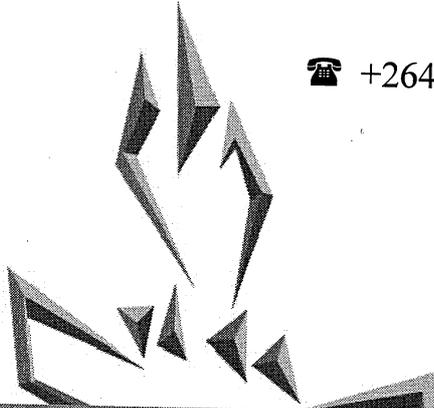


DOCUMENT 1

CITY OF WINDHOEK

✉ 59, Windhoek

☎ +264 61 2902911



NOTICE is hereby given of the monthly meeting of the

MUNICIPAL COUNCIL OF WINDHOEK

to be held on **Thursday, 21 November 2024 at 17:30** in the new Council Chambers, Windhoek.


.....
CHIEF EXECUTIVE OFFICER

ENQUIRIES: Ms M Garises/mgo
Ms T Edward

REF: 2024-11-21.ca

TELEPHONE: 2902557/2902597

DATE: 2024-11-15

INDEX

		PAGE
1	OPENING BY PRAYER	
2	OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS BY THE MAYOR - COUNCIL MEMBER QUEEN O KAMATI	
3	APPLICATIONS FOR LEAVE OF ABSENCE	
4	DECLARATION OF INTEREST	
5	CONFIRMATION OF MINUTES	
5.1	MUNICIPAL COUNCIL MEETING HELD ON 11(3110) NOVEMBER 2024	1
5.2	SPECIAL MUNICIPAL COUNCIL MEETING HELD ON 14 NOVEMBER 2024	1
6	PETITIONS	
7	MOTIONS	
8	ANSWERS TO QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN	
9	OUTSTANDING MATTER ARISING FROM THE PREVIOUS MUNICIPAL COUNCIL MEETING HELD ON 31 JULY 2024	
9.1	ITEM 10.5.4 - FNS.4 [HPH] STAFF MATTER	2
10	OUTSTANDING MATTER ARISING FROM THE PREVIOUS MUNICIPAL COUNCIL MEETING HELD ON 23 (0810)(2609) OCTOBER 2024	
10.1	ITEM 7.1 [CEO] APPLICATION TO RENAME SHEFFIELD STREET, WINDHOEK IN HONOUR OF THE LATE MR METHUSELA SIMATAA KHAMA	3
11	OUTSTANDING MATTER ARISING FROM THE PREVIOUS MUNICIPAL COUNCIL MEETING HELD ON 23 (0810)(2609) OCTOBER 2024	
11.1	ITEM 9.1.3 - GOV.3 [ELE] CONFIDENTIAL MATTER	5
12	OUTSTANDING MATTER ARISING FROM THE PREVIOUS MUNICIPAL COUNCIL MEETING HELD ON 11 (3110) NOVEMBER 2024	
12.1	ITEM 9.3.7 - GOV.14 [CEO] COUNCIL RECESS - 2024/2025 AND SCHEDULE OF STATUTORY, CORPORATE AND STRATEGIC MEETINGS FOR 2025	5

	PAGE	
13	MINUTES OF MANAGEMENT COMMITTEE	
13.1	APPROVAL OF MINUTES (MC 20/2024)	
13.2	MINUTES (MC 20/2024)	
13.2.1	GOV.1 [EDC] APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MoU) BETWEEN THE MUNICIPAL COUNCIL OF WINDHOEK AND THE NATIONAL HERITAGE COUNCIL OF NAMIBIA (NHC)	7
13.2.2	GOV.2 [CIT] DOG CONTROL AND MANAGEMENT REGULATIONS FOR THE WINDHOEK MUNICIPAL POLICE SERVICE (WMPS)	11
13.2.3	GOV.3 [CEO] CONFIDENTIAL MATTER	17
13.2.4	GOV.4 [CEO] CONFIDENTIAL MATTER	18
13.2.5	GOV.5 [CEO] CONFIDENTIAL MATTER	18
13.2.6	GOV.6 [CIT] SAFER CITY STRATEGIC PARTNERSHIP AGREEMENT BETWEEN POWERCOM AND THE MUNICIPAL COUNCIL OF WINDHOEK (WINDHOEK MUNICIPAL POLICE SERVICE (WMPS))	19
13.2.7	GOV.7 [CIT] ENHANCEMENT OF THE WINDHOEK MUNICIPAL POLICE SERVICE EMERGENCY RESPONSE SYSTEM WITH A PANIC BUTTON COMPONENT	24
13.2.8	GOV.10 [EDC] CHINA RAILWAY SEVENTH GROUP (PTY) LTD'S APPLICATION TO EXTRACT GRAVEL AT THE BORROW PIT LOCATED ADJACENT TO THE KUPERBERG WASTE DISPOSAL SITE (WESTERN SIDE)	34
13.2.9	GOV.12 [HPH] EXEMPTION OF PROPERTIES FROM PAYMENT OF ASSESSMENT RATES FOR THE 2023/2024 FINANCIAL YEAR FOR NON-RATEABLE PROPERTIES	45
13.2.10	FNS.1 [HPH] APPLICATION TO LEASE A PORTION OF SIDEWALK ALONG CROHN STREET, ADJACENT TO ERF R/A/109, WINDHOEK FOR PARKING PURPOSES	49
13.2.11	FNS.2 [HPH] CONFIDENTIAL MATTER	55
13.2.12	SOP.1 [HPH] CONFIDENTIAL MATTER	56

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[Municipal Council Agenda: 2024-11-21]

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

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[Municipal Council Agenda: 2024-11-21]

2 **OFFICIAL ANNOUNCEMENTS, STATEMENTS
AND COMMUNICATIONS BY THE MAYOR -
COUNCIL MEMBER QUEEN O KAMATI**
(3/1/6/8)

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[Municipal Council Agenda: 2024-11-21]

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

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[Municipal Council Agenda: 2024-11-21]

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

=====

5 **CONFIRMATION OF MINUTES**

[Municipal Council Agenda: 2024-11-21]

5.1 **MUNICIPAL COUNCIL MEETING
HELD ON 11 (3110) NOVEMBER 2024**
(3/2/1)

The minutes of the monthly meeting of the Municipal Council of Windhoek held on 11 (3110) November 2024 are submitted for confirmation.

[Municipal Council Agenda: 2024-11-21]

5.2 **SPECIAL MUNICIPAL COUNCIL MEETING
HELD ON 14(06) NOVEMBER 2024**
(3/2/1)

The minutes of the special meeting of the Municipal Council of Windhoek held on 14(06) November 2024 are submitted for confirmation.

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[Municipal Council Agenda: 2024-11-21]

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

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[Municipal Council Agenda: 2024-11-21]

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

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[Municipal Council Agenda: 2024-11-21]

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

=====

9 **OUTSTANDING MATTER ARISING FROM
THE PREVIOUS MUNICIPAL COUNCIL
MEETING HELD ON 31 JULY 2024**

[Municipal Council Agenda: 2024-11-21]

9.1 **ITEM 10.5.4 - FNS.4 [HPH] STAFF MATTER**
(L/233/KD)

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 OUTSTANDING MATTER ARISING FROM
THE PREVIOUS MUNICIPAL COUNCIL MEETING
HELD ON 23 (0810)(2609) OCTOBER 2024**

[Municipal Council Agenda: 2024-11-21]

**10.1 ITEM 7.1 [CEO] APPLICATION TO RENAME
SHEFFIELD STREET, WINDHOEK IN HONOUR
OF THE LATE MR METHUSELA SIMATAA KHAMA
(3/2/1)**

A submission by the Heritage Committee, an Advisory Committee of the Windhoek Municipal Council, established in terms of section 30(1)(w) and Council Resolution 59/03/2021.

Introduction

An application, **attached as pages 1 - 5 to the agenda**, has been received requesting the renaming of Sheffield Street in Windhoek to honour the late firefighter, Mr Methusela Simataa Khama. Mr Khama served in the Municipal Council of Windhoek's Fire Brigade for sixteen (16) years.

The application, submitted in the form of a motion, was referred to the Heritage Committee for review during their meeting on 13 November 2024. The proposal received the Committee's support and is hereby submitted for consideration by the Municipal Council of Windhoek in accordance with the Street and Place Naming/Renaming Guidelines, as outlined in Council Resolution 76/04/2017.

Background of the application

Mr Methusela Simataa Khama joined the Municipal Council of Windhoek's Fire Brigade as a firefighter on 3 March 2008, serving with dedication until his untimely passing on 7 July 2024 while driving a Municipal Council of Windhoek Ambulance.

Although Mr Khama held a formal qualification in Construction Engineering, he chose to serve his community as a firefighter. He was well known among his colleagues for his dedication, bravery and courage. Mr Khama is the first firefighter in the history of the Organisation, both pre- and post-independence, to lose his life in the line of duty.

Proposed street

The application proposes the renaming of Sheffield Street in Windhoek. Currently, the name 'Sheffield' originates from a City in the United Kingdom and holds no specific historical or cultural relevance to Windhoek or Namibia. Given this lack of connection, it is proposed that the street be renamed in honour of a figure more meaningful to the local community.

Motivation

The application has been submitted in line with the Street and Place Naming/Renaming Guidelines, as endorsed by Council Resolution 76/04/2017, attached as **page 6 to the agenda** and in conjunction with Rules 12 and 13(1) of the Standing Rules and Order. These guidelines aim to honour individuals who have made significant contributions to promoting a positive image of the City, as detailed in the guidelines.

Mr Methusela Simataa Khama holds a unique place in the history of the Windhoek Fire Brigade as the first firefighter to lose his life in the line of duty. Renaming Sheffield Street in his honour would serve as a meaningful tribute to his legacy and memory. Her Worship, in placing the motion, noted that 'the gesture will go a long way in paying homage to one of the City's own, offering heartfelt recognition of the sacrifices made by the brave men and women who serve in the Windhoek Fire Brigade. Furthermore, the renaming would provide comfort and solace to his family, colleagues and the community at large'.

Conclusion

Renaming Sheffield Street in honour of Mr Methusela Simataa Khama is a fitting tribute to an individual who dedicated himself to the safety and well-being of the City's residents. This gesture not only recognises his selfless service but also offers comfort and solace to his family, affirming that the Municipal Council of Windhoek honours and remembers those who serve their community with unwavering dedication.

The Heritage Committee

RECOMMENDED

- 1 That the Motion received from Council Member Queen O Kamati to rename Sheffield Street in honour of the late firefighter Mr Methusela Simataa Khama, be supported.
- 2 That Sheffield Street be renamed in honour of Mr Methusela Simataa Khama and be known as MS Khama Street (with St. abbreviated for Street).
- 3 That the general public be informed of the decision taken by the Municipal Council of Windhoek as per the Street and Place Naming/Renaming Guidelines prior to the actual naming of the street and such should be done in the following manner:
 - Through placing a notice in the Aloe newsletter; or
 - Through disseminating letters informing all property owners along the affected street.
- 4 That given the Motion and the nature of the honour bestowed, the standard consultation requirements be waived.

- 5 That the Chief Executive Officer (Manager: Mayoral and Council Affairs) inform the applicant about the decision taken and make the necessary arrangements in the event of a street naming ceremony.
- 6 That the resolution be implemented prior to confirmation of the minutes.

**11 OUTSTANDING MATTER ARISING FROM
THE PREVIOUS MUNICIPAL COUNCIL MEETING
HELD ON 23 (0810)(2609) OCTOBER 2024**

[Municipal Council Agenda: 2024-11-21]

**11.1 ITEM 9.1.3 - GOV.3 [ELE] CONFIDENTIAL MATTER
(16/2/2)**

This matter, submitted to the Council Members 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.

**12 OUTSTANDING MATTER ARISING FROM
THE PREVIOUS MUNICIPAL COUNCIL
MEETING HELD ON 11 (3110) NOVEMBER 2024**

[Municipal Council Agenda: 2024-11-21]

**12.1 ITEM 9.3.7 - GOV.14 [CEO] COUNCIL
RECESS - 2024/2025 AND SCHEDULE
OF STATUTORY, CORPORATE AND
STRATEGIC MEETINGS FOR 2025
(3/2/1)**

Council at its meeting held on 11 (3110) November 2024 per Resolution *inter alia* resolved as follows:

- 1 *That this matter be deferred to the next Council meeting scheduled to be held on 21 November 2024 for further extensive deliberations.*
- 2 *That the resolution be implemented prior to confirmation of the minutes.*

The item is resubmitted as follows:

Section 14(1)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) authorises the Chief Executive Officer to convene Municipal Council meetings not less than ten (10) times in every year reckoned from 1 January, at intervals of not more than ten (10) weeks. This allows for Council to go into recess.

Management Committee, having considered the matter

RECOMMENDED

- 1 That the Municipal Council of Windhoek go into recess from Tuesday, **03 December 2024**, until Sunday, **19 January 2025** and that the first Management Committee meeting be held on **Tuesday, 21 January 2025** with the first Council meeting scheduled for **Thursday, 30 January 2025**.
- 2 That the Chief Executive Officer be authorised to convene special Management Committee or Council meetings during the recess period, if deemed necessary.
- 3 That all urgent matters that may occur during the recess period be decided upon by the Chairperson of Management Committee and any two (2) additional members of Management Committee, with the proviso that all resolutions be submitted to Management Committee at its first meeting to be held on **21 January 2025**, for consideration of a condonation.
- 4 That members of Management Committee provide the Chief Executive Officer with the necessary details regarding their whereabouts and contact numbers during the recess period in order to execute paragraph 3 above.
- *** 5 That the schedule for Management Committee and Council meetings for the Year 2025, **attached as pages 7 - 8 to the agenda**, be noted.
- 6 That departments ensure to plan their various programmes/activities around the approved Schedule of Meetings.
- 7 That the resolution be implemented prior to confirmation of the minutes.

=====

13 MINUTES OF MANAGEMENT COMMITTEE

[Municipal Council Agenda: 2024-11-21]

13.1 APPROVAL OF MINUTES (MC 20/2024)

The minutes of the Management Committee meeting (MC 20/2024) held on 13(12) November 2024 is submitted to Management Committee members for approval.

[Municipal Council Agenda: 2024-11-21]

13.2 MINUTES (MC 20/2024)

The minutes of the Management Committee meeting (MC 20/2024) held on 13(12) November 2024 as approved by its members at this Council meeting, is submitted for notice with the exception of Items GOV.1, GOV.2, GOV.3, GOV.4, GOV.5, GOV.6, GOV.7, GOV.10, GOV.12, FNS.1, FNS.2 and SOP.1, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 20/2024) held on 13(12) November 2024, be noted by its members, with the exception of Items GOV.1, GOV.2, GOV.3, GOV.4, GOV.5, GOV.6, GOV.7, GOV.10, GOV.12, FNS.1, FNS.2 and SOP.1.

[Municipal Council Agenda: 2024-11-21]

13.2.1 GOV.1 [EDC] APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MoU) BETWEEN THE MUNICIPAL COUNCIL OF WINDHOEK AND THE NATIONAL HERITAGE COUNCIL OF NAMIBIA (NHC) (16/7/P)

Council at its meeting held on 30 May 2024 per Resolution 87/05/2024 *inter alia* resolved as follows:

That this matter be referred back in order for the Heritage Committee for further consultation/extensive deliberation, whereafter it be resubmitted to Management Committee/Council, for consideration.

In response to the Council Resolution 87/05/2024, the Memorandum of Agreement (MoA) was reviewed and scrutinised by the Councillors Advisory Committee on Heritage, during a workshop held on Thursday, 15 August 2024, upon which the reviewed changes were verified and endorsed on by the said Committee at its meeting held on 19 August 2024.

Through the review and after consultation with Legal Services, the Committee agreed to change the Memorandum of Agreement (MoA) to a Memorandum of Understanding (MoU). The revised Memorandum of Understanding (MoU) covering all areas of operation of the parties as well as the Implementation Plan, is attached as **pages 9 - 17 to the agenda.**

Status summary

Management Committee at its meeting held on 21 May 2024 per Item GOV.1 *inter alia* resolved as follows:

That the Strategic Executive: Economic Development and Community Services provide an updated status (all information) on the areas of operations of the Project Team as indicated on the Implementation Plan, attached as pages 451 - 454 to the agenda, prior to the matter serving at Council, for consideration.

Purpose

The purpose of this resubmission is to seek the Municipal Council of Windhoek's approval for the Memorandum of Understanding (MoU) between the Municipal Council of Windhoek and the National Heritage Council of Namibia (NHC).

Background

The City of Windhoek received a petition on 10 June 2020, signed by four hundred and seventy six (476) petitioners, requesting for the removal of the Curt von Francois Statue, which came in as a wakeup call for the Municipal Council of Windhoek to put in place a Heritage Resources Management Framework.

The Local Authorities Act, 1992 (Act 23 of 1992) (as amended) gives the Municipal Council of Windhoek the responsibility to ensure that the City's heritage work has a robust policy in place to provide from and protect heritage resources within the jurisdiction of Windhoek. This refers to the natural and physical resources that contribute to an understanding and appreciation of Windhoek's history and cultures, deriving from any of the following qualities: archaeological, architectural, cultural, historic, scientific, technological it includes historic sites, structures, places and archaeological sites of significance to Windhoek, including its surroundings.

The Windhoek urban landscape is dominated by monuments and statues that commemorate and celebrate the colonial era and is not representative of the heritage of the local people. Therefore, the identification and preservation of heritage assets is fundamental to know and understand the diversity of our City's cultural heritage.

The involvement of the Government remains fundamental to promulgate National Heritage Policies, Strategies, Legal and Institutional Frameworks and Heritage Conservation Regulations. Furthermore, the Government agencies that deal with matters related to heritage and its preservation are unavoidable partners of the Municipal Council of Windhoek in heritage conservation.

The National Heritage Act, 2004 (Act 27 of 2004), provides for:

- The protection and conservation of places and objects of heritage significance;
- The registration of such places and objects; and

- The establishment of a National Heritage Council of Namibia (NHC) and a National Heritage Register.

The National Heritage Council of Namibia (NHC) advising the Minister of Education, Arts and Culture on the state of Namibia's heritage resources and steps necessary to protect and conserve them, identify, conserve, protect and manage places and objects of heritage significance, develop and revise criteria for assessing heritage significance to determine which places or objects warrant inclusion in the Register, introduce measures to prevent destruction, removal, deterioration or damages to heritage sites; advice Ministries, offices and agencies, local authorities and public authorities on matters relating to conservation and protection of places and objects.

It is important for the Municipal Council of Windhoek to identify assets in the City that represent cohesive 'collections' of heritage and in so doing support national Government in the practice of preserving, protecting and promoting heritage in its various forms for future generations. Thus concluding a Memorandum of Understanding (MoU) between the Municipal Council of Windhoek and the National Heritage Council of Namibia (NHC) covering heritage management will provide the City with an opportunity to establish, manage and preserve its heritage by sharing notes, knowledge and capacity development with the Heritage Council of Namibia.

Discussion

The establishment of partnerships is essential for the development of projects related to cultural and heritage matters, and to pool together competencies and skills that complement one another in the technical, social, financial and heritage fields. It is essential that the Municipal Council of Windhoek and Government agencies work in a co-operative effort, and that the development projects of the City integrate the patrimonial concerns within the larger scope of the national development plans.

As per the draft Memorandum of Understanding (MoU), **attached as pages 9 - 17 to the agenda**, the parties expressed willingness to co-operate in the following areas:

- Development of initiatives related to the research, promotion and management of heritage resources in Windhoek;
- Development and implementation of educational programmes to foster intercultural learning and understanding through enhanced awareness;
- Collaborate in the management of heritage resource within the Windhoek Municipal area;
- Development of a toolkit (Guidelines, Policies and Management Plans) for managing and protecting heritage resources in Windhoek;
- Identification and nomination of sites and objects of heritage significance within the City;
- Sharing of an updated Register of details of heritage sites and objects in Windhoek;

- Develop initiatives aimed at creating public awareness on the significance, protection and safeguarding of tangible and intangible heritage resources;
- Programme development for capacity building in areas but not limited to heritage asset management, combating illicit trafficking in heritage objects, preservation and promotion of intangible cultural heritage; and
- Any other area of co-operation as identified by the parties.

Strategic implications/significance

The initiative aims to re-address the informal form of engagement between the two (2) parties, by formalising future engagements between the Municipal Council of Windhoek and the National Heritage Council of Namibia (NHC). The Memorandum of Understanding (MoU) will lay out the agreed terms and outlines the steps to reach the desired goals. In addition, the Memorandum of Understanding (MoU) describes in detail the specific responsibilities of, and actions to be taken by, each of the parties so that the partners' goals may be accomplished. This formal engagement will allow each party to clearly state their objectives and what they expect from one another. The initiative is in line with the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and the National Heritage Act, 2004 (Act 27 of 2004).

Financial implications

At this stage, this item does not bear any financial implications as this is only the signing of the Memorandum of Understanding (MoU) by the two (2) parties. Future financial implications will be based on prior agreement of joint projects and the available resources of each party.

Conclusion

The Municipal Council of Windhoek, through the Department of Economic Development and Community Services has in the past engaged the National Heritage Council of Namibia (NHC) on various projects such as the preservation and conversion of the current Windhoek City Museum building, the stakeholder consultation on Cultural Heritage Management Workshop, the removal of the Curt von Francois Statue and many other avenues. All these engagements were carried out informally without a formal working framework. Due to this, it is imperative that the engagement is formalised and that the Memorandum of Understanding (MoU) between the Municipal Council of Windhoek and the National Heritage Council of Namibia (NHC) is approved.

As per practice, the draft Memorandum of Understanding (MoU) was circulated to the Chief Executive Officer (Corporate Legal Adviser) and inputs were incorporated in the final draft.

Management Committee

RECOMMENDED

- ***
- 1 That the revised Memorandum of Understanding (MoU), **attached as pages 9 - 17 to the agenda**, between the Municipal Council of Windhoek and the National Heritage Council of Namibia (NHC), be approved.
 - 2 That the areas of co-operation as detailed in the Memorandum of Understanding (MoU), be approved.
- ***
- 3 That the Implementation Plan outlining specific projects and activities within the identified broader areas of co-operation, **attached as pages 18 - 19 to the agenda**, be noted.
 - 4 That the Chief Executive Officer (Manager: External Relations and Networking) co-ordinate the Signing Ceremony at the date and venue to be mutually agreed upon between the parties.
 - 5 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2024-11-21]

13.2.2

**GOV.2 [CIT] DOG CONTROL AND
MANAGEMENT REGULATIONS FOR
THE WINDHOEK MUNICIPAL
POLICE SERVICE (WMPS)
(1/3/2/3)**

Introduction

The Windhoek Municipal Police Service (WMPS), through its By-Laws enforcement function, holds the responsibility of ensuring dog control regulations are enforced. Residents of the City keep various dogs as pets, and there is an obligation to ensure their safety, security, and health. Recently, there has been an increase in dog neglect and maltreatment, highlighting the need for their safeguarding through regulated controls.

The existing ordinance governing dog control in the city is outdated and no longer meets current needs, necessitating the creation of new regulations. These new regulations aim to address modern challenges in dog ownership and ensure better care and control of dogs in the city.

There are about twenty thousand (20 000) dogs in Windhoek, a number which was determined following the launch of a dog vaccination campaign by the State Veterinarian services.

Purpose

The purpose of this submission is to seek approval for the implementation of a comprehensive Dog Control and Management Regulations (herein referred to as 'Regulations'). The proposed regulations aim to address significant issues related to dog management, including public safety concerns, animal welfare and the need for responsible dog ownership. These regulations outline a detailed plan for mandatory dog registration, leash and confinement requirements, the reintroduction of a dog license system, and the introduction of a Fitness Certificate for dogs. The regulations will be published in the Government Gazette to formalise their enforcement.

Background

Dog management within the Windhoek Municipality has been an ongoing concern, with previous discussions highlighting significant inefficiencies. Dogs roam the city freely without control, posing safety risks, concerns, and welfare issues to those who may encounter them. This has prompted the Windhoek Municipal Police Service (WMPS) to explore new strategies for effective dog management.

There have been notable tragic events over the years that have exemplified the dire consequences of inadequate dog control measures. On 29 June 2015, thirteen (13) year old Fred Savage was mauled to death by two (2) aggressive pit bull terriers in the Otjomuise area. The boy, who was a Grade 5 pupil at Aris Primary School, was playing in the street with friends when the dogs charged at him after they (dogs) managed to make a hole in the fence and escaped, attacking him fatally in front of horrified neighbours. This incident not only brought to light the danger posed by uncontrolled and vicious dogs but also underscored the need for more stringent regulations to prevent such tragedies.

In another tragic incident in 2017, a three (3) year old girl, Mweneni du Plessis, was bitten by a dog. Despite receiving treatment at the Katutura Hospital, she tragically succumbed to her injuries. This case further highlights the ongoing public safety risks posed by unregulated and unvaccinated dogs.

The creation of these regulations would provide more robust enforcement mechanisms for dog management by establishing a more effective legislative framework to address the operational inefficiencies and regulatory gaps that have been hindering the enforcement of existing dog-related regulations. The new regulations will fill these existing gaps, enhance control over dog management, and address the inefficiencies, thereby improving public safety and animal welfare in Windhoek.

Discussion

The issue of dog management has raised significant concerns among residents and municipal authorities. With the rising number of dog-related incidents, particularly involving stray and uncontrolled dogs, there is a pressing need to introduce new regulatory measures. The regulations will require mandatory dog registration centralised at the Windhoek Municipal Police Service (WMPS) Head Quarters, to ensure the efficient and effective management of the city's dog population. This will keep track of dog ownership, control stray dogs, and reunite lost dogs with their owners.

Additionally, the reintroduction of a dog license system, which was previously in place but was discontinued due to administrative reasons, will help regulate dog ownership. The licensing system will promote accountability among dog owners and assist in the control of stray dogs while generating revenue for the Municipal Council of Windhoek. This approach will ensure that Windhoek's dog population is managed effectively and humanely.

A new element of **Fitness Certificate** will be introduced to ensure that all dogs are vaccinated and in good health, reducing the spread of diseases and enhancing public safety while holding the owners accountable. Furthermore, stricter leash and confinement regulations will be enforced to prevent dog attacks and disturbances in public spaces.

Moreover, community education programs on responsible dog ownership will be launched, and strategic partnerships with the **Society for the Prevention of Cruelty to Animals (SPCA)** will be strengthened to improve dog impounding efforts.

Strategic implications/significance

The enactment of these regulations will provide for general animal control within the city, while prescribing the licensing and regulation of dogs and kennels, setting standards and conditions for dog care, prohibiting animal cruelty, establishing powers while providing duties of Animal Control Officers. Additionally, these regulations will handle dog control, providing for the impoundment, adoption, redemption and humane destruction of dogs. In the same vein, the regulations will provide for special controls for keeping vicious dogs, authorising an annual dog census to be taken, establishing penalties for violations, declaring certain offences as municipal civil infractions, establishing a municipal civil infraction violations bureau and repealing other inconsistent ordinances.

The strategic implications of having these regulations enacted would help the organisation attain its strategic objectives of improving public safety, promoting animal welfare, and maintaining a safe and harmonious environment for its residents and their pets. These regulations directly support the Municipal Council of Windhoek's Vision *to be a Sustainable and Caring City by 2027* by enhancing public health and safety through the proper management of dogs and their interactions with the public.

Financial implications

The primary cost associated with the implementation of these regulations will be the fees for publishing them in the Government Gazette. This step is essential for formalising and enforcing the regulations.

The reintroduction of dog licenses and the introduction of Fitness Certificates will involve administrative costs. These costs include the setup of systems for managing licenses and certificates, as well as any associated operational expenses. However, all costs to be incurred during the process of printing Licenses and Fitness Certificates will be offset by fees to be charged. The printing of all documents will be done inhouse by the Department of Information and Communication Technology.

The proposed licensing fees, which may vary depending on the category of dog ownership, are outlined as follows:

S/N	Categories	Amount (NS)
1	First dog (<i>sterilised with proof of sterilisation</i>) (<i>this option expires if late registration is conducted</i>)	50.00
2	First dog (<i>not sterilised or lacking proof of sterilisation</i>)	100.00
3	Second sterilised dog on the same premises	100.00
4	Second dog (<i>not sterilised on the premises</i>) (<i>a maximum of four (4) dogs per property/erf is allowed</i>)	200.00
5	Third sterilised dog on the same premises	200.00
6	Third dog on the same premises (<i>not sterilised</i>)	300.00
7	Fourth sterilised dog on the same premises	300.00
8	Fourth dog on the same premises (<i>not sterilised</i>)	400.00
9	Large scale dog breeders (<i>five (5) or more dogs</i>)	2 000.00
10	Small scale dog breeders (<i>less than five (5) dogs</i>)	1 000.00
11	Sterilisation of dogs	2 000.00 to 2 500.00

Possible risks

While the implementation of these regulations is expected to enhance the management of dogs in the city, it poses a few risks which are listed as follows:

Risk rating	Description of risk rating	Score
Catastrophic	Risks are addressed as a priority due to high exposure	4
Critical	Risks that cause management concern and are actively managed and mitigated	3
High	Risks that require attention but are not an immediate cause of concern	2
Low	Risks are manageable and monitored.	1

This included risks in the following:

No.	Risk type (strategic/operational/financial/legal/reputational/regulatory compliance/labour relations/security/leadership/political)	Risk description (and possible cause(s) and effect(s))	Risk rating	Score	Risk mitigation
01	Compliance risk	- Some dog owners may resist the new regulations due to mandatory registration fees, leash requirements, the reintroduction of the dog license system, and the introduction of Fitness Certificate requirements.	Critical	3	- Conduct extensive public awareness campaigns to inform dog owners about the benefits of the new regulations and the importance of responsible dog ownership. Highlight the advantages of Fitness Certificates and compliance.
02	Compliance risk	- There may be difficulties in ensuring that all dog owners comply with the new requirements, including the registration, licensing, and fitness certification of their dogs.	Critical	3	- Ensure clear and transparent communication regarding the reasons behind the new regulations and how they will benefit public safety, animal welfare, and overall health. Provide information on the process and timeline for the regulations to be gazetted and implemented; and Provide support to dog owners in navigating the new requirements. Offer guidance on how to obtain licenses and Fitness Certificates and assist with any challenges they may face.

No.	Risk type (strategic/operational/financial/legal/reputational/regulatory compliance/labour relations/security/leadership/political)	Risk description (and possible cause(s) and effect(s))	Risk rating	Score	Risk mitigation
03	Operational risk	- The process of gazetting the regulations might cause delays. This could affect the timeline for enforcement and the public's ability to comply with the new regulations.	Catastrophic	4	- Monitor and manage the gazetting and approval process closely to minimise delays. Keep stakeholders informed about the progress and any changes to the timeline to ensure a smooth transition to the new regulations

Compliance check and legal implications

The proposed regulations have undergone a thorough review to ensure compliance with existing laws and municipal by-laws. The regulations are aligned with the relevant legal framework and they will be published in the **Government Gazette** to ensure full legal standing and enforcement capabilities.

Consultation with Stakeholders

Extensive consultations/desktop benchmarking exercises were conducted with key stakeholders to gauge what ought to be included in the regulations. This was necessary to find best practices where the management of dogs is concerned, in cities and towns that have similar pieces of legislature enforced already. The stakeholders, which includes departments within the Organisation are as follows:

- Office of the Chief Executive Officer (Corporate Legal Division);
- Department of Finance and Customer Services;
- Department of Information and Communication Technology;
- Swakopmund Municipality;
- Walvis Bay Municipality;
- Johannesburg Municipality; and
- Society for the Prevention of Cruelty to Animals (SPCA).

Options

Before arriving at the proposed regulations, several realistic options and solutions were considered to ensure that the issue is effectively addressed to prevent it from continuous escalation. The Municipal Council of Windhoek has the following two (2) options to consider:

- Option 1

The first option the Municipal Council of Windhoek may consider is to continue with the current status quo, relying on existing statutes and By-Laws, and introducing a basic framework for dog ownership without formal licensing requirements. While this approach might seem cost-effective, it has significant drawbacks. Voluntary compliance could lead to uneven adoption and non-compliance, worsening the issues of stray and unregulated dogs. Without a robust mechanism for ensuring

registration and vaccination, public safety concerns such as dog attacks and disease spread could increase. In the long run, the costs of dealing with these unmanaged issues could outweigh the initial savings, potentially straining public health resources and damaging the Municipal Council of Windhoek's reputation.

- **Option 2**

The second and recommended option, involves introducing comprehensive Dog Control and Management Regulations. This approach would establish clear and detailed guidelines for dog ownership, including mandatory registration, up-to-date vaccination records, and potentially a Fitness Certificate. By setting these requirements, the regulations aims to create a safer, cleaner, and more welcoming environment for both residents and visitors.

In addition to improving public safety and cleanliness, reintroducing dog licenses would serve a dual purpose. It would not only help manage the dog population more effectively but also generate substantial revenue for the Municipal Council of Windhoek. This revenue would enable this function to be more self-sustaining, while allowing it to fund the enforcement of the regulations pertaining to dog management. Overall, these regulations would enhance the quality of life for the community, address existing issues, and provide a more sustainable approach to dog management.

Hence, Option 2 is recommended as the most preferred option as it yields more benefits to the Municipal Council of Windhoek.

Conclusion

Current dog management practices within the City are inadequate, leading to significant public safety concerns and animal welfare issues. A comprehensive approach is necessary to address these challenges effectively and the enactment/enforcement of these regulations will provide the solutions to these issues of concern while enabling the revenue enhancement of the Municipal Council of Windhoek.

Management Committee

RECOMMENDED

- 1 That the gaps identified in the existing legal framework dealing with dog management within the jurisdiction of the Municipal Council of Windhoek, be noted.
- 2 That the draft Dog Control and Management Regulations aimed at closing the legislative gaps in the management of dogs within the jurisdiction of the Municipal Council of Windhoek, be noted.
- 3 That the Dog Control and Management Regulations, **attached as pages 20 - 39 to the agenda**, be approved.

- 4 That the following proposed licensing fees, be noted and approved:

S/N	Categories	Amount (NS)
1	First dog (<i>sterilised with proof of sterilisation</i>) (<i>this option expires if late registration is conducted</i>)	50.00
2	First dog (<i>not sterilised or lacking proof of sterilisation</i>)	100.00
3	Second sterilised dog on the same premises	100.00
4	Second dog (<i>not sterilised on the premises</i>) (<i>a maximum of four (4) dogs per property/erf is allowed</i>)	200.00
5	Third sterilised dog on the same premises	200.00
6	Third dog on the same premises (<i>not sterilised</i>)	300.00
7	Fourth sterilised dog on the same premises	300.00
8	Fourth dog on the same premises (<i>not sterilised</i>)	400.00
9	Large scale dog breeders (<i>five (5) or more dogs</i>)	2 000.00
10	Small scale dog breeders (<i>less than five (5) dogs</i>)	1 000.00
11	Sterilisation of dogs	2 000.00 to 2 500.00

- 4.1 That it be noted that the fees for dog registration as per paragraph 4 above, shall be determined by the Municipal Council of Windhoek and are subject to periodic updates through official notices.
- 4.2 That it be noted that these fees may vary depending on the category of dog ownership.
- 5 That a robust awareness campaign be conducted prior to the enforcement of the Regulations.
- 5.1 That the Head: City Police, in conjunction with the Chief Executive Officer (Manager: Corporate Communication, Marketing and Public Participation), inform residents about their responsibility of keeping dogs, in line with the Dog Control and Management Regulations, through the appropriate media channels in the various vernaculars, including translation of the Dog Control and Management Regulations, for a better understanding by all the residents.
- 5.2 That henceforth all Regulations be translated in the various vernaculars.
- 6 That the resolution be implemented prior to approval of the minutes.

[Municipal Council Agenda: 2024-11-21]

13.2.3

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

This matter, submitted to the Council Members 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: 2024-11-21]

13.2.4 GOV.4 [CEO] CONFIDENTIAL MATTER
(1/3)

This matter, submitted to the Council Members 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: 2024-11-21]

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

This matter, submitted to the Council Members 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: 2024-11-21]

13.2.6

GOV.6 [CIT] SAFER CITY STRATEGIC PARTNERSHIP AGREEMENT BETWEEN POWERCOM AND THE MUNICIPAL COUNCIL OF WINDHOEK (WINDHOEK MUNICIPAL POLICE SERVICE (WMPS)) (16/16/8)

Introduction

The Strategic Vision of the Municipal Council of Windhoek is to become a sustainable and caring city by the year 2027. In order for this vision to be realised, each department has the responsibility to initiate and implement smart initiatives. As per its mandate, the Windhoek Municipal Police Service (WMPS) in helping the city achieve this Strategic Vision, through the Safer City concept, have the role of implementing smart projects aimed at ensuring the safety and security of the residents of the City of Windhoek.

With the Integrated Crime Prevention, By-Laws and Road Safety Framework (operational pillars), the Windhoek Municipal Police Service (WMPS) aims to increase the use of technology as one of its key methods in reducing crime and disorder in the city. This, the Windhoek Municipal Police Service (WMPS) does through the promotion of strategic partnerships with the community and key stakeholders.

Purpose

The purpose of this submission is to seek the Municipal Council of Windhoek's approval for the establishment of a strategic partnership agreement by entering into a Memorandum of Understanding (MoU), **attached as pages 40 - 50 to the agenda**, with PowerCom. The signing of the Memorandum of Understanding (MoU) would establish a collaborative (win-win) partnership between the Municipal Council of Windhoek and PowerCom (the Parties) for the purchasing, installation and monitoring of Close Circuit Television (CCTV) cameras to enhance safety and security within the jurisdictional area of the Municipal Council of Windhoek.

Background

PowerCom has been experiencing criminal activities at their network infrastructures (sites) for the past five (5) years. These criminal activities range from theft of batteries, copper wires and fiber cables, which causes extensive damage to property (vandalism). This causes extensive financial losses to the entity (PowerCom), whereas in turn, it affects the crime combating efforts by the Windhoek Municipal Police Service (WMPS).

During November 2023, informal discussions were held between the Parties, about the possible collaborative roll out of CCTV cameras. Some of the cameras will be installed at PowerCom infrastructure and the rest will be given to the Windhoek Municipal Police Service (WMPS), to be installed at identified crime hotspots in communities within Windhoek. This will significantly enhance the security of critical infrastructure, as it combines the technical expertise of PowerCom with the law enforcement capabilities of the Windhoek Municipal Police Service (WMPS).

Discussion

The Integrated Crime Prevention, By-Laws and Road Safety Framework relies on the following pillars: Zonal Policing, Intelligence-led Policing, Community Policing and Problem Solving, Investigation and the Use of Technology. The use of technology is an enabling pillar as it touches on crime prevention, by-laws enforcement and traffic law enforcement. The use of technology entails the use of law enforcement equipment such as the CCTV cameras, the use of drones, Intelligent Traffic Management System, body cameras, household panic buttons, etc. As such, the Service, has prioritised this pillar as the major enabling factor for achieving Smart City (Safer City concept) objectives as set out in the 2022 to 2027 Organisational Strategic Plan. In order to achieve the Safer City objectives, there needs to be funds from the Municipal Council of Windhoek and through forging strategic partnerships with key stakeholders with an interest in safety and security.

PowerCom and the Municipal Council of Windhoek's Strategic Partnership Agreement

As alluded to above, the informal discussions around the possible collaboration between the Parties started in November 2023. These discussions culminated in technical assessments by Technicians from both the Windhoek Municipal Police Service (WMPS) and PowerCom to different network tower sites and crime prone hotspots around the City. The assessment established that in the initial phase of the partnership, PowerCom would need sixteen (16) CCTV cameras for their network infrastructures, whereas the Service identified eight (8) crime hotspots that needed surveilling. This amounts to a total of twenty four (24) CCTV cameras for the initial phase.

Based on the above, the Parties agreed to enter into a mutually beneficial Strategic Partnership Agreement and the responsibilities of the Parties will be as follows:

Responsibilities of the Parties

- **Windhoek Municipal Police Service's (WMPSs) responsibilities**
 - Install procured CCTV cameras at identified sites;
 - Proactively monitor the CCTV camera feeds from all sites for potential security incidents;
 - Respond promptly (within fifteen (15) minutes) to alerts and incidents detected through the CCTV camera system;
 - Ensure the timeous reporting of any malfunctions, maintenance and upgrades of CCTV camera software and hardware systems stationed at PowerCom sites to the Senior Manager for Infrastructure at PowerCom;
 - Identify training needs for CCTV camera technicians; and
 - Store and manage data generated by the CCTV camera feeds.

- **PowerCom's responsibilities**

- Procure CCTV cameras and accessories;
- Make payment to City Police Service vetted suppliers for the installation of CCTV cameras and accessories;
- Make payments to City Police Service vetted suppliers to ensure the proper functioning, maintenance and upgrade of CCTV camera software and hardware system; and
- Ensure the maintenance and upgrades of CCTV cameras.

Strategic significance

The collaboration between PowerCom and the Windhoek Municipal Police Service (WMPS) will enhance safety and security through the use of technology (CCTV cameras). A collaboration like this will ensure faster response times, allow for evidence-based criminal investigations and allow for the Municipal Council of Windhoek's resource optimisation.

By entering into this strategic partnership, some of the major benefits that will accrue to the Municipal Council of Windhoek and the Windhoek residents in general are as follows:

- **CCTV cameras installed on PowerCom network tower sites**

Network tower sites are not only located in isolated areas, but in residential areas too. The installation of sixteen (16) cameras in the initial phase at these sites has the capacity to not only keep watch over PowerCom's network towers but will also allow for the monitoring of residential areas within the radius/range of that cameras view (up to 2 kilometres).

- **Eight (8) CCTV cameras at crime hotspots**

The excess CCTV cameras that will be received from PowerCom through this agreement will be installed in areas identified by the Service as crime hotspots. This will allow the Service to cater to areas in dire need of CCTV surveillance to curtail criminal activities, thereby assisting the Service in achieving its use of technology objectives.

In turn, PowerCom will benefit in the following manner:

- **PowerCom infrastructure security surveillance by the Windhoek Municipal Police Service (WMPS)**

As alluded to above, PowerCom suffers extensive financial losses due to theft and vandalism of their network infrastructure. Therefore, as part of this strategic partnership agreement, the Windhoek Municipal Police Service (WMPS) undertakes to patrol PowerCom's network infrastructure with CCTV cameras.

Financial implications

PowerCom will cover all the financial costs related to:

- The procurement and installation of CCTV cameras (per Service specifications);
- The maintenance and upgrading of the CCTV cameras; and
- The cost of training of CCTV camera technicians (as the need arises).

The first phase of the agreement, which will consist of twenty four (24) CCTV cameras and accessories is valued at N\$765 735.13 - all these costs will be covered by PowerCom.

Possible risks

There are measurable risks associated with this strategic partnership and its operationalisation of these cameras. However, if any unforeseen risks arise, there is a waiver of liability from both Parties, in that each party will carry its own liability where the strategic partnership agreement is concerned. The threat this partnership poses in attaining the objectives of ensuring a safer city is minimal.

