are done on a leased property and the lease is cancelled, that Council not be obliged to compensate for improvements should the Lease Agreement be terminated or expire, even if such improvements have been constructed with Council's consent.
- 8.4 That in an event of a lease, the lease period only be for ten (10) years, and thereafter the purchaser be obliged to purchase the property, and the lease not be renewed.
- 9 That should Mr C Tjikongo (CRT Farming, Investment and Trading), Kelly's Trading CC and Gravitas Construction fail to finalise the sale/lease transactions within ninety (90) calendar days from the date of being informed of this Council Resolution, that the Strategic Executive: Housing, Property Management and Human Settlement be mandated to cancel the allocation and place the cancelled properties into the pool of available erven to be sold.
- 10 That the sale/lease of Erven 5446, 5453 and 5454, Khomasdal 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).
- 11 That the sale/lease of Erven 5446, 5453 and 5454, Khomasdal be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 12 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale/Lease Agreement.

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

Financial implications

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

[Municipal Council Agenda: 2023-04-27]

10.3.5

FNS.4 [HPH] AMENDMENT OF PARAGRAPH 4.7 (ERF NUMBER) OF COUNCIL RESOLUTION 21/02/2022 (L/2492/Otj)

Introduction

The purpose of this submission is to amend the erf number indicated under paragraph 4.7 of Council Resolution 21/02/2022.

Purpose

Erf 2492, Otjomuise was allocated to Mr Simon Natangwe Iyambo at a tendered price of N\$460 000.00 as amended by Council Resolution 21/02/2022, **attached as page 169 to the agenda**. The initial sale was approved by Council per Resolution 338/10/2020, **attached as pages 170 - 171 to the agenda**. Following the first approval, it was detected that the tendered amount on the Council Resolution was wrong. Thus, another submission was drafted to amend the error. Council per Resolution 21/02/2022 approved the amendment of the incorrect tendered amount. It is worth noting that at the same meeting, the recommendations of Erf 2492, Otjomuise under paragraph 4.7 was changed which resulted in paragraph 4.7 of the Council Resolution 21/02/2022 being incorrect.

During the resubmission of the amended item in February 2022, the recommendation *inter alia* read as follows, which was correct:

- 1 *That the request to amend the error in Council Resolution 338/10/2020, be noted.*
- 2 *That paragraphs 4.7 and 4.12 of Council Resolution 338/10/2020, be amended and be replaced to inter alia read as follows:*
 - 4.7 *That Erf 2492, Otjomuise ($\pm 656 m^2$ in extent) be allocated to Mr Simon Natangwe Iyambo at a tendered purchase price of N\$460 000.00.*
 - 4.12 *That Erf 2561, Otjomuise ($\pm 503 m^2$ in extent) be allocated to Chencia Richarda Kudumo at a tendered price of N\$416 342.00.*
- 3 *That this Council Resolution be read together with Council Resolution 338/10/2020, attached as pages 264 - 265 to the agenda.*

4 *That the resolution be implemented prior to confirmation of the minutes.*

When Council Resolution 21/02/2022 was passed, the erf number cited per paragraph 2 (sub paragraph 4.7), was changed to Erf 2468, Otjomuise, which made that particular paragraph erroneous. It is believed that the change of the recommendations could have been triggered by an error that was in the body of the item, although the recommendations were correct. It is believed that the changes were made at the Council meeting held on 1 and 2 February 2022. It is against this background that Council's approval is once again sought to amend the erf number indicated per paragraph 2 (sub paragraph 4.7) of Council Resolution 21/02/2022.

Conclusion

Given the above, the Strategic Executive: Housing, Property Management and Human Settlement, is submitting the request to Council for its deliberation and considerations.

Management Committee,

RECOMMENDED

1 That the request to amend the error of Council Resolution 21/02/2022, be noted.

2 That sub paragraph 4.7 of Council Resolution 21/02/2022, be amended and replaced to *inter alia* read as follows:

4.7 That Erf 2492, Otjomuise (± 656 m² in extent) be allocated to Mr Simon Natangwe Iyambo at a tendered purchase price of N\$460 000.00.

3 That this Council Resolution be read together with Council Resolution 338/10/2020, **attached as page 170 - 171 to the agenda.**

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

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[Municipal Council Minutes: 2020-10-29]

10.3.12

**FNS.3 [HPH] OBJECTION RECEIVED ON
THE SALE OF THE REMAINDER OF ERF 7350,
KATUTURA AND PORTION C OF SHANGHAI
STREET TO THE HALLELUJAH INDEPENDENT
PARISH (ADVERTISEMENT OF NOTICE NO. 15/2020)
(L/7350/Kat)**

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That the objection received from Mr Dankie Johannes (owner of Erf 7158, Katutura) against the sale of the Remainder of Erf 7350, Katutura ($\pm 2\,827\text{ m}^2$ in extent) to the Hallelujah Independent Parish, be noted.
- 1.1 That it be noted that the objection was lodged following an advertisement for objections against the sale of the Remainder ($2\,827\text{ m}^2$ in extent) of Erf 7350, Katutura and Portion C ($2\,220\text{ m}^2$ in extent) of Shanghai Street, to the Hallelujah Independent Parish in compliance with section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 1.2 That it be noted that the objection received was addressed as per this submission.
- 2 That all adjacent erven sharing boundaries with Erf 7350, Katutura, be allocated 10 metre portions.
- 3 That Council Resolution 76/03/2020, attached as pages 2475 - 2480 to the agenda, be rescinded in its entirety and amended to read as follows:
 - 1 *That the applications received from Mr Benjamin Kambala, Olupale aka 'Busy 3way', Rural Natives Trading Enterprise CC and Ritta Khiba Planning Consultants, the owners of Erven 7099 and 7160, Katutura and the Hallelujah Independent Parish, be noted.*
 - 1.1 *That the applications received from Mr Benjamin Kambala, Olupale aka 'Busy 3way', Rural Natives Trading Enterprise CC and Ritta Khiba Planning Consultants, not be supported.*
 - 2 *That Council Resolution 275/07/2009, be rescinded and replaced with this Council Resolution.*
 - 3 *That the comments from the Strategic Executive: Economic Development and Community Services and the Strategic Executive: Urban and Transport Planning, be noted.*
 - 4 *That Erf R/7350, Katutura be subdivided into Portion A ($\pm 210\text{ m}^2$ in extent), Portion B ($\pm 125\text{ m}^2$ in extent), Portion C ($\pm 125\text{ m}^2$ in extent), Portion D ($\pm 250\text{ m}^2$ in extent), Portion E ($\pm 260\text{ m}^2$ in extent) and the Remainder ($\pm 2\,157\text{ m}^2$ in extent). [The Valuation Certificate of the Remainder of $\pm 2\,157\text{ m}^2$ dated 10 September 2020 is attached as page 2483 to the agenda.]*

- 5 *That Portion A ($\pm 210 \text{ m}^2$ in extent) be sold to the owner of Erf 7160, Katutura for consolidation purposes at a purchase price of N\$63 000.00, as indicated on the Valuation Certificate dated 10 September 2020, attached as page 2484 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.*
- 6 *That Portion B ($\pm 125 \text{ m}^2$ in extent) of Erf R/7350, Katutura be sold to the owner of Erf 7158, Katutura for consolidation purposes at a purchase price of N\$37 500.00, as indicated on the Valuation Certificate dated 10 September 2020, attached as page 2485 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.*
- 7 *That Portion C ($\pm 125 \text{ m}^2$ in extent) of Erf R/7350, Katutura be sold to the owner of Erf 7157, Katutura for consolidation purposes at a purchase price of N\$37 500.00, as indicated on the Valuation Certificate dated 10 September 2020, attached as page 2486 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.*
- 8 *That Portion D ($\pm 250 \text{ m}^2$ in extent) of Erf R/7350, Katutura be sold to the owner of Erf 1154, Katutura for consolidation purposes at a purchase price of N\$75 000.00, as indicated on the Valuation Certificate dated 10 September 2020, attached as page 2487 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.*
- 9 *That Portion E ($\pm 260 \text{ m}^2$ in extent) of Erf R/7350, Katutura be sold to the owner of Erf 7099, Katutura for consolidation purposes at a purchase price of N\$78 000.00, as indicated on the Valuation Certificate dated 10 September 2020, attached as page 2488 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.*
- 10 *That Shanghai Street be subdivided into Portion F ($\pm 2 220 \text{ m}^2$ in extent) and the Remainder, as indicated on the plan, attached as page 2489 to the agenda.*
- 11 *That Portion F ($\pm 2 220 \text{ m}^2$ in extent) of Shanghai Street be consolidated with the Remainder of Erf 7350, Katutura. [The Valuation Certificate of Portion F dated 10 September 2020 is attached as page 2490 to the agenda.]*
- 12 *That after the consolidation of the Remainder ($\pm 2 157 \text{ m}^2$ in extent) of Erf 7350, Katutura and Portion F ($\pm 2 220 \text{ m}^2$ in extent) of Shanghai Street, that the consolidated erf ($\pm 5 047 \text{ m}^2$ in extent) be sold to the Hallelujah Independent Parish at a price of N\$982 000.00 as indicated on the Valuation Certificates dated 10 September 2020, attached as pages 2483 and 2490 respectively to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.*

- 13 *That the following be noted:*
- 13.1 *That Erf R/7350, Katutura has a general downward slope from the south east towards the west.*
- 13.2 *That there is a minor stormwater course flowing across the central portion of Erf R/7350, Katutura flowing from the south east into a north westerly direction towards a stormwater system underneath Hans Dietrich-Genscher Street.*
- 13.3 *That the proposed portion of Shanghai Street is noted not to be developed in the future.*
- 13.4 *That the proposed portion of Shanghai Street has a downward slope from the north east into a south westerly direction.*
- 13.5 *That there is no stormwater system crossing the proposed portion of Shanghai Street, except for surface stormwater run-off.*
- 13.6 *That the Strategic Executive: Urban and Transport Planning confirm the closure of the proposed portion of Shanghai Street as street.*
- 14 *That the applicant appoint a registered professional Engineer at his/her own cost and risk, to determine if any portion of Erf R/7350, Katutura require to be protected against any potential flood damage.*
- 15 *That no development be allowed in the 50 year flood level of the stormwater course.*
- 16 *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:*
- 16.1 *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:*
- 16.1.1 *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.*

- 16.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 16.2 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 16.3 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.
- 16.4 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.
- 16.5 That no building plans be approved until the stormwater conditions are met.
- 16.6 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 City of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 17 That it be noted that an existing 11 kV underground cable is crisscrossing Erf R/7350, Katutura and a portion of Shanghai Street, and is indicted in RED on the locality plan. [The main LV in-feed to Dans Street runs along Hans Dietrich-Genscher Street and the interested portion of Shanghai Street and is indicated in BLUE on the locality plan.]
- 17.1 That these cables have to be relocated towards the boundaries of the applied land and 3 metre wide servitudes be registered over both cables, and all costs related to the relocation and servitudes be for the applicant's account.
- 17.2 That the registration of servitude be handled by a professionally registered Surveyor and is to be approached for estimated cost related thereto.
- 17.3 That no permanent structures to be erected within the servitude area, and the City of Windhoek have unhindered access to its infrastructure for maintenance purposes.
- 18 That should any additional municipal electrical infrastructure on the sidewalks need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.
- 19 That only one (1) service connection from the municipal electrical network be allowed per erf.

- 20 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. [The metering will be applicable as per the approved Metering Policy.]
- 21 That it be noted that the estimated cost related to the relocation of the cable is \pm N\$176 000.00 and for the Hallelujah Independent Parish's account and is indicated on the Project Estimate, attached as pages 111 - 113 to the agenda.
- 22 That it be noted that a sewer line is passing through the applied Portions A to E of Erf R/7350, and that the application be approved, subject to the following conditions:
- 22.1 That the sewer line be relocated within the 3 metre building line of the new consolidated erf.
- 22.2 That the applicants (owners of Erven 7160, 7158, 7157, 1150 and 7099 Katutura) appoint a registered professional Engineer to do the design for the relocation of the sewer line.
- 22.3 That the design be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start.
- 22.4 That after approval of the design, the applicants appoint a Contractor to do the relocation of the sewer line.
- 22.5 That the supervision of the relocation of the sewer line be done by a registered professional Engineer.
- 22.6 That all costs involved due to the relocation of the sewer line be for the applicant's accounts (owners of Erven 7160, 7158, 7157, 1154 and 7099 Katutura).
- 22.7 That the Deed of Sales only be signed after the relocation of the sewer line is done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 23 That it be noted that water and sewer lines are passing through Erf R/7350, Katutura and the applied Portion C of Shanghai Street, and that the application (from Hallelujah Independent Parish) only be approved, subject to the following conditions:
- 23.1 That the water lines be relocated outside the boundaries of the applied portions, and that the sewer lines be relocated within the 3 metre building lines of the applied portions.

- 23.2 That the applicant (Hallelujah Independent Parish) appoint a registered professional Engineer to do the design for the relocation of the water and sewer lines.
- 23.3 That the designs for the relocation of the water and sewer lines be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start.
- 23.4 That after approval of the designs, the applicant appoint a Contractor to do the relocation of the water and sewer lines.
- 23.5 That the supervision of the relocation of the water and sewer lines be done by a registered professional Engineer.
- 23.6 That all costs involved due to the relocation of the water and sewer lines be for the applicant's account (Hallelujah Independent Parish).
- 23.7 That the Deed of Sale only be signed after the relocation of the water and sewer lines are done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 24 That the owners of Erven 7160, 7158, 7157, 1154 and 7099, Katutura and the Hallelujah Independent Parish be responsible for their individual town planning and cadastral procedures and the costs involved.
- 24.1 That the Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson provide Councillors with examples of private owners who paid for subdivisions.
- 25 That the sale of Portion A ($\pm 210 \text{ m}^2$ in extent), Portion B ($\pm 125 \text{ m}^2$ in extent), Portion C ($\pm 125 \text{ m}^2$ in extent), Portion D ($\pm 250 \text{ m}^2$ in extent), Portion E ($\pm 260 \text{ m}^2$ in extent) and the Remainder ($\pm 2\,157 \text{ m}^2$ in extent) of Erf R/7350, Katutura and Portion F ($2\,220 \text{ m}^2$ in extent) of Shanghai Street, be subject Ministerial approval being obtained in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 4 That this Council Resolution and its agenda (including the objection from Mr Dankie Johannes), together with Council Resolution 76/03/2020, be submitted to the line Minister for consideration in terms of section 63(3)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 5 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 377/10/2020

SUBMISSION

Your Integrity, Our Standard

24 November 2022

APPLICATION FOR THE REZONING OF ERVEN 108, 110 TO 122 THORN VALLEY FROM RESIDENTIAL WITH A DENSITY OF 1:150 TO GENERAL RESIDENTIAL WITH A DENSITY OF 1:300, CONSENT TO COMMENCE WITH THE PROPOSED DEVELOPMENT WHILE THE REZONING PROCESS IS BEING COMPLETED AND AMENDMENT OF CONDITION 3.13 OF COUNCIL RESOLUTION NO. 246/06/2009

Attached 2 copies of the following	
Rezoning Drawings:	
-Locality Plan	NA
-Existing Zoning	NA
-Intended Zoning	NA
Subdivision/Consolidation Drawings:	
-Locality Plan	YES
-Existing Situation Plan	YES
-Intended Situation Plan	YES
Town Planning Certificate	YES
Approved Erf Diagram (if applicable)	YES
Proof of Advertisements	YES
Proof of Neighbour Notices	YES
Proof of Notice on Site	YES
Proof of Notice on LA Board	YES
Copies of objections/comments received	YES
Credit Clearance Certificate from CoW	YES
NAC Clearance(if applicable)	N/A
Power of Attorney	YES
Title Deed/Deed of Transfer/Founding Statement/Company Resolution	YES
<i>Electronic copy-to be sent once hard copy submitted</i>	<i>Sent</i>
Application in doc. format	YES
All annexures (pdf)	YES
All supporting plans and drawings (pdf)	YES

Date: 24/11/2022

**Department of Urban and Transport Planning
Urban Planner
City of Windhoek
P.O. Box 59
Windhoek**

Attention: Hugo Rust

Dear Sir,

AMENDED APPLICATION FOR THE REZONING OF ERVEN 108, 110 TO 122 THORN VALLEY FROM "RESIDENTIAL" WITH A DENSITY OF 1:300 TO "GENERAL RESIDENTIAL" WITH A DENSITY OF 1:150, CONSENT TO COMMENCE WITH THE PROPOSED DEVELOPMENT WHILE THE REZONING PROCESS IS BEING COMPLETED AND AMENDMENT OF CONDITION 3.13 OF COUNCIL RESOLUTION NO. 246/06/2009.

1. Application

Dunamis Consulting Town, Regional Planners and Developers was appointed by Fifty-Seven Holdings Trust (represented by Johan Rickert), the owner of Erven 108, 110 to 122 Thorn Valley to apply to the Municipal Council of Windhoek for:

- **Rezoning of Erven 108, 110 to 122 Thorn Valley from "Residential" with a density of 1:300 to "General Residential" with a density of 1:150,**
- **Consent to commence with the proposed development while the rezoning process is being completed and**
- **Amendment of Condition 3.13 of Council Resolution No. 246/06/2009.**

The locality of the Erven is shown on the attached plans.

2. Erf/Site Information

Erven 108, 110 to 122 Thorn Valley are located in the Eastern Area of Nubuamis Hills. The properties are currently zoned "Residential" with a density of 1:300 and measure 3025m², 4345m², 4157m², 4620m², 4159m², 6768m², 2617m², 2289m², 2019m², 2525m², 2525m², 2637m² and 3494m² in extent respectively. The landscape of these Erven has a gradual slope.

2.1. Municipal Service and Street Access

There are currently no services available for Erven 108,110,122 Thorn Valley and the landowner will supply all service and manage it at his cost until the time when the City will take over the services. All additional service connections or extensions as a result of this rezoning will be to the applicant's costs and in line with the Windhoek Zoning Scheme.

These erven will obtain access from the proposed 15-meters wide Salzbrunn Street of the Thorn Valley Township. The parking required in the terms of the Windhoek Zoning Scheme will be provided on each Erf.

2.2. Registered Conditions

Erven 108, 110 to 122 Thorn Valley are not yet registered and Council is requested to use the conditions of establishment of the Thorn Valley Township in the attached Government Gazzete No. 7069 when assessing this application.

3. Development Proposal

Erven 108,110 to 122 Thorn Valley are located in the Eastern Area of Nubuamis Hills, just north of Okuryangava and the Lafrenz Townships. All these erven are currently zoned 'Residential' with a density of 1:300 and measure 3025m², 4345m², 4175m², 4620m², 4159m², 6768m², 2617m², 2289m², 2019m², 2525m², 2525m², 2637m² and 3494m² in extent respectively.

The proposed zoning of these erven of 'General Residential' with a density of 1:150 is favourable for high density housing. The nature of the development set-up planned per erf is such that each erf complex will comprise between thirteen to forty-five dwellings as will be allowed per each Erf size.

It is the owner's intention to rezone Erven 108,110 to 122 Thorn Valley from "Residential" with a density of 1:300 to "General Residential" with a density of 1:150. The "General Residential" zoning in part, is required for the approval of individual installation of electricity meters per residential dwelling and to the satisfaction of Council regulations.

3.1. Consent

It is further the intention of the owner to obtain consent to commence with the proposed development on these erven while the rezoning process is being finalized. This request will give the landowner ample time to do the site establishment and all related preparations of the development site.

3.2. Amendment of Condition 3.13 of Council Resolution No.246/06/2009

The Council Resolution No.246/06/2009 under condition 3.13 stipulates the following:

"That a new subclause (2)(a) be added to section 38 of the Windhoek Town Planning Scheme, reading as follows:

(2) *The following conditions shall be applicable to Paradise Park Township:*

Save with the consent of the council, no double storey or higher buildings will be allowed.

Extract form the Windhoek Zoning Scheme Definitions:

21. Height of buildings.

- (1) No building, structure or erection may be erected in a position which will protrude into the obstruction zones of Eros Aerodrome as indicated on Plan P/1667/S and Table J, provided that:
 - (a) In areas where the obstruction zone is lower than the natural level ground structure heights may not exceed 8 metres above natural ground level;
 - (b) Any proposed structure exceeding the limitations of Table J must be referred to the Department of Transport for approval of the structure height before the building plans will be approved.

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107 Ondanguara Street, Erf 1042, Cimbebasia, P.O. Box 81108, Olympia, Windhoek, Namibia

- (2) No building, structure or object may be erected in a position which will affect the microwave system of the Department of Posts and Telecommunications; the extent to which buildings and structures are affected by the microwave system is shown on an inset to the Map (Plan number P/899/S, dated 21/06/1974, details heights, widths, angle and direction).
- (3) *That no dwelling unit or residential building may be erected in excess of two storeys on land zoned "residential" without Council approval; Council shall, in considering the application, have regard to the impact, real or potential, of the additional storeys on the neighbouring property.*

In line with subclause 21(3) above, Council is requested to amend this condition with the understanding that the "double storey or higher buildings" intended by the landowner will be built in the form of a double storey/higher building of a residential unit/house with an internal access to the upstairs/upper level of such building as opposed to two separate residential dwelling units/houses built on top of each other with an external access to the upper residential dwelling unit.

It is not clear as to why the previous owner of the then "Paradise Park" development was given this restrictive condition in the approval of the township establishment application and the new owner of the now "Thorn Valley" development wishes that this condition be reverted back to the initial Windhoek Zoning Scheme subclause 21(3) as stipulated in the latter paragraph.

With the above clarification, it is proposed that the above condition be amended to read:

(2) The following conditions shall be applicable to Thorn Valley Township:

'Save with the consent of the Council, only double storey or higher buildings with an internal access to the upper level of such dwelling unit/house be allowed.'

4. Public Consultations

The intended development of Erven 108,110 to 122 Thorn Valley was placed in two different daily newspapers namely The Namibian Sun and the Republikein on 28th February and 7th March 2022 respectively and the closing date was the 22nd March 2022. Letters (copies attached) were sent via registered mail to the immediate neighbours informing them of the intent to develop Erven 108, 110 to 122 Thorn Valley, and their comments and objections (if any) were requested.

A notice was also displayed on-site of the development area of Erven 108,110 to 122 Thorn Valley and at the Municipal Council's Customer Care Notice Board as per copies attached.

4.1. Namibia Airport Company Clearance

Erven 108,110 to 122 Thorn Valley fall outside the radius covered by the Namibia Airport Company height restrictions.

5. Motivation

5.2. City Policies and Development Framework

5.2.1. Windhoek Structure Plan

In October 1996 a structure plan was drawn up for the City of Windhoek. This plan divided the City into zones, indicating the present and expected zoning and usage of these zones. Erven 108,110 to 122 Thorn Valley fall within an undetermined area featuring a mixture of low-density housing, farms and pockets of commercial and industrial activities.

The above mixed land uses lend itself to various development potential which will include the proposed development of rezoning these erven to 'General Residential' with the proposed density of 1:150.

5.2.2. Policy

Erven 108,110 to 122 Thorn Valley fall within the Zone F Development Area of Nubuanis which is outlined in the below table:

ZONE F: THE INDUSTRIAL PERIPHERY SOUTH

Zone F is located on the south eastern corner of the study area and is shaped in a narrow long valley. This section is drained by the Klein Windhoek River and is highly suitable for dense urban development. Existing uses include low density residential and light industrial activities.

ZONE F: THE INDUSTRIAL PERIPHERY SOUTH	
Development objectives	Mixed development Area <i>for low income residential</i> and light industrial purposes. Commercial nodes can develop at strategic places to serve residents. Encourage light industrial uses Encourage high density residential uses Discourage informal residential uses
Dominant Land Use	Residential and Industrial
Development Intensity	Average residential density 1/ 300m² Higher densities possible to provide housing to labourers Plots along the national road and the district road can have higher intensity development. For commercial development, a maximum bulk of 1.0 to be allowed.
Subdivisions	Minimum Plot Size: 300 m².
Primary use	Dwelling Houses , Industrial buildings and Business Buildings
Consent uses	Agricultural Residential buildings; Places of public worship; Places of Instruction; Social Halls; Institutions; Special Buildings; Pensions; and Resident Occupations
Prohibited uses	Other uses not under Primary and Consent uses
Infrastructure	New development to indicate how: sewer; water; and electricity will be provided Provision of services the responsibility of the developer. Services to be provided to municipal standards When subdividing, access should be provided to individual plots from roads maintained by the City.
Rezoning	Can be supported to: Higher Density Residential General Residential Business Office Institutional Proof of advertisements in two local newspapers and comments from affected plot owners need to be provided on application for the rezoning.
Conservation	Conserve water courses Prevent dumping and pollution of river beds

This policy area allows for the rezoning of Erven 108, 110 to 122 Thorn Valley from 'Residential' with a density of 1:300 to 'General Residential' with a density of 1:150. The proposed rezoning is in line with Council development expectations on these Erven in terms of densification in this area.

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107 Ondanguara Street, Erf 1042, Cimbebasia, P.O. Box 81108, Olympia, Windhoek, Namibia

5.2.3. Use of Existing and new Built 11

Erven 108,110 to 122 Thorn Valley are all currently vacant and are intended for high residential use with the proposed density of 1:150.

6. Concluding remarks

The Windhoek Municipal Council generally supports incremental densification within this part of the Windhoek basin in line with the prescribed development area.

The nature of the proposed development is in line with Council's expectations for this area and it is not considered to have any adverse impact to the immediate surroundings.

7. Attachments

7.1. *Attached, are 5 full complete copies of the documents as per the supporting checklist.*

Considering the above motivation, it is trusted that you will favorably consider this application.

Yours sincerely,



Petrine Ndimuhona Sem (Pr. TRP/NCTRP No.28)

[Municipal Council Minutes: 2009-06-30]

GFD

8.3.15

**UPG.1 [PLA] TOWNSHIP ESTABLISHMENT
ON THE REMAINDER OF PORTION 57 OF
THE FARM NUBUAMIS NO. 37
(L/57/Nub)**

On proposal by Councillor Ms E Trepper, it was

RESOLVED

- 1 That the conditions, attached as page 466 to the agenda, be registered against the Title Deed of the Remainder of Portion 57 of the Farm Nubuamis No. 37, which provides that the portion or any part of it may not be sold to a third party without the permission of the City of Windhoek, under the hand of the Chief Executive Officer.
- 2 That approval be granted to establish a township on the Remainder of Portion 57 of the Farm Nubuamis No. 37: Provided that the name of the proposed township be reconsidered to reflect a more indigenous name for approval by Management Committee, prior to serving of the item before the Namibia Planning and Advisory Board (NAMPAB) and the Townships Board, subject to the following conditions:
 - 2.1 That only Phase 1 as indicated on the applicant's plan NUB57, attached as page 465 to the agenda, be developed and that no building plans for Phases 2 and 3 be approved without the approval of the Strategic Executive: Planning, Urbanisation and Environment and the Strategic Executive: Infrastructure, Water and Waste Management until the completion of the new Ujams Plant.
 - 2.2 That the landowner take note that no City services are available and that the latter accept responsibility to supply all services and manage them at own cost until informed by the City that it will take over the services.
 - 2.2.1 That the services be constructed in line with the standard conditions for large subdivisions.
 - 2.3 That the applicant undertake to design, construct and finance the tarring of the existing gravel road over Erf R/288, Ujams (municipal property), which currently serves, and is to continue to serve as access road to Portion 57 of the Farm Nubuamis No. 37, before construction work start on Portion 57.
 - 2.4 That the applicant obtain the approval of Trustco and register a pipeline servitude over Trustco land in favour of the City and to the satisfaction of the Strategic Executive: Infrastructure, Water and Waste Management in order to provide water services to the new development from the Lafrenz Reservoir.

- 2.5 That the subdivision of Erf R/288, Ujams for the purposes of the access road be included in the township establishment application to the Townships Board.
- 2.6 That the costs for the design and construction of the existing gravel road crossing Erf R/288, Ujams be set off against the amount to be paid for endowment fees, which become payable on subdivision and rezoning of the Remainder of Portion 57 of the Farm Nubuamis No. 37.
- 2.7 That the developer pay the endowment fee to the City of Windhoek once the costs of the design and construction of the existing gravel road over Erf R/288, Ujams have been calculated, into Item 9045/01/50339 (Endowment Fund – Brakwater). [This fund is available for the purchase of land and the provision of bulk services to the northern peri-urban areas.]
- 2.8 That no new erven be registered and no building plans for newly created erven on Portion 57 of the Farm Nubuamis No. 37 be approved, unless the said gravel road has been tarred at the cost of the applicant, to the City's standards.
- 2.9 That, after the development of Portion 57 of the Farm Nubuamis, access onto District Road 1491 only be taken, once the access has been upgraded at the cost of the applicant, to the Roads Authority's standards.
- 2.9.1 That detailed plans of such upgrading be submitted to the Roads Authority for their approval and to the Strategic Executive: Transportation for betterment and endowment fee calculation purposes.
- 2.10 That no building plans for the Remainder of Portion 57 Nubuamis be approved unless it is accompanied by a letter from the Roads Authority indicating that the access onto District Road 1491 has been upgraded to their standards.
- 2.11 That all streets, stormwater facilities, electrical, water and sewer reticulation and waste water disposal and purification system comply with City standards and be submitted and approved by the respective Strategic Executives before any development commence.
- 2.12 That the developer operate and maintain, free of charge, the sump, pumpstation and delivery line to Ujams for a period of five (5) years, including the following conditions:
- 2.12.1 That the sump capacity at the development be sized sufficiently for two (2) days of inflow with reserve capacity.
- 2.12.2 That the sewer pumps, i.e. one (1) duty and one (1) standby, be programmed for night operation only to minimise peak inflows at Ujams.
- 2.12.3 That a standby generator be provided if the sump capacity is less than for two (2) days inflow.

- 2.12.4 That a level warning light be installed.
- 2.12.5 That the sump be constructed at the minimum prescribed distance away from the development.
- 2.12.6 That a flow meter be provided downstream of the pumpstation for monitoring purposes.
- 2.12.7 That screening be required at the pumpstation by means of a removable grid basket.
- 2.12.8 That a suitable overflow for the sump be provided.
- 2.13 That the possible reuse of purified effluent for irrigation purposes be investigated and be reported upon to the City.
- 2.14 That the applicant take note that waste water discharge within the City is subject to a waste water discharge permit which conditions should be observed by the applicant.
- 2.15 That no pollution of groundwater occur.
- 2.16 That the public transport facilities be reflected in the lay-out plan with proper sidewalks to be constructed to the satisfaction of the Strategic Executive: Transportation.
- 3 That the following environmental conditions be adhered to:
 - 3.1 That the developer incorporate the mitigations and development guidelines as stipulated in the scoping exercise done for the Remainder of Portion 57 of the Farm Nubuamis No. 37, into the layout and construction.
 - 3.2 That the burning of the domestic waste on the property be discontinued as 'veld' fires and disposal of domestic and industrial waste on-site, pose a threat to the environment and people.
 - 3.3 That the developer agree, in writing that, although it is indicated that wastewater would in future be piped to the Ujams sewerage ponds and no contamination through spillage or leakage of the current use of septic tanks and underground petrol and diesel storage tanks have been documented, mitigating measures (e.g. continuous monitoring) should be put in place, should these facilities be accommodated in the future development.
 - 3.4 That the stabilisation of ditch slopes and the re-establishing of ground cover be undertaken after road construction.
 - 3.5 That possible air and groundwater pollution, especially during the construction period, be mitigated, e.g. to specify to contractors to contain fuel in a designated area and to minimise spills and leakages thereof.

- 3.6 That the low density and medium density developable zones and 'not to be developed' zone identified in the Environmental Scoping Exercise be included in the Town Planning Scheme accompanying the layout.
- 3.7 That during construction, the developer of Portion 57 undertake to protect all riparian vegetation, especially large trees, on the eastern part of the study area.
- 3.7.1 That the Strategic Executive: Economic Development and Community Services certify that no riparian vegetation was removed unnecessarily.
- 3.7.2 That no building plans for the eastern part of the study area be approved unless accompanied by such certificate.
- 3.7.3 That furthermore, alien invasive species, listed as 'Namibia's Nasty Nine' by the Namibia National Biodiversity Programme be removed.
- 3.8 That the owner of the Remainder of Portion 57 Nubuamis provide a list of endemic and indigenous species to future residents to serve as a guide for planting within the development. [This list may be obtained from the City's Parks, Recreation and Cemeteries Division.]
- 3.9 That the following conditions of establishment be included in the Title Deeds of Portions 1 to 251:
- A *The erf shall only be used or occupied for purposes which are in accordance with and the use or occupation of the erf shall at all times be subject to the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.*
- B *The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four the municipal valuation of the erf for Portions 1 to 248.*
- 3.10 That no conditions be registered against the Remainder (street) of Portion 57 of Farm Nubuamis No. 37.
- 3.11 That paragraphs B and D of Deed of Transfer T4478/2003, attached as pages 467 – 470 to the agenda, be cancelled.
- 3.12 That the Windhoek Town Planning Scheme be extended to include the Paradise Park Township with the proposed zonings for the new erven as follows:

Description	Zoning
- Portions 1 to 65, 69 to 81, 83 to 146, 148 to 153, 155 to 197, 199 to 226, 227 to 237 and 239 to 245	Residential with a density of 1:300 m ²
- Portions 66 to 68, 82, 147, 153, 198 and 238	Residential with a density of 1:150 m ²
- Portion 154 and 226	Business with a bulk of 1.0
- Portion 246	Private open space
- Portions 247 to 251	Public open space

Description	Zoning
- Remainder	Street

3.13 That a new subclause (2)(a) be added to section 38 of the Windhoek Town Planning Scheme, reading as follows:

(2) *The following conditions shall be applicable to Paradise Park Township:*

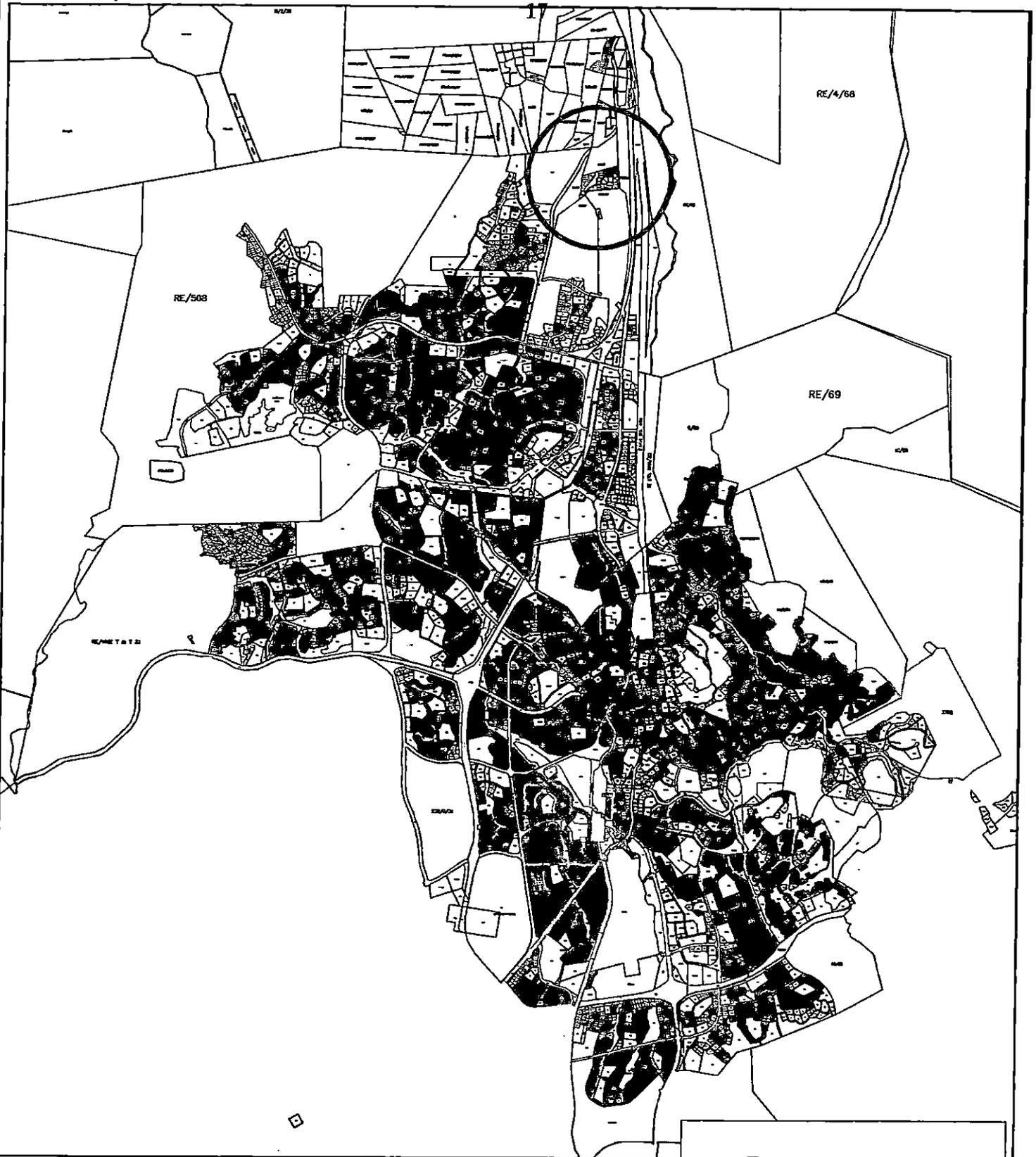
Save with the consent of the Council, no double storey or higher buildings will be allowed.

3.14 That Paradise Park be inserted under subclause (9) as new (b) under section 39 of the Windhoek Town Planning Scheme.

3.15 That the developers be allowed to start with the land surveying and registration of the diagrams while the townships establishment procedure is being finalised.

3.16 That the developer take note that the intended development is in close proximity to the Ujams sewerage treatment plant and that odours would be a problem till such a time that the sewerage treatment plant is upgraded.

