DOCUMENT 1

CITY OF WINDHOEK

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NOTICE is hereby given of the monthly meeting of the

MUNICIPAL COUNCIL OF WINDHOEK

scheduled to be held on **Thursday, 31 July 2025 at 17:30,** rescheduled to be held on **Thursday, 7 August 2025 at 17:30**, in the new Council Chambers, Windhoek.

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CHIEF EXECUTIVE OFFICER

ENQUIRIES:	Ms M Garises/mgo Ms T Edward	**REF:**	2025-08-07(07-31).ca
TELEPHONE:	2902557/2902574	**DATE:**	2025-07-31

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[Municipal Council Agenda: 2025-08-07(07-31)]

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

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[Municipal Council Agenda: 2025-08-07(07-31)]

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

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[Municipal Council Agenda: 2025-08-07(07-31)]

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

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[Municipal Council Agenda: 2025-08-07(07-31)]

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

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[Municipal Council Agenda: 2025-08-07(07-31)]

5 **CONFIRMATION OF MINUTES**
(3/2/1)

The minutes of the monthly meeting of the Municipal Council of Windhoek held on 26 June 2025 are submitted for confirmation.

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[Municipal Council Agenda: 2025-08-07(07-31)]

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

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[Municipal Council Agenda: 2025-08-07(07-31)]

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

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[Municipal Council Agenda: 2025-08-07(07-31)]

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

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9 MINUTES OF MANAGEMENT COMMITTEE

[Municipal Council Agenda: 2025-08-07(07-31)]

9.1 APPROVAL OF MINUTES (MC 13/2025)

The minutes of the Management Committee meeting (MC 13/2025) held on 17(11&08) July 2025 was approved by the said Committee on 24(22) July 2025 and is submitted for notice, with recommendations being submitted to the Municipal Council of Windhoek per Items GOV.6, FNS.1, FNS.2, FNS.3, FNS.4 and FNS.5, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 13/2025) held on 17(11&08) July 2025, be noted by its members, with recommendations submitted to the Municipal Council of Windhoek as per Items GOV.6, FNS.1, FNS.2, FNS.3, FNS.4 and FNS.5.

[Municipal Council Agenda: 2025-08-07(07-31)]

9.1.1 GOV.6 [INF] UPDATE ON WATER SUPPLY TO THE CITY OF WINDHOEK AND ACTIVATION OF THE AQUIFER ARTIFICIAL RECHARGE
(16/1/9/2)

Purpose

The purpose of this submission is as follows:

- To provide an update on the current state of water availability to the City of Windhoek from NamWater sources based on the outcome of the annual Central Areas of Namibia (CAN) workshop of 13 May 2025;

- To make recommendations in terms of the water demand management category as guided by the Water Management Plan (Version 3/2019); and

- To request permission for the activation of artificial recharge scheme of the Windhoek Southern aquifer effective 1 July 2025.

Background

Bulk of the water supplied to the City of Windhoek by the Namibia Water Corporation (NamWater) is done by means of the three (3) dam system of the Von Bach, Swakoppoort and Omatako Dams respectively. The supply levels of these dams are rain dependent (fed) and low rainfall result in low run off into the dams, and resultant the dam levels will be lower when compared to the same time the previous rainy season. Currently the City of Windhoek is primarily reliant on bulk water supply from NamWater, however the City has limited alternative supply augmentation resources activated during normal supply and seasonal drought scenarios.

These augmentation resources include the following:

- Direct potable reclamation (water re-use) at the New Goreangab Water Reclamation Plant (operated by WINGOC), where 'treated waste water' (treated at waste water treatment plants) is further treated (reclaimed) for potable use. This reclaimed water is blended with the surface water sources before supplied to users, and Windhoek is an international trendsetter in direct potable reclamation since 1968. It should be noted that water treated and supplied from this source is prioritised as it is currently a lower cost supply option when compared to the bulk supply from NamWater, and a sustainable source of supply.

- Underground water supply through the Windhoek Southern Aquifer (boreholes) scheme is achieved during the seasonal drought scenarios, as this resource is utilised as an emergency supply source only. This source is recharged 'naturally' during good rainy seasons (minimal recharge representing less than 3 % of the City's annual demand) or recharged 'artificially' by channeling surface water into the aquifer (for safe storage) at times when the three (3) dams are full. It should, however, be noted that if the aquifer is over utilised (abstracted) and minimal recharge is done, it will be depleted and hence requires efficient management. Artificial recharge of the aquifer has effectively been executed in the past by the Municipal Council of Windhoek, and this has proven to maintain the safe yield supply levels of the aquifer during the recurring seasonal drought scenarios. It should further be noted, that storing surface water underground not only ensures a readily accessible source during times of water scarcity (drought), but also significantly enhances the overall efficiency of the integrated water supply system (comprising both aquifer abstraction, surface water dams and reclamation) by mitigating the substantial losses caused by evaporation (surface dams) under prevailing climatic conditions.

The Municipal Council of Windhoek has thus far been able to successfully augment the supply by NamWater to ensure that the water demand of the City is achieved.