The following table outlines any possible risks, mitigating factors and risk ratings that may arise following the acceptance and operationalisation of this strategic partnership:

Risk rating	Description of risk rating	Score
Catastrophic	Risks are addressed as a priority due to high exposure	4
Critical	Risks that cause management concern and are actively managed and mitigated	3
High	Risks that require attention but are not an immediate cause of concern	2
Low	Risks are manageable and monitored.	1

Serial No.	Risk type (strategic/ operational/ financial/legal/ reputational/ regulatory compliance/labour relations/security/ leadership/ political)	Risk description (and possible cause(s) and effect(s))	Risk rating	Score	Risk mitigation
1	Strategic risk	If the partnership is not accepted, there is a missed opportunity for technological advancement in crime prevention and for the Service to reach its Objectives of a Safer City with the use of technology by 2027	Catastrophic	4	Engage in proactive discussions with alternative partners and secure funding to implement similar technology-driven security initiatives.
2	Operational risk	Failure of the CCTV system or delayed response to security alerts due to technical issues or inadequate monitoring	Critical	3	Regular system maintenance and technical support. Continuous staff training to ensure optimal performance of CCTV systems.

The potential impact on our goal of creating a safer, crime-free city far outweighs these concerns. The threat to achieving our objectives cannot be overemphasised, as ensuring public safety is paramount. Receiving and operating these cameras is a critical step towards creating this goal. While there are risks associated with this project, they are justified by the broader benefits of enhanced security, which aligns with our commitment to building a safer community for the residents and visitors alike.

Compliance check/legal implications

This Memorandum of Understanding (MoU) shall be governed by the laws of the Republic of Namibia. Any disputes arising from or related to this Memorandum of Understanding (MoU) shall be subject to the exclusive jurisdiction of Courts of Law in the Republic of Namibia.

Options

The options available to the Service in ensuring it attains its Safer City Objectives are as follows:

- That the Municipal Council of Windhoek make adequate budgetary allocation to the Service.

OR

- That the Municipal Council of Windhoek (Windhoek Municipal Police Service (WMPS)) enter into strategic partnership agreements with key stakeholders to augment the Municipal Council of Windhoek's efforts to assist the Service to achieve its Safer City Objectives by 2027.

Considering the Municipal Council of Windhoek's financial constraints, the most reasonable choice is therefore to embrace the opportunities of forming mutually beneficial strategic partnerships such as this one.

Conclusion

For technology-driven policing, the strategic partnership between PowerCom and the Municipal Council of Windhoek will not only leverage the strengths of both sectors, but it will also transform how the Service operates, in making communities safer and more secure. The extensive use of technology as a method of proactive policing in this contemporary era cannot be over emphasised. Through employing the extensive use of technology, the Service will create a safer city for residents, their properties and visitors alike, as well as ensure a conducive environment for businesses to thrive.

Management Committee

RECOMMENDED

- 1 That the intended Strategic Partnership between the Municipal Council of Windhoek and PowerCom, be noted.
- 2 That the Memorandum of Understanding (MoU) between the Municipal Council of Windhoek and PowerCom, be noted.

- 3 That the benefits that will accrue to the Municipal Council of Windhoek, be noted.
- 4 That the willingness of PowerCom to spend funds to improve the lives of the residents and visitors of Windhoek, be noted.
- 5 That the indemnity of the Municipal Council of Windhoek from any risks (liabilities) accruing from the agreement with PowerCom, be noted.
- 6 That the agreement between the Municipal Council of Windhoek and PowerCom, be approved, in principle.
- 6.1 That the Head: City Police ensure that paragraph 4.5 of the Memorandum of Understanding (MoU) be amended to cater for electricity (provision of LED lights on PowerCom's infrastructure; and information and communication technology related issues, prior to signing the Memorandum of Understanding (MoU).
- 6.2 That the Chief Executive Officer (Corporate Legal Adviser) ascertain when Ministerial approval should be obtained for donations and ensure that the Municipal Council of Windhoek is in compliance, prior to signing the Memorandum of Understanding (MoU).
- 7 That the Chief Executive Officer (Manager: External Relations and Networking) and the Windhoek Municipal Police Service (WMPS) arrange for a signing ceremony of the Memorandum of Understanding (MoU).
- 8 That the resolution be implemented prior to confirmation of the minutes.

 [Municipal Council Agenda: 2024-11-21]

13.2.7

**GOV.7 [CIT] ENHANCEMENT OF THE
 WINDHOEK MUNICIPAL POLICE SERVICE
 EMERGENCY RESPONSE SYSTEM WITH
 A PANIC BUTTON COMPONENT
 (16/16/8)**

Management Committee at its meeting held on 09(08) October 2024 per Item GOV.2 *inter alia* resolved as follows:

- 1 *That this matter be referred back in order for the Head: City Police, in consultation with the Chief Executive Officer (Acting Manager: Mayoral and Council Affairs) to arrange an urgent workshop for Council Members to address the concerns/questions raised, whereafter it be resubmitted to Management Committee on/before the last scheduled Management Committee meeting of the year (12 November 2024), or special Management Committee, if need be, for consideration.*
- 2 *That the resolution be implemented prior to approval of the minutes.*

The item served at the Councillors Forum that took place on 28 October 2024 and comments were made by Councillors present. Councillors who were not at the Forum, through the Office of the Mayor, were further given an opportunity to provide their comments on or before 4 November 2024, but no comments were received thereafter.

The matter is herewith resubmitted.

Introduction and purpose

The Municipal Council of Windhoek has adopted a strategic direction, setting a tone on the use of technologies, marking a shift away from conventional policing methods of dealing with the safety of residents, which were largely based on the concept of 'boots on the ground or bobby on the beat'. Also, at the advent of the establishment of the Windhoek Municipal Police Service (WMPS), there has been a serious dent in the municipal coffers, which significantly affected the Windhoek's liquidity position due to police high operational costs. Council, however, appreciates the impact of the Windhoek Municipal Police Service (WMPS) on the livelihood of residents regardless of high operational costs.

As such, a new thinking based on the saying that *true leadership does not make excuses for lack of resources but rather thinks of new solutions and innovations to move from point A to point B* has been adopted. It is that new thinking that gave rise to the need to enhance the existing Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS).

Currently, the Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS) is composed of the following components:

- A telephone line (via which the residents call in to request police assistance);
- An SMS line (via which the residents send SMSs to request police assistance); and
- The response teams on the ground (Zonal Patrol members).

While our current incident alert technology, such as the hotline and SMS line for reporting and dispatch, has been effective. Given the pace of technological advancement and the growing demand for efficiency, the Windhoek Municipal Police Service (WMPS) has realised the need to enhance it with a more automated system in the form of a panic button.

The purpose of this submission is therefore to seek the Municipal Council of Windhoek's approval to implement the enhanced Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS) with the addition of the panic button component as the fourth component of the Emergency Response System (ERS).

Background and discussion

The Windhoek Municipal Police Service (WMPS) statistical data indicates that there is a visible increase in criminal activities such as house break-ins, business break-ins and street robberies, etc.

Given this increase in criminal activities, the Windhoek Municipal Police Service (WMPS) thought it prudent to enhance its Emergency Response System (ERS) with the addition of a panic button.

1 Background

Essentially, apart from improving the Windhoek Municipal Police Service (WMPS) response efficiency and effectiveness, the other objective behind the enhancement of the Emergency Response System (ERS) was born out of a resolution taken during one of the management retreats held at Gross Barmen Resort, on the outskirts of Okahandja in 2021. This strategic retreat aimed to look into financial sustainability projects to assist the Municipal Council of Windhoek in attaining its liquidity. The resolution alluded to above requires that all departments be tasked to find ways and means to generate revenue for the sustenance of the operational mandates.

2 Discussion

To realise the implementation of this solution, the Windhoek Municipal Police Service (WMPS) management came up with the following potential revenue streams:

- Implementation of the Safety and Security Levy Resolution (Resolution 10/02/2015);
- Apportionment of funds generated from summons issued by Windhoek Municipal Police Service (WMPS) (Traffic and By-Laws);
- Resuscitation of the license fees for pets (starting with dog licenses);
- Development of the Windhoek Municipal Police Service (WMPS) shooting range;
- Development of the training school;
- Central Government subsidy; and
- **Enhancement of the Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS) with the addition of the panic button solution.**

In-depth consultations aimed at unpacking the viability of the enhancement of the Emergency Response System (ERS) were conducted. As a result of these consultations, an inter-departmental committee comprising three (3) departments, namely, the Windhoek Municipal Police Service (WMPS) (project owner; Information and Communication Technology; and Finance and Customer Services was established. The Terms of Reference (ToR) were to conduct thorough research on the viability of the panic button concept, with emphasis on similar cases in other jurisdictions, develop a concept plan for a new product, make financial projections and finally advice by way of making a presentation on the viability of the new concept/product.

The research revealed that this concept has been implemented in other jurisdictions, such as the States of Florida and California, United States of America (USA). Equally, a similar concept was developed and is being implemented in Gauteng province in the Republic of South Africa.

In furthering our case, consultation was extended to the local vendors to ascertain the availability of the products (applications, software, hardware, etc.) in the market. After consultations, the concept plan to determine the viability of the concept was developed by the Committee. The concept plan is **attached as pages 51 - 56 to the agenda.**

The proposed enhanced IOT-based emergency response system (panic button component) offers a powerful opportunity for the Windhoek Municipal Police Service (WMPS) to significantly improve response times, increase public trust in the police and ultimately, strengthen public safety within the community, apart from generating revenue. The potential benefits and return on investment justify the exploration and implementation of this innovative solution.

Based on the findings as contained in the concept plan, the Windhoek Municipal Police Service (WMPS) strongly recommends the implementation of the business idea, as it puts the department one step ahead in becoming a trendsetter in its quest to provide quality safety and security solutions to its residents, visitors and their properties.

The panic button solution will be subscribed to, at a cost on a voluntary basis. This entails that a robust marketing programme will have to be developed and implemented to remain competitive in the market.

Strategic implications/significance

At the heart of this innovation is the quest for reduction of crime which is one of the Key Performance Areas (KPAs) against which the Windhoek Municipal Police Service (WMPS) is being assessed in terms of performance. Furthermore, this Key Performance Area (KPA) is vital in the attainment of the Strategic Objectives, Mission and Vision of the Municipal Council of Windhoek, while it will also assist in achieving the aspired status of being the safest City in Africa by 2027.

Value proposition

1 Problem statement

The Windhoek Municipal Police Service (WMPS) is actively seeking revenue-generating initiatives that will not only positively contribute to the Municipal Council of Windhoek's strategy towards increased revenue and financial sustainability but will also allow the Windhoek Municipal Police Service (WMPS) to recruit more members and implement smart policing strategies which will enhance the efficiency and effectiveness of the Windhoek Municipal Police Service (WMPS) service delivery.

The following are four (4) key challenges that the Municipal Council of Windhoek (the City Police Service) currently faces:

- Delay in response time;
- Lack of communication and coordination amongst other emergency services;
- Lack of resources, which strains the Municipal Council of Windhoek's efforts to allocate and prioritise effectively; and
- Lack of revenue generation initiatives for the Windhoek Municipal Police Service (WMPS).

2 The solution

The enhanced Emergency Response System (ERS) will initially provide residents with a panic button device connected to our Command and Dispatch Centre. This will be a subscription-based service and completely voluntary to the residents. In the future, the solution will be scaled up to include door sensor and CCTV integration and other IOT sensor-based monitoring such as applications for electricity and water infrastructure. In addition, the roll-out of the carry-with panic button will be considered.

The addition of this component will greatly improve the Windhoek Municipal Police Service (WMPS) in the following areas:

- Instant emergency alert;
- Rapid police response;
- Revenue generation through subscription fees and device sales (funds to be ring-fenced); and
- Ability to recruit.

3 Implementation plan

The rollout of the project will be carried out in the following three (3) phases:

Phase	Mitigation
1	The Windhoek Municipal Police Service (WMPS) will conduct a six (6) month pilot programme in a high-crime district to test the feasibility and gather data.
2	Citywide roll-out based on the pilot programme success and resident feedback.
3	Ongoing system optimisation and service expansion based on usage patterns and emerging technologies and as we reach critical mass.

4 Subscriber acquisition

The project will advance through the following three (3) stages. The table further outlines the outreach and marketing strategies to be implemented at each stage:

Stage	Mitigation
Launch stage	Public relations, media outreach, low or no-cost online platforms, door-to-door
Growth stage	Public relations, media outreach and annual campaigns
Maturity stage	Existing user referral, content marketing, paid or unpaid socials

5 Risk and mitigation

The following table highlights potential risks and the strategies that will be employed to mitigate them:

Type of risk	Risk description	Mitigation
Market penetration risk	Low market penetration: The panic button's introduction into the market could capture a small share of the target market.	Public awareness campaigns and competitive pricing will be implemented.
Customer retention risk	High churn rate: After a certain period of time, some residents may discontinue or unsubscribe.	Excellent customer service and effective emergency response will incentivise subscription renewal.
Revenue collection risk	Lack of efficient revenue collection measures: Since the product is being introduced into the market for the first time, timely revenue collection might be a challenge at first.	Improve our revenue collection process by including subscriptions in the municipal account.

Financial implications

It is a common cause that new products and innovations usually come with financial implications. It is thus expected that there will be expenditure accrued and associated with the implementation of this concept.

Therefore, the financial considerations have been set out clearly on the financial projections, **attached as page 57 to the agenda**, to set off the initial financial expenditure.

1 Assumptions

- Total addressable market: Sixty thousand (60 000) residents and ten thousand (10 000) businesses

- Subscriber penetration rate: 40 %
- Monthly subscription fee:
 - Residents: N\$150.00
 - Businesses: N\$400.00
 - SMEs: N\$250.00
- Device cost: N\$600.00
- Annual churn rate: 16 %
- Overhead costs as outlined in the cost table below
- Marketing costs as outlined in the cost table below
- Integration cost: N\$15 000.00
- Recurring costs: N\$25.00 per subscriber per month
- Personnel costs: N\$543 400.00 Constable
 - One Constable in year 2 and two (2) Constables in year 3
- Cost per vehicle: N\$300 000.00
 - One (1) vehicle in year 1 and two (2) vehicles in year 2

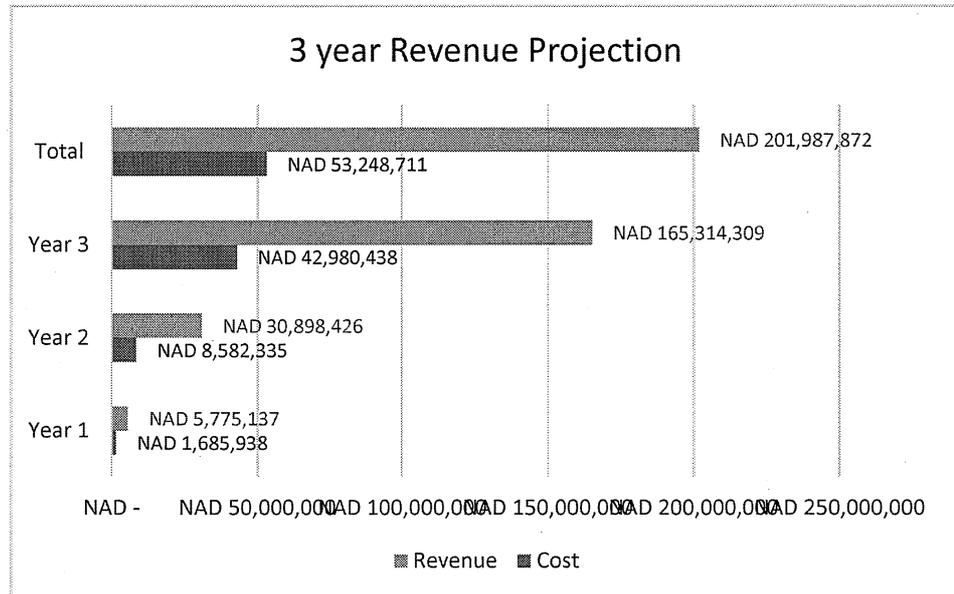
2 Revenue projections

To make sense out of this, a cost projection was done so that the production cost versus operational cost could be marginally established. These cost projections will inform the level of leverage and realisation of revenue generation to be expected once all the systems are in place at a substantial proportion, considering the percentage of sales, subscription cost and growth.

The following costs are considered:

Description	Year 1 (N\$)	Year 2 (N\$)	Year 3 (N\$)	Total (N\$)
Marketing cost	2 000 000.00	1 000 000.00	1 000 00.00	4 000 000.00
Once-off device cost	-	-	-	-
Once-off integration cost	15 000.00	-	-	15 000.00
Monthly recurring cost	1 499 386.00	8 022 091.00	42 920 194.00	52 441 671.00
Vehicles	-	600 000.00	-	600 000.00
Salaries	-	543 400.00.00	1 608 392.00	2 151 792.00
Total per year	3 514 386.00	10 165 491.00	45 528 286.00	59 208 463.00

3 Year revenue projections



It should be noted that the revenue generated from the subscriptions will be ring-fenced to cover all operational costs in terms of personnel deployment, fleet, maintenance and law enforcement technology equipment. If successfully implemented, the revenue generated will reduce the burden on Council coffers.

Procurement

The procurement method of acquiring these devices will be guided by the provisions of the Public Procurement Act. In this case, we will make a competitive bid, as opposed to a Request for Quotations (RFQs) to safeguard the integrity of the procurement process and apply a more sophisticated due diligence, in which the bidding companies shall be requested to make a tailor-made device with modified specifications for the protection and safety of our residents. Bidders will be selected and well-filtered to minimise the risk of duplications.

Possible risks

There are inherently possible risks associated with the concept. As indicated above, this concept of Emergency Response System (ERS) is not new as there are other competitors in the market such as the following security companies G4S, Tephcor, Xiphos, Homestar, etc. These existing players may feel threatened by the Windhoek Municipal Police Service (WMPS) entering the market. However, the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), provides the Local Authority to determine its revenue generation sources to cover operational expenditures associated with the services rendered by the Windhoek Municipal Police Service (WMPS).

Another potential risk is the perception that the Windhoek Municipal Police Service (WMPS) may become selective in rendering its services to non-subscribers. However, it is worth noting that the Windhoek Municipal Police Service (WMPS) has plans in place to mitigate this potential risk which includes the strict implementation of the Zonal Deployment Strategy that will see a vehicle with a minimum of three (3) members deployed in each of our twenty two (22) Zones at any given time. These twenty two (22) teams will serve as response teams for each Zone augmented by Gang Suppression teams, Crime Intelligence teams, Traffic Law Enforcement teams, By-Laws Enforcement teams, Bicycles teams and the Drones Squadron team.

Compliance check/legal implications

It is important to note that every aspect of our lives is not self-regulated. It is further significant to note that any new regulations or levies that are introduced should conform to the provision of superior substantive laws. In this regard, the Windhoek Municipal Police Service (WMPS) has satisfied itself with the provisions of the following legislations: The Constitution of the Republic of Namibia, 1990 (Act 1 of 1990) which provides for the provision of public safety and the right to security; the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which empowers local authorities to recover the cost associated with the services rendered by the Municipal Police Services and the Competition Act, 2003 (Act 2 of 2003) that allows fair competition and unrestricted conduct of business.

In this regard, the above-cited legal frameworks expounded in support of the initiative in respect of the following provisions:

- **The Police Act, 1990 (Act 19 of 1990) (as amended)**

The Windhoek Municipal Police Service (WMPS) is established in terms of section 43C(1), with full powers and authority to render police functions. The said section *inter alia* states that:

Any local authority council of a category contemplated in subsection (2) may, subject to this Act, establish a municipal police service.

- **The Local Authorities Act, 1992 (Act 23 of 1992) (as amended)**

Subject to the provisions of the Act, the local authorities exercise their power subject to the provisions of section 30(1)(ab) read together with (ae):

(ab) *to commercialise, subject to any regulations which may be made relating thereto, any service rendered by it or any function or duty exercised or carried out by it;*

(ae) *to exercise any other power conferred upon or assigned to a local authority council in terms of any other provision of this Act, or by or in terms of any other law.*

- **The Competition Act, 2003 (Act 2 of 2003)**

- (1) *This Act applies to all economic activity within Namibia or having an effect in Namibia, except -*
- (a) *collective bargaining activities or collective agreements negotiated or concluded in terms of the Labour Act, 1992 (Act No. 6 of 1992);*
[The Labour Act 6 of 1992 has been replaced by the Labour Act 11 of 2007.]
- (b) ***concerted conduct designed to achieve a non-commercial socio-economic objective;***
- (c) *in relation to goods or services which the Minister, with the concurrence of the Commission, declares, by notice in the Gazette, to be exempt from the provisions of this Act.*
- (2) *This Act binds the State in so far as the State engages in trade or business for the production, supply or distribution of goods or the provision of any service, but the State is not subject to any provision relating to criminal liability.*
- (3) *This Act applies to the activities of statutory bodies, except in so far as those activities are authorised by any law.*

Stakeholder consultations

The initial inter-departmental consultations took place with the Departments of Information and Communication Technology; and Finance and Customer Services and procurement division in particular. These consultations resulted in the formation of the inter-departmental committee that was mentioned *supra*. The rest of the departments were engaged for their input at the STRATCOM and Strategic Executives Forum.

Apart from consultation with the internal stakeholders, some external stakeholders were consulted to determine the availability of the products (applications, software, hardware, etc.) in the market.

Conclusion

The introduction of enhanced Emergency Response System (ERS) (panic button component) will see the Windhoek Municipal Police Service (WMPS) implementing cutting-edge security technologies which will enable it to gain the advantage of digital realms. As mentioned above, this system aims to increase public safety by offering citizens a quick and reliable Emergency Response System (ERS) to summon help in emergencies. Moreover, the panic button component will improve response times to emergencies by providing real-time location data and automating dispatch procedures. It is therefore desirable that the addition of the panic button component to the existing Emergency Response System (ERS) should be considered.

Management Committee

RECOMMENDED

- 1 That the existing Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS) consisting of a telephone line, an SMS line and the response teams on the ground (Zonal Patrol members), be noted.
- 2 That the proposed enhancement of the existing Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS) with the addition of the panic button component, be noted.
- 3 That the monthly subscription fee to this service of the Municipal Council of Windhoek, be as follows.
 - 3.1 Residents: N\$150.00;
 - 3.2 Businesses: N\$400.00; and
 - 3.3 SMEs: N\$250.00.
- 4 That it be noted that the subscription to this service will be on a voluntary basis.
- 5 That the potential for revenue generation and associated benefits to be derived from the implementation of the enhanced Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS), be noted.
- 6 That the implementation of the enhanced Windhoek Municipal Police Service (WMPS) Emergency Response System (ERS), be approved.
- 7 That the resolution be implemented prior to confirmation of the minutes.

 [Municipal Council Agenda: 2024-11-21]

13.2.8

**GOV.10 [EDC] CHINA RAILWAY SEVENTH GROUP (PTY) LTD'S APPLICATION TO EXTRACT GRAVEL AT THE BORROW PIT LOCATED ADJACENT TO THE KUPERBERG WASTE DISPOSAL SITE (WESTERN SIDE)
 (4/1/2/7)**

Introduction

The Municipal Council of Windhoek (Council) has a legal obligation to manage natural resources found within its area of jurisdiction. Council derives its mandate to manage sand mining activities from section 94 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). The mandate constitutes the restriction, regulation and control of sand and gravel extraction whilst concurrently combating adverse environmental impacts. Council approved the City of Windhoek's Policy towards Sustainable Sand Mining in 2017 (Council

Resolution 153/07/2017). The Policy provide for the consideration of applications received for sand and gravel mining. This policy provides further guidelines on how applications for sand and gravel mining should be processed to ensure environmental sustainability.

Furthermore, at its special meeting held on 24 July 2024, Council per Resolution 143/07/2024 resolved to approve the draft Sand and Gravel Mining Regulations. Once promulgated, these regulations will be the overarching statute that will be used to regulate sand and gravel mining regulations.

Background and discussion

1 Application by China Railway

China Railway Seventh Group Namibia (Pty) Ltd (applicant) submitted an application dated 13 June 2024, **attached as pages 58 - 101 to the agenda**, to seek for approval to extract gravel from a site located adjacent to the Kupferberg Landfill Site. It has been established from the application that the applicant does not possess an Environmental Impact Assessment (EIA) Report and Environmental Management Clearance Certificate for the specific site applied for. The Environmental Management Clearance Certificate provided by the applicant to Council officials is a generic one that does not address the site in question.

2 Site history

The applicant proposes to extract gravel from the borrow pit located adjacent to the Kupferberg Waste Disposal Site (western side). This borrow pit was previously opened and utilised in 2018.

An Environmental Impact Assessment (EIA) for the extraction of gravel from this borrow pit was commissioned by the Roads Authority in 2018 for the construction of sections 1 and 2 of the Western Bypass highway. The report and application to use the site was submitted to Council for consideration. Council in 2018 per Resolution 376/11/2018, **attached as pages 102 - 105 to the agenda**, amongst others resolved that the moratorium as per Council Resolution 262/11/2016, and the Town Planning Scheme that prevent accessing these sites, be lifted to allow the Roads Authority to access material on Borrow Pit No. 4 for construction of the road. (The item that at the said Council meeting is **attached as pages 106 - 116 to the agenda**, for ease of reference).

On the basis of the above Council Resolution, the contractor of the Roads Authority (China Railway Seventh Group Namibia (Pty) Ltd) accessed the site and extracted material. However, some of the conditions in the abovementioned Council Resolution such as the construction of sand dams were not met.

However, inspections carried out by the Health and Environment Services Division on 24 September 2021 and 16 November 2021, **attached as pages 117 - 118 and 119 respectively to the agenda**, indicated that the site was recovering well after rehabilitation was undertaken.

3 Application approval process

3.1 Current process

The current application is subjected to the requirements of Council's Policy towards Sustainable Sand Mining and national environmental legislations such as the Environmental Management Act, 2007 (Act 7 of 2007). In addition, the application must be processed in accordance with mapped business process for sand mining applications approved in 2023.

The process is summarised as follows:

Table 1: Application approval process

	Activity and responsible person	Timeframe (workdays)
1	Applicant: Apply manually and submit application to the Environmental Officer.	
2	Environmental Officer: Receive and verify completeness of the application with a checklist. If the application is incomplete, send back to the applicant to provide outstanding documents. If complete, issue sundry invoice to the applicant.	1 day
3	Applicant: Settle application's payment and submit proof of payment (receipt) to the Environmental Officer.	
4	Environmental Officer: Issue proof of submission to the applicant.	
5	Environmental Officer: Conduct technical verification to verify the authenticity of submitted documents (Environmental Management Clearance Certificate/proof of Environmental Impact Assessment (EIA) with the Ministry of Environment, Forestry and Tourism, copy of non-exclusive prospecting license/mining claim, business registration etc.)	5 days
6	If satisfied, the Environmental Officer: Perform environmental assessment.	5 days
7	Environmental Officer: Compile draft item and circulate to technical departments for comments.	5 days
8	Technical departments: Assess and provide comments.	21 days
9	Environmental Officer: Update item with comments and submit to the Inter-Departmental Committee (IDC).	10 days
10	Inter-Departmental Committee: Discuss item and provide recommendations.	1 day
11	Environmental Officer: Incorporate recommendations and submit final item to the Manager: Health and Environment Services.	5 days
12	Manager: Health and Environment Services: Review item.	14 days
13	Strategic Executive: Economic Development and Community Services: Review item.	14 days
14	Strategic Executives Forum: Review and discuss item.	21 days
15	Management Committee: Review item.	21 days
16	Council: Discuss item and resolute.	21 days
17	Strategic Executive: Economic Development and Community Services: Compile Council decisions' letter and submit to Chief Executive Officer for signature.	2 days
18	Chief Executive Officer: Sign Council's decision letter.	2 days
19	Strategic Executive: Economic Development and Community Services: Communicate Council decision to the applicant via letter.	1 day
20	Applicant: Comply with Council's approval conditions to the satisfaction of Council. <i>Note: Time allocated to the applicant to comply with approval conditions can be out of Council's control.</i>	Maximum 252 days
21	Strategic Executive: Economic Development and Community Services: Prepare and issue permit to the applicant.	3 days

3.2 Need to streamline the process

At the moment the process to approve sand mining activities is lengthy and might hamper developmental projects. The process described above can take up to six months or longer. It is therefore important to streamline the process and reduce the timeframe. This can be done by amongst others delegating the authority to approve applications to the Chief Executive Officer. This will reduce the timeframe by about two (2) months.

4 Application requirements and environmental considerations

4.1 Application requirements

This application was subjected to the following requirements. The status of the application in terms of these requirements is summarised per the table below. In cases where the applicant did not submit or meet the requirements mitigation measures are recommended on how the applicant will comply. The applicant was informed through an acknowledgement letter, **attached as pages 120 - 121 to the agenda**, of the outstanding documents that needs to be submitted.

Table 2: Application requirements

Requirements	Yes	No	Mitigation
1 Application fee (proof of payment)		X	The applicant has been informed to settle the fees.
2 Duly completed application form	X		
3 Environmental Management Clearance Certificate/Proof of an Environmental Impact Assessment (EIA) Registration with the Ministry of Environment, Forestry and Tourism		X	Due to the urgency of the project. It has been recommended in this item that the applicant submit the Environmental Clearance before mining commences to give them ample time to acquire it.
4 Final Environment Management Plan (EMP)		X	Due to the urgency of the project. It has been recommended in this item that the applicant submit the Environment Management Plan (EMP) before mining commences to give them ample time to develop it.
5 Business Registration Certificate (BIPA)	X		
6 Copy of Non-Exclusive Prospecting Licence or Mining Claim (if any)	N/A		
7 Fitness Certificate (City of Windhoek)	X		
8 Lease Hold Certificate/Title Deed/ Deed of Sale		X	This will be obtained after application is approved by Council.
9 Proof of notification to interested and affected parties/neighbours		X	This will be done as part of the Environmental Impact Assessment (EIA) process.
10 Operational Monitoring Record (since date of issuing of first approval (for renewals only))	N/A		
11 A return in respect of material extracted in the previous year (for renewals only) or approved and verified production figures of previous years	N/A		

Requirements	Yes	No	Mitigation
12 Rehabilitation Plan		X	Due to the urgency of the project. It has been recommended in this item that the applicant submit the Environment Management Plan (EMP) before mining commences to give them ample time to develop it.
13 Flood Report/Hydrological Assessment		X	This will be submitted as part of the Environmental Impact Assessment (EIA) process.

The Health and Environment Services Division completed the environmental screening checklist below as a first step to ensure that the sand mining activities at the proposed site will not result in detrimental environmental impacts. This does not however replace the need for detailed Environmental Impact Assessment (EIA) and the need to develop a site specific Environmental Management Plan (EMP) and Rehabilitation Plan.

As per the checklist below, the only potential environmental impact of major concern that the project poses is the risk of pollution to the ground water resources. This will however be mitigated by strictly implementing the Environmental Management Plan (EMP) and Rehabilitation Plans that will be submitted by the applicant before any mining activities take place.

The applicant's representative (Ester Raymond: Environmental Control Officer) engaged the Strategic Executive: Economic Development and Community Services (responsible Environmental Officer), seeking clarity on various aspects of the application. The discussion took place on 30 July 2024 in Martin Shikongo's office.

Table 3: Environmental Screening checklist

Criteria	Screening result		
	Very low risk	Moderate risk	High-risk
Noise and Dust pollution nuisance	X		
Potentially contaminate surface water and groundwater supplies?			X
Biodiversity loss (fauna and flora)		X	
Adverse impact on culturally important sites, archaeology, and historic significance?	X		
Potential negative impact that the activity (existing or new) might have on local economy, employment creation and welfare of the residential community	X		
Cause disruption of wildlife migratory routes	X		
Cause disruption along river beds and stormwater courses		X	

Technical comments

The application was circulated to members of the Inter-Departmental Committee (IDC) on Sand Mining on 4 October 2024 for comments, and comments received are as follows:

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

- **Chief: Engineering Services (Senior Engineer: Contract Management (14 August 2024))**

With reference to the meeting held on Friday, 9 August 2024, it was requested that the available documents and application first be shared by that department for perusal purposes, prior to submitting an all-inclusive response. As such, the concerns are not reduced to those listed in the e-mail correspondence below.

During the meeting, the representative of the Department of Economic Development and Community Services, Mr Shikongo, shared copies of respectively Council Resolution 376/11/2018 taken at its meeting held on (22)28/11/2018, as well as the 2018 Environmental Scoping Assessment (ESA) Report for Borrow Pit No. 4, being the same borrow pit in question referred to in the Contractor's application of 13 June 2024. From the onset, it should be made clear that the Council Resolution and Environmental Scoping Assessment (ESA) Report of 2018 seems to be applicable to the planning (and construction) of Trunk Roads TR 9/1 and TR6/1, being the upgrade of the Windhoek to Hosea Kutako Airport Road.

The aforesaid Contract seemingly comprised of the following two (2) sections:

- Section 1: The existing 15 kilometre dual carriageway road north of the MR52 and the 6 kilometre single carriageway road between the MR52 and MR49; and
- Section 2: The two (2) part construction of TR 9/1 between MR49 (at the University of Namibia (UNAM)) to the Auas Road roundabout (near Grove Mall/Metro), and from the Auas Road roundabout towards the new interchange with the extended Sam Nujoma Drive.

The above Contract was seemingly carried out by the same Contractor, China Railway Seventh Group Namibia (Pty) Ltd, as per current application, but with VKE Namibia being the Consulting Engineers responsible for the planning, design and provision of the Engineer on the construction contract responsible for contract administration. The 2018 Environmental Scoping Assessment (ESA) Report pertaining Borrow Pit No. 4 was seemingly prepared under the auspices of the above Contract by a certain Mr R du Toit for Enviro Management Consultants Namibia, and Council Resolution 376/11/2018 of (22)28/11/2018, **attached as pages 102 - 105 to the agenda**, seems to

be in response to that report, mentioned meetings and correspondences during that period. In saying so, the 2018 Environmental Scoping Assessment (ESA) Report provides valuable insights into the details and requirements for abstracting gravel from Borrow Pit No. 4. The Council Resolution of (22)28/11/2018 also provides valuable insight into the conditions set thereto, but it remains unclear whether these were ever met.

The application for permission to abstract gravel from the same Borrow Pit No.4, received on 13 June 2024, by China Railway Seventh Group Namibia (Pty) Ltd, is seemingly made under the auspices of the Windhoek to Rehoboth freeway upgrade, which Contract was varied to also include the Auas Road upgrade, having a different Consulting Engineer (Lithon Project Consultants Namibia), responsible for the planning, design, and provision of the Engineer on the construction contract responsible for contract administration.

Pursuant to the background above, preliminary comments will mainly cover the application of 13 June 2024, but reference would also be made the Environmental Scoping Assessment (ESA) Report and Council Resolution 376/11/2018, as follows:

Preliminary comments on the 2024 Application

(Refer Contractor's application letter dated 13 June 2024)

- 1 The Contractor confirms in its application that it was appointed for the upgrade of Section 1A of the Windhoek to Rehoboth Freeway, which Contract was varied to also include the upgrade of the Auas Road. In saying so, it is unclear if the Contractor's application for permission to abstract gravel applies to its main contract (upgrade of Windhoek to Rehoboth Freeway), the varied component of the Contract (to upgrade Auas Road), or for both. This should be clarified.
- 2 Nonetheless, the Contractor proposes the borrow pit located adjacent to the Kupferberg Waste Disposal Site (western side). Note that this borrow pit, referred to as Borrow Pit No. 4, was previously opened and utilised in 2018.
- 3 The Contractor in its application also undertakes to comply with the provisions of the Environmental Management Act, 2007 (Act 7 of 2007), the project's Environmental Impact Assessment (EIA), as well as the project's Environmental Management Plan (EMP), as well as any other requirements from the Municipal Council of Windhoek. In saying so, it is unclear if copies of the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) were submitted as part of its application and/or if the varied component of the Contract (i.e. upgrade of Auas Road) is contained therein.

(Refer letter dated 5 June 2024 from the Office of the Environmental Commissioner)

- 4 It would seem as if an Environmental Management Clearance Certificate for three (3) borrow pits in the Krumhuk area was already issued, and that an application to include additional borrow pits has been made by the Contractor and approval provisionally granted by the Environmental Commissioner. The specifics pertaining the 'new borrow pits' is however unclear, but seemingly subject to amendments to both the Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP). It is unclear if these amendments have been made, accepted, and the documents shared with the City officials for perusal and inputs. This should be confirmed.
- 5 NOTE: That with reference to the 2018 Environmental Scoping Assessment (ESA) Report (*refer conclusion in Minutes of meeting held on 22 May 2018*) that the Municipal Council of Windhoek indicated that an Environmental Impact Assessment (EIA) would be required for each borrow pit. It is accordingly assumed, in line with the above, that the same would apply when a rehabilitated borrow pit is re-opened. A borrow pit specific Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) should accordingly be requested.

(Refer Contractor's Application)

- 6 In line with the requirements of the Environmental Management Plan (EMP) (*attached unsigned under Appendix B - refer page 6*), the custodians of the application to confirm that we are dealing with the Employer's Representative (ER) and Environmental Control Officer (ECO) pertaining this matter. Confirmation required.
- 7 Refer point 11 [*Size of proposed Borrow Pit site*] indicated as 24 hectares. To be noted that the 2018 Environmental Scoping Assessment (ESA) Report indicated an area of ± 10 hectares in total for Borrow Pit No. 4, clearly much less than what is indicated in the new application for seemingly the same area from the site co-ordinates provided together with the application. Details and motivation in justification of the difference to be requested.
- 8 Refer Section D [*Quantities and Value of Resource*], the available quantity is indicated a 220 000 m³, and the expected volume to be extracted indicated as 80 000 m³, and no value is attached. In saying so, it is unclear how these quantities were derived and/or if these are supported by a geotechnical investigation, which report should be made available for perusal if not done so already, and that the estimated quantity of 80 000 m³ to be extracted be confirmed on how it was derived.

Further to be noted that the 2018 Environmental Scoping Assessment (ESA) Report estimated the available quantity at 75 000 m³ (over 10 hectares) to a depth of ± 2 metre, which prompted the Municipal Council of Windhoek to raise concern about possible pollution that might occur by the activities resulting damage to the aquifer, as it is stated in the said 2018 Environmental Scoping Assessment (ESA) Report that the borrow pit is situated in a moderate to high vulnerability zone. The 2018 Environmental Scoping Assessment (ESA) Report concludes that Borrow Pit No. 4 might have a low to medium negative impact on the bio-physical environment with special reference to the aquifer, but recommends implementation of a detailed site specific Environmental and Social Management Plan (ESMP) with the aim to monitor and frequently audit, providing feedback for continual improvement in performance, corrective actions, etc. The special environmental management requirements included in the Environmental and Social Management Plan (ESMP) is/was therefore intended to focus on the preservation of the aquifer, aesthetic appearance of the borrow pit after rehabilitation, and stated it imperative that the listed mitigation measures be meticulously implemented and monitored during the opening and operation of the borrow pit in question.

- 9 Pursuant to paragraph 8 above, the following is proposed:
 - 9.1 That a borrow pit specific Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) be submitted.
 - 9.2 That details of the stated available quantities and proposed depth of further abstraction be clarified and that an updated geotechnical report in support of these findings be submitted.
 - 9.3 That the Environmental and Social Management Plan's (ESMPs) audits and findings of the previous work in the said borrow pit be requested as part of the new application.
 - 9.4 That details of actual quantities and abstraction depths during previous operations be provided.
 - 9.5 That the proposed quantities to be extracted under the current application be verified.
 - 9.6 That a copy of the Borrow Pit Taking-Over Certificate as per the Roads Authority manual pertaining Environmental Guidelines (refer pages 71 and 72 of the 2018 Environmental Scoping Assessment (ESA) Report), clearly emphasising compliance with the stated borrow pit rehabilitation requirements, be submitted.
 - 9.7 That it be strongly recommended that the new application not be considered in the absence of the above.

- 10 Lastly, that it be noted that the Municipal Council of Windhoek's Standard Application Form for permission to abstract sand and gravel requires that documents be submitted ninety (90) days prior to the proposed commencement date of operations.

(Refer letter dated 15 February 2024 from the Office of the Environmental Commissioner and attachment)

- 11 To be noted that these are subject to amendment and review as per the second (2nd) heading above.

- **Bulk Water: 15 August 2024**

With regard to the matter, we would like it be verified as agreed in the meeting that the conditions in the Council Resolution were implemented and where not, a justification be provided which would be the basis for finding a way forward. Such would in our case refer if there were any attempts to get the plan for construction of the sand dam initiated, designed and approved as offset for the material stripped from Borrow Pit No. 4. Beside this needed affirmation, what you have summarised under current application for the applicant to attend to seems adequate to set basis for a review of the new application.

With the above, I submit for communication to the applicant. Response will be given to any response needing action if any from your side).

Comments from Strategic Executive: Urban and Transport Planning

- **Urban Policy (7 October 2024)**

There is no objection from the Urban Policy Division

- **Sustainable Development (8 October 2024)**

There is no objection to the proposed burrow pit utilization.

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

- **Human Settlement (16 October 2024)**

There is no objection to the application.

Strategic implications/significance

***.

The consideration of applications for approval will ensure compliance with Council Resolution 153/07/2017, **attached as page 121(a) to the agenda**, the Municipal Council of Windhoek's Policy towards Sustainable Sand Mining (Council Resolutions 80/03/2020 and 252/10/2019, **attached as pages 121(b) - 121(o) and 121(p) - 121(r) respectively to the agenda**). Furthermore, sand mining has the potential to enhance revenue for the Municipal Council of Windhoek through the approved tariffs. It is also worth noting that the gravel from the borrow pit will be used for the upgrade of the Auas Road.

This is a critical national project that will contribute to the development of Windhoek.

Legal and governance compliance implications

The Municipal Council of Windhoek has a legal obligation to consider applications received in line with Council Resolutions 153/07/2017, 80/03/2020 and 252/10/2019, **attached as pages 121(a), 121(b) - 121(o) and 121(p) - 121(r) respectively to the agenda**, and the Municipal Council of Windhoek's Policy towards Sustainable Sand Mining.

The permitting of sand mining activities including compliance monitoring is a pre-requisite for combating the adverse impacts associated with the activity, and ultimately to ensure the sustainable utilisation of the resource within the Windhoek jurisdiction.

Financial implications

There are no financial implications to the Municipal Council of Windhoek.

High level risk assessment matrix - possible/perceived risks and mitigation

Risk rating	Description of risk rating	Score
Catastrophic	Risks are addressed as a priority due to high exposure	4
Critical	Risks that cause management concern and are actively managed and mitigated	3
High	Risks that require attention but are not an immediate cause of concern	2
Low	Risks are manageable and monitored.	1

Risks that may emanate from considering this matter:

Risk description (and possible cause(s) and effect(s))	Risk type (strategic/operational/financial/legal/reputational/regulatory compliance/labour relations/security/leadership/political)	Risk rating	Score	Risk mitigation
1 Loss of revenue due to delays in the approval of the application.	Financial	High	2	Fast track the processing of the application as per business process.
2 Detrimental environmental impacts due to the presence of underground water resources.	Operational	High	3	Undertake environmental due diligence and ensure applicant complies with environmental requirements.

Management Committee

RECOMMENDED

1 That the application by China Railway Seventh Group Namibia (Pty) Ltd be approved and a Sand Mining Permit be issued subject to the following conditions:

1.1 That the applicant submit to the Municipal Council of Windhoek a valid Environmental Management Clearance Certificate and Environmental Management Plan (EMP) for the specific burrow pit applied for.