RESOLUTION 246/06/2009



Scale 1:85000

Date: February 2022

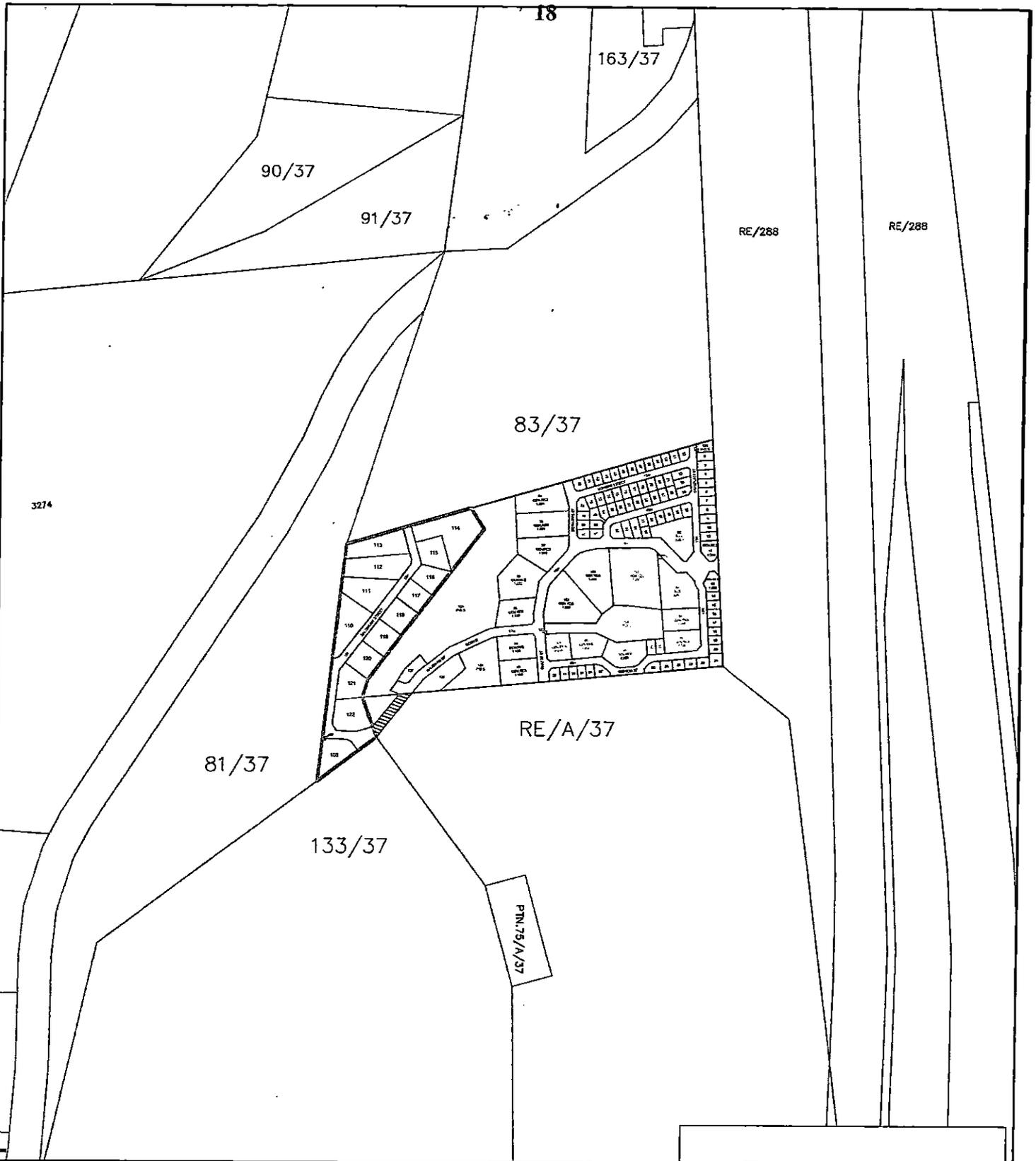
 Erven 108_110 TO 122

**LOCALITY PLAN OF ERVEN 108, 110
TO 122 THORN VALLEY**

Plan No. 108/110_122/TV/2022



Cell: +264 855 512 173
Email: ndimuhona@dunamisplan.com
P.O. Box 20541
Windhoek, Namibia



 Erven 108_110 TO 122

Scale 1:8500

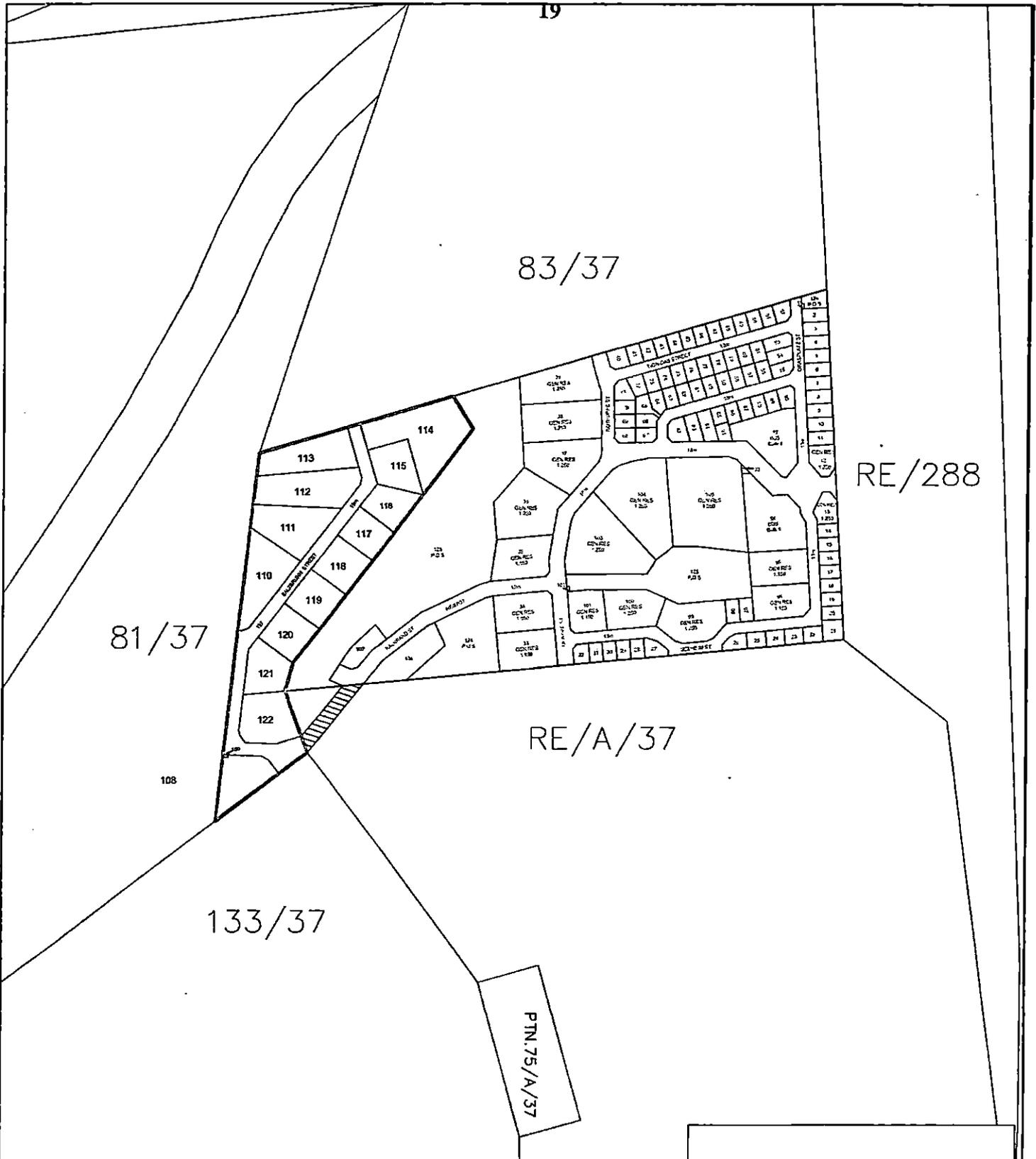
**LOCALITY PLAN OF ERVEN 108, 110
TO 122 THORN VALLEY AND
IMMEDIATE SURROUNDINGS**

Date: February 2022

Plan No. 108/110_122/TV/2022



Cell: +264 855 512 173
Email: ndimuhona@dunamisplan.com
P.O. Box 20541
Windhoek, Namibia



Scale 1:5500

Date: February 2022

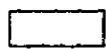
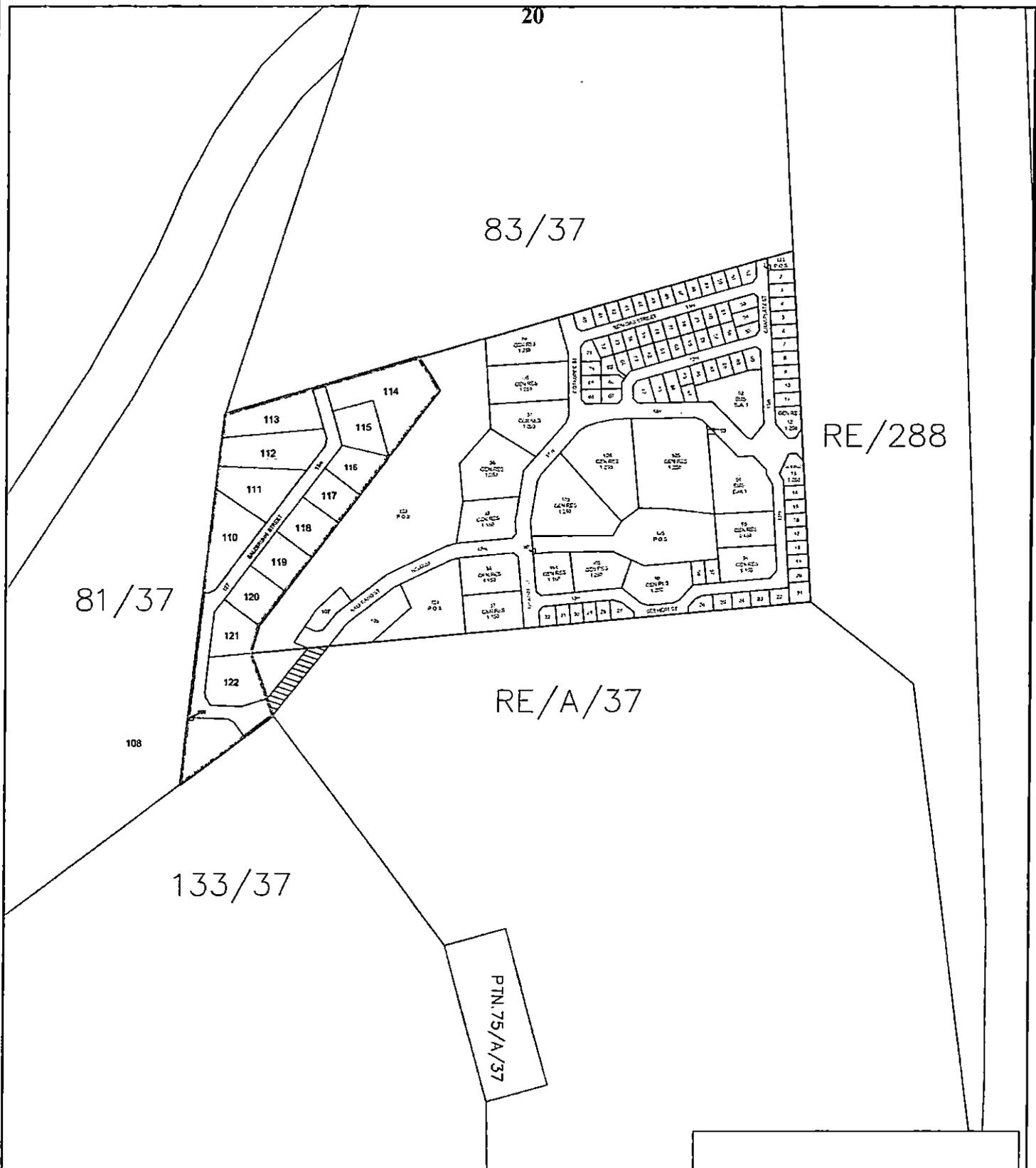
 Erven 108, 110 TO 122
Residential 1:300

**CURRENT ZONING PLAN OF ERVEN
108, 110 TO 122 THORN VALLEY**

Plan No. 108/110_122/TV/2022



Cell: +264 855 512 173
Email: ndimuhona@dunamisplan.com
P.O. Box 20541
Windhoek, Namibia



Erven 108_110 TO 122
General Residential 1:150

Scale 1:5500

Date: February 2022

**PROPOSED ZONING PLAN OF ERVEN
108, 110 TO 122 THORN VALLEY**

Plan No. 108/110_122/TV/2022



Dunamis
Consulting (Pty) Ltd

Cell: +264 855 512 173
Email: ndimuhona@dunamisplan.com
P.O. Box 20541
Windhoek, Namibia

ANNEXURE D**IN FAVOUR OF THE LOCAL AUTHORITY**

- a. the erf shall only be used or occupied for in 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 Zoning Scheme prepared and approved in terms of Section 44 and 55 of the Urban and Regional Planning Act, Act. No. 5 of 2018.
- b. the building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf.



TOWN, REGIONAL PLANNERS AND DEVELOPERS

Your Integrity, Our Standard

Details of Neighbors of Erven 108, 110 to 122, Thorn Valley

Portion No	OWNER	ADDRESS	CONTACT NO
81 Nubuamis 37	TRUSTCO GROUP	11363 KW	
83 Nubuamis 37	SISTERS OF FUTURING SOCIETY	20436 WAK	0617265021
133 Nubuamis 37	TRUSTCO GROUP	11363 KW	
RE/A Nubuamis 37	TRUSTCO GROUP	11363 KW	
RE/288 Ujams			



Petrine Ndimuhona Sem (Pr. TRP/NCTRP No.28)

83 Nubuanis 37

23

81, 133, R/A Nubuanis 37

=====
RANPOST
VAT Reg No: 0024451015
=====

Branch: Olympia

Date: 15/11/22 Time: 12:09:11
Counter: 2 LYDIADE STOCKUHITO1

Qty Product	Price VAT
1 Letter	\$16.70
Registered Mail	\$38.30
(Registered Item No:BA001542246HA)	
(P1 185 Form No)	
(Recipient Name:MISSIONARY BENEDICTINE	
(Address Line 1:BOX 20936)	
(Address Line 2:WIK)	
(Address Line 3)	
(Address Line 4)	
PrePaid	-\$55.00
Net	-\$5.00

Tax Code	Amount	Total Tax
VAT A (0%)		
VAT B (15%)	\$33.30	\$5.00
Total		\$0.00

Name:
Address:

Receipt No: 264-10008-2-2224222-2
THANK YOU FOR USING YOUR POST OFFICE
DANKIE DAT U DIE POSKANTOOR GEBRUIK
TANGI ESHI HOLONGIFA OPOOSA YOYE

=====
RANPOST
VAT Reg No: 0024451015
=====

Branch: Olympia

Date: 15/11/22 Time: 12:11:44
Counter: 2 LYDIADE STOCKUHITO1

Qty Product	Price VAT
1 Letter	\$16.70
Registered Mail	\$38.30
(Registered Item No:8A001542250HA)	
(P1 185 Form No)	
(Recipient Name:TRUSTCO GROUP)	
(Address Line 1:BOX 11563)	
(Address Line 2:KLEIN WIK)	
(Address Line 3)	
(Address Line 4)	
PrePaid	-\$55.00
Net	-\$5.00

Tax Code	Amount	Total Tax
VAT A (0%)		
VAT B (15%)	\$33.30	\$5.00
Total		\$0.00

Name:
Address:

Receipt No: 264-10008-2-2224229-2
THANK YOU FOR USING YOUR POST OFFICE
DANKIE DAT U DIE POSKANTOOR GEBRUIK
TANGI ESHI HOLONGIFA OPOOSA YOYE

- Owner of: 1) *Portion 81 (a portion of Portion 13) of Farm Nubuamis No. 37,*
2) *Remainder of Portion 133 (a Portion of Portion A) of Farm Nubuamis No. 37 and*
3) *Remainder of Portion A of Farm Nubuamis No. 37.*

Dear Sir/Madam,

APPLICATION FOR THE REZONING OF ERVEN 108, 110 TO 122 THORN VALLEY FROM RESIDENTIAL WITH A DENSITY OF 1:300 TO GENERAL RESIDENTIAL WITH A DENSITY OF 1:150, CONSENT TO COMMENCE WITH THE PROPOSED DEVELOPMENT WHILE THE REZONING PROCESS IS BEING COMPLETED AND AMENDMENT OF CONDITION 3.13 OF COUNCIL RESOLUTION NO. 246/06/2009.

Application

It is our intention to apply, on behalf of the owner, to the Municipal Council of Windhoek for:

- Rezoning of Erven 108, 110 to 122 Thorn Valley from Residential with a density of 1:300 to General Residential with a density of 1:150,
- Consent to commence with the proposed development while the rezoning process is being completed and,
- Amendment of Condition 3.13 of Council Resolution No. 246/06/2009.

Erven 108, 110 to 122 Thorn Valley are located in the Eastern Area of Nubuamis Hills. The properties are currently zoned 'Residential' with a density of 1:150 and measure 3025m², 4345m², 4157m², 4620m², 4159m², 6768m², 2617m², 2289m², 2019m², 2525m², 2525m², 2637m² and 3494m² in extent respectively. The new zoning of "General Residential" with a density of 1:150 as a primary use would allow the owner to construct between Fourteen to Forty-four dwellings on each of Erven stipulated above in proportion to their various sizes. On-site parking as required in terms of the Windhoek Zoning Scheme will be provided per Erf respectively.

2. Public Consultations

In terms of Section 10(1), (2) and (4) of the Regulations, notification should be issued in the prescribed manner to: "*Prescribed persons and the General Public*". The Rezoning of Erven 108, 110 to 122 Thorn Valley was placed in two different daily newspapers namely The Namibian Sun and Republikein of 28 February and 07 March 2022. As an immediate neighbor, to Erven 108, 110 to 122 Thorn Valley, you are required to give comments for this application.

Kindly return your form to us with your comments not later than **30th November 2022**. All comments received by this date will be included in the application to Council.

Yours faithfully,



Petrine Ndimuhona Sem (Pr. TRP/NCTRP No.28)

Consultant Reference: REZ 108_110_122 TV

The Owner of: **1) Portion 18 (a portion of Portion 13) of Farm Nubuamis No. 37,**
2) Remainder of Portion 133 (a Portion of Portion A) of Farm Nubuamis No. 37 and
3) Remainder of Portion A of Farm Nubuamis No. 37.

Dear Dr/Sir/Madam

APPLICATION FOR THE REZONING OF ERVEN 108, 110 TO 122 THORN VALLEY FROM RESIDENTIAL WITH A DENSITY OF 1:300 TO GENERAL RESIDENTIAL WITH A DENSITY OF 1:150, CONSENT TO COMMENCE WITH THE PROPOSED DEVELOPMENT WHILE THE REZONING PROCESS IS BEING COMPLETED AND AMENDMENT OF CONDITION 3.13 OF COUNCIL RESOLUTION NO. 246/06/2009.

Herewith do I / we, _____.

the owner/s of: **1) Portion 18 (a portion of Portion 13) of Farm Nubuamis No. 37,**
2) Remainder of Portion 133 (a Portion of Portion A) of Farm Nubuamis No. 37 and
3) Remainder of Portion A of Farm Nubuamis No. 37.

declare that I / we (please indicate an X in the appropriate box):

Do object

Do not object to the:

- **Rezoning of Erven 108, 110 to 122 Thorn Valley from Residential with a density of 1:300 to General Residential with a density of 1:150,**
- **Consent to commence with the proposed development while the rezoning process is being completed,**
- **Amendment of Condition 3.13 of Council Resolution No. 246/06/2009.**

If objecting, please indicate the reason **26** being so:

Should this form not be returned to our office by **06th day of April 2022**, it will be assumed that there are no objections against the intended development.

Signed at: _____ on this day of month
2022.

Signature of Property Owner



NOTES

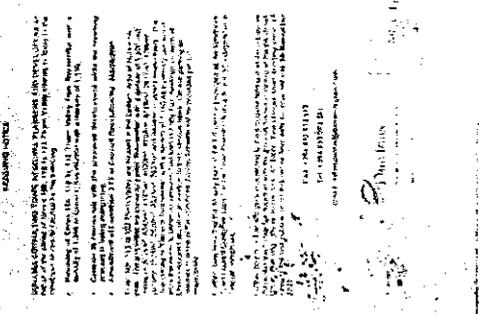
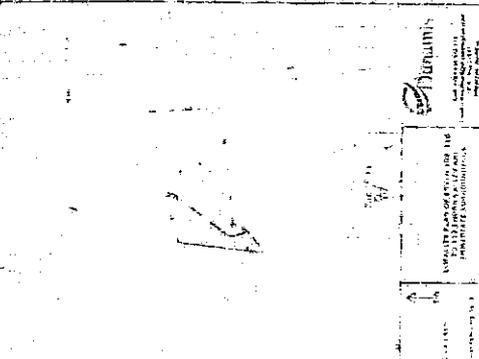
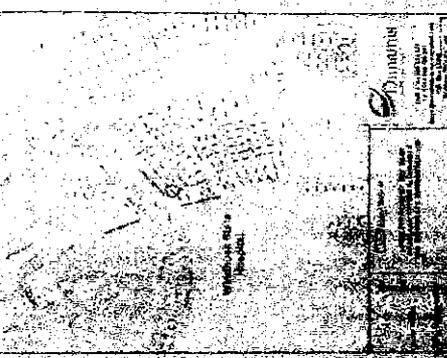
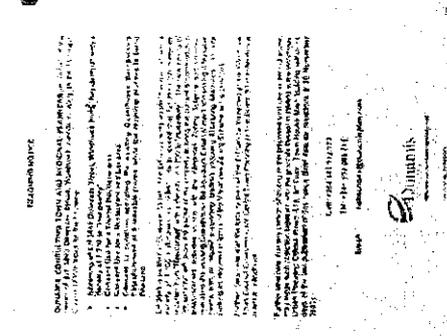
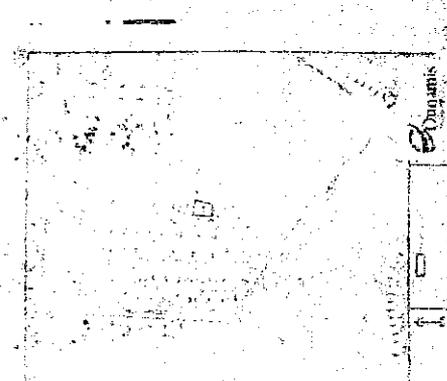
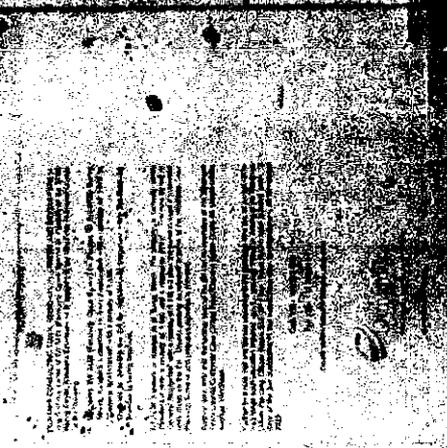
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CALIFORNIA BUILDING CODE (CBC).

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS.



CITY OF LOS ANGELES

PUBLIC NOTICE

4 November 2023

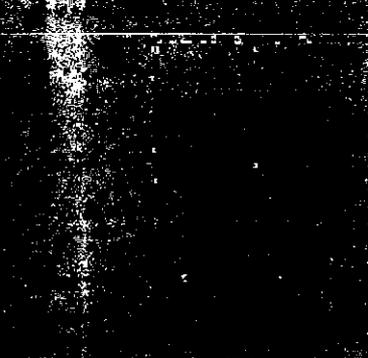
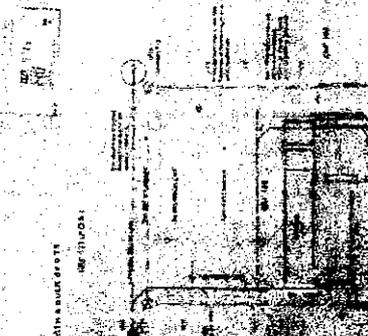
Notice is hereby given that the City of Los Angeles is conducting a public hearing on the proposed project described below. The hearing will be held on the date and at the location specified below. Any person who wishes to object to the proposed project must appear at the hearing and state the reasons for the objection. The hearing will be held in the City of Los Angeles, California.

Take notice that the owner, Peter Wyndham, proposes to apply to the Los Angeles Planning Commission for the construction of a new building on the property located at 12345 Sunset Boulevard, Los Angeles, California.

The proposed building will be a new building with a total area of 10,000 square feet. The building will be used for office space. The building will be constructed on a lot that is currently zoned for residential use.

The proposed building will be constructed in accordance with the City of Los Angeles Building Code. The building will be constructed on a lot that is currently zoned for residential use.

The proposed building will be constructed in accordance with the City of Los Angeles Building Code. The building will be constructed on a lot that is currently zoned for residential use.



REZONING NOTICE

DUNAMIS CONSULTING TOWN, REGIONAL PLANNERS AND DEVELOPERS on behalf of the owner of Erfen 108, 110 to 122 Thorn Valley Road at Upper Windhoek, Windhoek Municipal Council for the following:

- Rezoning of Erfen 108, 110 to 122 Thorn Valley from Residential with a density of 1:300 to General Residential with a density of 1:150,
- Consent to be issued on with the proposed development while the rezoning process is being completed
- An endorsement Condition 5.15 of Council Resolution No. 246/2021

• The Erfen 108, 110 to 122 Thorn Valley are located in the Eastern Area of Windhoek. The plots are currently zoned Residential with a density of 1:300 and measured 23m, 4345m², 4157m², 4620m², 4159m², 5765m², 2617m², 2268m², 2610m², 2525m², 2525m², 2525m², 2637m² and 3494m² in extent respectively. The new zoning of 'General Residential' with a density of 1:150 as a primary use would allow the owner to construct between Fourteen to Forty-four dwellings on each of Erfen stipulated above in proportion to their various sizes. On-site parking as required in terms of the Windhoek Zoning Scheme will be provided per Erf respectively.

Further take note that the locality plan of the Erf can be inspected at the Windhoek Town Council Customer Care Centre Town Planning Notice Board, 80 Independence Avenue, Windhoek.

Further take note that any person objecting to the proposed land use as set out above may lodge such objection together with the grounds thereof in Writing at the Windhoek Urban Planning Offices Room 518, 5th Floor, Town House Main Building within 14 days of the last publication of this notice final date for objections is 30 November 2022.

Cell: +264 855 512 173

Tel: +264 833 302 241

Email: ndimuhona@dunamisplan.com

 **Dunamis**

TOWN, REGIONAL PLANNERS AND DEVELOPERS

WINDHOEK, SWANDBURG



No. 641	Rezoning of Erf 2459, Goreangab Extension 1	13
No. 642	Rezoning of Erf 1692, Rocky Crest Extension 4	13
No. 643	Rezoning of Erf 2219, Jakkalsputs Road, Henties Bay Extension 10	14
No. 644	Rezoning of Erf 1708, Rocky Crest Extension 4	15
No. 645	Rezoning of Portion 31 a portion of Portion 5 of the Farm Döbra 49	15
No. 646	Rezoning of Erf 8305, Windhoek	16
No. 647	Rezoning of Erf 5406, Windhoek	16
No. 648	Rezoning of Erf 5452 (a portion of Erf 109), Katima Mulilo	17
No. 649	Rezoning of Erf 3191, No. 29 to 31 Stein Street, Klein Windhoek	18
No. 650	Rezoning of Erf 8593, No. 50 Rhino Street, Windhoek Extension 2	19
No. 651	Rezoning of the Remainder of Erf 6240, Windhoek Extension 15	19
No. 652	Rezoning of Erf 7339, (a portion of Erf 7044) No. 51 Rhino Street, Windhoek Extension 2	20
No. 653	Rezoning of Erf 1956, c/o Johanna and Gladiola Streets, Khomasdal Extension 12	21
No. 654	Rezoning of Portion 178, (a portion of Portion 58) Farm Brakwater No. 48	22
No. 655	Rezoning of Erf 575, Oranjemund Extension 1	22
No. 656	Rezoning of Erf 3428 (formerly open space) a portion of Erf 3738, Barug Street, Katutura Extension 4	23
No. 657	Rezoning of Erf 65, Omdel Proper, Henties Bay	24
No. 658	Rezoning of Erf 8054, c/o Schweitzer and Freud Streets, Windhoek	25
No. 659	Rezoning of Erf 694, Markus Kooper Street, Academia Extension 1	25
No. 660	Rezoning of Erven 108, 110 to 122, Thorn Valley, Windhoek	26
No. 661	Rezoning of Erven 3524 to 3562, Okuryangava Extension 5, Windhoek	27
No. 662	Permanent closure of seven (7) Portions of Erf 570, Engela-Omafo Extension 1	28

Government Notices

MINISTRY OF AGRICULTURE, WATER AND LAND REFORM

No. 354 2022

**REQUEST FOR SUBMISSION OF NAMES OF VETERINARIANS FOR NOMINATION FOR
APPOINTMENT AS MEMBERS OF NAMIBIA MEDICINES REGULATORY COUNCIL:
MEDICINES AND RELATED SUBSTANCES CONTROL ACT, 2003**

In terms of subsection (2)(b) of section 3 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), on the written request of the Minister of Health and Social Services, I request any interested body to submit, within 30 days from the date of publication of this notice in the *Gazette*, the names of suitably qualified veterinarians for nomination for appointment as members of the Namibia Medicines Regulatory Council in terms of subsection (1)(c) of that section.

C. SCHLETTWEIN
MINISTER OF AGRICULTURE, WATER
AND LAND REFORM

Windhoek, 3 November 2022

- **Rezoning of Erf 694, Markus Kooper Street, Academia Extension 1 from 'Business' with a Bulk of 0.5 to 'Business' with a Bulk of 1.0; and**
- **Consent to proceed with business activities on the Erf while the increase in bulk is being finalized.**

Erf 694, Academia Extension 1 is located in Markus Kooper Street. The property is currently zoned 'Business' with a bulk of 0.5 and measures 1 576m². The increase in bulk of 1.0 will allow for the existing buildings to be compliant with the City's Regulations. On-site parking as required in terms of the Windhoek Town Planning Scheme is provided.

The locality plan of the erf can be inspected at the Windhoek Town Council Customer Care Centre Town Planning Notice Board, 80 Independence Avenue, Windhoek.

Any person objecting to the proposed land use as set out above may lodge such objection together with the grounds thereof in Writing at the Windhoek Urban Planning Offices Room 518, 5th Floor, Town House Main Building within 14 days of the last publication of this notice final date for objections is 30 November 2022.

Contact: Dunamis Consulting (Pty) Ltd
Town, Regional Planners and Developers
Petrine Ndimuhona Sem
P.O. Box 81108, Olympia
Cell: +264 855 512 173 / Tel: +264 83 330 2241
Email: ndimuhona@dunamisplan.com

No. 660

2022

REZONING OF ERVEN 108, 110 TO 122 THORN VALLEY, WINDHOEK

Dunamis Consulting Town, Regional Planners and Developers on behalf of the owner of Erven 108, 110 to 122 Thorn Valley intends to apply to the Windhoek Municipal Council for the following:

- **Rezoning of Erven 108, 110 to 122 Thorn Valley from Residential with a density of 1:300 to General Residential with a density of 1:150;**
- **Consent to commence with the proposed development while the rezoning process is being completed; and**
- **Amendment of Condition 3.13 of Council Resolution No. 246/06/2009.**

Erven 108, 110 to 122, Thorn Valley are located in the Eastern Area of Nubuanis Hills. The properties are currently zoned 'Residential' with a density of 1:300 and measure 3025m², 4345m², 4157m², 4620m², 4159m², 6768m², 2617m², 2289m², 2019m², 2525m², 2525m², 2525m², 2637m² and 3494m² in extent respectively. The new zoning of "General Residential" with a density of 1:150 as a primary use would allow the owner to construct between Fourteen to Forty-four dwellings on each of the Erven stipulated above in proportion to their various sizes. On-site parking as required in terms of the Windhoek Zoning Scheme will be provided per erf respectively.

The locality plan of the Erf can be inspected at the Windhoek Town Council Customer Care Centre Town Planning Notice Board, 80 Independence Avenue, Windhoek.

Any person objecting to the proposed land use as set out above may lodge such objection together with the grounds thereof in Writing at the Windhoek Urban Planning Offices Room 518, 5th Floor, Town House Main Building within 14 days of the last publication of this notice final date for objections is 30 November 2022.

Contact: Dunamis Consulting (Pty) Ltd
Town, Regional Planners and Developers
Petrine Ndimuhona Sem
P.O. Box 81108, Olympia
Cell: +264 855 512 173 / Tel: +264 83 330 2241
Email: ndimuhona@dunamisplan.com

No. 661

2022

**REZONING OF ERVEN 3524 TO 3562, 3563 TO 3588 AND 3452 TO 3523,
OKURYANGAVA EXTENSION 5, WINDHOEK**

Notice is hereby given in terms of Section 107 of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018) that the City of Windhoek intends to apply to Urban and Regional Planning Board for the:

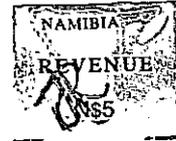
- **Consolidation of Erven 3524 to 3562, Okuryangava Extension 5 into Consolidated Erf "A";**
- **Consolidation of Erven 3563 to 3588, Okuryangava Extension 5 into Consolidated Erf "B";**
- **Consolidation of Erven 3452 to 3523, Okuryangava Extension 5 into Consolidated Erf "C"; and**
- **Rezoning of Consolidated Erven "A", "B" and "C" from Residential with a density of 1:300m² to Residential with a density of 1: 150m²**

The above-mentioned consolidation and rezoning will allow for the subdivision of the Consolidated Erven "A", "B" and "C" into erven that are less than 300m², paving way for the City of Windhoek to provide individual ownership to the residents currently residing on these erven.

The plans for the above-mentioned statutory procedures lie for inspection during office hours at the City of Windhoek Customer Care Centre in Independence Avenue, Windhoek.

Any person objecting or wishing to comment on the statutory procedures as set out above, may lodge such objection together with the grounds thereof in writing, with the City of Windhoek, directed to the chief executive officer, P.O. Box 59, Windhoek, within 14 days. The due date for submission of objection will be the 2 December 2022.

Enquiries: Otniel Kakero
Section planner: Settlement Planning
Department of Housing, Human Settlement
and Property Management
Tel: 061 - 290 3431/2985
Fax: 061 - 290 2112



SPECIAL POWER OF ATTORNEY

Fifty Seven Holdings Trust (represented by Johan Rickert), the undersigned as the owner of Erven 108, 110 to 122 Thorn Valley, do hereby nominate, constitute and appoint:

**Dunamis Consulting
Town, Regional Planners and Developers
P.O. Box 20541
Windhoek, Namibia**

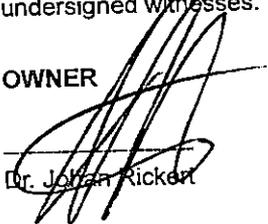
with power of Substitution, to be my lawful Attorney and Agent in my name, place and stead, to make the necessary application to the Windhoek Municipal Council, URP Board, Ministry of Urban and Rural Development for the:

- Rezoning of Erven 108, 110 to 122 Thorn Valley from Residential with a density of 1:300 to General Residential with a density of 1:150,
- Consent to commence with the proposed development while the rezoning process is being completed,
- Amendment of Condition 3.13 of Council Resolution No. 246/06/2009.

at the cost of the appointed agent and generally for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I might or could do if personally present and acting, herein - hereby ratifying, allowing and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED at WINDHOEK this 24th day of February 2022 in the presence of the undersigned witnesses.

OWNER


Dr. Johan Rickert

WITNESSES:

1.  _____

2.  _____





REPUBLIC OF NAMIBIA

MINISTRY OF JUSTICE

MASTER OF THE HIGH COURT

TRUST CERTIFICATE

(Issued in terms of the TRUST MONIES PROTECTION ACT 34 OF 1934)

NO.: T 62/2020

I CERTIFY that the trust known as: **"FIFTY SEVEN HOLDINGS TRUST"**

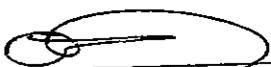
Constituted under **DEED OF TRUST** dated **28 FEBRUARY 2007**

Protocol No: has been registered in my office.

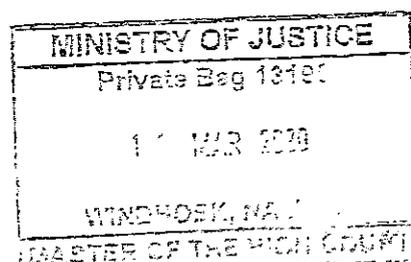
I FURTHER CERTIFY that the Trustees of this Trust, viz:

1. **NABIL BENNANI**
2. **CHRISTIAAN JOHAN GOUWS**
3. **JOHAN RIECKERT**
4. **DEON VERSTER**
5. **JAN HENDRIK ENGELBRECHT**
6. **STEPHAN BEKKER**

have not been called upon to furnish security/~~have furnished security~~ to my satisfaction in terms of section 3(1) of Act 34 of 1934.



MASTER OF THE HIGH COURT



Fifty Seven Holdings Trust
Annual financial statements
for the year ended 29 February 2020

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

General Information

Country of incorporation and domicile	Namibia
Type of trust	Investment holding
Trustees	J. Rieckert C.J. Gouws D. Verster J-H. Engelbrecht E. Kaiyamo E.O.N. Asino-Joseph S. Bekker
Beneficiaries	C.J. Gouws J. Rieckert N. Bennani M. Boudouni Nexus Group Holdings (Pty) Ltd Kalahari Holdings (Pty) Ltd S. Bekker
Registered office	24 Orban Street Klein Windhoek Windhoek Namibia
Practitioners	SGA Registered Accountants and Auditors Chartered Accountants (Namibia)

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Index

The reports and statements set out below comprise the annual financial statements presented to the trustees:

Index	Page
Practitioner's Compilation Report	3
Trustees' Responsibilities and Approval	4
Trustees' Report	5 - 6
Statement of Financial Position	7
Accounting Policies	8 - 9
Notes to the Annual Financial Statements	10 - 12



CHARTERED
ACCOUNTANTS
& AUDITORS

Telephone: +264 61 276 000 | Facsimile: +264 61 232 309
Email: windhoek@sga-na.com | www.sga.com.na
Physical: 24 Urban Street, Klein Windhoek, Windhoek, Namibia
Postal: PO Box 30, Windhoek, Namibia, 10005

PRACTICE NUMBER 9317

Practitioner's Compilation Report

To the trustees of Fifty Seven Holdings Trust

We have compiled the annual financial statements of Fifty Seven Holdings Trust, as set out on pages 5 to 12, based on the information you have provided. These annual financial statements comprise the statement of financial position of Fifty Seven Holdings Trust as at 29 February 2020, for the year then ended, and a summary of significant accounting policies and other explanatory information.

We performed this compilation engagement in accordance with International Standard on Related Services 4410 (Revised), Compilation Engagements.

We have applied our expertise in accounting and financial reporting to assist you in the preparation and presentation of these annual financial statements in accordance with the Namibian Statement of Generally Accepted Accounting Practice - NAC001: Financial Reporting for Small and Medium Sized Entities to the annual financial statements. We have complied with relevant ethical requirements, including principles of integrity, objectivity, professional competence and due care.

These annual financial statements and the accuracy and completeness of the information used to compile them are your responsibility.

Since a compilation engagement is not an assurance engagement, we are not required to verify the accuracy or completeness of the information you provided to us to compile these annual financial statements. Accordingly, we do not express an audit opinion or a review conclusion on whether these annual financial statements are prepared in accordance with the Namibian Statement of Generally Accepted Accounting Practice - NAC001: Financial Reporting for Small and Medium Sized Entities.

SGA

SGA

Registered Accountants and Auditors
Chartered Accountants (Namibia)

Per: A.J. Esterhuizen
Partner

Windhoek ... Namibia
8 October 2020

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Trustees' Responsibilities and Approval

The trustees are required to maintain adequate accounting records and are responsible for the content and integrity of the annual financial statements and related financial information included in this report. It is their responsibility to ensure that the annual financial statements fairly present the state of affairs of the trust as at the end of the financial year and the results of its operations and cash flows for the period then ended, in conformity with the Namibian Statement of Generally Accepted Accounting Practice - NAC001: Financial Reporting for Small and Medium Sized Entities.

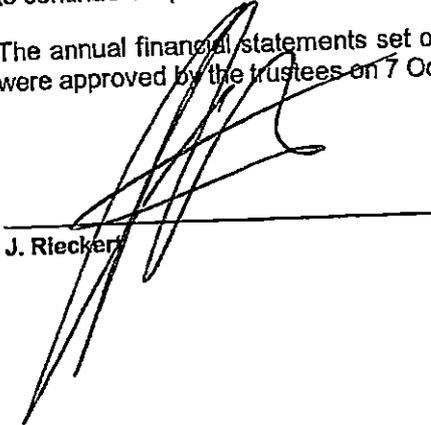
The annual financial statements are prepared in accordance with the Namibian Statement of Generally Accepted Accounting Practice - NAC001: Financial Reporting for Small and Medium Sized Entities and are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgments and estimates.