The following are the supply scenarios during normal (dams full) and drought supply events:

- During normal supply scenarios, the following sources contribute to the demand of the City:

Surface dams (NamWater)	75 to 80 %
Reclamation	20 to 25 %
Aquifer (boreholes)	5 % for M&E equipment (recharge period)
Water demand management (save)	0 % (not enforced)

- During drought supply scenarios, the following sources contributes to the demand of the City:

Surface dams (NamWater)	30 to 35 %
Reclamation	25 %
Aquifer (boreholes)	25 to 30 %
Water demand management (save)	5 to 15 % depending on the set water demand management target

During drought periods, the Municipal Council of Windhoek employs (enforces) rigorous 'water demand management' measures for all users, whether domestic or industrial. The intent is to enforce water saving behaviour amongst the residents and industries which include applying a very strict penalty-based tariff system for high water consumers.

*** Figure 1, **attached as <u>page 1</u> to the agenda**, indicates Windhoek's annual water demand since the year 1967. It indicates that Windhoek experienced three (3) very serious drought periods in the past and with the intervention of the City to reduce water consumption, demand was reduced drastically that in turn increased once the drought was over.

*** Figure 2, **attached as <u>page 2</u> to the agenda**, indicates the increase in annual water demand for Windhoek versus the reduction in per capita consumption (litre per person per day) since 1967 (yellow line). In the 1960's, the per capita consumption was as high as 330 litres per person per day and with consistent and rigorous water demand management campaigns that included water savings initiatives, the City managed to reduce this high consumption to as low as 120 litres per person per day in 2023. It should be noted that this beneficial managed reduction in consumption/demand is in contrast to the rapidly increasing population growth (red line) over the past years of which the majority was in the informal settlements with very low water demand, which allowed for City matching demand with the limited resources.

In terms of *'security of supply'* of potable water during drought periods, NamWater in collaboration with the Ministry of Agriculture, Water and Land Reform and the Municipal Council of Windhoek is exploring several possible sources to augment water supplies to the Central Areas of Namibia (CAN) (includes Windhoek) in the medium-term and long-term.

Current situation

Every year, after the rainy season, NamWater facilitates the Water Supply to the Central Areas of Namibia (CAN) Workshop, comprising of all major water suppliers and consumer in the Central Areas of Namibia (CAN), of which the Municipal Council of Windhoek is one of the biggest stakeholders. This meeting extensively evaluates the past year's water demands, water resource utilisation and performance of the relevant operational institutions against the previous year's Water Supply to the Central Areas of Namibia (CAN) Workshop's decisions and resolutions. The current water situation is then discussed, water utilisation targets and operational actions agreed on, which guides the way forward until the next rainy season.

The objective of the workshop is to plan different Water Supply Scenarios from available water resources to ensure sustainable water supply to the Central Areas of Namibia (CAN) (which includes Okakarara, Okahandja, Karibib, Otjimbingwe, Windhoek and all on line users on these systems) for a period of two (2) years with the assumption that **no** inflows will materialise into the surface sources (Omatako, Swakoppoort and Von Bach Dams) supplying the Central Areas of Namibia (CAN) during this two (2) year period.

The above technical approach is premised on studies that found that the capacity of current water supply sources for the Central Areas of Namibia (CAN) has already been surpassed by the water demand projections in 2012 and that water shortages will occur in future and requires tactical combined management to reduce the impact thereof on the Central Areas of Namibia (CAN).

As of Tuesday, 6 May 2025, NamWater reported the following levels of the three (3) dams which supply Windhoek with water at the Water Supply to the Central Areas of Namibia (CAN) Workshop of 13 May 2025:

Table 1: Level of surface water dams

Name of reservoir	% of full capacity (April 2021)	% of full capacity (April 2022)	% of full capacity (April 2023)	% of full capacity (April 2024)	% of full capacity (April 2025)
Swakoppoort Dam	86.1	93.3	72.3	32.2	**99.0**
Von Bach Dam	97.3	52.0	26.8	11.1	**81.3**
Omatako Dam	62.7	27.1	0.20	0.2	**72.8**
Subtotal central	**83.0**	**62.0**	**38.0**	**16.7**	**86.2**

The Swakoppoort Dam's level was at 99 %, the Omatako Dam is at 72.8 % and the Von Bach Dam was at 81.3 % of full capacity on 6 May 2025. The combined percentage (%) of full capacity for the three (3) dams was 86.2 %.

At the Workshop, NamWater indicated that sufficient inflows have materialised into the three (3) dam system managed by NamWater to bridge the period of two (2) rainy seasons, in addition to accommodate Managed Artificial Aquifer Recharge for the Windhoek Southern Aquifer. NamWater's decision was premised on a targeted water supply of 26 million m^3/annum to Windhoek and an additional 2.5 million m^3/annum for the Managed Artificial Aquifer Recharge.