- 1.2 That the applicant be subjected to the approved 2024/2025 sand mining tariffs.
- 1.3 That the applicant submit a detailed Rehabilitation Plan.
- 2 That mining activities only commence after a permit has been issued and submitted in line with compliance to sections 27(3) and (4), 28, 31, 34(3) and 37 of the Environmental Management Act, 2007 (Act 7 of 2007).
- *** 3 That the Chief Executive Officer be delegated the authority to issue Sand Mining Permits in terms of the Policy towards Sustainable Sand Mining approved under Council Resolution 153/07/2017, **attached as page 121(a) to the agenda.**
- 4 That the Strategic Executive: Economic Development and Community Services submit quarterly status reports to the Management Committee/Council, for information.
- 5 That the resolution be implemented prior to approval of the minutes.

 [Municipal Council Agenda: 2024-11-21]

13.2.9

**GOV.12 [HPH] EXEMPTION OF PROPERTIES
 FROM PAYMENT OF ASSESSMENT RATES
 FOR THE 2023/2024 FINANCIAL YEAR
 FOR NON-RATEABLE PROPERTIES
 (5/3/1/1)**

Introduction

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

Given the above, the purpose of this item is to seek the Municipal Council of Windhoek's approval for the exemption of qualifying properties from payment of rates for the 2023/2024 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). An extract of section 75 of the Act, is **attached as pages 122 - 123 to the agenda.**

Background

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

- 1 *That owners of properties which qualify for exemption from the payment of assessment rates continue to apply for such exemption annually by 31 May of each year.*
- 2 *That late applications be treated according to section 75(3) of the Local Authorities Act, 1992 (Act 23 of 1992).*
- 3 *That applications for exemption from the payment of assessment rates involving transactions which occur after 31 May be accepted provided there is adequate proof of the transaction having occurred after 31 May.*
- 4 *That all properties which are **non-rateable** as defined in the Local Authorities Act, 1992 (Act 23 of 1992) be inspected in April every year to confirm their status.*
- 5 *That owners of properties which are non-rateable by definition, need not apply for exemption, but should apply for confirmation of the non-rateable status of their properties.*
- 6 *That a list of all non-rateable properties be compiled by 31 May of each year and submitted to Management Committee.*
- 7 *That upon receipt of an application for either exemption or confirmation of the non-rateable status the following procedures be followed:*
 - 7.1 *An inspection of the property be carried out.*
 - 7.2 *The activities on the property be noted.*
 - 7.3 *Unannounced spot checks be carried out.*
 - 7.4 *Where properties do not comply or a portion thereof does not comply, rates should be levied.*
- 8 *That the Strategic Executive: Planning, Urbanisation and Environment add any new non-rateable properties created after the deadline of 31 May to the list of non-rateable properties after confirming the status of the properties.*

Applications for exemption

A total of one hundred and sixty two (162) applications were received for exemption for the 2023/2024 Financial Year. The applications are listed under List A (non-rateable properties by definition) and List B (properties qualifying for exemption under section 75), **attached as pages 124 - 126 and 127 - 128 respectively to the agenda.** Out of the applications received, five (5) applicants submitted their application after the due date. State-aided institutions such as schools, clinics and hospitals are handled in terms of section 75(1)(a)(iii).

Table 1 provides a summary of applications received for exemption and Table 2 presents a list of applicants that submitted their application after the due date of 31 May 2023:

Table 1: Summary of application received for exemptions received for the period 2023/2024

Locality	List A	List B	Total
Academia	1	2	3
Auasblick	0	1	1
Cimbebasia	1	0	1
Döbra	1	0	1
Dorado Park	3	0	3
Erospark	1	3	4
Farm Brakwater	0	1	1
Goreangab	1	1	2
Hakahana	1	0	1
Hochland Park	5	0	5
Katutura	16	1	17
Khomasdal	21	4	25
Kleine Kuppe	2	0	2
Klein Windhoek	4	2	6
Okuryangava	1	1	2
Olympia	2	3	5
Omeya	1	0	1
Otjomuise	3	0	3
Pionierspark	5	6	11
Rocky Crest	1	0	1
Suiderhof	3	1	4
Wanaheda	2	1	3
Windhoek	35	24	59
Windhoek Town and Townlands	0	2	2
Total	109	53	162

Table 2: Applicants that submitted their application after the due date of 31 May 2023

Erf No.	Suburb	Comment
4748	Khomasdal	Applicants that submitted their application after due date of 31 May 2023.
4756	Khomasdal	
1277	Pionierspark	
462	Erospark	
2030	Katutura	

Site inspection

Application received were inspected during the month of June to confirm whether applicants are using properties for the purpose for which they applied for. All were found to be in conformity with the purpose of the application except for Erf 7349, Katutura which is being rented out for commercial purposes and Erf 660, Academia which is used for equestrian purposes, there is a house used for residential purpose on the premises, therefore exemption should be granted, except 3.1 % on land and 47.28 % on improvements of the assessment rate payable. All applications on Table 2 should not be granted exemption as they do not meet the requirements of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

Conclusion

This item motivated exemption of qualifying properties from payment of rates for the 2023/2024 Financial Year in line with section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). All properties qualify for exemption except for Erf 7349, Katutura rented out for commercial purposes and Erf 660, Academia where special consideration is applied.

Management Committee

RECOMMENDED

- ***
- 1 That exemption from the payment of assessment rates for the period 1 July 2023 to 30 June 2024 be granted to the applicants as per List A, **attached as pages 124 - 126 to the agenda**, as these properties are non-rateable by definition.
- ***
- 2 That exemption from the payment of assessment rates for the period 1 July 2023 to 30 June 2024 be granted to the applicants as per List B, **attached as pages 127 - 128 to the agenda**, as these properties qualify for exemption from the payment of assessment rates under section 75(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
 - 3 That exemption from the payment of assessment rates for the period 1 July 2023 to 30 June 2024 be granted to the applicants who submitted their application after the due date of 31 May 2023 per list of erven as follows per Table 2 and such exemption be done in accordance with paragraphs 2 and 3 of Council Resolution 35/02/2003:

Table 2: Applicants that submitted their application after the due date of 31 May 2023

Erf No.	Suburb	Comment
4748	Khomasdal	Applicants that submitted their application after due date of 31 May 2023.
4756	Khomasdal	
1277	Pionierspark	
462	Erospark	
2030	Katutura	

- 4 That Erf 7349, Katutura not be granted exemption as the property is being rented out for commercial purposes.
- 5 That it be noted that Erf 660, Academia is used for equestrian purposes however, there is a residential house, and therefore exemption should be granted, except 3.1 % on land and 47.28 % on improvements of the assessment rate payable.
- 6 That should it be found that an applicant is not comply with the provisions of section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), such exemption be revoked immediately.

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

[Municipal Council Agenda: 2024-11-21]

**13.2.10 FNS.1 [HPH] APPLICATION TO LEASE
A PORTION OF SIDEWALK ALONG CROHN
STREET, ADJACENT TO ERF R/A/109,
WINDHOEK FOR PARKING PURPOSES
(L/109/W)**

Application

*** An application dated 17 January 2022, **attached as page 129 to the agenda**, was received from Claus Jürgen Hinrichsen to lease a portion of sidewalk along Crohn Street, adjacent to Erf R/A/109, Windhoek for parking purposes. The applicant is the owner of Erf R/A/109, Windhoek.

Property description

*** The required portion is along Crohn Street, adjacent to Erf R/A/109, Windhoek. The applicant wants to lease a portion of ± 54.31 m² in extent. The locality plan and parking layout indicating the required portion is **attached as pages 130 and 131 respectively to the agenda**.

Site inspection

*** A site inspection was conducted at the subject property on 15 October 2024, and it revealed that the particular portion is free from any occupation. A photograph is **attached as page 132 to the agenda**.

Technical comments

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

Comments from the Strategic Executive: Economic Development and Community Services

- **Economic Development**

There is no objection to lease the portion applied for additional parking purposes.

- **Parks**

There is no objection to lease the portion applied for: Provided:

- That if any type of protected plant species are occurring on the sidewalk, it be protected.

Comments from the Strategic Executive: Electricity

- **Engineering Services**

There is in principle no objection to the application submitted to lease a portion of sidewalk along Crohn Street, adjacent to Erf R/A/109, Windhoek for parking purposes: 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 unhindered access to the Municipal Council of Windhoek's electricity infrastructure be availed at all times.
- That any damages caused by the applicant to underground services be repaired at the cost of the applicant.

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

- **Engineering Services; and Bulk Water and Waste Water**

A 150 mm diameter water line is located on the side walk in Chrohn Street. It has been approved: Provided:

- That no permanent structures be built within 2.5 metres of the existing water line.
- That any additional water or sewer requirements be for the applicant's account.

- **Solid Waste Management**

There is no objection to the application as there are no waste management related issues.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Policy**

The land is reserved for street purposes in terms of the Windhoek Town Planning Scheme.

There is no objection to the lease of a portion of Crohn Street, adjacent to Erf R/A/109, Windhoek for parking purposes: Provided:

- That the use of the land comply with the provisions of the Windhoek Town Planning Scheme.

- That in accordance with clause 6 of the Windhoek Town Planning Scheme, the applicant not execute work or carry out excavations on the portion of the land to be leased without the Municipal Council of Windhoek's consent.
- That no buildings be erected on the portion of the land to be leased.
- That the applicant make provision for pedestrian walkways.

- **Sustainable Development**

There is no objection to the proposed lease application.

- **Traffic Flow**

There is no objection to the proposed lease of a portion of sidewalk along Crohn Street, adjacent to Erf R/A/109, Windhoek for parking purposes:
Provided:

- That parking be provided as per the parking layout approved on 12 October 2022.
- That the Lease Agreement incorporate the following conditions:
 - That a minimum of 2 metres be retained for pedestrian movement.
 - That parking be properly constructed with kerb stones making distinction between parking and pedestrian movement.
 - That the Municipal Council of Windhoek reserve the right to cancel the Lease Agreement should such land be needed for Council services.
 - That the sidewalk parking remain public parking and not be reserved for exclusive use.
 - That the Municipal Council of Windhoek not be held liable to reinstate any parking or compensate the owner for any improvements should the lease/parking be terminated.
 - That the owner remain responsible to provide any parking shortfall on-site or any other area approved by the Municipal Council of Windhoek should the lease be cancelled/terminated.

- **Road and Stormwater**

A stormwater investigation was done and the following is reported:

- The proposed portion of the sidewalk along Crohn Street, adjacent to Erf R/A/109, Windhoek has a general downward slope from the east towards the west, which is towards Crohn Street;
- There is no stormwater system crossing the proposed portion of the sidewalk along Crohn Street, adjacent to Erf R/A/109, Windhoek except for surface stormwater run-off;
- The sidewalk width in front of Erf R/A/109, Windhoek along Crohn Street is \pm 3 metres wide; and
- It is noted that the application included a proposed layout of the work to be done.

There is no objection to the proposed lease of a portion of the sidewalk of Crohn Street, adjacent Erf R/A/109, Windhoek: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme.
- That the proposed layout drawing be submitted for municipal consideration only once the application has been successfully considered.
- That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on the layout drawing prior to the approval thereof.
- That a minimum walking width of at least 2 metres wide be provided furthest away from the street edge.
- That all cost and risk be for the applicant.
- That the existing service infrastructures be protected.
- That the sidewalk profile remain to municipal standards.
- That no development be considered onto the proposed portion of sidewalk.
- That no access be allowed over or onto any stormwater system or structure.
- That no grid be considered in front of any stormwater opening, and that the transition of mountable kerbs to barrier kerbs along the stormwater catchpit, remain to municipal standards, should it be required.

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

- Property Management

The applicant should be given seven (7) days to accept the Council Resolution. Should the lease be terminated for whatever reason that the Municipal Council of Windhoek not compensate for the improvements.

- Valuations

The Rental Valuation Certificate for a sidewalk along Crohn Street, adjacent to Erf R/A/109, Windhoek is **attached as page 133 to the agenda**. In the event the applicant fails to conclude the Lease Agreement within the given time, the rental should be revised at any given time before concluding such a Lease Agreement.

Conclusion

Based on the comments from the respective technical departments, the application is supported. It should be noted that a 150 mm diameter water line is located on the side walk in Chrohn Street and no permanent structures should be built within 2.5 metres of the existing water line. The applicant should make a provision of a minimum 2 metres for pedestrian movement. Furthermore, the applicant should be given seven (7) days to accept the Council Resolution.

Management Committee, having considered the application

RECOMMENDED

- 1 That the portion of a sidewalk along Crohn Street, adjacent to Erf R/A/109, Windhoek ($\pm 54.31 \text{ m}^2$ in extent) be leased to Claus Jürgen Hinrichsen for a period of five (5) years at a monthly rental of N\$1 112.26, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.
- 2 That in the event that the applicant fail to conclude the Lease Agreement within the given time, that the rental be revised prior to concluding the Lease Agreement.
- 3 That the property only be used for parking purposes.
- 4 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced all cost related thereto be for the applicant's account.
- 5 That unhindered access to the Municipal Council of Windhoek's electricity infrastructure be availed at all times.
- 6 That any damages caused by the applicant to underground services be repaired at the applicant's cost.

- 7 That it be noted that a 150 mm diameter water line is located on the side walk in Chrohn Street and no permanent structures should be built within 2.5 metres of the existing water line.
- 8 That the applicant be given seven (7) days to accept the Council Resolution.
- 9 That the use of the land comply with the provisions of the Windhoek Town Planning Scheme.
- 10 That in accordance with clause 6 of the Windhoek Town Planning Scheme, the applicant not execute work or carry out excavations on the portion of the land to be leased without the Municipal Council of Windhoek's consent.
- 11 That no buildings be erected on the portion of the land to be leased.
- 12 That a minimum 2 metres be retained for pedestrian movement.
- 13 That the parking be properly constructed (paved and demarcated as per the approved parking layout plan) with kerb stones making distinction between parking and pedestrian movement.
- 14 That the Municipal Council of Windhoek reserve the right to cancel the lease/parking space should such land be needed for the latter's services.
- 15 That the sidewalk parking on the Municipal Council of Windhoek's land remain public parking and not be reserved for exclusive use.
- 16 That the Municipal Council of Windhoek not be held liable to reinstate any parking or compensate the owner for any improvements should the lease/parking be terminated.
- 17 That the applicant remain responsible to provide any shortfall of parking on-site or any other area approved by the Municipal Council of Windhoek should the lease be cancelled/terminated.
- 18 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:
 - 18.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
 - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

- 18.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 19 That the proposed layout drawing be submitted for municipal consideration only once the application has been successfully considered, of which the drawings be to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- 20 That a minimum walking width of at least 2 metres wide be provided furthest away from the street edge.
- 21 That the Municipal Council of Windhoek reserve the right to withdraw the lease at any time should any problems arise due to parking.
- 22 That the lease be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 23 That the lease be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 24 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.
- 25 That the resolution be implemented prior to confirmation of the minutes.

 [Municipal Council Agenda: 2024-11-21]

13.2.11

FNS.2 [HPH] CONFIDENTIAL MATTER
 (L/72&73/Pros) (16/15/2)

This matter, submitted to the Council Members 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: 2024-11-21]

13.2.12

SOP.1 [HPH] CONFIDENTIAL MATTER
(L/Convention Centre)

This matter, submitted to the Council Members 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.

=====

MEMORANDUM¹



The Gateway to Endless Opportunities

TO : Mr. Moses Matyayi, Chief Executive Officer

FROM : Queen O Kamati, Mayor

ENQ : Ms. B Muundjua, Acting Manager: Mayoral & Council Affairs

CC : Ms. K Krotz, Manager: Operations & Committee Services
Ms. A Nanyemba, Executive Secretary: OCEO

DATE : 16/09/2024



Dear Mr. Matyayi,

NOTICE OF SUBMISSION OF A MOTION FOR STREET RENAMING IN HONOUR OF FIREFIGHTER, METHUSELAH SIMATAA KHAMA

I hereby submit a motion (**hereto attached**) for the renaming of Sheffield Street to **FF. M.S Khama Street** in honour of the late **Firefighter Methuselah Simataa Khama**.

I submit this motion in accordance with the "Street and Place Naming/Renaming Guidelines" as per Council resolution **76/04/2017**, read in conjunction with Rules 12 and 13 (1) of the Standing Rules and Order, for placement on the agenda of the next Ordinary Council Meeting of September 2024.

Your consideration in this regard is highly appreciated and I await formal confirmation of receipt of the motion and placement on the said meeting agenda, accordingly.

Thanking you for your usual support.

Sincerely,


Queen O Kamati
MAYOR



MOTION

**MOTION FOR STREET RENAMING IN HONOUR OF FIREFIGHTER,
METHUSELAH SIMATAA KHAMA**

1. Introduction

The purpose of this motion is to formally request and propose the renaming of Sheffield Street to **FF. M.S KHAMA Street**, in honour of the late **Methuselah Simataa Khama**, who tragically lost his life in the line of duty whilst bravely serving the **Windhoek Fire Brigade** and community of Windhoek.

I submit this motion by way of this letter in accordance with the "Street and Place Naming/Renaming Guidelines" as per Council resolution **76/04/2017**, read in conjunction with **Rules 12 and 13 (1)** of the **Standing Rules and Order**.

2. Background

The late **Methuselah Simataa Khama** was a firefighter, known for his dedication, bravery, and selflessness throughout his **sixteen (16)** years of service to the City of Windhoek. On **07 July 2024**, while returning to his base station from an ambulance incident, he tragically lost his life in a car crash. His passing leaves behind a legacy of courage, commitment, and selfless service to the people of Windhoek.

This motion seeks to commemorate the life of **Methuselah Simataa Khama** by renaming **Sheffield Street** in his honour, as a permanent and enduring tribute to his heroism. This renaming will serve as a reminder of his sacrifice and as recognition of the profound impact he made on countless lives. It is through this action that we intend to immortalise his name, ensuring that future generations remember the valor exhibited by the firefighters who risk their lives daily for the safety and protection of others.

3. Motivation**3.1 Basis for Application**

As a Council Member of the Municipal Council of Windhoek, it is my considered opinion that **Firefighter Methuselah Simataa Khama** fully deserves to be commemorated through the renaming of a street. I further submit that this request meets the criteria established by the Municipal Council of Windhoek for such recognition.

Firefighting is a noble profession defined by the motto "to serve with honour," which encompasses a culture of service and sacrifice. For centuries, this "honour culture" has driven thousands of men and women to lay down their lives for their communities. Firefighters are entrusted with the

protection of life, property, and the environment, and they willingly place their own safety at risk for the welfare of others.

Firefighter Methuselah Simataa Khama embodied this ethos throughout his career. He joined the Windhoek Fire Brigade Services on **03 March 2008**, immediately after completing his secondary education, demonstrating his life-long dream of serving the Windhoek community as a firefighter. His passion for public service and dedication to safeguarding the community is a testament to his character, despite the challenges faced by the profession.

Khama's life tragically ended whilst on duty, making his untimely passing a fitting moment to recognise his contribution as that of a hero. His loss comes at a time when the need for passionate and dedicated firefighters has never been more critical, and his enduring commitment to the fire service, even amidst personal challenges, is commendable.

Despite holding a qualification in **Construction Engineering**, Khama chose to remain in the firefighting service, determined to serve the community with enhanced skills. He exhibited bravery and mental resolve during his **16-year career**, even after a near-fatal incident in 2022, when he was injured while leading a team battling a veld fire in the Eros Mountains. His unwavering dedication to the firefighting service, despite personal injury and mental strain, stands as an example of the selfless commitment that defines true heroism.

3.2 Significance of the Street Renaming

On **07 July 2024**, Methuselah Simataa Khama was involved in a tragic accident while driving a City of Windhoek ambulance after a long night of serving his community. His life was cut short in this unfortunate incident. In the many years of the Windhoek Fire Brigade's existence—both pre and post-independence, no event of this nature has ever occurred. Therefore, this sad but significant moment must be remembered, not only to honour this fallen hero but to serve as a reminder to his colleagues of the dangers inherent in their work and as a testament to the recognition and gratitude of the City of Windhoek for their service.

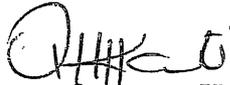
The current name, **Sheffield Street**, bears no clear significance to the nation nor to the **Municipal Council of Windhoek**. It is derived from the name of a city in the **United Kingdom**, and its connection to Windhoek is unclear. By renaming the street **FF. M.S KHAMA Street**, the city will be honouring the memory of one of its own: a dedicated firefighter who gave his life in service to his community.

This proposed renaming is more than a symbolic act; it is a meaningful and heartfelt recognition of the sacrifices made by the brave men and women who serve in the **Windhoek Fire Brigade**. Methuselah Simataa Khama was one such individual, and his name deserves to be memorialised through this lasting tribute.

Therefore, this motion represents the City's appreciation and acknowledgment of the extraordinary service and sacrifice of Firefighter Methuselah Simataa Khama.

The renaming of Sheffield Street to **FF. M.S KHAMA Street** will not only honour his extraordinary service and ultimate sacrifice but, will also provide comfort and solace to his family, colleagues, and the entire community. His legacy will endure, and this tribute will stand as a lasting reminder of the vital role played by the brave men and women of the Windhoek Fire Brigade.

Promotor



Queen Omagano Kamati
Council Member: City of Windhoek

Secunder



Sam S Nujoma
Council Member: City of Windhoek

Cc: All Councillors

OFFICE OF THE CHIEF EXECUTIVE OFFICER

☒ 59

80 Independence Avenue
WINDHOEK, NAMIBIA

 Tel: (+264) 61 290 2615 Fax: (+264) 61 290 2344 www.cityofwindhoek.org.na

 ENQ: KA Krotz
 DATE: 18 September 2024

 TEL: 290 2615/2304
 REF: Motion

 Council Member Queen O Kamati
MAYOR OF THE CITY OF WINDHOEK

Your Worship,

**RE: MOTION FOR STREET RENAMING IN HONOUR OF
 FIREFIGHTER, METHUSELAH SIMATAA KHAMA**

Your Notice for a Motion on the above subject matter, dated 16 September 2024, is herewith being acknowledged.

As per the relevant provisions of the Standing Rules of Order, the Motion will be placed on the agenda of the upcoming Council meeting scheduled to be held on 26 September 2024.

Trust that you find this in order.

Yours Sincerely,

Moses Matyayi

CHIEF EXECUTIVE OFFICER
 cc Chairperson of Management Committee
 All Honourable Councillors

[Municipal Council Minutes: 2017-04-27]

8.1.4

**HRD.1 [COM] REVIEW OF THE STREET
AND PLACE NAMING/RENAMING POLICY
(16/3/P)**

On proposal by Councillor MJ Amadhila, it was

RESOLVED

That the revised Street and Place Naming/Renaming Policy, attached as pages 128 - 137 to the agenda, be approved and be known as the Street and Public Place Naming Guidelines.

RESOLUTION 76/04/2017

**MANAGEMENT COMMITTEE AND
COUNCIL MEETINGS**

SCHEDULE FOR 2025



The Gateway to Endless Opportunities

COUNCILLORS' 2024/2025 TERM OF OFFICE EXPIRES ON 30 NOVEMBER 2025				
WEEKDAY	DATE	MEETING	MEETING NUMBER	TIME
JANUARY 2025				
Tuesday	21 January	Management Committee	02	09:30
Thursday	30 January	Council	02	17:30
FEBRUARY 2025				
Tuesday	04 February	Management Committee	03	09:30
Tuesday	18 February	Management Committee	04	09:30
Thursday	27 February	Council	03	17:30
MARCH 2025				
Tuesday	04 March	Management Committee	05	09:30
Tuesday	18 March	Management Committee	06	09:30
Thursday	27 March	Council	04	17:30
APRIL 2025				
Tuesday	01 April	Management Committee	07	09:30
Tuesday	15 April	Management Committee	08	09:30
Wednesday	30 April	Council	05	17:30
NOTE: Due to the upcoming Easter Long Weekend from 18 to 21 April 2025, and in order to comply with the 72 hours' notice for the Council meeting, the reason it is scheduled to be held on Wednesday, 30 April 2025.				
MAY 2025				
Tuesday	06 May	Management Committee	09	09:30
Tuesday	20 May	Management Committee	10	09:30
Wednesday	28 May	Council	06	17:30
NOTE: Thursday, 29 May 2025 is Ascension Day, the reason for the Council meeting on Wednesday, 28 May 2025.				
JUNE 2025				
Tuesday	03 June	Management Committee	11	09:30
Tuesday	17 June	Management Committee	12	09:30
Thursday	26 June	Council	07	17:30
JULY 2025				
Tuesday	08 July	Management Committee	13	09:30
Tuesday	22 July	Management Committee	14	09:30
Thursday	31 July	Council	08	17:30
AUGUST 2025				
Tuesday	05 August	Management Committee	15	09:30
Tuesday	19 August	Management Committee	16	09:30
Thursday	28 August	Council	09	17:30
SEPTEMBER 2025				
Tuesday	02 September	Management Committee	17	09:30
Tuesday	16 September	Management Committee	18	09:30
Thursday	25 September	Council	10	17:30

OCTOBER 2025				
Tuesday	07 October	Management Committee	19	09:30
Tuesday	21 October	Management Committee	20	09:30
Thursday	30 October	Council	11	17:30
NOVEMBER 2025				
Tuesday	11 November	Management Committee	21	09:30
Thursday	20 November	Council	11	17:30
DECEMBER 2025				
Monday	01 December	Council (Confirmation of previous Council minutes)	01	12:00
		Nomination, Election and Inauguration of 2025/2026 Office Bearers		14:30
		Management Committee Election of Chairperson of Management Committee	01	(immediately after Inauguration)
COUNCIL RECESS FROM 02 DECEMBER 2025 UNTIL 16 JANUARY 2026				
WEEKDAY	DATE	MEETING	MEETING NUMBER	TIME
JANUARY 2026				
Tuesday	20 January	Management Committee	02	09:30
Thursday	29 January	Council	02	17:30



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MUNICIPAL COUNCIL OF THE CITY OF WINDHOEK

Established in terms of the *Local Authorities Act*, Act No. 23 of 1992, as amended
Herein represented by **Mr. Moses Matyayi** in his capacity as the **Chief Executive Officer (CEO)** in terms of section 27 (5) of the *Local Authorities Act 23 of 1992, as amended*

(Hereinafter referred to as “MCoW”)

AND

NATIONAL HERITAGE COUNCIL OF NAMIBIA

Established in terms of the National Heritage Act, 2004 (No. 27 of 2004)
Herein represented by **Ms. Erica Ndalikokule**, in her capacity as **Director**
duly authorized thereto by virtue of the office occupied by the Director or delegated
representative

(Hereinafter referred to as “NHC”)

(Hereinafter collectively referred to as the “Parties”)

PREAMBLE

The Local Authorities Act, No. 23 of 1992, as amended, empowers the Municipal Council of Windhoek in terms of Section 30(1)(k)(vii) to establish, carry on and maintain museums and libraries;

The National Heritage Act, No. 27 of 2004 mandates the National Heritage Council of Namibia, in terms of Section 5(1)(f) to advise government ministries, offices, and agencies, local authorities and public authorities on matters relating to the conservation and protection of places and objects of heritage significance;

WHEREAS the co-existence of the mandates of the parties provides for collaboration and cooperation in the identification, preservation, and management of heritage sites and cultural resources within the city of Windhoek;

NOW, THEREFORE, in consideration of the mutual promises and agreements herein contained, the parties hereto agree as follows:

1. PURPOSE

- 1.1 The purpose of this agreement is to establish and maintain a focused direction for the future of heritage through the agreement between the parties. With emphasis on the natural and physical resources that contribute to an understanding and appreciation of Windhoek history and cultures, deriving from any of the following qualities: archaeological, architectural, cultural, historic, scientific, technological it includes historic sites, structures, places, and archaeological sites of significance to Windhoek, including its surroundings. The duties pertain to research, planning, preserving, protecting, education and promoting heritage in its various forms.

2. AREAS OF COOPERATION

2.1 The Parties agree to collaborate with each other in the areas and activities as set below:

- Heritage Policy development and toolkit (Guidelines, Policies, Management Plans)
- Identification and nomination of heritage sites and objects of heritage significance
- Sharing of an updated Register of heritage sites and objects in Windhoek
- Research, promotion and management of heritage resources in Windhoek.
- Intercultural learning and dialogue
- Capacity building
- Any other area of cooperation as identified by the Parties.

3. OBLIGATIONS OF THE PARTIES

3.1 The NHC Shall

- 3.1.1 Provide the necessary assistance to the COW in identifying the scope of works relating to heritage conservation and protection.
- 3.1.2 Cooperate in heritage management initiatives of the COW to be in line with the International and National Heritage Council legal framework.
- 3.1.3 Cooperate in conducting quality control or material used for heritage maintenance and/or rehabilitation.
- 3.1.4 Provide professional guidance relating to the development of the COW heritage legal frameworks.

- 3.1.5 Provide professional guidance relating to the development of the different heritage related projects.
- 3.1.6 Share information and documents to ensure heritage resources are documented and accessible.
- 3.1.7 Participate in research initiatives to strengthen the availability and accuracy of heritage information.
- 3.1.8 Together with COW, create opportunities for public input and participation (public talks, workshops, public meetings, surveys).
- 3.1.9 Together with the COW, exchange expertise, in the field of heritage development and management and conduct comprehensive learning visits and exchanges and host intensive training of staff for the Parties.

3.2 The COW Shall

- 3.2.1 Ensure the submission of timely, accurate and complete periodic required documentations.
- 3.2.2 In consultation with NHC, and where necessary, provide evidence and supporting documentations for clarifications and assurance of information when requested.
- 3.2.3 Shall attend all project related meetings and be part of each project, as and when required by the NHC and until such project is finalized and complete.
- 3.2.4 Conduct stakeholder/public engagements and awareness campaigns prior commencement of projects and upon completion.
- 3.2.5 Participate in research initiatives to strengthen the availability and accuracy of heritage information.
- 3.2.6 Together with the NHC, create opportunities for public input and participation (public talks, workshops, public meetings, surveys).
- 3.2.7 Together with the NHC, exchange expertise, conduct comprehensive learning visits and exchanges and host intensive training of staff for both Parties.

4. RELATIONSHIP BETWEEN THE PARTIES

- 4.1 Nothing herein contained shall be deemed to authorize or empower any Party to act as agent for the other party to this agreement, or conduct business in the name, or for the account, of the other Party to this agreement.
- 4.2 Nothing herein contained shall be deemed to create a legal partnership or joint venture relationship between the Parties.

5. LIASON OFFICERS

- 5.1 All Parties shall designate a liaison officer for the purposes of implementation of this agreement
 - 5.1.1 For the NHC, the point of Contact shall be the Regional Heritage Officer or any appropriate nominee, and
 - 5.1.2 For the CoW, the point of contact shall be the Section Head Tourism or any appropriate nominee

6. NO REMUNERATION

- 6.1.1 No remuneration is payable to any Party in terms of this Agreement

7. DURATION

- 7.1 This agreement shall commence on the date of signature by the Parties.

- 7.2 The Agreement shall remain a frame contract (open – ended).
- 7.3 The Action Plan will be reviewed yearly. Mid – term reviews of the Action Plan will take place to assess its effectiveness and to identify amendments if required.
- 7.4 The Agreement may be terminated by mutual written consent between the Parties.

8. FUNDING AND PROCUREMENT

- 8.1 The **Parties** further agree to jointly explore funding possibilities for the activities under the auspices of this Memorandum of Understanding, including, but not limited to:
- a. In-kind contributions (pro-bono) by Parties;
 - b. Co-funding by Parties;
 - c. Commissioned research and development by Parties; and
 - d. Third-party funding opportunities.
- 8.2 All services will be procured in terms of the provisions of the Public Procurement Act, Act No. 15 of 2015 and its Regulations.

9. STATUS OF THE PARTIES

- 9.1 No Party may incur any financial expenditure or obligations not stated herein. Any financial obligations that may arise because of any obligations in terms of this Agreement shall be agreed between the Parties in writing.
- 9.2 Staff members, in pursuance of obligations in terms of this Agreement, remain subject to the rules and regulations of their own institutions in all matters of employment, benefits, medical and life insurance, employee rights, etcetera.

10. CONTRACT MANAGEMENT

- 10.1 Oversight of the operational procedures to give effect to the provisions of this Agreement will be vested with the programme coordinator nominated from each Party who will each utilize the involvement of such senior management of both Parties as they may deem fit.
- 10.2 To facilitate the effective and smooth functioning of this partnership, each Party undertakes to designate an official to be a Focal Point, who will be responsible for overseeing and coordinating the execution of specific activities contemplated under this MoU. The Focal Points will exchange and/or hold meetings quarterly or as required to ensure that cooperation under this MoU is efficient and effective.
- 10.3 This Agreement may be altered in writing at any time with the consent of both Parties. A review of the effectiveness of the terms of this Agreement shall be undertaken during the first year of it having come into operation, with a view to modify provisions to ensure that they meet the current needs of both Parties. Subsequent reviews will take place at one-yearly intervals or earlier as required and agreed between the Parties.
- 10.4 Each of the Parties acknowledge and agree that for fulfilling their respective obligations pursuant to this Agreement, information shall be shared between the respective Institutions. The Parties mutually covenant and agree that they will treat any such information in strict compliance with their respective rules as if it were the personal information of their own Institutions.

11. INTELLECTUAL PROPERTY RIGHTS AND NON-DISCLOSURE

- 11.1 Intellectual property rights shall vest in the Parties. All documentation, information, data obtained and / or exchanged between the Parties and any other information that come to the knowledge of the other Party through the implementation of this Memorandum of Understanding will be treated as confidential and may only be divulged to third parties with the written consent of the other Party.
- 11.2 Where new knowledge is produced jointly, the intellectual property rights shall be shared by the Parties in equal shares.

12. DISPUTE RESOLUTION PROCEDURE

- 12.1 The dispute resolution procedure contained in this Clause 8 ("Dispute Resolution Procedure") shall apply to any dispute, claim or difference between the Parties arising out of or relating to this Agreement ("a dispute").
- 12.2 A dispute will not be deemed a dispute until one of the Parties has provided a written notice conveying the nature and scope of the dispute to the other Party.
- 12.3 All disputes shall first be referred to a mediation committee consisting of the Contract Managers of the Parties ("Mediation Committee") for resolution. An agreement reached by the Mediation Committee shall be reduced to writing.
- 12.4 If the Parties have been unable to resolve any dispute within ten (10) working days of referral to the Mediation Committee, either Party may refer the matter to arbitration.
- 12.5 The arbitration shall be conducted in accordance with the provisions of the *Arbitration Act, 1965* (Act No 42 of 1965, as amended from time to time), provided that:
- 12.5.1 A single Arbitrator shall be appointed; and
- 12.5.2 The arbitrator shall be a practicing counsel or attorney of not less than ten (10) years standing agreed upon by the Parties within ten (10) days after the date on which the arbitration is called for.
- 12.5.3 If the Parties fail to reach an agreement within ten (10) days after arbitration has been called for on the arbitrator to be appointed, the Ministry of Justice shall be approached to appoint an arbitrator to facilitate the dispute resolution process.
- 12.6 The arbitration proceedings shall take place in Windhoek at a venue and time to be determined by the arbitrator.
- 12.7 The arbitration proceedings shall be held informally and in a summary manner, and the arbitrator shall determine all procedural requirements and formalities. In determining such formalities and procedure, the arbitrator does not need to observe the normal strict rules of evidence or usual formalities of procedure.
- 12.8 The decision of the arbitrator shall be final and binding on the Parties.
- 12.9 The cost of the arbitration proceedings shall be borne by the Parties as decided by the arbitrator.
- 12.10 Notwithstanding the provisions of this Clause 8, any Party shall be entitled to approach a competent court of law having jurisdiction to obtain any urgent relief, which may be required by such Party.

13. SEVERABILITY

Each of the provisions of this Memorandum of Understanding shall be regarded as distinct and severable from the other provisions thereof, and shall be given effect to as such, notwithstanding the manner in which it has been linked grammatically to any other provisions of this Memorandum of Agreement. If any or more such provisions are found to be invalid, or unlawful or unenforceable for whatever reason whatsoever, such findings shall in no way affect any other provision that shall continue to be of full force and effect.

14. NOTICES

All notices and any other communications whatsoever (including, without limitation, any approval, consent, demand, query or request) by either Party in terms of this Memorandum of Agreement or relating to it shall be given in writing and sent by registered post, or delivered by hand, or transmitted by facsimile or electronic mail to the recipient Party at its relevant address set out below:

FOR NATIONAL HERITAGE COUNCIL

National Heritage Council of Namibia
52 Robert Mugabe Avenue
Windhoek, Namibia
Telephone: (+264) 61 244 375
Marked for the attention of the Director

FOR CITY OF WINDHOEK

80 Independence Avenue
Po Box 59
Windhoek
NAMIBIA
Telephone: +264 61 290 2615
Fax: +264 61 290 2344

Marked for the attention of the Chief Executive Officer

- 14.1 Either Party may, by written notice to the other Party, change any of the addresses at which, or the designated person for whose attention those notices or other communications are to be given.
- 14.2 Any notice or other communication given by any Party to the other Party which –
- 14.2.1 is sent by registered post to the addressee at its specified address shall be presumed to have been received by the addressee on the seventh (7th) day after the date of posting; or
- 14.2.2 is delivered by hand during the normal business hours of the addressee at its specified address shall be presumed to have been received by the addressee at the time of delivery; or
- 14.2.3 is transmitted by facsimile copier to the addressee at the addressee's specified facsimile number shall be presumed to have been received by the addressee on the date of transmission as indicated on the sender's facsimile transmission report; or
- 14.2.4 is transmitted by electronic mail to the addressee at the addressee's specified electronic mail address shall be presumed to have been received by the addressee on the date of transmission as reflected on the sender's electronic mail records.
- 14.2.5 the Parties choose their respective physical addresses in Clause 10.1 as their respective *domicile citandi et executandi* at which all documents relating to any legal proceedings to which they are a party may be served. If that address is changed to another address which is not a physical address within the Republic of

Namibia and / or anywhere else, then the original address shall remain the *domicilium citandi et executandi* of the relevant Party until it nominates a new physical address within the Republic of Namibia and / or anywhere else in writing, to be its new *domicilium citandi et executandi*.

15. CONFIDENTIALITY

- 15.1 During this Memorandum of Understanding, one Party may provide the other Party with proprietary information, which it wishes to be kept confidential.
- 15.2 Information disclosed by one Party ("the Disclosing Party") to the other Party ("the Receiving Party") and designated as confidential ("Confidential Information"), shall be treated as confidential by the Receiving Party and shall not be disclosed, in whole or in part, to any third Party, unless prior written approval has been obtained from the Disclosing Party.
- 15.3 The Parties agree that this Memorandum of Understanding is not intended to restrict the use or disclosure of any portion of such information which:
 - 15.4 Is made known to the public through no default by the Receiving Party of its obligations under this Memorandum of Understanding;
 - 15.5 Is rightfully received by the Receiving Party from a third party having no obligation of confidentiality to the Disclosing Party;
 - 15.6 Is independently developed by the Receiving Party by persons who did not have access to Confidential Information of the Disclosing Party;
 - 15.7 Is disclosed by the Receiving Party after receipt of written permission from the Disclosing Party; or
 - 15.8 Is required to be disclosed in response to a valid order of court or other governmental agency or if law and a Party otherwise require disclosure will provide the other Party with prompt written notice if such disclosure is required and shall limit the disclosure to the minimum necessary to comply with the law.
- 15.9 This Clause is severable from the rest of this Agreement and shall remain valid and binding on the Parties for a period of three (3) years after termination of this Agreement.

16. CANCELLATION

- 16.1 A Party (hereinafter referred to as the "Aggrieved Party") may cancel the whole or any part of the Memorandum of Understanding in writing if another Party (hereinafter referred to as the "Defaulting Party") is in breach of this Memorandum of Understanding.
- 16.2 If the Defaulting Party fails to remedy a breach within seven (7) working days after having been requested by the Aggrieved Party in writing, the Aggrieved Party shall be entitled, but not obliged, to cancel this Memorandum of Understanding without prejudice, and claim any damages suffered because of such breach.
- 16.3 Termination of this Memorandum of Understanding will not terminate any active executed Schedule and the terms of this Memorandum of Understanding shall remain in force for the duration of such active executed Schedule, unless otherwise agreed by the Parties in writing.
- 16.4 Termination of any executed Schedule will not terminate this Memorandum of Understanding unless otherwise agreed by the Parties in writing.

17. ENTIRE AGREEMENT

- 17.1 The Parties record that this Memorandum of Understanding and its addenda constitute the whole agreement between the Parties as to the subject matter hereof

and no agreements, representations or warranties between the Parties other than those set out herein are binding on the Parties.

17.2 Any amendment, extension, limitation, improvement or variation of this Memorandum of Understanding in whole or in part shall not be binding on the Parties, unless it is reduced to writing and agreed upon and signed by the Parties.

18. GOVERNING LAW

All programmes and activities undertaken pursuant to this Memorandum of Understanding shall be governed by the laws of the Republic of Namibia.

19. SIGNATURES

The Parties hereto have executed this Memorandum of Understanding in two (2) original copies by their duly authorized representatives on the day and at the place referred herein, each Party receiving one (1) original copy hereof.

DRAFT

Signed in Windhoek on _____ of _____ 2024

FOR:

NATIONAL HERITAGE COUNCIL
OF NAMIBIA

FOR:

THE MUNICIPAL COUNCIL OF THE
CITY WINDHOEK

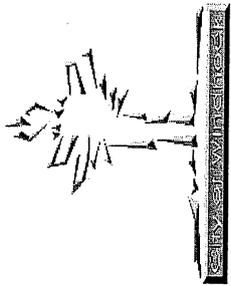
Ms. Erica Ndalikokule
DIRECTOR

Mr. Moses Matjaji
CHIEF EXECUTIVE OFFICER

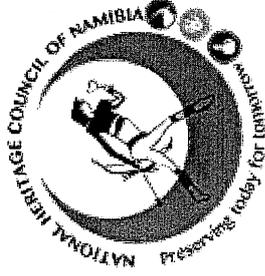
WITNESS

Mr. B. Araeb
CHAIRPERSON OF THE
MANAGEMENT COMMITTEE

WITNESS



The Gateway to Endless Opportunities



City of Windhoek (CoW) and National Heritage Council (NHC) Action Plan

This Action Plan will guide and facilitate the development and management of cultural heritage resources within the Windhoek municipal area.