The trustees acknowledge that they are ultimately responsible for the system of internal financial control established by the trust and place considerable importance on maintaining a strong control environment. To enable the trustees to meet these responsibilities, the trustees sets standards for internal control aimed at reducing the risk of error or loss in a cost effective manner. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the trust and all employees are required to maintain the highest ethical standards in ensuring the trust's business is conducted in a manner that in all reasonable circumstances is above reproach. The focus of risk management in the trust is on identifying, assessing, managing and monitoring all known forms of risk across the trust. While operating risk cannot be fully eliminated, the trust endeavours to minimise it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

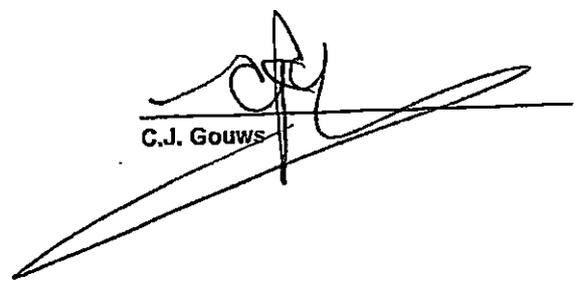
The trustees are of the opinion, based on the information and explanations given by management, that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the annual financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or loss.

The trustees have reviewed the trust's cash flow forecast for the year to 28 February 2021 and, in the light of this review and the current financial position, They are satisfied that the trust has or has access to adequate resources to continue in operational existence for the foreseeable future.

The annual financial statements set out on pages 5 to 12, which have been prepared on the going concern basis, were approved by the trustees on 7 October 2020 and were signed on its behalf by:



J. Riecker



C.J. Gouws

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Trustees' Report

The trustees have pleasure in submitting their report on the annual financial statements of Fifty Seven Holdings Trust for the year ended 29 February 2020.

1. The trust

The trust was formed in terms of a trust settlement by Mr. P.A. Bredenhann dated 28 February 2007 as amended by a supplementary notarial deed dated 28 February 2007.

2. Review of financial results and activities

The annual financial statements have been prepared in accordance with Namibian Statement of Generally Accepted Accounting Practice - NAC001: Financial Reporting for Small and Medium Sized Entities. The accounting policies have been applied consistently compared to the prior year.

Full details of the financial position of the trust are set out in these annual financial statements.

3. Beneficiaries

The beneficiaries of the trust during the accounting year and up to the date of this report are as follows:

Name

C.J. Gouws
 J. Rieckert
 N. Bennani
 M. Boudouni
 Nexus Group Holdings (Pty) Ltd
 Kalahari Holdings (Pty) Ltd
 S. Bekker

4. Trustees

The trustees in office at the date of this report are as follows:

Trustees

J. Rieckert
 C.J. Gouws
 D. Verster
 J-H. Engelbrecht
 E. Kaiyamo
 E.O.N. Asino-Joseph
 S. Bekker

5. Events after the reporting period

The trustees are not aware of any material event which occurred after the reporting date and up to the date of this report.

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Trustees' Report

6. Going concern

The trustees believe that the trust has adequate financial resources to continue in operation for the foreseeable future and accordingly the annual financial statements have been prepared on a going concern basis. The trustees have satisfied themselves that the trust is in a sound financial position and that it has access to sufficient borrowing facilities to meet its foreseeable cash requirements.

The trustees are not aware of any new material changes that may adversely impact the trust. The trustees are also not aware of any material non-compliance with statutory or regulatory requirements or of any pending changes to legislation which may affect the trust.

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Statement of Financial Position as at 29 February 2020

	Note(s)	2020 N\$	2019 N\$
Assets			
Non-Current Assets			
Other financial assets	2	65 832 000	65 832 000
Current Assets			
Cash and cash equivalents	3	100	100
Total Assets		65 832 100	65 832 100
Equity and Liabilities			
Equity			
Trust capital	4	100	100
Reserves	5	65 832 000	65 832 000
		65 832 100	65 832 100
Total Equity and Liabilities		65 832 100	65 832 100

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Accounting Policies

1. Basis of preparation and summary of significant accounting policies

The annual financial statements have been prepared on a going concern basis in accordance with the Namibian Statement of Generally Accepted Accounting Practice - NAC001: Financial Reporting for Small and Medium Sized Entities. The annual financial statements have been prepared on the historical cost basis, except for certain financial instruments at fair value through profit and loss, and incorporate the principal accounting policies set out below. They are presented in Namibia Dollar.

These accounting policies are consistent with the previous period.

1.1 Financial instruments

Initial recognition and measurement

Financial instruments are initially measured at the transaction price (including transaction costs except in the initial measurement of financial assets and liabilities that are measured at fair value through surplus or deficit) unless the arrangement constitutes, in effect, a financing transaction in which case it is measured at the present value of the future payments discounted at a market rate of interest for a similar debt instrument.

Financial instruments at amortised cost

These include loans, trade receivables and trade payables. Those debt instruments which meet the criteria in section 11.8(b) of the standard, are subsequently measured at amortised cost using the effective interest method. Debt instruments which are classified as current assets or current liabilities are measured at the undiscounted amount of the cash expected to be received or paid, unless the arrangement effectively constitutes a financing transaction.

Financial instruments at fair value

All other financial instruments, including equity instruments that are publicly traded or whose fair value can otherwise be measured reliably, without undue cost or effort, are measured at fair value through surplus and deficit.

If a reliable measure of fair value is no longer available without undue cost or effort, then the fair value at the last date that such a reliable measure was available is treated as the cost of the instrument. The instrument is then measured at cost less impairment until management are able to measure fair value without undue cost or effort.

The fair value of Fifty Seven Development Trust is based on the trustees' valuation.

1.2 Investment property

Investment property is land and buildings held to earn rentals or for capital appreciation or both, rather than for use in the production or supply of goods or services or for administrative purposes; or for sale in the ordinary course of business.

Investment property is initially measured at cost and subsequently at fair value with changes in fair value recognised in surplus or deficit. If the fair value of investment property cannot be measured reliably without undue cost or effort, then it is measured at cost less accumulated depreciation and accumulated impairment.

The cost of investment property comprises its purchase price and any directly attributable costs incurred to bring the asset to the location and condition necessary for it to be capable of operating in the manner intended by management.

Costs include costs incurred initially to acquire or construct an investment property and costs incurred subsequently to add to, replace part of, or service it. If a replacement cost is recognised in the carrying amount of an item of investment property, the carrying amount of the replaced item is derecognised.

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Accounting Policies

1.3 Development Land

Development land is land held for capital appreciation or for sale.

Development land is initially measured at cost and subsequently at fair value with changes in fair value recognised in surplus or deficit. If the fair value of investment property cannot be measured reliably without undue cost or effort, then it is measured at cost less accumulated depreciation and accumulated impairment.

The cost of development land comprises of its purchase price and any directly attributable costs incurred to bring the asset to the location and condition necessary for it to be capable of operating in the manner intended by management.

Costs include costs incurred initially to acquire or construct an investment property and costs incurred subsequently to add to, replace part of, or service it. If a replacement cost is recognised in the carrying amount of an item of investment property, the carrying amount of the replaced item is derecognised.

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Notes to the Annual Financial Statements

	2020 N\$	2019 N\$
2. Other financial assets		
At fair value		
Investment - beneficial interest in Fifty Seven Development Trust	65 832 000	65 832 000
Non-current assets		
At fair value	65 832 000	65 832 000
<p>The trustees assessed the loan receivable from Fifty Seven Development Trust and a resolution was signed by the trustees which indicates that the loan would not be payable in future. The loan was transferred from a loan receivable to investment held.</p>		
Details of investments		
Break up of the investment - beneficial interest in Fifty Seven Development Trust		
Opening balance	35 000 000	35 000 000
Loan advance - written off	2 000 000	2 000 000
Fair value adjustment	42 400 000	42 400 000
Deferred tax	(13 568 000)	(13 568 000)
	<u>65 832 000</u>	<u>65 832 000</u>

Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Notes to the Annual Financial Statements

	2020 N\$	2019 N\$
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2. Other financial assets (continued)

The investment in Fifty Seven Development Trust is shown at the trustees' valuation as per the annual financial statements of Fifty Seven Development Trust.

Notes on fair value adjustment as indicated in the annual financial statements of Fifty Seven Development Trust:

The investment in Fifty Seven Development Trust comprises of development land consisting of the remainder of Portion 57 of the Farm Nubuamis No 37, Brakwater. Property is located towards the northern parts of the capital city, Windhoek and will be developed in 3 sections under the development known as "Thorn Valley". Section One (1), Two (2) and Three (3) of the development consists of seventy three (73), Twenty Nine (29) and Sixteen (16) erven respectively. Property is measured at 493 468 square metres and consists of Residential, General Residential and Business Zoning.

Details of valuation:

The effective date of the revaluations was 22 February 2018. Revaluations were performed by an independent valuer, Mr. P.J. Scholtz (principal valuer), of Property Valuations Namibia. Property Valuations Namibia are not connected to the trust and have recent experience in the location and category of the development land being valued.

The basis of valuation was the Total sell-out value whereby a price was allocated per square meter. The Market Value of the property was assessed assuming an arm's length transaction between a willing, able and informed buyer, and a willing, able and informed seller can take place and that reasonable time is allowed for the development land to be sold. The "As is" value is assessed to be N\$79 400 000.

Notes on deferred tax raised:

Property held in respect of the beneficial interest in the Fifty Seven Development Trust will be developed and sold. The trustees assessed the values and property was transferred to development land. Deferred tax was raised on the revaluation component of development land. The effective rate used was set at 32%.

The deferred tax raised on the revaluation reserve was set off against the reserve.

3. Cash and cash equivalents

Cash and cash equivalents consist of:

Cash on hand	100	100
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4. Trust capital

Capital account / Trust capital

Balance at beginning of year	100	100
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Fifty Seven Holdings Trust

Annual Financial Statements for the year ended 29 February 2020

Notes to the Annual Financial Statements

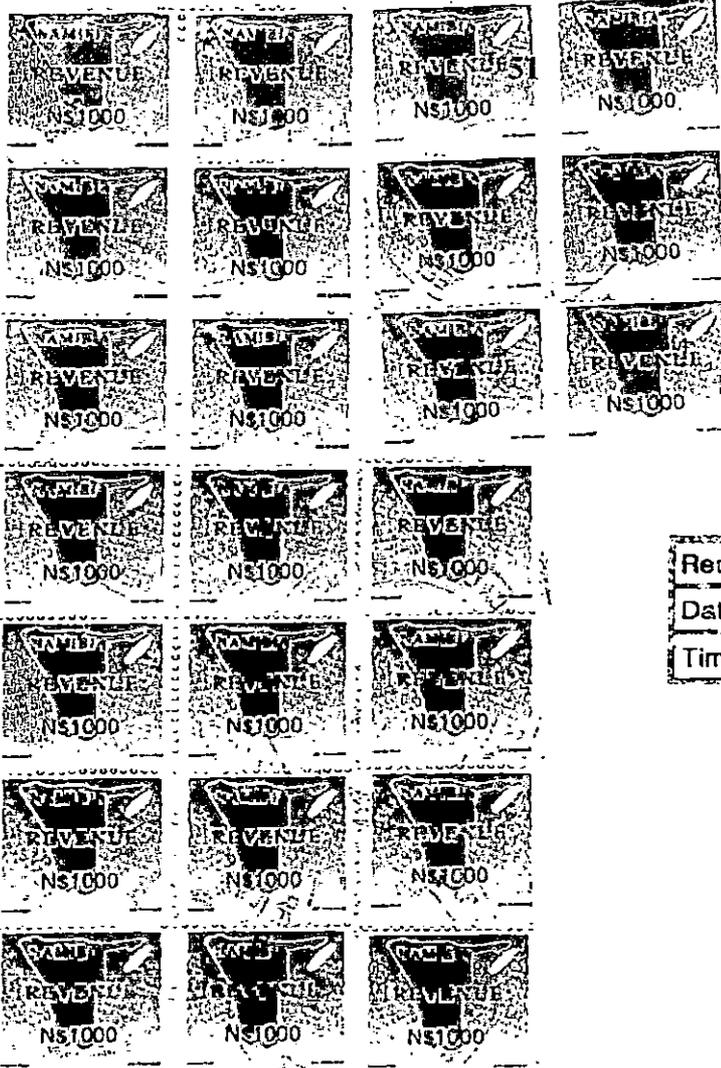
	2020 N\$	2019 N\$
5. Reserves		
Opening balance	<u>65 832 000</u>	<u>65 832 000</u>

6. Statement of Comprehensive Income and Statement of Cash Flows

A statement of comprehensive income and statement of cash flows have not been prepared as the trust did not trade during the year under review. Per agreement between the trustees and the trust, the trustees are responsible for all consequential expenditure and the administration of the trust.

7. Statement of Changes in Equity

No statement of changes in equity is presented as no change in equity occurred during the year under review.



PREPARED BY ME:

CONVEYANCER
LOUW T J A

Received by:	S. Bekker
Date:	19. 8. 2019.
Time:	

For further endorsements see page 4 -

T J A LOUW
THEUNISSEN, LOUW & PARTNERS
Schutzen Haus, No. 1 Schutzen Street
WINDHOEK

DEED OF TRANSFER

T. 3681 / 2014

Be it hereby made known:

That **TOBIAS JOHANNES ADRIAN LOUW**

appeared before me, Registrar of Deeds at **WINDHOEK**

he, the said Appearer, being duly authorised thereto by a Power of Attorney

granted to him by

NAMIBIA BUILDING REPAIRS CC
Registration number CC/95/00720

dated the 3rd day of March 2014, and signed at Windhoek

And the said Appearer declared that
His Principal had truly and legally sold on the 28 February 2007

and that he in his capacity aforesaid did, by these presents, cede and transfer, in full and
free property, to and on behalf of

**THE TRUSTEES FOR THE TIME BEING OF THE
FIFTY SEVEN DEVELOPMENT TRUST**

Its Successors in Title or Assigns

CERTAIN: Remaining Extent of Portion 57 of the Farm NUBUAMIS no. 37

SITUATED: In the Municipality of Windhoek

REGISTRATION DIVISION " K "

KHOMAS REGION

MEASURING: 24,6546 (TWO FOUR COMMA SIX FIVE FOUR SIX) Hectares

FIRST registered by Certificate of Consolidated Title no. T2198/1968 with Diagram no.
A450/68 relating thereto and held by Deed of Transfer no. T4478/2003

Wherefore the Appearer, renouncing all the Right and Title which the said TRANSFEROR heretofore had to the premises, did, in consequence also acknowledge the said TRANSFEROR to be entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents, the said TRANSFEREE.

Its Successors in Title or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, The State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$2 000 000,00.

Signed at WINDHOEK, on 2014-07-14, together with the
appearer, and confirmed with my seal of office.

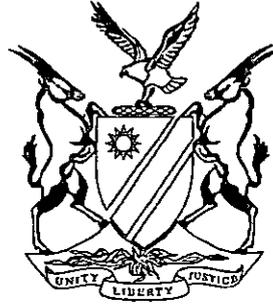




Signature of appearer

REGISTRATION IN TERMS OF SECTION 4(3) OF ACT 42 OF 1937
 The bond has been lodged into 127 Seven
 numbered 1-127, including (4 public open space numbers
 SF 123 to SF 126, SF 127 (street) the remainder
 and streets in accordance with General Plan 56, 40. A 524/2018
 approved by the San Mateo Council on 4X
 11-10-2018 and bonded in a State Register under
 the name of THEO WALEY
 2019-05-02
 Deeds Office
 Register of Deeds

1919
 12019



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$12.60

WINDHOEK - 29 November 2019

No. 7069

CONTENTS

Page

PROCLAMATIONS

No. 61	Appointment of Hilma Ndinelago Nicanor as special advisor: Special Advisors and Regional Governors Appointment Act, 1990	2
No. 62	Approval in terms of Section 6(5) of National Symbols of the Republic of Namibia Act, 2018	3

GOVERNMENT NOTICES

No. 365	Alteration of boundaries of Local Authority Area of Okahandja: Local Authorities Act, 1992	4
No. 366	Declaration of Omitho Extension 7 to be an approved township: Townships and Division of Land Ordinance, 1963	4
No. 367	Declaration of Omitho Extension 8 to be an approved township: Townships and Division of Land Ordinance, 1963	5
No. 368	Declaration of Thorn Valley to be an approved township: Townships and Division of Land Ordinance, 1963	6
No. 369	Extension of boundaries of township of Oshakati Extension 4: Townships and Division of Land Ordinance, 1963	7
No. 370	Correction Notice: Declaration of Tsumeb Extension 9 to be an approved township	8
No. 371	Gobabis Town Planning Amendment Scheme No 10: Town Planning Ordinance, 1954	8
No. 372	Keetmanshoop Town Planning Amendment Scheme No 12: Town Planning Ordinance, 1954	8
No. 373	Walvis Bay Town Planning Amendment Scheme No 67: Town Planning Ordinance, 1954	9
No. 374	Swakopmund Town Planning Amendment Scheme No 43: Town Planning Ordinance, 1954	9
No. 375	Amendment of Government Notice No. 104 of 20 May 2009: Recognition of !Khubesen Customary Court as community court and appointment of assessors and justices: Community Courts Act, 2003	9
No. 376	Amendment of Government Notice No. 264 of 11 December 2013: Recognition of Maharero Customary Court as community court and appointment of assessors and justices: Community Courts Act, 2003	10

SCHEDULE**1. Name of township**

The township is called Omhito Extension 8.

2. Composition of township

The township comprises 214 erven numbered 2206 to 2419 and the remainder are streets as indicated on General Plan No. A455 (S.G. No. A151/2018).

3. Reservation of erven

The following erven are reserved for the local authority:

- (a) Erf 2288 is reserved for general administrative purposes; and
- (b) Erven 2417 to 2419 are reserved for public open spaces.

4. Conditions of title

The following conditions must be registered in favour of the local authority against the title deeds of all erven, except the erven referred to in paragraph 3:

- (a) The erf must only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf must at all times be subject to, the provisions of the Eenhana Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954).
- (b) The building value of the main building, including the outbuildings, to be erected on the erf must be at least four times the prevailing valuation of the erf.

MINISTRY OF URBAN AND RURAL DEVELOPMENT**No. 368**

2019

**DECLARATION OF THORN VALLEY TO BE AN APPROVED TOWNSHIP:
TOWNSHIPS AND DIVISION OF LAND ORDINANCE, 1963**

In terms of section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I -

- (a) declare the area being the subdivision of the remainder of portion 57 of the Farm Nubumis No. 37 situated in the local authority area of Windhoek, Registration Division "K", Khomas Region and represented by the General Plan No. K454 (SG. No. A324/2018), to be an approved township; and
- (b) set forth in the Schedule the conditions subject to which the application for permission to establish the township concerned has been granted.

**DR. P. MUSHELENGA
MINISTER OF URBAN AND RURAL DEVELOPMENT**

Windhoek, 4 November 2019

SCHEDULE**1. Name of township**

The township is called Thorn Valley.

2. Composition of township

The township comprises 127 erven numbered 1 to 127 and the remainder are streets as indicated on General Plan No. K454 (SG. No. A324/2018).

3. Reservation of erven

The following erven are reserved for the local authority:

- (a) Erven 1, 93, 102 and 109 are reserved for substation purposes;
- (b) Erven 123 to 126 are reserved for public open space purposes; and
- (c) Erf 127 is reserved for street purposes.

4. Conditions of title

The following conditions must be registered in favour of the local authority against the title deeds of all erven, except the erven referred to in paragraph 3:

- (a) the erf must only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf must at all times be subject to, the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954); and
- (b) the building value of the main building, excluding the outbuildings, to be erected on the erf must be at least four times the prevailing valuation of the erf.

MINISTRY OF URBAN AND RURAL DEVELOPMENT

No. 369

2019

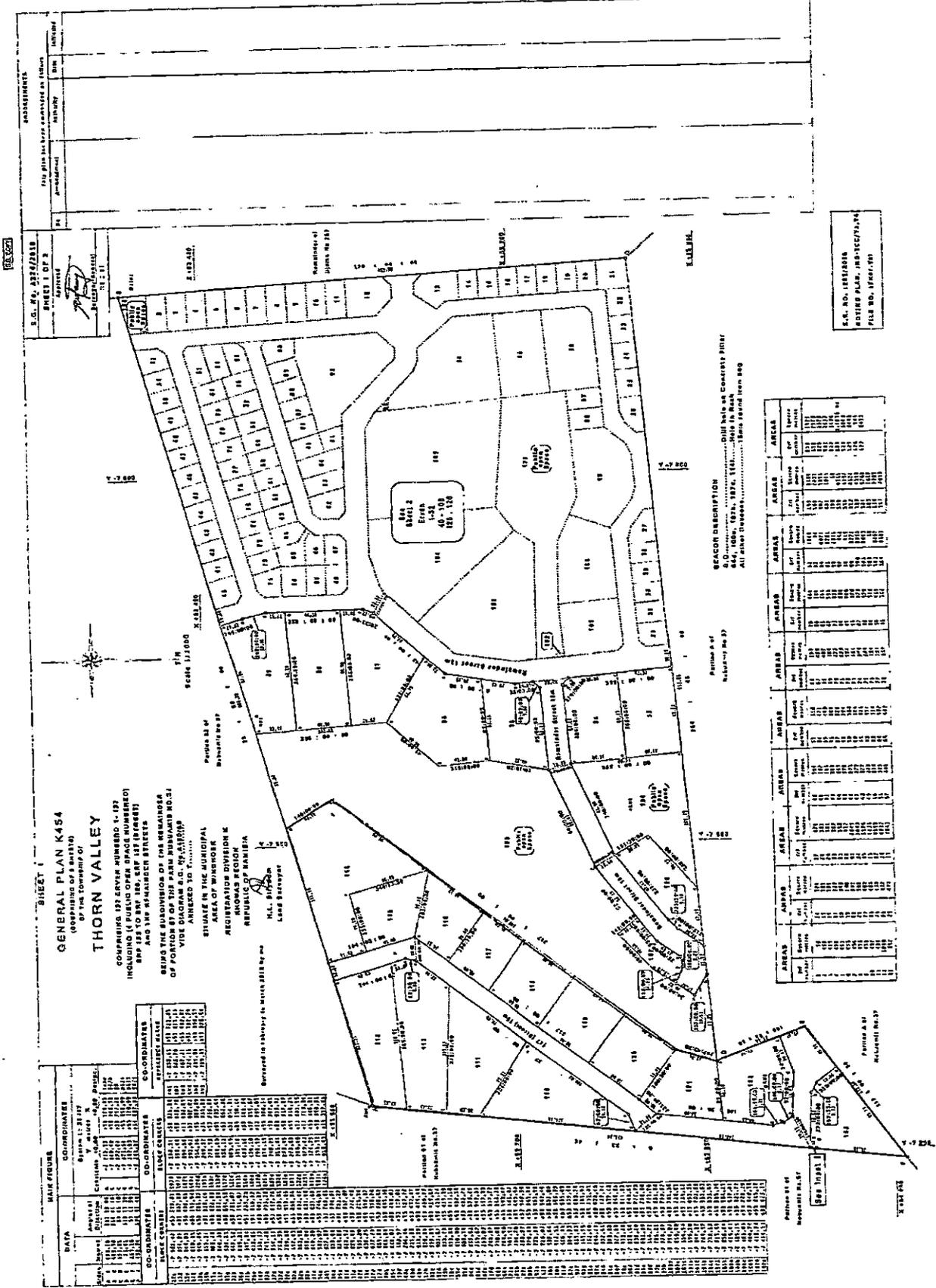
**EXTENSION OF BOUNDARIES OF TOWNSHIP OF OSHAKATI EXTENSION 4:
TOWNSHIPS AND DIVISION OF LAND ORDINANCE, 1963**

Under section 29(1) of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963) and after consultation with the Townships Board, I extend the boundaries of Oshakati Extension 4 township to include Farm 1258 a portion of Farm Oshakati Town and Townlands No. 880, situated in the local authority area of Oshakati, Oshana Region, Registration Division "A" and represented by the Cadastral Diagram No. A533/2017, which lies open for inspection at the office of the Surveyor-General, Windhoek, during normal office hours.

The property so included is known as Erf 4163, Oshakati Extension 4.

DR. P. MUSHELENGA
MINISTER OF URBAN AND RURAL DEVELOPMENT

Windhoek, 5 November 2019



MANAGEMENT
 THE PLAN HAS BEEN EXAMINED AS FOLLOWS
 APPROVED: _____ DATE: _____
 AUTHORITY: _____
 SHEET 1 OF 3

S.E. 1/4, 35° 52' 32" N
 100° 00' 00" W

SECTION 10
 T. 24 N.
 R. 10 W.

SECTION 11
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SECTION 12
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SECTION 13
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SECTION 14
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SECTION 15
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 R. 10 W.

GENERAL PLAN K454
 (COMPRISING 3 LOTS)
 OF THE TOWNSHIP OF
THORN VALLEY
 COMPRISING 127 LOT NUMBERS 1-127
 INCLUDING (1) LOT 101, (2) LOT 102 (HUMBER) AND
 AND THE HANSEN STREETS
 BEING THE SUBDIVISION OF THE REMAINDER
 OF PORTION OF THE FARM BOUNDARY NO. 31
 VIDE DIAGRAM A.D. 1911, 1912, 1913, 1914, 1915,
 ANNEXED TO T. 24 N., R. 10 W., S. 1/4, 35° 52' 32" N,
 100° 00' 00" W.

SITUATE IN THE MUNICIPAL
 AREA OF WINDSOR
 REGISTRATION DIVISION E
 REPUBLIC OF CANADA

Prepared in conformity to section 241(1) of the
 M.L.S. Act
 Lead Surveyor

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SECTION 12
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FNB

NOTIFICATION OF PAYMENT

Dear: To Whom It May Concern

First National Bank Namibia hereby confirms that the following payment instruction has been received:

Date Actioned : 2021/10/11
 Time Actioned : 16:12:05
 Trace ID : 4FHWRFB

Payer Details

Payment From : MS PETRINE N SEM - SME BU
 Cur/Amount : NAD4025.00

Payee Details

Recipient/Account no : ..146115
 Name : CITY OF WHK PLANNING
 Bank : FIRST NATIONAL BANK
 Branch Code : 282672
 Reference : 108_110-121 TV REZ

END OF NOTIFICATION

To authenticate this Payment Notification please visit the First National Bank of Namibia Limited website at fnbnamibia.com.na, select the "Verify Payment" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank of Namibia Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank of Namibia Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

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Directors: I I Zeamwani-Kamwi (Chairperson), O L P Capelao, J G Daun, C Dempsey** (Chief Executive), P Grüttemeyer, C L R Haikali, J H Hausiku,
 J R Khethe*, I N Nashandi, E Tjipuka
 *South African
 **South African with Namibian Permanent Residence
 Company Secretary: N Makemba

First National Bank of Namibia Limited, Reg. No. 2002/0180.

DEBT MANAGEMENT CREDIT CHECK FORM

Surname Johan First name(s) Rieckert
Erf/stand no 102, 110-122 Township PN5H Nubwamis No. 37
If company or registered under CC Fifty-Seven Development Trust
Namibian I. D / Passport no. _____
Postal/Private Bag address 90103 Township of address Windhoek
Physical Residential or Business address Pietan Industrial Park, Reger Street
Tel no _____ (H) _____ Cell 0811246224

DEBT MANAGEMENT CREDIT CHECK

Service Accounts (MS)

Credit Control Officer Comments:

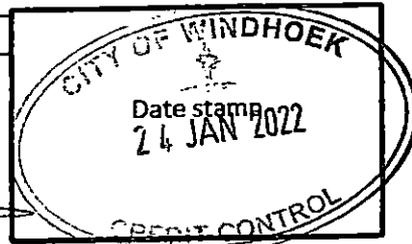
No Service Accounts

Acc. Technician Credit Control

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LAND SALES

Comments:

Proceed

Acc. Technician Land Sales

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ACCOUNTANT LAND SALES

CITY OF MANY FACES

MEMORANDUM⁶¹

TO: Mr. H. Rust

DATE: 06 June 2022

FROM: INF: Engineering Services Division

REF: L/108_110_122/THORN VALLEY



SUBJECT:

- Rezoning of Erven 108, 110 to 122 Thorn Valley from “Residential” with a density of 1:300 to “General Residential” with a density of 1:150,
- Consent to commence with the proposed development while the rezoning process is being completed and
- Amendment of Condition 3.13 of Council Resolution No. 246/06/2009.

The application dated 25 March 2022 for the Rezoning of Erf 108, 110 to 122, Thorn Valley, refers.

The Development Proposal indicates that the Applicant intends to increase the density of Erven 108, 110 to 122 Thorn Valley from “Residential” with a density of 1:300 to “General Residential” with a density of 1:150, which will result in additional loads on designed water and sewer networks. Sewer designs are already submitted and approved.

No municipal water or sewer services are currently installed and taken over by Council.

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 Infrastructure Water and Technical Services Department as follows:

- 1 That the Applicant appoints a Professional Registered Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezonings and developments on both the designed bulk water- and bulk sewer-infrastructure.

- 2 That the Design Report be submitted by the appointed Engineer to Infrastructure: Engineering Services Division for approval before starting with detail water and sewer infrastructure designs.
- 3 That all costs involved due to the Design Report be for the Applicant's account.
- 4 That the Design Report stipulates at least the following:
 - 4.1 The expected water demand for the proposed rezonings and developments.
 - 4.2 Whether water supply requirements will be met with sufficient pressure during peak flows and fire flow within the pressure zone of the applicable reservoir.
 - 4.4 An analysis of the impact of the proposed rezonings and developments on the existing bulk water infrastructure within the applicable reservoir 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 rezonings, into account.
 - 4.5 The calculated design wastewater generated by the proposed rezonings and developments.
 - 4.7 An analysis of the impact of the proposed rezonings and developments on the existing municipal bulk sewer infrastructure downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the proposed rezonings and developments, into account.
 - 4.9 The Design Report to include detailed design calculations, assumptions and clear referencing to Standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.
- 5 That all cost for the provision of bulk and internal services be borne by the Applicant.
- 6 That it be noted that the Design Report and water and sewer designs be submitted by the Applicant and approved by the Department Infrastructure, Water & Technical Services:

Engineering Services Division ⁶³ before submission to Ministry of Urban and Rural Development Board.

- 7 That no building plans be approved before water and sewer services are installed and taken over by Council as per approved Design Report and designs.
- 8 That Design criteria are to be in accordance with the "The Neighbourhood Planning and Design Guide" as published by the Council of Scientific and Industrial Research (CSIR) and are available on-line at http://www.csir.co.za/Built_environment/RedBook/.
- 9 That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities will be for the cost of the Applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

.....
SECTION ENGINEER
OC Archer

TO: Urban Planning
G De Klerk

DATE: 30 May 2022

FROM: Section Engineer: Transport Planning

REF: L/108_110-122/TV



ROADS PLANNING & TRAFFIC FLOW COMMENTS:

An amended application received from **Dunamis Consulting Town, Regional Planners and Developers** dated 25 March 2022 regarding the above subject matter has reference.

Erven 108, 110 to 122 Thorn Valley, a recently established Township located in the Eastern Area of Nubuanis Hills. There are currently no houses, hence no traffic flows problems are experienced. The properties are currently zoned "Residential" with a density of 1:300 and measure 3025m², 4345m², 4157m², 4620m², 4159m², 6768m², 2617m², 2289m², 2019m², 2525m², 2525m², 2525m², 2637m² and 3494m² in extent respectively. Rezoning these erven from "Residential" with a density of 1:300 to "General Residential" with a density of 1:150 will be generating 318 additional trips to the current road network.

1. This Division has no objections to the proposed Rezoning of Erven 108, 110 to 122 Thorn Valley from "Residential" with a density of 1:300 to "General Residential" with a density of 1:150; on condition that:
 - 1.1 That Minimum 1 parking bay per equal or less than 3-bedroom units, or 2 parking bays per equal or greater than 4 bedroom unit, plus one bay per 3 units or part thereof explicitly for visitors parking must be provided on site.
 - 1.2 Access to erven 108, 110 and 122 will not be allowed within 15 meters from an intersection, measured from intersecting kerbs

2. This Division has no objections to the proposed Consent to commence with the proposed development while the rezoning process is being completed; on condition that:
 - 2.1 The applicant submits building plans to the City's Building Control Division for approval prior to construction.
 - 2.2 Consent use shall only come into effect after meeting parking requirements to the satisfaction of the SE: Urban and Transport Planning.

3. This Division has no objections to the proposed Amendment of Condition 3.13 of Council Resolution No. 246/06/2009

Yours faithfully

T Iiyambula

MEMORANDUM⁶⁵

TO: Mr G. De Klerk

DATE: 02 June 2022

FROM: Chief Engineer
Roads and Storm Water
Planning, Design & Traffic Flow

REF: L/108,110 - 122/ THORN VALLEY/



SUBJECT: **AMENDED APPLICATION FOR THE REZONING OF ERVEN 108, 110 TO 122 THORN VALLEY FROM "RESIDENTIAL" WITH A DENSITY OF 1:300 TO "GENERAL RESIDENTIAL" WITH A DENSITY OF 1:150, CONSENT TO COMMENCE WITH THE PROPOSED DEVELOPMENT WHILE THE REZONING PROCESS IS BEING COMPLETED AND AMENDMENT OF CONDITION 3.13 OF COUNCIL RESOLUTION NO. 246/06/2009.**

The application dated 25 March 2022 for the proposed Rezoning of Erven 108, 110 - 122, Thorn Valley, from Residential to General Residential, received on 29 April 2022, refers.

A storm water investigation was done and the following is reported:

1. The Proposed Erven 108, 110 –122 are situated on a relatively steep terrain, with a general downward slope from the southeast into a northwesterly direction.
2. Erven 108,110 to 122, Thorn Valley are located in the Eastern Area of Nubumis Hills, just north of Okuryangava and the Lafrenz Townships. The Erven are currently zoned 'Residential' with a density of 1:300 and measure 3025m², 4345m², 4175m², 4620m², 4159m², 6768m², 2617m², 2289m², 2019m², 2525m², 2525m², 2637m² and 3494m² in extent respectively. ✓
3. It is worth noting that Erven: 108, 110, 111, 112, 113, 115, 116,117, 118, 119, 120, 121 and 122 are affected by stormwater courses.
4. Access to the proposed Erven will be obtained from the proposed 15-meters wide Salzbrunn Street of the Thorn Valley Township.
5. It should be noted that there are some proposed road reserves with very steep slopes along some proposed road sections (some up to 26%), that has longitudinal slope in access of the recommended maximum slopes.

This Division has no objection to the proposed Rezoning of Erven 108, 110-122, Thorn Valley, from "Residential" with a Density of 1:300 to "General Residential" with a Density of 1:150, provided:

1. That surface storm water runoff be accommodated according to Clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme) stating:
 - (1) That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or works which have been authorized in writing by the local authority or which have been or may be built, laid or erected in terms of any law) may be constructed on or over the property or located in such a way that –

- (a) the flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - (b) the flow of a natural watercourse (in which the local authority allows flood water to run off, be discharged or to be canalised) is or can be changed, canalised or impeded.
 - (c) the maintenance of such stormwater pipe, channel or work shall be the responsibility of the owner of the concerned property.
2. That prior approval must be obtained from the Chief Engineer: Planning, Design & Traffic Flow if the accommodation of the stormwater on the proposed portion is contemplated.
 3. That Engineering drawings on how the stormwater would be accommodated to the satisfaction of the Chief Engineer, Planning, Design & Traffic Flow be submitted for approval simultaneously with the building plans.
 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.
 5. That no building plan will be approved until the above stormwater conditions are met.
 6. That roads and stormwater be planned, designed and constructed to municipal standard.
 7. That a condition for the resale of property with a stormwater course, listed in item 3 above, be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the City of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
 8. Due to the steep slopes in some sections of proposed road reserves, it is not recommended to provide interim gravel wearing course roads that will only be surfaced at a later stage, and note that all roads with a horizontal slope of more than 12% be surfaced from the beginning.
 9. That the applicant's professional Engineer needs to take note and consult regarding the steep slopes along some proposed road sections, where roads may exceed the maximum slope requirements.
 10. That should any works requires to be taken over by the City, a development agreement be signed prior to the commencement of any works.

.....
 SECTION ENGINEER: DESIGN
 CJ VAN DER MERWE

- 16 That an amount of N\$2 545.00 be transferred to the Urban Arterial Account (UAA).
- 17 That the intended sale and lease of Portion A ($\pm 62 \text{ m}^2$ in extent) of the Remainder of Erf 433, Wanaheda be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992), (as amended).
- 18 That the intended sale/lease of Portion A ($\pm 62 \text{ m}^2$ in extent) of the Remainder of Erf 433, Katutura be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), (as amended).
- 19 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale and Lease Agreement.
- 20 That the resolution be implemented prior to confirmation of the minutes in order for the applicant to start with the town planning and cadastral procedures.

Financial implications

Service rendered	Funds required (N\$)	Funds available
Advertisements costs	4 000.00	Item 4000/20/1/10/0025

RESOLUTION 174/06/2020

[Municipal Council Minutes: 2020-06-25]

9.1.3

FNS.2 [HPH] APPLICATION TO PURCHASE A PORTION OF DR KUAIMA RIRUAKO STREET, WINDHOEK AND A PORTION OF THE REMAINDER OF ERF 1979, WINDHOEK FOR CONSOLIDATION WITH ERF 1883, WINDHOEK (L/1979/W) (L/1883/W)

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That the Remainder of Erf 1979, Windhoek, be subdivided into Portion A ($\pm 197 \text{ m}^2$ in extent) and the Remainder as indicated on Plan W 1883-1, attached as page 131 to the agenda.
- 2 That Dr Kuaima Riruako Street be subdivided into Portion B ($\pm 46 \text{ m}^2$ in extent) and the Remainder as indicated on Plan W 1883-1, attached as page 16 to the agenda.
- 3 That the applicant take note that only a 4.5 metre wide portion of the Remainder of Erf 1979, Windhoek is supported.

- 4 That Portion A of the Remainder of Erf 1979, Windhoek be closed as public open space in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 5 That Portion B of Dr Kuaima Riruako Street be closed as street in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 6 That Portion B of Dr Kuaima Riruako Street be rezoned from 'street' to 'residential' with a density of 1:900 m² in terms of clause 5(3) of the Windhoek Town Planning Scheme.
- 7 That the City prepare the closure notice:
 - 7.1 That the owner of Erf 1883, Windhoek be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours.
 - 7.2 That proof of successful advertising be provided to the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson before a Sales Agreement is signed.
- 8 That the owner of Erf 1883, 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.
- 9 That the owner of Erf 1883, Windhoek obtain an Environmental Management Clearance Certificate from the Strategic Executive: Economic Development and Community Services in respect of Portion A of Erf 1979, Windhoek.
- 10 That, subject to the successful closure and implementation of all town planning and cadastral procedures, the obtaining of an Environmental Management Clearance Certificate and the rezoning of Portion B of Dr Kuaima Riruako Street, Portion A of the Remainder of Erf 1979, Windhoek and Portion B of Dr Kuaima Riruako Street, be sold to the owner of Erf 1883, Windhoek at a purchase price of N\$703.00/m² being 50 % of N\$1 406.00 or N\$170 829.00 (for the portions of \pm 243 m² in extent) in total, as indicated on the Valuation Certificate dated 24 March 2020, attached as page 17 to the agenda, as determined by the Acting Strategic Executive: Housing, Property Management and Human Settlement.
- 11 That the sale of Portion A of the Remainder of Erf 1979, Windhoek be subject to the following conditions:
 - 11.1 That the applicant appoint a registered professional Engineer to determine whether the south western boundary of the proposed Portion A of the Remainder of Erf 1979, Windhoek require protection against any potential flood damage.