For the drought period under review above, from when Council resolved to institute the saving campaign and start up the emergency borehole scheme (Council Resolution 95/05/2023) spanning from 6 May 2023 up to 6 May 2025, the demand was supplied as follows:

NamWater supply	NamWater supply	Water reclamation supply	Aquifer (borehole) supply	Water savings	Total demand (including saving)
Total supply during drought period *[Million cubic meters (Mm^3)]*	27.67	11.38	17.23	0.42	51.30
Distribution of total demand by source **during drought period** (%)	43 %	22 %	34 %	1 %	100 %
Distribution of total demand by source **during normal supply period** (%)	75 to 80 %	20 to 25 %	0 to 5 %	0 %	100 %

Water Management Plan (WMP)

As drought is a naturally occurring phenomenon, each drought is different. The Municipal Council of Windhoek has therefore developed and adopted a Water Management Plan (WMP) in 2016, which was updated in 2017 and again in 2019 respectively, as approved by the Municipal Council of Windhoek. It provides a framework for timely drought response while maintaining flexibility to respond to unique drought conditions. These guidelines are intended to assist the Municipal Council of Windhoek, through the Strategic Executive: Infrastructure, Water and Technical Services in making decisions throughout the course of a drought. The Municipal Council of Windhoek may adjust or refine the response based on actual drought conditions.

The Drought Response Plan further outlines guidelines the Municipal Council of Windhoek will use to manage water supply and water use during drought situations. The guidelines are designed to maintain the health, safety, and economic vitality of the community, and to avoid adverse impacts to public activity and quality of life for the community, and to consider individual customer needs as much as possible.

*** Figure 3, **attached as page 3 to the agenda**, indicates the Water Demand Management (WDM) Response Index which provides a guide for drought response in relation to dam contents and remaining period of supply.

The Municipal Council of Windhoek further provides guidelines to water users according to the varying levels of supply scarcity related to the Water Demand Management (WDM) Response Index in its Water Demand Management (WDM) Programme.

*** The Strategic Executive: Infrastructure, Water and Technical Services during June 2023, and due to the drought situation in the country at the time, was mandated to proceed with the implementation of the Drought Response Plan, in consultation with the Chief Executive Officer, in an effort to manage water supply and water use during the said pressing drought, Council per Resolution 95/05/2023, **attached as pages 4 - 5 to the agenda**, *inter alia* resolved as follows:

1 *That it be noted that due to the current water supply situation, the Strategic Executive: Infrastructure, Water and Technical Services* ***commenced with the Emergency Borehole Scheme to supply Windhoek at a rate of 8.5 Mm^3/annum from 1 May 2023.***

2 *That the Strategic Executive: Infrastructure, Water and Technical Services be mandated to proceed with the implementation and co-ordinate the Water Management Plan (WMP), in consultation with the Chief Executive Officer, to manage the water supply and water use during the pressing drought.*

3 *That measures be put in place to promote and strive for **at least a 10 % water savings on the existing water demand** target for the Municipal Council of Windhoek.*

*** The then acting Strategic Executive: Infrastructure, Water and Technical Services during July 2024, was further mandated in consultation with the Chief Executive Officer to further impose water saving initiatives by declaring Category D in accordance with the Water Demand Management (WDM) Response Index due to pressing drought, Council at its meeting held on 31 July 2024 per Resolution 151/07/2024, **attached as pages 6 - 7 to the agenda,** *inter alia* resolved as follows:

2 *That it be noted that since the water scarcity situation has escalated as of June 2023, **the Municipal Council of Windhoek now announces a Category D** drought classification according to the Water Management Plan Water Demand Response Index, which calls for **mandatory water savings of at least 15 %.***

3 *That due to the current water supply situation, the Chief Executive Officer (Strategic Executive: Infrastructure, Water and Technical Services) be mandated to continue operating the Emergency Borehole Scheme at a rate of 8.5 Mm^3/annum and to increase the same to 9.5 Mm^3 /annum when so required to breach the 2023/2024 rainy season.*

4 *That the Chief Executive Officer (Strategic Executive: Infrastructure, Water and Technical Services) be mandated to proceed with the implementation and co-ordination of the Water Management Plan, attached as pages 48 - 74 to the agenda, to manage water supply and water use during the pressing drought.*

5 *That measures be put in place to promote mandatory water savings targeting 15 % on the current existing water demand target for the Municipal Council of Windhoek.*

Proposed way forward

Current water demand projections versus available water supply resources clearly indicates that water supply to the Central Areas of Namibia (CAN) can be sustainably achieved for the next two (2) rainy seasons. As a result of this projections, it is recommended that the abstraction from the Windhoek Southern Aquifer for supply should be terminated and only sufficient water should be abstracted for the upkeep of the borehole mechanical equipment.

With respect to the current situation regarding water availability, the most relevant category to be declared going forward is **Category A - Normal** which dictates that the Municipal Council of Windhoek should have public engagement to use water wisely with no other restrictions.

Council support

The above initiatives are important in the Municipal Council of Windhoek's efforts to address the current water supply challenges and to continue supporting the Central Areas of Namibia (CAN) initiatives to ensure sustainable water supply to the latter. The full support of Municipal Council of Windhoek is therefore essential for these initiatives to succeed.

Financial implications

The financial implications for the managed artificial recharge limited to a maximum of 2.5 million cubic meters per annum (Mm3/annum) as per supply commitment by NamWater for a minimum period of two (2) financial years ending 30 June 2027, will be as follows:

Financial Year	Volume (cubic meters - Mm^3)	NamWater bulk water supply rate (N$)	Total funds required (N$)
2025/2026	2 500 000	22.35	55 875 000.00
2026/2027	2 500 000	22.35	55 875 000.00
Total			**111 750 000.00**

The above financial implications translates to ± N$4.66 million per month for the next two (2) financial years.