Key components of the Action Plan include:

- Heritage Policy development and toolkit (Guidelines, Policies, Management Plans)
- Identification and nomination of heritage sites and objects of heritage significance
- Sharing of an updated Register of heritage sites and objects in Windhoek
- Research, promotion and management of heritage resources in Windhoek.
- Intercultural learning and dialogue
- Capacity building

Draft Action Plan - City of Windhoek (CoW) and National Heritage Council of (NHC)

VISION	To be a Sustainable and Caring City by 2027										
MISSION	To enhance the quality of life for all our people by rendering efficient and effective municipal services										
THEMES	Social Progression, Economic Advancement, Infrastructure Development										
COMMON AREAS/MOU	ACTIVITIES	STRATEGIC OBJECTIVE	INDICATOR/METRIC	DEPTS RESPONSIBLE	PROJECT TEAM MEMBERS	RESOURCES REQUIRED	STAKEHOLDERS	CONSTRAINTS	TIME FRAME/ DATE DUE	PERCENT COMPLETED	COMMENTS
Heritage Policy Development and Toolkit	To develop the City of Windhoek Heritage Policy To develop Heritage Tool Guidelines (Management Plans)	Enhance the quality of life of all our stakeholders	Heritage Policy and Toolkit is developed	EDCS	Pujutura, Hamata, Numbadi and Nakale	1. Expert consultants in heritage policy and urban planning. 2. Legal advice on policy development.	NHC, MOEAC, MAN	1. Delays in obtaining approval from relevant stakeholders. 2. Limited financial resources for policy development. 3. Ensuring timely feedback from all stakeholders.	2023	40%	Draft heritage policy currently under review
Identification and Nomination of Heritage Sites and Objects of Heritage Significance	Development of identification criteria, grading criteria and nomination guidelines for heritage resources and properties	Enhance the quality of life of all our stakeholders	Heritage Resource Inventory criteria developed	EDCS	Pujutura, Hamata, Numbadi and Nakale	1. Survey and mapping tools and equipment. 2. Support for heritage site work. 3. Documentation and archiving tools.	NHC, MOEAC, MAN	1. Difficulty in identifying all potential heritage sites due to incomplete records or lack of local knowledge. 2. Possible conflicts with existing land or property regulations. 3. Resistance from communities or property owners.	2026	50%	Ongoing project
1960's Katutura and Khomasdal Houses Project	Develop selection criteria for the 1960's Katutura and Khomasdal Houses, Stakeholder public engagements and awareness campaigns to inform the selection process and assessment of the houses	Enhance the quality of life of all our stakeholders	Katutura and Khomasdal Heritage Houses Selection criteria co-developed and public engagements initiatives co-hosted	EDCS	Pujutura, Hamata, Numbadi and Nakale	1. Architects and heritage experts to guide the process. 2. Public Relations for community and stakeholder engagement. 3. Funding for house preservations and maintenance. 4. Legal advice in terms of type of heritage.	NHC, Community members	1. Difficulty in identifying all potential heritage sites due to incomplete records or lack of local knowledge. 2. Possible conflicts with existing land or property regulations. 3. Resistance from communities or property owners.	2027	40%	Call for Public Participation closing on 30 September 2024
Research, Promotion and Management of Heritage Resources in Windhoek	Undertake research and document the history of the selected 1960's Katutura and Khomasdal houses	Enhance the quality of life of all our stakeholders	Research conducted and submission of report	EDCS	Pujutura, Hamata, Numbadi and Nakale	1. Historical research and promotion teams 2. Grants and funding for comprehensive studies. 3. Partnerships with tertiary institutions and heritage institutions. 4. Awareness campaigns. 5. Promotional tools such as websites and social media platforms.	NHC	1. Some community members may be resistant to engage or skeptical about the project benefits. 2. Lack of sufficient funding to carry out the entire project, including public engagements. 3. Availability of specialists to assess and document heritage houses.	2028	0%	Commencing after houses are selected.
Capacity Building	Exchange of expertise, in the field of heritage development and management. Conduct comprehensive learning visits and exchanges. Host intensive training of staff	Enhance the quality of life of all our stakeholders	Training, technical support and exchange programmes developed and executed	EDCS	Pujutura, Hamata, Numbadi and Nakale	1. External experts / trainers for training. 2. Exchange programmes and partnerships with international heritage bodies.	NHC, UNAM	1. Limited resources to conduct comprehensive research. 2. Difficulty in retrieving or verifying accurate historical data. 3. Need for specialized researchers who are knowledgeable about heritage resources.	2027	0%	Not yet commenced
Intercultural Learning and Dialogue	Create opportunities for public input and participation (public talks, workshops, public meetings, survey's)	Enhance the quality of life of all our stakeholders	Opportunities for public engagements and participation created	EDCS	Pujutura, Hamata, Numbadi and Nakale	1. Community engagement facilitator and public speakers. 2. Event Logistics. 3. Public Survey Tools. 4. Budget for media campaigns and workshops.	NHC, Community members	1. Difficulty in engaging the public or encouraging them to attend workshops and talks. 2. Potential for cultural disagreements or misunderstandings during discussions on controversial heritage topics such as the repatriation of the Curt von Fersen house. 3. Ensuring the events and surveys are conducted within the given timeframe.	2027	0%	Not yet commenced

GENERAL NOTICE

MUNICIPAL COUNCIL OF WINDHOEK

NO.

2024

DOG CONTROL AND MANAGEMENT REGULATIONS

The Municipal Council of Windhoek, after consultation with the Minister of Regional and Local Government, Housing and Rural Development, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), makes the regulations set out in the Schedule.

CLLR BERNADUS ARAEB

CHAIRPERSON OF THE COUNCIL

BY ORDER OF THE COUNCIL

Windhoek.....2024

SCHEDULE
ARRANGEMENT OF REGULATIONS

1. Definitions
2. Licensing of dogs
3. Conditions for keeping dogs
4. Conditions of Dog Breeders
5. Advertisement of Dog Breeding Businesses
6. Prohibition Against Breeding Dogs for Consumption
7. Dogs registrations applications
8. Terms and conditions of dogs' fitness certificate
9. Disqualifications from holding a dog license
10. Suspension and cancellation of fitness certificate
11. Fees and charges payable
12. Records of dog license
13. Dog complaint management
14. Nuisance barking
15. Capture and care of stray or injured dogs
16. Establishment and operation of a pound
17. Impounding of dogs
18. Duties of Poundmasters
19. Impounding fees
20. Returning captured dogs
21. Keeping of dangerous vicious dogs
22. Destructions of dogs
23. Sterilization of dogs
24. Emergency services after hours
25. Appointment of animals control officers /members
26. Powers, duties, and functions of Animal Control officers /members or dog officers
27. Liability
28. Offences and Penalties

DEFINITIONS

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates –

“Act” means, the Local Authorities Act, 1992 (Act No. 23 of 1992)

“Animal Control Section” means, Council’s Animal Control Section delegated by the Council to manage animals within the Windhoek Municipal Council jurisdiction

“**Animal**” means, any live vertebrate animal other than a human being

“**Annual due date**” means, in any given year, the date that dog registration fees are due;

“**Annual registration expiry date**” means, in any given year, the date that dog registrations expire

“**Authorized Officer**” means, any person appointed as such by the Windhoek Municipal Council or any member of the Windhoek Municipal Police Service

“**Breeder**” means, only breeders of proven thoroughbred and registered dogs and the holder of a valid license, issued by the Council

“**Chief Executive Officer**” means, a Chief Executive Officer as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992)

“**Control/under control**” means, the owner has the dog on a leash or confined within a vehicle or other container while in a public space. The owner must also be capable of controlling the dog while it is on the leash, and have the power of directing or commanding the dog while it is off the leash in private and dog exercise areas. Without limiting the generality of the foregoing, a dog shall be deemed to be not under control if (a) its actions cause annoyance or distress to any person or animal or damage to property; (b) it is found at large in any public place other than a designated dog exercise area; (c) it become a nuisance or injurious to health; (d) it become a nuisance to residents in the neighborhood by barking or howling or by obstructing the lawful passage of persons in public place, or by rushing at or frightening such persons;

“**Consumption**” means the act of using or eating something, in this context referring specifically to the use of dogs as food.

“**Council**” means, the Municipal Council of Windhoek

“**Dangerous dog**” means the act or actions of a dog that puts the public or other animals at risk for injury or death.

“**Dog**” means, a dog over the age of six months

“**Entire dog**” means, a male or female dog that has not been de-sexed (neutered or spayed)

“Environmental Health Practitioner” means, an Environmental Health Officer employed by the Local Authority and identified by name or post description in terms of Section 13 of the Allied Health Services Professions Act, 1993 (Act 20 of 1993) and “Health Officer has the same meaning.

“Fitness Certificate” means, documentation indicating the health and suitability of premises for housing dogs issued by the Environmental Health Officer

“Health hazard” means, a condition, situation, thing or activity which poses harm or threat to life, health or environment

“Leash” means, a flexible restraint not exceeding 1,5 metres in length

“Local Authority” means, the Municipality of Windhoek and “Council” has the same meaning

“Owner” means, in relation to a dog any person who keeps a dog

“Person” means, any individual male or female, estate, trust, co-operative, entity with or without legal personality, engaging in business

“poundmaster” means a staff member or any other person authorised by the Council to be in charge of a pound;

“Public Notice” means, a notice published in a daily newspaper

“Recognized Animal Welfare Organization” means, an animal welfare organization recognized by Council, in this case, SPCA

“Registration office” shall mean the office designated by the Council for managing and overseeing all matters related to dog control and management, including but not limited to the registration, licensing, and regulation of dogs within the local authority area.

“Spayed/neutered dog” means, a dog that has been rendered permanently incapable of reproduction

“Special license” shall mean a specific permit issued by the Council that legally allows individuals or entities to breed dogs under regulated conditions. This license is required for breeders to:

1. **Exceed the usual dog ownership limit** (typically set at four dogs) on a property.
2. **Operate as a professional breeder** within the municipality, ensuring that they comply with rules on animal welfare, proper housing, health care, and record-keeping.

3. **Engage in the sale and advertisement of dogs**, provided all breeding and sales activities meet the standards established by the Council.

“**Stray dog**” means, any dog not under direct control by a person or not prevented from roaming

“**Treatment**” means, veterinary attention or surgery provided to a dog

“**Veterinarian**” means a person registered as veterinarian in terms of the Veterinary and Para-Veterinary Proclamation, 1984 (Proclamation AG. No. 14 of 1984);

“**Vicious Dog**” means, a dog that has attacked any person with such severity or has caused such physical harm so as to cause a reasonable person to conclude that the dog presents a substantial risk to the safety of any person, or has killed another domestic animal

2. Licensing of Dogs

(1) The owner of a dog within the local authority's jurisdiction shall be required to pay a dog tax, as established by the Council, for each dog they are authorized to keep in accordance with regulation 3.

(2) The dog tax specified in subregulation (1) must be paid to the Council during the period from January to March of each calendar year.

(3) If an individual acquires a dog outside of the aforementioned period, the dog license must be paid to the Council within 21 days of the acquisition of the dog.

(4) Upon receipt of the dog license as outlined in subregulations (1) or (3), the Council shall issue to the dog owner:

- (a) A license on a form designated by the Council; and
- (b) Fitness certificates.

(5) Should the dog tax not be paid within the timeframes prescribed in subregulations (2) or (3), the Council shall impose a penalty of 10 percent per month, or any part thereof, on the outstanding amount of the tax.

(6) A person who fails to comply with the requirements set forth in subregulation (1) shall be guilty of an offense and, upon conviction, shall be subject to a fine not exceeding N\$5,000, or imprisonment for a term not exceeding six months, or both such fine and imprisonment.

Conditions for keeping dogs

3. (1) To ensure the well-being of both the dogs and the community, the following conditions apply to dog ownership within the Windhoek Municipality-

(a) Unless otherwise, determined by Council in specific cases, a maximum of four (4) dogs may be kept on any single property (erf). However, this provision does not apply to-

(i) Breeders;

(ii) Litters of puppies under six (6) months old;

(iii) Dogs receiving treatment at a veterinary surgeon's clinic; or

(iv) Dogs housed on premises occupied by any Animal Welfare Society within the Council's jurisdiction.

(2) Individuals who keep dogs are required to pay registration fees as determined by Council periodically.

(3) It is prohibited for any dog owned or harbored by an individual to roam freely in public streets or places other than the owner's premises unless the dog is leashed and under control.

(4) Dogs must undergo proper training and exhibit sociable behaviour towards people and other animals. They should not engage in aggressive behaviour or jump on people or other animals.

(5) Dogs must always be leashed when taken for a walk, except when in designated off-leash areas where they must respond to their owner's commands and remain under effective control at all times.

(6) Proper disposal of dog waste is mandatory, both in public areas and on private property. Council provides waste bins along walkways for this purpose, and when at home, dogs must be securely confined within the owner's property boundaries.

Conditions for Dog Breeders

4. (1) Breeders must obtain a special license from the Council to exceed the dog ownership limit on their property. They are subject to the following additional conditions:

(a) Breeders must maintain proper housing facilities for the dogs, ensuring cleanliness, space, and ventilation that meet Council standards.

- (b) Breeders must adhere to animal welfare laws, ensuring the health and well-being of all dogs in their care, including providing proper food, water, and medical care.
- (c) Breeding activities must not cause any public nuisance, including noise or odor disturbances.
- (d) Breeders must keep records of all breeding activities, including the number of dogs, litters, and sales, and submit these records to the Council as required.
- (e) All dogs sold by breeders must be vaccinated, with records provided to the Council and the new owner.
- (f) Breeders must ensure that prospective dog owners are provided with proper information regarding dog care and training.

(2) Breeders will be classified as follows:

- (a) Large-scale breeders are those with five or more dogs
- (b) Small-scale breeders are those with five or fewer dogs.

Advertisement of Dog Breeding Businesses

5. (1) Breeders who wish to advertise their services must adhere to the following regulations:

- (a) All advertisements, whether online or in print, must be approved by the Council before publication to ensure compliance with relevant guidelines.
- (b) Advertisements must contain accurate and transparent information about the breed, vaccination status, and care of the dogs being sold.
- (c) Breeders must include their special breeding license number in all advertisements to validate their authority to breed and sell dogs.
- (d) Advertisements should emphasize responsible breeding practices and should not promote any breeds known to be banned or restricted by law.
- (e) False claims or misleading information, such as suggesting a breed is hypoallergenic without scientific backing, are strictly prohibited.
- (f) Advertisements must clearly provide the breeder's contact details, including physical address and phone number, so prospective buyers can inquire about the breeder's practices and visit the premises.

(g) Advertisements can be placed on approved digital platforms and in local newspapers but must comply with both the Council's and relevant media outlet's advertising policies.

Prohibition Against Breeding Dogs for Consumption

6. To ensure the humane treatment of dogs, the Council strictly prohibits the breeding of dogs for consumption. The following conditions apply:

- (a) The breeding, rearing, or sale of dogs for human consumption is prohibited.
- (b) Individuals found engaging in such activities will face penalties, including fines and potential criminal charges, in accordance with the animal welfare laws and regulations established by the Council and the Animal Protection Act.
- (c) The community is encouraged to report any suspected cases of dog breeding for consumption. Reports may be made anonymously and will be investigated promptly.
- (d) Animal control officers will inspect reported incidents, and if evidence is found, immediate action will be taken to seize the animals involved.
- (e) All dogs are protected under the Animal Protection Act, which mandates humane treatment and prohibits cruelty. Violators will be prosecuted under the applicable animal cruelty laws.
- (f) Owners, breeders, and sellers must provide adequate shelter, nutrition, veterinary care, and socialization, adhering to the standards set out in these regulations and the Animal Protection Act.
- (g) The Council will conduct public awareness campaigns to emphasize the humane treatment of dogs and the prohibition of breeding dogs for consumption.
- (h) Educational programs will inform the community about responsible pet ownership and the ethical and legal implications of breeding dogs for unethical purposes.

Dog registration application

7. (1) To ensure effective management and control of dogs within the Windhoek Council, the following procedures for registration, are established-

- (a) All dogs aged six (6) months and older **must** undergo registration with Council.
- (b) If a dog remains unregistered and is over the age of six (6) months, the registration fee must be settled within 14 days of notification by the Council.
- (c) Any individual intending to obtain a dog license must apply to the registration office, providing all necessary information as required by Council on the designated form.

- (d) Council reserves the right to request further information deemed necessary or expedient from the applicant or any other relevant party during the application review process.
- (e) Each application must include detailed information regarding the breed of the dog.
- (f) Upon approval of a dog license application, the applicant may obtain the license upon payment of the required fees.
- (g) The dog license will outline any specific conditions imposed by Council.
- (h) Dog owners must ensure that the conditions of the fitness certificate are adhered to and that the dog is kept accordingly.
- (i) Every dog fitness certificate must specify the location or area where the dog is housed.
- (j) Consideration for a dog license for a potentially dangerous dog will only be granted if the veterinarian reasonably convinced that the dog will not pose any public nuisance or danger to the community.
- (k) Individuals dissatisfied with imposed conditions or whose license applications have been declined have the right to appeal to the Chief Executive Officer within 14 days of receiving notice-
 - (i) The appeal must be submitted in writing, outlining the grounds for appeal.
 - (ii) Appeals will be heard by the Chief Executive within 14 days.
 - (iii) During the appeal hearing, the applicant or their legal representative may address the Chief Executive officer.
 - (iv) The Chief Executive Officer will provide a written decision on the appeal to the applicant or their representative within 7 days after hearing.

Terms and conditions of the dog fitness certificate

8. (1) The following terms and conditions apply to the issuance and maintenance of a dog fitness certificate:

- (a) All premises harboring dogs within the Local Authority must apply for a valid fitness certificate.
- (b) Application forms for the fitness certificate can be obtained from the registration office.

- (c) The completed application, detailing the number and breeds of dogs on the premises, must be submitted to the registration office.
- (d) Upon receipt, the registration office will conduct an inspection of the premises to assess suitability for harboring dogs.
- (e) The fitness certificate will be issued upon satisfactory inspection of the premises and compliance with regulations.
- (f) Renewal of the fitness certificate is required annually, with the renewed certificate prominently displayed on the premises.
- (g) Property owners are responsible for ensuring that tenants occupying their premises have obtained and maintained a valid fitness certificate.
- (h) Any changes in the number or breed of dogs on the premises must be promptly reported to the registration office.
- (i) Periodic inspections by authorized officers will ensure continued compliance with fitness certificate requirements.
- (j) Failure to obtain or renew the fitness certificate may result in fines or penalties determined by Council.
- (k) Council reserves the right to revoke the fitness certificate for premises found unsuitable for harboring dogs or for repeated violations.
- (l) The fitness certificate is to be displayed in every dog owner's home, containing all relevant details about the dog or its welfare on the premises, aiding in enforcement and improvement efforts.
- (m) In the event of a failed payment, the fees will be added to the rates and taxes statement.

Disqualification from Holding a Dog License

9. (1) A person shall be disqualified from being issued a license or under these regulations if that person:

- (a) Has been convicted of an offense related to any dog under the Animals Protection Act;

(b) Has been legally ordered by a court not to own a dog under the Animals Protection Act or any other applicable law;

(c) Is the owner of a dog that has been impounded on more than three occasions under regulation 17, unless the person can demonstrate to the satisfaction of the Council that such impoundments were beyond their control.

(2) A person disqualified under subregulation (1)(c) may submit a written application to the Council requesting reconsideration of the disqualification as stipulated in regulation 7.

10. Suspension and Cancellation of Fitness Certificate

(1) The Council may suspend a fitness certificate if:

(a) Any condition of the fitness certificate is not complied with; or

(b) The suspension is deemed necessary in the public interest.

(2) A suspension under subregulation (1) shall be for the duration and subject to the conditions that the Council determines and specifies in the notice of suspension.

(3) Prior to suspending the fitness certificate, the Council shall:

(a) Provide written notice to the holder of the fitness certificate, informing them of the intention to suspend the certificate, the grounds for the suspension, and the proposed duration of the suspension;

(b) Allow the holder of the fitness certificate an opportunity to make representations to the Council within the period specified in the notice; and

(c) Obtain a report with recommendations from an authorized officer, an employee, an environmental health officer, or a veterinarian regarding the proposed suspension, if deemed necessary by the Council.

(4) When the Council makes its final decision regarding the suspension of the fitness certificate, it shall consider any representations made by the holder of the certificate and any report obtained under subregulation (3)(c).

(5) If the holder of the fitness certificate fails to comply with any condition imposed during the suspension, the Council may cancel the fitness certificate.

(6) Notwithstanding subregulations (3) and (4), the Council may suspend or cancel a fitness certificate with immediate effect if it determines that such action is necessary to address or mitigate a significant public health risk.

(7) Following the suspension or cancellation of a fitness certificate under this regulation, the Council may issue an order for the safeguarding of any dogs previously kept by the certificate holder.

Fees and charges payable

11. (1) The fees for dog registration and breeders shall be determined by the Council and are subject to periodic updates through official notices. These fees may vary depending on the category of dog ownership.

(2) Payments can be made either in person at the registration office or electronically using the Council's provided banking details

Record of dog license

12. The registration office shall be responsible for keeping and maintaining records of every issued dog license, along with the necessary information provided in each application. Unless instructed otherwise by Council, only authorized officials are permitted access to and entitled to inspect these records or documents.

Dog complaint management

13. (1) The Council is committed to addressing community concerns regarding nuisances caused by dogs, and the following procedures outline the management of dog-related complaints-

- (a) The Council acknowledges the community members' right to seek assistance in addressing nuisances caused by dogs.
- (b) Consistent with the relevant legislation, policies, or procedures, the Council shall provide quality services in a timely manner, subject to resource availability. This objective is best achieved through maintaining open communication among Council staff, complainants, and dog owners. However, the Council typically does not respond to anonymously lodged complaints unless exceptional circumstances warrant such action, as determined by the registration office.

- (c) The Council reserves the right to request the name, address, and contact number of a complainant upon receiving a request. This information is vital for Council staff to clarify details, gather further information, and provide updates relevant to the resolution of an investigation. All provided information is treated with strict confidentiality and is solely utilized for conducting Council business.
- (d) Complaints will be handled in accordance with the standard operating procedures of the Council's registration office. The Council will not entertain complaints deemed frivolous or vexatious. Any verbal threats directed at the Council, individuals, or its employees are treated seriously and may be referred to the relevant authority.

Nuisance barking

14. (1) Upon receiving an initial complaint request regarding nuisance barking, the Council shall conduct a personal visit to the property to:

- (a) Inform the dog owner of the nature of the complaint,
- (b) Verify the validity of the complaint,
- (c) Assess the extent of any nuisance,
- (d) Advise the dog owner/s of their legal responsibilities,
- (e) Offer recommendations and guidance to prevent or address nuisance barking, and
- (f) Provide written notice to the dog owner/s outlining further action if the nuisance persists.

(2). Council believes that by employing this approach, the majority of complaints can be resolved swiftly and satisfactorily without resorting to legal action, thereby maintaining community harmony.

(3). Subsequent complaints of similar nature regarding nuisance barking will be handled at the discretion of the officer on duty, following Council protocols. If no progress is observed, the complainant may be required to file a formal complaint with the Council.

(4). If a complainant is unwilling to file a formal complaint, the officer on duty may determine that no further action can be taken regarding the complaint.

(5). No dog owned or kept by any individual shall be permitted to cause annoyance, discomfort, or disturbance to neighbors or the neighborhood through constant or excessive barking, howling, whining, or any other behavior that materially interferes with the tranquility and order of the area.

(6). If the Council determines that a dog is causing a nuisance as described in sub regulation 5 above, the dog owner may be served a notice to take necessary steps to mitigate the nuisance. Failure to comply may result in the owner being ordered to remove the dog from the Windhoek Municipal Council jurisdiction within 96 hours of notice.

(7). No person is allowed to keep a dog suffering from mange or any other infectious or contagious disease, except when kept in a veterinary surgeon's clinic.

(8). If Council determines that a dog is suffering from a condition as described in sub regulation 7 above, the owner may be required to promptly deliver the dog to a veterinary surgeon for examination and treatment at the owner's expense.

(9). Any dog found in a public street or place suffering from mange or another infectious or contagious disease may be seized by an authorized officer and, upon recommendation by the Veterinarian, may be treated or euthanized.

Capture and care of stray or injured dogs

15. (1) The Council is committed to the humane treatment of stray and injured dogs. This regulation outlines the procedures for their capture and care-

- (a) While every effort is made to ensure the health and welfare of all stray and/or injured dogs, Council cannot be held responsible for any accidental injury or death that may occur during attempts to capture or impound a dog.
- (b) Officers on duty may use necessary methods, tools, or equipment, including commercial animal food or liquid, to capture stray dogs. Council cannot be held responsible for any food allergies incurred by the dog during capture.
- (c) Injured dogs shall be treated with care in accordance with the Animal Welfare Act. Officers on duty or the Animal control officer may transport injured dogs to a veterinary surgeon for treatment, and owners are responsible for associated treatment costs.
- (d) Animal Control Officers may seek ownership and registration details from relevant authorities for investigations.

- (e) If a stray dog is not reclaimed within three (3) working days, Council or the office so designated may sell, destroy, or dispose of the dog. The Council or the office so designated may extend the impoundment period for three (3) additional working days if the owner contacts them within the initial period.

Establishment and Operation of a Pound

16. The Council may either establish and operate a pound or enter into an agreement with a third party to operate a pound on its behalf, subject to conditions that the Council may impose.

Impounding of dogs

17. (1) To ensure public safety and proper animal management, the Council has established procedures for impounding dogs that pose a risk or are found in violation of regulations-

- (a) Any person so designated to assist may impound any dog. Impounding may occur whether or not the dog is wearing a collar with the proper label attached.

- (b) Should a dog be perceived as beyond control or poised to cause annoyance, distress, or property damage, it may face seizure. A dog is deemed beyond control if found wandering on land or premises without the owner's or custodian's consent.

- (c) Following a seizure, a dog's fate lies in either being returned to its owner or falling under the purview of impoundment by the office so designated. Additionally, any dog seized by a property owner or custodian due to unauthorized presence on their premises may also face impoundment. Prior to release from impoundment, unregistered dogs must undergo the necessary registration and licensing procedures, alongside the payment of applicable impounding fees.

- (d) Any dog may face impoundment if scrutiny of its circumstances or living conditions raises a concern, or if there is justifiable cause to suspect the commission of an offence against cruelty.

Duties of the Poundmaster

18. (1) The poundmaster shall:

- (a) Display a clear and easily readable notice of the pound's opening hours at both the entrance of the pound premises and on the Council's notice board.

- (b) Maintain a detailed register recording the following information for each impounded dog:

- (i) The name, residential address, and telephone number of the person who brought the dog to the pound;
 - (ii) The time and date the dog was impounded;
 - (iii) The location where the dog was found prior to impoundment;
 - (v) The reason for impounding the dog;
 - (vi) A full description of the dog, including estimated age, breed, sex, color, markings, and any injuries observed at the time of impoundment;
 - (vii) The status of the dog, whether released, sold, or destroyed, including the date and time of such action;
 - (viii) The amount of money received from the sale of the dog, if applicable;
 - (ix) The amount of any veterinary expenses incurred for the dog.
- (a) Ensure that the pound and all equipment used for handling impounded dogs are kept clean, free from flies, vermin, and maintained to the satisfaction of the environmental health practitioner.
 - (b) Provide proper feeding and care for every dog in the pound.
 - (c) Isolate any female dog in heat from other dogs.
 - (f) Take reasonable measures to prevent fights among dogs within the pound.
 - (g) Isolate any dog suffering from a disease, ensure it receives veterinary treatment, and seek reimbursement for incurred veterinary expenses from the dog's owner if the owner's identity and address are known.

Impounding fees

19. Impounding fees must be settled by the dog owner to the office so designated for in case the dog did not qualify for destruction and reclaimed by the owner in the specified grace period.

Returning captured dogs

20. (1) The Council has established procedures to ensure the appropriate handling and return of dogs that are found at large-

- (a) The Officer on duty or the office so designated is empowered to seize and detain any dog found at large.
- (b) Upon seizure, dogs typically undergo an identity check where feasible. This process aims to confirm ownership and assess any prior history of non-compliance.
- (c) After verifying ownership, the owner shall be contacted and required to pick up their dog. If no owner is identified, the dog shall be kept for three days. After this period, if the dog remains unclaimed, it will be sold or, as a last resort, humanely destroyed.

Keeping of dangerous or vicious dogs

21. (1) To ensure public safety, strict measures are in place for the confinement and management of dangerous and vicious dogs-

- (a) A dangerous or vicious dog must be securely confined indoors or, if outside, confined in a securely enclosed and locked pen or dog run area with secure sides and a top.
- (b) When taken off the property, it must be muzzled and securely leashed on a chain no longer than 1.5 meters.
- (c) Notice on the property, visible to anyone approaching from the street, must indicate the presence of a vicious dog on the premises.
- (d) An owner whose dog is declared dangerous must register the dog with the SPCA within 14 days of the declaration.
- (e) Indoors or in an outdoor enclosure, the dog must be housed to prevent escape and injury to visitors.
- (f) Both the dwelling and enclosure must be constructed to prevent unauthorized access, requiring assistance from an occupier over 18 years old.
- (g) The enclosure gate must have a lock and be securely locked when the dog is inside.
- (h) A dangerous dog must be muzzled and leashed when outside the owner's dwelling or enclosure.

- (i) If a previously declared dangerous dog is found wandering at large, it may be seized, impounded, and euthanized after 24 hours.
- (j) Owners must contact the registration office within 24 hours of impoundment to present mitigating circumstances for the dog being at large, potentially allowing the owner to reclaim the dog.

Destruction of dogs

22. (1) In certain situations, the humane destruction of a dog may be necessary to address serious concerns-

(a) Notwithstanding any other provision in these regulations, any authorized Council official or police officer may euthanize a dog if circumstances outlined in regulation 14 (7) reads with regulation 21(1) (i) arise.

(b) These regulations do not preclude the Council or any party who has suffered loss or damage due to the actions of such a dog from pursuing legal action against the dog's owner, even after the dog has been euthanized.

Sterilization of dogs by Council

23. The Council or the office so designated may cause a dog to be sterilized at the request of the owner of the dog and on payment of a fee by the owner of the dog

Emergency services after hours

24. (1) The Council is committed to providing emergency after-hours dog management services, subject to resource availability:

(a) The Council shall, contingent upon the availability of ongoing resources, offer emergency after-hours dog management services limited to the following situations:

- (i) Dog attacks or instances of aggressive dog behaviour, provided that the offending dog(s) has been secured or remains visible within the immediate area. In cases involving sick or injured dogs discovered after hours, these should initially be directed to the SPCA or taken to a veterinarian where feasible.

Appointment of animal control officers/members or dog control officers

25. The Council reserves the right to appoint Animal Control Officers or Members, or dog officers, at its discretion, to conduct inspections where dogs are kept.

Powers, duties and functions of animal control officers/members or dog officers

26. (1) Animal Control Officers or Dog Officers are vested with specific powers and responsibilities to effectively manage and enforce dog regulations-

(a) An Animal Control Officer or Dog Officer:

- (i) Shall have access to any premises at all times to conduct necessary investigations or inquiries.
- (ii) May request any person in control of a dog to provide a valid dog license, fitness certificate along with any other documents or records deemed necessary for the investigation.
- (ii) May seize any document if deemed potential evidence of the regulation violation, issuing a receipt for such documents removed.
- (iii) May require individuals mentioned in paragraph (c) to provide their full name, address, and produce an identity document.
- (iv) Must report any regulation contraventions to Council that may impact the issuance, refusal, suspension, or withdrawal of a license.

Liability

27. (1) This regulation outlines the responsibilities of dog owners, as well as the rights of individuals affected by dog-related incidents:

- (a) Dog owners are responsible for ensuring that their dogs do not pose a threat or cause harm to other individuals, animals, or property.
- (b) If an individual is harmed in a dog-related incident, including but not limited to being bitten or injured by a dog, or if the dog causes damage while trespassing on another's property, the owner of the dog or the person responsible for the dog at the time of the incident shall be held liable for any injury, damage, or loss caused.
- (c) In cases where a person trespasses on private property and is injured by the property owner's dog during the trespass, the owner of the dog may not be held liable unless the level of force used by the dog is deemed excessive or unreasonable in relation to the threat posed by the trespasser. This provision recognizes the right of property owners to protect their property but also ensures that excessive harm is not inflicted. Furthermore, the individual who trespasses may face legal charges for their actions.
- (d) The victim of a dog-related incident, including incidents of trespassing, has the right to seek compensation from the dog owner or the person responsible for the dog for any injuries or damages

sustained, except in cases where the victim was unlawfully trespassing, unless the injury is determined to have been caused by disproportionate force.

Offences and penalties

28. (1) This regulation outlines the penalties and offences for violations of dog-related regulations-

- (a) Any person who makes a false or deliberately misleading statement in a dog license or fitness certificate application commits an offense.
- (b) Any person who continues to violate these regulations after receiving a notice to cease or following a conviction will be guilty of a continuing offense.
- (c) A person commits an offense if they: (i) Fail to comply with any notice issued under these regulations; or (ii) Obstruct or hinder an authorized official or employee of the Council in the exercise of their powers or duties under these regulations.
- (d) Any person who keeps a dog without paying the required dog tax, as prescribed in these regulations, or fails to obtain or renew the fitness certificate commits an offense.
- (e) A person who refuses to surrender a dog for impoundment when required by an authorized official in accordance with these regulations commits an offense.
- (f) Any person who allows their dog to wander at large, causing a nuisance or posing a threat to public safety, commits an offense.
- (g) Any person who fails to prevent their dog from attacking or injuring another person or animal commits an offense.
- (h) Any individual who keeps more dogs than permitted under these regulations without the necessary approval from the Council is guilty of an offense.
- (k) Any person who neglects or mistreats their dog, resulting in a breach of animal welfare standards, commits an offense.

(2) Any person convicted of an offense under these regulations shall be liable, upon conviction, to a fine not exceeding N\$5,000 or imprisonment for a period not exceeding six months, or both such fine and imprisonment.



MEMORANDUM OF UNDERSTANDING

Between

PowerCom Pty Ltd

A Company, duly incorporated in terms of the Companies Act, Act 28 of 2004, as amended.

Herein represented by **BEATUS AMADHILA** in his capacity as the Chief Executive Officer
(Hereinafter referred to as "PowerCom")

And

WINDHOEK MUNICIPAL COUNCIL

Duly established in terms of *the Local Authorities Act, 1992* (Act No. 23 of 1992)

Herein represented by **MOSES MATYAYI** in his capacity as the Chief Executive Officer in terms of section 27(5) and in his capacity as the Chairperson of the Management Committee in terms of Section 31A (a) of *the Local Authorities Act, 1992* (Act No. 23 of 1992).

(Hereinafter referred to as the "Windhoek Municipal Council")

The information contained in this document encapsulates the agreement between
PowerCom and Windhoek Municipal Council

DEFINITIONS

“**Calendar dates**” shall mean specific days, usually organized in a chronological order within a calendar system.

“**Camera feeds**” shall mean the live or recorded visual information captured by cameras installed as part of the collaborative efforts between parties, potentially used for security, monitoring, or joint initiatives.

“**Camera utilization**” shall mean the extent or frequency of usage of cameras integrated into the collaborative efforts between parties, which might include monitoring, data analysis, and joint operations.

“**Confidentiality**” shall mean the obligation to maintain the privacy and security of sensitive information shared between parties as part of their cooperative activities, preventing unauthorized access or disclosure.

“**Council**” shall mean Municipal Council referred to in paragraph A of section 6(1) of the Local Authority Act, 1992 (Act 23 of 1992) and vice versa.

“**Designated site**” shall mean a specific location agreed upon by parties where collaborative activities, initiatives, or installations (such as cameras) will take place.

“**Exclusive Jurisdiction**” shall mean the legal concept that dictates which legal system has the sole authority to address disputes or legal matters arising from the collaborative activities outlined in the MoU.

“**PowerCom**” shall mean a listed company, duly incorporated in terms of the company laws applicable in the Republic of Namibia.

“**Parties**” shall mean the entities involved in the agreement, namely PowerCom (Pty) and Windhoek Municipal Council.

“**Security incidence**” shall mean any event or situation that might compromise the PowerCom infrastructures, and criminal activities.

“**Safer City**” shall mean an urban environment designed and managed to minimize risks and enhance the safety and security of its residents, workers, and visitors.

The information contained in this document encapsulates the agreement between
PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

“Technical support” shall mean the assistance provided by parties in addressing technical issues related to camera systems, data management, and other technological aspects of the collaboration.

“Windhoek Municipal Police Service” shall mean a Municipal Police Service as established in terms of the Section 43(C) of the Police Act, 1990 (Act No. 19 of 1990), as amended. Hereinafter referred to as City Police Service.

“CCTV (closed-circuit television)” shall mean CCTV cameras system provided by PowerCom for the purpose of monitoring infrastructure, crime prevention, safety, and security.

“Member” shall mean members of the Windhoek Municipal Police service deployed to monitor MTC infrastructure through CCTV camera system.

1. THE PARTIES

- 1.1. PowerCom is a juristic person incorporated in terms of the Companies Act, Act 28 of 2004 as amended.
- 1.2. Municipal Council of Windhoek, a juristic person established and declared as such in terms of Section 3 of the Local Authorities Act, (Act No. 23 of 1992).
- 1.3. The Parties hereby wish to record their agreement in writing and as set out below.

2. INTRODUCTION

This Memorandum of Understanding (MoU) outlines the collaborative framework and mutual commitment between PowerCom and the Windhoek Municipal Council.

3. PURPOSE

The purpose of this MoU is to establish a collaborative partnership between parties for the implementation and utilization of CCTV cameras at various sites for enhanced safety and security within the jurisdiction of Municipal Council of Windhoek.

The Parties have reached an Agreement and wish to record same in writing.

The information contained in this document encapsulates the agreement between PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

4. SCOPE OF COLLABORATION

4.1. Procurement of CCTV cameras and all accessories

The Parties agree for PowerCom to procure CCTV cameras to the specifications of the Windhoek Municipal Council (City Police Service). The cameras will be procured from City Police Service vetted suppliers. The CCTV cameras, software and all its accessories shall remain the property of PowerCom. PowerCom may donate the CCTV cameras to the Windhoek Municipal Council at the end of the Agreements' term.

4.2. Installation of CCTV cameras and all accessories

The Parties agree that the installation of CCTV cameras and all accessories will be done by the a City Police Service vetted service providers. The Parties will identify the sites where the CCTV cameras will be installed.

4.3. CCTV Camera data management

The Parties agree that the CCTV cameras procured in terms of this agreement, including the ones installed at all PowerCom infrastructure, will feed to the Command and Dispatch Centre, at the City Police Service only. The data collected from the CCTV camera feeds will be securely stored and managed by the City Police Service in compliance with the applicable policies and laws. The Parties further agree that PowerCom will get access to CCTV camera footages in line with the set procedures by the Head of Windhoek City Police Service.

4.4. Monitoring and Response

The City Police Service will be responsible for actively monitoring the CCTV camera feeds and respond promptly (within fifteen (15) minutes) to any security alerts or incidents detected at the sites. PowerCom will cooperate and provide necessary assistance to City Police Service during these operations.

The information contained in this document encapsulates the agreement between
PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

4.5. Future Safer City Initiatives

The Parties acknowledge the potential for future development of safer city initiatives. Parties agree to explore opportunities for future collaboration for law enforcement purposes, subject to relevant laws and regulations.

The Parties agree to the installation of LED lights on PowerCom’s infrastructure to enhance safety and security in and surrounding PowerCom infrastructure.

4.6. Number Plate Recognition System

The Parties will explore the possible collaboration on the implementation of number plate recognition systems, where feasible, to enhance the identification and tracking of vehicles involved in potential criminal activities.

5. RESPONSIBILITIES OF THE PARTIES

5.1. Windhoek Municipal Police Service’s Responsibilities:

- 5.1.1. Install procured CCTV cameras at identified sites.
- 5.1.2. Proactively monitor the CCTV camera feeds from all sites for potential security incidents.
- 5.1.3. Respond promptly (within fifteen (15) minutes) to alerts and incidents detected through the CCTV camera system.
- 5.1.4. Ensure the timeous reporting of any malfunctions, maintenance and upgrades of CCTV camera software and hardware systems stationed at PowerCom sites to the Senior Manager: Infrastructure of PowerCom.
- 5.1.5. Store and manage data generated by the CCTV camera feeds.

The information contained in this document encapsulates the agreement between PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

5.2. **PowerCom' s Responsibilities:**

- 5.2.1. Procure CCTV cameras and accessories.
- 5.2.2. Make payment to City Police Service vetted suppliers for the installation of CCTV cameras and accessories.
- 5.2.3. Make payments to City Police Service vetted suppliers to ensure the proper functioning, maintenance and upgrade of CCTV camera software and hardware system.

6. TERM AND TERMINATION

- 6.1. This agreement will come into effect on the date of the signatures of the Parties and shall remain in force for a period of five (5) years.
- 6.2. Thereafter the agreement can be renewed by both parties upon mutually agreed terms. Should either party wish to terminate the agreement, such party shall give the other party six (6) calendar months' notice in writing, prior to the termination date set out in clause 6.1. of such termination.
- 6.3. Should no notice of the termination be received by either party, the agreement shall continue for a further period of one (1) year on the terms and conditions as set out herein.
- 6.4. The expiration or termination or lapsing of this Agreement shall not affect the provisions of this agreement.
- 6.5. Either Party shall have the option to terminate this Agreement at any stage by giving the other Party three (3) calendar months of intention to terminate.
- 6.6. The Parties agree that the CCTV cameras hardware and software shall remain the property of PowerCom upon termination of this Agreement unless ownership is transferred by PowerCom to Windhoek City Police Service.

7. RELATIONSHIP BETWEEN THE PARTIES

- 7.1 The Parties shall meet quarterly to discuss possible and future partnership initiatives.

The information contained in this document encapsulates the agreement between PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

7.2 The Parties will not be entitled to conclude or enter into any express or implied agreements, warranties, guarantees or representations or incur any debt, in the name of or on behalf of the other or represent that their relationship is other than that contemplated in this Agreement. Neither Party will be liable by, or have any liability under any Agreements or representations made by the other that are not expressly authorized in terms of this Agreement or otherwise agreed to in writing.

8. INDEMNITIES

The Parties indemnify and hold each other harmless against any liability, claims, fines, or other penalties of whatsoever nature imposed on the other Party and or its affiliates and or their respective officers, employees, or agents, directly or indirectly arising from or in respect of the other Party's failure to comply with and/or its breach of its obligations under this Agreement.

9. CONFIDENTIALITY

Both Parties agree to maintain the confidentiality of any non-public information or data shared during the course of this collaboration.

10. GENERAL

10.1. This Agreement constitutes the whole of the Agreement between the Parties hereto relating to the matters dealt with herein and, save to the extent otherwise provided for, no undertaking, representation term or condition relating to the subject matter of this Agreement not incorporated in this Agreement shall be binding on any of the parties.

10.2. No variation, addition, deletion or agreed cancellation will be of any force or effect unless done in writing and signed by the duly authorized representatives of the party hereto. Failure or delay on the part of any Party hereto in exercising any right, power or privilege hereunder will not constitute or be deemed to be a waiver thereof or any other right hereunder, nor will any single or partial exercise thereof or the exercise of any other right, power or privilege.

The information contained in this document encapsulates the agreement between
PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

- 10.3. A waiver by any Party of any of the terms of this Agreement shall not be effective unless it is expressly stated in writing. A waiver in respect of one breach will not be considered a waiver in respect of any other subsequent breach.
- 10.4. None of the Parties to this Agreement may cede, delegate, assign, or otherwise transfer this Agreement, or any part, share or interest therein or any rights or obligations hereunder without the prior written consent of the other Party hereto.
- 10.5. This Agreement is executed by two (2) Parties, each of which shall be deemed an original, and all of which together shall constitute one and the same Agreement as at the date of signature of the Party last signing one of the Parties. The Parties undertake to take whatever steps may be necessary to ensure that each Party is duly signed by each of them without delay.
- 10.6. If any provision of this Agreement is found by a court of competent jurisdiction to be void, illegal, invalid, or otherwise unenforceable, such provision shall be severed, and the remainder of this Agreement shall continue in full force and effect to the fullest extent permitted by Law.

11. GOVERNING LAW

This MoU shall be governed by and construed in accordance with the laws of the Republic of Namibia. Any disputes arising from or related to this MoU shall be subject to the laws of the Republic of Namibia.

12. FORCE MAJEURE

12.1. Neither party shall be liable to the other for any prevention, suspension or postponement of its performance in terms of this Agreement where such prevention, suspension or postponement is due to any event of force majeure (including but not limited to any act of God, flood, fire, earthquake, terrestrial or extra-terrestrial interference, satellite malfunction, war, riot, insurrection, strike and act of civil or military authority), or other cause beyond the reasonable control of a party hereto.