- 11.2 That the applicant appoint a registered professional Engineer to design a retaining structure along the south western boundary of the proposed Portion A of the Remainder of Erf 1979, Windhoek for earth retaining purposes as well as for potential flood protection.
- 11.3 That it be noted that Portion A of the Remainder of Erf 1979, Windhoek is affected by a sewer line and:
- 11.3.1 That the sewer line be relocated 1.5 metres from the boundaries of the consolidated erf.
- 11.3.2 That the applicant appoint a registered professional Engineer to do the designs for the relocation of the sewer line to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services, before work commence.
- 11.3.3 That the applicant appoint a Contractor to do the construction of the sewer line.
- 11.3.4 That the construction of the sewer line be supervised by a registered professional Engineer.
- 11.3.5 That all costs related to the relocation of the sewer line to be for the applicant's account.
- 11.3.6 That the Deed of Sale only be signed after the relocation of the sewer line is done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 11.4 That the costs be for the applicant's account.
- 11.5 That Portion A of the Remainder of Erf 1979, Windhoek and Portion B of Dr Kuaima Riruako Street be consolidated with Erf 1883, Windhoek simultaneously with transfer.
- 11.6 That upon consolidation with Erf 1883, Windhoek, Portion A of Erf 1979, Windhoek assume the same zoning as the abutting erf, being 'residential' with a density of 1:900 m².
- 11.7 That the existing conditions registered against Portion A of the Remainder of Erf 1979, Windhoek and Portion B of Dr Kuaima Riruako Street be replaced by the standard conditions including a minimum building value equal to four (4) times the municipal valuation be registered against the consolidated erf.
- 11.8 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:
- 11.8.1 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.
- 11.8.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 11.9 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 11.10 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.
- 11.11 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.
- 11.12 That no building plans be approved until the stormwater conditions are met.
- 11.13 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 City of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 12 That the following be noted:
- 12.1 That only one (1) electrical service connection be allowed from the municipal network to the consolidated erf.
- 12.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.
- 12.3 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.

- 13 That the applicant/owner of Erf 1883, Windhoek:
 - 13.1 Submit proof to the Acting 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 Townships Board for consideration.
 - 13.2 Submit proof to the Acting 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.
 - 13.3 Submit draft erf diagrams to the Acting 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.
 - 13.4 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 Acting Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.
- 14 That should the applicant 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 of the Remainder of Erf 1979, Windhoek and Portion B of Dr Kuaima Riruako Street to the owner of Erf 1883, Windhoek beyond the eighteen (18) months be subject to the price escalation to be determined by the Acting Strategic Executive: Housing, Property Management and Human Settlement.
- 15 That should the applicant wish to take occupation of Portion A of the of the Remainder of Erf 1979, Windhoek and Portion B of Dr Kuaima Riruako Street 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\$1 336.50, further subject to annual escalation in line with the Namibia Inflation Rate.
- 16 That the sale and lease of Portion A (197 m² in extent) of the Remainder of Erf 1979, Windhoek and Portion B (± 46 m² in extent) of Dr Kuaima Riruako Street 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).
- 17 That the intended sale and lease of Portion A (197 m²) of the Remainder of Erf 1979, Windhoek and Portion B (± 46 m² in extent) of Dr Kuaima Riruako Street, be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 18 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale and Lease Agreement.

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

Financial implications

Service rendered	Funds required (N\$)	Funds available
Advertisements costs	4 000.00	Item 4000/20/1/10/0025

RESOLUTION 175/06/2020

[Municipal Council Minutes: 2020-06-25]

9.1.4

**FNS.3 [HPH] APPLICATION TO PURCHASE
A PORTION OF THE REMAINDER
OF ERF 13, DORADO PARK FOR
CONSOLIDATION WITH
ERF 454, DORADO PARK
(L/13/DP) (L/454/DP)**

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That the Remainder of Erf 13, Dorado Park, be subdivided into Portion A ($\pm 174 \text{ m}^2$ in extent) and the Remainder, as indicated on Plan 454-1, attached as page 22 to the agenda.
- 2 That Portion A ($\pm 174 \text{ m}^2$ in extent) of the Remainder of Erf 13, Dorado Park be closed as public open space in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 3 That, subject to the successful issuing of the Environmental Management Clearance Certificate, closure of Portion A as a public open space, and the implementation of cadastral procedures, Portion A ($\pm 174 \text{ m}^2$ in extent) of the Remainder of Erf 13, Dorado Park, be sold to the owners of Erf 454, Dorado Park at 50 % of N\$1 340.00/m², being N\$670.00/m² or N\$117 000.00 in total, for consolidation purposes as indicated on the Valuation Certificate dated 20 January 2020, attached as page 23 to the agenda.
 - 3.1 That if the owners of Erf 454, Dorado Park wish to take occupation of Portion A of Erf 13, Dorado Park prior to the conclusion of the sale, that it be leased to the applicant once the preliminary diagrams are available, pending the finalising of the sale, at a monthly rental of N\$975.00.
- 4 That the City prepare the closure notice:
 - 4.1 That the applicant/owner of Erf 454, Dorado Park be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours.



Andimba Toivo Ya Toivo Street,
Southern Square, Windhoek,
+264 81 1225788,
P O Box Box 70523, Khomasdal

Enq: Mr. F. Negumbo

Date: 24 February 2022

The Chief Executive Officer
City of Windhoek
P O Box 59
WINDHOEK
Attention: Ms. Wilhelmina Cloete

Dear Ms. Cloete,

SUBJECT: CADASTRAL CHANGES PROCEDURES (SUBDIVISION, CONSOLIDATION AND CLOSURES) FOR ERF 1883, DR. KUAIMA RIRUAKO STREET, WINDHOEK

Our telephonic conversation this morning bears refers,

We, M & N Planning and Property Development Cc, wish to inform your good office that we have been appointed by Mr. Epafiras P Shilongo owner of Erf 1883, Windhoek to undertake the following cadastral changes statutory procedures (subdivision consolidation and Closures) hence we need Power of Attorney for the;

- Subdivision of Dr. Kuaima Riruako Street into Portion A for subsequent consolidation with Erf 1883, Dr. Kuaima Riruako Street, Windhoek
- Subdivision of Erf RE/1979, Windhoek into Portion B for subsequent consolidation with Erf 1883, Dr. Kuaima Riruako Street, Windhoek
- Permanent Closure of Portion A of Dr Kuaima Riruako Street as 'Street'
- Permanent Closure of Portion B of Erf R/1979, Windhoek as "Public Open Space"

Trust you will find the above in order

Yours sincerely


Festus Negumbo
Director

[Municipal Council Minutes: 2019-10-24]

9.3.7

**FNS.5 [HPH] APPLICATION TO PURCHASE
A 3.2 METRE AND 4 METRE PORTION OF
ERVEN 2365 AND 2486, KLEIN WINDHOEK
RESPECTIVELY FOR CONSOLIDATION
WITH ERF 2366, KLEIN WINDHOEK
(L/2366/KW)**

On proposal by Councillor Ms AK Ashilelo, it was

RESOLVED

- 1 That the application from the owner of Erf 2366, Klein Windhoek, be noted.
- 2 That approval be granted to sell Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek and Portion A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein Windhoek to the owner of Erf 2366, Klein Windhoek, as indicated on the plan, attached as page 395 to the agenda.
- 3 That Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek and Portion A of Erf 2486, Klein Windhoek ($\pm 141 \text{ m}^2$ in extent) be sold to the owner Erf 2366, Klein Windhoek at a purchase price N\$411.00/m², being 50 % of N\$822.00/m² or a total of N\$85 899.00, subject to the following conditions:
 - 3.1 That it be noted that the financial impact of the encroachment is as follows and should be paid at the date of acceptance of the Council Resolution:
 - 3.1.1 The retrospective occupational rent for the period not exceeding three (3) years, totalling N\$51 599.88;
 - 3.1.2 The retrospective rates and levies for the period not exceeding three (3) years, totalling N\$22 619.48 (including 15 % interest); and
 - 3.1.3 The 5 % administration fee for the period not exceeding three (3) years, totalling N\$1 288.44.
 - 3.2 That the portions be utilised for a vehicular access from Veronica Street to Erf 2366, Klein Windhoek only.
 - 3.3 That access only be obtained directly from Veronica Street.
- 4 That the owner of Erf 2366, Klein Windhoek erect a fence or a precast wall on the boundary of Erf 2365, Klein Windhoek along the right of way path to protect the substation.
- 5 That the owner of Erf 2366, Klein Windhoek take note of the following service conditions:
 - 5.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:

- 5.1.1 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.
- 5.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 5.2 That no access be obtained over the Reminders of Erven 2365 and 2486, Klein Windhoek.
- 5.3 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.
- 5.4 That only one (1) electrical service connection be allowed from the municipal network to the consolidated erf.
- 5.5 That it be noted that one (1) additional electrical meter can be applied for an approved flat, should it be required.
- 5.6 That where a Sectional Title Deed is registered over the notarial linked erf, only one (1) service connection be allowed from the municipal electrical network.
- 5.7 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.
- 6 That the applicant:
- 6.1 Submit proof to the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson, 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 Townships Board for consideration.
- 6.2 Submit proof to the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson, within sixty (60) days after the issuing of the Closure, Subdivision and Consolidation Certificate that a Surveyor has been appointed.

- 6.3 Submit draft erf diagrams to the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson, within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.
- 6.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General and having been requested to do so by the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson, and pay the purchase price.
- 7 That should the applicant fail to comply with any of the conditions stipulated in paragraph 6 above, the allocation of Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek and Portion A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein Windhoek to the applicant, be cancelled.
- 8 That, where the sale is not finalised within eighteen (18) months from the date of this Council Resolution, the allocation be cancelled: Provided that, should extension for the finalisation of the sale be requested and granted, the property be reallocated at a revised price, as calculated by the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson.
- 9 That, should the applicant wish to take occupation of Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek and Portion A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein Windhoek, prior to the conclusion of the sale of Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek and Portion A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein Windhoek, same be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$770.63, further subject to annual escalation in line with the Namibia Inflation Rate.
- 10 That the sale of Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek and Portion A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein 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).
- 11 That the intended sale and lease of Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek and Portion A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein Windhoek be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 12 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 13 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

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

RESOLUTION 258/10/2019

[Municipal Council Minutes: 2020-05-28]

10.3.3

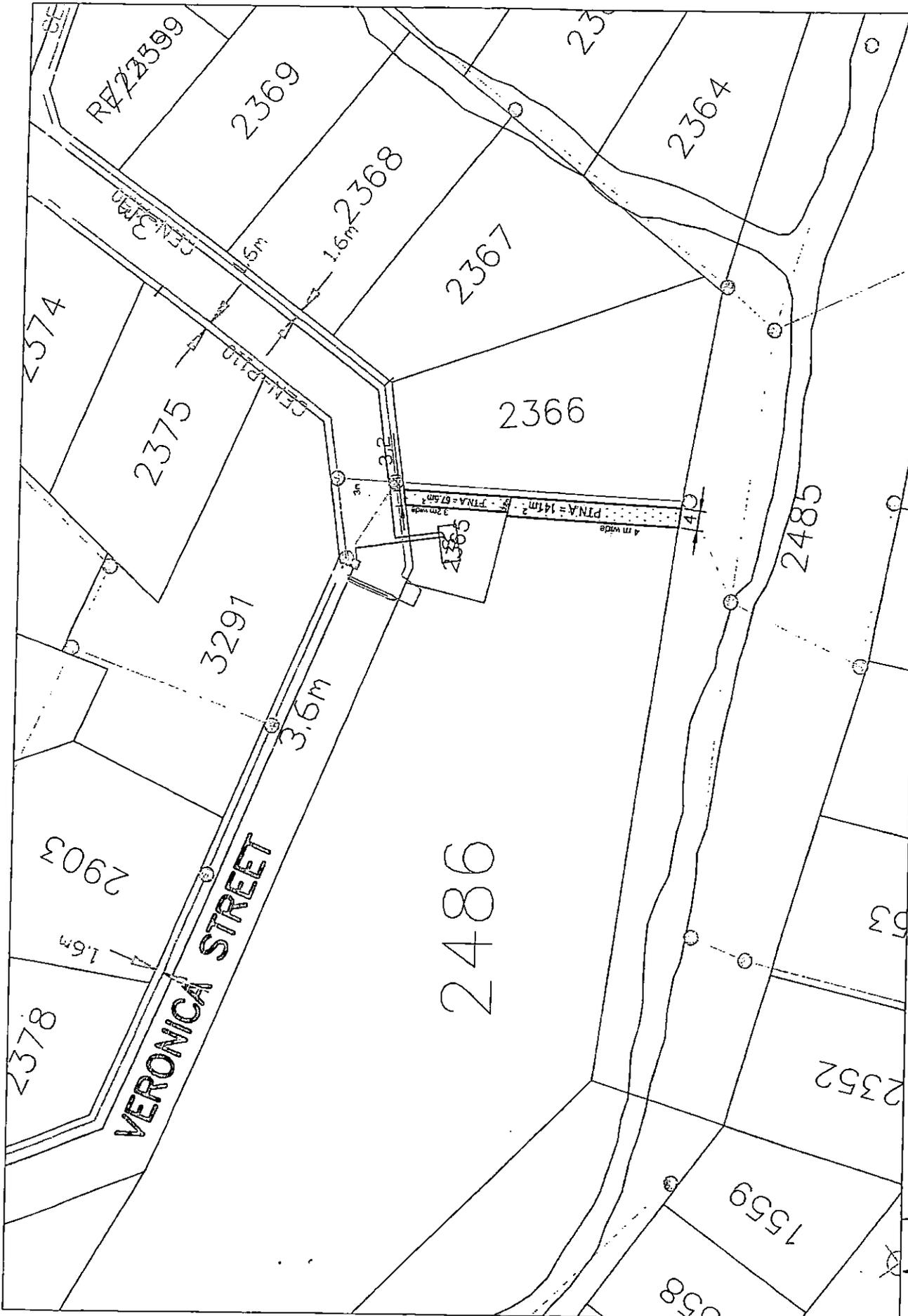
**FNS.2 [HPH] APPLICATION TO PURCHASE
A 3.2 METRE AND A 4 METRE PORTION
OF ERVEN 2365 AND 2486, KLEIN
WINDHOEK RESPECTIVELY
FOR CONSOLIDATION WITH
ERF 2366, KLEIN WINDHOEK
(L/2365 KW) (L/2366 KW) (L/2486 KW)**

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That the request to add the omitted recommendations, be noted.
- 2 That Portion A ($\pm 141 \text{ m}^2$ in extent) of Erf 2486, Klein Windhoek 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).
- 3 That Portion A ($\pm 68 \text{ m}^2$ in extent) of Erf 2365, Klein Windhoek be rezoned from 'municipal' to 'residential' with a density of 1:900 m^2 and the rezoning be included into the next Amendment Scheme.
- 4 That this resolution be read together with Council Resolution 258/10/2019, attached as pages 958 - 961 to the agenda.
- 5 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 151/05/2020

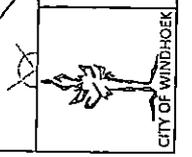


A 3 & 4 METER WIDE RIGHT OF WAY SERVITUDE AREA OR LEASE AREA OVER
 ERF 2486, KLEIN WINDHOEK, INFAVOUR OF ERF 2366, KLEIN WINDHOEK

16 SEPTEMBER 2015

PLAN NO: KW 366

SCALE 1:1000



CITY OF WINDHOEK

PATH: o:\cad data\groups\geomatics\2366 KW

ISSUED

13 JAN 2022



KAMAU
town planning &
development specialist

KAMAU TOWN PLANNING AND
DEVELOPMENT SPECIALIST

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P.O. Box 22296 | Windhoek | t: +264 61251975 | f: +264 61 304219 |
neshila@a3arc.com w: www.kamau-architects.com

13 January 2022

The Chief Executive Office
City of Windhoek
Box 59
80, Independence Avenue
Windhoek, NAMIBIA

Attention: Town Planner
Dear Sir/Madam

Reconsideration for the:

- **REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M² TO OFFICE WITH A BULK OF 0.4.**
- **SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK**
- **CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS**

This letter serves as a reconsideration application on the bases of Council Resolution letter from the City of Windhoek dated 04 November 2021. The consultant further acknowledges receipt of the Council Resolution 212/10/2021.



BACKGROUND

Kamau Town Planning and Development Specialist submitted to the City of Windhoek, an application for the rezoning of Erf 3170 Salk Street, Windhoek West, on behalf of our client, Mr Phillipus Ngeno, from "Residential" with a density of 1:900 to "Business" with a bulk of 1.0 on the 18th of May 2021.

We received a notice to advertise the intended application as per the Urban and Regional Planning Act and the City of Windhoek Public Consultation Policy for proposed development. Having complied with this requirement, we submitted the proof of advertisements to the City on the 24th of August 2021, after which we received a response in formal writing (04 November 2021- CR212/10/2021) from the City that the application will not be approved on these grounds:

- (1) The erf is located in the middle of a residential area, with conversion to the Office Policy which allows non-intrusive and compatible land uses such as offices, but not businesses;
- (2) The zoning of "Business" is not appropriate for mid-block erven due to the retail activities as it allows as primary uses and should be accommodated on corner erven in line with standard planning best practices.

The consultant therefore reapplies for the rezoning of the respective Erf 3170 W from "Residential" with a density of 1:900m² to "Office" with a bulk of 0.4. This will therefore be in line with the Office Policy Zone as stipulated within the Resolution.

APPLICATION

- *Rezoning of the respective Erf from "Residential" with a density of 1:900m² to "Office" with a bulk of 0.4 and*
- *Subsequently consent to use the respective Erf for a Boutique Hotel purposes, as per terms of the Windhoek Town Planning Scheme.*
- *Consent to use the respective Erf as "Office" and Boutique Hotel while the rezoning is in progress.*

In support of the application the following documentation is attached:

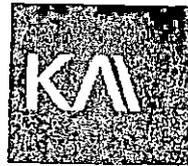
- Proof of Re-application Payment

I trust that the application will receive your favorable consideration.

Yours faithfully



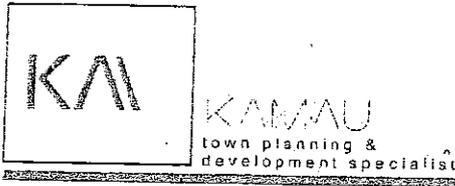
Principal Member
Mr. F. K. NESHILA



KAMAU

Town Planning and
Development Specialist

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p: p.o. box 22296 | windhoek
t: +264 61 251975 | neshila@gmail.com
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 neshila@a3arc.com w: www.kamau-architects.com

13 January 2022

The Chief Executive Office
 City of Windhoek
 Box 59
 80, Independence Avenue
 Windhoek, NAMIBIA

Attention: Town Planner
 Dear Sir/Madam

Reconsideration for the:

- **REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M² TO OFFICE WITH A BULK OF 0.4.**
- **SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A GUESTHOUSE ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK**
- **CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND GUESTHOUSE WHILE THE REZONING IS IN PROGRESS**

This letter serves as a reconsideration application on the bases of Council Resolution letter from the City of Windhoek dated 04 November 2021. The consultant further acknowledges receipt of the Council Resolution 212/10/2021.



BACKGROUND

Kamau Town Planning and Development Specialist submitted to the City of Windhoek, an application for the rezoning of Erf 3170 Salk Street, Windhoek West, on behalf of our client, Mr Phillipus Ngeno, from "Residential" with a density of 1:900 to "Business" with a bulk of 1.0 on the 18th of May 2021.

We received a notice to advertise the intended application as per the Urban and Regional Planning Act and the City of Windhoek Public Consultation Policy for proposed development. Having complied with this requirement, we submitted the proof of advertisements to the City on the 24th of August 2021, after which we received a response in formal writing (04 November 2021- CR212/10/2021) from the City that the application will not be approved on these grounds:

- (1) The erf is located in the middle of a residential area, with conversion to the Office Policy which allows non-intrusive and compatible land uses such as offices, but not businesses;
- (2) The zoning of "Business" is not appropriate for mid-block erven due to the retail activities as it allows as primary uses and should be accommodated on corner erven in line with standard planning best practices.

The consultant therefore reapplies for the rezoning of the respective Erf 3170 W from "Residential" with a density of 1:900m² to "Office" with a bulk of 0.4. This will therefore be in line with the Office Policy Zone as stipulated within the Resolution.



APPLICATION

- *Rezoning of the respective Erf from "Residential" with a density of 1:900m² to "Office" with a bulk of 0.4 and*
- *Subsequently consent to use the respective Erf for a guesthouse purposes, as per terms of the Windhoek Town Planning Scheme.*
- *Consent to use the respective Erf as "Office" and guesthouse while the rezoning is in progress.*

In support of the application the following documentation is attached:

- Proof of Re-application Payment

I trust that the application will receive your favorable consideration.

Yours faithfully



Principal Member
Mr. F, K. NESHILA

59

80 Independence Avenue

WINDHOEK, NAMIBIA

Tel: +264 61 222 100 • Fax: +264 61 222 101

Enq: Ms R. Kwenani

Tel: 290 2104

Ref: L/3170/W

Date: 04 November 2021

Kamau Town Planning & Development Specialist
P O Box 22296
Windhoek

Dear Sir,

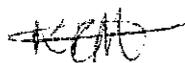
NOTICE IN TERMS OF SECTION 109 (3) OF THE URBAN AND REGIONAL PLANNING ACT, 5 OF 2018

The Municipal Council of Windhoek intends to recommend to the Urban and Regional Planning Board the following application:

- **REZONING OF ERF 3170, WINDHOEK FROM RESIDENTIAL WITH A DENSITY OF 1:900 M² TO BUSINESS WITH A BULK OF 1.0; CONSENT TO OPERATE A GUESTHOUSE ON THE ERF AND CONSENT TO USE THE ERF AS BUSINESS WHILE THE REZONING IS IN PROGRESS**

In terms of Section 110 of the Urban and Regional Planning Act, 5 of 2018 any person who is aggrieved by the decision of the local authority may appeal against that decision to the Minister. Notice of the appeal and the grounds for the appeal must be lodged within 21 days from the date of this Notice to the Minister and Local Authority whose decision is the subject of the appeal.

Yours faithfully



Ruth Kwenani
Town Planner

NB: Please take note that this document only constitutes a notice in terms of Section 109 of the Urban and Regional Planning Act and does not represent an approval of the application in any manner or form.

Attached please find Council Resolution 212/10/2021.

[Municipal Council Minutes: 2021-10-28]

ITEM 9.3.4 - FNS.3 [UTP] APPLICATION FOR THE REZONING OF ERF 3170, WINDHOEK FROM 'RESIDENTIAL' WITH A DENSITY OF 1:900 m² TO 'BUSINESS' WITH A BULK OF 1.0; CONSENT TO OPERATE A GUESTHOUSE ON THE ERF AND CONSENT TO USE THE ERF AS BUSINESS WHILE THE REZONING IS IN PROGRESS (L/3170W)

On proposal by Councillor Ms N Larandja, it was

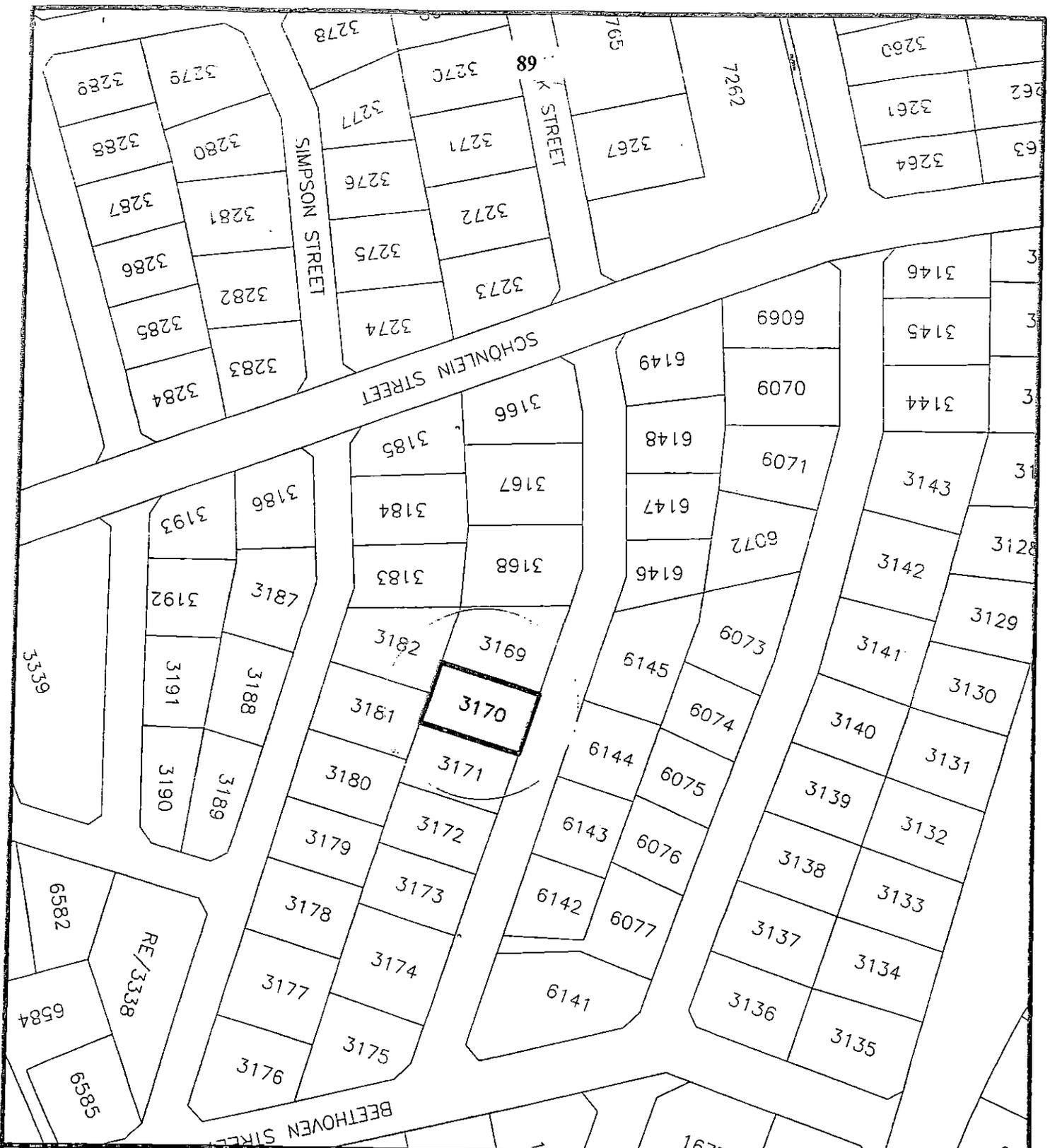
RESOLVED

1. That the rezoning of Erf 3170, Windhoek from 'residential' with a density of 1:900 m² to 'business' with a bulk of 1.0 and consent to operate a guesthouse as well as consent to use the respective erf as 'business' while the rezoning is in progress is not supported due to the following:
 - 1.1 The erf is located in the middle of a residential area with conversion to the Office Policy which allows non-intrusive and compatible land uses such as offices, but not business; and
 - 1.2 The zoning of 'business' is not appropriate for mid-block erven due to the retail activities as it allows as primary uses and should be accommodated on corner erven in line with standard planning best practice.
2. 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.

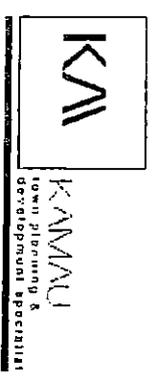
- 3 That notice of the appeal and the grounds for the appeal be lodged within twenty one (21) days from the date of this notice to the Ministry of Urban and Rural Development, and the Local Authority whose decision is the subject of the appeal.

RESOLUTION 212/10/2021

[Municipal Council Minutes: 2021-10-28]



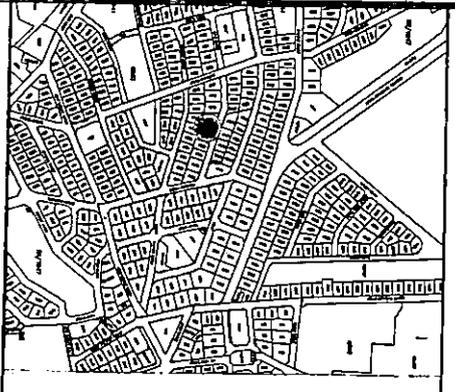
LOCALITY PLAN
 Locality Plan of Erf 3170,
 Salk Street,
 Windhoek, NAMIBIA



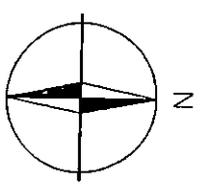
No. 04 Wagner Street | Windhoek west |
 ☎ +264 81 3290594
 P.O. Box 22286 | Windhoek II ☎ +264 812519151
 P1P 1 +264 81 3042191
 info@kamkamau.com w. www.kamkamau-architects.com

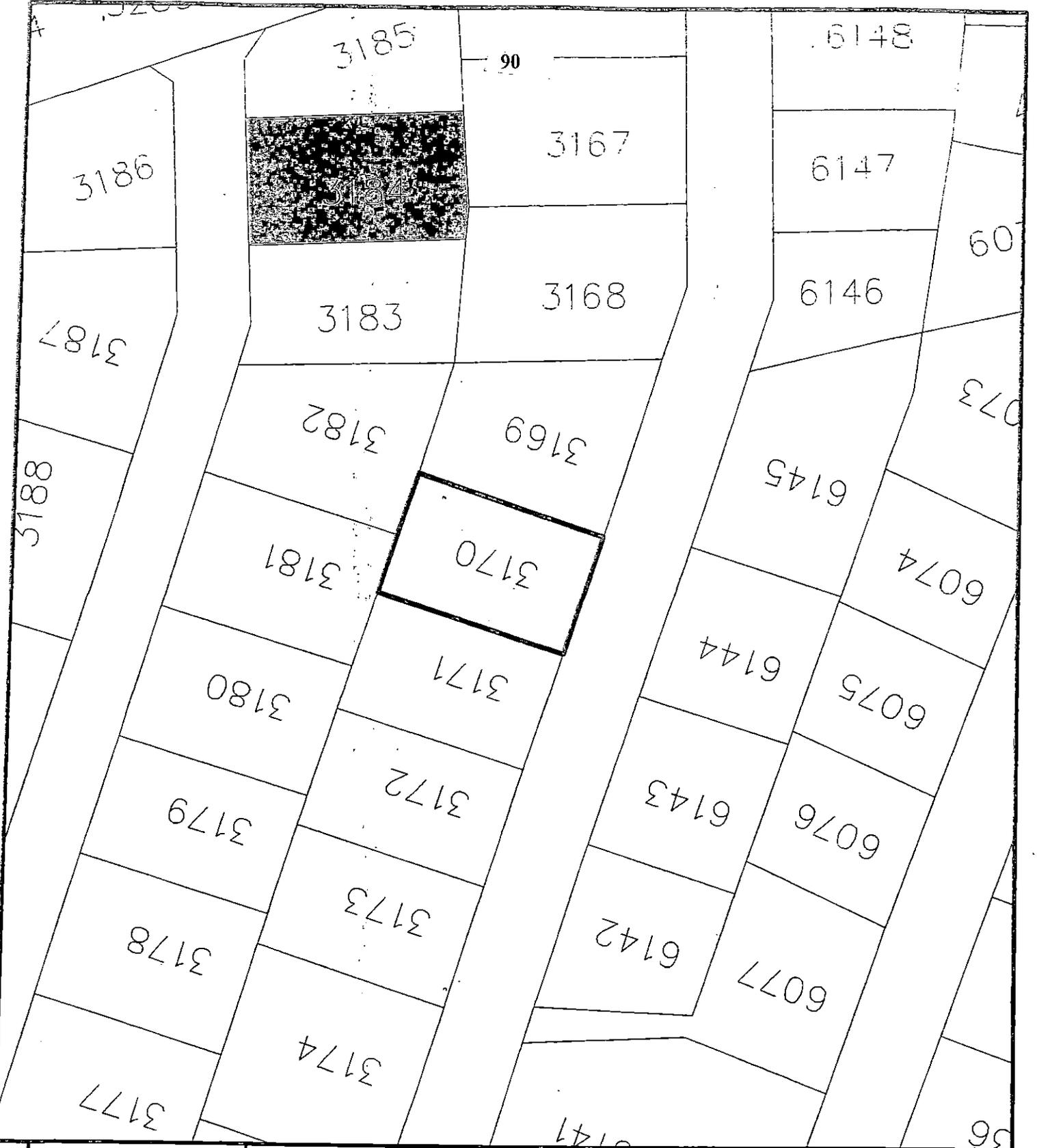
LOCALITY LEGEND

- Erf Boundary
- Locality Circle

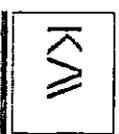


Scale 1:20000





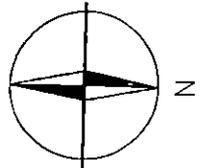
CURRENT ZONING PLAN
 Current Zoning Plan of Erf
 3170,
 Salk Street
 "Residential" with a density
 of 1:900m²
 Windhoek West, NAMIBIA

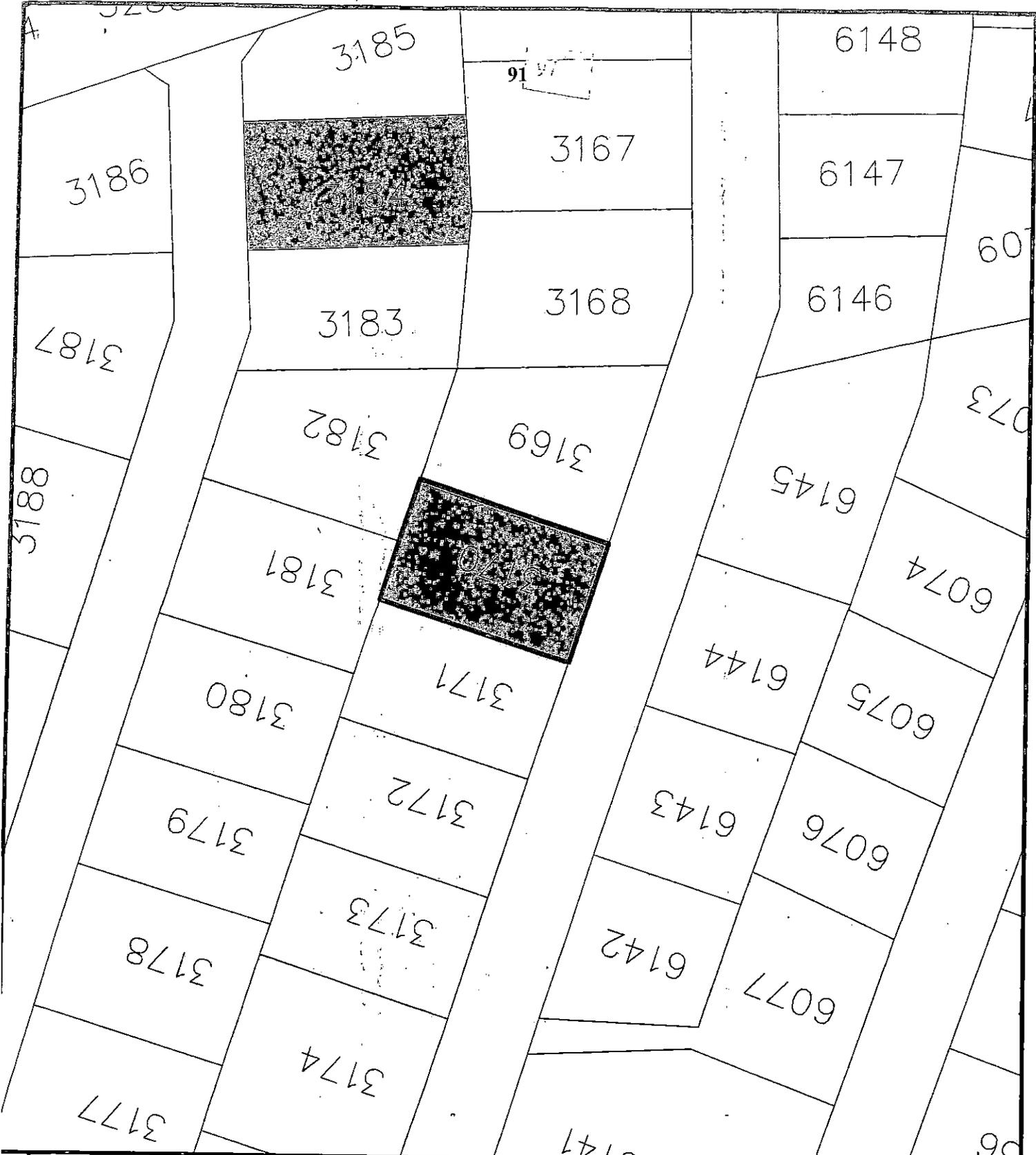


K&M
 ARCHITECTS
 P.O. BOX 11220
 WINDHOEK, NAMIBIA
 TEL: +264 61 420384
 FAX: +264 61 420385
 WWW.KANDMARCHITECTS.COM

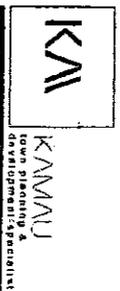
ZONING LEGEND

- Residential
- Office





PROPOSED ZONING PLAN
 Proposed Zoning Plan of Erf
 3170,
 Salk Street
 "Business" with a bulk of 0.4
 Windhoek West, NAMIBIA

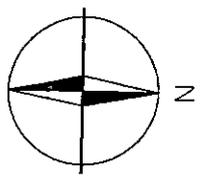


No. 03 Mungu Street | Windhoek west |
 e: sales@kam.com.na
 P.O. Box 22280 | Windhoek | e: info@kam.com.na
 P.P. 1 254 01 304219 |
 info@kam.com.na | www.kammamu.com.na

ZONING LEGEND

Residential

 Office



DEBT MANAGEMENT CREDIT CHECK FORM

Surname NJENGE First name(s) Phisoana
 Erf/stand no 3170 Township WINDHOEK
 If company or registered under cc 81083110157
 Namibian I.D / Passport no. 81083110157
 Postal/Private Bag address _____ Township of address _____
 Physical Residential or Business address 3170 Sullis Street
 Tel no _____ (H) _____ Cell no 081 245 044

DEBT MANAGEMENT CREDIT CHECK

Service Accounts (MS)

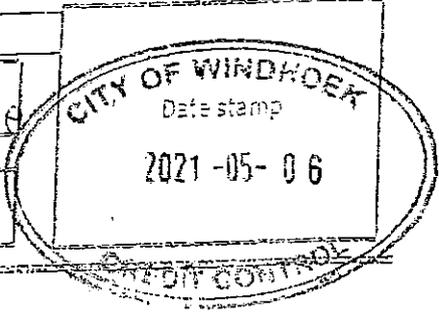
Credit Control Officer Comments: Proceed

Acc. Technician Credit Control :

Josy Louye

Signature Acc. Tech Credit Control

Josy Louye



LAND SALES

Comments:

Proceed

Acc. Technician Land Sales

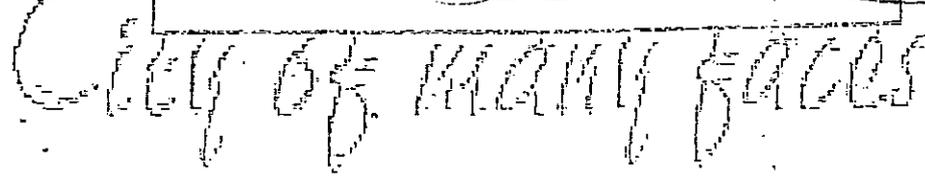
[Signature]

Signature Acc. Technician Land Sales

[Signature]



ACCOUNTANT LAND SALES



**Town Planning Certificate No. 1:
Town Planning Scheme Information**

-9380

Ref : _____
Enq : _____
Tel : _____

Applicants Address _____

Telephone Number : _____

Sir / Madam

Erf No: ERF 3170 of

Township : WINDHOEK/WINDHOEK BLOCKS

Street : SALK STR

In terms of the Windhoek Town Planning Scheme the following conditions apply to the above mentioned erf.