Management Committee

RECOMMENDED

*** 1 That current favourable water supply situation that will provide water supply security for at least the next two (2) rainy seasons as communicated by NamWater per letter dated 29 April 2025, **attached as pages 8 - 9 to the agenda**, as confirmed at the Central Areas of Namibia (CAN) Workshop of 13 May 2023, be noted.

2 That it be noted that the Chief Executive Officer (through the Strategic Executive: Infrastructure, Water and Technical Services) terminated the operations of the Emergency Borehole Scheme from 6 May 2025 as a result of the favourable water supply situation, and that the borehole abstraction is merely to maintain the operational integrity of the mechanical equipment.

*** 3 That the Chief Executive Officer (through the Strategic Executive: Infrastructure, Water and Technical Services) revoke the current 15 % water savings water demand target (Category D) and applicable tariffs, and revert to 'Normal Supply' in accordance with the Water Management Plan and applicable tariffs, **attached as pages 10 - 36 to the agenda**, effective 1 July 2025.

4 That it be noted that the Department of Infrastructure, Water and Technical Services has abstracted ± **17.23 million cubic meters (Mm^3) water from the aquifer** for the period 6 May 2023 to 6 May 2025 to augment the 27.67 million cubic meters (Mm^3) water supplied by NamWater, and the following be approved:

4.1 That the Chief Executive Officer (through the Strategic Executive: Infrastructure, Water and Technical Services) commence with the Managed Artificial Recharge of the Windhoek Southern Aquifer (WMARS), effective 1 July 2025.

4.2 That the artificial recharge be limited to a maximum of 2.5 million cubic meters per annum (Mm^3/annum) as per supply commitment by NamWater as per paragraph 1 above, for a minimum period of two (2) financial years ending 30 June 2027, equating to ± 29 % of water abstracted over the recent drought period.

4.3 That the Chief Executive Officer (through the Strategic Executive: Infrastructure, Water and Technical Services) make the necessary budgetary provision for the artificial recharge in the 2025/2026 Financial Year, and budget for the 2026/2027 Financial Year.

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.1.2 FNS.1 [HPH] REPORT ON AN OBJECTION RECEIVED ON THE SALE OF ERVEN 72 AND 73, PROSPERITA ON PRIVATE TREATY NOTICE NO. 40/2024 (L/OBJECTIONS - NOTICE NO. 40/2024)
(L/72&73/Pros) (16/15/2)

Council per Resolution 28/01/2025 *inter alia* resolved as follows:

1 That this matter be referred back in order for the Strategic Executive: Housing, Property Management and Human Settlement to address the following:

1.1 Respond in detail to the objections and concerns raised (straightforward) and not to leave any ambiguity, whereafter it be resubmitted to Management Committee/Council, for consideration;

1.1.1 Attach all the relevant documents, including the minutes of the Public Private Partnership (PPP) Early Exit meetings, resolutions, etc.; and

1.2 Outline the risks and mitigating factors.

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

The Strategic Executive: Housing, Property Management and Human Settlement is hereby informing the Municipal Council of Windhoek that the above has been attended in the body of the item.

The matter is herewith resubmitted.

Introduction

This item serves to inform the Municipal Council of Windhoek of the objection received after the latter resolved to sell Erven 72 and 73, Prosperita to Tuye Buco Construction CC on Private Treaty.

Background

In an effort aimed at ensuring delivery of serviced land in all land use categories, the Municipal Council of Windhoek signed fourteen (14) Public Private Partnership (PPP) Agreements with the private sector. Erven 72 and 73, Prosperita was allocated to Tuye Buco Construction CC as a Public Private Partnership (PPP) as per the Agreement signed on 31 May 2017.

As set out in the Public Private Partnership (PPP) Agreements, the Private Sector should source the funding and provide technical resources to implement the projects whilst the Municipal Council of Windhoek avails the land. Although the original intent had merit, the actual implementation of Public Private Partnership (PPP) Projects has proven to be challenging especially at the sales stage, due mainly to a slow uptake in some projects resulting in instances where potential profit is eroded by interest due to the effluxion of time.

To avert losses, in July 2023 the Municipal Council of Windhoek adopted the following two (2) important resolutions:

*** - Council Resolution 161/07/2023 (Revenue enhancement and protection from delivery of serviced land: Request for approval of Early Exit from Public Private Partnership (PPP) Agreements), **attached as pages 37 - 41 to the agenda**; and

*** - Council Resolution 219/07/2023 (Revision of the method of sale for the remaining erven developed under Public Private Partnership (PPP) Agreements for land delivery), **attached as pages 42 - 44 to the agenda.**

Early Exit from Public Private Partnership (PPP) Projects sets out a procedure to be followed by the Municipal Council of Windhoek and the Developer to amicably exit from the Public Private Partnership (PPP) Projects through mutual consent.

*** In line with Council Resolution 161/07/2023, Council per Resolution 184/08/2024, **attached as pages 45 - 46 to the agenda**, resolved to exit the Public Private Partnership (PPP) Agreement with Tuye Buco Construction CC by offering Erven 72 and 73, Prosperita to Tuye Buco Construction CC for an amount of N$12 040 000.00.