The information contained in this document encapsulates the agreement between PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

12.2. If any such event of *force majeure* shall continue for a period of sixty (60) consecutive days or ninety (90) days in the aggregate within one-year contract period during the terms of this Agreement, either Party shall have the option thereupon to terminate this Agreement upon no less than thirty (30) days prior written notice to the other Party.

13. ENTIRE AGREEMENT

This MoU constitutes the entire agreement between the Parties and supersedes any prior discussions, representations, or agreements, whether oral or written, relating to its subject matter.

14. AMENDMENT

Any amendments or modifications to this MoU shall be in writing and duly signed by authorized representatives of the parties.

15. NOTICES AND DOMICILIA

15.1. The Parties choose the following addresses at which documents in legal proceedings in connection with this Agreement or any other notices may be served (i.e., *their domicilium citandi et executandi*).

15.1.1. In the case of PowerCom: Chief Executive Officer, 140 NPTH Building no.4, Julius K. Nyerere Street, Southern Industrial Area, Windhoek, Namibia.

15.1.2. In the case of Windhoek Municipal Council: Chief Executive Officer, No. 80 Independence Avenue, Windhoek, Namibia.

15.2. The notice will be deemed to have been duly given:

15.2.1. Ten (10) business days after posting, if posted by registered post to the Party's address

15.2.2. On delivery if delivered to the Party's nominated physical address

15.2.3. On dispatch, if sent to the Party's telefax number and confirmed by registered letter posted no later than the next business day.

The information contained in this document encapsulates the agreement between PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

15.3. A Party may change that Party’s address for this purpose to another physical address in the Republic of Namibia by giving 14 days (fourteen) days’ notice in writing to this effect.

16. COSTS

Each Party will bear and pay its own legal costs and expenses of and incidental to the negotiation, drafting, preparation and implementation of this Agreement.

Thus, done and signed at **Windhoek** on this _____ day of _____ 2024 in the presence of the undersigned and witnesses:

FOR POWERCOM

Beatus Amadhila
Chief Executive Officer

WITNESSES:

Annethe Ndeyapo Jason
Company Secretary

Signature Date

Kennedy Matamola
Senior Manager Finance

Signature Date

The information contained in this document encapsulates the agreement between
PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

Patrick Britz
Senior Manager Infrastructure

Signature

Date

Thus, done and signed at **Windhoek** on this _____ day of _____ 2024 in the presence of the undersigned signatories and witnesses:

FOR COUNCIL

Moses Matyayi
Chief Executive Officer

Signature

Date

Witnesses:

Benedictus Ngairorue
Corporate Legal Advisor

Signature

Date

Leevi Ileka
Head: City Police

Signature

Date

The information contained in this document encapsulates the agreement between PowerCom and Windhoek Municipal Council

Initial: _____

Initial: _____

Initial: _____

**IOT BUSINESS CASE:
EMERGENCY RESPONSE
SYSTEM AND PANIC
BUTTON FOR THE
WINDHOEK MUNICIPAL
POLICE SERVICE**

Table of Contents

1. Executive Summary	3
2. Problem Statement	3
3. Proposed Solution	3
Business Canvas.....	4
4. Benefits and Return On Investment(ROI).....	5
Benefits	5
Costs.....	5
ROI:.....	5
5. Implementation Plan.....	6
6. Conclusion.....	6

1. Executive Summary

This document outlines the business case for implementing an Internet of Things (IoT)-based emergency response system and panic button solution for the Windhoek Municipal Police Service (WMPS) as we endeavour to capture cutting-edge technologies and gain an advantage in the digital realm. This system aims to:

- 1.1. Increase public safety by offering citizens a quick and reliable way to summon help in emergencies and ensuring we will solve some pain points.
- 1.2. Provide a direct priority response to WMPS.
- 1.3. Improve emergency response times by providing real-time location data and automating dispatch procedures.
- 1.4. Supplement the operational costs of the service to create a value proposition to sustain our operational mandate.

2. Problem Statement

Currently, the WMPS faces challenges in responding to emergencies efficiently. These include:

- 2.1. Reliance on traditional, time-consuming methods like phone calls for reporting emergencies, leading to delays in response.
- 2.2. Lack of real-time location data for both officers and emergencies, hindering efficient dispatch processes.
- 2.3. There are limited options for residents to discreetly and quickly request assistance in dangerous situations.

With these challenges highlighted above, WMPS has made some key assumptions that the safety of our residents and visitors alike will be profoundly prioritised more quickly and simpler than before, and the likelihood of permanently eradicating fear and anxiety amongst our people is to a greater extent ensured.

3. Proposed Solution

The proposed unique solution involves implementing an integrated Internet of Things (IoT) emergency response system consisting of two key components:

- 3.1. Panic Buttons: These wearable devices, equipped with cellular or low-power wide-area network (LPWAN) connectivity, will be issued to all officers. Pressing the button will immediately:

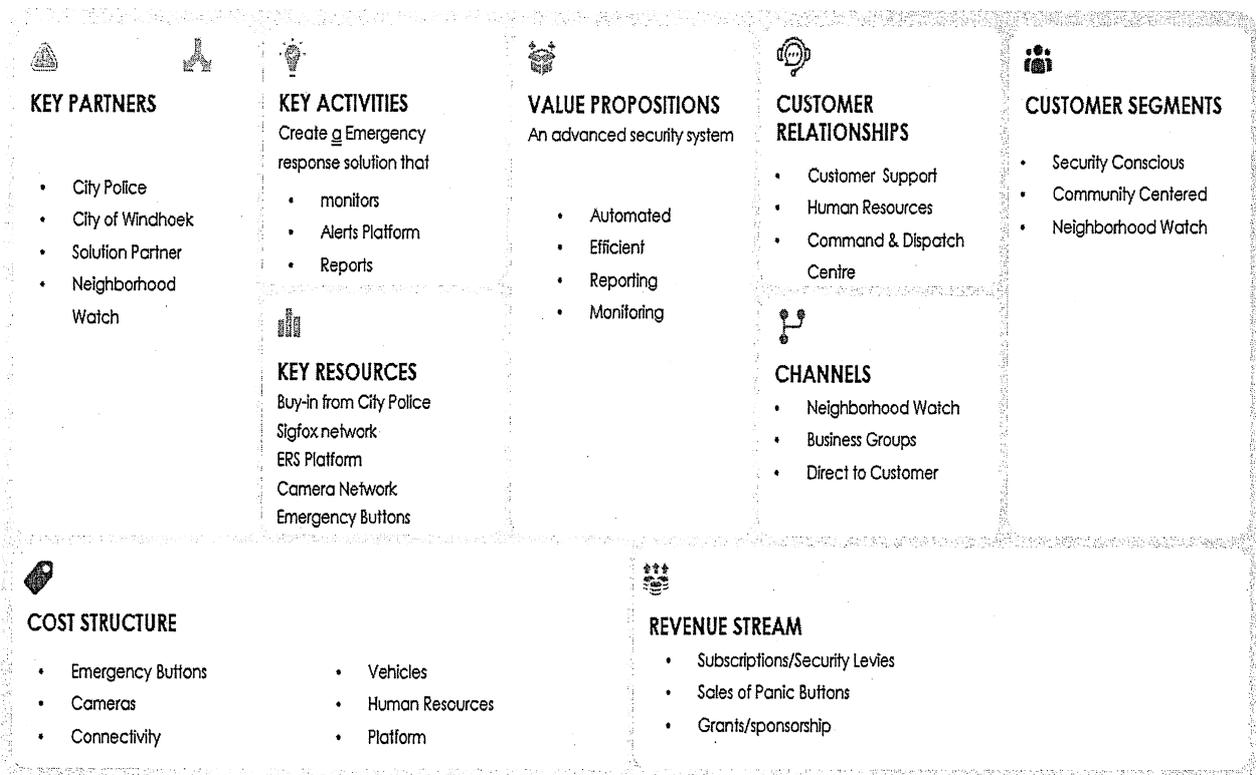
- Send an emergency alert to the dispatch center along with the officer's real-time location data.
- Open a two-way communication channel between the officer and the dispatch center.

3.2. Mobile App for Citizens: A user-friendly mobile application will allow citizens to report emergencies directly to the dispatch center. The app will:

- Utilize GPS to automatically capture the user's location data.
- Offer various emergency categories for accurate reporting (e.g., medical, fire, crime).
- Enable two-way communication with the dispatch center for additional information exchange.

Business Canvas

A Business Model Canvas is a visual tool with key elements describing a business value proposition, infrastructure, customers, and finances that enable a definitive assumption around the key resources and activities of your value chain.



4. Benefits, Costs and Return on Investment (ROI)

Benefits

The implementation of this IoT system is expected to yield significant benefits, including:

- 4.1.Reduced response times: real-time location data and automated dispatch will lead to faster responses to emergencies, potentially saving lives and minimizing property damage.
- 4.2.Enhanced officer safety: Panic buttons will provide officers with a discreet way to call for assistance in dangerous situations, improving their safety on the job.
- 4.3.Increased public safety: A readily available and accessible emergency reporting app will empower citizens to quickly seek help, fostering a safer community.
- 4.4.Improved resource allocation: real-time data on officer location and ongoing emergencies will enable optimal resource allocation and deployment.
- 4.5.Reduced administrative burden: Automated dispatch processes and real-time data capture can streamline administrative tasks and free up manpower for other critical activities.

Costs

- **Initial investment:** Purchase of panic buttons, communication infrastructure, and software integration.
- **Ongoing costs:** Maintenance of infrastructure, software licenses, and data storage.

Return on Investment (ROI):

- **Quantifiable benefits:** Reduced response times can lead to decreased property damage, lower healthcare costs, reduced short-term insurance claims, reduced maintenance costs, and potentially even save lives.
- **New Revenue Stream:** City Police will be able to unlock a new revenue stream through the monthly subscription for the service.
- **Qualitative benefits:** Improved officer morale, increased public trust, and enhanced community safety are difficult to quantify but contribute significantly to the overall ROI.

5. Implementation Plan

The New Product Introduction (NPI) going into the implementation plan will involve the following key stages:

- **Home/Business owners:** Through marketing, identify homeowners to subscribe on voluntary basis.
- **Vendor selection:** A thorough evaluation and selection process will identify the most suitable vendors for providing the required hardware, software, and integration services.
- **Pilot program:** A pilot program will be conducted in a specific area to test the system's functionality, identify any issues, and gather user feedback before full-scale deployment.
- **Training and support:** Comprehensive training will be provided to officers and dispatch personnel on how to use the new system effectively. Ongoing support will ensure smooth operation and address any user concerns.
- **Rollout plan:** Segmentation and phased rollout – engaging of neighborhood watches for synergies and early adopters.
- Monitoring and Evaluation.

6. Competitor Analysis

- **Security companies/Armed Response companies:** The possible competition could be related to loss of revenue due to competition and commercialization of the product, however, the services we are rendering will be different from what they offer.
- **Neighborhood watch:** Some are aligned with armed response companies.
- **NAMPOL:** Duplication of service at the expense of the homeowners, however, the levy is stipulated in the Local Authority Act.

7. Conclusion

The proposed IoT-based emergency response system and panic button solution offer a powerful opportunity for the WMPS to significantly enhance officer safety, improve response times, and ultimately strengthen public safety within the community. The potential benefits and return on investment justify the exploration and implementation of this innovative solution.

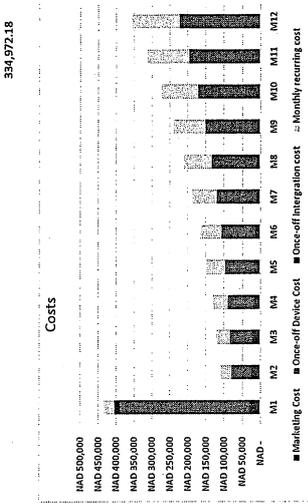
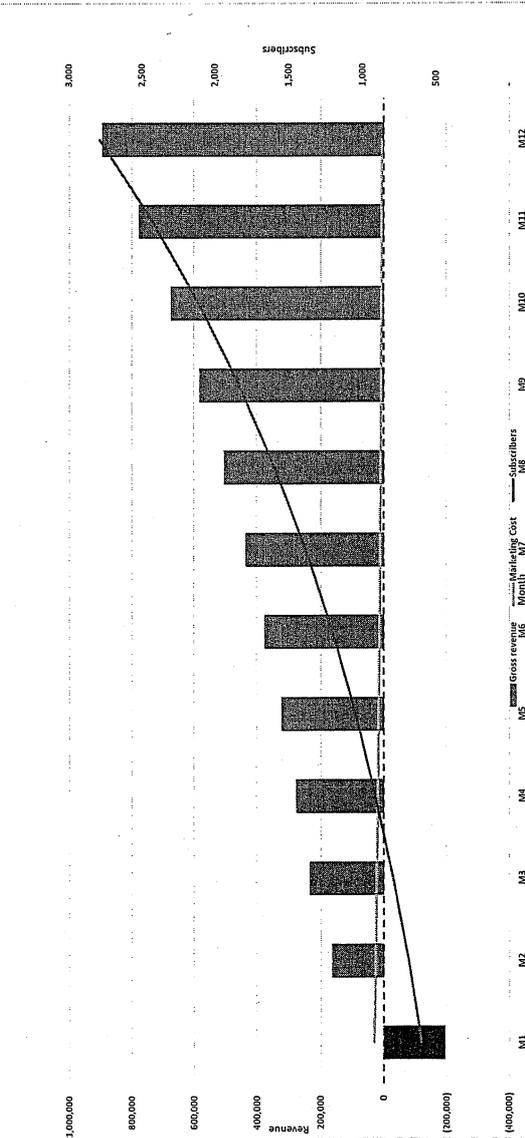
Assumptions	
Total addressable Residents	60,000.00
Subscriber Penetration (% 40%)	24,000.00
Initial uptake (month 1)	2,500
Subscriber growth per month	15.00%
Price point (customer charge/month)	NAD 400
Churn	0.00%
Validity	12 Months
Initial Marketing Cost	NAD 50,000.00
Device cost	NAD 100.00

Virtual Patrol Pricing Co.Wt (all pricing N\$ ex VAT)	
Description	Monthly
Visio Alert Button	600.00
Virtual Patrol 1.99999	48.50
Virtual Patrol 10.000-15.000	41.50
Virtual Patrol 15.001-25.000	32.50
Virtual Patrol 25.000+	25.00
Integration fee	19,000.00
Pricing Calculator	
Number of Devices	3,000
Once Off Cost Ex.Vat	1,815,000.00
Monthly Fee incl.Sigfox	145,500.00
Per Device PM	48.50

All variables in red are editable

Month	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12
Sales Growth %	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%
Subscribers	600	690	794	913	1,049	1,207	1,388	1,596	1,835	2,111	2,427	2,791
Net Monthly Subs	600	90	104	119	137	157	181	208	239	275	317	364
Net revenue	NAD 240,000	NAD 276,000	NAD 317,400	NAD 365,010	NAD 419,762	NAD 482,726	NAD 555,135	NAD 638,405	NAD 734,165	NAD 844,280	NAD 970,994	NAD 1,116,574
Less Churn	-	-	-	-	-	-	-	-	-	-	-	-
Total revenue	NAD 240,000	NAD 276,000	NAD 317,400	NAD 365,010	NAD 419,762	NAD 482,726	NAD 555,135	NAD 638,405	NAD 734,165	NAD 844,280	NAD 970,994	NAD 1,116,574
Costs												
Marketing Cost	NAD 30,000	NAD 25,500	NAD 21,675	NAD 18,424	NAD 15,660	NAD 13,311	NAD 11,314	NAD 9,617	NAD 8,175	NAD 6,949	NAD 5,906	NAD 5,020
Once-off Device Cost	NAD 360,000	NAD 54,000	NAD 62,100	NAD 71,415	NAD 82,227	NAD 94,446	NAD 108,613	NAD 124,905	NAD 143,641	NAD 165,187	NAD 189,965	NAD 218,480
Once-off Integration cost	NAD 15,000	NAD -										
Monthly recurring cost	NAD 29,100	NAD 38,465	NAD 38,485	NAD 44,257	NAD 50,896	NAD 58,550	NAD 67,310	NAD 77,407	NAD 89,018	NAD 102,370	NAD 117,726	NAD 135,395
Total cost	NAD 494,100	NAD 117,965	NAD 122,260	NAD 134,096	NAD 148,884	NAD 166,288	NAD 187,238	NAD 211,529	NAD 240,833	NAD 274,506	NAD 313,597	NAD 355,855
Gross Revenue	NAD 240,000	NAD 276,000	NAD 317,400	NAD 365,010	NAD 419,762	NAD 482,726	NAD 555,135	NAD 638,405	NAD 734,165	NAD 844,280	NAD 970,994	NAD 1,116,574
Net Revenue	NAD 240,000	NAD 276,000	NAD 317,400	NAD 365,010	NAD 419,762	NAD 482,726	NAD 555,135	NAD 638,405	NAD 734,165	NAD 844,280	NAD 970,994	NAD 1,116,574

12 Month Revenue Projection



NAD 2,705,361
NAD 508,628
NAD 985,096

334,972.18



China Railway Seventh Group Namibia Pty Ltd

TEL+264 61 226 986

FAX: +264 61 226 986

P.O.BOX 22559 Windhoek

EMAIL: crsg_namibia@163.com

13 June 2024

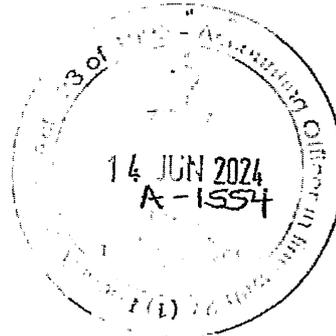
Our Ref: CRSG/NAM/CoW/2024-01

Your Ref:

Office of the CEO

City of Windhoek

Dear Mr. Matyayi



APPLICATION FOR PERMISSON TO ABSTRACT GRAVEL (Borrow Pit) IN THE CITY OF WINDHOEK JURISDICTION

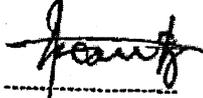
China Railway Seventh Group Namibia (pty)Ltd, has been awarded by the Roads Authority to be the contractor for the upgrade of Auas Road to Dual Carriage and Windhoek to Rehoboth Freeway A1 Section 1A.

We are hereby applying for a Borrow pit to extract gravel for construction purposes. The proposed borrow pit is located in Kupferberg, adjacent to the Kupferberg Waste Disposal Site (western side). The gravel is proposed to be extracted within a period of 18 months; From July 2024 to December 2025.

We confirm that we will comply with the provisions of the environmental management Act, Act 7 of 2007, The project' s Environmental Impact Assessment(EIA) and the project' s Environmental management Plan, as well as all other requirements from City of Windhoek during our operations.

Kindly accept Mr. Matyayi, assurance of our highest consideration.

Yours Sincerely,



Haitao Yang

Project Manager

CHINA RAILWAY SEVENTH GROUP

RECEIVED BY: SIGNATURE: DATE:



REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM

Tel: (00 26461) 284 2111

Fax: (00 26461) 232 057

 Our Reference:
 APP - 231115002473

 Cnr Robert Mugabe &
 Dr Kenneth Kaunda Street
 Private Bag 13306
 Windhoek
 Namibia

05 June 2024

OFFICE OF THE ENVIRONMENTAL COMMISSIONER

 Enviro Dynamics
 8 Demonte Street, Auasblick
 P. O. Box 4039,
 Windhoek, Namibia
 9000

Dear Sir or Madam:

RE: ENVIRONMENTAL CLEARANCE CERTIFICATE FOR THREE NEW BORROW PITS IN THE KRUMHUK AREA- WINDHOEK-REHOBOTH FREEWAY

The above subject has reference

This serve to confirm receipt of your request to amend the original EIA for the above-mentioned proposed activity to include new borrow pits site, and approval granted as follows:

You are kindly advised to proceed with the proposed amendments of the EIA and EMP as per Regulation 14 and 15 of the Environmental Impact Assessment Regulation (GN 4878, No 30 of 2012) under the Environmental Management Act 7 of 2007.

Key environmental impacts relating to the Biophysical and Social environments of the receiving environment, must be considered and assessed; all adverse impacts identified, and mitigation measures proposed. You are also hereby advised to ensure that all stakeholder as well as interested and affected parties are properly consulted.

Furthermore, relevant administrative frameworks must be taken into consideration, especially laws regulating to the extraction, utilization and management of natural resources i.e. sand mining, and those governing linear infrastructure development activities.

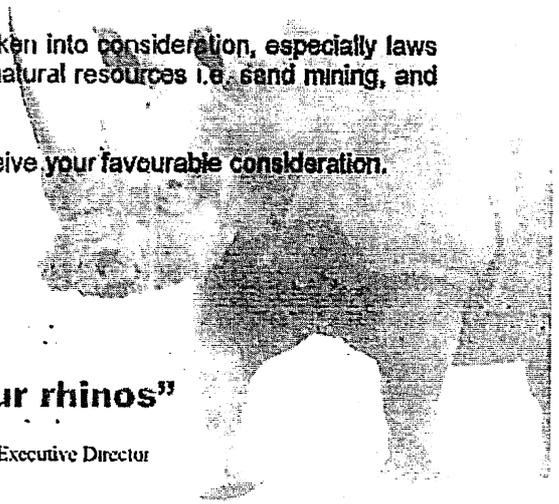
I trust that these recommendations are in order and shall receive your favourable consideration.

Yours sincerely,


 Timoteus Mufeti
 ENVIRONMENTAL COMMISSIONER

"Stop the poaching of our rhinos"

All official correspondence must be addressed to the Executive Director



Application reference number	
---------------------------------	--

APPLICATION FOR PERMISSION TO ABSTRACT SAND AND GRAVEL IN THE CITY OF WINDHOEK JURISDICTION

Please complete form and return to:

The Office of the Chief Executive Officer
Customer Care Desk
City of Windhoek
18 Independence Avenue
P.O. 59
Windhoek
Namibia
General Enquiries:

Tel: +264-61-290 +264 61 290 2485
Fax: +264-61-290 111
E-mail: Mary-Anne.Kahitu@windhoekcc.org.na

SECTION A APPLICANT DETAILS

1.	Full name of applicant	<u>China Railway Seventh Group Namibia (Pty) Ltd</u>
2.	Identity number of applicant, or in the case of a company, close corporation, (registration number).	<u>201510748</u>
3.	Nationality of applicant, or in the case of a company, close corporation, country of registration.	<u>Namibia</u>
4.	Contact Details of Applicant	
	Physical and postal address of applicant:	<u>Kupferberg rd 700, B1 Roads Windhoek</u>
	Telephone number of applicant:	<u>0852460546</u>
	Fax number of applicant:	<u>+26461226986</u>
	E-mail of applicant (if any)	<u>esterlongandje@gmail.com</u>

Application Form
 Permission to undertake sand and gravel extraction in the City of Windhoek jurisdiction

- 9. Township / Farm name:/Erf number
- 10. Zoning description (In terms of Town Planning Scheme)

- 11. Size of proposed site (m²) 24ha
- 12. Site coordinates

ATTACHED		

- 13. Annexure: A site plan accompanied by surveyor diagram (prepared by registered surveyor), of the area within which the applicant carries or intent to carry out the sand mining operation. Include adjacent properties within 1km radius of site
- 14. Name of River (Please provide coordinates)..... Antaregas River
- 15. Description of support (existing) infrastructure (access roads, electricity etc)

SECTION D QUANTITIES & VALUE OF RESOURCE

Estimates based on 12 month period from expected commencement date

TYPE	Quantities of available resource (m ³)	Estimates of expected Volumes (m ³) to be extracted	Market value N\$ per m ³
Sand			
Gravel	220,000	80,000	
Stone			

SECTION E ADDITIONAL INFORMATION

Please provide any other relevant information, which you(applicant) wish to include with this application

An applicant shall submit two (2) copies of all material to CoW 90 calendar days prior to the proposed commencement date of operations or at least 90 calendar days prior to the expiration of any previously issued authorization . Please INITIAL all pages

SECTION FOR COW OFFICIAL USE ONLY

Comments by CoW Departments :

1. Department of Housing , Property Management and Human Settlement

Property Management

.....
.....

Human Settlement

.....
.....

Date:

2. Department of Urban Transport and Planning:

Sustainable Development

.....
.....

Roads and Storm Water Division

.....
.....

Date

OFFICIAL DATE STAMP

An applicant shall submit two (2) copies of all material to CoW 90 calendar days prior to the proposed commencement date of operations or at least 90 calendar days prior to the expiration of any previously issued authorization . Please INITIAL all pages



ECC- 2401227

Serial: 24lgpPt1227



REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM

OFFICE OF THE ENVIRONMENTAL COMMISSIONER

ENVIRONMENTAL CLEARANCE CERTIFICATE

ISSUED

In accordance with Section 37(2) of the Environmental Management Act (Act No. 7 of 2007).

TO

**Roads Authority
P O Box 4039, Windhoek**

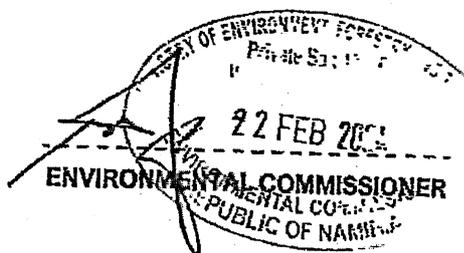
TO UNDERTAKE THE FOLLOWING LISTED ACTIVITY

PROPOSED UPGRADE AND CONSTRUCTION OF A FREEWAY BETWEEN WINDHOEK AND REHOBOTH, KHOMAS REGION, SECTIONS 1B AND 2: AUASPOORT INTERCHANGE TO 15KM NORTH OF REHOBOTH.

Issued on the date: 2024-02-15

Expires on this date: 2027-02-15

(See conditions printed over leaf)



CONDITIONS OF APPROVAL (READ JOINTLY WITH NOTIFICATION OF DECISION)

1. This environmental clearance is valid for a period of 3 (three) years, from the date of issue unless withdrawn by this office
2. This certificate does not in any way hold the Ministry of Environment, Forestry and Tourism Accountable For Misleading Information, nor any adverse effects that may arise from these activities. Instead, full accountability rests with the proponent and its consultants
3. This Ministry reserves the right to attach further legislative and regulatory conditions during the operational phase of the project
4. All applicable and required permits are obtained and mitigation measures stipulated in the EMP are applied particularly respect to management of ecological impacts.
5. Strict compliance with conditions attached to the consent received from National Heritage Council is expected throughout the life span of the proposed activity, therefore any new archaeological finds must be reported to the National Heritage Council for appropriate handling of such.



REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM

Tel: (00 26461) 284 2111

Fax: (00 26461) 232 057

Cnr Robert Mugabe &
Dr Kenneth Kaunda Street
Private Bag 13306
Windhoek
Namibia

OFFICE OF THE ENVIRONMENTAL COMMISSIONER

NOTIFICATION OF DECISION

REF NUMBER: ECC2401227

DATE OF ISSUE: 15 February 2024

DETAILS OF PROPONENT:

**ROADS AUTHORITY
P O Box 4039, Windhoek**

Dear Sir/ Madam

SUBJECT: NOTIFICATION ON APPLICATION FOR ENVIRONMENTAL CLEARANCE TO UNDERTAKE THE PROPOSED LISTED ACTIVITY: PROPOSED UPGRADE AND CONSTRUCTION OF A FREEWAY BETWEEN WINDHOEK AND REHOBOTH, KHOMAS REGION, SECTIONS 1B AND 2: AUASPOORT INTERCHANGE TO 15KM NORTH OF REHOBOTH.

Notice is herewith given in accordance with section 37(2) of the Environmental Management Act, Act 7 of 2007, and Environmental Impact Assessment Regulations of 2012 (GG 4878): that a decision in respect to your application No. APP 231115002473 for an Environmental Clearance Certificate to undertake a listed activity has been reached.

DECISION

An Environmental Clearance Certificate (ECC) to undertake the listed activities specified in the environmental assessment report and draft management plan dated November 2023, is granted (ECC24011227). The applicant/proponent is therefore advised to comply with the conditions of approval set out in Section C of this notification.

A. DETAILS OF THE PROPOSED ACTIVITY

"Stop the poaching of our rhinos"

1

All official correspondence must be addressed to the Executive Director

B. A1: TITLE OF THE PROPOSED ACTIVITY

PROPOSED UPGRADE AND CONSTRUCTION OF A FREEWAY BETWEEN WINDHOEK AND REHOBOTH, KHOMAS REGION, SECTIONS 1B AND 2: AUASPOORT INTERCHANGE TO 15KM NORTH OF REHOBOTH.

A2: DETAILS OF ASSESSMENT PRACTITIONER

Norman van Zyl (EAP) | 0811273805 (T) norman@envirod.com

A3: LOCATION OF PROPOSED ACTIVITY

(Annexure A – proposed site map)

C. RELEVANT LISTED ACTIVITIES

Legislation	Description of Listed Activity	Relevance to Proposed Activity
Regulation 29 of Government Notice No. 29 of 2012	<p>INFRASTRUCTURE 10.1 The construction of- (a) oil, water, gas and petrochemical and other bulk supply pipelines; (b) public roads; (c) railways and harbours; (d) airports and airfields; (e) any structure below the high water mark of the sea; (f) cableways; (g) communication networks including towers, telecommunication and marine telecommunication lines and cables; (h) motor vehicle and motorcycle racing and test tracks; (i) the outdoor racing sites of motor powered vehicles including - (i) motorcars; (ii) trucks; (iii) motorcycles; (iv) quad bikes; (v) boats; and (vi) jet skis; (j) masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding - (i) flag poles; and (ii) lightning conductor poles. 10.2 The route determination of roads and design of associated physical infrastructure where - (a) it is a public road; (b) the road reserve is wider than 30 meters; or (c) the road caters for more than one lane of traffic in both directions. law relating to water resources.</p>	<p>PROPOSED UPGRADE AND CONSTRUCTION OF A FREEWAY BETWEEN WINDHOEK AND REHOBOTH, KHOMAS REGION, SECTIONS 1B AND 2: AUASPOORT INTERCHANGE TO 15KM NORTH OF REHOBOTH.</p>

D. CONDITIONS

C1: Conditions of Approval

1. This certificate does not in any way hold the Ministry of Environment, Forestry and Tourism accountable for misleading information, nor any adverse effects that may arise from these activities. Instead, full accountability rests with the proponent and its consultants.
2. This Ministry reserves the right to attach further legislative and regulatory conditions during the operational phase of the project.
3. Regular environmental monitoring and evaluations on environmental performance should be conducted. Targets for improvements should be established and monitored throughout this process.

C2: Clearance Certificate Validity

1. This environmental clearance is valid for a period of 3 (three) years, from the date of issue unless withdrawn by this office.
2. On expiry of the ECC, the proponent is required to submit within a period not exceeding one month, and in the prescribed form and manner an application to the Office of the Environmental Commissioner for the renewal of the ECC.
3. Failure to renew an expired environmental clearance certificate shall result in permanent termination of the environmental clearance certificate.

C3: Compliance with authorization under other laws

4. All other applicable and required permits or authorization from relevant competent authorities must be obtained prior to commencing the proposed activities and accordingly adhered to.

C4: Implementation and Monitoring

5. The granting of the Environmental Clearance Certificate (ECC) constitute, an approval for the implementation of mitigation measures proposed in your approved Environmental Management Plan (EMP), hence making the approved EMP legally binding document.
6. The proponent shall appoint a suitably experienced environmental control officer, or site agent where appropriate, before the commencement of any listed activities to ensure compliance with the conditions of approval and mitigation stipulated in the approved EMP
7. A copy of the Environmental Clearance Certificate (ECC), EMP, Environmental Audit and monitoring reports must be kept at the site of the authorized activity and readily available for inspection by officials of the Ministry and registered Interested and affected Parties (I&APs) on request.
8. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the National Heritage Council of Namibia. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from National Heritage Council.
9. Using the best and affordable methodology, the Proponent must ensure that all listed activity's operations footprints are thoroughly rehabilitated prior to closure of the operation. Wherever possible, the Proponent must proceed with the rehabilitation process concurrently with the progression of the project rather than wait until the damage is far beyond the available means of management.
10. The general standard for all rehabilitation processes must at all costs aim at restoring the natural character of the environment to the satisfaction of the Ministry of Environment, Forestry and Tourism. Such rehabilitation processes shall be inspected and certified satisfactory or unsatisfactory by the Ministry of Environment, Forestry

and Tourism. Where a certificate of unsatisfactory is issued, the Proponent shall be advised to carry-out certain tasks to meet the requirements. Failure to meet the basic rehabilitation requirements shall be regarded by this Ministry as a breach of this contract and of which serious consequences shall follow.

11. Officials of the environmental commissioner's office may from time-to-time conduct spot-inspection (non-auditing) without prior notice and or Auditing Inspection (dates to be agreed prior to arrival to the site), hence access to the site and the aforementioned documentation must be granted to any authorized official representing the Office of the Environmental Commissioner and Registered Interested and Affected Parties (I&APs)
12. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Office of the Environmental Commissioner before such changes or deviations may be implemented. In assessing whether to grant such acceptance/ approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
13. Officials representing the Office of the Environmental Commissioner must be, in possession and or by request and for the purpose of inspection referred to in C4(11) present their staff identification card in order to gain entry to the premises
14. The proponent is required, from the date of commencing implementation of project activities, to compile and submit environmental monitoring reports (on project progress and the environmental management profile) on a bi-annual basis to Office of Environmental Commissioner
15. Any changes to, or deviations from the scope of project activities approved in respect to the assessment received and reviewed for the purpose or granting this ECC Number (ECC2401227) are subject to an amendment application and approval by the Environmental Commissioner prior to adopting / implementing any such changes / deviations.
16. For the purpose of amending and or transferring the ECC, the proponent submit in the prescribed form and manner an application to the Office of the Environmental Commissioner, clearly indicating the need for amendment and or transfer of the ECC
17. Non-compliance with a condition of this Environmental Clearance Certificate or EMP may render the Proponent liable to criminal prosecution.

E. DISCLAIMER

The decision taken by the Office of Environmental Commission is based mainly on information provided by the proponent or their representative, therefore, it must be noted here that the proponent is accountable for any wrong and misleading information that may have been presented in the environmental assessment documents.

Yours Sincerely,


 Timoteus Mufeti
 ENVIRONMENTAL COMMISSIONER

APPENDIX B

ENVIRONMENTAL MANAGEMENT PLAN

TABLE OF CONTENTS

1	PLANNING AND DESIGN PHASE	4
2	CONSTRUCTION TENDER PREPARATION PHASE	5
2.1	General Requirements For The Emp – Construction Phase	5
2.1.1	EMP Administration	5
2.1.2	Roles and Responsibilities.....	5
2.2	ENVIRONMENTAL AWARENESS TRAINING	7
3	CONSTRUCTION MITIGATION DETAILS	9
4	OPERATION AND MAINTENANCE PHASE	23
	APPENDIX A: LIST OF PERMITTED INDIGENOUS TREES TO PLANT.....	24

1 LEGAL REQUIREMENTS

The table below provides a list of permit and legal requirements to be met during the construction phase, and to be considered during the planning phase of the project. Relevant Instructions are included under the various phases.

Table 1: Relevant legislated permit requirements

THEME	LEGAL INSTRUMENT	MANAGEMENT REQUIREMENTS	CONTACT PERSON
Archaeology	National Heritage Act 27 of 2004	All protected heritage resources (e.g. human remains etc.) discovered, need to be reported immediately to the National Heritage Council (NHC) and require a permit from the NHC before they may be relocated.	Rev Salomon April Tel: (061) 244 375/ 385/594
Environmental	Environmental Management Act 7 of 2007 EIA Regulations (EIA) GN 57/2007 (GG 3812)	The amendment, transfer or renewal (after three years) of the Environmental Clearance Certificate (EIA s19 & 20).	Ms Saima Angula Tel: 061 284 2751
Forestry	Forest Act 12 of 2001 Nature Conservation Ordinance 4 of 1975	<ul style="list-style-type: none"> Protected tree species and any vegetation within 100 m from a watercourse may not be removed without a permit. A Harvesting Permit is required if wood is to be collected (harvested) for use as fuel. Protected tree species to be removed require a permit. 	Vincent Louw – Deputy Director of Forestry 0612087327
Labour	Labour Act 11 of 2007 Health and Safety Regulations (HSR) GN 156/1997 (GG 1617).	Adhere to all applicable provisions of the Labour Act and the Health and Safety regulations.	Labour Law Advice: Tel: 061 309 957
Water	Water Resources Management Act 13 of 2013. Windhoek Town Planning Scheme	Water licences are required for water abstraction and use (s44), unless obtained from the City of Windhoek. Sections 26 and 29 (no permits, but restrictions incorporated into this EMP). City of Windhoek Drought Response Plan	Grazy Tshipo 264 61 290 2373

2 PLANNING AND DESIGN PHASE

Table 2: Management requirements for the Planning and Design phase

ASPECT	MANAGEMENT REQUIREMENT
Tender documents	<ul style="list-style-type: none"> • Ensure that this EMP is included in all construction contracts. Communicate specific details to the tenderers, to ensure they are fully aware of specific restrictions, e.g. construction camps outside of groundwater protection zone, etc.
Communication	<ul style="list-style-type: none"> • Communicate with the City of Windhoek to confirm the final coordinates for the road and to inform them that the Venus layout should be adapted accordingly, and the lease contract of the Townlands with Trustco amended accordingly. • Establish a forum for groundwater quality monitoring with the City of Windhoek. • Communicate with the City of Windhoek when construction is to take place so that appropriate public notices may go out through their
Survey	<ul style="list-style-type: none"> • During the survey, identify all mature trees, including species of Camel Thorn, Sweet Thorn, Worm Cure False Thorn, Shepherds Tree. Mark them on the plans and consider which may be retained.
Design	<p>Consider what can be done from an architectural and landscape architectural point of view at the Auas Interchange, since this is the gateway to the City. Suggestions include: indigenous tree plantings, Aloe plantings, stone cladding on slopes, etc.</p>
Alignment/groundwater protection	<p>Re-align the road to at least 100m away from the existing alignment as indicated on in Appendix A – groundwater specialist study.</p> <p>Design a concrete base for the entire section as explained in Appendix A. Road surfaces design should accommodate rapid drainage of storm runoff to a channel away from the natural drainage and containment of accidental spillage within the concrete base.</p> <p>Implement baseline monitoring as explained in Appendix A.</p>

3 CONSTRUCTION TENDER PREPARATION PHASE

3.1 GENERAL REQUIREMENTS FOR THE EMP – CONSTRUCTION PHASE

3.1.1 EMP Administration

- Copies of this EMP shall be kept at the site and will be distributed to all contract personnel. All personnel shall be required to familiarize themselves with the contents of this document.

3.1.2 Roles and Responsibilities

- The implementation of this EMP requires the involvement of several stakeholders, each fulfilling a different but vital role to ensure sound environmental management during each phase.

a) Contractor

- The Contractor shall appoint a person from the construction team to take responsibility for the implementation for all provisions of this EMP.
- The Contractor shall report on the status of the implementation of the provisions of the EMP.
- The contractor should implement the environmental awareness training as stipulated in this report.
- The contractor must list the stakeholders of the project and their contact details with whom communication would be required throughout the contract. This list, together with an indication of how stakeholder communication will be done throughout construction must be agreed upon and given to the ER before construction commences.
- The contractor is also responsible for compliance to this EMP by all sub-contractors. Make sure that all sub-contractors have a copy of this ESMP and that they understand its contents. Include the ESMP in the sub-contracts/agreements with sub-contractors.
- The Contractor must adhere to the regulations pertaining to Health and Safety, including the provision of protective clothing and shoes, failing which the contract may be ended immediately.

b) Employer's Representative (ER)

- The Developer needs to appoint an Employer's Representative (ER) that could act as the Employer's on-site implementing agent and will be responsible to ensure that the Employer's responsibilities are executed in compliance with relevant legislation and the ESMP. In addition to general project management, the ER in collaboration with the developer has the responsibility to appoint the Environmental Control Officer (ECO) (see below).
- Any on-site decisions regarding environmental management are ultimately the responsibility of the ER. The on-site ER shall assist the ECO where necessary and will have the following responsibilities in terms of the implementation of this ESMP:
- Ensuring that the necessary environmental authorizations and permits have been obtained.
- Assisting the Contractor in finding environmentally responsible solutions to problems with input from the ECO where necessary.
- Ordering the removal of person(s) and/or equipment not complying with the ESMP specifications.
- Providing input into the ECO's ongoing internal review of the ESMP, this review report is submitted to the Employer.

c) Environmental Control Officer (ECO)

- The Environmental Control Officer (ECO) will be a competent person appointed by the ER to act as the Employer's representative to monitor and review the on-site environmental management and implementation of this ESMP by the Contractor.
- The ECO shall be on site daily during the construction contract. The ECO's duties will include the following:
 - Assisting the ER in ensuring that the necessary environmental authorizations and permits have been obtained.
 - Maintaining open and direct lines of communication between the ER, Employer, Contractor and I&APs with regard to environmental matters.
 - Regular site inspections of all construction areas with regard to compliance with the EMP.
 - Monitoring and verifying adherence to the EMP, monitoring and verifying that environmental impacts are kept to a minimum.
 - Taking appropriate action if the specifications are not followed.

- Assisting the Contractor in finding environmentally responsible solutions to problems.
- Monitoring the undertaking by the Contractor of environmental awareness training for all new personnel coming onto site.
- Advising on the removal of person(s) and/or equipment not complying with the specifications (via the ER).
- Recommending the issuing of fines for transgressions of site rules and penalties for contraventions of the EMP (via the ER).
- Auditing the implementation of the EMP and compliance with authorization on a monthly basis.
- Undertaking a continual review of the EMP and recommending additions and/or changes to the document.

3.2 ENVIRONMENTAL AWARENESS TRAINING

The Contractor shall ensure that adequate environmental awareness training of site personnel takes place and that all construction workers receive an induction presentation on the importance and implications of the ESMP. The presentation shall be conducted, as far as is possible, in the employee's language of choice.

As a minimum, training should include:

- Explanation of the importance of complying with the ESMP.
- Discussion of the potential environmental impacts of construction activities.
- The benefits of improved personal performance.
- Employees' roles and responsibilities, including emergency preparedness.
- Explanation of the mitigation measures that must be implemented when carrying out their activities.
- Explanation of the specifics of this ESMP and its specification (no-go areas, etc.).
- Explanation of the management structure of individuals responsible for matters pertaining to the ESMP.

The contractor shall keep records of all environmental training sessions, including names, dates and the information presented.

3.3 MANAGEMENT REQUIREMENTS OF THE TENDER PREPARATION PHASE

Table 3 below provides actions to be taken during the tender preparation phase.