- | | | |
|------------------|--------------------------------|-------------------|
| 1. Use Zone : | RESIDENTIAL | Refer to Table B. |
| 2. Density : | 1 DWELLING / 900M ² | Refer to Table E. |
| 3. Bulk Factor : | 0 00 | Refer to Table F. |
| 4. Coverage : | 50 % | Refer to Table G. |
| 5. Erf Size : | 1,006 m ² | |
| 6. Parking : | | |

(The parking ratio should be confirmed with the Transportation Department for erven in the business zone, and for restaurants, grouped housing schemes, hotels, bed & breakfasts, resident occupations, places of amusement, social halls and churches)

7. Street Build Lines _____
8. Position Of Buildings : _____
9. Street Address : 11 SALK STR _____
10. Flood Line : _____
11. Height Restriction : _____ Refer to Table J.
12. Street Reservation : _____
13. Other : _____

The TOWN PLANNING SCHEME and MAP are open for inspection on the passage wall of the 7th floor of the town house. The information provided herein must be verified by the applicant by inspection of the Scheme and Map.

Your attention is further directed to any condition which may be registered against your property in the title deeds. You may be required to furnish a certified copy of the title deeds conditions before any building plans are approved.



POWER OF ATTORNEY

I, the undersigned, PHILIPUS NGENO (ID No. 81083110187) in my capacity as the respective owner of Erf 3170 (a portion of consolidated Erf 3150) Windhoek, (Title Deed No. 4423/2017), hereby nominate, constitute and appoint,

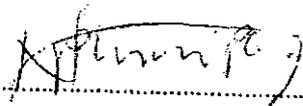
Kamau Town Planning &
Development Specialist
P. O. Box 22269
Windhoek

With power of Substitution to be my lawful Attorney and Agent in my name, place and stead, to submit the necessary application to the City of Windhoek and Urban and Regional Planning Board for the.

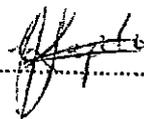
- REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M² TO "BUSINESS" WITH A BULK OF 1.0.
- SUBSEQUENTLY COSENT BE GRANTED TO OPERATE A GUESTHOUSE ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK
- CONSENT TO USE THE RESPECTIVE ERF AS "BUSINESS" WHILE THE REZONING IS IN PROGRESS

And generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, all intends and purpose, as might or could do if personally present and acting herein -hereby ratifying, allowing and confirming and promising and agreeing to ratifying, allow and confirm and whatsoever my said agent shali lawfully do, or cause to be done, virtue of these presents.

Signed at WINDHOEK on this 10 day of MAY 2021 in the presence of the undersigned witnesses.


.....
SIGNED

AS WITNESSES:

1 

2 



ORIGINAL
STAMPED
Ms. B3 avd
FEES

PREPARED BY ME:

CONVEYANCER
DIEDERICKS JWW

2017-07-18 MORTGAGED No. B 3783 / 2017

for N\$ 2 730 000-00 (with preference for an additional amount not exceeding N\$ 546 000-00)

DEEDS OFFICE WINDHOEK
 REGISTRAR OF DEEDS
 Dep. JWW

DEED OF TRANSFER

T 4423 2017

Be it hereby made known:

THAT JAMES VICTOR WILLIAM DIEDERICKS



8000000850694

appeared before me Registrar of Deeds at Windhoek, he, the said Appearer, being duly authorised thereto by a Power of Attorney granted to him by WINDHOEK AIRPORT TRANSFERS, TOURS AND RENTALS CC
 REGISTRATION NUMBER: CC/2004/2164

On the 19TH APRIL 2017 and signed at WINDHOEK

FOR INFORMATION ONLY

W

u

u

AND THE SAID APPEARER DECLARED THAT his said Principal on the

24 MARCH 2017

had truly and lawfully sold the within mentioned property, and that he, in his capacity as aforesaid, did by these presents, cede and transfer, in full and free property to and on behalf of

PHILLIPUS NGENO
IDENTITY NUMBER: 810831 1018 7
UNMARRIED

His Heirs, Executors, Administrators or Assigns,

CERTAIN	ERF NO. 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK
SITUATE	IN THE MUNICIPALITY OF WINDHOEK REGISTRATION DIVISION "K" KHOMAS REGION
MEASURING	1006 (ONE NIL NIL SIX) SQUARE METRES
FIRST TRANSFERRED	BY DEED OF TRANSFER NO. 1096/1961 WITH GENERAL PLAN NO. SG A 464/1958 RELATING THERETO
NOW HELD BY	DEED OF TRANSFER NO. 413/2009

SUBJECT to the following condition imposed in terms of Town Planning Ordinance 18 of 1954, and created in Deed of Transfer No. 413/2009, namely:

IN FAVOUR OF THE LOCAL AUTHORITY

- (a) The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the WINDHOEK Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.
- (b) The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.

N

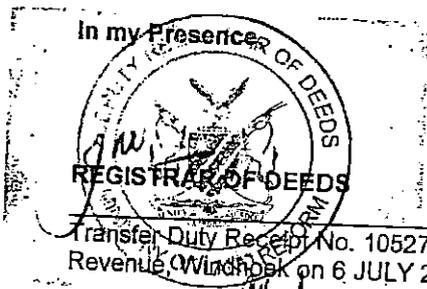


3.

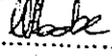
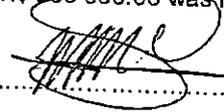
WHEREFORE the Appearer, renouncing all the Right and Title which the said TRANSFEROR heretofore had to the Premises, did, in consequence also acknowledge the TRANSFEROR, to be entirely dispossessed of and disentitled to, the same; and that by virtue of these presents, the said TRANSFEREE His heirs, executors, administrators and assigns now are and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its Rights, and finally acknowledging the purchase price amounting to the sum of N\$ 3 900 000.00 (THREE MILLION NINE HUNDRED THOUSAND NAMIBIA DOLLARS)

SIGNED AT WINDHOEK ON 2017-07-18, TOGETHER WITH THE SAID APPEARER, AND CONFIRMED WITH MY SEAL OF OFFICE.


SIGNATURE OF APPEARER



Transfer Duty Receipt No. 105271163 for N\$ 206 000.00 was issued by the Receiver of Revenue, Windhoek on 6 JULY 2017.

(Checked) 1.  2. 

FOR INFORMATION ONLY

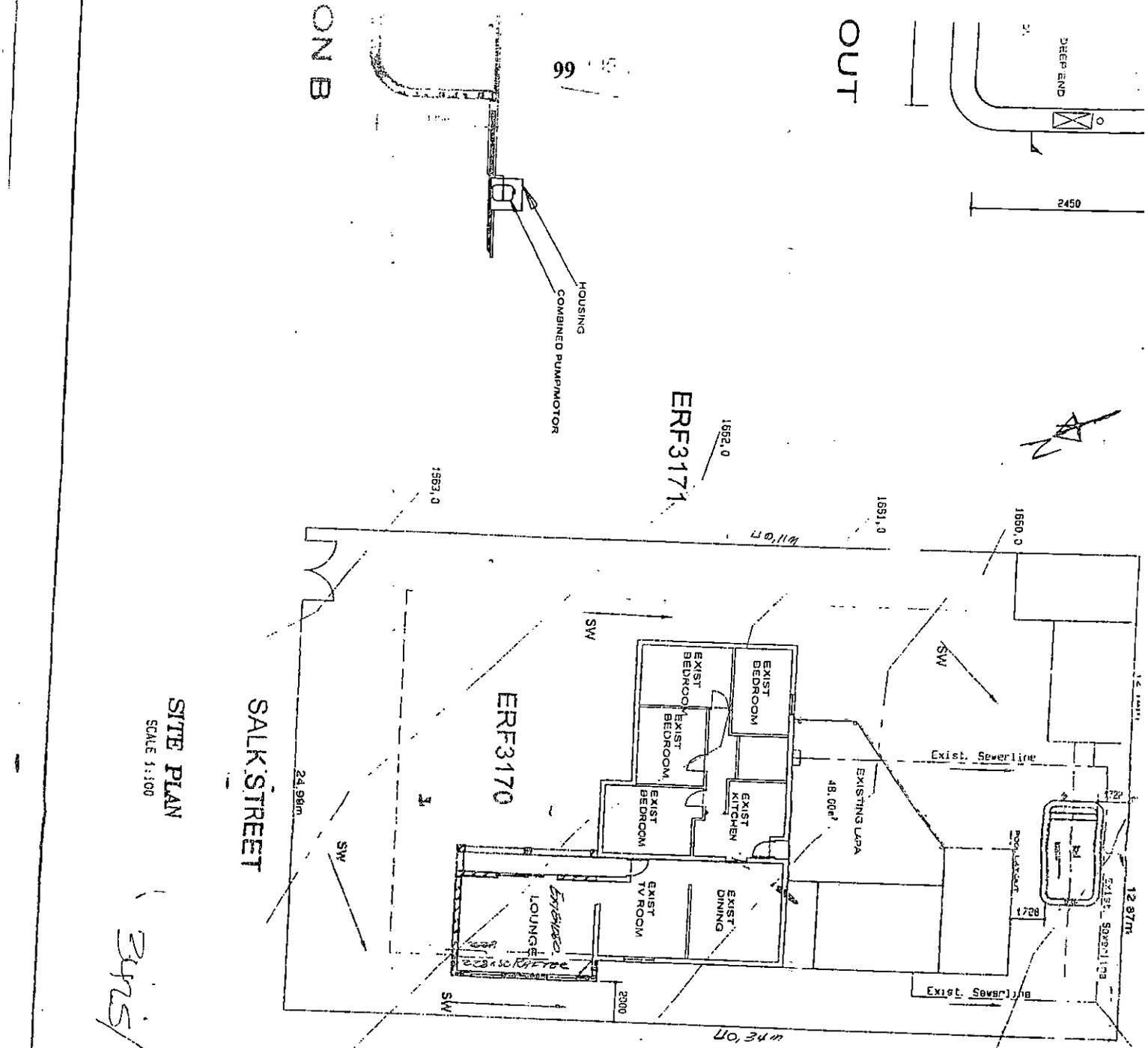
I, the undersigned, JAMES VICTOR WILLIAM DIEDERICKS, Conveyancer, do hereby certify in terms of Section 78 of the Local Authority Act, Act No 23/1992, that all rates, fees or charges and moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid up to and include the date of registration thereof.


CONVEYANCER









SITE PLAN
SCALE 1:100

3425/2009

Printed 8/20/12

3425/2009

PLANNING NUMBER
M-09016A-010

REVISIONS
FLOOR PLAN, SITE PLAN
ELEVATIONS AND SECTIONS

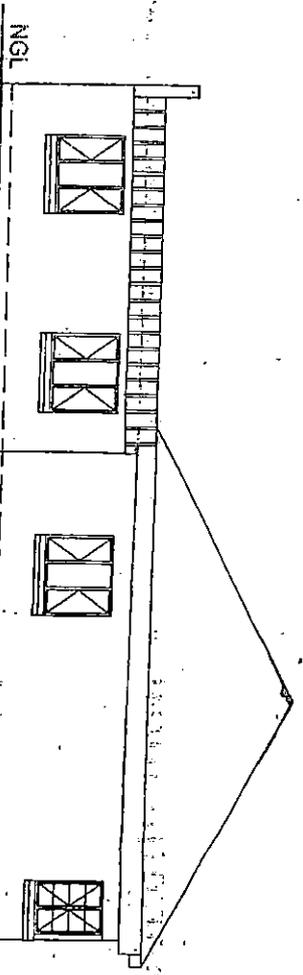
SCALE	DATE	DRAWN
SHOWN	AUG. 09	A. D

ADDITONS & POOL
TO EXIST.HOUSE
ON ERF3170
WINDHOEK

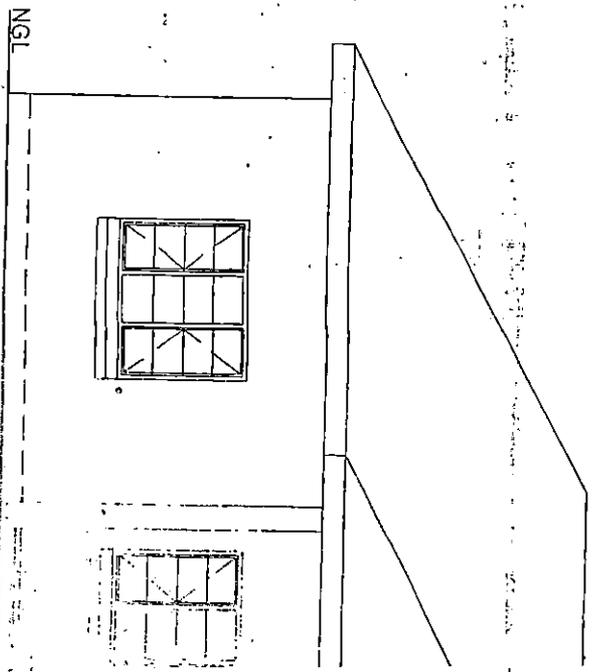
MR. W.G MOULTON
P.O. BOX 24306
WINDHOEK
ERF3169

EX 24855
KINDROEK
HAMBURA
TEL: (08264 81) 250181
CELL: 081 318 7702
E-MAIL: gmb@dr@inet.com.na

STING AREA - 82,10sq
E. BINGO AREA - 3,87sq
NEW POOL

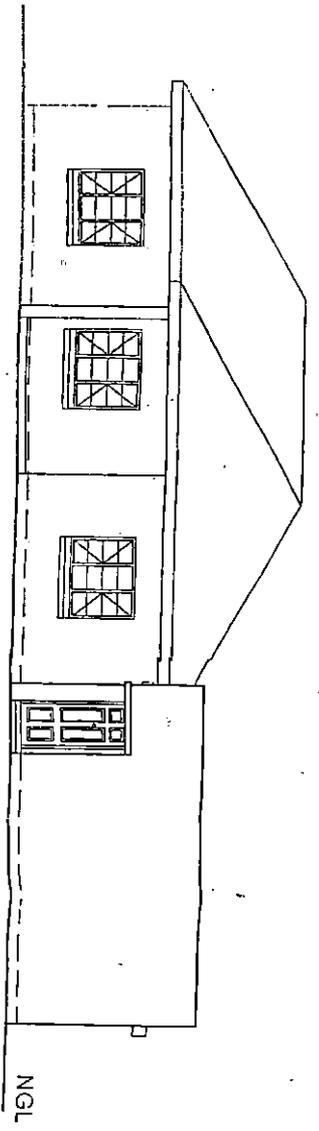


NORTHWEST ELEVATION



SECTION

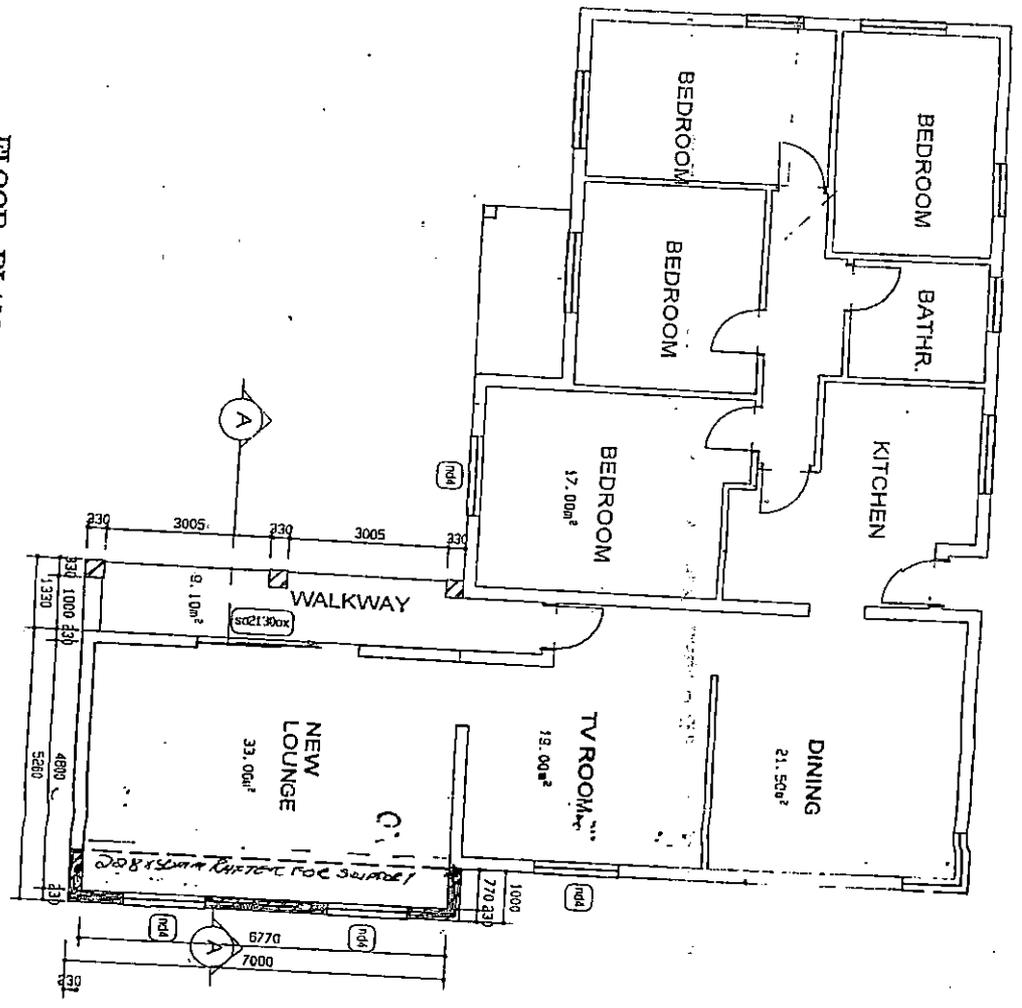
SCALE



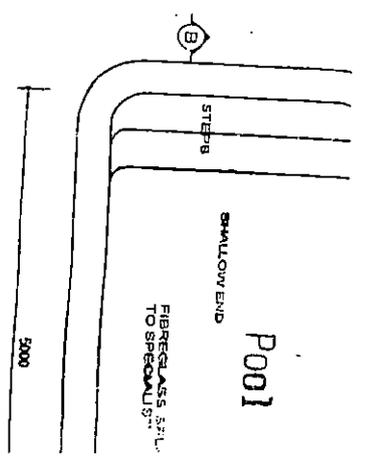
SECTION LINE

FLOOR PLAN

SCALE 1/16" = 1'-0"



POOL



POOL LA

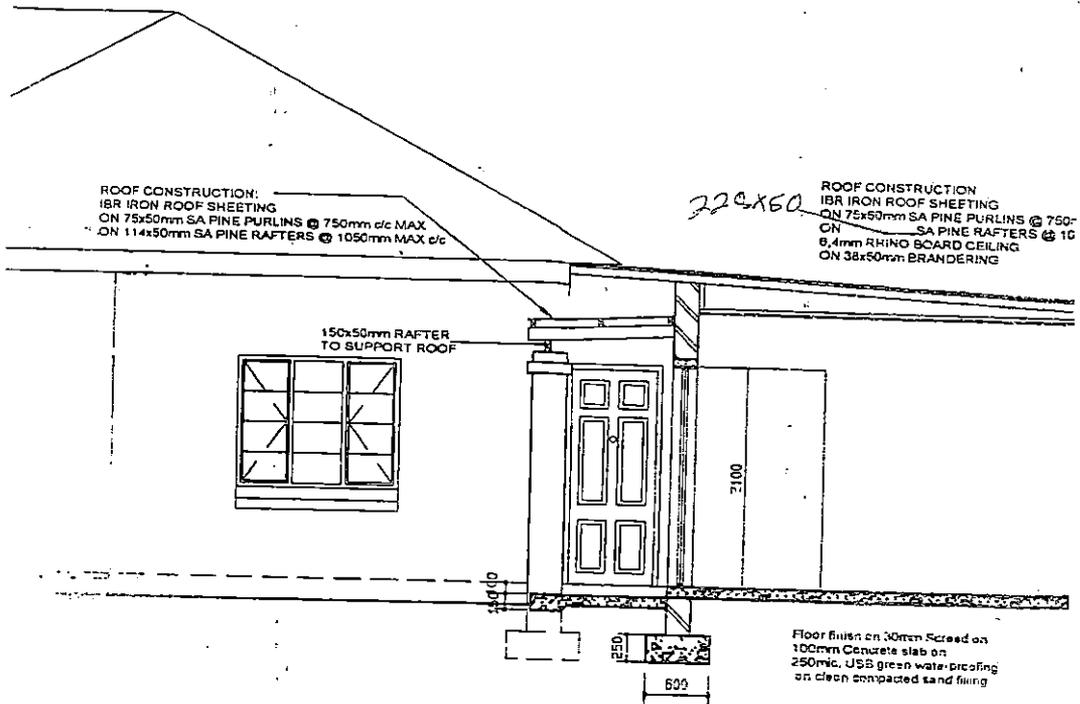
SCALE 1/80

BRICK OR CERAMIC TILE COPING



POOL SECT.

SCALE 1/50



-A

ERF3181


FNB

NOTIFICATION OF PAYMENT

To Whom It May Concern:

First National Bank Namibia hereby confirms that the following payment instruction has been received:

Date Actioned : 2022/01/13
 Time Actioned : 11:55:14
 Trace ID : MWPVBSJB

Payer Details

Payment From : MS YELITHILENI KAPOLO - L
 Cur/Amount : NAD4025.00

Payee Details

Recipient/Account no : ..146115
 Name : INV2022167334
 Bank : FIRST NATIONAL BANK
 Branch Code : 282672
 Reference : INV2022167334

END OF NOTIFICATION

To authenticate this Payment Notification please visit the First National Bank of Namibia Limited website at fnbnamibia.com.na, select the "Verify Payment" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank of Namibia Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank of Namibia Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

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Directors: I I Zaamwani-Kamwi (Chairperson), O L P Capelao, J G Daun, C Dempsey** (Chief Executive), P Grütemeyer, C L R Haikali, J H Hausiku,
 J R Khethe*, I N Nashandi, E Tjipuka
 *South African
 **South African with Namibian Permanent Residence
 Company Secretary N Makemba

First National Bank of Namibia Limited, Reg. No. 2002/0180.



INV2022167334

103

CITY OF WINDHOEK

P O Box 59, WINDHOEK NAMIBIA
Telephone No: (061) 290 2911

TAX INVOICE

VAT Reg. Number 2646057-01-5



Invoice Number : INV2022167334	Date Issued : 2022/01/12
Account Number : N/A	Vote Number : 5000132050048
Name : KAMAU TPDS	Reference Number : 3170, WINDHOEK
Address : N/A	System Reference : INV307852
	Issued By : 17304 - HAIKONDA (D)
	Contact Details : +264 61 290 3517
Description : REZONING OF ERF 3170 WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M2 TO OFFICE WITH A BULK OF 0.4. CONSENT TO OPERATE A GUESTHOUSE ON THE RESPECTIVE ERF. CONSENT TO USE THE RESPECTIVE	

PAYMENT DUE

Total Amount Excluding VAT	: N\$ 3500.00
Total VAT Amount	: N\$ 525.00
Total Amount Payable	: N\$ 4025.00

INVOICE DETAILS

Department : 5000 - URBAN & TRANSPORT PLANNING

Tariff Code	: N/A
Tariff Description	: N/A
Quantity Provided	: 1
Unit Price	: N\$ 3500.00
Tariff Amount Excluding VAT	: N\$ 3500.00
Tariff VAT Amount	: N\$ 525.00
Tariff Total Amount	: N\$ 4025.00
Service Code	: N/A

CALL FOR REGISTRATION AS INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED EXPLORATION ACTIVITIES IN RESPECT TO BASE AND RARE METALS, AND PRECIOUS METALS ON EPL 8772 SITUATED NEAR US SETTLEMENT, ERONGO REGION

1. PROJECT SITE AND DESCRIPTION

Zhoengue Mining (Pty) Ltd, intends to apply in order to obtain an Environmental Clearance Certificate for its proposed Base and Rare Metals, and Precious Metals prospecting activities on EPL 8772. The key component of the proposed activity entails geological mapping and survey and manual sample collection for laboratory analysis. Access to the sampling or survey sites will be by existing tracks and on foot where vehicle access is limited.

2. PUBLIC PARTICIPATION PROCESS

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (BID, Scoping and EMP) documents relating to the proposed project for their comments and input.

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (BID, Scoping and EMP) documents relating to the proposed project for their comments and input.

3. COMMENTS AND QUERIES

Interested and Affected Parties are herewith request to register by writing to us at the address below no later than **05 APRIL 2022**.

3. COMMENTS AND QUERIES

Please register and direct all comments, queries to:
Mr. Vilho Mtsheni, Environmental Assessment Practitioner
Email: ep.trizen@gmail.com - Cell: +264 81 232 6843

ENVIROLEAP CONSULTING cc
P.O. Box 19276, Windhoek | Tel: +264 81 232 6843 | www.enviroleap.com

CALL FOR REGISTRATION AS INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED EXPLORATION ACTIVITIES IN RESPECT TO BASE AND RARE METALS, AND PRECIOUS METALS ON EPL 8769 SITUATED IN THE TSEEB CONSERVANCY, ERONGO REGION

1. PROJECT SITE AND DESCRIPTION

Zhoengue Mining (Pty) Ltd, intends to apply in order to obtain an Environmental Clearance Certificate for its proposed Base and Rare Metals, and Precious Metals prospecting activities on EPL 8769. The key component of the proposed activity entails geological mapping and survey and manual sample collection for laboratory analysis. Access to the sampling or survey sites will be by existing tracks and on foot where vehicle access is limited.

2. PUBLIC PARTICIPATION PROCESS

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (BID, Scoping and EMP) documents relating to the proposed project for their comments and input.

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (BID, Scoping and EMP) documents relating to the proposed project for their comments and input.

3. COMMENTS AND QUERIES

Interested and Affected Parties are herewith request to register by writing to us at the address below no later than **05 APRIL 2022**.

3. COMMENTS AND QUERIES

Please register and direct all comments, queries to:
Mr. Vilho Mtsheni, Environmental Assessment Practitioner
Email: ep.trizen@gmail.com - Cell: +264 81 232 6843

ENVIROLEAP CONSULTING cc
P.O. Box 19276, Windhoek | Tel: +264 81 232 6843 | www.enviroleap.com

CALL FOR REGISTRATION AS INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED EXPLORATION ACTIVITIES IN RESPECT TO BASE AND RARE METALS, AND PRECIOUS METALS ON EPL 8782 SITUATED NEAR CAPE CROSS, ERONGO REGION

1. PROJECT SITE AND DESCRIPTION

Zhoengue Mining (Pty) Ltd, intends to apply in order to obtain an Environmental Clearance Certificate for its proposed Base and Rare Metals, and Precious Metals prospecting activities on EPL 8782. The key component of the proposed activity entails geological mapping and survey and manual sample collection for laboratory analysis. Access to the sampling or survey sites will be by existing tracks and on foot where vehicle access is limited.

2. PUBLIC PARTICIPATION PROCESS

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (BID, Scoping and EMP) documents relating to the proposed project for their comments and input.

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (BID, Scoping and EMP) documents relating to the proposed project for their comments and input.

3. COMMENTS AND QUERIES

Interested and Affected Parties are herewith request to register by writing to us at the address below no later than **05 APRIL 2022**.

3. COMMENTS AND QUERIES

Please register and direct all comments, queries to:
Mr. Vilho Mtsheni, Environmental Assessment Practitioner
Email: ep.trizen@gmail.com - Cell: +264 81 232 6843

ENVIROLEAP CONSULTING cc
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Chakula | **Nam Geo-Enviro Solutions**

ENVIRONMENTAL IMPACT ASSESSMENT

NOTICE TO ALL INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL IMPACT ASSESSMENT FOR THE CONSTRUCTION AND OPERATIONS OF AN ABATTOIR FOR A PIGGERY ON FARM ORIBIS 33A, AT OTJIKONDO, OUTJO, KUNENE REGION

Notice is hereby served to inform all potentially interested and/or Affected Parties that an application will be made to the Environmental Commissioner in accordance with the provision of the Environmental Management Act (No. 7 of 2007) and the Environmental Assessment Regulations (2012). Project details are outlined below:

Proponent: Chakula Foods CC

Project Description: Construction and operations of an Abattoir for a piggery

Project Location: The proposed site is situated on Farm-Oribis 33A, at Otjikondo, Outjo, Kunene region.

Environmental Consultant: Nam Geo-Enviro Solution (NGS) has been appointed by Chakula Foods CC as an independent environmental practitioner to conduct an environmental impact assessment for this project.

All Interested and Affected Parties (I&APs) are encouraged to register with this study. A Background Information Document (BID) can be requested from NGS via email.

Issues, comments, and opinions should be submitted in writing to Nam Geo-Enviro Solutions before 14 March 2022.

Contact person: Ms. Martha Dumeni
Tel/Fax: +264 61 402 246
Email: ppp@geoenvirosol.co.za

PUBLIC NOTICE

Notice is hereby given that Nghivelwa Planning Consultants (Town and Regional Planners) on behalf of the owners of Erf 5025, Eagle Close Street, Swakopmund Extension 14, intends applying to the Swakopmund Municipality and the Urban and Regional Planning Board for the:

- Rezoning of Erf 5025, Eagle Close Street, Swakopmund Extension 14 from "Single Residential" with a density of 1:600 to "General Residential 2" with a density of 1:100;
- Consent to commence with the construction of self-catering apartments while the rezoning is being formally processed.

It is the intention of the owners to rezone Erf 5025, Eagle Close Street Swakopmund Extension 14 from "Single Residential" to "General Residential 2" with a density of 1:100. This will allow the owner to construct self-catering apartments on the rezoned property.

The locality plans of the Erf lie for inspection on the town planning notice board of the Swakopmund Municipality: Corner of Rakutoka & Daniel Kamho Street, and the Applicant: Scripture Union Building, Ara Street, Windhoek.

Any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the Swakopmund Municipality and with the applicant (Nghivelwa Planning Consultants) in writing within 14 days of the last publication of this notice.

The last date for any objections is: 18 March 2022

Applicant: Nghivelwa Planning Consultants
P O Box 40900, Ausspannplatz
Web: www.nghivelwa.com.na
Email: planning@nghivelwa.com.na
Tel: 061 269 697 Cell: 085 3232 230

NGHIVELWA PLANNING CONSULTANTS

PUBLIC NOTICE

Please take note that Kamau Town Planning and Development Specialist has been appointed by the owner of Erf 3170 Salk Street, Windhoek to apply to the City of Windhoek for the:

- REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M2 TO OFFICE WITH A BULK OF 04.
- SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK
- CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS

as according to the Windhoek Town Planning Scheme.

Erf 3170 (a portion of consolidated Erf 3150) Windhoek is located within the Windhoek West suburb in Windhoek, Salk Street. The respective Erf measures 1006m2 in extent. The owner wishes to operate a boutique hotel and change the land use of the Erf from "Residential" with a density of 1:900m2 to "Office" with a bulk of 1.0.

Please further take note that:

(a) For more enquiries regarding the consent application, visit the Department of Town Planning at the City of Windhoek;

(b) any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the Chief Executive Officer at the City of Windhoek, and with the applicant within 14 days of the last publication of this notice, i.e. no later than 15th of March 2022.

No. 04 Wagpler street | Windhoek west |
P.O. Box 22998
P.O. Box 22998 | Windhoek | C. +264 81 251 9375 |
F. +264 81 2042118 |
info@kamau.co.za | www.kamau-ardmcc.com

NOTICE OF ENVIRONMENTAL ASSESSMENT AND PUBLIC PARTICIPATION PROCESS

Junior Baiano Industrial Consultants cc hereby gives notice to all potentially interested and Affected Parties (I&APs) that an application will be made to Environmental Commissioner in terms of the Environmental Management Act (No 7 of 2007) and the Environmental Impact Assessment Regulations (GN 30 of 6 February 2012) for the following activity:

Project Title: Proposed construction and operation of a commercial Fuel Refill Facility

Project Description: The proposed construction and operation of a commercial fuel refill facility on the existing Transnamib premises.

Project Location: The proposed project site is located in Walvis Bay, adjacent to the Walvis Bay port, accessed from 5th road.

Proponent: Namcor

IAPs are invited to register with the consultant and give their comments and concerns in writing. Please take note of the following:

PUBLIC MEETING
Date: 11 March 2022
Venue: Hotel Indongo, Walvisbay (Former Protea Hotel in town)
Time: 13h00 pm

To register or request for documents please submit your name, contact information and interest in the project, in writing to:

Mr Nghiyolwa, Fredrich
Tel: +264 (0) 81 147 2029
Email: JuniorB200581@gmail.com



105

CALL FOR REGISTRATION AS INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED EXPLORATION ACTIVITIES IN RESPECT TO BASE AND RARE METALS, AND PRECIOUS METALS ON EPL 8772 SITUATED NEAR UIS SETTLEMENT, ERONGO REGION

1. PROJECT SITE AND DESCRIPTION

Zhoengue Mining (Pty) Ltd, intends to apply in order to obtain an Environmental Clearance Certificate for its proposed Base and Rare and Metals, and Precious Metals prospecting activities on EPL 8772. The key component of the proposed activity entails geological mapping and survey and manual sample collection for laboratory analysis. Access to the sampling or survey sites will be by existing tracks and on foot where vehicle access is limited.

2. PUBLIC PARTICIPATION PROCESS

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (EAD, Scoping and EMP) documents relating to the proposed project for their comments and input.

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (EAD, Scoping and EMP) documents relating to the proposed project for their comments and input.

3. COMMENTS AND QUERIES

Interested and Affected Parties are herewith request to register by writing to us at the address below no later than **05 APRIL 2022**.

3. COMMENTS AND QUERIES

Please register and direct all comments, queries to:
Mr. Vilho Mtuleni, Environmental Assessment Practitioner
Email: env.trisen@gmail.com - Cell: +264 81 232 6843

ENVIROLEAP CONSULTING cc
EPL 8772, 1500m² Windhoek, Namibia
P.O. Box 22796, Windhoek - Tel: +264 81 232 6843

CALL FOR REGISTRATION AS INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED EXPLORATION ACTIVITIES IN RESPECT TO BASE AND RARE METALS, AND PRECIOUS METALS ON EPL 8769 SITUATED IN THE TISEN CONSERVANCY, ERONGO REGION

1. PROJECT SITE AND DESCRIPTION

Zhoengue Mining (Pty) Ltd, intends to apply in order to obtain an Environmental Clearance Certificate for its proposed Base and Rare and Metals, and Precious Metals prospecting activities on EPL 8769. The key component of the proposed activity entails geological mapping and survey and manual sample collection for laboratory analysis. Access to the sampling or survey sites will be by existing tracks and on foot where vehicle access is limited.

2. PUBLIC PARTICIPATION PROCESS

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (EAD, Scoping and EMP) documents relating to the proposed project for their comments and input.

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (EAD, Scoping and EMP) documents relating to the proposed project for their comments and input.

3. COMMENTS AND QUERIES

Interested and Affected Parties are herewith request to register by writing to us at the address below no later than **05 APRIL 2022**.

3. COMMENTS AND QUERIES

Please register and direct all comments, queries to:
Mr. Vilho Mtuleni, Environmental Assessment Practitioner
Email: env.trisen@gmail.com - Cell: +264 81 232 6843

ENVIROLEAP CONSULTING cc
EPL 8769, 1500m² Windhoek, Namibia
P.O. Box 22796, Windhoek - Tel: +264 81 232 6843

CALL FOR REGISTRATION AS INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED EXPLORATION ACTIVITIES IN RESPECT TO BASE AND RARE METALS, AND PRECIOUS METALS ON EPL 8782 SITUATED NEAR CAPE CROSS, ERONGO REGION

1. PROJECT SITE AND DESCRIPTION

Zhoengue Mining (Pty) Ltd, intends to apply in order to obtain an Environmental Clearance Certificate for its proposed Base and Rare and Metals, and Precious Metals prospecting activities on EPL 8782. The key component of the proposed activity entails geological mapping and survey and manual sample collection for laboratory analysis. Access to the sampling or survey sites will be by existing tracks and on foot where vehicle access is limited.

2. PUBLIC PARTICIPATION PROCESS

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (EAD, Scoping and EMP) documents relating to the proposed project for their comments and input.

Enviro-Leap Consulting invites all Interested and Affected Party (I & AP) to register and receive Environmental Assessment (EAD, Scoping and EMP) documents relating to the proposed project for their comments and input.

3. COMMENTS AND QUERIES

Interested and Affected Parties are herewith request to register by writing to us at the address below no later than **05 APRIL 2022**.

3. COMMENTS AND QUERIES

Please register and direct all comments, queries to:
Mr. Vilho Mtuleni, Environmental Assessment Practitioner
Email: env.trisen@gmail.com - Cell: +264 81 232 6843

ENVIROLEAP CONSULTING cc
EPL 8782, 1500m² Windhoek, Namibia
P.O. Box 22796, Windhoek - Tel: +264 81 232 6843

Chakula  **Nam Geo-Enviro Solutions**

ENVIRONMENTAL IMPACT ASSESSMENT

NOTICE TO ALL INTERESTED AND AFFECTED PARTIES

ENVIRONMENTAL IMPACT ASSESSMENT FOR THE CONSTRUCTION AND OPERATIONS OF AN ABATOIR FOR A PIGGERY ON FARM ORIBIB 33A, AT OTJIKONDO, OUTJO, KUNENE REGION

Notice is hereby served to inform all potentially interested and/or Affected Parties that an application will be made to the Environmental Commissioner in accordance with the provision of the Environmental Management Act (No. 7 of 2007) and the Environmental Assessment Regulations (2012). Project details are outlined below:

Proponent: Chakula Foods CC

Project Description: Construction and operations of an Abattoir for a piggery

Project Location: The proposed site is situated on Farm Oribib 33A, at Otjikondo, Outjo, Kunene region.

Environmental Consultant: Nam Geo-Enviro Solution (NGS) has been appointed by Chakula Foods CC as an independent environmental practitioner to conduct an environmental impact assessment for this project.

All Interested and Affected Parties (I&APs) are encouraged to register with this study. A Background Information Document (BID) can be requested from NGS via email.

Issues, comments, and opinions should be submitted in writing to Nam Geo-Enviro Solutions before 14 March 2022.

Contact person: Ms. Martha Dumeni
Tel/Fax: +264 61 402 246
Email: ppp@geoenvirosol.co.za

PUBLIC NOTICE

Notice is hereby given that Nghivelwa Planning Consultants (Town and Regional Planners) on behalf of the owners of Erf 5025, Eagle Close Street, Swakopmund Extension 14, intends applying to the Swakopmund Municipality and the Urban and Regional Planning Board for the:

- Rezoning of Erf 5025, Eagle Close Street, Swakopmund Extension 14 from "Single Residential" with a density of 1:600 to "General Residential 2" with a density of 1:100;
- Consent to commence with the construction of self-catering apartments while the rezoning is being formally processed.

It is the intention of the owners to rezone Erf 5025, Eagle Close Street Swakopmund Extension 14 from "Single Residential" to "General Residential 2" with a density of 1:100. This will allow the owner to construct self-catering apartments on the rezoned property.

The locality plans of the Erf lie for inspection on the town planning notice board of the Swakopmund Municipality: Corner of Rakutoka & Daniel Kamho Street, and the Applicant: Scripture Union Building, Ara Street, Windhoek.

Any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the Swakopmund Municipality and with the applicant (Nghivelwa Planning Consultants) in writing within 14 days of the last publication of this notice.

The last date for any objections is: 18 March 2022

Applicant: Nghivelwa Planning Consultants
P O Box 40900, Ausspännplatz
Web: www.nghivelwa.com.na
Email: planning@nghivelwa.com.na
Tel: 061 269 697 Cell: 085 3232 230

 **NGHIVELWA PLANNING CONSULTANTS**

PUBLIC NOTICE

Please take note that Kamau Town Planning and Development Specialist has been appointed by the owner of Erf 3170 Salk Street, Windhoek to apply to the City of Windhoek for the:

- REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M² TO OFFICE WITH A BULK OF 2.A.
- SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK
- CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS

as according to the Windhoek Town Planning Scheme.