Advertisement for objections

*** The sale, being a private treaty, was advertised on 14 and 21 October 2024 as per the provisions of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), and only one (1) objection was received. (The advertisements are **attached as pages 47 - 48 to the agenda**).

Section 63(3)(b) *inter alia* provides that, *in the event objections are lodged, the immovable property in question shall not be sold, unless the Local Authority has submitted to the Minister such particulars as the Minister may require in relation to the proposed transaction*. Further, *that the proposed transaction together with the objections lodged and the comments of the Local Authority must be submitted to the Minister*. For brevity, only excerpts of the section have been paraphrased for this submission.

Objection by Mr T Tjaronda

*** An objection letter dated 31 October 2024, **attached as <u>pages 49 - 51</u> to the agenda**, was received from Mr T Tjaronda against the sale of Erven 72 and 73, Prosperita on private treaty. Mr T Tjaronda objected based on the following summarised reasons:

- *Erven 72 and 73, Prosperita are relatively large erven and can yield a potential number of erven that can be distributed to all interested parties in a transparent and fair manner;*

  Response: The objection is noted. However, the Strategic Executive: Housing, Property Management and Human Settlement herein clarify that Erven 72 and 73, Prosperita are subjected to a Public Private Partnership (PPP) Agreement between the Municipal Council of Windhoek and Tuye Buco Construction CC which was signed on 31 May 2017. The Municipal Council of Windhoek is not merely selling these erven on private treaty, rather, the objective is to exit the existing Public Private Partnership (PPP) Agreement.

  Due to the binding terms of the agreement, the erven cannot be subdivided or allocated to multiple buyers. The Municipal Council of Windhoek is required to adhere to the conditions of the Public Private Partnership (PPP) Agreement. This means that the erven cannot be distributed among multiple interested parties as suggested in the objection.

- *The decision to sell Erven 72 and 73, Prosperita on private treaty is contradictory in the application of the Municipal Council of Windhoek's Policy procedures;*

- *The Municipal Council of Windhoek has a Policy to sell business and industrial erven by way of Tender to allow all interested party an equal opportunity; and*

  Response: The objections are noted. It is indeed the Municipal Council of Windhoek's Policy to sell commercial erven ('business', 'office' and 'industrial') on the closed bid method (tender) for all interested parties to partake and have a fair chance. It is further noted that the Municipal Council of Windhoek has turned down private treaty purchase applications for this reason.

However in this case, the decision to exit the Public Private Partnership (PPP) Agreement and sell Erven 72 and 73, Prosperita, to the private partner, Tuye Buco Construction CC, was made at the Municipal Council of Windhoek's discretion. This decision was carefully considered and determined to be in the best interest of the City, as explained in the item.

- *The Valuation for Erven 72 and 73, Prosperita was done by the Municipal Council of Windhoek for the same development in 2014 at an amount of N$17 045 000.00, and therefore questionable as to why and how the same erven for the same development are offered at a reduced price of N$12 040 000.00.*

  Response: The objection is noted. Suffice to mention that valuations are based on the current market conditions, which has changed dramatically between 2014 and 2024. The 2014 Valuation did not include subdivision, whereas the 2024 Valuation included a subdivision resulting in a non-sellable land area of ± 14 061 m².

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

- **Property Management**

*** The Objector's reasons are noted. It should be noted that the Objector applied for Erf R/2, Prosperita through Vito Vestment 2030 to develop the erf into industrial warehouse units. The application was turned down. Council per Resolutions 247/10/2017 and 93/04/2022, **attached as pages 52 - 53 and 54 respectively to the agenda**, resolved that Erf R/2, Prosperita be subdivided into several erven and be sold by way of tender.

The Municipal Council of Windhoek has a Policy to sell commercial zoned ('business', 'industrial', 'office' and 'restricted business') erven by way of tender to allow all interested parties an equal opportunity. It is important to note that this is not an outright sale, but rather an exit from the Public Private Partnership Project (PPP) in which project costs are deducted from the potential selling and hence the partners share the Remainder. Erven 72 and 73 were subdivided into seventy (70) saleable industrial erven, the potential settling price for the seventy (70) erven as indicated in the Valuation Report is N$61.6 million, the development cost plus interest is estimated at N$49.6 million, resulting in a residual value of N$12 million.

Clearly, in putting forward the above objection, Mr T Tjaronda was unable to realise that Erven 72 and 73, Prosperita was subdivided into seventy (70) erven that will attract additional development cost. As put forward in the Valuation Report, the primary motive behind employing the residual technique of valuation is to establish the possible minimum purchase price of the land that the Developer must pay the land owner or seller. The technique is most suited for use on large land parcels where sales of sibling-sized erfs are not recorded in the market, such as the subject. The outright sale of Erven 72 and 73, Prosperita as free-standing erven, would fetch different price because the said erven would be taken as fully serviced ready for development. Subdivision of the two (2) erven rendered them partially serviced, as such cannot fetch the same price in the market.