Table 3: Construction tender preparation phase management requirements

ASPECT	MANAGEMENT REQUIREMENTS
EMP implementation	<p>Relevant sections of this EMP should be included in the tender documents for all developments so that tenderers can make provision for implementation of the EMP.</p>
Financial provision	<ul style="list-style-type: none"> • Financial provision for the compilation of a Waste Management Plan should be included as a cost item within tenders concerning the construction and/or maintenance of services infrastructure. • Financial provision for citing the construction camp outside of the groundwater protection zone (See waste management Section, Section 3A.) • Financial provision for hauling to borrow pits further away, topsoil management and the rehabilitation of borrow pits should be included as a cost item within construction tender documents (even though borrow pits are not permitted along Section 1A). • Financial provision for the co-opting of a health officer from the Ministry of Health and Social Services to facilitate HIV/AIDS and TB education programmes periodically on site during the construction phase should be included as a cost item within construction tender documents. • Financial provision for the facilitation of an induction programme for both senior, casual construction personnel as well as subcontractors and associated personnel should be included as a cost item within tenders concerning the construction and/or maintenance of services infrastructure. • Financial provision for the compilation of a Tree Management Plan should be included as a cost item within construction tender documents • Financial provision for the drafting of a Communication Plan should be included as a cost item within construction tender documents.
Recruitment	<ul style="list-style-type: none"> • Provisions designed to maximise the use of local labour should be included within tenders concerning the construction and/or maintenance of services infrastructure. • A provision stating that all unskilled labour should be sourced from local communities should be included within tenders. • Specific recruitment procedures ensuring local firms enjoy preference during tender adjudication should be included within tenders concerning the construction and/or maintenance of services infrastructure • Provisions promoting gender equality pertaining to recruitment should be included within tenders concerning the construction and/or maintenance of services infrastructure. <ul style="list-style-type: none"> - Women should be given preference for certain jobs (e.g. flag bearers)

4 CONSTRUCTION MITIGATION DETAILS

The following table provides a large scale overview of all the major environmental management themes pertaining to both generic and site specific construction mitigation details. This table serves to act as quick reference, for the detailed mitigation details that follow below, for the implementation of the construction component of this EMP.

Table 4: Generic and site-specific environmental management actions for the construction phase

THEME	OBJECTIVE	SECTION
Waste management	Avoid and where not possible minimise all pollution associated with construction.	Section A
Health and safety	Safeguard health and safety of labourers and general public.	Section C
Dust and noise	Avoid and where not possible minimise dust and noise associated with construction.	Section D
Environmental training and awareness	Awareness creation regarding the provisions of the EMP as well as importance of safeguarding environmental resources.	Section E
Environmental conservation	Minimise construction activity footprint and safeguard biodiversity in ecologically sensitive areas.	Section F
Environmental Rehabilitation	Minimise negative control through legal and contractual practices.	Section G
	Ensure due consideration is given to matters regarding the cultural and general wellbeing of the affected community and matters incidental thereto.	Section I

SECTION A: WASTE MANAGEMENT

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION DETAILS	
Waste management plan	The Contractor should compile a Waste Management Plan which should address as a minimum the mitigation measures included below.
Hazardous waste	<ul style="list-style-type: none"> • All heavy construction vehicles and equipment on site should be provided with a drip tray. <ul style="list-style-type: none"> – Drip trays are to be transported with vehicles wherever they go. – Drip trays should be cleaned daily and spillage handled, stored and disposed of as hazardous waste. • All heavy construction vehicles should be maintained regularly to prevent oil leakages. • Maintenance and washing of construction vehicles should be take place only at a designated workshop area. <ul style="list-style-type: none"> – The workshop area should be lined with concrete. – The workshop should have an oil-water separator for collect run-off from washing. • Spilled concrete (wet or dry) should be treated as hazardous waste and disposed of by the end of each day in the appropriate hazardous waste containers. • All hazardous substances (e.g. fuel etc) or chemicals should be stored in a specific location on an impermeable surface which is bunded.
Sewage and grey water	<ul style="list-style-type: none"> • Do not allow the sewage (black water) to be discharged directly onto open soil. • All sewage must be removed regularly and disposed of at a recognised (municipal) sewage treatment facility. • The water collected from wash basins and showers (grey water), should not be left standing for long periods of time as this promotes mosquito breeding as well as parasite and bacterial proliferation. Grey water should be recycled: <ul style="list-style-type: none"> – Used for dust suppression; – Used to water a vegetable garden, or to support a small nursery; – Used to clean equipment. • If grey water will not be recycled it should be removed along with the black water on a regular basis.
General waste	<ul style="list-style-type: none"> • The construction site should be kept tidy at all times. All domestic and general construction waste produced on a daily basis should be cleaned and contained daily. • No waste may be buried or burned. • Waste containers (bins) should be emptied regularly and removed from site to a recognised (municipal) waste disposal site. All recyclable waste needs to be taken to the nearest recycling depot. • A sufficient number of separate waste containers (bins) for hazardous and domestic/general waste must be provided on site. These should be clearly marked as such. • Construction labourers should be sensitised to dispose of waste in a responsible manner and not to litter.

	<ul style="list-style-type: none">• No waste may remain on site after the completion of the project
SPECIFIC MITIGATION DETAILS	
	<ul style="list-style-type: none">• Construction camps should be sited outside of the groundwater protection zone – Temporary laydown areas may be considered, but they should be free of activities or equipment that involve any kind of hazardous materials, hydrocarbons, or any other substances that could spill or leak on the ground.
	<ul style="list-style-type: none">• The storage of hazardous materials should be done at the construction camp, outside of the groundwater protection area.

SECTION B: BORROW PITS

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION DETAILS	
Topsoil	The Contractor should adhere to prescribed measures emanating from the borrow-pit investigation and the design for excavations and disposal of spoil material.
Rehabilitation	<ul style="list-style-type: none"> • All borrow pits need to be rehabilitated as follows: <ul style="list-style-type: none"> - Topsoil must be stockpiled separately when it is opened and covered over the borrow pits during rehabilitation. - Borrow pits may only be backfilled with clean or inert fill. No material of hazardous nature (e.g. sand removed with an oil spill) may be dumped as backfill. - Rehabilitated borrow pits need to match the contours of the existing landscape. - Also take note of drainage channels in the vicinity of the borrow pit. The rehabilitated area should not be higher (or lower) than a drainage channel. This ensures the efficiency of revegetation reduces the chances of potential erosion. - Topsoil is to be spread across borrow pit areas evenly. - Deep ripping is required, not just simple scarification, so as to enable rip lines to hold water after heavy rainfall. - Ripping should be done along slopes, not up and down a slope which could lead to enhanced erosion. - In grazing areas, rehabilitated borrow pits needs to remain fenced off after the decommissioning of the project to prevent livestock from denuding the newly established vegetation on the area.
SPECIFIC MITIGATION MEASURES	
	<ul style="list-style-type: none"> • According to Section 29 of the Windhoek Town Planning Scheme, no borrow pits may be made within the Windhoek municipal area.

APPENDIX C: HEALTH AND SAFETY

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION MEASURES	
<p>HIV/AIDS and TB training</p> <p>Road Safety</p> <p>Safety Around Excavated and Work Areas</p>	<p>The Contractor should approach the Ministry of Health and Social Services to co-opt a health officer to facilitate HIV/AIDS and TB education programmes periodically on site during the construction phase.</p> <ul style="list-style-type: none"> • Demarcate roads clearly. • Off-road driving should not be allowed. • All vehicles that transport materials to and from the site must be road worthy. • Drivers that transport materials should have a valid driver's license and should adhere to all traffic rules. • Loads upon vehicles should be properly secured to avoid items falling off the vehicle. • Excavations should be left open for an absolute minimum time. • Excavate short lengths of trenches and box areas for services or foundations in such a way that the trench will not be left unattended for more than 24 hours. • Demarcate the following areas with danger tape: <ul style="list-style-type: none"> - All excavation works; - Soil and other building material stockpiles; and - Temporary waste stockpiles • Provide additional warning signage in areas of movement and in "no personnel" areas where workers are not active. • Borrow pits are to be fenced off with steel wire fencing. • Work areas must be set out and isolated with danger tape on a daily basis. • All building materials and equipment are to be stored only within set out and demarcated work areas. • Only construction personnel will be allowed within these work areas. • 2 fire extinguishers should be available at fuel storage area and cooking facilities (in the event that migrant workers reside near the construction site) • Comply with all mitigation measures laid out in Section A (Waste Management mitigation details)
<p>Ablutions</p>	<ul style="list-style-type: none"> • Separate ablutions (toilet and shower) should be available for men and women and should clearly be indicated as such. • Portable toilets (i.e. easily transportable) should be available at every construction site: <ul style="list-style-type: none"> - 1 toilet for every 25 females. - 1 toilet for every 50 males. - Sewage waste needs to be removed on a regular basis to an approved (municipal) sewage disposal site. Alternatively, pump it into sealable containers and store it until it can be removed.

ASPECT	MITIGATION MEASURE
Open fires	<ul style="list-style-type: none">- Workers responsible for cleaning the toilets should be provided with latex gloves and masks.• No open fires may be made anywhere on site.• No wood may be collected within or near the project area. The Contractor must supply wood (or other fuel) for cooking or heating purposes.
General	<ul style="list-style-type: none">• Dust protection masks should be provided to workers if they complain about dust.• Potable water should be provided to workers.• No person should be allowed to smoke close to fuel storage facilities or portable toilets (if toilets are chemical toilets – the chemicals are flammable).• No workers should be allowed to drink alcohol during work hours.• No workers should be allowed on site if under the influence of alcohol.

SECTION D: DUST AND NOISE

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION DETAILS	
Dust	Dust suppression measures should be made applicable where there is a risk to nearby communities, the workforce and sensitive plant communities.
Noise	Work hours should be restricted to between 08h00 and 17h00 where construction involving the use of heavy equipment, power tools and the movement of heavy vehicles is less than 500 m from residential areas.
SPECIFIC MITIGATION DETAILS	
Dust	Due to the large traffic volumes on this road, continued dust suppression is compulsory. The contractor is to spray the exposed surfaces with semi-purified water and with a chemical dust surfactant (biodegradable). The Contractor is to submit the product that will be used, for approval by the City of Windhoek and the environmental monitoring consultant. All relays are to be surfaced with bitumen.

SECTION E: ENVIRONMENTAL TRAINING AND AWARENESS

ASPECT	MITIGATION MEASURE
GENERAL MITIGATION DETAILS	
Environmental Induction (Training)	<p>All construction workers are to undergo environmental induction (training) which should include as a minimum the following:</p> <ul style="list-style-type: none"> • Explanation of the importance of complying with the EMP. • Discussion of the potential environmental impacts of construction activities. • Employees' roles and responsibilities, including emergency preparedness. • Explanation of the mitigation measures that must be implemented when particular work groups carry out their respective activities. • Explanation of the specific mitigation measures within this EMP especially unfamiliar provisions. • This training must be undergone by all new workers before they may commence with work. • A signed copy is to be kept for every worker that this course was attended. Workers need to be made aware of disciplinary actions and/or penal measures and procedures in case of non-conformance.

SECTION F: ENVIRONMENTAL CONSERVATION

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION DETAILS	
Conservation of vegetation	<ul style="list-style-type: none"> • The layout and building design should incorporate large indigenous trees. • The Contractor should compile a Tree Management Plan which should include the following as a minimum: <ul style="list-style-type: none"> - Trees with a trunk size of 150 mm and bigger should be surveyed, marked with paint (readily visible) and protected; - Trees with a trunk size of 150mm and bigger, which are impossible to conserve, need to be identified and their location recorded on a map; - The Contractor should apply to the nearest forestry office for a permit to remove these trees. - A list should be compiled of all trees to be removed detailing their coordinates, the species as well as which trees will be planted to replace these. The nursery where these trees will be sourced from should also be included; - Each tree that is removed needs to be replaced after construction (see Appendix A for list of recommended trees); - Some of these trees can be obtained at the nearest forestry office or at a commercial nursery. The forestry officers can also direct to nearby nurseries where additional trees may be bought. • Areas to be cleared of vegetation need to be demarcated and kept to a minimum. These need to be marked and the entire workforce instructed and managed so that this restricted area boundaries are honoured.
Materials camp and lay-down areas	<p>Suitable locations for the materials camp and lay-down areas should be identified with the assistance of the ER and the following should be considered in selecting these sites:</p> <ul style="list-style-type: none"> • The areas designated for the proposed services infrastructure should be used as far as possible • Second choice should be degraded land • Avoid sensitive areas (e.g. protected archaeological sites, rivers or drainage lines).
SPECIFIC MITIGATION DETAILS	
Conservation of vegetation	<p>The contractor should note that the area is on the City's main aquifer recharge area. It is highly vulnerable to pollution. Removal of vegetation reduces infiltration capacity of the aquifer, and therefore damages this highly valuable water resource. It is therefore important that all grass and shrub cover be kept intact where possible and that the contractor make every possible effort to stay within a designated footprint. This will be challenging, but additional measures to achieve this will be required on this project. The following are specifically applicable:</p> <ul style="list-style-type: none"> • All protected trees and trees with a diameter greater than 50mm need to be identified and replaced by appropriately vegetating suitable islands at the Awas

	<p>interchange.</p> <ul style="list-style-type: none">• All protected trees to be removed need permits obtainable from the Forestry Office. These include <i>Boscia Albitrunka</i>, <i>Albizia Anthelmintica</i>, and <i>Acacia Erioloba</i>. These trees need to be replaced at designated areas, as per the design.• Topsoil must be stored where relays and other areas need to be opened up and these areas rehabilitated by covering them with the stored topsoil. This needs to be done continuously as construction progresses.• Construction laydown areas are to be placed outside of the groundwater sensitivity zone. (See Appendix A of the Environmental Impact Report).• According to the City of Windhoek Drought Response Plan, semi-purified water is to be used for construction purposes. (At the time of this report, a water crisis situation requires this, however, the situation needs to be re-assessed according to the time frame for construction).
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SECTION G: EMPLOYMENT/RECRUITMENT

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION DETAILS	
Legislation	<p>Adhere to the legal provisions in the Labour Act (see The table below provides a list of permit and legal requirements to be met during the construction phase, and to be considered during the planning phase of the project. Relevant instructions are included under the various phases.</p> <p>Table 1) for the recruitment of labour (target percentages for gender balance, optimal use of local labour and SME's, etc) in the Contract.</p>
Recruitment	<p>The Contractor should compile a formal recruitment process including the following provisions as a minimum:</p> <ul style="list-style-type: none"> • The local authority (town council, community development division) should assist with the recruitment process. • Recruitment should not take place at the construction site. • Ensure that all sub-contractors are aware of recommended recruitment procedures and discourage any recruitment of labour outside the agreed upon process. • Contractors should give preference in terms of recruitment of sub-contractors and individual labourers to those from the project area (Windhoek). • Clearly explain to all job-seekers the terms and conditions of their respective employment contract (e.g. period of employment etc.) – make use of interpreters when necessary.

SECTION H: STAKEHOLDER COMMUNICATION

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION DETAILS	
<p>Communication plan</p>	<p>The Contractor should draft a Communication Plan, which should outline as a minimum the following:</p> <ul style="list-style-type: none"> • How stakeholders, who require ongoing communication for the duration of the construction period, will be identified and recorded and who will manage and update these records; • How these stakeholders will be consulted on an ongoing basis; • Make provision for grievance mechanisms – i.e. how concerns can/ will be lodged/ recorded and how feedback will be delivered as well as further steps of arbitration in the even feedback is deemed unsatisfactory.
<p>General communication matters</p>	<ul style="list-style-type: none"> • The ER must appoint an ECO to liaise between the Contractor, stakeholders, Developer, and consultants. The appointed Contractor shall appoint a person from the construction team to take responsibility for the implementation for all provisions of this EMP. • The Contractor shall at every site meeting report on the status of the implementation of all provisions of the EMP. • The Contractor should implement the environmental awareness training as stipulated in Section E. • The Contractor must list the stakeholders of the project and their contact details with whom ongoing communication would be required for duration of the contract. This list, together with the Communication Plan must be agreed upon and given to the ER before construction commences. • The Communication Plan, once agreed upon by the Developer, shall be binding. • All communication with the stakeholders must take place through the ECO. • A copy of the EMP must be available at the site office and should be accessible to all stakeholders • Key representatives from the above mentioned list need to be invited to attend monthly site meetings to raise any concerns and issues regarding project progress. • The Contractor should liaise with the Developer regarding all issues related to community consultation and negotiation before construction commences. • A procedure should be put in place to ensure that concerns raised have been followed-up and addressed. • All people on the stakeholders list should be informed about the availability of the complaints register in writing by the ER prior to the commencement of construction activities.

SPECIFIC MITIGATION DETAILS	
	<ul style="list-style-type: none">• The stakeholders list shall at least include City of Windhoek, Environmental, Water and Property Divisions, Trustco (current lease agreement with City for the applicable commonage farm), Ministry of Health and Social Services (HIV/AIDS and Health and Safety Issues).

SECTION I: SOCIO-ECONOMIC AND MISCELLANEOUS

ASPECT	MITIGATION MEASURE
GENERIC MITIGATION DETAILS	
Archaeology	<ul style="list-style-type: none"> • Should a heritage site or archaeological site be uncovered or discovered during the construction phase of the project, a "chance find" procedure should be applied in the order they appear below: <ul style="list-style-type: none"> - If operating machinery or equipment stop work; - Demarcate the site with danger tape; - Determine GPS position if possible; - Report findings to foreman; - Report findings, site location and actions taken to superintendent; - Cease any works in immediate vicinity; - Visit site and determine whether work can proceed without damage to findings; - Determine and demarcate exclusion boundary; - Site location and details to be added to the project's Geographic Information System (GIS) for field confirmation by archaeologist; - Inspect site and confirm addition to project GIS; - Advise the National Heritage Council (NHC) and request written permission to remove findings from work area; and - Recovery, packaging and labelling of findings for transfer to National Museum. • Should human remains be found, the following actions will be required: <ul style="list-style-type: none"> - Apply the chance find procedure as described above; - Schedule a field inspection with an archaeologist to confirm that remains are human; - Advise and liaise with the NHC and Police; and - Remains will be recovered and removed either to the National Museum or the National Forensic Laboratory.

5 OPERATION AND MAINTENANCE PHASE

Table 5: Operation and maintenance phase mitigation measures

ASPECT	MITIGATION MEASURE
EMP implementation	If any construction is to be conducted as part of maintenance works for the services infrastructure within the project area please refer to the construction mitigation measures of this EMP (Section 8).
Post-construction usage	Borrow pits to be utilised post-construction should adhere to the same topsoil and rehabilitation measures outlined within construction mitigation measures of this EMP (Section 8) above.
Post-construction environmental training and awareness	All contractors appointed for maintenance work on the respective services infrastructure must ensure that all personnel are aware of necessary health, safety and environmental considerations applicable to their respective work.
Monitoring	<p>Ensure that the groundwater monitoring is implemented – see Appendix A of the Environmental Impact Report.</p> <p>A hydrochemical sampling programme should be implemented to record the baseline water quality status (done before construction commences). Parameters that should be included are heavy metals nickel, zinc, copper, cadmium and iron; and hydrocarbon and microbiological content. The baseline sampling should be recorded and followed up with yearly sampling thereafter to record any changes in water quality along the highway.</p>

6 APPENDIX A: LIST OF PERMITTED INDIGENOUS TREES TO PLANT

COMMON NAME	SCIENTIFIC NAME
Worm-cure Albizia	<i>Albizia anthelmintica</i>
Sweet thorn	<i>Acacia Karoo</i>
Buffalo-thorn	<i>Ziziphus mucronata</i>
Camelthorn	<i>Acacia Erioloba</i>

REPUBLIC OF NAMIBIA

BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY - BIPA

COMPANIES ACT 2004
(Sections 224(2), 284, 328(1), 331(1) and 333(1)) (Regulation 46(1))



CM29

CONTENTS OF REGISTER OF DIRECTORS, AUDITORS AND OFFICERS

Registration Number of Company

2015/0748

N\$ 20,00 fee payable in
terms of the Act and as
set out in the regulations

Business and Intellectual
Property Authority -
Business Registration office
PO Box 185
WINDHOEK
NAMIBIA
Tel: +264 61 2994400
Email: info@bipa.na

Name and postal address of Company China Railway Seventh Group Namibia (Pty) Ltd

P. O. Box 22559, Windhoek

Return of particulars as at 18/07/2023.....

I, LINLIN MA
(name of director of officer)

state that, the written consent of the directors or officers whose names appear in this return have been obtained on a duly completed form CM 27, the directors or officers are not disqualified under section 225.

Signed

Date

18 July 2023

A. Directors

KEY TO PERSONAL PARTICULARS REQUIRED

PERSONAL PARTICULARS

1. Surname	MA						
2. Full forenames	LINLIN						
3. Former surname and forenames	N/A						
4. Identity number or, if not, available, date of birth and Passport number	Year	Month	Day				
	8	6	0	2	2	5	
5. (a) Date of appointment	18 JULY 2023						
(b) Designation	DIRECTOR						
6. Residential address	CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WINDHOEK						
7. Business address	CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WINDHOEK						
8. Postal address	P.O. BOX 22559, WINDHOEK						
9. Email address	crsgnamibia2023@gmail.com						
10. Contact number	+264 856639925						
11. Nationality (If not Namibian)	CHINESE						
12. Occupation	ENGINEERING MANAGEMENT						
13. Resident in Namibia (Yes or No)	YES						
14. Nature of change in 1 to 5 above and date	APPOINTED						18 JULY 2023

Registration Number of Company
2015/0748

FOR KEY TO PARTICULARS, SEE PAGE 1

1. MA

2. SHUQIANG

3. N/A

4.	Year	Month	Day																	
	7	6	0	5	0	4														

5.(a) 01 JANUARY 2021

(b) DIRECTOR

6. CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WINDHOEK

7. CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WINDHOEK

8. P.O.BOX 22559, WINDHOEK

9. ygmashuqiang@163.com

10. +264 857208442

11. CHINESE

12. SENIOR ENGINEER

13. YES

14. RESIGNATION 17 JULY 2018

1.

2.

3.

4.	Year	Month	Day																	

6.(a)

(b)

6.

7.

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9.

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11.

12.

13.

14.

1.

2.

3.

4.	Year	Month	Day																	

5.(a)

(b)

6.

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4.	Year	Month	Day																	

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(b)

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12.

13.

14.

Registration Number of Company
2015/0748

FOR KEY TO PARTICULARS, SEE PAGE 1

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2.																			
3.																			
4.	Year	Month	Day																
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(b)																			
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14.																			

B. AUDITOR

- Name REGISTERED ACCOUNTANTS AND AUDITORS
- Data of appointment 29/09/2018
- Nature of change in 1 and 2 above and date. APPOINTED

Perforated

(To be completed by company)

Return of particulars of company's register of directors, auditors & officers

Dated 18 JULY 2023

Name of company CHINA RAILWAY SEVENTH GROUP NAMIBIA PTY LTD

Postal address P.O.BOX 22559, WINDHOEK

Email address crsgnamibia2023@gmail.com

CM29

Date received

2023-07-18

Date stamp of Business
Registration Office

CM29 PAGE 3

C. Officers and Local Managers

KEY TO PERSONAL PARTICULARS REQUIRED

PERSONAL PARTICULARS

Registration Number of Company
2016/0748

1. Surname	MA												
2. Full forenames	SHUQIANG												
3. Former surname and forenames	N/A												
4. Identity number or, if not, available, date of birth and Passport number	Year			Month			Day						
	7	6	0	5	0	4							
6. (a) Date of appointment	19 JULY 2023												
(b) Designation	SECRETARY												
6. Address of registered office, and registration number if officer is a corporate body	N/A												
7. Residential address	CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WINDHOEK												
8. Business address	CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WINDHOEK												
9. Postal address	P.O.BOX 22559, WINDHOEK												
10. Email address	yqmashuqiang@163.com												
11. Contact number	+264 857208442												
12. Nationality (if not Namibian)	CHINESE												
13. Occupation	SENIOR ENGINEER												
14. Resident in Namibia (Yes or No)	YES												
15. Nature of change in 1 to 6 above and date	APPOINTED 18/07/2023												

FOR KEY TO PARTICULARS, SEE ABOVE

1. MA																		
2. LINLIN																		
3. N/A																		
4	Year	Month	Day															
	8	6	0	2	2	5												
5.(a) 01/01 2021																		
(b) SECRETARY																		
6.: N/A																		
7. CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WHK																		
8. CRSG SITE CAMP, B1 ROAD, PIONEER PARK, WHK																		
9. P.O.BOX 22559, WINDHOEK																		
10. mafnlir0225@gmail.com																		
11. +264 856689925																		
12. YES																		
13. RESIGNATION 17 JULY 2023																		

1.																		
2.																		
3.																		
4	Year	Month	Day															
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13.																		

Department of Economic Development & Community Services

P.O. Box 59
80 Independence Avenue
WINDHOEK, NAMIBIA

Fax: (+264) 61 - 290 2331 • Tell: (+264) 61 - 290 2496 / 2603



CERTIFICATE OF FITNESS / REGISTRATION

REF NO: 2023/008626/269871

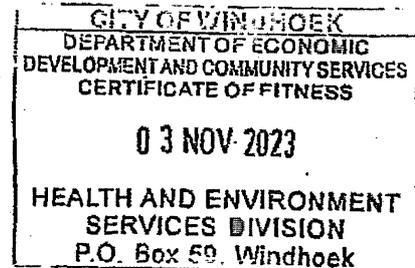
This is to certify that the premises as described hereunder is registered in terms of the General Health Regulations (G.N. 121 of 1969 as amended), Regulations Relating to the Registration of Businesses GN 202 of 2006, the Informal Trading Regulations 200 of 2007 and The Liquor Act, 1998 (Act No. 6 of 1998) for carrying on a business as stipulated.

TRADE NAME:	CHINA RAILWAY SEVENTH GROUP NAMIBIA (PTY) LTD
ERF NO:	2781
TOWNSHIP:	KLEIN WINDHOEK/KLEIN WINDHOEK BLOCKS/LUDWIGSDORF
STREET NAME:	SAM NUJOMA DRV
OWNER/MANAGER:	MA, SHUQIANG Passport: PE2181793
PO BOX:	22559 WINDHOEK
TELEPHONE:	061 226986
CITY:	WINDHOEK
MEDICALS:	0
NATURE:	CONSTRUCTION OF ROADS AND RAILWAYS
RESTRICTED TO:	OFFICE USE (CONSTRUCTION)

THIS CERTIFICATE EXPIRES ON: 2024-11-11

SECTION HEAD: BUSINESS
REGISTRATION
DATE: 2023-11-03

MANAGER: HEALTH AND
ENVIRONMENT SERVICES
DATE: 2023-11-03



1	S22° 38' 34.58''	E17° 01' 23.50''
2	S22° 38' 32.10''	E17° 01' 18.12''
3	S22° 38' 28.27''	E17° 01' 16.71''
4	S22° 38' 25.89''	E17° 01' 13.92''
5	S22° 38' 23.71''	E17° 01' 12.41''
6	S22° 38' 18.82''	E17° 01' 12.41''
7	S22° 38' 13.22''	E17° 01' 02.11''
8	S22° 38' 15.01''	E17° 00' 58.33''
9	S22° 38' 19.66''	E17° 00' 57.27''
10	S22° 38' 27.22''	E17° 00' 57.97''
11	S22° 38' 32.29''	E17° 00' 59.00''
12	S22° 38' 36.35''	E17° 01' 04.38''

[Municipal Council Minutes: 2018-11-28(22)]

9.4.19

IND.3 [EDC] ENVIRONMENTAL SCOPING ASSESSMENT REPORT FOR SECTIONS 1 AND 2 - REVIEW OF THE BASIC PLANNING FOR TR9/1 AND TR6/1, WINDHOEK TO THE HOSEA KUTAKO INTERNATIONAL AIRPORT FOR BORROW PIT NOS. 2, 3 AND 4 (4/1/2/7)

On proposal by Councillor MJ Amadhila, it was

RESOLVED

Borrow Pit No. 2: Option 1

- 1 That Borrow Pit operations not be allowed in the Southern Aquifer as per the Town Planning Scheme and Council Resolution 262/11/2016 (Annexure K), attached as page 391 to the agenda.

Borrow Pit No. 2: Option 2

- 2 That the Moratorium as per Council Resolution 262/11/2016 and the Town Planning Scheme that prevent accessing these site be lifted, to allow the Roads Authority to access material on Borrow Pit No. 2 for construction of the road.
- 3 That should access be allowed to these Borrow Pit, it be conditional to amongst others the following:
 - 3.1 That the Environment Management Plan (EMP) be reviewed and input be provided on the outstanding mitigation measures and conditions deemed necessary to ensure environmental protection.
 - 3.2 That extreme care be taken during the operational phase to limit any accidental spillage or pollution.
 - 3.3 That the construction of the piloting of a sand dam be done as rehabilitation measure as described in the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)*.
 - 3.4 That the construction of the piloting of a sand dam as per the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)* form part of the Environment Management Plan (EMP).
 - 3.5 That the final location of the dam site be approved by the Strategic Executive: Infrastructure, Water and Technical Services.
 - 3.6 That the Contractor locate and clearly mark any pump or pipelines in close co-operation with personnel from the Department of Infrastructure, Water and Technical Services.
 - 3.7 That the Contractor ensure that the exact location of NB160 mm pump and pipeline from Borehole 12/10 that might traverse part of the Borrow Pit is identified and care should be taken not to damage the pipe.

- 3.8 That the Contractor safeguard any pipelines from damage by keeping a 5 metre clear space over the said pipeline.
- 3.9 That the Polluter Pay Principle be applied should any damage to the aquifer occur as result of pollution from proposed and future sources of pollution and any damage to boreholes.
- 3.10 That it be noted that Polluter Pay Principle mean that the person that is polluting will take all responsibility to carry the cost of rehabilitating pollution and damages that will result from all operation (oil spill, engine oil etc.), thus need to take precaution for any mechanical work that will take place for any breakdown or any related work. [This principle indemnifies the City from any pollution that may take place resulting from this operation.]
- 3.11 That Council indemnify itself from future possible impacts, pollution of groundwater and damage to aquifer resulting from poor rehabilitation of Borrow Pit(s).
- 3.12 That Precautionary Principle be applied, and that it be noted that Precautionary Principle mean that where there are 'threats of serious or irreversible damage', and lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- 3.13 That stakeholders with their roles be identified that will be responsible to implement monitoring and control of groundwater pollution as well as after care of sand dams.
- 3.14 That a fence be erected around the Borrow Pit in order to prevent livestock and people from entering the quarry area, and that entry and exit to the quarry site be controlled.
- 3.15 That before quarrying commence, any slow moving animals be relocated to the areas outside of the approved Borrow Pit area.
- 3.16 That Borrow Pit mining not progress beyond the approved Borrow Pit area and no areas outside of the approved Borrow Pit area be disturbed or encroached.
- 3.17 That vehicles not drive over rehabilitated areas to prevent the destruction of established the destruction of established vegetation.
- 3.18 That maintenance and aftercare of sand dams as well as monitoring of alien invasive vegetation be done taking into consideration the variable rainfall pattern.
- 3.19 That all alien species be removed from the site and measures be put in place to control the spread of alien invasive plant species.
- 3.20 That no trespassing on the landowners property occur and employee access be restricted to the approved mine areas no poaching or interference with stock or wild animals and no theft be allowed.
- 3.21 That all relevant requirements of existing legislation pertaining to the protection of the biophysical and social environment be adhered to.

Borrow Pit No. 3: Option 1

- 4 That Borrow Pit operations not be allowed in the Southern Aquifer as per the Town Planning Scheme and Council Resolution 262/11/2016.

Borrow Pit No. 3: Option 2

- 5 That Borrow Pits not fall within areas earmarked for township establishment and not affect the newly proposed extension of Otjomuise Road (drawing done by Lithon Project Consultants as drawing No: P1519-CR-649).
- 5.1 That it be noted that Borrow Pit Nos. 3A, B and C are off limits, therefore the proponent should look for an alternative site in a different location.
- 5.2 That VKE look for alternative sites where material can be sourced.
- 5.3 That VKE look for the area west of Kupferberg Site. [They should go and look for a potential site, then inform the City, where the technical team will join them to inspect the site before any detailed investigations is done.]
- 5.4 That an Environmental Impact Assessment (EIA) be conducted for the newly identified site.
- 5.5 That VKE make use of about 13 000 m³ material that is available at Goreangab Extension 4.
- 5.6 That VKE write a letter to WCE to obtain the material.

Borrow Pit No. 4: Option 1

- 6 That Borrow Pit operations not be allowed in the Southern Aquifer as per the Town Planning Scheme and Council Resolution 262/11/2016.

Borrow Pit No. 4: Option 2

- 7 That the Moratorium as per Council Resolution 262/11/2016 and the Town Planning Scheme that prevent accessing these site be lifted, to allow the Roads Authority to access material on Borrow Pit No. 4 for construction of the road.
- 8 That should access be allowed to these Borrow Pit, it be conditional to amongst others the following:
- 8.1 That the Environment Management Plan (EMP) be reviewed and input be provided on the outstanding mitigation measures and conditions deemed necessary to ensure environmental protection.
- 8.2 That extreme care be taken during the operational phase to limit any accidental spillage or pollution.
- 8.3 That the construction of the piloting of a sand dam be done as rehabilitation measure as described in the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)*.

- 8.4 That the construction of piloting of sand dam as per the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)* form part of the Environment Management Plan (EMP).
- 8.5 That the final location of the dam site be approved by the Strategic Executive: Infrastructure, Water and Technical Services.
- 8.6 That the Contractor safeguard any pipelines from damage by keeping a 5 metre clear space over said pipeline.
- 8.7 That the Polluter Pay Principle be applied should any damage to aquifer occur as result of pollution from proposed and future sources of pollution and any damage to boreholes.
- 8.8 That it be noted that Polluter Pay Principle mean that the person that is polluting will take all responsibility to carry the cost of rehabilitating pollution and damages that will result from all operation (oil spill, engine oil etc.), thus need to take precaution for any mechanical work that will take place for any breakdown or any related work. [This principle indemnifies the City from any pollution that may take place resulting from this operation.]
- 8.9 That Council indemnify itself from future possible impacts, pollution of groundwater and damage to aquifer resulting from poor rehabilitation of Borrow Pit(s).
- 8.10 That the Precautionary Principle be applied, and it be noted that Precautionary Principle mean that where there are 'threats of serious or irreversible damage', lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- 8.11 That stakeholders with their roles be identified that will be responsible to implement monitoring and control of groundwater pollution as well as after care of sand dams.
- 9 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 376/11/2018

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[Municipal Council Agenda: 2018-11-28(22)]

9.4.19

IND.3 [EDC] ENVIRONMENTAL SCOPING ASSESSMENT REPORT FOR SECTIONS 1 AND 2 - REVIEW OF THE BASIC PLANNING FOR TR9/1 AND TR6/1, WINDHOEK TO THE HOSEA KUTAKO INTERNATIONAL AIRPORT FOR BORROW PIT NOS. 2, 3 AND 4 (4/1/2/7)

Introduction

*** Reference is made to the letter from Roads Authority dated 18 September 2018 (Annexure AA), access to project Borrow Pit for the construction of a new freeway between Windhoek and the Hosea Kutako International Airport (Phase 1), attached as page 446 to the agenda, and the meeting with the Chief Executive Officer of the Roads Authority on 5 October 2018 (Annexure CC), attached as pages 449 - 450 to the agenda.

The Roads Authority intends to access material for the construction of the New Freeway between Windhoek and the Hosea Kutako International Airport (Phase 1). The proposed sites for Borrow Pit Nos. 2, 3 and 4, are all located in the Southern Aquifer Basin and accessing them is challenged by the City's Policies, land use and environmental issues.

The purpose of this item is to inform Council about the intention of Roads Authority, the challenges for accessing the sites and the options that can be evaluated for approval.

Background

*** The issue of the Environment Impact Assessment (EIA) and subsequently the Environment Management Clearance Certificate for Sections 1 and 2 for the review of the basic planning for TR9/1 and TR6/1, Windhoek to the Hosea Kutako International Airport started during 2016. The then Manager of Environment Management Division was approached by the Strategic Executive: Infrastructure, Water and Technical Services through e-mail communication (Annexure A), attached as pages 365 - 367 to the agenda, and internal consultations after realisation that a tender for this project was advertised, while there were concerns about the road in question passing through the well field (area with water supply and monitoring boreholes) thereby affecting one (1) of the boreholes.

*** The initial letter to the Ministry of Environment and Tourism dated 7 April 2016 (Annexure C), attached as pages 369 - 370 to the agenda, requested withdrawal of the said Environmental Management Clearance Certificate until a complete Environmental Impact Assessment (EIA) is done. The outcome of the Environmental Impact Assessment (EIA) was also presented in this letter.

*** In response letter dated 20 April 2016 (Annexure D), attached as page 371 to the agenda, the Ministry of Environment and Tourism submitted a different Environmental Impact Assessment (EIA) Report to the City of Windhoek, indicating that they received it on 15 March 2016 from the Consultant. The report was reviewed and the outcome presented to them. Of concern were the activities that were not site specific that seemed to be scattered all over. The other concern was the absence of Geo-hydrological Study that needed to indicate the Geo-hydrological features of aquifer including sensitive zones, in relation to the mentioned activities in the submitted Report.

*** This additional reports were submitted to the City on 12 December 2018, by the Ministry of Environment and Tourism. No cover letter was attached, but the submitted documents are listed in Annexure H, attached as page 387 to the agenda. The review of these documents excluded the Borrow Pits in the Aquifer Area, due to the Moratorium as per Council Resolution 262/11/2016 (Annexure K), attached as page 391 to the agenda. Thus it was requested that an alternative site for Borrow Pits to be sourced as per letter dated 29 March 2017 (Annexure J), attached as pages 389 - 390 to the agenda.

*** The sequence of events which unfolded after the said engagements is attached as pages 498 – 506 of the agenda.

*** The then Acting Chief Executive Officer, Mr FN Hambuda, called a meeting on 5 October 2018 (Annexure CC), attached as pages 449 - 450 to the agenda, in response to a letter by Roads Authority dated 18 September 2018 (Annexure AA) on the same issue, attached as page 446 to the agenda, as detailed in the sequence of events.

It is worth noting that even after numerous engagements internally, as well as with Roads Authority and Ministry of Environment and Tourism, separate Environmental Impact Assessments (EIAs) for each Borrow Pit remains.

*** In terms of the City of Windhoek's Sand Mining Policy as per Council Resolution 153/07/2017 (Annexure L), attached as pages 392 - 393 to the agenda, and the Town Planning Scheme (Annexure FF), attached as pages 477 - 489 to the agenda, an Environmental Impact Assessment (EIA) is required for each Borrow Pit.

Environmental challenges for Borrow Pit Nos. 2, 3 and 4

The outcome of the review is presented as follows:

1 Legislation

*** Borrow Pit Nos. 2, 3 and 4 are situated in the Southern Aquifer Basin. Thus is not in compliant with the Town Planning Scheme (Annexure FF), attached as pages 477 - 489 to the agenda, the Moratorium as per Council Resolution 262/11/2016 (Annexure K, paragraph 2 and 4.1 to 4.3), attached as page 391 to the agenda, and the Sand Mining Policy for City as per Council Resolution 153/07/2017 (Annexure L, paragraphs 1 and 7), attached as pages 392 - 393 to the agenda, that was approved in the meantime.

2 Site selection

2.1 Borrow Pit No. 2

This site is situated just south of the current southern boundary of the developed land, south-east of Windhoek Gymnasium School and directly north of Borehole 12/10 of the City of Windhoek.

*** This Borrow Pit is situated on a Commonage Farm. (Refer to plan (Annexure Q – page 59), attached as page 427 to the agenda.).

2.2 Borrow Pit No. 3

*** This site which is located opposite the University of Namibia (UNAM) across the Western Bypass has been earmarked for a township establishment called Universita and its extensions. The layout plan for a

portion of the Township Establishment (Annexure GG) is attached as page 490 to the agenda.

According to the Urban and Transport Planning Department within the City of Windhoek, 50 hectare of the Universita Township is in private ownership and the proposed township establishment layout (Annexure W), attached as page 440 to the agenda, is at an advance stage.

Also, the newly proposed extension of Ojomuisse Road (drawing done by Lithon Project Consultants as drawing No. P1519-CR-649) cuts across this area, and may be affected by the Borrow Pit.

According to Housing, Property Management and Human Settlement, the proposed area for Borrow Pit No. 3 is earmarked for Township Establishment, thus the area is off limits for Borrow Pit A, B and C (Annexure II), attached as pages 494 - 496 to the agenda.

2.3 Borrow Pit No. 4

This site is neighbouring the Kupferberg Landfill Site to the south-west (Annexure Q - page 61), attached as page 429 to the agenda, and is situated in the high vulnerable recharge area. The area is located on a well field of water supply and monitoring boreholes.

3 Geo-hydrological Studies

3.1 Borrow Pit No. 2

The geo-hydrological features including the boreholes, fractures and fault for this site, is addressed in the previously submitted Geo-hydrological Study titled *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)*.

However, the overlay of the Airport Road on the geo-hydrological plan to indicate the sensitive areas where the roads pass by, is excluded.

The upstream area does not contain any known sources of potential pollution.

3.2 Borrow Pit No. 3

The Geo-hydrological features including the boreholes, fractures and fault for this site are not indicated in the submitted Report (ESA Borrow Pit No. 3, 2018).

3.3 Borrow Pit No. 4

The geo-hydrological features including the boreholes, fractures and fault for this site, is addressed in the previously submitted Geo-hydrological Study titled *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)*.

However, the overlay of the designed airport road on the geo-hydrological plan to indicate the sensitive areas where the roads pass by, is excluded.

Also the cumulative contamination of the aquifer, from the resulting sand dams, on this site is not discussed.

4 Impact Assessment

4.1 Borrow Pit No. 2

The proposed sand dams/dyke as rehabilitation measure is ideal at this site, where there are no potential point sources of pollution upstream of this pit. Thus runoff (from rainwater) that will be received by the proposed sand dam may not be contaminated.

4.2 Borrow Pit No. 3

The impact and mitigation measure for the boreholes in the area is not discussed in this report (ESA Borrow Pit No. 3, 2018).

Another concern is township developments done in areas where a Borrow Pit was operated, may change the complete topography in an area where comments and recommendations were already provided.

Equally, almost 750 mm to a 1 000 mm from the surface might be removed, leaving existing survey data useless, and new material has to be brought in for the Developers of that areas.

The City is challenged with the availability of developable land. The risk associated with excavating up to 2 metres will leave the site undesirable for future dwelling construction. Thus any risk to this area is avoided.

The newly proposed extension of Otjomuise Road and other road extension that is planned for construction will pass through this area. Construction of these roads will cost the city to source material from commercial sources.

Thus Borrow Pit should not fall within any of the proposed township developments earmarked for that area, and should not affect the newly proposed extension of Otjomuise Road (drawing done by Lithon Project Consultants as drawing No. P1519-CR-649).

4.3 Borrow Pit No. 4

The impact and mitigation measures for the boreholes in this area have been overlooked in this report. The concerns being exceptionally heavy rains and subsequent floods that cause erosion.

Also, this Borrow Pit may receive contaminated runoff from the heaped landfill cells, which when recharging into groundwater may further contaminate groundwater. Thus contributing to cumulative pollution of the existing groundwater contamination.

5 Site Rehabilitation

5.1 Borrow Pit No. 2

The suggested rehabilitation and mitigation measure is a pilot project consisting of a sub-surface dam/dyke (once underlain by hard rock has been exposed) is recommended in the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)*.

5.2 Borrow Pit No. 3

The suggested rehabilitation and mitigation measure is a change in land use, suitable for water storage (Rehabilitation Plan in ESA Borrow Pit No. 3 2018, subject 1, last paragraph, page 66).

- If the land use is changed into water storage it will compromise allocated land use for township establishment;
- This rehabilitation looked only at changing and rehabilitating the land use to water storage, and did not consider the impact assessment, mitigation and rehabilitation of the allocated land use for township establishment; and
- Issues of concern being:
 - Impacts of change in soil profile, stability of soil after levelling of floor and top soil cover;
 - Impacts of exposed faults and fractures (due) after rainfall or possible floods;
 - Walls of Borrow Pits on buildings, roads, sewer systems and other infrastructure; and
 - Rehabilitation of exposed aquifer features for faults and fractures. How to prevent and control future pollution resulting from future activities.