Erf 3170 (a portion of consolidated Erf 3150) Windhoek, is located within the Windhoek West suburb in Windhoek, Salk Street. The respective Erf measures 1006m² in extent. The owner wishes to operate a boutique hotel and change the land use of the Erf from "Residential" with a density of 1:900m² to "Office" with a bulk of 1.0.

Please further take note that:

(a) For more enquiries regarding the consent application, visit the Department of Town Planning at the City of Windhoek;

(b) Any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the Chief Executive Officer of the City of Windhoek, and with the applicant within 14 days of the last publication of this notice, i.e. no later than 15th of March 2022.



KAMAU  **KAMAU**
No. 04 Wagner Street | Windhoek West 2
P.O. Box 11 230586
Cell: 081 222 781 | Windhoek | P.O. Box 61251975
P.O. Box 11 304259
www.kamau.co.na

NOTICE OF ENVIRONMENTAL ASSESSMENT AND PUBLIC PARTICIPATION PROCESS

Junior Balano Industrial Consultants cc hereby gives notice to all potentially Interested and Affected Parties (I&APs) that an application will be made to Environmental Commissioner in terms of the Environmental Management Act (No 7 of 2007) and the Environmental Impact Assessment Regulations (GN 30 of 6 February 2012) for the following activity:

Project Title: Proposed construction and operation of a commercial Fuel Refill Facility

Project Description: The proposed construction and operation of a commercial fuel refill facility on the existing Transnamib premises.

Project Location: The proposed project site is located in Walvis Bay, adjacent to the Walvis Bay port, accessed from 5th road.

Proponent: Namcor

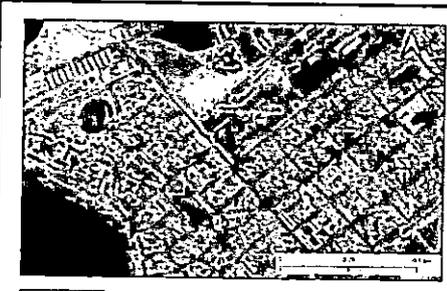
IAPs are invited to register with the consultant and give their comments and concerns in writing.

Please take note of the following:

PUBLIC MEETING
Date: 11 March 2022
Venue: Hotel Indongo, Walvisbay (Former Protea Hotel in town)
Time: 13h00 pm

To register or request for documents please submit your name, contact information and interest in the project, in writing to:

Mr Nghyolwa, Fredrich
Tel: +264 (0) 81 147 2029
Email: JuniorB200581@gmail.com





PUBLIC NOTICE

Please take note that Kamau Town Planning and Development Specialist has been appointed by the owner of Erf 3170 Saik Street, Windhoek to apply to the City of Windhoek for the:

- REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M2 TO OFFICE WITH A BULK OF 0.4.
 - SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK
 - CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS
- as according to the Windhoek Town Planning Scheme.

Erf 3170 (a portion of consolidated Erf 3150) Windhoek, is located within the Windhoek West suburb in Windhoek, Saik Street. The respective Erf measures 1006m² in extent. The owner wishes to operate a boutique hotel and change the land use of the Erf from "Residential" with a density of 1:900m² to "Office" with a bulk of 1.0.



Please further take note that -

- For more enquiries regarding the consent application, visit the Department of Town Planning at the City of Windhoek;
- any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the Chief Executive Officer of the City of Windhoek; and with the applicant within 14 days of the last publication of this notice, i.e. no later than 15th of March 2022.



No. 04 Wagner street | Windhoek west |
 c-264 81 329584
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- Wholesale and Retail Operations Supervision
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- Transport, Operations and Logistics (Freight Forwarding and Customs Compliance) (Level 4)
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 N&B NQF Former Level 6 Graduates and candidates from any other accredited institution will do at least 1 year to complete the degree.

CONTACT DETAILS

Info@monitroniccollege.com
 APPLY ONLINE
 www.monitroniccollege.com

BRANCHES

- Windhoek Cell: +264 81 278 5053, +264 61233852
- Ondangwa cell: +264 81 650 6453
- Walvisbay cell: +264 81 354 7115
- Ojibwango Cell: +264 81 564 0818, +264 67304652
- SMS/Whatsapp your name and course(s) you want to study: 0812785053

CALL FOR PUBLIC PARTICIPATION ENVIRONMENTAL IMPACT ASSESSMENT FOR PROPOSED MINERAL PROSPECTING AND EXPLORATION

This notice serves to inform interested and affected parties that an application for the environmental clearance certificate will be launched with the environmental commissioner in terms of the Environmental Impact Assessment Management Act (No.7 of 2007) and Environmental Regulations (GN 30 of 6 February 2012) for the proposed activity:

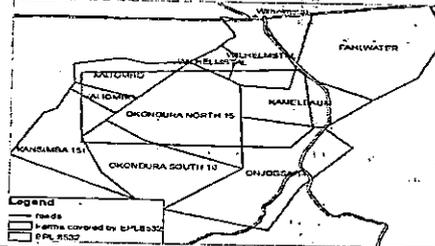
Project: Proposed mineral prospecting and exploration activities on EPL 8532.
Location: The project is situated approximately 15 km south of the Wilhelmstal. EPL 8532 covers farms Kallimbo, Wilhelmstal, Kaniimba 151, Okandura North 15, Okandura South 16, Ojijessa 14, Kamelbaun, and Fahlwater in Erongo Region.

Proponent: Windust Investments(Pty) Ltd
Project description: Mineral prospecting and exploration on EPL 8532.

In accordance with Namibia's Environmental Management Act (No. 7 of 2007) and Environmental Regulations (GN 30 of 6 February 2012), all interested and affected parties (I&APs) are invited to register and submit comments, concerns and questions in writing to the emails given below on or before 18/03/2022.

Tel: +264 85 761 4750
 Email address: info@minera-xplore.com or frontdesk@minera-xplore.com

Minera-XploreConsultancy



CALL FOR PUBLIC PARTICIPATION ENVIRONMENTAL IMPACT ASSESSMENT FOR PROPOSED DEVELOPMENT OF MARBLE QUARRY

This notice serves to inform interested and affected parties that an application for the environmental clearance certificate will be launched with the environmental commissioner in terms of the Environmental Impact Assessment Management Act (No.7 of 2007) and Environmental Regulations (GN 30 of 6 February 2012) for the proposed activity:

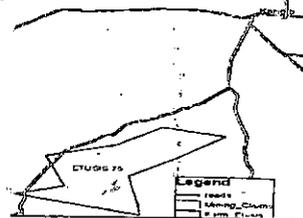
Project: Proposed development of a marble quarry on mining claims 71628, 71629, 71630, 71631, 71632, 71633 & 71634.
Location: The project is situated approximately 50 km southwest of the town of Karibib on the farm Iustix 25

Proponent: Cristalina Kanyama
Project description: Marble quarrying on mining claims 71628, 71629, 71630, 71631, 71632, 71633 & 71634.

In accordance with Namibia's Environmental Management Act (No. 7 of 2007) and Environmental Regulations (GN 30 of 6 February 2012), all interested and affected parties (I&APs) are invited to register and submit comments, concerns and questions in writing to the emails given below on or before 18/03/2022.

Tel: 1264 85 761 4750
 Email address: info@minera-xplore.com or frontdesk@minera-xplore.com

Minera-XploreConsultancy



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- Conclusions and alterations 15/30 two days before date of publication starting only

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VACANCY ASSISTANT FACTORY MANAGER

African Deli based in Walvis Bay, was founded in 2013 with the purpose of producing cost-effective ready to eat food as well as being consumer-friendly packaging solutions to the market. The consumer without a fridge or protected storage space can now store our products for 24 months in a normal environment. We strive to bring healthy foods into people's homes

The Assistant Factory Manager is responsible for facilitating manufacturing of products by leading the Production Maintenance departments. Ensuring a standardized optimum, efficient, and profitable world class manufacturing system is in place and will be maintained

Education & Skills:

- Honors degree in Industrial and Manufacturing Engineering OR Qualification in a relevant subject such as Manufacturing Engineering, Food Sciences and Technology.
- 6 years of experience in Food Manufacturing/Poultry Canning (FMCG), Production and Maintenance

Additional Competencies:

- Working knowledge of ISO 9001 ISO 14001 OHSAS 1800, FSSC 22 000
- Working knowledge of SS, Six Sigma, TPM, Lean Manufacturing System or VSM will be a distinct advantage
- Fully proficient in MS Windows and SAP/SAGE Evolution and Advanced Excel requirement
- Attention to detail & Good with Numbers
- Deadline oriented
- Time Management skills

Responsibilities:

- Responsible of installation and maintenance of manufacturing equipment, performance enhancement trouble shoots issues
- Providing technical support and training on new equipment
- Improve design and maintain manufacturing process to deliver product at minimum cost
- Formulation of production planning and control systems
- Demand planning and capacity planning
- Develop and maintain production performance reporting systems
- Participates in development of new products
- Preventative and planned maintenance
- Championing safety, health, and environment
- Hazard and risk identification and mitigation
- Assist Factory Manager with inspections and internal audits
- Assist Factory Manager/Accident's investigations (RCA)
- Waste management systems
- Collate and analyze data, putting together production reports for both Factory Manager and customers where necessary

Closing Date for Applications:
 05 March 2022
 (CVs with qualifications to be sent to eaassist@afrihandeli.com)

Avacare Health Group (Avacare) cares about your privacy. Avacare and other subsidiary or affiliated companies of Avacare are committed to protecting your privacy. Avacare is an equal opportunity organization that prides itself on its diverse teams across the globe.

If you have not heard from us within one month of your application, please regard your application as having been unsuccessful.

NOTICE

Please take note that **URBAN DYNAMICS AFRICA TOWN AND REGIONAL PLANNERS**, on behalf of our clients, intends to apply to the Windhoek City Council for the following:

- **CONSENT TO OPERATE A HAIR STUDIO IN UNIT 2 OF THE HHP SECTIONAL TITLE SCHEME ON ERF RE/2802 KLEIN WINDHOEK; AND**
- **CONSENT TO OPERATE A MEDICAL AND DENTAL CONSULTING ROOM IN A PORTION OF UNIT 5 OF THE HHP SECTIONAL TITLE SCHEME ON ERF RE/2802 KLEIN WINDHOEK.**

Erf re/2802, is situated in Klein Windhoek on the corner of Nelson Mandela and Hugo Hahn Streets and measures 2824m² in extent. The erf is zoned "Office" with a bulk of 0.4. The particular portion of Units 2 and 5 are located along and obtain access from Hugo Hahn Street.

The proposed hair studio is located on the first floor of the westernmost building in the complex and has a floor area of 82m².

The Medical and Dental Consulting rooms is located on the ground floor of the main building and has a floor area of 114m². Parking for both these uses comply with the municipal parking requirements.

Any person objecting to the proposed use of the land as set out above may lodge such objection together with the grounds thereof, with the City Council and with the applicant in writing within 14 days after 11 March 2022. The last day for objections will therefore be 25 March 2022.

Urban Dynamics Africa Town and Regional Planners
 P O Box 20837
 Windhoek
 Tel: 061 240300
 Fax: 061 2403

PUBLIC NOTICE

Please take note that Kamau Town Planning and Development Specialist has been appointed by the owner of Portion 29/H/48 Brakwater, Windhoek to apply to the City of Windhoek and the Urban and Regional Planning Board for the

REZONING OF PORTION 29/H/48 BRAKWATER WINDHOEK, FROM RESIDENTIAL WITH A DENSITY OF 1:50 000 TO INDUSTRIAL WITH A BULK OF 1

CONSENT TO USE PORTION 29/H/48 BRAKWATER WINDHOEK FOR RESIDENTIAL, WELDING WORKSHOP AND A BUILDING MATERIAL STORAGE FACILITY PURPOSES CONSENT TO COMMENCE WITH CONSTRUCTION WHILE REZONING IS IN PROCESS

Portion 29/H/48 Brakwater is located in the Brakwater settlement that is located 20km North of the Windhoek Central Business District. The Brakwater settlement comprises mainly of residential, business and industrial land uses. The respective portion is located to the east of the B1 main road.

The portion is bordered by the Units lodge to the west, Indrag Abator and industrial works such as Spare Centre Namibia Bart's Motor Workshop etc the south, more industrial properties to the east and the Mix informal settlement further north of the portion.

The portion lies on a flat surface and measures 52 564sqm in extent, with a current zoning of 'Residential' and a density of 1:50 000m. There are three existing houses on the Erf measuring 385sqm, 147sqm, 85sqm respectively.

Please further take note that:

(a) For more inquiries regarding the current application visit the Department of Town Planning at the City of Windhoek.

(b) Any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments together with the grounds, with the Chief Executive Officer of the City of Windhoek and with the applicant within 14 days of the last publication of this notice i.e. no later than 15th of March 2022.

No. 04 Wagner street | Windhoek West | c. +264 81 3290534
 P.O. Box 22255 | Windhoek | +264 61251375 | +264 61 304219 |
teresa.kamau@tpas.com.na | www.urban-dynamics.com

NOTICE

Please take note that Kamau Town Planning and Development Specialist has been appointed by the owner of Erf 3170 Sak Street, Windhoek to apply to the City of Windhoek for the

- **REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M2 TO OFFICE WITH A BULK OF 0.4.**
- **SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK**
- **CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS** as according to the Windhoek Town Planning Scheme

Erf 3170 (a portion of consolidated Erf 3150) Windhoek is located within the Windhoek West suburb in Windhoek, Sak Street. The respective Erf measures 1060m² in extent. The owner wishes to operate a boutique hotel and change the land use of the Erf from 'Residential' with a density of 1:900m² to 'Office' with a bulk of 0.4.

Please further take note that:

(a) For more inquiries regarding the current application visit the Department of Town Planning at the City of Windhoek.

(b) Any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments together with the grounds, with the Chief Executive Officer of the City of Windhoek and with the applicant within 14 days of the last publication of this notice i.e. no later than 15th of March 2022.

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ENVIRONMENTAL IMPACT ASSESSMENT FOR THE CONSTRUCTION OF A NEW CHARCOAL STORAGE AND PACKAGING PLANT

Public Consultation Notice in line with Decision 21 of Regulation No. 59 under the Environmental Management Act (No. 7 of 2007) related to the EIA for the construction of A New Charcoal Storage and Packaging Plant in Arandis in Erongo Region

Green Charcoal Namibia (GCN) has appointed KPM Environmental Consulting as the independent Environmental Assessment Practitioner to carry out the EIA process. Notice is hereby given of the commencement of the Public Consultation Process. Should you wish to be informed or to comment on the proposed project and EIA, please contact us before Thursday 24th February 2022.

A Public Consultation meeting in Arandis is scheduled for Thursday 24th February 2022 at Arandis Community Hall from 15h00 to 16h30.

For more information or to register as an interested or affected party, contact us on
 Tel: +264 05 474 2222 | 085 277 2797
 E-mail: info@kpmenvironmental.com

Notices

CALL FOR PUBLIC PARTICIPATION ENVIRONMENTAL IMPACT ASSESSMENT FOR MINING ACTIVITIES ON MINING CLAIMS 72305-72310

This notice serves to inform all interested and affected parties that an application for the environmental clearance certificate will be launched with the Environmental Commissioner in terms of the Environmental Management Act (No. 7 of 2007) and the Environmental Regulations (GN 30 of 2012).

Project: The license area is located about 21 km northeast of Arandis, along the B2 road. The proponent intends to mine dimension stone blocks from the mining claims.

Proponent: Mr. Josa Shilunga All interested and affected parties are hereby invited to register and submit their comments regarding the proposed project on or before 15/03/2022. Contact details for registration and further information:

Impala Environmental Consulting
 Mr. S. Andjamba
 Email: ela@impalac.com
 Tel: 0856630598

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NOTICE

The Residence Occupation Policy of Windhoek requires the rightful owner of Erf 1956 Khorhuan at Highland Park to provide comments in the case where the neighbouring owner 1932 intends to operate an office (Design & Firm)



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PUBLIC COMMENTS DEADLINE: 23 March 2022

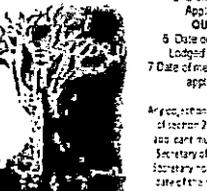
REPUBLIC OF NAMIBIA MINISTRY OF TRADE & INDUSTRY LIQUOR ACT, 1988 NOTICE OF APPLICATION TO A COMMITTEE IN TERMS OF THE LIQUOR ACT, 1988 (regulations 14, 25 & 33)

Notice is given that an application in terms of the Liquor Act, 1988 particulars of which appear below, will be made to the Regional Liquor Licensing Committee Reg on OMAJATI

- 1 Name and postal address of applicant, **KHILLAGO IPINGE IPINGE**
- 2 Name of business or proposed **FAT JOE SHEBEE**
- 3 Address/location of premises to which application relates **CHUANDA VILLAGE**
- 4 Nature and details of application **SHEBEE LIQUOR LICENCE**
- 5 Clerk of the court with whom application will be lodged **OUTAPI MAGISTRATE**
- 6 Date on which application will be lodged **14/28 FEBRUARY 2022**

7 Date of meeting of Committee at which application will be heard **15 APRIL 2022**

Any person who has an objection to the application in terms of the Liquor Act, 1988 should lodge such objection with the Secretary of the Committee for the date of the meeting of the Committee at the above address on or before 23 March 2022.



CLASSIFIEDS

Tel: (061) 208 0800/44

Fax: (061) 220 584

Email: classifieds@nepc.com.na

Employment

Notice

Notice

Notice

Notice

Notice

Notice

Job Advert:
Specialist Obstetrician and Gynaecologist

Applications are invited for a Specialist Obstetrician & Gynaecologist position at a practice located in Windhoek, Namibia

Person Specification

- At least 5 years experience as a specialist Obstetrician and Gynaecologist
- Experience and expertise as a trainer and service provider in sexual & reproductive healthcare/family planning services and programmes
- Specialist registration with the Health Professions Council of Namibia, with a valid licence to practice
- Requisite professional indemnity for the speciality
- Good communication skills and proven writing skills

Duties and Responsibilities of the post

- Provide comprehensive obstetrics and gynaecology services
- Support general practitioners in management of women with complicated conditions
- Participate in a planned corporate social responsibility programmes incorporating health awareness programmes for women, including family planning, sexual and reproductive healthcare as an innovative aimed at promoting wellness
- Write patient educational articles for the practice website

Remuneration:
To be negotiated with the successful candidate

Closing date for applications: 18th March 2022

Interview date: Short-listed candidates will be advised

If interested and meeting requirements please email CV/pdf copies of certified certificates and references to: admin@djgketerakhumalogsurgery.com

Namibian citizens and residents are given preference. Women are encouraged to apply

Closing date: 18/03/2022

Please note that only shortlisted candidates who meet all of the requirements and qualifications will be contacted. No CVs and documentation will be returned.

NOTICE

Please take note that Kamau Town Planning and Development Specialist has been appointed by the owner of Erf 3170, Sak Street, Windhoek to apply to the City of Windhoek for the:

- REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:300M2 TO OFFICE WITH A BULK OF 0,4.
- SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK
- CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS as according to the Windhoek Town Planning Scheme

Erf 3170 (a portion of consolidated Erf 3150) Windhoek, is located within the Windhoek West suburb in Windhoek, Sak Street. The respective Erf measures 1065m² in extent. The owner wishes to operate a boutique hotel and change the land use of the Erf from "Residential" with a density of 1:300m² to "Office" with a bulk of 0,4.

Please further take note that -

(a) For more enquiries regarding the consent application, visit the Department of Town Planning at the City of Windhoek.

(b) any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the Chief Executive Officer of the City of Windhoek, and with the applicant within 14 days of the last publication of this notice, or no later than 15th of March 2022.

No 04 Wagner street, Windhoek west | c. +264 81 3230534
P.O. Box 22296 | Windhoek | t. +264 61 251975 | f. +264 61 304219 |
kamau@kamau-towns.com | www.kamau-architects.com

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courtyard, 126sqm
NS 1 089 000 c&ind

KHOMASDAL:
5 bedroom house, 2bathr,
garage 450 sqm
NS 1850 000

OTJOMUISE:
Flat, 2big bedrooms,
bathroom
NS 650 000 c&ind

SOWETO:
Flat,own entrance, 2
bedrooms,bath,courtyard
NS 690 000

OTJOMUISE:
Flat 2big bedrooms,bathr,
NS 589 000 c&ind

WANAEHOA:
Flat 2bedrooms,bathr,big
courtyard, 2 carports
NS 785 000 c&ind.

0816334377
info@twahafagroup.com

IN THE HIGH COURT OF NAMIBIA
(Main Division - Windhoek)

Case No. HC-MD-CIV-ACT-CON-2021/01645

In the matter between

BANK WINDHOEK LIMITED
APPLICANT

And

PRINTECH CLOSE CORPORATION
1ST RESPONDENT
ERF 2520 WINDHOEK CLOSE CORPORATION
2ND RESPONDENT
WO TRANSPORT CLOSE CORPORATION
3RD RESPONDENT
WILLEM OCKHUIZEN
4TH RESPONDENT
CAROL CHARLEEN OCKHUIZEN
5TH RESPONDENT

AFFIDAVIT IN SUPPORT OF RULE 108 (1)(B) APPLICATION

I, the undersigned,

ANTON DE WIT

do hereby make oath and say

I am a major male with full legal capacity employed by the Applicant, **BANK WINDHOEK LIMITED** as **MANAGER (HEAD) COLLECTIONS**, situated at **252 INDEPENDENCE AVENUE, WINDHOEK, REPUBLIC OF NAMIBIA**

duly authorised by the Applicant to depose to this affidavit and to bring this affidavit for the execution of the immovable property as fully described in the Notice of Motion filed herewith. The contents of which falls within my personal knowledge unless the context indicates otherwise, the same being both true and correct.

Where I make legal submissions, I do so on the advice of the Applicant's legal representatives of record, which advice I believe to be accurate

The parties as set out in the summons and particulars of claim, attached hereto marked "A-B".

The purpose of this application is to seek an order declaring the immovable property as set out in the notice of motion specially executable

On the 24th of April 2021 summons was issued by this Honourable Court in respect of a breach of a loan agreement in the amount of NS4 028 595 54. Summons was served on the 1st and 2nd Respondents on the 11th of May 2021 and Third, Fourth and Fifth Respondents on 25 April 2021 by the deputy sheriff. I herewith attach the returns of service marked Annexure "C1" - "C5" respectively

The Respondents failed to enter an appearance to defend and the Applicant proceeded to apply for default judgment and same was granted on the 21st day of June 2021 I respectfully refer this Honourable Court to a copy of the default judgment

annexed hereto marked Annexure 'D'

I refer to the particulars of claim and confirm Applicant's cause of action as set out therein. I therefore seek to incorporate the claim as set out in the Particulars of Claim into these proceedings

The relevant circumstances as contemplated in Rule 108(2) (c) of the Rules of this Honourable Court are that -

The Respondents utilised the monies advanced to them and acquired an immovable property forming the subject matter of this application

The indebtedness of the First, Second, Third, Fourth and Fifth Respondents are substantial

The First, Second, Third, Fourth and Fifth Respondents are in arrears with their legal Cheque Account.

Consequent to obtaining default judgment, the Applicant, proceeded to cause a writ to be issued by the Registrar of this Honourable Court on the 22nd of June 2021, a copy of the writ is annexed hereto marked Annexure "E"

On the 07th of September 2021 and 18th of August 2021 respectively, the writ of execution was executed on the First and Second Respondents. No disposable property was pointed out, or could be found after a diligent search as the place closed down and is no longer operational at the First, and Second Respondents address. Furthermore, no disposable property was pointed out, or could be found after a diligent search at the Third, Fourth and Fifth Respondents' address. I respectfully refer this Honourable Court to copies of the Return of non-service and *Nulla Bona* returns issued by the deputy sheriff annexed hereto marked as Annexure "F1" - "F5"

By virtue of the foregoing no other reasonable means exist in which the Applicant can recover the outstanding balance and Applicant will be seriously prejudiced if this application declaring the property executable is not granted

On or about the 19th of October 2001, 28th of June 2006 and the 27th of September 2018 respectively, and at Windhoek, the Second, Third, Fourth and Fifth Defendants, of which the Second and Third Defendants were represented by Fourth Defendant, duly authorized, signed written unlimited deeds of suretyship in terms of which they bound themselves as surety and co-payor debtors for the repayment on demand of all or any sum that First Defendant may be indebted to Plaintiff. Copies of the Deeds of Surety are attached hereto as Annexures "G1" "G2" and "G3"

Applicant is the holder of the First to Six Mortgage Bonds with Bond numbers B3247/2001, B4080/2003, B822/2011, 87522/2011, B2261/2018 and B2262/2018

respectively passed by Second Respondent in favour of Applicant over the following property

Certain: Erf No 2520 Windhoek Situated: In the Municipality of Windhoek

Registration Division 'K' Khomas Region Measuring: 1531 (One Five Three One) square metres Held Under: Deed of Transfers No 7192/1995 Subject: To all conditions contained therein

The Respondents have failed and refused to satisfy their judgment debt by paying the amount of NS4 028 595 54 to the Applicant. The judgment debt remains unsatisfied.

The Applicant has a substantive right to execute against the immovable property hypothecated by virtue of the Bond executed in its favour, copies of the mortgage bonds is annexed hereto marked as Annexure "H1-H5"

The address of Erf 1633, 19A, Schlettein Street, Pionierspark, Windhoek is the last known address of the Respondents. The Applicant attempted to serve the Form 24 notice on the Respondents but was unable to do so as the address is vacant

On the 4th of February 2022 above Honourable Court granted the Applicant the right to advertise the Rule 108 application together with ancillary legal processes in The Namibian and the New Era newspaper and the Respondent's email address. A copy of the court order is annexed hereto marked as "I"

In the premises I respectfully request this Honourable Court to declare the above mentioned property specially executable

ANTON DE WIT I hereby certify that the Deponent has acknowledged that he knows and understands the contents of this declaration; that he does not have any objection to taking the prescribed oath and that he considers same to be binding on his conscience. I have thereafter administered the oath by causing the Deponent to utter the following words

"I swear that the contents of this declaration are true, so help me God", whereafter the Deponent signed this declaration in my presence at WINDHOEK, on this day of FEBRUARY 2022. I hereafter signed this certificate and this declaration at the same date and the same place in the presence of the Deponent. In administering the oath, I complied with the regulations contained in the Government Notice No. R1258, R1648 and R1428 dated 21 July 1972, 19 August 1977 and 11 July 1950 respectively"

BEFORE ME
COMMISSIONER OF OATH
FULL NAMES:
CAPACITY:
ADDRESS:

FORM 24
RULE 108(2)(a)
IN THE HIGH COURT OF NAMIBIA
(Main Division - Windhoek)

CASE NO.: HC-MD-CIV-ACT-CON-2021/01645

In the matter between

BANK WINDHOEK LIMITED
PLAINTIFF

and

PRINTECH CLOSE CORPORATION
FIRST DEFENDANT

ERF 2520 WINDHOEK CLOSE CORPORATION

SECOND DEFENDANT
WO TRANSPORT CLOSE CORPORATION

THIRD DEFENDANT
WILLEM OCKHUIZEN

FOURTH DEFENDANT
CAROL CHARLEEN OCKHUIZEN

FIFTH DEFENDANT

NOTICE BY JUDGMENT CREDITOR TO JUDGMENT DEBTORS

KINDLY TAKE NOTICE THAT the Plaintiff, **BANK WINDHOEK LIMITED**, (hereinafter called the Judgment Creditor) will obtain judgment against the First, Second, Third, Fourth, Fifth Defendants, **PRINTECH CLOSE CORPORATION, ERF 2520 WINDHOEK CLOSE CORPORATION, WO TRANSPORT CLOSE CORPORATION, WILLEM OCKHUIZEN and CAROL CHARLEEN OCKHUIZEN** (hereinafter called the Judgment Debtors) in this Honourable Court on the 08th of April 2022.

TAKE FURTHER NOTICE THAT the Judgment Creditor shall apply for an Order in terms of Rule 103(1)(b) (which Rule 108 has been incorporated in the Particulars of Claim) declaring the following property executable

Certain: Erf No. 2520 Windhoek Situated: In the Municipality of Windhoek

Registration Division 'K' Khomas Region

Measuring: 1531 (One Five Three One) square metres

Held Under: Deed of Transfers No 7192/1995

Subject: To all conditions contained therein

KINDLY TAKE FURTHER NOTICE THAT the Judgment Debtors or any other person is hereby called to provide reasons to this Honourable Court and/or Judgment Creditor within 10 (TEN) days from date of service of this notice as to why an Order declaring the property executable may not be granted

Dated at WINDHOEK on this 21st day of FEBRUARY 2022.

ANGULACO, INCORPORATED LEGAL PRACTITIONERS FOR PLAINTIFF
1ST FLOOR - UNIT 112 EF, BLOCK C, CENTAURUS ROAD MAERUA PARK, WINDHOEK (REF: DEB1588)

AND TO: DEFENDANTS/RESPONDENT, ERF NO. 1633, 19A, SCHLETTEIN STREET PIONIERSPARK, WINDHOEK

AND TO: ALL LESSEES ERF NO. 1633, 19A, SCHLETTEIN STREET PIONIERSPARK, WINDHOEK

TO: THE REGISTRAR HIGH COURT OF NAMIBIA WINDHOEK

IN THE HIGH COURT OF NAMIBIA
(Main Division - Windhoek)

CASE NO.: HC-MD-CIV-ACT-CON-2021/01645

In the matter between

BANK WINDHOEK LIMITED
APPLICANT

and

PRINTECH CLOSE CORPORATION
FIRST RESPONDENT

ERF 2520 WINDHOEK CLOSE CORPORATION
SECOND RESPONDENT

WO TRANSPORT CLOSE CORPORATION
THIRD RESPONDENT

WILLEM OCKHUIZEN
FOURTH RESPONDENT

CAROL CHARLEEN OCKHUIZEN
FIFTH RESPONDENT

NOTICE BY JUDGMENT CREDITOR TO JUDGMENT DEBTORS

KINDLY TAKE NOTICE that application will be made on behalf of the above mentioned Applicant on FRIDAY, the 04th of APRIL 2022 at 10:00 or as soon thereafter as Counsel may be heard for an order in the following terms:

I. An order declaring the following immovable property in terms of Rule 103(1)(b) specially executable:

Certain: Erf No. 2520 Windhoek Situated: In the Municipality of Windhoek

Registration Division 'K' Khomas Region

Measuring: 1531 (One Five Three One) square metres Held Under: Deed of Transfers No 7192/1995 Subject to all Conditions contained therein

KINDLY TAKE FURTHER NOTICE that the affidavit of Anton De Wit will be used in support of this application

KINDLY PLACE THE MATTER ON THE ROLL ACCORDINGLY.

DATED at WINDHOEK on this 21st day of FEBRUARY 2022

ANGULACO, INCORPORATED LEGAL PRACTITIONERS FOR APPLICANT
UNIT 112 EF BLOCK C MAERUA PARK, CENTAURUS ROAD WINDHOEK (REF: DEB1588)

TO: THE REGISTRAR OF THE HIGH COURT HIGH COURT BUILDING WINDHOEK



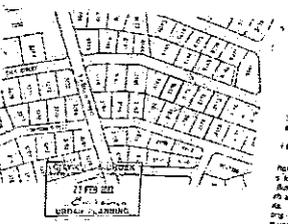
109 **3170 WHK CoW**
Notice Board

PUBLIC NOTICE

Please take note that Kamau Town Planning and Development Specialist has been appointed by the owner of Erf 3170 Salk Street, Windhoek to apply to the City of Windhoek for the:

- REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M2 TO OFFICE WITH A BULK OF D.A.
 - SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK
 - CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS
- as according to the Windhoek Town Planning Schemes.

Erf 3170 (a portion of consolidated Erf 3150) Windhoek, is located within the Windhoek West suburb in Windhoek, Salk Street. The respective Erf measures 1006m2 in extent. The owner wishes to operate a boutique hotel and change the land use of the Erf from "Residential" with a density of 1:900m2 to "Office" with a bulk of 1.0.

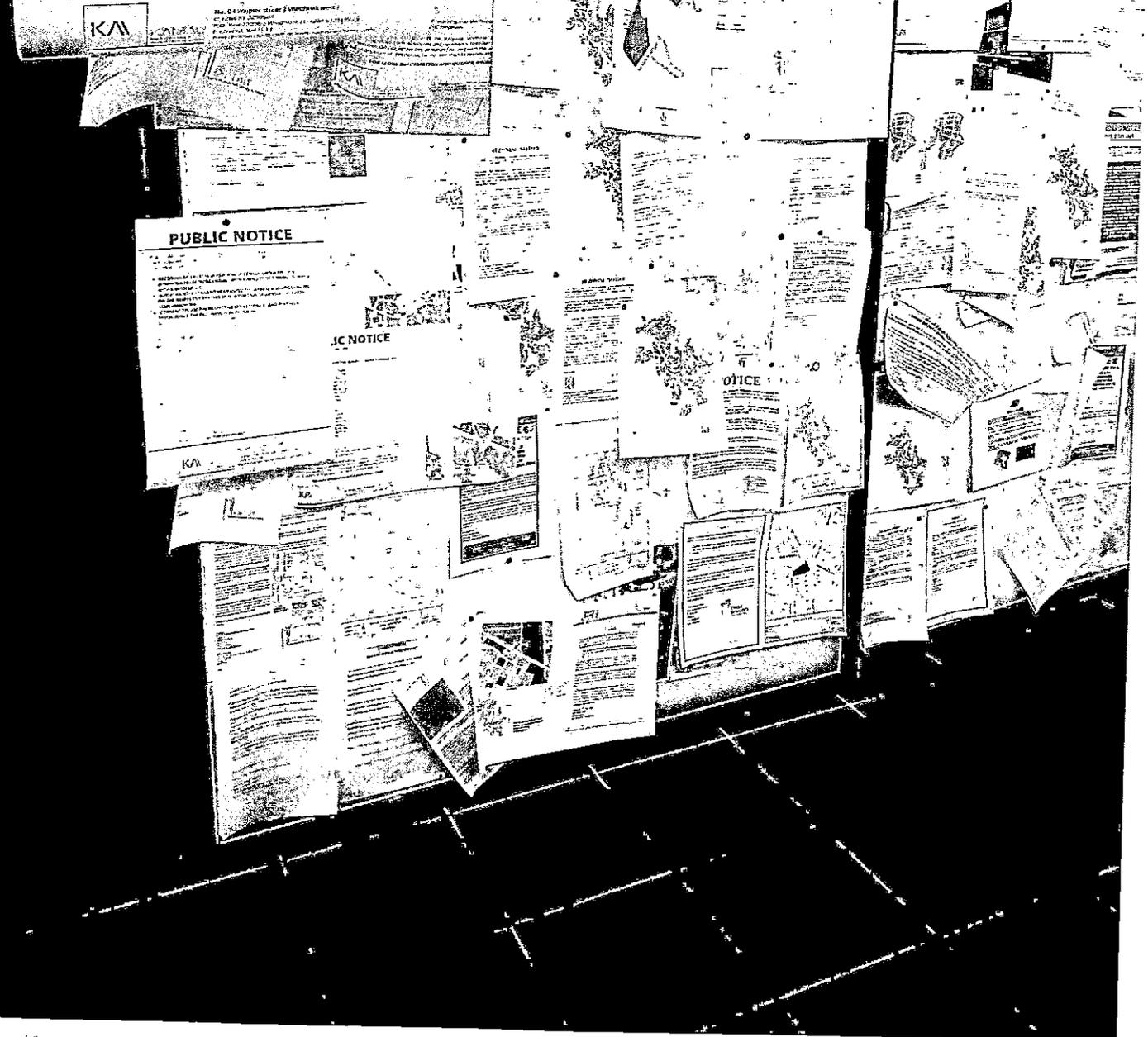


Please further take note that -

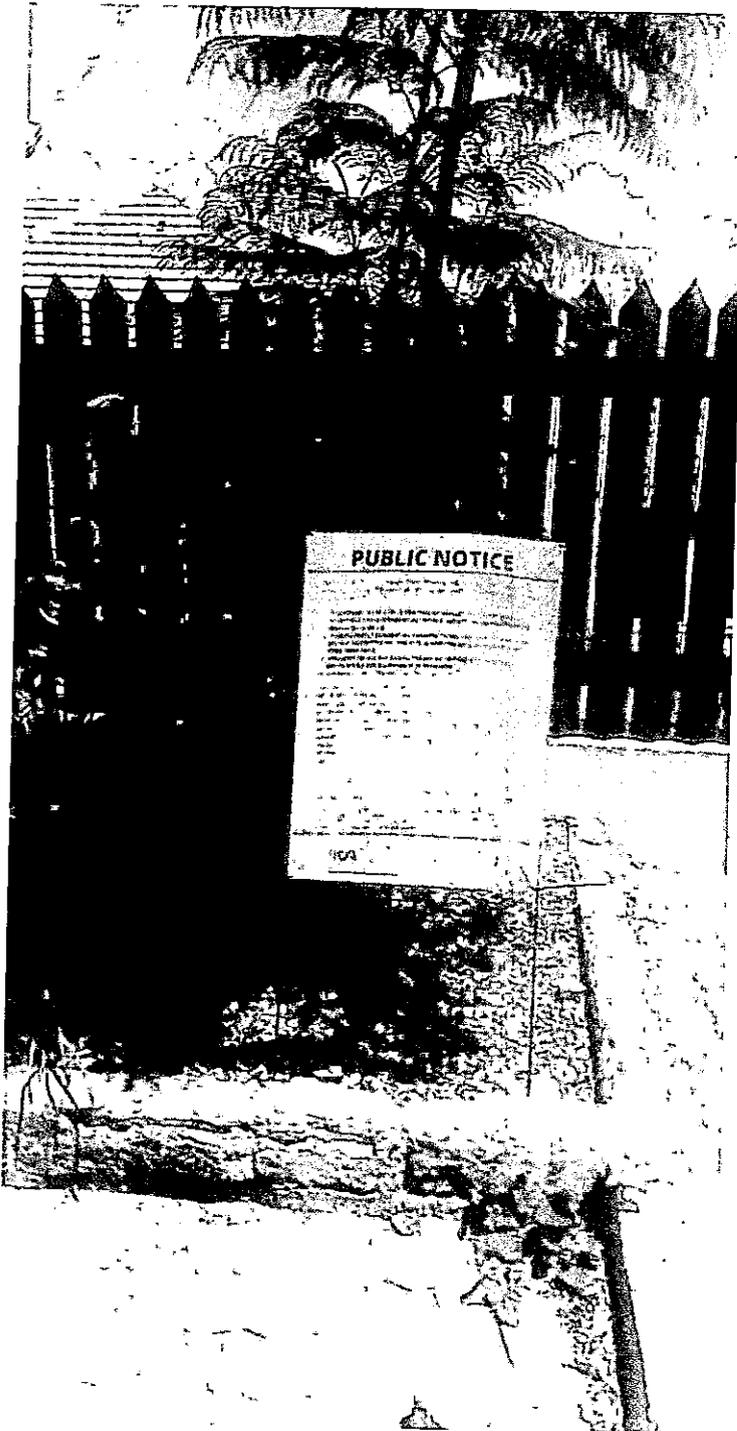
(a) For more enquiries regarding the consent application, visit the Department of Town Planning at the City of Windhoek;

(b) any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the Chief Executive Officer of the City of Windhoek, and with the applicant within 14 days of the last publication of this notice, i.e. no later than 15th of March 2022.