To ensure that the original intent of the project is kept alive, the Municipal Council of Windhoek imposed the following conditions:

- That the maximum period to materially improve the property and release serviced land to the market is set at three (3) years from the date of sale, should land not be improved within three (3) years, Tuye Buco Construction CC provide the Municipal Council of Windhoek with an irrevocable Power of Attorney to effect repossession on the selling price.

- That as means to ensure that the project remain relevant to its original intent (that of releasing serviced land to the market), it be a set condition of the Early Exit Agreement that the purchaser shall not be entitled to sell the property to a third party or to any subsequent successor(s)-in-title or successor-in-title or name or cede or assign this agreement to any third party or successor-in-title or name without consent of the Municipal Council of Windhoek.

Land delivery

*** The premise of the Early Exit which was approved by the Municipal Council of Windhoek through Council Resolution 161/07/2023, **attached as pages 37 - 41 to the agenda**, is for the Municipal Council of Windhoek to exit the current Public Private Partnerships (PPPs) earlier on condition that the partners pay the Municipal Council of Windhoek the fair value of the virgin land based on an approved layout where after the Developer continues to implement the project on its own within the agreed terms and conditions.

The original intent of the Public Private Partnerships (PPPs) was for the partnership to expedite the provision of serviced land through the involvement of the private sector in order to benefit from the efficiencies, expertise and access to funding brought through the partners.

The actual benefits to be obtained through the implementation of the Public Private Partnerships (PPPs) included, the provision of serviced land to residents, increase in rateable properties and income, take-over of new infrastructure and improved image of the Municipal Council of Windhoek.

Although the intent of the Public Private Partnerships (PPPs) had merit, the actual implementation proved challenging to the extent that it undermined the successful implementation of the projects and in turn eroded potential proceeds due to the Municipal Council of Windhoek, hence the consideration for the latter to exit these arrangements earlier than intended. The Early Exit serves to mitigate financial risks emanating from the implementation of the Public Private Partnerships (PPPs) while enhancing revenue due to the Municipal Council of Windhoek.

As approved per Council Resolution 161/07/2023, the following set out the negotiation process that was followed for Early Exit from the Public Private Partnership (PPP) Agreement with the Public Private Partnership (PPP) Partner:

*** - The Chief Executive Officer issued an Offer Letter to the Public Private Partnership (PPP) Development Partner, **attached as <u>pages 55 - 78</u> to the agenda,** accompanied by a duly signed Valuation Certificate expressing interest to enter Early Exit negotiations.

- On receipt of the Municipal Council of Windhoek's Offer the Public Private Partnership (PPP) Development Partner was given the option to appoint, at own cost and risk a suitably qualified and experienced independent Property Valuer for advice and guidance on the offer or to skip an independent valuation process and enter directly into negotiations.

- The Negotiation Team then officially engaged the Public Private Partnership (PPP) Development Partner to agree on terms of Early Exit from the Public Private Partnership (PPP) Project.

*** - On conclusion of negotiations, the Negotiation Team prepared a submission setting out clearly the negotiated terms for consideration and decision by the Municipal Council of Windhoek, which item was approved through Council Resolution 184/08/2024, **attached as <u>pages 45 - 46</u> to the agenda.**

Following approval by the Municipal Council of Windhoek, the sales process was initiated which would ultimately culminate in a Ministerial approval in accordance with sections 30(1)(t) and 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). On receipt of Ministerial approval, the Chief Executive Officer (Corporate Legal Adviser) shall prepare an Addendum to the Public Private Partnership (PPP) Agreement which shall be signed by the parties. The Public Private Partnership (PPP) Development Partner will then proceed to develop the land as a private Developer and enter into a Memorandum of Agreement (MoA) for the implementation of the services.

The property in question is known as certain Erven 72 and 73, situated in Portion 262 of Farm Windhoek Town and Townlands No. 31 (± 3.0814 hectares and 3.4243 hectares in extent respectively). The Public Private Partnership (PPP) Development Partner has since proceeded with the statutory planning process which has culminated in the process of consolidating Erven 72 and 73 into one (1) erf - Erf 573, Prosperita with a potential to yield seventy (70) individual erven with an industrial land use zoning. The engineering designs for the installation of services have been completed and approved by the Municipal Council of Windhoek but construction is yet to commence. The sourcing of funding has not been concluded given the option on the table for the Municipal Council of Windhoek to Early Exit the Public Private Partnership (PPP) Agreement.

*** The Municipal Council of Windhoek based on a valuation from the sworn Municipal Valuer issued an offer, **attached as <u>pages 55 - 78</u> to the agenda,** to the Public Private Partnership (PPP) Development Partner (Tuye Buco Construction CC) dated 3 May 2024 amounting to N$12 040 000.00 for Early Exit from the Public Private Partnership (PPP) Agreement.

*** ... Following the offer, an engagement was held between Tuye Buco Construction CC and the Negotiation Team on 22 May 2024. The aim of the engagement was for the Municipal Council of Windhoek's Valuer to explain to Tuye Buco Construction CC the basis of the offer and clarify any question regarding the valuation conducted. (The minutes of the said meeting are **attached as pages 79 - 85 to the agenda**).

Following the meeting, Tuye Buco Construction CC was given an opportunity to reflect on the offer, consult their team members and revert back either for further discussions or with a response to the offer from the Municipal Council of Windhoek.