5.3 Borrow Pit No. 4

The suggested rehabilitation and mitigation measure is a change in land use for water storage as indicated in the Rehabilitation Plan (Rehabilitation Plan in ESA Borrow Pit No. 4, 2018, subject 1, last paragraph, page 65). Likewise, the pilot project consisting of a sub-surface dam/dyke (once underlain by hard rock has been exposed) is recommended in the Geo-hydrological Study (2016):

- The site is located in an area where it may receive the contaminated surface run off from the mountainous Kupferberg waste cell;
- The proposed sub-surface dam/dyke would be ideal at a site that will not receive contaminated runoff during heavy rainfall and floods as well as presence of the well field;
- The impact and mitigation measures for the boreholes in the area is not discussed in this report; and
- The cumulative impacts of additional groundwater contamination resulting from this additional Aquifer Recharge is not discussed in the Geo-hydrological Study 2018, nor in ESA Borrow Pit No. 4 (2018).

Technical comments

Technical comments were requested and the following were received:

Comments from the Acting Head: City Police and the Strategic Executives: Electricity; and Finance and Customer Services

No input to make.

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

This is a confirmation that the matter with regard to Borrow Pit No. 3 has been resolved and the representatives from VKE have been duly informed that the site in question is off limits due to planned developments, extension of the Otjomuise Road and the protection of the aquifer (Annexure JJ), attached as page 497 to the agenda.

Only Borrow Pit Nos. 2 and 4 are available for recommending for approval to Council before any borrowing can take place, however, an agreement was reached that VKE can go ahead and conduct exploratory work west of Kupferberg for possible additional Borrow Pit.

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

The comments provided on 8 August 2018 regarding the above application has reference:

There is still objection to the proposed development, due to the followings reasons:

- The identified areas (the four (4) polygon sites shown in the magenta colour) fall within the area earmarked for township establishment called Universita Proper and its extensions. The locality plan for the Univesita Township and its extensions in relation to the proposed Borrow Pit (Annexure GG) is attached as page 490 to the agenda. The Planned South-Western Development Areas (Annexure FF) is attached as pages 477 - 489 to the agenda;

- 50 hectare of the Universita Township is in private ownership and the proposed Township establishment layout for this area is at an advance stage. The proposed layout (Annexure W) is attached as page 440 to the agenda; and
- Stripping the top soil can expose the bedrock and this has potential to cause soil erosion as well as polluting the underground water (aquifer).

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

- **Borrow Pit No. 2**

This area is inside the Groundwater Protection Zone as defined in the Town Planning Scheme. No development is foreseen in this area meaning that the future risk of related pollution is reduced.

Extreme care should be taken during the operational phase to limit any accidental spillage or pollution.

This area lends itself to the piloting of a sand-dam system to advance infiltration during flooding.

There is an NB160 mm pipeline from Borehole 12/10 that might traverse part of the Borrow Pit. The Contractor is to ensure that the exact location is identified and care should be taken not to damage the pipe.

The Consultant should contact the personnel from the Department of Infrastructure, Water and Technical Services to positively identify the location of all pipeline(s).

- **Borrow Pit No. 3**

Borrow Pit No. 3 is located in an area earmarked for future development. Water damming should therefore be avoided at all cost as this will potentially enhance infiltration of pollutants.

Rehabilitation should be done in such a way as to allow flood-water to flow out of the area following natural courses as far as possible.

It may be beneficial to spread any clayey or silty overhaul or excess material over the lower areas to decrease permeability.

Extreme care should be taken during the operational phase to limit any accidental spillage or pollution.

- **Borrow Pit No. 4**

Limited to no development is foreseen in this area due to the proximity to the Kupferberg Waste Site and the Groundwater Protection Zone to the south.

This area lends itself to the piloting of a sand-dam system to advance infiltration during flooding but the correct location of this dam is of utmost importance. The dam may under no circumstances receive any current or future seepage or storm-water from the Kupferberg Waste Site.

Infiltration resulting from the correct placement of the dam may however dilute the pollution plume that currently negatively impacts on the Group 10 Boreholes.

It is important that the placement of the dam be done with specific technical input from the Bulk Water and Waste Water; Engineering Services; and Solid Waste Division.

The Department of Urban and Transport Planning should also indicate on any potential development upstream of the proposed dam site.

Comments from the Acting Chief Executive Officer (Corporate Legal Adviser) and the Strategic Executives: Human Capital and Corporate Services; Information and Communication Technology; and Economic Development and Community Services

No input to make.

Management Committee, having considered the matter

RECOMMENDED

Borrow Pit No. 2: Option 1

- 1 That Borrow Pit operations not be allowed in the Southern Aquifer as per the Town Planning Scheme and Council Resolution 262/11/2016 (Annexure K), attached as page 391 to the agenda.

Borrow Pit No. 2: Option 2

- 2 That the Moratorium as per Council Resolution 262/11/2016 and the Town Planning Scheme that prevent accessing these site be lifted, to allow the Roads Authority to access material on Borrow Pit No. 2 for construction of the road.
- 3 That should access be allowed to these Borrow Pit, it be conditional to amongst others the following:
 - 3.1 That the Environment Management Plan (EMP) be reviewed and input be provided on the outstanding mitigation measures and conditions deemed necessary to ensure environmental protection.
 - 3.2 That extreme care be taken during the operational phase to limit any accidental spillage or pollution.
 - 3.3 That the construction of the piloting of a sand dam be done as rehabilitation measure as described in the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)*.
 - 3.4 That the construction of the piloting of a sand dam as per the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)* form part of the Environment Management Plan (EMP).
 - 3.5 That the final location of the dam site be approved by the Strategic Executive: Infrastructure, Water and Technical Services.
 - 3.6 That the Contractor locate and clearly mark any pump or pipelines in close co-operation with personnel from the Department of Infrastructure, Water and Technical Services.
 - 3.7 That the Contractor ensure that the exact location of NB160 mm pump and pipeline from Borehole 12/10 that might traverse part of the Borrow Pit is identified and care should be taken not to damage the pipe.
 - 3.8 That the Contractor safeguard any pipelines from damage by keeping a 5 metre clear space over the said pipeline.
 - 3.9 That the Polluter Pay Principle be applied should any damage to the aquifer occur as result of pollution from proposed and future sources of pollution and any damage to boreholes.
 - 3.10 That it be noted that Polluter Pay Principle mean that the person that is polluting will take all responsibility to carry the cost of rehabilitating pollution and damages that will result from all operation (oil spill, engine

oil etc.), thus need to take precaution for any mechanical work that will take place for any breakdown or any related work. [This principle indemnifies the City from any pollution that may take place resulting from this operation.]

- 3.11 That Council indemnify itself from future possible impacts, pollution of groundwater and damage to aquifer resulting from poor rehabilitation of Borrow Pit(s).
- 3.12 That Precautionary Principle be applied, and that it be noted that Precautionary Principle mean that where there are 'threats of serious or irreversible damage', and lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- 3.13 That stakeholders with their roles be identified that will be responsible to implement monitoring and control of groundwater pollution as well as after care of sand dams.
- 3.14 That a fence be erected around the Borrow Pit in order to prevent livestock and people from entering the quarry area, and that entry and exit to the quarry site be controlled.
- 3.15 That before quarrying commence, any slow moving animals be relocated to the areas outside of the approved Borrow Pit area.
- 3.16 That Borrow Pit mining not progress beyond the approved Borrow Pit area and no areas outside of the approved Borrow Pit area be disturbed or encroached.
- 3.17 That vehicles not drive over rehabilitated areas to prevent the destruction of established the destruction of established vegetation.
- 3.18 That maintenance and aftercare of sand dams as well as monitoring of alien invasive vegetation be done taking into consideration the variable rainfall pattern.
- 3.19 That all alien species be removed from the site and measures be put in place to control the spread of alien invasive plant species.
- 3.20 That no trespassing on the landowners property occur and employee access be restricted to the approved mine areas no poaching or interference with stock or wild animals and no theft be allowed.
- 3.21 That all relevant requirements of existing legislation pertaining to the protection of the biophysical and social environment be adhered to.

Borrow Pit No. 3: Option 1

- 4 That Borrow Pit operations not be allowed in the Southern Aquifer as per the Town Planning Scheme and Council Resolution 262/11/2016.

Borrow Pit No. 3: Option 2

- 5 That Borrow Pits not fall within areas earmarked for township establishment and not affect the newly proposed extension of Otjomuise Road (drawing done by Lithon Project Consultants as drawing No: P1519-CR-649).

- 5.1 That it be noted that Borrow Pit Nos. 3A, B and C are off limits, therefore the proponent should look for an alternative site in a different location.
- 5.2 That VKE look for alternative sites where material can be sourced.
- 5.3 That VKE look for the area west of Kupferberg Site. [They should go and look for a potential site, then inform the City, where the technical team will join them to inspect the site before any detailed investigations is done.]
- 5.4 That an Environmental Impact Assessment (EIA) be conducted for the newly identified site.
- 5.5 That VKE make use of about 13 000 m³ material that is available at Goreangab Extension 4.
- 5.6 That VKE write a letter to WCE to obtain the material.

Borrow Pit No. 4: Option 1

- 6 That Borrow Pit operations not be allowed in the Southern Aquifer as per the Town Planning Scheme and Council Resolution 262/11/2016.

Borrow Pit No. 4: Option 2

- 7 That the Moratorium as per Council Resolution 262/11/2016 and the Town Planning Scheme that prevent accessing these site be lifted, to allow the Roads Authority to access material on Borrow Pit No. 4 for construction of the road.
- 8 That should access be allowed to these Borrow Pit, it be conditional to amongst others the following:
 - 8.1 That the Environment Management Plan (EMP) be reviewed and input be provided on the outstanding mitigation measures and conditions deemed necessary to ensure environmental protection.
 - 8.2 That extreme care be taken during the operational phase to limit any accidental spillage or pollution.
 - 8.3 That the construction of the piloting of a sand dam be done as rehabilitation measure as described in the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)*.
 - 8.4 That the construction of piloting of sand dam as per the *Beneficial Use of Sand and Rock Mining on the Windhoek Aquifer to enhance Aquifer Recharge (2016)* form part of the Environment Management Plan (EMP).
 - 8.5 That the final location of the dam site be approved by the Strategic Executive: Infrastructure, Water and Technical Services.
 - 8.6 That the Contractor safeguard any pipelines from damage by keeping a 5 metre clear space over said pipeline.
 - 8.7 That the Polluter Pay Principle be applied should any damage to aquifer occur as result of pollution from proposed and future sources of pollution and any damage to boreholes.

- 8.8 That it be noted that Polluter Pay Principle mean that the person that is polluting will take all responsibility to carry the cost of rehabilitating pollution and damages that will result from all operation (oil spill, engine oil etc.), thus need to take precaution for any mechanical work that will take place for any breakdown or any related work. [This principle indemnifies the City from any pollution that may take place resulting from this operation.]
- 8.9 That Council indemnify itself from future possible impacts, pollution of groundwater and damage to aquifer resulting from poor rehabilitation of Borrow Pit(s).
- 8.10 That the Precautionary Principle be applied, and it be noted that Precautionary Principle mean that where there are 'threats of serious or irreversible damage', lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- 8.11 That stakeholders with their roles be identified that will be responsible to implement monitoring and control of groundwater pollution as well as after care of sand dams.
- 9 That the resolution be implemented prior to confirmation of the minutes.
- =====



REHABILITATION OF BURROW PIT 4: INSPECTION REPORT

(Health and Environment Services Division)

SITE/AREA: Burrow Pit 4, Next to Kupferberg Landfill Site

DATE OF INSPECTION: 24 September 2021

COMPILED BY: Mekondjo Shanyengange and Ndahafa Shindolo

BACKGROUND AND INTRODUCTION

The Burrow Pit 4 is located next to Kupferberg Landfill Site and it has been used for extraction of road construction materials by China Railway Seventh Group (CRSG) between 2016 and 2021. The materials were used in Phase 1 of Okahandja – Windhoek Dual Carriageway Road. The excavation and crushing of materials ended in May 2021 and the company started rehabilitating Burrow Pit 4 afterwards. The process was completed in August 2021 when all materials and equipment's were removed from Site.

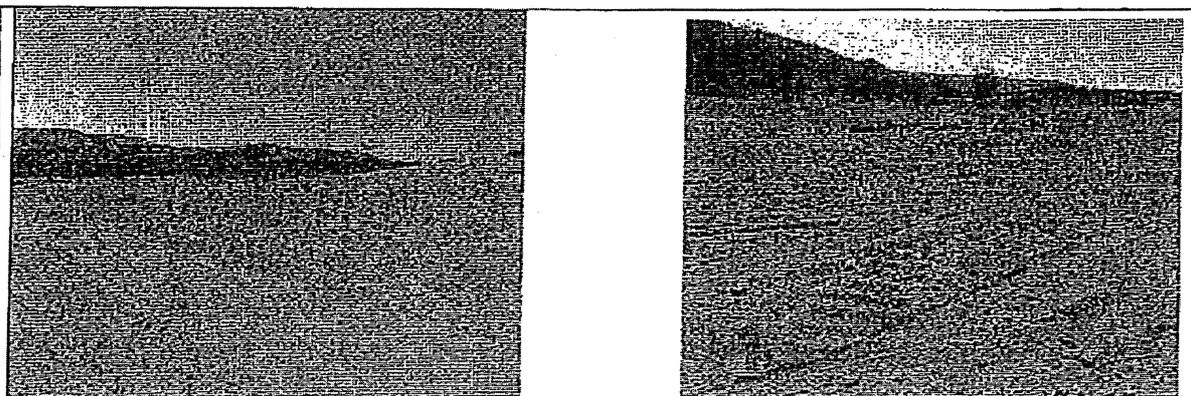
The Representatives of CRSG then met with the Environmental Management Officials on 21 September and an Inspection date of 24 September 2021 was agreed upon to ensure that the rehabilitation work was conducted in a satisfactory manner and make recommendations were necessary. The inspection was also necessitated to determine if the rehabilitation process has complied with the guidelines of the Environmental Management Plan (EMP) and Road Construction Standards.

The inspections team comprised of the followings;

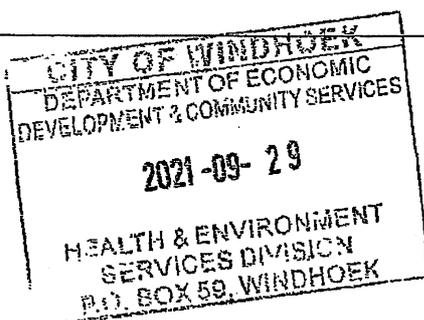
1. Mr M Shanyengange (CoW)
2. Ms G Tshipo (CoW)
3. Ms N Shindolo (CoW)
4. Mr C Yang (CRSG)
5. Ms E Longandje (CRSG)
6. Mr R Mukuma (CRSG)

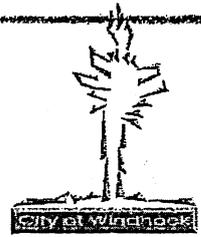
Upon completing the inspection of the Burrow Pit 4, the team continued to inspect the road construction work for both the completed portion and new portion going in the direction of Rehoboth.

OBSERVATIONS

**RECOMMENDATIONS:**

- Boulders/Rocks next to the water pathways should be cleared.
- CRSG should inform and invite the Environmental Commissioners Office the Authority that granted the Environmental Clearance Certificate and approved the Environmental Impact Assessment Report should also satisfy itself with the rehabilitation work done at Burrow Pit 4.
- The Division of Health and Environment Services should continue with monitoring activities on Burrow Pit 4 especially before, during and after the first rain season to ensure that the flow of the river is unhindered and the re-vegetation of the rehabilitated areas is taking place.
- The CRSG should be available and ready to remedy situations that may occur as a result of excavation and rehabilitation activities at Burrow Pit 4.





REHABILITATION OF BURROW PIT 4:

INSPECTION REPORT 3

(Health and Environment Services Division)

SITE/AREA: Burrow Pit 4, Next to Kupferberg Landfill Site

DATE OF INSPECTION: 16 November 2021

COMPILED BY: Mekondjo Shanyengange

BACKGROUND AND INTRODUCTION

The Burrow Pit 4 is located next to Kupferberg Landfill Site and it has been used for extraction of road construction materials by China Railway Seventh Group (CRSG) between 2016 and 2021. The materials were used in Phase 1 of Okahandja – Windhoek Dual Carriageway Road. The excavation and crushing of materials ended in May 2021 and the company started rehabilitating Burrow Pit 4 afterwards. The process was completed in August 2021 when all materials and equipment's were removed from Site.

The first inspection was done on 24 September 2021 and few observations were made of which some needed to be corrected by the Contractor. Thus this follow up inspection was conducted to verify the corrections made as per the recommendations.

OBSERVATIONS

- The revegetation of the area is continuing positively and few grass patches was observed.
- The boulders/rocks next to pathway-river way were levelled and no risk of blockage is anticipated.

RECOMMENDATIONS:

- The Division of Health and Environment Services will continue with monitoring activities on

OFFICE OF THE CHIEF EXECUTIVE OFFICER

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ENQ: Z. Steenkamp
 DATE: 07/10/2024

TEL: 061-2902425
 REF: China Railway Seventh
 Group Namibia Pty Ltd

Messrs. China Railway Seventh Group Namibia (Pty) Ltd
 P O Box 22559
 Windhoek
 Namibia

Dear Sir or Madam

**RE: PERMISSION TO ABSTRACT GRAVEL (BURROW PIT) IN THE CITY OF
 WINDHOEK JURISDICTION**

Reference is made to your application dated 14 June 2024 on the above subject matter.

Based on our preliminary review and our records, the borrow pit adjacent to Arteregas river and close to the Kupferberg Waste Disposal Site was previously opened and utilized. You are thus kindly requested to provide us with the following, at your earliest convenience:

Previous Operations:

- a) Environmental Social and Management Plan (ESMP) compliance audit reports;
- b) Details of actual quantities and abstraction depths during previous operations on the borrow pit located adjacent to the Kupferberg Waste Disposal Site;
- c) Copy of the Borrow Pit Taking-Over Certificate as per Roads Authority manual pertaining Environmental Guidelines (Refer pages 71 and 72 of the 2018 ESA Report); clearly emphasizing compliance with the stated borrow pit rehabilitation requirements.

Current Application:

- d) Borrow pit specific Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) relating to current application;
- e) Geotechnical report with details of the stated available quantities and proposed depth of further abstraction. Quantities to be extracted under the current application be verified by a geotechnical engineer;
- f) A survey diagram/site layout with coordinates clearly indicating the locality of the proposed burrow pit (Arteregas river); and
- g) That an application processing fee of N\$1,267.88 be settled and proof of payment submitted to Martin.Shikongo@windhoekcc.org.na within one month of receipt of this letter.

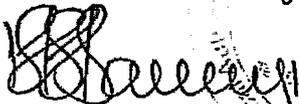
All official correspondence must be addressed to the Chief Executive Officer

You are further advised that the processing of your application can only be finalized once the above stated requirements have been met and proof of payment is received.

Kindly approach the Department of Economic Development and Community Services (Health and Environment Services Division) for more information on the payment process and for guidance with regard to compliance to ensure that your application is complete.

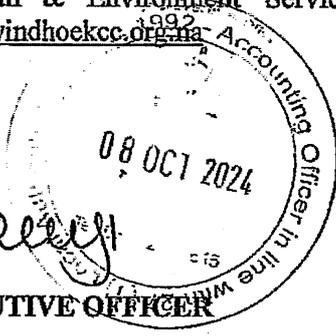
For more information or any clarification, please do not hesitate to contact Ms. MM Kahitu, Manager, Health & Environment Services at 061-290 2485 or via e-mail Mary-Anne.Kahitu@windhoekcc.org.na

Yours sincerely



Moses Matyayi

CHIEF EXECUTIVE OFFICER



[Municipal Council Minutes: 2017-07-27]

9.1.7

**HEW.1 [EDE] POLICY REGULATING SAND
AND GRAVEL EXTRACTION IN CITY
OF WINDHOEK
(16/24/P)**

On proposal by Council MJ Amadhila, it was

RESOLVED

- 1 That the report for the development of the final Draft Policy towards sustainable sand mining, be considered and approved.
- 2 That the City of Windhoek's Policy towards sustainable sand mining, be approved and adopted.
- 3 That the Chief Executive Officer serve as an entry mode for the registration of sand mining applications.
- 4 That delegation of authority to perform responsibilities in terms of policy implementation be executed as follows:
 - 4.1 That authority be delegated to the Strategic Executive: Economic Development and Environment to develop a standard application form and coordinate the review of sand mining applications.
 - 4.2 That the Strategic Executive: Economic Development and Environment be tasked with the lead responsibility of instituting an Inter Departmental Committee with the primary task of reviewing applications and enforcement.
 - 4.3 That the review of applications be subject to the provisions of relevant municipal, policies, by-laws and national legislation appropriate for the effective management and control of sand mining operations in the City.
- 5 That the Strategic Executive: Economic Development and Environment, with the support of the Strategic Executive: Finance, investigate the tariff structure for the issuing of sand extraction licenses, guarantees, financial penalties and submit for consideration and approval.
- 6 That the Strategic Executive: Economic Development and Environment from time to time identify designated potential sand mining sites in the City of Windhoek.
- 7 That City of Windhoek's Policy towards sustainable sand mining be converted in a regulation in terms of Section 94 of the Local Authorities Act, 1992 (Act 23 of 1992).

RESOLUTION 153/07/2017

121(b)

[Municipal Council Minutes: 2020-03-26]

9.3.3

**GOV.5 [HPH] STATUS REPORT ON
GROOT AUB AND IMPLEMENTATION
OF THE ACTION PLAN
(16/15)**

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That Government Gazette No. 4801 in which the expansion of the Windhoek municipal boundary was promulgated via Notice No. 184, the boundary extension diagram, cadastral diagram for Farm Groot Aub No. 267, the draft Concept Town Planning Scheme, layout and other related plans, specialist reports, the 2009 Socio-Economic Survey Report by the Khomas Regional Council (KRC), the 2018 Socio-Economic Survey Report by the City of Windhoek, minutes and other related documentation on Groot Aub, be noted.
- 2 That the rapid population growth at Groot Aub from two thousand seven hundred and sixteen(2 716) inhabitants in 2009 to eight thousand nine hundred and seventy seven (8 977) inhabitants in 2018 (excluding farmers) at an annual growth rate of 6.7 % per annum and a population doubling time of ten (10) years, be noted with concern and promptness in the implementation of developmental projects.
- 3 That the following ‘Tripartite Action Plan’ on Groot Aub, agreed upon in 2017 by the City of Windhoek, the Khomas Regional Council (KRC) and the Ministry of Urban and Rural Development be noted, and any outstanding tasks be implemented:

Activity	Action due date	Responsible institution	Comments
1 Status Quo Report	31 May 2017	Khomas Regional Council (KRC)	- Available
2 Diagrams and drawings	31 May 2017	Khomas Regional Council (KRC)	- Available
3 Transfer of bulk service agreements	31 July 2017	Khomas Regional Council (KRC)	- Available: The Khomas Regional Council (KRC) to hand over the NamPower power supply contract for the borehole and the sewer pump station to the City of Windhoek.
4 Temporal office space for settlement administration	31 May 2017	Khomas Regional Council (KRC)	- Available: The City of Windhoek to undertake a familiarisation visit to Groot Aub that will also look into the office space for administrators.
5 Temporal provision of water	31 March 2018	Khomas Regional Council (KRC)	- The Khomas Regional Council (KRC) to continue with water provision until March 2018; and - The Khomas Regional Council (KRC) to share a report from the Ministry of Agriculture, Water and Forestry on the water situation.

121(c)

Activity		Action due date	Responsible institution	Comments
6	Investigate illegal water connections	31 July 2017	City of Windhoek and the Khomas Regional Council (KRC)	- The City of Windhoek and the Khomas Regional Council (KRC) to form a team that will continue investigate illegal water connections. (The City Police and the Khomas Regional Council (KRC) held a meeting on 8 August 2017 at the Windhoek Rural Constituency office in Groot Aub to strategise on a Policing Strategy).
7	Introducing billing system	31 July 2017	City of Windhoek	- The City of Windhoek to organise a billing system that should be fully operational by 31 March 2018.
8	Identification of the dump site	31 July 2017	City of Windhoek	- The City of Windhoek to look into the short and long term solution to dump site for Groot Aub.
9	Provide skip containers	31 July 2017	City of Windhoek	- Will start by end of July.
10	Develop a waste transfer schedule	31 July 2017	City of Windhoek	- The waste transfer schedule to be available by end of July.
11	Marking of existing buildings/structures	30 August 2017	City of Windhoek and the Khomas Regional Council (KRC)	- The City of Windhoek requested the Khomas Regional Council (KRC) to submit a Socio-economic Survey Report to assist in this exercise; and - The Office of the Surveyor General to also assist in other data sources such as the aerial photographs of different periodic intervals.
12	Establish a Task Team to report on further illegal land grabbing	31 July 2017	City of Windhoek, the Khomas Regional Council (KRC) and the Police	- Need to verify with the Police and the constituency office on how they are combating illegal land grabbing; and - The City of Windhoek will take a lead to ensure that the Task Team work effectively. (The City Police, Namibian Police and the Khomas Regional Council (KRC) held a meeting on 8 August 2017 at the Windhoek Rural Constituency Office in Groot Aub to strategise on a Policing Strategy).
13	De-proclamation	1 August 2017	Ministry of Urban and Rural Development	- Done – Government Gazette No. 6374 Notice No. 190.
14	Transfer of Title Deed	1 August 2017	Ministry of Urban and Rural Development	- Discussion between the Ministry of Urban and Rural Development and the Deeds office is on-going. The PS will have to speed up the process; - The de-proclamation of the Groot Aub needs to be completed before the transfer of the Title Deed; and - The Khomas Regional Council (KRC) to hand over the Court paper to the City of Windhoek on some properties in Groot Aub.
15	Stakeholders' workshop	16 June 2017	Ministry of Urban and Rural Development	- Done
16	Verification of ownership	31 December 2017	City of Windhoek	- Six (6) months after hand over.
17	Accommodation of farmers	Phase 2	Ministry of Urban and Rural Development	- The Ministry of Urban and Rural Development needs to engage the Ministry of Land Reform to look into the resettlement of farmers in Groot Aub. (The activity moved to Phase 2 of the project).
18	Presence of the City of Windhoek in Groot Aub	On-going activity	City of Windhoek	- The City of Windhoek to finalise the organisational structure (such as the Manager and Billing Clerks) for the administration of Groot Aub.
19	Assumption of duty	Same as hand-over	City of Windhoek	- Administrators to start by August 2017
20	Ceremonial hand-over	8 September 2017	City of Windhoek	- Focal persons that will organise the ceremonial hand-over.

121(d)

4. That the cost of the take-over of the day-to-day running of activities in Groot Aub estimated and presented by the City of Windhoek at a tripartite meeting held on 7 August 2017, be noted and all pending activities be implemented.
- 4.1 That it further be noted that the project was divided as follows into Phase 1 (2017/2018 Financial Year, in line with the Government Budgeting Cycle) and Phase 2 (2018/2019 Financial Year):

Activity	Financial estimate (N\$)	Priority (Phase 1 or 2)
1 Office establishment and physical presence (the cost of manning an office at Groot Aub)	700 000.00 Plus: Cost of eight (8) staff members	Phase 1
1.1 One (1) Billing Clerk and one (1) Meter Reader	To be determined	
1.2 Two (2) Clerk: Leases, two (2) Clerk: Settlements and two (2) Clerk Housing Schemes	To be determined	
1.3 One (1) Double Cab (4x4)	700 000.00	
2 Safety and security	To be determined	None: Strategic Intervention
2.1 Cost of the presence of the City Police to compliment the efforts of the Namibian Police	To be determined	
3 Emergency services	26 032 299.61 (Revised to N\$6.5 million)	Phase 1
3.1 Cost of the presence of emergency services	26 032 299.61 (Revised to N\$6.5 million)	
4 Public transport	10 151 288.00	Phase 2
4.1 Estimated cost of two (2) buses	9 000 000.00	
4.2 Personnel cost: Two (2) drivers (annually)	851 288.00	
5 Solid waste	1 000 000.00	Phase 1
5.1 Ward contractor system	650,840.00 Plus: Operational Budget	
5.2 Front-end loader system	100 000.00 For twelve (12) months	
5.3 Skip container system	50 000.00 For twelve (12) months	
5.4 Landfill and technical services	120 000.00 For twelve (12) months Plus: 15 000.00	
5.5 Education and awareness	47 080.00	
6 Water, sewer and roads (immediate intervention)	6 229 500.00	Phase 1
6.1 Cost of taking over of the supply of water and ensuring that it is adequate and of good quality	1 528 500.00	
6.2 Cost of disconnecting existing illegal connections and putting measures to curb future illegal connections	125 000.00	
6.3 Cost of taking over and running of the sewer works	4 576 000.00	
6.4 Cost of grading and maintaining existing roads	Access road is the only 'engineered' road and is deemed to be of a fair enough quality not to require immediate investment	Phase 2: After confirmation of layout plan
7 Billing	To be determined	Phase 1
7.1 Cost of introducing a billing system	To be determined	
7.2 Cost of introducing a pre-paid water system	To be determined	
7.3 Timeline for coming up with a charging rate (rates and taxes) for Groot Aub	To be determined	
8 Electricity	2 577 994.32	Phase 1
8.1 Cost of taking over of the running of power supply at Groot Aub (this includes as an alternative temporary measure, the take-over of the Electricity Supply Agreement entered into between the Khomas Regional Council (KRC) and NamPower).	2 577 994.32	
9 Mapping		Phase 1
9.1 Cost of acquiring a new imagery (aerial photograph or satellite image) for Groot Aub @ 5 cm	616 933.63	

121(e)

Activity	Financial estimate (N\$)	Priority (Phase 1 or 2)	
9.2	Cost of numbering structures	Cost to include the following: <ul style="list-style-type: none"> - Fuel for vehicle; - Stationery; - One (1) printer; - Two (2) computers - ICT network connection; and - Eight (8) temporary appointees: Registration, numbering and capturing of structures - improvements for a period of two (2) to three (3) months 	The City of Windhoek to carry the cost
Total estimated cost		47 308 015.56	17 624 427.95
Notes: The following activities were successfully executed in terms of water and sewer: <ol style="list-style-type: none"> 1 Install 200 mm flange with gauze at reservoir – Done; 2 Install 250 mm flange with gauze at reservoir – Done; 3 Install two (2) padlocks at the reservoir (gate and res manhole) – Done; 4 Install floatable chlorine dispensers on a rope to be suspended lowest 1 metre above floor level (not to touch floor) – Done; 5 Install water meter at farmer’s borehole – Done; 6 Install sample tap at farmer’s borehole – Done; 7 Install dual locking mechanism at farmer’s borehole – Done; 8 Install the City of Windhoek padlock at farmer’s borehole - Done; 9 Install water meter at Groot Aub Primary School - Done; 10 Install sample tap at Groot Aub Primary School - Done; 11 Install door in cage at main borehole and lockable - Done; 12 Clean 100 mm water meter at main borehole or replace – replaced water meter - Done; 13 Install sample tap at main borehole - Done; 14 Move installation at main borehole to gain access for water dipper to measure PWL and RWL - Done; and 15 Investigate power loss at sewerage pump station and test installed pumps – Done (pumps working). 			

- 5 That it be noted from the above table, that the cost of the take-over was estimated at N\$47.3 million, and funds required for the 2017/2018 Financial Year was N\$17.6 million with the remaining balance of N\$29.7 million required for the 2018/2019 Financial Year.
- 6 That it be noted that the following commitments were made for Phase 1 (2017/2018 Financial Year) of the project:
 - 6.1 The City of Windhoek committed N\$5 million;
 - 6.2 The Khomas Regional Council (KRC) committed N\$1.6 million; and
 - 6.3 The Ministry of Urban and Rural Development committed N\$11.2 million and made the promise official through a letter of financial commitment.
- 7 That it be noted that the money committed by the Ministry of Urban and Rural Development was not fully expended, and for this reason, the Acting Strategic Executive: Finance and Customer Services, Mr SM Mutonga to make the necessary follow-up with the Financial Advisor to the Ministry on the release of the remaining amount.

Human Capital

- 8 That the City of Windhoek maintain a permanent presence in Groot Aub with immediate effect in the form of a physical, functional and well-resourced office.
- 9 That it be noted that in 2017, as part of the tripartite engagements on Groot Aub, the City of Windhoek requested the Khomas Regional Council (KRC) to avail, in addition to the four (4) offices, the reception office at the Windhoek Rural Constituency office and to allow the City of Windhoek to modify it into a reception-cum-payment point. [Response is still awaited from the Khomas Regional Council (KRC).]
- 10 That in order to ensure permanent presence, the Strategic Executive: Infrastructure, Water and Technical Services budget for and erect a municipal office building at Groot Aub during the course of the 2019/2020 and 2020/2021 Financial Years, while awaiting the completion and inauguration of the office building, steel containers (or other suitable options) be modified accordingly and used with immediate effect as offices (including an office that will be used as payment point for municipal services).
- 11 That in order to improve service delivery at Groot Aub, satellite suburbs and the peri-urban area in general, a new division to be known as the **Peri-Urban and Satellite Suburbs Division**, be created and added to the structure of the **Department of Housing, Property Management and Human Settlement**.
- 12 That the **Peri-Urban and Satellite Suburbs Division** be divided into the following three (3) major zones:
 - 12.1 **South** (covering Groot Aub, Omeya and all developments south of the pre-2011 municipal boundary);
 - 12.2 **North** (covering Elisenheim, the Mix Settlement, Brakwater and all developments to the northern part of Windhoek); and
 - 12.3 **East and west** (covering Finkenstein, Herbothsblick, Sungate and all developments east and west of the pre-2011 municipal boundary).
- 13 That in addition to the establishment of an office at Groot Aub, another municipal office be opened at the Mix Settlement to cover the northern zone with further offices opening in other zones as the need arises.
- 14 That the new **Peri-Urban and Satellite Suburbs Division** consist of the following sections and positions:
 - 14.1 Manager: Peri-Urban and Satellite Suburbs;
 - 14.2 Section Head: Peri-Urban and Satellite Suburbs – South;
 - 14.3 Section Head: Peri-Urban and Satellite Suburbs – North; and
 - 14.4 Section Head: Peri-Urban and Satellite Suburbs – East and West.

121(g)

- 15 That the following positions be established for each of the sections in the structure of the Peri-Urban and Satellite Suburbs Division but be filled through secondments from the various departments on a dotted line (indirect) reporting:

Position	Department
Two (2) Cashier/Enquiry Officers	Finance and Customer Services
One (1) Property Officer	Housing, Property Management and Human Settlement
Two (2) Building Inspector	Urban and Transport Planning
Two (2) Emergency Officers	Economic Development and Community Services
One (1) CDO	Economic Development and Community Services
One (1) Bulk Water Technician	Infrastructure, Water and Technical Services
Two (2) Handy Men	Infrastructure, Water and Technical Services
Two (2) Technicians: Electricity	Electricity
Two (2) Police Officers	City Police

- 16 That the Job Descriptions of the new positions be prepared and approved in line with existing Policies and Regulations.
- 17 That employees at the Groot Aub office (except where there are already residents in the area), peri-urban area and satellite suburbs be provided with municipal housing or be accorded an opportunity to buy or lease a piece of land at their duty station for residential purposes.
- 18 That the Chief Executive Officer oversee the overall implementation of the structure and be allowed to make further adjustments to the structure for the purpose of improving efficiency and effectiveness in the delivery of municipal services;

Town Planning

- 19 That the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson assisted by the Managers: Human Settlement; Property Management; and Peri-Urban and Satellite Suburbs, engage the Registrar of Deeds at the Ministry of Land Reform in October 2019 for the purpose of finalising remaining steps that will pave the way for the proclamation of Groot Aub Proper, and Groot Aub Extensions 1 and 2, as proclaimed townships in line with statutory requirements.
- 20 That the Strategic Executive: Urban and Transport Planning extend the Windhoek Town Planning Scheme to include the approved land use in Groot Aub.
- 21 That the Acting Strategic Executive: Housing, Property Management and Human Settlement lead the planning of Groot Aub in line with the Development and Upgrading Policy approved by Council on 25 July 2019.
- 21.1 That should the need arise to set aside a piece of land for high income earners, the planning for such a piece of land be carried out by the Strategic Executive: Urban and Transport Planning.

121(h)

- 22 That in pursuing to the above, cognisance be that Groot Aub should be planned as a low to medium income residential suburb with a strong light industrial focus anchored on activities such as warehousing, processing, assembly or dismantling of items that take place in enclosed buildings, etc.
- 23 That as part of the planning of Groot Aub and as well as preparation for entering into Lease Agreements, the Acting Strategic Executive: Housing, Property Management and Human Settlement survey the following:
 - 23.1 The boundary of properties in planned areas where there is an encroachment;
 - 23.2 The boundary of properties in planned areas that are built on block erven e.g. houses in Groot Aub Extension 1;
 - 23.3 The boundary of properties outside the planned area; and
 - 23.4 The boundary of all farming units.
- 24 That the Acting Strategic Executive: Housing, Property Management and Human Settlement avail the latest imagery with contours, undertake topographic mapping, produce building footprints and other topographic data for the purpose of planning and other purposes.

Valuation, standard rates and development cost

- 25 That the Acting Strategic Executive: Housing, Property Management and Human Settlement determine a standard rate for the different land uses in Groot Aub.
- 26 That, further to the above, the Acting Strategic Executive: Housing, Property Management and Human Settlement finalise and facilitate as a matter of urgency, the implementation of the interim valuation for Groot Aub.
- 27 That as part of the preparation for lease, the Acting Strategic Executive: Housing, Property Management and Human Settlement determine the development cost for Groot Aub Proper, and Groot Aub Extensions 1 and 2, and make a determination of the lease amount in line with the Development and Upgrading Policy and Council Resolution 362/10/99. [In making such a determination, the Manager: Housing and Land Delivery shall consult with the Manager: Valuation Services.]

Security of tenure (lease and land sales)

- 28 That only land that has undergone planning, surveying and registration, be offered for sale.
- 29 That households residing on land parcels reserved for other uses other than residential, be relocated to alternative sites before Lease and Sales Agreements can be considered.

121(i)

- 30 That the Strategic Executive: Economic Development and Community Services secure the cemetery at Groot Aub by putting up beacons with clear markings, and that households encroaching on land parcels reserved for the cemetery be relocated to an alternative site.
- 31 That the Acting Strategic Executive: Housing, Property Management and Human Settlement be allowed to enter into Lease Agreements with all households, businesses, institutions, farmers, and any person or legal entity occupying a piece of municipal ground in Groot Aub (except those individuals and/or legal entity with proof of ownership or legitimate claim to the piece of land supported by genuine documents under consideration by the City of Windhoek or the Courts).
- 32 That to curb speculative tendencies and ensure that more needy people have access to secure land tenure, one (1) land parcel per person be applied.
- 33 That it be noted that the allocation of land by the Windhoek Rural Constituency office (without the Khomas Regional Council (KRC) Resolution), the Farmers Association, the Settlement or Village Development Committee, Traditional Authority, similar organisations or transactions confirmed through a police declaration, are null and void and of no legal force.
- 34 That the detailed 2018 Socio-Economic Survey results, attached as pages 310 - 328 to the agenda, be used as a basis for entering into Lease Agreements.
- 35 That the land portions on which the two (2) schools, clinic, police station, constituency office and any land used by the Central or Regional Government for purposes such as staff housing at the time of the transfer of land to the City of Windhoek, be transferred to the Central or Regional Government (free of costs).
- 36 That the Acting Strategic Executive: Housing, Property Management and Human Settlement, in consultation with the Registrar of Deeds at the Ministry of Land Reform, facilitate the transfer of land to the following people registered in the Rehoboth Deeds Office, and that in cases where the holder of rights is deceased transfer be handled in line with laws governing inheritance in the country:

No.	Erf No.	Size (m ²)	Owner	ID No./date	ID
1*	Farm Groot Aub No. 26	540	Willem C Adams	501206 09 0005 3	SWA
2*	Farm Groot Aub No. 110	875	Cornelius Beukes	330701 02 0016 9	
3*	Farm Groot Aub No. 183	857	Jacob J Gouws	491017 51 5701 1	
4*	Farm Groot Aub No. 193	963	Johannes P Hagen	231009 02 0006 9	
5*	Farm Groot Aub No. 371	1 087	Stephanus J van Wyk	470113 08 0013 3	
6*	Farm Groot Aub No. 250	883	Arrie A Husselmann	240904 02 0004 5	SWA
7*	Farm Groot Aub No. 249	883	Arrie A Husselmann	240904 02 0004 5	SWA

121(j)

No.	Erf No.	Size (m ²)	Owner	ID No./date	ID
8**	Farm Groot Aub No. 251	883	Susan Jeftha (née Sieglaar)	190517 02 0005 7	SWA
9*	Farm Groot Aub No. 109	735	Fredrik G Bock	13 June 1911	
10*	Farm Groot Aub No. 44	1 600	Matheus Gille	290810 5004 08 1	RSA
11***	Farm Groot Aub No. 191	1 272	Paulina Beukes	26 October 1932	
12*	Farm Groot Aub No. 27	540	Willem C Adams	501206 09 0005 3	SWA
13***	Farm Groot Aub No. 72	600	Paulina Beukes	26 October 1932	
14	<i>Farm Groot Aub No. 104</i>	13 218	<i>Stephanus J van Wyk</i>	470113 5136 01 7	RSA
15*	Farm Groot Aub No. 286	757	Johannes Korner	250927 02 0005 2	SWA
16**	Farm Groot Aub No. 262	1 012	Elizabeth Bock (née Van Wyk)		
17**	Farm Groot Aub No. 73	582	Paulina Beukes	26 October 1932	
18*	Farm Groot Aub No. 68	2 102	Matheus Gille	290810 5004 08 1	RSA
19*	Farm Groot Aub No. 243	1 176	Hendrik N Cloete	300217 5024 20 0	
Not on the list but registered					
20*	Portion 2 of Farm Groot Aub No. 267	6 790	Nicholas S du Preeze	290820 5038 20 3	
21**	Farm Groot Aub No. 267	3 500	Sarah S Stumpee	140212 02 0004 2	SWA
22***	Farm Groot Aub No. 267	30 000	Anna CB du Preeze	531026 01 0004 9	
23***	Farm Groot Aub No. 267	10 000	Eulalie P Mans	560715 0020 6	
*	Married				
**	Widow				
***	Single				
Notes:					
<p>1 Some people own more than one (1) erf;</p> <p>2 Stephanus J van Wyk used a SWA ID number for Farm Groot Aub No. 371 and a RSA ID number for Farm Groot Aub No. 104. The land title for Farm Groot Aub No. 104 is not registered. The area size captured in this table is from an approved survey diagram SG No. A925/88. It is marked on the said survey diagram that the erf is 'not' registered;</p> <p>3 Portion 2 of Farm Groot Aub No. 267 is read together with SG approved Diagram No. 561/81; and</p> <p>4 Wherever Farm Groot Aub No. 267 appears under the erf number column it means the land in reference is an undivided portion.</p>					

37 That the Acting Strategic Executive: Housing, Property Management and Human Settlement, in consultation with the Registrar of Deeds at the Ministry of Land Reform, call all those with legitimate claims to land to register their claims at the Groot Aub office within a prescribed period.