**TOWN PLANNING
ZONE MAPS**



3170 WHK Erf Notice





GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

NS\$13.60

WINDHOEK - 1 March 2022

No. 7758

CONTENTS

	<i>Page</i>
GOVERNMENT NOTICES	
No. 64 Notification of appointment of Hilja Haufiku and Naomi Kafita as members of Public Accountants' and Auditors' Board: Public Accountants' and Auditors' Act, 1951	2
No. 65 Notification of appointment of board members of Business and Intellectual Property Authority: Public Enterprise Governance Act, 2019	2
No. 66 Declaration of Katima Mulilo Extension 27 to be an approved township: Urban and Regional Planning Act, 2018	3
No. 67 Declaration of Katima Mulilo Extension 31 to be an approved township: Urban and Regional Planning Act, 2018	4
No. 68 Extension of date of submission of Report of Wages Commission: Labour Act, 2007	5
GENERAL NOTICES	
No. 73 Notice of intention to establish new townships: Okandjengedi South Extensions 1 to 5	5
No. 74 Notice of intention to establish new townships: Brukharos Proper and Brukharos Extension 1	6
No. 75 City of Windhoek: Rezoning notice	6
No. 76 Rezoning of Erf 5391, Shoveller Street Khomasdal Extension 16, Windhoek from 'Business' to 'General Residential' with a density of 1:50	7
No. 77 Rezoning of Erf 3170 (a portion of consolidated Erf 3150) Windhoek from "Residential" with a density of 1:900 to "Office" with a bulk of 0.4	8
No. 78 Rezoning of Erven 673 and 676 c/o Schweitzer and Johan Albrecht Streets, Windhoek Township, from Residential with a density of 1:900 to Institutional. Consolidation of Erven 673 and 676 Windhoek into Erf X	8
No. 79 Rezoning of Erf 1059, Okahao Extension 4 from business with a bulk of 0.7 to Single Residential with a density of 1:300	9
No. 80 Rezoning of Erf 2531, Dr. Kuaima Riruako Street No. 19 Windhoek from 'Residential' with a density of 1:900 to 'Office' with a bulk of 0.75 and consent to use the Erf for office purposes while the rezoning process is being finalized	10

No. 77

2022

REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900 TO "OFFICE" WITH A BULK OF 0.4

Take note that **Kamau Town Planning and Development Specialist** has been appointed by the owner of Erf 3170 Salk Street, Windhoek to apply to the City of Windhoek for the:

- **Rezoning of Erf 3170 (a portion of consolidated Erf 3150) Windhoek from "Residential" with a density of 1:900 to office with a bulk of 0.4;**
- **Subsequently consent be granted to operate a Boutique Hotel on the respective Erf (Erf 3170 (a portion of consolidated Erf 3150) Windhoek; and**
- **Consent to use the respective Erf as "Office" and Boutique Hotel while the rezoning is in progress as according to the Windhoek Town Planning Scheme.**

Erf 3170 (a portion of consolidated Erf 3150) Windhoek, is located within the Windhoek West suburb in Windhoek, Salk Street. The respective Erf measures 1006m² in extent. The owner wishes to operate a boutique hotel and change the land use of the Erf from "Residential" with a density of 1:900 to "Office" with a bulk of 1.0.

Further take note that -

- (a) For more enquiries regarding the consent application, visit the Department of Town Planning at the City of Windhoek;
- (b) any person having objections to the rezoning concerned or who wants to comment, may in writing lodge such objections and comments, together with the grounds, with the Chief Executive Officer of the City of Windhoek, and with the applicant within 14 days of the last publication of this notice, i.e. no later than **15 March 2022**.

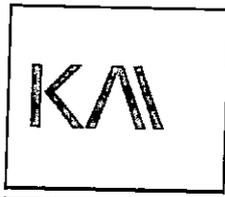
Contact: Kamau Town Planning & Development Specialist
No. 4, Wagner Street
Windhoek West
P.O. Box 22296
Windhoek
Tel: +264 61251975
Fax: +264 61 304219
Cellphone: +264 81 8113442
Email: fenni@kamau-tpds.com
website: www.kamau-architects.com

No. 78

2022

REZONING OF ERVEN 673 AND 676 C/O SCHWEITZER AND JOHAN ALBRECHT STREETS, WINDHOEK TOWNSHIP, FROM RESIDENTIAL WITH A DENSITY OF 1:900 TO INSTITUTIONAL. CONSOLIDATION OF ERVEN 673 AND 676 WINDHOEK INTO ERF X

Take notice that **Dunamis Consulting Town, Regional Planners and Developers** on behalf of the owner of Erven 673 and 676 c/o Schweitzer and Johan Albrecht Streets, Windhoek intends to apply to the Windhoek City Council for the following:



KAMAU
town planning &
development specialist

No. 04 Wagner street | Windhoek west | c: +264 81 3290584
P.O. Box 22296 | Windhoek | t: +264 61251975 | f: +264 61 304219 |
neshila@a3arc.com w: www.kamau-architects.com

Date: 15 June 2022

Attention: Mr AM Agapitus
ERF 6144 W
Private Bag 8107 Bachbrecht
Windhoek, NAMIBIA

Dear Sir

Herewith objection response for the:

- REZONING OF ERF 3170 WINDHOEK FORM SINGLE RESIDENTIAL WITH A DENSITY OF 1:900SQM TO BUSINESS WITH A BULK OF 1.0.
- CONSENT TO OPERATE A BOUTIQUE HOTEL ON ERF 3170
- CONSENT TO COMMENCE WITH CONSTRUCTION WHILE REZONING IS IN PROGRESS.

1. Introduction and Background

Kamau Town Planning and Development Specialist, on behalf of Phillipus Ngeno, as the owner of Erf 3170 (a portion of consolidated Erf 3150) Windhoek, hereby applies for the rezoning of his respective Erf from "Residential" with a density of 1:900m² to "Office" with a bulk of 1.0 and subsequently consent to use the respective Erf for a Boutique Hotel purposes and consent to use the respective Erf as "Office" while the rezoning is in progress, as per terms of the Windhoek Town Planning Scheme.

This letter serves as a response to your objection letter dated the 11th of March 2022. In summary your objection is based on the concern on the land use activity to be



done on the property in regard to noise pollution as well as why consent needs to be granted.

- The whole yard is already built up with the creation of 11 bedrooms which do not come anything close to the design of a boutique hotel.

The respective client does not wish to make any amendments to the property in terms of adding additional rooms, the number of rooms to be officially used will be a maximum of 5 rooms as indicated on the parking layout. Furthermore, the term Boutique Hotel has been used in order to align the land use activity with what is permitted within the Windhoek Town Planning Scheme under the "office" zoning. Kindly see below extract of Town Planning Scheme:

TABLE B: LAND USE ZONES

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 columns 2 and 3

Further kindly take note that the client will only be leasing out 5 rooms.

- Parking Space is very limited and many a time some visitors park on our pavements. Even if we give them permission, they cannot incorporate our pavements into their business place.

A parking layout has been created to accommodate the mandatory 10 parking bays on the property, kindly find attached the approved parking layout from Traffic Flow.

- Hooting has become a problem, especially when an employee or someone associated with the business is the one ignoring the "No Hooting" sign attached to the wall, near the visitor's gate.



Although it is out of the clients absolute control in ensuring that clients obey the prohibition of hooting sign, the sign will be changed to include a penalty fee to enforce visitors to obey to the property rules.

I trust that this response will receive your favorable re-consideration of the objection.

Yours faithfully



Principal Member
Mr. F, K. NESHILA

TO: KAMAU TOWN PLANNING AND DEVELOPMENT SPECIALIST
RE: ZONING APPLICATION ERF 3170

FROM: AM AGARHUS

OWNER ERF 6144

DATE: 11 MARCH 2022

I include a copy of my response dated 12 July 2021 addressed to yourself, plus other relevant copies, for easy of reference. It is my sincere hope that the contents enjoy your attention.

My reading and research about Boutique hotels inform that Erf 3170 on Salk Street is not fit for conversion into requested zoning to accommodate such business:

1. The whole yard is already built-up with the creation of about 11 bedrooms which do not come anything close to the design of a boutique hotel.
2. Parking space is very limited and many a time some visitors park on our pavements. Even if we give them permission, they cannot incorporate our pavements into their business place.
3. Hooting has become a problem, especially when an employee or someone associated with the business is the one ignoring the "NO hooting" sign attached to the wall, near the visitors' gate.

In light of the above, I object to the request to rezone Erf 3170 as presented by Kamau Town Planning and Development Specialist with a due date of 15 March 2022, unless all points (1, 2 and 3) above are discussed satisfactorily with neighbours on both Salk and Wilson Streets.

I thank you in anticipation.

NEIGHBORS FORM

REZONING APPLICATION:	
ERF/ERVEN/PORTION/FARM NO	3170
TOWNSHIP OR AREA	Salk Street, Windhoek
PROPOSED CONSENT USE	'Single Residential' with a density of 1:900sqm to 'Office' with a bulk of 1:0 and subsequently consent to use the respective Erf for a boutique hotel purposes and consent to use the respective Erf as "Office" while the rezoning is in progress as per terms of the Windhoek Town Planning Scheme

DETAILS OF NEIGHBOURING LANDOWNER	
ERF NO.:	Erf 6144
OWNER'S NAME:	AM Agapiter
POSTAL ADDRESS:	P.O Box 8107 Bachbrecht
TELEPHONE/MOBILE NO.:	+264 61 235770
E-MAIL ADDRESS:	agapiter@iway.na

OBJECTIONS / NO OBJECTIONS	
Please indicate with an "X" in the appropriate box if you OBJECT or DO NOT OBJECT to the above application:	
I DO NOT OBJECT <input type="checkbox"/>	<p style="font-size: 2em; font-family: cursive;">See attached documents.</p> <p style="text-align: right; font-family: cursive;">AM 11/03/2022</p>
I OBJECT <input checked="" type="checkbox"/>	
If you object, please state your grounds for objection in the box below. Please use additional sheets of paper if the space provided below is not adequate.	
<p style="font-size: 2em; font-family: cursive;">See attached documents.</p> <p style="text-align: right; font-family: cursive;">AM 11/03/2022</p>	

SUBMISSION OF THE COMPLETED FORM: The completed form is to be submitted to the applicant and the City of Windhoek to the addresses provided below:

LOCAL AUTHORITY: CITY OF WINDHOEK Physical Address: Independence Ave, Windhoek Postal Address: PO Box 59, Windhoek, Namibia Ruth.kwenani@windhoekcc.org.na	APPLICANT: KAMAU TOWN PLANNING AND DEVELOPMENT SPECIALIST No. 04 Wagner street Windhoek west c: +264 81 3290584 P.O. Box 22296 Windhoek t: +264 61251975 f: +264 61 304219 y@k@kamu-tpls.com w: www.kamau-architects.com
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DEADLINE FOR SUBMISSION: 15 MARCH 2022

NEIGHBOURING LANDOWNER'S SIGNATURE:		DATE: 11/03/2022
AM Agapiter		



TO: KAMAU TOWN PLANNING AND DEVELOPMENT SPECIALIST
RE: REZONING APPLICATION ERF 3170

FROM: AM AGAPITUS
OWNER ERF 6144

DATE: 12 JULY 2021

I object to the Application for the Rezoning of Erf 3170 for the grounds provided below:

1. Mr & Mrs Milton were the only family that occupied Erf 3170 (house 11 Salk Street) as residential property up to 2008. Mrs Milton sold the house in less than a year to Mr George Mouton.
2. Mr G Mouton immediately converted mentioned erf into a business called African Sky Guesthouse with more than 10 bedrooms, braai area and a swimming pool and changed the pavement into parking bays as per regulations.
3. Neighbours were requested to "object" or "do not object" as is required currently.
4. I did not "object" but placed a note to the effect that no NOISE would emanate from business. Mr Mouton has kept his word and no noise came from his business. He attached a "NO HOOTING" notice on the gate.
5. The Guesthouse operated for more than 10 (ten) years before it changed hands and accommodated all sorts of guests, including Namibian football teams weeks and Cuban doctors who came work in Namibian hospitals.
6. When the current owner acquired the property, I was only asked to approve the continuation of the guesthouse as was registered by Mr Mouton. I did so, reminding the new owner, Mr Phillip Ngeno, of the agreed condition with Mr Mouton.
7. Since 2020 the Guesthouse has been as a Covid-19 Quarantine space for suspects until released, without us experiencing any discomfort to date.
8. Neighbours have been asked to affirm our "no objection" or otherwise to the operation of the Guesthouse and I have again given my "no objection" for 2021.

To put what I have written above in simple language: I do not understand what you want from me. I gave what you seem to be asking me, more than 10 (ten) years ago to Mr G Mouton. If the request involves a change to what we have agreed to more than 10 (ten) years ago, then my unequivocal response is: **I OBJECT TO THE REQUEST AND I RESERVE THE RIGHT TO WITHDRAW MY "NON-OBJECTION" GRANTED PREVIOUSLY.**

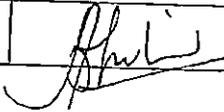
AM Agapitus
061-236770/0811486099

NEIGHBORS FORM

REZONING APPLICATION:	
ERF/ERVEN/PORCION/FARM NO	3170.
TOWNSHIP OR AREA	Salk Street, Windhoek
PROPOSED CONSENT USE	'Single Residential' with a density of 1:900sqm to 'Business' with a bulk of 1:0 and subsequently consent to use the respective Erf for a guesthouse purposes and consent to use the respective Erf as "Business" while the rezoning is in progress, as per terms of the Windhoek Town Planning Scheme
DETAILS OF NEIGHBOURING LANDOWNER	
ERF NO.:	Erf 6144
OWNER'S NAME:	AM Agapiters
POSTAL ADDRESS:	P.O Box 8107 Bachbrecht
TELEPHONE/MOBILE NO.:	061-235770 / 0811486099
E-MAIL ADDRESS:	agapiters@wayna

OBJECTIONS / NO OBJECTIONS
Please indicate with an "X" in the appropriate box if you OBJECT or DO NOT OBJECT to the above application:
I DO NOT OBJECT <input type="checkbox"/>
I OBJECT <input checked="" type="checkbox"/>
If you object, please state your grounds for objection in the box below. Please use additional sheets of paper if the space provided below is not adequate.
See attached

SUBMISSION OF THE COMPLETED FORM: The completed form is to be submitted to the applicant and the City of Windhoek to the addresses provided below:	
LOCAL AUTHORITY: CITY OF WINDHOEK Physical Address: Independence Ave, Windhoek Postal Address: PO Box 59, Windhoek, Namibia Ruth.kwenani@windhoekcc.org.na	APPLICANT: KAMAU TOWN PLANNING AND DEVELOPMENT SPECIALIST No. 04 Wagner street Windhoek west c: +264 81 3290584 P.O. Box 22296 Windhoek t: +264 61251975 f: +264 61 304219 yeli@kamau-tpds.com w: www.kamau-architects.com
DEADLINE FOR SUBMISSION:	22 JULY 2021

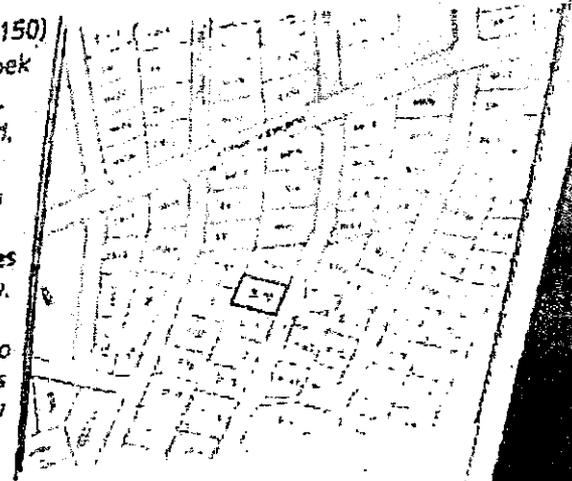
NEIGHBOURING LANDOWNER'S SIGNATURE:		DATE	
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PUBLIC NOTICE

Please take note that KAMAU TOWN PLANNING AND DEVELOPMENT SPECIALIST has been appointed by the owner of Erf 3170 (a portion of consolidated Erf 3150) Windhoek, to apply to the local authority of Windhoek for the rezoning of the respective Erf from 'Residential' with a density of 1:900sqm to 'Business' with a bulk of 1:10 and subsequently consent to use the respective Erf for a guesthouse purposes and consent to use the respective Erf as 'Business' while the rezoning is in progress, as per terms of the Windhoek Town Planning Scheme.

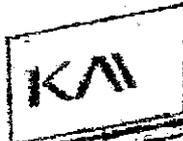
Erf 3170 (a portion of consolidated Erf 3150) Windhoek, is located within the Windhoek West-suburb in Windhoek, Salk Street. Considering its use and services offered, the subject property is ideally located central of the city with ease of access to other suburbs and one of prime and sought-after areas of Windhoek. The Erf lies on a slope toward the back of the property. The respective Erf measures 1006m² in extent and is currently built up according to the respective zoning. The respective Erf is currently zoned "Residential" with a density of 1:900m² as per the Windhoek Town Planning Scheme.



Please further take note that -

- (a) the plan of the Erf or land lies for inspection at of the offices of the local authority, (City of Windhoek);
- (b) any person having objections to the rezoning concerned or who wants to comment may in writing lodge such objections and comments, together with the grounds, with the Chief Executive Officer Local Authority of Walvis Bay, and with the applicant within 14 days of the last publication of this notice, i.e. no later than 22 July 2021.

FOR MORE INFORMATION AND QUOTES, KINDLY CONTACT:



KAMAU
TOWN PLANNING & DEVELOPMENT SPECIALIST

No. 84 Wegener Street | Windhoek West |
P.O. Box 11204 | Windhoek | Namibia
Tel: +264 61 262114
Email: info@kamau.co.na

Sustainable Development

The Division has no objection to the proposed rezoning and consent subject to the following:

- That rezoning to office with to a bulk of 0.4 be supported
- That consent for office use while the rezoning on process only be granted once the betterment fee has been paid in full.
- Consent for a Boutique and free residential bulk only be granted once the rezoning has been approved by the Urban and Planning Board.

MEMO 124 NDUM

- SUBJECT:
- 1. REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M2 TO OFFICE WITH A BULK OF 0.4.**
 - 2. SUBSEQUENTLY CONSENT BE GRANTED TO OPERATE A BOUTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK**
 - 3. CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS**

CIRCULATION	DATE	COMMENTS	SIGNATURES
Technical enquiries: L. SHIKONGO	16/02/2022	Tel: 290 3359	
Section Engineer	.../.../2022		
Chief Engineer	.../.../2022		

TO: Urban Planning
R. Kwenani

DATE: 17 June 2022

FROM: Section Engineer: Roads Planning & Traffic
Flow

REF: L/3170/W



REVISED COMMENTS

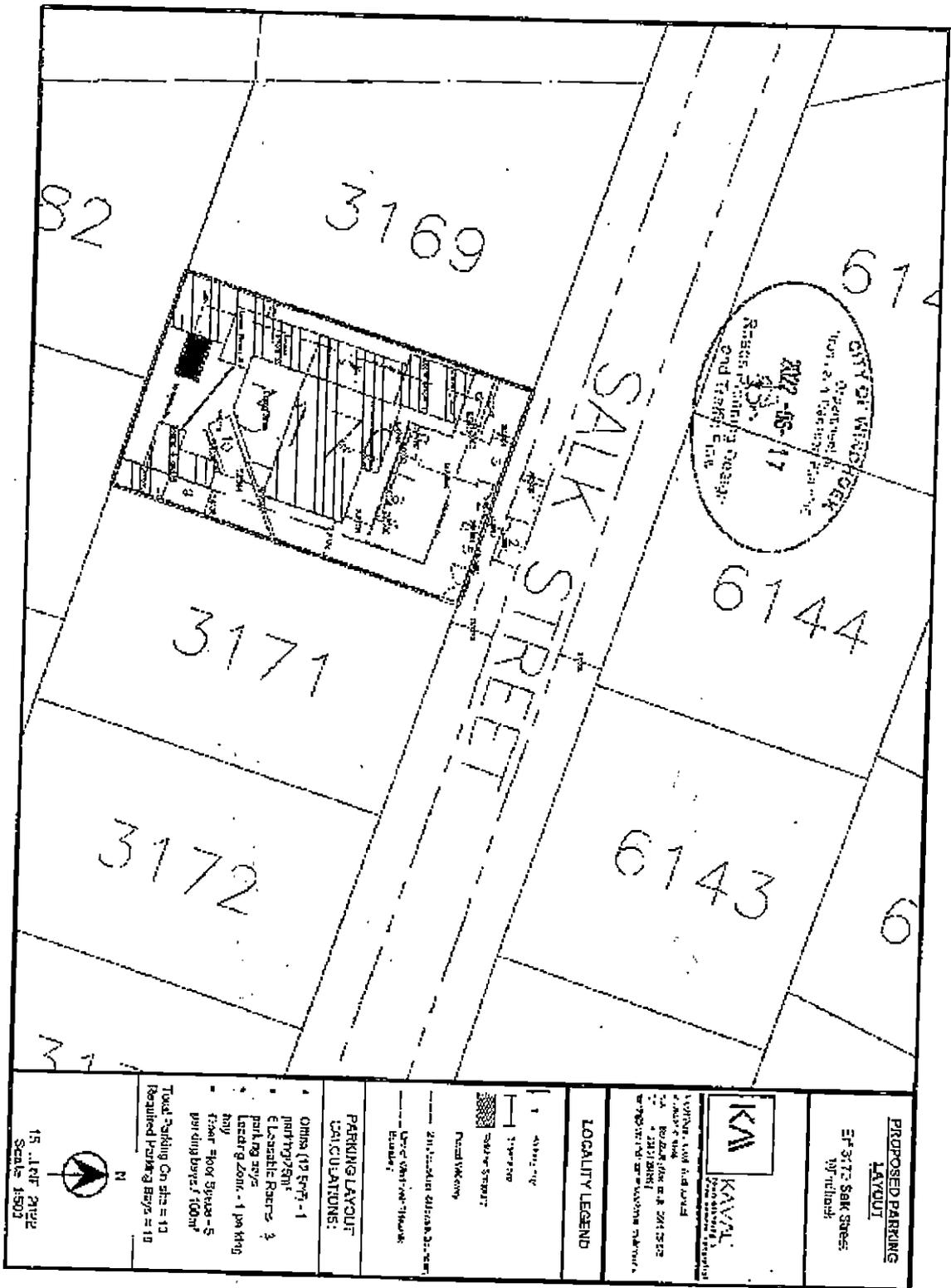
ROADS PLANNING & TRAFFIC FLOW COMMENTS:

The application dated 13 January 2022, our comments dated 30 March 2022 and submitted parking layout dated 15 June 2022 regarding the above application has reference.

Erf 3170 is located in Salk Street, Windhoek. The erf measures 1006 m² in extent and is zoned 'Residential' with a density of 1 dwelling per 900m². Salk Street is a short street that carries low to moderate traffic volumes. The Erf is located within the Windhoek West high-density policy area and no traffic flow problems are currently experienced during peak hours. The proposed rezoning will generate approximately 14 additional vehicular trips to the current road.

1. This Division has no objections to the proposed rezoning of 3170 Windhoek, Salk Street from 'residential' with a density of 1:900m² to 'office' with a bulk of 0.4, provided that:
 - 1.1 Minimum 1 parking bay per 25m² utilised bulk to be provided on site for office use.
2. This Division has no objections to the proposed consent to operate a boutique hotel on the respective erf (erf 3170 (a portion of consolidated erf 3150) Windhoek, provided that:
 - 2.1 0.66 bays be provided per leasable room plus 5 bays per 100m² open floor space (excluding reception area), plus loading zone on site.
3. This Division has no objections to the proposed consent to use the respective erf as "office" and boutique hotel while the rezoning is in progress, provided that:
 - 3.1 Parking be provided as per the submitted parking layout dated 15 June 2022 attached.
 - 3.2 Parking on the sidewalk is further subject to the following conditions:
 - 3.2.1 That the applicant applies for sidewalk lease to the Property Management Division.
 - 3.2.2 Parking be properly constructed with kerb stones making distinction between parking and pedestrian movements.
 - 3.2.3 Sidewalk parking remains public parking and cannot be reserved for exclusive use.

- 3.2.4 Council reserves the right to ¹²⁶ the lease should such land be needed for municipal services.
- 3.2.5 That Council cannot be held liable to reinstate any parking or compensate the owner for any improvements should the lease/ parking be terminated.
- 3.2.6 That the owner remains responsible to provide any shortfall of parking onsite or any other area approved by Council should the lease be cancelled / terminated.
- 3.2.7 Being that construction is taking place within the road reserve must the location of services be verified beforehand.
- 3.3 The applicant finalises the lease agreement for the parking allocated on the sidewalk with Council.
4. Consent use will only come into effect after meeting parking requirements to the satisfaction of the SE: Urban and Transport Planning.



Yours faithfully

L. Shikongo

Roads Planning, Design and Traffic Flow

*3359

MEMORANDUM

TO: Mrs. R. Kwenani
FROM: Chief Engineer
Roads and Storm Water
Planning, Design & Traffic Flow

DATE: 28 February 2022

REF: L/3170/W



SUBJECT: REZONING OF ERF 3170 WINDHOEK, FROM RESIDENTIAL WITH A DENSITY OF 1:900 TO OFFICE WITH A BULK OF 0.4 AND CONSENT FOR A BOUTIQUE HOTEL.

The application dated 13 January 2022 for the proposed rezoning of Erf 3170, Salk Street, Windhoek, from residential to Office, and consent for a boutique hotel, received on 10 February 2022, refers.

A storm water investigation was done and the following is reported:

1. Erf 3170 has a general downward slope from the northeast into a southwesterly direction.
2. There is no stormwater course or system crossing the proposed Erf 3170, except for surface stormwater runoff.
3. Access to the proposed Erf 3170 is indicated to be obtained from Salk Street.

This Division has no objection to the proposed application for rezoning of Erf 3170, Salk Street, Windhoek, from residential to Office, and consent use as stipulated above, provided:

1. That surface storm water runoff be accommodated according to Clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme) stating:
 - (1) That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or works which have been authorized in writing by the local authority or which have been or may be built, laid or erected in terms of any law) may be constructed on or over the property or located in such a way that -
 - (a) the flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - (b) the flow of a natural watercourse (in which the local authority allows flood water to run off, be discharged or to be canalised) is or can be changed, canalised or impeded.
 - (c) the maintenance of such stormwater pipe, channel or work shall be the responsibility of the owner of the concerned property.

.....
SECTION ENGINEER: DESIGN
CJ VAN DER MERWE

MEMORANDUM¹²⁹

TO: Mrs R Kwenani

DATE: 29 March 2022

FROM: INF: Engineering Services Division REF: L/3170/W



- SUBJECT:**
- **REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M² TO OFFICE WITH A BULK OF 0.4**
 - **SUBSEQUENTLY COSENT BE GRANTED TO OPERATE A BOTIQUE HOTEL ON THE RESPECTIVE ERF (ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK**
 - **CONSENT TO USE THE RESPECTIVE ERF AS "OFFICE" AND BOUTIQUE HOTEL WHILE THE REZONING IS IN PROGRESS**

The application dated 13 January 2022 regarding the above subject matter has reference:

No municipal sewer connection is available for erf 3170, as this erf is connected to a private combined sewer system. Erven that are rezoned to office may not connect to a private combined sewer system and requires a direct connection to the closest available municipal sewer system.

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

1. That the applicant appoints a registered professional engineer to design a municipal sewer connection for the erf.
2. That the sewer design be submitted by the appointed engineer to the Department Infrastructure, Water & Technical Services: Engineering Services Division for approval before any work may start.
3. That after approval of the sewer design, the applicant appoints a contractor to do the construction of the sewer line.
4. That the supervision of the construction works be done by a registered professional engineer.
5. That all costs involved due to the municipal sewer connection be for the applicant's account.
6. That it be noted that a sewer design be submitted by the applicant and approved by the Department Infrastructure, Water & Technical Services: Engineering Services Division before submission to Ministry of Urban and Rural Development Board.
7. That a Fitness Certificate only be issued after a municipal sewer connection is provided by the applicant.

8. That no building plans be approved before a municipal sewer connection is installed by the applicant and taken over by Council as per approved designs.
9. That any additional requirements with regard to water or sewer services be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services

SECTION ENGINEER

OC Archer

MEMORANDUM

TO: Kwenani (RM)

DATE: 24 February 2022

FROM: Engineering Services
Electricity Department



REF: 3170W

REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M² TO OFFICE WITH A BULK OF 0.4.

The Strategic Executive: Electricity has in principle no objection to the application submitted for the rezoning of Erf 3170, Simpson Street in Windhoek from residential with density of 1:900m² to office with a bulk of 0.4 provided that the following be adhered to:

- The area is fully serviced already.
- Should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.
- ***Only one service connection from the municipal electrical network is allowed per erf.***
- For Erven that is zoned "General Residential", "Business", "Office", "Institutional" or "Industrial" and a service connection larger than 3 x 60 Amp is required, the applicant and/or his/her electrical engineering representative must contact the SE: 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.
- ***Kindly note that a Connection Charge may be payable at the cost of the applicant and the applicant is advised to review the Electricity Department Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Electricity Department for information on Connection Charges***

Kind regards

.....
VH Namgongo

Chief Engineer: Engineering Services

MEMORANDUM

132

TO: Urban Policy

Date: 24 August 2022

FROM: Health and Environment Services



Ref: ERF 3170 WHK

SUBJECT: REZONING OF ERF 3170 (A PORTION OF CONSOLIDATED ERF 3150) WINDHOEK FROM "RESIDENTIAL" WITH A DENSITY OF 1:900M² TO OFFICE WITH A BULK OF 0.4.

The above subject matter has reference:

The Division has no objection to the application and the rezoning from residential to office is not a listed activity thus there is no need for an environmental assessment.

Regards,

Julia Amukwaya

P.O.Box 61984

Katutura

Windhoek

21 December 2015

City of Windhoek

Windhoek

Namibia

Dear Sir/Madam

RE: APPLICATION OF 10 METERS EXTENTION TO ERF NO: 3051, OTJOMISE, OSAKA STREET.

I Julia Nakashwa Amukwaya, Owner of erf 3051 Otjomise, Osaka street here by like to apply for 10 miters extension to my erf at the back of my house.

Yours Sincerely

Julia Nakashwa Amukwaya



081 298 4162

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD



NO. 730704 0061 2



SURNAME

AMUKWAYA

FIRST NAME(S)

JULIA-NAKASHWA

J. N. Amukwaya

DATE OF BIRTH

1973-07-04

PLACE / COUNTRY OF BIRTH

ONTANDA

SEX

FEMALE

HEIGHT (m)

1.60

DATE OF ISSUE

1998-02-12

APPL. NO.

M98653

CITIZENSHIP

CITIZEN

EYE COLOUR

BROWN



73070400612

02 FEB 2006

DEED OF TRANSFER NO.

T 357 - / 2006

IN FAVOUR OF:

J-N & E ANGULA

ERF NO. 3051 (A PORTION OF ERF 2989) OTJOMUISE
(EXTENSION NO. 2)Prepared by:

Kauta, Basson & Kamuhanga Inc.
Conveyancers, Notaries
Cnr of Mungunda & Kamuhuka Streets
Katutura
Windhoek
Tel: 264 61 240 771/3
Fax: 264 61 240 720

PREPARED BY ME:
CONVEYANCER
HOVEKA TK



N\$50

20 FEB 2006
MORTGAGED
N\$ 141 524 - 78

B 710 / 2006

REGISTRAR OF DEEDS
WINDHOEK

KAUTA, BASSON & KAMUHANGA INC.
LEGAL PRACTITIONERS, CONVEYANCERS & NOTARIES
P.O. BOX 7711
KATUTURA, WINDHOEK

DEED OF TRANSFER NO.

T 357 - 2006

BE IT HEREBY MADE KNOWN THAT

TJAKAZENGA KAMUHANGA HOVEKA

Appeared before me, Registrar of Deeds at WINDHOEK, he, the said Appearer, being duly authorized thereto by a Power of Attorney granted to him by

NATIONAL HOUSING ENTERPRISE
(Established in terms of Act no. 5 of 1993)

(Hereinafter styled the Transferor)

Dated the 16th of SEPTEMBER 2005

Signed at WINDHOEK

And the said Appearer declared that his Principal had truly and legally sold on the

3 MARCH 2005

And that he, the said Appearer in his capacity as aforesaid did by these presents, cede and transfer in full and free property, to and on behalf of

JULIA-NAKASHWA ANGULA
BORN ON 4 JULY 1973
and
ELIASER ANGULA
BORN ON 5 MAY 1971
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER

Their Heirs, Executors, Administrators or Assigns:-

CERTAIN: ERF NO. 3051 (A PORTION OF ERF 2989) OTJOMUISE
(EXTENSION NO. 2)

SITUATE: IN THE MUNICIPALITY OF WINDHOEK
REGISTRATION DIVISION "K"
KHOMAS REGION

MEASURING: 438 [FOUR THREE EIGHT] SQUARE METRES

FIRST REGISTERED by Certificate of Registered Title no. T4170/2001 with General Plan S.G. No. A705/2000 relating thereto and

HELD BY DEED OF TRANSFER NO. T742/2004

SUBJECT to the following conditions imposed in terms of Section 19 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) and as created in Certificate of Registered Title no. T4170/2001, namely.

IN FAVOUR OF THE LOCAL AUTHORITY

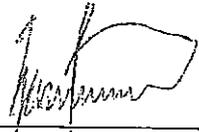
The erf shall be subject to the reservation by the Municipal Council of Windhoek of the right of access and use without compensation of the area 3 metres parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas, which right includes the right to place on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

WHEREFORE the Appearer, renouncing all the Right and Title which the said TRANSFEROR(S) heretofore had to the premises, did, in consequence also acknowledge the TRANSFEROR(S) to be entirely dispossessed of, and disentitled to, the same, and that; by virtue of these presents, the said TRANSFEREE(S) their Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights and finally acknowledging that the purchase price of the hereinmentioned property is the sum of N\$138 440.00.

19 FEB 2006

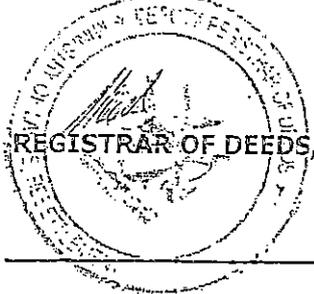
Signed at WINDHOEK on
confirmed with my seal of office.

, together with the appearer, and



SIGNATURE BY APPEARER

In my presence,



Circulation	Date	Initials	Comments
Responsible person routing Application	07/11/2016	HVK X 3336	
Plan requested			
Strategic Executive: Community Services Community Development Sustainable Development		NSH KJK GRO	
Strategic Executive: Electricity		Shifotoka	
Strategic Executive: Infrastructure, Water and Technical Services Bulk Water and Waste Water Engineering Services Solid Waste Management	21/11/2016 20/05/2020	EAB CHU MTA	
Strategic Executive: Urban Planning and Property Management Urban Planning Valuations Property Management Planning, Design and Traffic Flow Road and Stormwater Design	13/02/2017 12/07/2017	ULK MOS RUS ADS HLI CDM SHA	
Strategic Executive: Economic Development and Environment Economic Development Environmental Management Health Services Parks and Gardens	07/11/2016	ZUS KFR OLM MMK NLB	
<i>OTHER</i>		MGM; BKL; ULK; Mieze; ECK; EWS; PDP; HLV; LNA; DHO	

APPLICATION TO PURCHASE A PORTION OF ERF 3066 FOR CONSOLIDATION WITH ERF 3051 OTJOMUISE

Application

An application dated 21 December 2015, was received from Ms. Julia Amukwaya to purchase a portion of Erf 3066 Otjomuise for consolidation with Erf 3051 Otjomuise.

Property Descriptions

Erf 3066, Otjomuise is zoned Public Open Space and measures $\pm 13\,067\text{ m}^2$ in extent, and is situated in Bonn Street.

Erf 3051, Otjomuise is zoned residential and measures $\pm 438\text{ m}^2$ in extent, and is situated in Osaka Street.

Technical Comments

Kindly provide your comments herein whether the City should allocate a portion of Erf 3066, Otjomuise, for consolidation with Erf 3051, Otjomuise.

Comments from the Strategic Executive: Electricity

The SEE has in principle no objection to the application submitted.

- Should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.
- Only one (1) service connection from the municipal electrical network will be allowed per Erf.
- Only one additional meter point will be allowed for an approved flat on erven that is zoned "Single Residential". For more meter points, the Erf must be rezoned to "General Residential".
- For Erven that is zoned "General Residential", "Business", "Office", "Institutional" or "Industrial" and a service connection larger than 3 x 60 Amp is required, the applicant and/or his/her electrical engineering representative must contact the SEE well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation; and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

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

Bulk Water and Waste Water:

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

Engineering Services

The division comments that the sale of a portion of erf 3066 for consolidation with erf 3051 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 Deed of Sale may only be signed after the relocation of the sewer line is done.

Solid Waste Management

- *The division has no objections on this application*
- *Once approved the applicant may continue to use the existing waste removal system already being in use*
- *As far as possible the applicant will be required to institute recycling and waste reduction initiative in order compliment city initiative on waste recycling, as the city is struggling with airspace at the landfill site.*
- *By all means all waste may only be disposed of at an approved landfill & satellite sites as illegal dumping of waste will not be tolerated*

- *Burning, littering and burying of waste is prohibited*

Comments from the Strategic Executive: Urban Planning and Property Management
Urban Planning

Erf 3066, Otjomuise Extension 2 is zoned **Public Open Space** and is ±12 762 m².

Erf 3051, Otjomuise is zoned **Residential** with a density of 1/300 and is ±438m² in size. The proposed portion is ±159m² in extent and should be subdivided from Erf 3066, Otjomuise. The proposed portion should be consolidated with Erf 3051, Otjomuise and the consolidated Erf will be ±597m² in extent.

Urban Policy has no objection to the subdivision of a 10-meter portion of Erf, 3066, Otjomuise for consolidation purposes with Erf 3061, Otjomuise subject to the comments of **Strategic Executive: Infrastructure Water and Technical Services** and further provided that:

1. The use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme;
2. That Erf 3066, Otjomuise be subdivided into proposed Portion A and Remainder as indicated on the attached Subdivision plan no OTJO3051 dated 12 November 2021. The same plan must be submitted to the Ministry of Urban and Rural Development;
3. That the proposed Portion A be closed as Public Open Space in line with Section 50 (1) (c) of the Local Authorities Act;
4. That the City prepare the closure notices for the applicant;
5. That the applicant advertises the intended closure as per Section 50 (3) of the Local Authorities Act and follow all other requirements as per Section 50(3) such as neighbour notifications and others;
6. That the applicant be responsible for all the cadastral town planning applications to the Ministry of Urban and Rural Development;
7. The applicant submits copies of the approved erf diagrams to the Strategic Executive Urban and Transport upon approval of the subdivision and consolidation;
8. That in terms of Clause 5(3) of the Windhoek Town Planning Scheme, the subdivided portion will assume the same zoning of Erf 3051, Otjomuise upon consolidation.

That the current conditions registered against portion A of Erf 3066, Otjomuise Extension 2 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

The Division has no objection to the subdivision of Erf 3066 Otj for consolidation with erf 3051 Otjomuise provided that all Technical Departments also support the application.

Planning, Design and Traffic Flow

This Division does not have objection to the subdivision of Erf 3066 Otj for consolidation with Erf 3051 Otjomuise.

UAA applicable will be N\$254.00

Road and Stormwater Design

There are no objections to the proposed sale of a portion of Erf 3066 Otjomuise for consolidation with Erf 3059 Otjomuise; provided:

1. That surface storm water runoff be accommodated according to Clause 35 of the Town Planning Scheme (see Info 35 of the Town Planning Scheme) stating:
 - (1) That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or works which have been authorized in writing by the local authority or which have been or may be built, laid or erected in terms of any law) may be constructed on or over the property or located in such a way that -
 - (a) the flow of stormwater from higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - (b) the flow of a natural watercourse (in which the local authority allows flood water to run off, be discharged or to be canalised) is or can be changed, canalised or impeded.
 - (c) the maintenance of such stormwater pipe, channel or work shall be the responsibility of the owner of the concerned property.