*** In a letter dated 29 May 2024, Tuye Buco Construction CC presented the Municipal Council of Windhoek with a counter-offer valued at N$9 525 417.63, **attached as pages 86 - 88 to the agenda**, and shortly thereafter on 10 June 2024 their final offer at the same value, **attached as pages 89 - 90 to the agenda**, for consideration by the Municipal Council of Windhoek.

In assessing the counter-offer by Tuye Buco Construction CC, the following factors were considered:

- During the implementation of the Public Private Partnership (PPP) Project, the Project Team is presented with a Project Feasibility which indicates the potential income versus the estimated project expenses including financing costs and interest in order to estimate the projected profit which will be shared 50/50 in accordance to the provisions of the Public Private Partnership (PPP) Agreement. The feasibility of this project was estimated to yield a net-profit of N$2 million, payable to each partner.

- Past experience has shown that although the project feasibility shows attainable profits, the following factors can erode the net profits envisaged:

  - Delays in construction process and take-over of services by the Municipal Council of Windhoek;

  - Delays in the sale and transfer of serviced erven; and

  - Effects of interest and penalty interest on the loan to be repaid (interest is charged from first date of drawdown until complete repayment of the loan).

- The financial risk of projects is real given the cost of financing and the stringent conditions by financiers which make the project less feasible and risky. Equity financiers with the higher interest rates are paid only after the debt financiers (principal lender) are fully paid, a model that guarantees a loss in profit share of the partners simply due to the effect of the sales process and timing on the interest payable to the financier.

- Legal and reputational risks exist where the Municipal Council of Windhoek can be held liable to do good in the event that project costs exceed income, which is currently the case in one (1) Public Private Partnership (PPP) Project.

The factors above have such a significant effect on the project that the project profits are eroded. The effects pertaining to the sales process are vast and often caused by external parties such as the clients, banks and authorities like the Namibia Revenue Agency (NamRA) involved in the erf transfer processes. The projects are of such a sensitive nature that any delay in the process will have an impact on the envisaged profits.

The Early Exit thus presents the benefit of the Municipal Council of Windhoek receiving its share of the profit now, instead of prospective profits at project close-out which is not guaranteed.

Furthermore, the benefits of the Early Exit are that transferring the project to the Developer:

- Transfers the risk from the Municipal Council of Windhoek to the Developer, who is better able to handle, absorb and mitigate the associated risks;

- Absolves the Municipal Council of Windhoek of any further liability regarding the implementation of the project; and

- Enables the Developer to develop the property as a private Developer having to comply with conditions of the Memorandum of Agreement (MoA) to be entered into with the Municipal Council of Windhoek for the provision of services.

*** Given the above background, the Negotiation Team met on Thursday, 1 August 2024 to discuss in detail, the counter-offer. A decision was reached to remain with the Municipal Council of Windhoek's original offer and inform Tuye Buco Construction CC accordingly. The letter dated 13 August 2024 to Tuye Buco Construction CC responding to the Counter Proposal and Final Offer is **attached as <u>pages 91 - 96</u> to the agenda.**

*** The Municipal Council of Windhoek on 29 August 2024 resolved to offer Erven 72 and 73, Prosperita to Tuye Buco Construction CC at a value of N$12 040 000.00, an offer which was communicated to Tuye Buco Construction CC in a letter dated 16 September 2024, **attached as <u>pages 97 - 99</u> to the agenda**, accepted as per letter dated 23 September 2024, **attached as <u>pages 100 - 101</u> to the agenda.**

The Objection posed *inter alia* states that *Erven 72 and 73, Prosperita are relatively large erven and can yield a potential number of erven that can be distributed to all interested parties in a transparent and fair manner.* The department finds that given the economic downturn currently, the appetite for industrial erven although existing, is not significant enough to absorb the seventy (70) erven developed in a single sale cycle and therefore the return of the funds borrowed will not be covered fast enough by the few erven sold, and while the Municipal Council of Windhoek is awaiting the sale of the erven, interest will be running and eroding the potential profits. Given that the demand

for commercial erven (business and industrial) is uncertain, an Early Exit from this Public Private Partnership (PPP) Agreement will minimise the potential loss in revenue to the Municipal Council of Windhoek.

In the event that the Municipal Council of Windhoek opts to reject the Early Exit Offer by Tuye Buco Construction CC, the project will have to continue as a Public Private Partnership (PPP) and both partners run the risk of losing out on the potential net profit given the dynamics of the project. The Municipal Council of Windhoek's exit of the project gives both Public Private Partnership (PPP) Partners a greater chance of success in achieving the aim of the project and should be considered earnestly by the Municipal Council of Windhoek.

Conclusion

The Strategic Executive: Housing, Property Management and Human Settlement has taken note of the objections and recommends that the decision to sell Erven 72 and 73, Prosperita to Tuye Buco Construction CC, be upheld.

Management Committee, having considered the matter

RECOMMENDED

1 That the objections, as received from Mr T Tjaronda, against the sale of Erven 72 and 73, Prosperita to Tuye Buco Construction CC, be noted.