37.1 That all claims so received, be submitted to the Registrar of Deeds at the Ministry of Land Reform for a decision on their legitimacy.

37.2 That all claims that qualify for transfer, be transferred accordingly unless challenged by way of an appeal or proceedings in a Court of Law.

121(k)

- 38 That the lease on farming units be entered using the existing informal boundary erected by farmers themselves, as will be observed by the Acting Strategic Executive: Housing, Property Management and Human Settlement, and the lease be for one (1) year with possible extension to a maximum of two (2) years.
- 39 That during the interim period, the Acting Strategic Executive: Housing, Property Management and Human Settlement prepare an informal subdivision plan for farming units where all farming units shall measure \pm 5 hectares in extent.
- 39.1 That the approval of the informal subdivision plan for farming units be delegated to the Chief Executive Officer with a notification to Management Committee, for information, and once approved, new Lease Agreements for periods longer than one (1) year be entered with the farmers.

Buildings

- 40 That after Council approval, residents be given a grace period of six (6) months to submit plans of their 'as-built' structures to the City of Windhoek for scrutiny and possible approval.

Housing

- 41 That the Affordable Housing Project approved by Council be extended to Groot Aub with immediate effect and be implemented in Groot Aub Proper, and Groot Aub Extensions 1 and 2 in partnership with the National Housing Enterprise (NHE).

Municipal services and timing of activities

- 42 That the City of Windhoek provide full municipal services to Groot Aub, the peri-urban area and all satellite suburbs in line with the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 42.1 That where Council is unable to provide the required services, agreements be entered with other parties who shall provide the services on behalf of Council.
- 42.2 That the municipal services include but not be limited to the following:
- Supplying of water;
 - Provision of sewer and drainage services;
 - Management of waste;
 - Construction and maintenance of streets and public places;
 - Maintenance of cemeteries;
 - Supplying of electricity or gas;

121(l)

- Carrying on and maintenance of quarries (sand, clay stone or gravel);
 - Carrying on and maintenance of public transport service;
 - Establishment of housing scheme (with Ministerial approval);
 - Establishment, carrying on and maintenance of markets;
 - Establish, carry on and maintain traffic service, ambulance service, fire brigade, bands and/orchestras and nurseries;
 - Construction of building or depot for the reception or storage of perishable goods;
 - Establishment and maintenance of parking garages;
 - Beautify and securing the neatness of its area, incl. planting, trimming or removing trees;
 - Establishment and maintenance of any building or structure for any community requirement;
 - Construction, acquisition and maintenance of rail sidings, including marshalling yards on cost recovery basis; and
 - Acquisition, hiring, hypothecation or letting any immovable property. etc.
- 43 That where Council is unable to provide services, agreements be entered into with other parties who shall provide the services on behalf of Council, and the delegation of responsibility follow the letter and spirit of the law.
- 44 That all departments, with immediate effect following the passing of this Council Resolution, provide services at Groot Aub as would any part of Windhoek.

Drilling of boreholes and protection of the aquifer

- 45 That as a first attempt to protect the aquifer, a 50 metre buffer be maintained around the boreholes and such a buffer be cleared.
- 46 That within a year of the passing of this Council Resolution, a full hydrogeological study be conducted for whole extended boundary which shall include, amongst others, the following:
- 46.1 Full hydro census of all existing boreholes;
 - 46.2 Identification and delineation of aquifer zones and possible land uses within the different zones; and
 - 46.3 Identification and delineation of points or areas prone to pollution etc.

121(m)

- 47 That following the hydrogeological study, the Department of Infrastructure, Water and Technical Services develop a Policy on drilling, abstraction and water supply at Groot Aub.
- 48 That to ensure order and consistency, moratorium is placed on all applications for drilling at Groot Aub until such time that the Policy on drilling, abstraction and water supply as per paragraph 47 above, is passed and applications handled in line with the Policy.

Public awareness

- 49 That the Acting Strategic Executive: Housing, Property Management and Human Settlement, in conjunction with the Chief Executive Officer (Manager: Corporate Communication, Marketing and Public Participation), prepare and distribute leaflets to residents with all relevant information pertaining to Groot Aub.
- 50 That both the Acting Strategic Executives: Housing, Property Management and Human Settlement; and Finance and Customer Services, in conjunction with the Manager: Corporate Communication, Marketing and Public Participation, place a bigger signboard at the intersection of the D1320 Road to Groot Aub and the B1 Road to Rehoboth welcoming visitors to Groot Aub and setting out a list of prohibited activities.

By-laws

- 51 That all by-laws passed and enforceable within the municipal boundary of Windhoek apply equally to Groot Aub, unless in circumstances where an explicit exemption is provided.
- 52 That sand mining and prospecting operations in Groot Aub be ceased forthwith in order for prospectors and miners to comply with Council Policy within a period of six (6) months.
- 53 That law enforcement and related matters emanating from Groot Aub be handled per subsisting law and established operating procedures.

Farm Groot Aub No. 187

- 54 That it be noted that Farm Groot Aub No. 187 is a small farm portion completely encircled by Farm Groot Aub No. 267 (2 001 m² in extent). [The farm is in a rectangular shape with the following dimensions on its four (4) sides: Z' to A' = 66.67 metres, A' to B' = 30.04 metres, B' to C' = 66.66 metres, and C' to Z' = 29.99 metres. Farm Groot Aub No. 187 is included in Groot Aub Extension 1 as Erf 325 (2 704 m² in extent).]
- 55 That it be noted that Farm Groot Aub No. 187 was included in Groot Aub Extension 1 as Erf 325 (2 704 m² in extent).

121(n)

- 56 That the inclusion of Farm Groot Aub No. 187 into Groot Aub Extension 1 as Erf 325 appoint to possible negotiations between then appointed Consulting Town and Regional Planners and the owner or beneficiaries of the owner of Farm Groot Aub No. 187.
- 57 That it be noted that the owner, beneficiary or a family member to the owner of Farm Groot Aub No. 187 went to Court and claimed to own 5.9696 hectares of land instead of the legal 0.2001 hectares (2 001 m²). [The Court granted the wish as there was no objection to the claim. The Land Title of Farm Groot Aub No. 187 was endorsed accordingly reflecting the change in land size. Given that, Farm Groot Aub No. 187 is completely encircled by Farm Groot Aub No. 267, and it means that the additional land will come from Farm Groot Aub No. 267.]
- 58 That it be noted that a closer inspection of the area size of Farm Groot Aub No. 187 was undertaken using the following two (2) methods:
- Direct input of the co-ordinates in an AutoCAD drawing software; and
 - Calculation of the area size from the co-ordinates of the farm's four (4) boundary beacons.
- 58.1 That it be noted that both methods revealed the area size as 2 000.9 m². (The calculation of the area size from the co-ordinate of the boundary beacons is included in the following table):

Point	X Co-ordinates	Y Co-ordinates	XY (+)	YX (-)
Z'	103656.80	-19068.02		
A'	103646.52	-19133.89	-1983357809	-1976333916
B'	103676.20	-19138.53	-1983642032	-1983729006
C'	103686.43	-19072.66	-1977380913	-1984405851
Z'	103656.80	-19068.02	-1977094921	-1977010903
	=	Total	-7921475675	-7921479677
	=	XY (+) - YX (-)	4001.9161	m ²
	=	XY (+) - YX (-) / 2	2000.95805	m ²
	=	Rounded	2001	m ²

- 59 That it be noted that the sketch drawing used by the complainant to convince the Court to increase the size is not a cadastral diagram, and therefore, it is bordering on misleading the Court.
- 60 That on the basis of the above, the Chief Executive Officer (Corporate Legal Adviser) investigate the matter and report back to Council on the way forward.
- 61 That the owner or beneficiary to the owner of Farm Groot Aub No. 187 be encouraged to accept Erf 325 (2 704 m² in extent) as a permanent replacement of Farm Groot Aub No. 187 which measured 2 001 m² in extent.
- 62 That farming activities be settled by the Ministry of Land Reform.
- 63 That the Mayor seek an audience with the newly appointed line Minister to brief him on Groot Aub, as a matter of urgency.

121(o)

- 64 That Mr JK Kalundu, Project Manager: Groot Aub, brief the Councillors Advisory Committee on the current status of Groot Aub regarding the water situation, to stay abreast, for information.
- 65 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 80/03/2020

[Municipal Council Minutes: 2019-10-24]

9.3.1

**GOV.1 [EDC] REGULATION AND CONTROL
OF SAND MINING ACTIVITIES IN
THE GROOT AUB SETTLEMENT
(16/24/P)**

On proposal by Councillor Ms AK Ashilelo, it was

RESOLVED

- 1 That it be noted that the period during which old license holders had to register with the City of Windhoek lapsed on 8 September 2018, and that as a result, the following is recommended:
 - 1.1 That the proposal to extend the period stated under paragraph 1 above, to thirty (30) days from the date of this Council Resolution, be noted, whereafter sand mining operators will be required to apply to the City of Windhoek to continue operating under the terms and conditions of licenses issued in terms of the Water Act, 1954 (Act 54 of 1954) or under conditions as the City of Windhoek may prescribe in terms of section 4.16 of the Policy.
 - 1.2 That all permit holders fully comply with section 4.16 of the Policy by starting the application process afresh with Council and within a period not exceeding six (6) months from the date of this Council Resolution.
- 2 That applications submitted and received by the City of Windhoek before this Council Resolution coming into force, be considered for approval.
- 3 That all applications received by the Acting Strategic Executive: Housing, Property Management and Human Settlement, Ms S Simpson, prior to this Council Resolution be forwarded to the Strategic Executive: Economic Development and Community Services.
 - 3.1 That it be noted that applications shall be evaluated in the order in which they are received.
- 4 That a moratorium be placed on the consideration of new applications for sand and gravel extraction in Groot Aub.
- 5 That it be noted that applications connected to permits/permit holders stated under paragraph 1 above, will not be affected by the moratorium.
- 6 That it be noted that the Strategic Executive: Economic Development and Community Services has commenced with the process of commissioning the Feasibility Study, which will include a risk assessment of the current damage done to the river beds in Groot Aub, for the purpose of quantifying the resource (sand and gravel) and determining the extent of the environmental damage in order to guide the sustainable management of the resource, and the following is recommended:
 - 6.1 That the Feasibility Study be commissioned within six (6) months of this Council Resolution coming into effect.

121(q)

- 6.2 That current or possible overlapping allocations for sand mining be noted and that the Feasibility Study reveal and inform the effective management of such overlaps.
- 6.3 That note be taken that an investigation to dedicate sand mining zones should form part of the Feasibility Study.
- 6.4 That the decision to lift/or sustain the moratorium of sand mining be considered after the completion and outcome of the Feasibility Study.
- 6.5 That applications relating to Minerals Prospecting and Mining Act, 1992 (Act 33 of 1992) in Groot Aub, not be supported whilst the moratorium is in force.
- 6.6 That the Strategic Executive: Economic Development and Community Services be delegated to invite new applications for the granting of sand mining permits as per section 4.17 of the Policy or as informed by the outcome of the Feasibility Study.
- 6.7 That the Strategic Executive: Economic Development and Community Services be authorised to advise the Office of the Environmental Commissioner (Ministry of Environment and Tourism) on the suspension, cancellation or withdrawal of Environmental Management Clearance Certificates relating to any form of mining in Groot Aub from the date on which this Council Resolution come into effect and until such time that a Feasibility Study has been completed.
- 7 That the Strategic Executive: Economic Development and Community Services be delegated to inform the Office of Environmental Commissioner (Ministry of Environment and Tourism) of any violations committed in relation to permits or Environmental Management Clearance Certificate conditions or alternatively advise on the suspension or withdrawal of the Environmental Management Clearance Certificates for sand mining activities.
- 8 That enforcement primarily be executed in accordance with section 94 of the Local Authorities Act, 1992 (Act 23 of 1992), Town Planning Ordinance, Ordinance No. 18 of 1954 (section 48 of the Town Planning Scheme (as amended)) and Street and Traffic Regulations (GN 9 of 1930) (as amended).
- 9 That Compliance Notices be issued to all proponents/operators as per section 4.11 of Policy and that the conveyance of sand from any area or site not licensed by Council, be stopped as from 30 September 2019.
- 10 That the Strategic Executive: Economic Development and Community Services in collaboration with the Chief Executive Officer (Manager: Corporate Communication, Marketing and Public Participation) issue a public notice to inform the residents, before commencement of any enforcement action.

121(r)

- 11 That it be noted that applications for sand mining operations outside the Groot Aub settlement area will not be affected by this Council Resolution and will continue to be considered in terms of the Sustainable Sand Mining Policy.
- 12 That the Chief Executive Officer (Corporate Legal Adviser) finalise the review of the Draft Sand Mining By-law and forward the revised Draft Sand Mining By-law within fourteen (14) days from the date of this Council Resolution to the Strategic Executive: Economic Development and Community Services for the latter to commence with the promulgation process as a matter of priority.
- 12.1 That the abovementioned Draft Sand Mining By-law be presented to Councillors during November 2019, for information.
- 13 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 252/10/2019

An extract of Section 75 of the Local Authorities Act (No. 23 of 1992), as amended

Exemption from rates levied on rateable property

75. (1) A local authority council may, upon an application made to it in respect of any financial year in such form as may be determined by the Minister, exempt in respect of such financial year from any rates levied under section 73 –

(a) any land or building or any part of such land or building used exclusively for purposes of the principal activities of –

(i) any church, mission, hospital, school or hostel other than a church, mission, hospital, school or hostel which has been established and is maintained and managed by any person for profit or gain, whether directly or indirectly;

(ii) any amateur sporting organization;

(iii) any State-aided institution or institution aided by any charitable institution; or any portion of such land or building, or any land set aside for any such purposes;

(b) any land or building –

(i) used wholly and exclusively for the residence of any priest or minister employed on a full-time basis by any church or mission referred to in paragraph (a)(i);

(ii) used for the boarding and lodging of persons employed on a full-time basis on the medical, nursing and maintenance staff of any hospital referred to in the said paragraph;

(iii) used for the boarding and lodging of any pupils of, or persons employed on a full-time basis as teachers or other members of the staff by, any school or hostel referred to in the said paragraph;

(c) any land or building –

(i) of which the ownership vests in, or is occupied by any non-political youth organization -

(aa) which has as its aim the education of the youth or any particular group of youth and to develop amongst such youth the qualities of citizenship; and

(bb) which has, upon an application made by the local authority council in question, been approved by the Minister for purposes of this paragraph; and

(ii) which is used by such organization exclusively for purposes of its aim or let for an amount not exceeding an amount necessary to maintain such immovable property or to raise funds in order to achieve such aims.

(2) The provisions of subsection (1) shall not apply in relation to any land or building used by an amateur sporting organization on which any trade is carried on for gain.

[subsection (2) amended by Act 24 of 2000]

(3) A local authority council shall not grant any exemption under subsection (1), unless the application referred to in that subsection has been lodged to, or actually received by, it on or before 31 May in the year immediately preceding the financial year to which the application relates.

Reduction of rates in respect of certain properties

75A. (1) A local authority council may, notwithstanding the provisions of this Part, and subject to the approval of the Minister, upon an application of the owner of any rateable property, grant to such owner a rebate on the rate which is payable in respect of the property in terms of section 73(1), if the local authority council is satisfied that a business has been or is to be established on such property, or that a business conducted on such property has been or is to be expanded, and that the establishment or expansion of the business will result in the creation of substantial opportunities for permanent employment in the local authority area.

(2) A rebate under subsection (1) shall be granted subject to such conditions and for such period as the local authority council may determine with the approval of the Minister.

(3) If the owner of any rateable property referred to in subsection (1) is not, or will not be, the beneficial owner of the business conducted or to be conducted on the property, the local authority council may impose under subsection (2) any condition which it may consider necessary for ensuring that the whole or a specified part of the benefit of a rebate granted under subsection (1) will be passed on to the owner of the business concerned.

[section 75A inserted by Act 24 of 2000]

LIST A

Erf No	Township	Usage of the property	Applicant	Classification	Zoning	List
148	Academia	Church	Missionaries of St Francis De Sales	Educational	Residential	LIST A
9	DORADO PARK	School	Rainbow Pre- Primary	Educational	Institutional	LIST A
7696	DORADO PARK	Church	Campus Crusade for Christ Namibia	Religious	Institutional	LIST A
7697	DORADO PARK	Church	Campus Crusade for Christ Namibia	Religious	Institutional	LIST A
93	ELISENHEIM	Church	Elisenheim Community Church	Religious	Institutional	LIST A
37	EROS PARK	School	Windhoek Afrikaans Private School	Educational	Institutional	LIST A
1662	GOREANGAB	Church	Universal Church	Religious	Business	LIST A
190	HOCHLAND PARK	Church	Highlands Assembly of God)	Religious	Institutional	LIST A
R/608	HOCHLANDPARK	Church	Dutch Reformed Church Windhoek West	Religious	Institutional	LIST A
861	HOCKLANDPARK	Church	Gospel Outreach	Religious	Institutional	LIST A
1487	HOCHLANDPARK	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A
1814	HOCHLANDPARK	Church	Missionary Field Fellowship	Religious	Institutional	LIST A
37	KATUTURA	Church	Roman Catholic Church	Religious	Institutional	LIST A
346	KATUTURA	Church	ELCRN Emhesians/Macedonia	Religious	Institutional	LIST A
358	KATUTURA	Church	Mymuko Church of the Nazarene	Religious	Institutional	LIST A
1191	KATUTURA	Church	Restoration Community Development Org	Religious	Institutional	LIST A
1744	KATUTURA	Church	F.E.P.A.N Good God Church	Religious	Institutional	LIST A
2030	KATUTURA	Church	Church of Africa	Religious	Institutional	LIST A
3687	KATUTURA	Church	African Methodist Episcopal Church	Religious	Institutional	LIST A
2072	KATUTURA	School	Kinderwereld Creche	Educational	Institutional	LIST A
2462	KATUTURA	Church	ELCIN Hosianna Parish	Religious	Institutional	LIST A
3284	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
4071	KATUTURA	School	Beautiful Kidz Namibia	Humanitarian	Institutional	LIST A
4772	KATUTURA	Church	Universal Church of the Kingdom of God	Religious	Business	LIST A
6058	KATUTURA	Church	Baptist Church	Religious	Institutional	LIST A
6378	KATUTURA	Church	The Old Apostolic Church	Religious	Institutional	LIST A
8455	KATUTURA	Church	Seventh Adventist Church	Religious	Institutional	LIST A
8527	KATUTURA	Church	Roman Catholic Church	Religious	Institutional	LIST A
2	KHOMASDAL	Church	Church of the Nazarene	Religious	Institutional	LIST A
451	KHOMASDAL	Church	Full Gospel Church	Religious	Residential	LIST A
549	KHOMASDAL	Church	Caluyn Protestant Church	Religious	Residential	LIST A
783	KHOMASDAL	Church	Namibia Christian Centre	Religious	Residential	LIST A
784	KHOMASDAL	School	Learn and Play Early	Educational	Institutional	LIST A
1092	KHOMASDAL	Church	First Church of the Nazareng	Religious	Residential	LIST A
1751	KHOMASDAL	School	Catholic Church	Religious	Institutional	LIST A
2430	KHOMASDAL	Church	AFM Khomasdal T/A River of Lite Community Church	Religious	Institutional	LIST A
2433	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
3142	KHOMASDAL	Church	Morewaak Penticostal	Religious	Institutional	LIST A
3934	KHOMASDAL	Church	Christian Congregation of Jehovah's Witness	Religious	Institutional	LIST A

4107	KHOMASDAL	Church hall	125 Warden	Religious	Residential	LIST A
4108	KHOMASDAL	Church	Church Warden	Religious	Residential	LIST A
4139	KHOMASDAL	Church & Parsonage	Church Warden	Religious	Residential	LIST A
4201	KHOMASDAL	Church	Rhenish Church in Namibia	Religious	Institutional	LIST A
4748	KHOMASDAL	Church	Uniting Reformed Church	Religious	Institutional	LIST A
4756	KHOMASDAL	Church	Uniting Reformed Church	Religious	Institutional	LIST A
4316	KHOMASDAL	Church	Khomas Community Church	Religious	Institutional	LIST A
4882	KHOMASDAL	Church	Catholic Church	Religious	Institutional	LIST A
5030	KHOMASDAL	Church	The Old Apostolic Church	Religious	Institutional	LIST A
621	KHOMASDAL	Church	Morewag Church Namibia	Religious	Institutional	LIST A
300	KLEIN WINDHOEK	Church	The Old Apostolic Church (Namibia)	Religious	Institutional	LIST A
R/329	KLEIN WINDHOEK	Pre-Primary School	DEL Gemeinde Windhoek	Educational	Institutional	LIST A
2735	KLEIN WINDHOEK	Church & Parsonage	Full Gospel Church	Religious	Institutional	LIST A
6062	KLEIN WINDHOEK	Church	NG Kerk Windhoek Oos	Religious	Institutional	LIST A
1356	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
934	KLEINE KUPPE	School	Windhoek Gymnasium Private	Educational	Institutional	LIST A
3589	OKURYANGAVA	Church	Church of Nazarene	Religious	Institutional	LIST A
471	OLYMPIA	Church & Manse	Evangelische Stadtmission Windhoek	Religious	Institutional	LIST A
907	OLYMPIA	Church & Manse	Evangelische Stadtmission Windhoek	Religious	Institutional	LIST A
402	OMEYA	School	Omeya Private School	Educational	Institutional	LIST A
718	OTJOMUISE	Church	Kingdom Life Network of Ministry	Educational	Institutional	LIST A
3172	OTJOMUISE	School	Orange Babies Namibia Foundation	Educational	Institutional	LIST A
3528	OTJOMUISE	Church	Bible Baptist Church	Religious	Institutional	LIST A
63	PIONEERSPARK	Church	Dutch Reform Church	Religious	Institutional	LIST A
1072	PIONEERSPARK	Church	Gereformeerde Kerk	Religious	Institutional	LIST A
311	PIONEERSPARK	Church	The old Apostolic Church	Religious	Institutional	LIST A
1306	PIONEERSPARK	School	Windhoek International School	Educational	Institutional	LIST A
1374	PIONEERSPARK	Church	Lutheran Church	Religious	Institutional	LIST A
702	ROCKY CREST	Church	Westside Baptist Church	Religious	Institutional	LIST A
4508	SUIDERHOF	Church	Dutch Reformed Church Suiderhof	Religious	Institutional	LIST A
4509	SUIDERHOF	Church	Dutch Reformed Church Suiderhof	Religious	Institutional	LIST A
5395	SUDERHOF	Church	Seventh Day Adventist Church	Religious	Institutional	LIST A
358	WANAHEDE	Church	Church of Nazarene	Religious	Institutional	LIST A
772	WANAHEDE	Church	Jehovah's Witness of Namibia	Religious	Institutional	LIST A
1300	WANAHEDE	Church	Purity African Methodist Episcopal Church	Religious	Institutional	LIST A
132	WINDHOEK	Church	DEL Gemeinde	Religious	Institutional	LIST A
0/50/R	WINDHOEK	Church & Kindergarten	Del Gemeinde Windhoek	Religious	Institutional	LIST A
657	WINDHOEK	School	Duetscher Schulverein	Educational	General Residential	LIST A
681	WINDHOEK	Church	The Salvation Army	Religious	Institutional	LIST A
870	WINDHOEK	School	Convent of the Holy Cross	Educational	Institutional	LIST A
1353	WINDHOEK	Church	Dutch Reformed Church	Educational	Institutional	LIST A
1934	WINDHOEK	Education	NUST	Educational	Institutional	LIST A
1636	WINDHOEK	Church	Latter Rain Mission	Religious	Institutional	LIST A
1935	WINDHOEK	School	NUST	Educational	Institutional	LIST A

1932	WINDHOEK	School	126	Educational	Residential	LIST A
1933	WINDHOEK	School	NUST	Educational	Office	LIST A
1936	WINDHOEK	School	NUST	Educational	Residential	LIST A
1938	WINDHOEK	School	NUST	Educational	Residential	LIST A
1940	WINDHOEK	School	NUST	Educational	General Residential	LIST A
1941	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1942	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1947	WINDHOEK	School	NUST	Educational	Institutional	LIST A
1948	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
1959	WINDHOEK	Church	Windhoek Hebrew Congregation	Religious	Institutional	LIST A
3449	WINDHOEK	School	NUST	Educational	Office	LIST A
3451	WINDHOEK	School	NUST	Educational	Residential	LIST A
3470	WINDHOEK	School	NUST	Educational	Residential	LIST A
7941	WINDHOEK	School	NUST	Educational	Institutional	LIST A
3457	WINDHOEK	School	NUST	Educational	Institutional	LIST A
5584	WINDHOEK	School	Windhoek Afrikaanse Privaatskool	Educational	Institutional	LIST A
5930	WINDHOEK	School	NUST	Educational	Office	LIST A
6062	WINDHOEK	Church	Dutch Reformed Church	Religious	Institutional	LIST A
6578	WINDHOEK	Church	Universal Church	Religious	Institutional	LIST A
6771	WINDHOEK	School	Duetscher Schulverein	Educational	Institutional	LIST A
6856	WINDHOEK	Church	Namibia Evangelical Theological Seminary	Educational	Institutional	LIST A
7693	WINDHOEK	Church	Philippi Trust Namibia	Educational	Institutional	LIST A
7694	WINDHOEK	Church	Namibia Evangelical Theological Seminary	Educational	Institutional	LIST A
7950	WINDHOEK	School	Windhoek Afrikaanse Private school	Educational	Institutional	LIST A
8041	WINDHOEK	School	Duetscher Schulverein	Educational	Institutional	LIST A
8349	WINDHOEK	School	Deutscher Schulverein WHK	Religious	Institutional	LIST A
8396	WINDHOEK	School	NUST	Educational	Institutional	LIST A
Plot 4 of Nubuamis 37	Brakwater	Training	Youth with a mission	Religious	Institutional	LIST A

LIST B

127

Erf Number	Township	Usage of the property	Applicant	Classification	Zoning	List
623	ACADEMIA	Horse riding	Gym Khana Club Windhoek	Sport	Private Open Space	LIST B
660	ACADEMIA	Club	Auas View Stables	Sport	Residential	LIST B
2840	AUASBLICK	Parsonage	Zentralkasse der ELKIN (DELK)	Religious	Residential	LIST B
Portion C	BRAKWATER	Namibia Animal Rehabilitaton and Education Centre	Director	Rehabilitation and Education	Institutional	LIST B
29	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
462	EROS PARK	Parsonage	Rev. BJ V/D Walt	Religious	Residential	LIST B
2349	EROS PARK	Parsonage	Dutch Reformed Church	Religious	Residential	LIST B
2369	GOREANGAB	Orphanage	Hope Village Trust	Religious	Institutional	LIST B
7349	KATUTUR	Sports	Tiger Football Club cc	Sport	Institutional	LIST B
684	KHOMASDAL	Parsonage	Gospel Mission Church	Religious	Residential	LIST B
3971	KHOMASDAL	Office	AFM Khomasdal T/A River of Lite Community Church	Religious	Institutional	LIST B
4147	KHOMASDAL	Shelter	Ecumenical Social Diaconate Action	Religious	Institutional	LIST B
4202	KHOMASDAL	Church	Rhenish Church in Namibia	Religious	Institutional	LIST B
R/328	KLEIN WINDHOEK	Boy Scouts	DEL Gemeinde Windhoek	Educational	Institutional	LIST B
1561	KLEIN WINDHOEK	Parsonage	Lutheran Church	Religious	Residential	LIST B
2336	OKURYANGAVA	Orphanage Home	Children Life Change Centre	Educational	Institutional	LIST B
431	OLYMPIA	Parsonage	Del Gemeinde Windhoek	Religious	Residential	LIST B
6172	OLYMPIA	Sport	SV Namibia	Educational	Private Open Space	LIST B
7586	OLYMPIA	Sport	Old Wheelrs Club of Namibia	Sport	Undetermined	LIST B
174	PIONEERSPARK	Parking	Dutch Reform Church	Religious	Residential	LIST B
178	PIONEERSPARK	Parsonage	Dutch Reform Church	Religious	Residential	LIST B
563	PIONEERSPARK	Sport	Ramblers Sport Club	Sport	Residential	LIST B
883	PIONEERSPARK	Parsonage for Reverend	Gereformeerde Kerk	Religious	Institutional	LIST B
912	PIONEERSPARK	Parsonage	DEL Gemeinde Windhoek	Religious	Residential	LIST B
1277	PIONEERSPARK	Sport	Wanderers Sport Club	Sport	Private Open Space	LIST B
5396	SUIDERHOF	Orphanage	Meals	Religious	Residential	LIST B
578	WANAHEDA	Shelter	Lutheran Church	Religious	Residential	LIST B
47	WINDHOEK	Parsonage	National Spiritual Assembly of the Bahai's of Namibia	Religious	Office	LIST B
1/399	WINDHOEK	Parsonage	SC Sisters Congregation in Namibia	Religious	General Residential	LIST B
1948	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B
1802	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Residential	LIST B
1803	WINDHOEK	Parsonage	Latter Rain Mission	Religious	Institutional	LIST B
1804	WINDHOEK	Vacant\ Parking	Latter Rain Mission	Religious	Residential	LIST B
1882	WINDHOEK	Parsonage	Gospel Outreach	Religious	Residential	LIST B
1928	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B
2340	WINDHOEK	Office	Lutheran Church	Religious	Residential	LIST B
463/2367	WINDHOEK	School/Hotel school	NUST	Educational	Residential	LIST B
2813	WINDHOEK	WHK Life Change Centre	Dutch Reformed Church WHK/West	Religious	Institutional	LIST B
4233	WINDHOEK	Parsonage	Congregation MSC Sisters	Religious	Residential	LIST B

5523	WINDHOEK	Youth work & education (scouts)	128 er Eltern und Freunde	Welfare	Institutional	LIST B
5561	WINDHOEK	Sport	Windhoek Gold and Country Club	Sport	Private Open space	LIST B
5564 & 68B	WINDHOEK	Old Age Home	Dutch Reformed Church	Religious	Institutional	LIST B
5731	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Institutional	LIST B
6795	WINDHOEK	Sport	Sport Klub Windhoek	Sport	Undetermined	LIST B
6809	WINDHOEK	Sport	Sport Club Windhoek	Sport	Institutional	LIST B
7240	WINDHOEK	Sport	Deutscher Turn und Sportverein	Sport	Residential	LIST B
7460	WINDHOEK	Care Centre	Lions Club Windhoek Alte	General	Private Open Space	LIST B
7530	WINDHOEK	Sport	Namibia Tennis Association	Sport	Private Open Space	LIST B
8377	WINDHOEK	Parking area	DEL Gemeinde Windhoek	Religious	Public Open Space	LIST B
8474	WINDHOEK	Old Age Home	Susanne Grau Heim	Old age Home	General Residential	LIST B
8717	WINDHOEK	Old Age Home	Deutscher Frauenverein	Old age Home	General Residential	LIST B
39	WINDHOEK TOWNLANDS	Welfare	SPCA Windhoek	Welfare	Institutional	LIST B
306	FARM TOWNLAND WINDHOEK	Sport	City of Windhoek Shooting Club	Sport	Institutional	LIST B

CLAUS JÜRGEN HINRICHSSEN

(B.A. LLB. Wits. BA. Hons. S.A.)

7 Berker Street, Klein Windhoek, Namibia - P O Box 9783, Eros, 9000 - Tel. 249667 - Fax: 247661
 Email: claus@internet.com.na

17 January 2022

The Manager,
 Property Management Division : City of Windhoek
 P O Box 59
 WINDHOEK



Dear Sir / Madam,

RE: APPLICATION TO LEASE THE CROHN STREET SIDEWALK ADJACENT TO ERF 109 / A W

I, Claus Jürgen Hinrichsen, ID No. 430509 00105, owner of Erf 109/A Windhoek, herewith wish to submit an application to lease the existing sidewalk along Crohn Street adjacent to Erf 109 / A for the purpose of creating dedicated off-street visitors' parking for use by the Embassy of Finland, the current tenant (see attached location plan).

Comprising an area of 54m², the leased portion will accommodate 3 parallel parking bays in the layout indicated on the attached Site Plan. This configuration has been approved by the Finnish Ministry of Foreign Affairs as well as by the COW Roads and Transport Division.

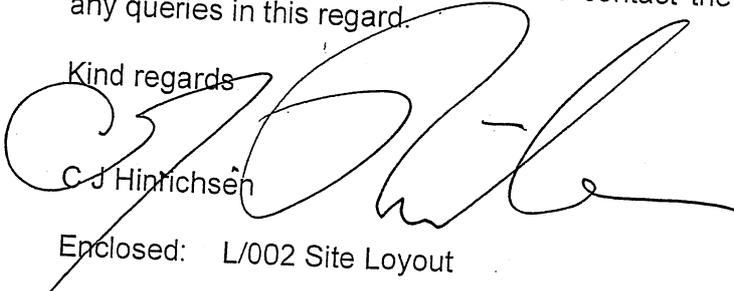
As you will see from the site diagram, the overall parking requirement of 8 is to be accommodated in the following manner:

- i) 5 secure parking bays for use by diplomatic staff are to be located within the site perimeter and accessed through the main vehicular gate
- ii) 3 dedicated parking bays are to be located in a parallel park configuration alongside Crohn Street for dedicated use by visitors (in addition to the public parking bays on the opposite site of Crohn Street)

The off-street parking configuration will necessitate the repositioning of the boundary wall of the property as well as the security entrance both towards the east in order to accommodate the parking bays and a 2m wide pavement alongside.

I trust the intent of this application is clear and look forward to your positive feedback. Please do not hesitate to contact the undersigned should you have any queries in this regard.

Kind regards



C.J. Hinrichsen

Enclosed: L/002 Site Layout

ALL WORKMANSHIP AND MATERIALS TO BE USED IN THE CONSTRUCTION OF THE WORKS SHOWN ON THIS PLAN SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE SOUTH AFRICAN BUREAU OF STANDARDS (SABS) AND THE NATIONAL BUREAU OF STANDARDS (NBS) OF THE REPUBLIC OF SOUTH AFRICA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND THE NATIONAL BUREAU OF STANDARDS (NBS) OF THE REPUBLIC OF SOUTH AFRICA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND THE NATIONAL BUREAU OF STANDARDS (NBS) OF THE REPUBLIC OF SOUTH AFRICA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND THE NATIONAL BUREAU OF STANDARDS (NBS) OF THE REPUBLIC OF SOUTH AFRICA.

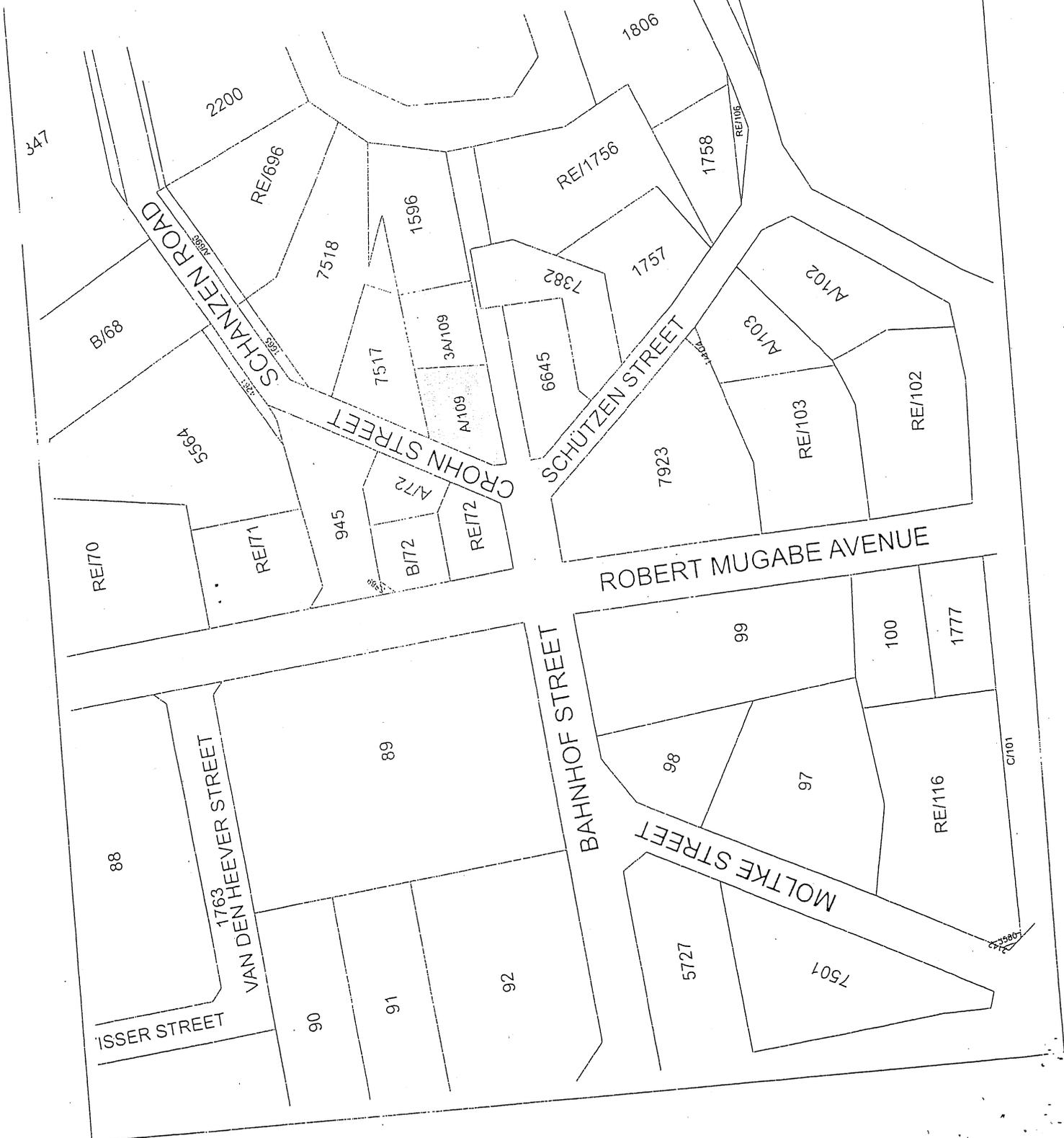
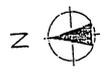
130

EMBASSY OF FRANCE

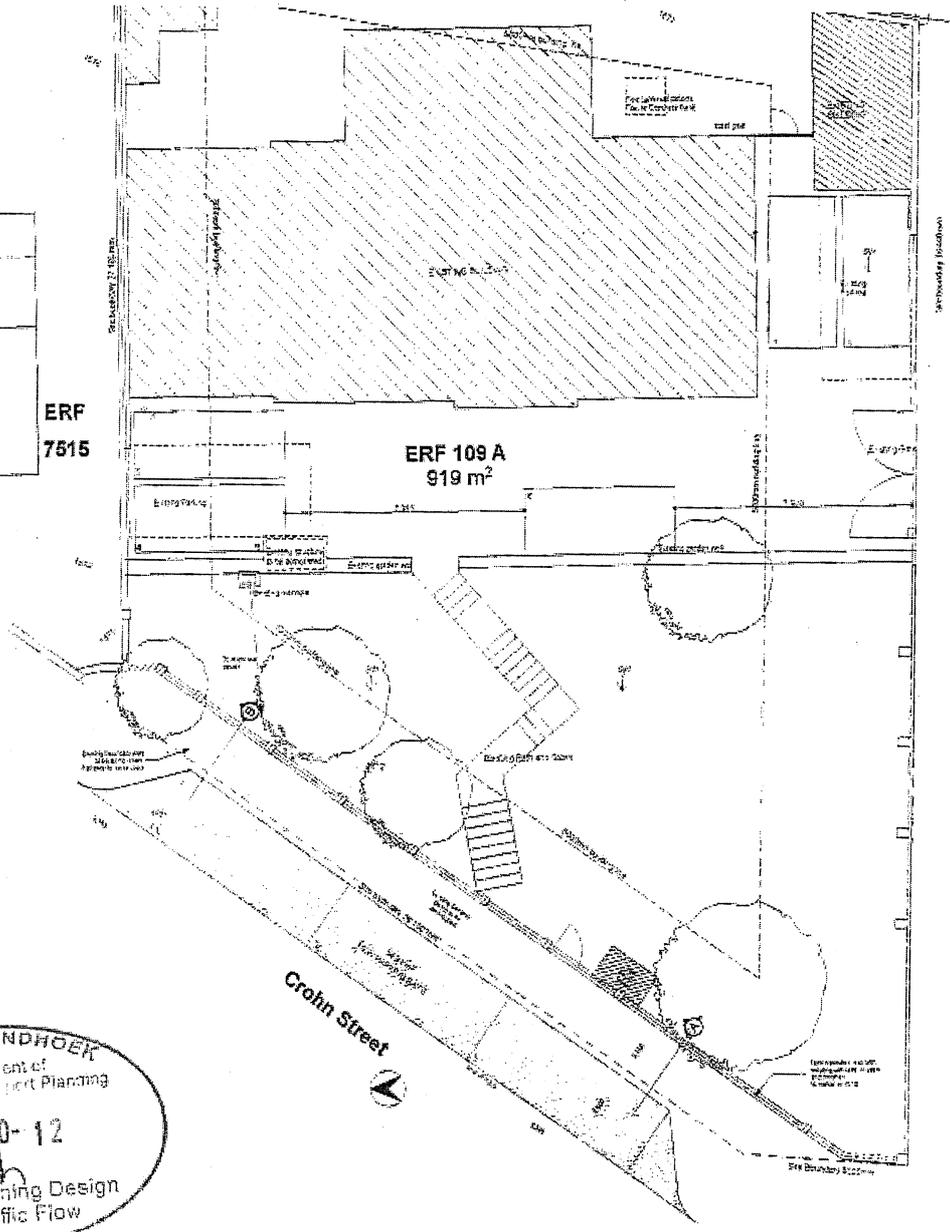
CONSULTANT: **STREETScape**
 PROJECT NO: **130**
 DATE: **15/05/2014**

CLIENT: **EMBASSY OF FRANCE**
 ADDRESS: **1763 VAN DEN HEEVER STREET, SANDTON, JOHANNESBURG, SOUTH AFRICA**

DESIGNED BY: **J. WASSERFALL**
 DRAWN BY: **J. WASSERFALL**
 CHECKED BY: **J. WASSERFALL**
 DATE: **15/05/2014**



AREA	208m ²
1 PARKING / 25sqm	
208m ² / 25m ²	
= 8 PARKING	



CITY OF WINDHOEK
Department of
Urban and Transport Planning
2022-10-12
Roads Planning Design
and Traffic Flow



VALUATION CERTIFICATE
 DIVISION: VALUATION SERVICES

Date of valuation: 17/10/2024

Erf No.: Street PTN adjacent Erf R/A/109
Suburb: Windhoek

Street name: Crohn



Erf size: ... m² **Zoning:** Street **Bulk:**

Required portion size: 54.31 m²

Current use of the portion under consideration: vacant

Acquisition purpose: To be leased out as a parking space.

Rental price/ m²	N\$20.48	
Size of portion required consolidated erf	54.31 m ²	
Monthly rental	N\$ 1 112.26	
Annual rental	N\$ 13 347.22	

The monthly rental fee of N\$20.48 per square meter above was calculated considering escalation of similar rentals from 2006 to 2023. In light of the preceding analysis, a rental rate of N\$20.48/m² is recommended.

.....
Kaulikufwa Hendjala
Valued by: Mr Kaulikufwa Hendjala
Manager: Valuation Services

DATE: 17/10/2024