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

Valuations

Property Management

Comments from the Strategic Executive: Economic Development and Community Services

Economic Development

Environmental Management

No objection to the sale of a 10m portion as per policy. It should however be noted that Erf 3066, Otjomuise is zoned "Public Open Space". The rezoning of a Public Open Space to any other land use is a listed activity in the Environmental Management Act. The applicant should therefore obtain Environmental Clearance from the Health and Environmental Services Division of the City once the application has been approved by Council.

Health Services

Parks and Gardens

The division has no objection to the application to purchase a portion of Erf 3066 Otjomuise for consolidation with Erf 3051 Otjomuise. This is a POS zoned waterway, but there is enough space for at least an 8m strip of Erf 3066 to consolidate with Erf 3015 as per application.

RECOMMENDED

1 That

Financial implications

1

VALUATION CERTIFICATE
DIVISION: VALUATION SERVICES
DATE OF VALUATION: 24/01/2023



Erf No.: 3066 Suburb: Otjomuise Street name: Bonn
 Erf size: 12 762 m² Zoning: Public open space Density: n/a

Required portion size: 159 m²

Current use of the portion under consideration: vacant

Acquisition purpose: To be sold and consolidated with Erf 30510 Otjomuise

Current vacant land going price/ m ²	N\$ 350	
Size of the portion Required	159 m ²	
Estimated market Value	N\$ 55 700	

Development costs were determined at N\$ 78/ m² in Otjomuise in 2005. After escalation from 2005 to 2021, a price of N\$ 350 per square meter was produced

Consequently, the portions required should be valued at N\$350/ m².

Valued by:

[Signature]
 Vanlikufwa Hendjala

Date:

24/01/2023



17/06/2019

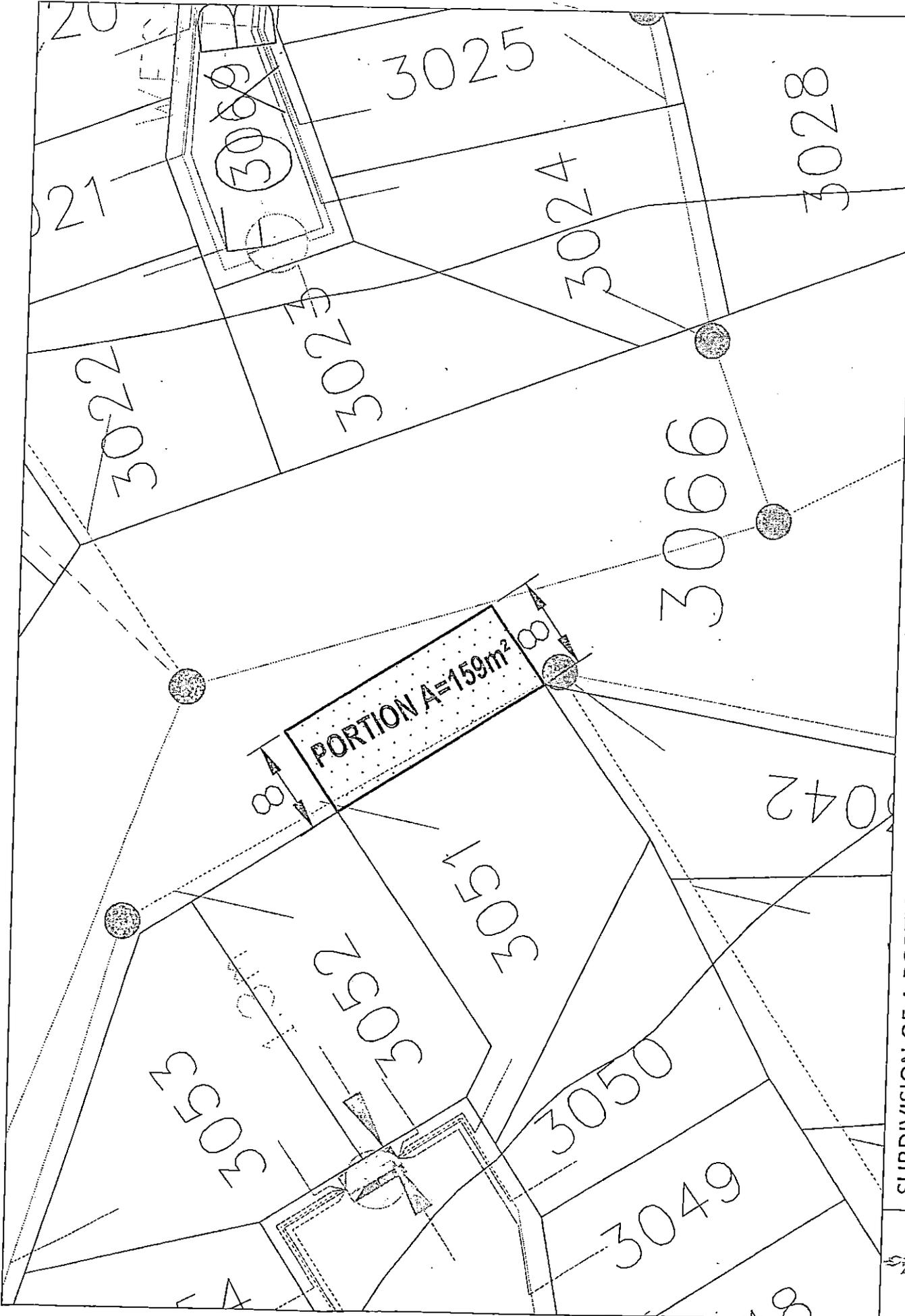
I David A. Sudeyo Owner of House No 3042 gives
 the full right of my neighbours E/F no 3051 to
 implement their idea of expansion their boundary.
 my N. emergency. Cell. 0813574933. In case of enquiries

~~David A. Sudeyo~~
 (D.A. Sudeyo)

I SALMON K NLSAN OWNER OF HOUSE 3052
 GIVES THE FULL RIGHT TO MY NEIGHBOUR E/F
 3051 TO IMPLEMENT THEIR IDEA OF EXPAN-
 SION OF THEIR BOUNDARY.

IS NO. 74042400507, CELL. 081349778

~~Salmon K NLSAN~~
 17/06/2019

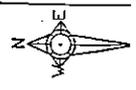


SUBDIVISION OF A PORTION OF ERF 3066, OTJOMUISE,
 FOR CONSOLIDATION WITH ERF NO. 3051, OTJOMUISE.

PATH: O:/Cad/Groups/Geomatics/3051-1.OTJO

PLAN NO: OTJO 3066.1

12 NOVEMBER 2021



SCALE 1:1000

[Municipal Council Minutes: 2004-08-25]

5.4

**BRB.2 [PLA] CALCULATION OF PURCHASE
PRICE – ADDITIONAL LAND SALES
(16/15/2/2/1)**

RGS done

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

That Council Resolution 405/08/95 be rescinded and replaced by the following:

- 1 That portions of open spaces, which are big enough to enhance the potential of the property with which the portion is to be consolidated, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 2 That portions of open spaces which can be used as separate erven, with separate access and which are fully serviced, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 3 That portions of open spaces which are too small to enhance the potential of the erf with which the portion is to be consolidated, be valued at 50 % of the market value as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 4 That, where fully market-related prices is payable, the costs incurred for the closure, town planning and cadastral procedures (as calculated by the Strategic Executive: Planning, Urbanisation and Environment) be deducted from the eventual purchase price: Provided that the eventual purchase price not be less than 50 % of the market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 5 That additional land being sold at a subsidised price for consolidation with the adjacent 'institutional' zoned properties not be allowed to deduct the costs mentioned in paragraph 4.
- 6 That the policy on the deduction of costs where full market-related purchase prices are payable also be made applicable to all outstanding sales subject to the conditions of the original resolution.

RESOLUTION 276/08/2004 [POLICY]

[Municipal Council Minutes: 2021-08-31(25)]

.1.3

**FNS.1 [HPH] APPLICATION TO PURCHASE
A PORTION OF ERF 878, CIMBEBASIA
FOR CONSOLIDATION WITH ERF 792,
CIMBEBASIA EXTENSION 2
(13/2/1/1)**

On proposal by Councillor Ms N Larandja, it was

RESOLVED

- 1 That Erf 878, Cimbebasia Extension 2, be subdivided into Portion A ($\pm 94 \text{ m}^2$ in extent) and the Remainder, as indicated on Plan CIM 792-1, attached as page 138 to the agenda.
- 2 That Portion A of Erf 878, Cimbebasia Extension 2, be closed as public open space in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
 - 2.1 That the City prepare the closure notice and that the owner of Erf 792, Cimbebasia Extension 2, 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 the applicant be responsible for the town planning and cadastral procedures, being subdivision into Portion A of Erf 878, Cimbebasia Extension 2, consolidation of Portion A of Erf 878, Cimbebasia with Erf 792, Cimbebasia Extension 2, survey and registration of the new consolidated erf, and the costs involved.
- 4 That, subject to the successful closure and implementation of all town planning and cadastral procedures and obtaining of an Environmental Management Clearance Certificate, Portion A of Erf 878, Cimbebasia ($\pm 94 \text{ m}^2$ in extent) be sold to the owner of Erf 792, Cimbebasia Extension 2, at an upset price of N\$645.00/m² being 50 % of N\$1 290.00 or N\$61 000.00 in total, as indicated on the Valuation Certificate dated 23 June 2021, attached as page 139 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.
 - 4.1 That henceforth, all funds generated from the sale of resulting from the subdivision of public open spaces be used exclusively (unless with consent of Council), for the development of public open spaces into attractive public spaces, e.g., family parks, walking trails, etc.
 - 4.2 That the Strategic Executive: Finance and Customer Services create a dedicated account where proceeds of land sales resulting from the subdivision of public open spaces will be deposited.
 - 4.3 That a report on the utilisation of these funds (how it was dispensed), be provided at the next Management Committee/Council meeting.
- 5 That the applicant appoint a registered professional Engineer at its own cost to determine whether the western and south western boundaries of the proposed Portion A of Erf 878, Cimbebasia Extension 2 require protection against any potential flood damage.

- 6 That the sale of Portion A of Erf 878, Cimbebasia be subject to the following conditions:
- 6.1 That Portion A of Erf 878, Cimbebasia Extension 2 be consolidated with Erf 792, Cimbebasia Extension 2, simultaneously with transfer.
- 6.2 That Portion A of Erf 878, Cimbebasia assume the same zoning as the abutting Erf 792, Cimbebasia Extension 2, being 'residential' with a density of 1:250 m², in terms of clause 5(3) of the Windhoek Town Planning Scheme.
- 6.3 That the existing conditions registered against Portion A of Erf 878, Cimbebasia Extension 2 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.
- 6.4 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme stating:
- 6.4.1 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.
- 6.4.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 6.5 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 City of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 7 That only one (1) electrical service connection be allowed from the municipal network to the consolidated erf.
- 8 That it be noted that one (1) additional electrical meter can be applied for an approved flat, should it be required.
- 9 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:
- 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 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 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 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 of Erf 878, Cimbebasia Extension 2 to the owner of Erf 792, Cimbebasia Extension 2, beyond the eighteen (18) months be subject to a price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 12 That should the applicant/owner wish to take occupation of Portion A of Erf 878, Cimbebasia Extension 2 prior to the sale of Portion A of Erf 878, Cimbebasia Extension 2, same be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$508.33, further subject to annual escalation in line with the Namibia Inflation Rate.
- 13 That the sale and lease of Portion A of Erf 878, Cimbebasia Extension 2 are subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 14 That the intended sale and lease of Portion A of Erf 878, Cimbebasia Extension 2 (± 94 m² in extent), be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 15 That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 16 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

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

RESOLUTION 183/08/2021

Municipal Council Minutes: 2021-08-31(25)]

.1.4

**FNS.2 [HPH] APPLICATION TO PURCHASE
A PORTION OF SEKRETÄR STREET
(A PORTION OF ERF 1068), HOCHLAND
PARK FOR CONSOLIDATION WITH
ERF 1154 (A PORTION OF ERF 1068),
HOCHLAND PARK
(13/2/1/1)**

On proposal by Councillor Ms N Larandja, it was

RESOLVED

- 1 That the reserve of Sekretär Street (a portion of Erf 1068), Hochland Park, be subdivided into Portion A ($\pm 148 \text{ m}^2$ in extent), Portion B ($\pm 234 \text{ m}^2$ in extent) and the Remainder, as indicated on Plan HP 1153&1154-1, attached as page 149 to the agenda.
- 2 That Portions A and B of the reserve of Sekretär Street (a portion of Erf 1068), Hochland Park be closed as street in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 3 That the City prepare the closure notice for the applicant.
- 4 That the applicant advertise the intended closure as per section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), at own cost.
- 5 That Portions A and B of Sekretär Street (a portion of Erf 1068), Hochland Park be rezoned from 'street' to 'residential', assume the same zoning as Erven 1154 and 1153, Hochland Park respectively and consolidated with Erf 1154, Hochland Park, simultaneously with transfer.
- 6 That the conditions registered against Portions A and B of Sekretär Street (a portion of Erf 1068), Hochland Park, 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.
- 7 That the applicant be responsible for the town planning and cadastral procedures, being the application to the Urban and Regional Planning Board, land surveying, and registration of the newly created erf, and all costs involved.
- 8 That, subject to the successful implementation of cadastral procedures Portions A and B of the reserve of Sekretär Street (a portion of Erf 1068), Hochland Park, be sold to the owners of Erf 1154, Hochland Park and Erf 1153, Hochland Park, at the amount of N\$565.00/m² being 50 % of N\$1 160.00/m² or a total of N\$86 000.00 (rounded off) for Portion A and N\$136 000.00 (rounded off) for Portion B, as determined by the Strategic Executive: Housing, Property Management and Human Settlement and as indicated on the Valuation Certificates dated 16 July 2021 and 15 July 2021, attached as pages 151 and 153 respectively to the agenda.
- 8.1 That henceforth, all funds generated from the sale of resulting from the subdivision of Public Open Spaces (POS) be used exclusively (unless with consent of Council), for the

- development of public open spaces into attractive public spaces, e.g., family parks, walking trails, etc.
- 8.2 That the Strategic Executive: Finance and Customer Services create a dedicated account where proceeds of land sales resulting from the subdivision of public open spaces will be deposited.
 - 8.3 That a report on the utilisation of these funds (how it was dispensed), be provided at the next Management Committee/Council meeting.
 - 9 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
 - 9.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
 - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
 - 9.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
 - 10 That no access be allowed within twenty five (25) meters of the intersection of Sekretär Street and Hendrik Witbooi Drive or the slip lane.
 - 11 That only one (1) electrical service connection be allowed from the municipal network to the consolidated erf.
 - 12 That it be noted that one (1) additional electrical meter can be applied for an approved flat, should it be required.
 - 13 That where a Sectional Title Deed is registered over the notarial linked erf, only one (1) service connection be allowed from the municipal electrical network.
 - 14 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.
 - 15 That the applicant/owner of Erf 1154, Hochland Park:
 - 15.1 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.

- 15.2 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.
- 15.3 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.
- 15.4 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.
- 16 That should the applicant fail to comply with any of the conditions stipulated in this Council Resolution or fail to finalise the transaction within eighteen (18) months from date of this Council Resolution, the allocation be subject to revision of the price, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 17 That should the applicant wish to take occupation of Portion A ($\pm 148 \text{ m}^2$ in extent) of Sekretär Street (a portion of Erf 1068), Hochland Park, prior to the conclusion of the sale, that same be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$716.67 for Portion A and N\$1 133.33 for Portion B further subject to annual escalation in line with the Namibia Inflation Rate.
- 18 That the intended sale and lease of Portions A and B of Sekretär Street (portions of Erf 1068), Hochland Park be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 19 That the intended sale and lease of Portions A and B of Sekretär Street (a portion of Erf 1068), Hochland Park, be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 20 That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale and/or Lease.
- 21 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

Service rendered	Funds required (N\$)	Funds available
Advertisements costs	4 000.00	Item 4000/20/1/10/0025

RESOLUTION 184/08/2021

[Municipal Council Minutes: 2018-06-28]

10.3.15

**FNS.12 [HPH] APPLICATION TO LEASE
A PORTION OF ERF R/196, ROCKY
CREST FOR PARKING PURPOSES
(L/196/RC)**

On proposal by Councillor MJ Amadhila, it was

RESOLVED

- 1 That the Councillors site visit which was conducted on 23 May 2018 to Erf R/196, Rocky Crest, be noted. [The attendance list is attached as page 335 to the agenda.]
- 2 That the appeal letter dated 10 April 2018, attached as pages 336 - 337 - 292 to the agenda, received from Mr C Tjikongo, be noted.
- 3 That the lease applications from Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction with respect to proposed portions of Erf R/196, Rocky Crest not be supported.
- 4 That alternative erven be identified and allocated to Mr C Tjikongo, Kelly's Trading CC and Gravitas Construction for lease purposes.
- 5 That Council Resolution 146/05/98, attached as page 341 to the agenda, be rescinded.
- 6 That the appeal of the Mr De Jager (owner of Erf 1384, Rocky Crest) to lease a portion of Erf R/196, Rocky Crest in order to address the shortage of parking, be supported.
- 7 That Erf R/196, Rocky Crest (measuring $\pm 1\,248\text{ m}^2$ in extent) be leased to the owners of Erf 1384, Rocky Crest for a period of five (5) years at a monthly rental of N\$11 398.33, subject that the rental escalate annually at a fixed rate of 8 %.
- 8 That the lease area only be used for parking purposes.
- 9 That the applicant erect structures that will blend in with the development on the abutting Erf 1384, Rocky Crest to maintain the good aesthetic set by that development.
- 10 That the applicant note that all permanent improvement will revert to Council should his lease be terminated for whatever reason and that the applicant not be compensated for such improvements.
- 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 higher lying property to lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
- 11.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
 - 12 That access to the parking be to the satisfaction of the Strategic Executive: Urban and Transport Planning and not be within 15 metres from an intersecting kerb line of any intersection.
 - 13 That the parking layout be to Municipal requirements and be to the satisfaction of the Strategic Executive: Urban and Transport Planning.
 - 14 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost involved be for the applicant's own account.
 - 15 That only one (1) service connection per erf be allowed from the municipal electrical network, and further distribution to other buildings be done from the main board.
 - 16 That should a service connection larger than 3 x 60 ampere be 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.
 - 17 That it be noted that an existing water line is situated east of Long Island Road on the side walk that can be extended to serve Erf R/196, Rocky Crest.
 - 18 That the water be provided to Erf R/196, Rocky Crest by the Strategic Executive: Infrastructure, Water and Technical Services at the cost of the applicant.
 - 19 That the sewer connection be provided by the Strategic Executive: Infrastructure, Water and Technical Services.
 - 20 That the cost of providing the sewer and water line be paid by the applicant before work commence.

- 21 That the lease be advertised in terms of section 63(2)(b) of the Local Authorities Act, 1992 (Act 23 of 1992).
- 22 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.
- 23 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 180/06/2018

CRT Farming, Investment and Trading

Email:

Cell: +264 81 369 8080

Att: Mr David Negonga.
Windhoek
Namibia

REF NO: L/R/196/RC

RE: Lease With Option To buy

I hereby respond to the counsel's resolution dated on 2018-06-28 with the reference number stated above. The plots I choose now are two business plots on Buzzard street, ERF no 5446KD and 5447KD on Crake street.

Furthermore, I would like to emphasize the importance of my previous dramatical experiences during my applications from 1998 until 2018. I have however received a positive response from you, Mr Negonga, in May 2019 based on my recent application. You understand the headaches and pains I have faced with multiple plot applications for the past 21 years. In my applications mentioned above, the square meters were approximately 1500m² on which I planned to build a sustainable business, due to that reason I am applying for two plots with a total size of 852 m².

The applications were resolved on my personal name, however, I requested the council to alter the application onto my company name "CRT Farming Investment and Trading CC, number cc/2012/9891" as I am one of the members along with my wife, Mrs Violine Tjikongo.

My business plan from that time until now was to uplift the Namibian economy and minimize the Namibian unemployment rate. In order to build a factory for a manufacturing operation here in Namibia as well as export Namibian goods. Therefore, allow me to make use of this opportunity and help my country grow.


Regards,
Christof Tjikongo

06 JUNE 2019.
Date

- 2 That given the success in terms of the efficiency and transparency of the Closed Bid Sale process that the City continue to do all future sales by way of the Closed Bid Sale method and that the Strategic Executive: Housing, Property Management and Human Settlement be empowered and mandated to make administrative changes to improve the process.
- 3 That the remaining twenty six (26) erven in Kleine Kuppe Extension 1 (Phase 2B) as indicated on the list, attached as pages 903 - 904 to the agenda, and all other erven that may become available due to cancellations be made available for sale immediately and not be kept for the next round of erven sale.
- 4 That the sale of available erven be opened up to include multiple buyers (natural persons only) to partake in the sale.
- 5 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 244/11/2021

[Municipal Council Minutes: 2021-11-30(18)]

9.2.15

**FNS.8 [HPH] TENDER NOTICE NO. 04/2021:
SALE OF TWENTY FIVE (25) UNIMPROVED
BUSINESS, INDUSTRIAL AND RESTRICTED
BUSINESS ERVEN IN KHOMASDAL EXTENSION 16,
ROCKY CREST, KLEINE KUPPE, KATUTURA,
AUASBLICK, AND PIONIERSPARK
(L/Tender Notice 4/2021)**

On proposal by Councillor Ms N Larandja, it was

RESOLVED

- 1 That the following be noted:
 - 1.1 That seventeen (17) tender proposals for the commercial properties were received at the closure of Tender Notice 4/2021.
 - 1.2 That it be noted that the three (3) Tenderers listed as follows in Table 1 were disqualified:

Table 1: Disqualified Tenderers

Tenderer	Erf No.	Reason for disqualification
The Redeemed Christian Church	10587, 10968 and 10611, Katutura	Erven tendered for are not on the list of erven that were advertised
Steven C Nanuseb		Did not submit any bid
Nekdilo Logistics and Investments		Did not submit any bid

- 1.3 That the remaining and qualifying fourteen (14) Tenderers were evaluated based on who tendered the highest.
- 1.4 That some Tenderers offered highest on more than one (1) property, and that they will be requested to choose one (1) erf only, where the other property be allocated to the next qualifying Tenderer, subject to the one (1) erf per Tenderer.
- 2 That approval be granted for the allocation of the unimproved commercial properties to the following successful Tenderers:
 - 2.1 That it be noted that the Tenderer, Rejoice Investment CC tendered the highest for the following erven:
 - Erf 1334, Pionierspark (18 168 m² in extent), tendered price of N\$22 999 999.99; and
 - Erf 5430, Khomasdal (558 m² in extent), tendered price N\$750 999.99.
 - 2.1.1 That Rejoice Investment CC choose one (1) erf between Erf 1334, Pionierspark and Erf 5430, Khomasdal and that the other be allocated to the next qualifying Tenderer in line, if any, as indicated in the respective table in the body of the submission.
 - 2.1.2 That the sale for Erf 1334, Pionierspark (18 168 m² in extent) be subject to conditions of Council Resolution 245/10/2017, attached as pages 938 – 938(d) to the agenda, being complied with.
 - 2.1.3 That a deposit 5 % of the tendered price be paid by the successful Tenderer within ten (10) days of acceptance of the offer.
 - 2.1.4 That the successful Tenderer undertake the town planning and cadastral procedures at own cost as outlined in Council Resolution 245/10/2017, and finalise the process within eighteen (18) months from the date of this Council Resolution.
 - 2.1.5 That should the successful Tenderer fail to finalise the town planning and cadastral procedures as well as signing the Deed of Sale and Memorandum of Agreement (MoA) within eighteen (18) months from the date of this Council Resolution, that the allocation be cancelled, the non-refundable deposit paid be forfeited to Council and that Erf 1334, Pionierspark be readvertised for sale.
- 2.2 That Erf 192, Auasblick (2 853 m² in extent), be sold to Lipalakuwa Investment CC at a tendered price of N\$4 379 935.35,
- 2.3 That Erf 287, Kleine Kuppe (3 325 m² in extent), be sold to Onghelo Trading Enterprise CC at a tendered price of N\$4 451 999.00.

- 2.4 That it be noted that Rahab Tuutaleni Shilongo tendered the highest for the following erven:
- Erf 5449, Khomasdal (384 m² in extent), tendered price N\$600 000.00;
 - Erf 5448, Khomasdal (384 m² in extent), tendered price N\$600 000.00; and
 - Erf 5447, Khomasdal (384 m² in extent), tendered price N\$600 000.00.
- 2.4.1 That Rahab Tuutaleni Shilongo choose one (1) erf between Erven 5447, 5448 and 5449, Khomasdal and that the other two Erven be allocated to the next qualifying Bidder in line, if any, as indicated in the respective table in the body of the submission.
- 2.5 That Erf 5437, Khomasdal (336 m² in extent), be sold to Kristian Hamutenya at a tendered price of N\$550 000.00.
- 2.6 That it be noted that Jehiel Investment CC tendered the highest for the following erven:
- Erf 5432, Khomasdal (480 m² in extent), tendered price N\$686 799.99; and
 - Erf 5413, Khomasdal (1 219 m² in extent), tendered price N\$2 289 799.99.
- 2.6.1 That Jehiel Investment CC choose one (1) erf between Erven 5432 and 5413, Khomasdal and that the other erf be allocated to the next qualifying Tenderer in line, if any, as indicated in the respective table in the body of the submission.
- 2.7 That Erf 1051, Rocky Crest (2 712 m² in extent), be sold to Jack Mutua Architects at a tendered price of N\$3 269 200.00.
- 2.8 That Erf 10585, Katutura (450 m² in extent), be sold to Omeya Investment CC at a tendered price of N\$459 999.00.
- 2.9 That it be noted that David Nakapunda tendered the highest for the following erven:
- Erf 10608, Katutura (303 m² in extent), tendered price N\$409 000.09; and
 - Erf 10583, Katutura (450 m² in extent), tendered price N\$409 000.09.
- 2.9.1 That David Nakapunda choose one (1) erf between Erven 10608 and 10583, Katutura and that the other erf be allocated to the next qualifying Bidder in line, if any, as indicated in the respective table in the body of the submission.

2.10 That it be noted that commercial properties attracts 15 % VAT payable in addition to the tendered prices.

3 That it be noted that the following eleven (11) erven, unimproved properties as listed in Table 2, were not tendered for:

Table 2: Eleven (11) unallocated unimproved properties

No.	Erf No.	Township	Zoning	Size (m ²)	Upset price (N\$)
1	5390	Khomasdal	Business	510	661 000.00
2	5399	Khomasdal	Industrial	461	551 000.00
3	5400	Khomasdal	Industrial	552	660 000.00
4	5401	Khomasdal	Industrial	547	654 000.00
5	5427	Khomasdal	Industrial	480	574 000.00
6	5428	Khomasdal	Industrial	480	574 000.00
7	5429	Khomasdal	Industrial	480	666 000.00
8	5433	Khomasdal	Industrial	480	574 000.00
9	10594	Katutura	Industrial	325	242 000.00
10	10595	Katutura	Industrial	447	333 000.00
11	10596	Katutura	Industrial	362	269 000.00

- 3.1 That commercial erven that have been advertised more than two (2) times be offered on private treaty to applicants in terms of the provision in the Land Sales Policy in terms of Council Resolution 114/03/94, paragraphs 5 and 5.3.
- 3.2 That the applications on commercial erven that are advertised more than two (2) times be submitted to Council for their deliberation and approval for sale on such properties on private treaty.
- 3.3 That the erven be sold at their upset prices that they were last advertised for and the prices should not be increased and that 15 % VAT shall be payable in addition to the purchase price.
- 3.4 That the list of Tenderers that have previously shown interest in the subject properties, attached as pages 915 - 921 to the agenda, be noted and that these applicants be considered first for allocation of the properties on private treaty, if still interested.
- 3.5 That the Strategic Executive: Housing, Property Management and Human Settlement come up with a process on how erven that have little or no interest can be sold on private treaty, in a manner that is transparent and just.
- 3.6 That the sale in terms of paragraphs 5 and 5.3 of Council Resolution 114/03/94, be advertised in terms of section 63(2) and be subject to Ministerial approval in terms of section 30(1) (t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 4 That all successful Tenderers who have arrears for rates and services accounts first settle their arrears on the accounts prior to the conclusion of the Sales Agreements.

- 5 That in the event of any Tenderers' failure to conclude the Sale Agreements within ninety (90) calendar days from the date of being informed of the tender allocation, the properties be offered to the next qualifying Tenderer in line until the list is exhausted.
- 6 That the Policy for the sale of commercial properties as adopted in terms of Council Resolutions 317/10/2002 and paragraphs 5 and 5.1 of Council Resolution 194/07/2015, attached as pages 909 and 910 - 913 respectively to the agenda, be rescinded.
- 7 That the alienation of commercial ('office', 'business', 'restricted business' and 'industrial') zoned properties, be included in the approved 'Closed Bid Sale process' as approved in terms of Council Resolution 289/11/2019, and the requirements thereof be as per the Closed Bid Sale process.
- 8 That the Strategic Executive: Housing, Property Management and Human Settlement investigate properties that will require development proposals or where expressions of interest are needed, and when such properties are identified they must be sold as per the process such a development or expression of interest may require.
 - 8.1 That in instances where development proposals/expression of interest is needed that such properties not be sold through the Closed Bid Sale process.
 - 8.2 That the Strategic Executive: Housing, Property Management and Human Settlement consult relevant departments for specific requirements and/or terms of references for the sale of such properties.
- 9 That the Strategic Executive: Housing, Property Management and Human Settlement be empowered to make decisions as to what commercial properties will follow the Closed Bid Sale process and which ones will need to be taken on expression of interest.
- 10 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

None

RESOLUTION 250/11/2021

KELLY'S TRADING CC
P. O. Box 41109
AUSSPANPLATZ

03 September 2019

ATT: Mr Gerwin.Mosimane
City of Windhoek
P. O. Box 59
WINDHOEK

Dear Mr. G. Mosimane

RE: APPLICATION OF ERF 196/RC

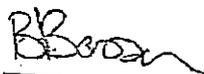
The subject heading and the email from yourself, dated 2nd August 2019 bears reference.

Kindly be advised that the following erf best suits the intended purpose and therefore opted for as the best alternative.

- Erf 5454, Khomasdal, Extension 16
Size 384
Zoning: Business
Shoveller Street

Hope you find the above well and in order.

Yours sincerely,



Ms. Beulah Basson
MD: Kelly's Trading cc

KELLY'S TRADING
P.O. Box 41109, Ausspanplatz
WINDHOEK • NAMIBIA
Tel: +264 81 288 1430 • Fax: +264 88 655 4300
Co Reg: CC/2011/6527
E-mail: info@kellystrading.cc



The Chief Executive Officer (CEO)
City of Windhoek
PO Box 59
Windhoek

05 August 2019

REF: L/R/196/RC

Dear Mr. Mosimane,

I would like to acknowledge that we accept the offer to select and purchase the alternative site afforded to us by the City of Windhoek in the Khomasdal Extension 16 area due to unavailability of the initial application for ERF R/196 Corner of Long Island Street and Sal Island Road located in the suburbs of Rocky Crest.

As per telephone discussion and subsequent discussion at your office on 1 August 2019, I hereby would like to confirm that I would like to select the Business ERF 5453 in Show " " in Khomasdal Extension 16. Furthermore, kindly note that our company would like to purchase this plot for N\$ 464 000.00 (Four Hundred and Sixty Four Thousand Namibian Dollars) as indicated in the provided document.

We would once again like to thank the City of Windhoek for their consideration to offer us this opportunity, and we look forward to hearing from you on the way forward in this regard. Should you need additional information, please contact me at 081 122 6423 or email: peter2snoop@gmail.com

Yours Sincerely,

P Nghinyotwa
Director

VALUATION CERTIFICATE
 DIVISION: VALUATION SERVICES
 DATE OF VALUATION: 31/3/2023



Erf No.: 5446 Suburb: Khomasdal Street name: Crake
 Erf size: 468 m² Zoning: Business Density: N/A

Required portion size: 468 m²

Current use of the portion under consideration: Vacant

Acquisition purpose: To be sold

Current vacant land going price/ m ²	N\$ 1282	
Size of the portion Required	468 m ²	
Estimated market Value	N\$ 600 000	

Recent analysis has revealed that the rate per meter square of vacant business land in Khomasdal has not changed as from 2020-2023. In view of the above we are of the opinion that a of N\$ 1282.00/m² be applicable in this valuation.

Kaulikwa Hendjala

Valued by: Kaulikwa Hendjala Date: 31/3/2023

VALUATION CERTIFICATE
 DIVISION: VALUATION SERVICES
 DATE OF VALUATION: 31/3/2023



Erf No.: 5453 Suburb: Khomasdal Street name: Crake
 Erf size: 384 m² Zoning: Business Density: N/A

Required portion size: 468 m²

Current use of the portion under consideration: Vacant

Acquisition purpose: To be sold

Current vacant land going price, m ²	N\$ 1282	
Size of the portion Required	384 m ²	
Estimated market Value	N\$ 492 000	

Recent analysis has revealed that the rate per meter square of vacant business land in Khomasdal has not changed as from 2020-2023. In view of the above we are of the opinion that a of N\$ 1282.00/m² be applicable in this valuation.

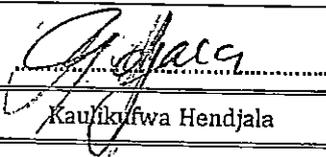
Kaulikufwa Hendjala

Valued by:

Kaulikufwa Hendjala

Date:

31/3/2023

VALUATION CERTIFICATE		
DIVISION: VALUATION SERVICES		
DATE OF VALUATION: 31/3/2023		
 CITY OF WINDHOEK		
Erf No.:	5447	Suburb: Khomasdal Street name: Crake
Erf size:	384 m ²	Zoning: Business Density: N/A
Required portion size:	468 m ²	
Current use of the portion under consideration:	Vacant	
Acquisition purpose:	To be sold	
Current vacant land going price/ m ²	N\$ 1282	
Size of the portion Required	384 m ²	
Estimated market Value	N\$ 492 000	
Recent analysis has revealed that the rate per meter square of vacant business land in Khomasdal has not changed as from 2020-2023. In view of the above we are of the opinion that a of N\$ 1282.00/m ² be applicable in this valuation.		
		
Valued by:	Kaulkufwa Hendjala	Date: 31/3/2023

[Municipal Council Minutes: 2022-02-02&01(01-27)]

10.2.11

**FNS.9 [HPH] AMENDMENT OF COUNCIL
RESOLUTION 338/10/2020 – OFFERED PRICE
(L/2561/Otj) (L/2492/Otj)**

On proposal by Councillor Ms N Larandja, it was

RESOLVED

- 1 That the request to amend the error in Council Resolution 338/10/2020, be noted.
- 2 That paragraphs 4.7 and 4.12 of Council Resolution 338/10/2020, be amended and be replaced to *inter alia* read as follows:
 - 4.7 *That Erf 2468, Ojomuise ($\pm 656 m^2$ in extent) be allocated to Mr Simon Natangwe Iyambo at a tendered purchase price of N\$460 000.00.*
 - 4.12 *That Erf 2561, Ojomuise ($\pm 503 m^2$ in extent) be allocated to Chencia Richarda Kudumo at a tendered price of N\$416 342.00.*
- 3 That this Council Resolution be read together with Council Resolution 338/10/2020, attached as pages 264 - 265 to the agenda.
- 4 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 21/02/2022

12

**ITEM 4.12 - ITEM 9.3.12 - FNS.4 [HPH] APPROVAL
FOR THE ALLOCATION AND SALE OF
THIRTEEN (13) UNIMPROVED SINGLE
RESIDENTIAL ERVEN IN OTJOMUISE
EXTENSION 5 BY WAY OF
PRIVATE TREATY
(L/Otjomuise Ext. 5)**

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That it be noted that thirteen (13) unimproved single residential erven of Otjomuise Extension 5 (Phase 2) were advertised under Tender HPH 08/2019 and that their validity period lapsed on 7 March 2020.
- 2 That given the lapsing of the validity period, approval be granted for the allocation of the thirteen (13) erven by means of the private treaty to the Tenderers in paragraph 4 below.
- 3 That it be noted that **NO OFFEROR** shall be allocated more than one (1) property.
- 4 That approval be granted for the allocation of the thirteen (13) unimproved single residential properties to the following successful Tenderers:
 - 4.1 That Erf 2380, Otjomuise ($\pm 1\ 005\ m^2$ in extent) be allocated to **Nankondo Lazarus** at a tendered purchase price of N\$760 000.00.
 - 4.2 That Erf 2381, Otjomuise ($\pm 933\ m^2$ in extent) be allocated to **Nathanael Iimbodi Shavuka** at a tendered purchase price of N\$659 840.00.
 - 4.3 That Erf 2382, Otjomuise ($\pm 873\ m^2$ in extent) be allocated to **Peter Immanuel** at a tendered purchase price of N\$600 000.00.
 - 4.4 That Erf 2416, Otjomuise ($\pm 609\ m^2$ in extent) be allocated to **Fabianus Lazarus** at a tendered purchase price of N\$555 450.00.
 - 4.5 That Erf 2420, Otjomuise ($\pm 650\ m^2$ in extent) be allocated to **Lewis Kapofi** at a tendered purchase price of N\$606 100.00.
 - 4.6 That Erf 2478, Otjomuise ($\pm 539\ m^2$ in extent) be allocated to **Kapala Maria and Negonga Michael** at a tendered purchase price of N\$473 520.00.
 - 4.7 That Erf 2492, Otjomuise ($\pm 656\ m^2$ in extent) be allocated to **Simon Natangwe Iyambo** at a tendered purchase price of N\$460 080.00.
 - 4.8 That Erf 2496, Otjomuise ($\pm 526\ m^2$ in extent) be allocated to **Amoray Wimmerth** at a tendered purchase price of N\$402 680.00.
 - 4.9 That Erf 2550, Otjomuise ($\pm 527\ m^2$ in extent) be allocated to **Tresia Petrus** at a tendered purchase price of N\$380 450.00.

- 4.10 That Erf 2551, Otjomuise ($\pm 541 \text{ m}^2$ in extent) be allocated to **Doreen Simenda** at a tendered purchase price of N\$455 000.00.
- 4.11 That Erf 2553, Otjomuise ($\pm 568 \text{ m}^2$ in extent) be allocated to **Martin Jurgen Shikongo** at a tendered purchase price of N\$400 240.00.
- 4.12 That Erf 2561, Otjomuise ($\pm 503 \text{ m}^2$ in extent) be allocated to **Chencia Richarda Kudumo** at a tendered purchase price of N\$415 342.00.
- 4.13 That Erf 2563, Otjomuise ($\pm 544 \text{ m}^2$ in extent) be allocated to **Kondjeni Shatyohamba** at a tendered purchase price of N\$529 920.00.
- 5 That, if for whatever reasons the first Offeror be disqualified or fail to sign the Deed of Sale within ninety (90) days from the date of accepting this Council Resolution, the allocation be extended to the next person on the list.
- 6 That should the second Tenderer on the list be disqualified the same sequence as per paragraph 5 above, be followed to allocate the erf.
- 7 That all successful Tenderers who have arrear rates and services accounts first settle their arrears on the accounts, prior to the conclusion of the Sales Agreements.
- 8 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deeds of Sale for the above allocations to ensure that the current draft Deeds of Sale be amended to private treaty sales transactions.
- 9 That the above private treaty sales be advertised for objections in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 10 That the sale be subject to ministerial approval in terms of section 31(i)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 11 That the resolution be implemented prior to confirmation of the minutes.

Financial implications

None

RESOLUTION 338/10/2020