2 That the following be noted:

*** 2.1 That the concerns raised by the Objector do not warrant the revocation of Council Resolution 184/08/2024, **attached as <u>pages 45 - 46</u> to the agenda.**

2.1.1 That Council Resolution 184/08/2024 thus be upheld.

2.2 That the Municipal Council of Windhoek and Tuye Buco Construction CC entered into a Public Private Partnership (PPP) on Erven 72 and 73, Prosperita in 2017 in an effort aimed at ensuring the delivery of serviced land in all land use categories.

*** 2.3 That the implementation of the Public Private Partnership (PPP) Projects became challenging and to avert revenue losses, the Municipal Council of Windhoek in terms of Council Resolution 161/07/2023, **attached as <u>pages 37 - 41</u> to the agenda**, resolved for an Early Exit from Public Private Partnership (PPP) Agreements amicably and through mutual consent.

*** 2.4 That the Municipal Council of Windhoek made an offer to sell Erven 72 and 73, Prosperita at N$12 040 000.00 to Tuye Buco Construction CC as per Resolution 184/08/2024, **attached as <u>pages 45 - 46</u> to the agenda,** of which Tuye Buco Construction CC accepted the offer.

3 That this Council Resolution together with Council Resolution 184/08/2024 and the objections from Mr T Tjaronda be submitted to the line Minister for consideration in terms of section 63(3)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

4 That all parties, Tuye Buco Construction CC and Mr T Tjaronda, be informed of the final decision of the Minister.

4.1 That the Minister's decision be submitted to Council, for consideration.

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.1.3 FNS.2 [UTP] CONSOLIDATION OF PORTIONS 181, 182 AND 183 (PORTIONS OF PORTION 55) AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 AND APPLICATION FOR TOWNSHIP ESTABLISHMENT AND LAYOUT APPROVAL
(Farm Nubuamis No. 37)

Introduction

A resubmission application was lodged with the Municipal Council of Windhoek by Harmonic Town Planning Consultants CC on behalf of the owner, The Gate-Way Tourism Club CC (CC/2012/6247) jointly owned by Mr Abed Pendapala Iyambo and Ms Eben Nelago Iyambo.

This submission therefore seeks approval for the following:

- Consolidation of Portions 181, 182 and 183 (portions of Portion 55) and the Remainder of Portion 55 (a portion of Portion 12) of the Farm Nubuamis No. 37 into Consolidated Erf 'X';
- The need and desirability to establish a township; and
- Approval of the layout on Consolidated Portion 'X' to be known as Eben-Ezer Village.

Background

Prior to the resubmitted application received on 15 April 2024, with amendment of the proposed township layout inclusive of Engineering and Traffic Impact Assessment (TIA) Report, an initial application was lodged for consideration with the Municipal Council of Windhoek in 2018. As per procedures, the received applications were circulated to all relevant technical departments for their respective comments. An item was prepared and submitted to Management Committee for consideration in 2019.

Management Committee at its meeting held on 16 April 2019 per Item FNS.1 *inter alia* resolved as follows:

1 *That this matter be referred back in order for the Strategic Executive: Urban and Transport Planning, in consultation with the Chief Executive Officer (Manager: Mayoral and Council Affairs), to arrange a familiarisation visit to the Remainder of Portion 55 (a portion of Portion 12) of the Farm Nubuamis No. 37, whereafter the matter be resubmitted to Management Committee, for consideration.*

2 *That the Strategic Executive: Urban and Transport Planning, in consultation with the Manager: Mayoral and Council Affairs, also arrange a consultative meeting with Management Committee members and the applicants, during the week commencing 23 April 2019, prior to the abovementioned resubmission to Management Committee.*

The consultative meeting between the Municipal Council of Windhoek and the Developer took place in 2019 and it was resolved that a resubmission application be made once all the following issues are addressed:

- Slope analysis identifying development constraints and potential in this regard and in specific relation to the need identified;

- The provision of bulk services in line with the existing services masterplan for the area where the proposed development is planned to take place and these should be agreed upon (with proof) with applicable services providers in terms of quantities/quality and preferably in line with the applicable master plan or otherwise technically acceptable;

- The impact of development adjacent to a developed area which is poorly or unserviced and the impact thereof on the provision of services for the proposed development;

- Details of the internal services in line with the applicable municipal services;

- Costing of all services (bulk and internal) in relation to development cost and the aim of achieving low cost/affordable housing units addressing the need identified; and

- Proof of consultation and acceptance of the proposed development with all relevant and affected land owners given the current guiding policy (as agreed between the Municipal Council of Windhoek and land owners) of no subdivision smaller than 1:25 hectare and no densities higher than 1:5 hectare.

Locality and area size

Portion 55, a portion of Portion 12 of the Farm Nubuamis No. 37 is located to the northern extremes of Windhoek, with the name of the farm originating from the surrounding hills. Predominantly, the surrounding areas are used for small-scale agricultural activities with a dwelling structure existing on Portion 181. Small farming holdings feature on the eastern and western side of the farm portion.

*** The portions to be consolidated are ± 20.0055 hectares in extent. Individually, Portions 181, 182 and 183 and the Remainder of Portion 55 of Portion 12 of the Farm Nubuamis No. 37 are ± 5.0029, 5.0037, 5.0008 and 4.9982 hectares in extent respectively. All farm portions are zoned 'residential' with a density of one (1) dwelling unit per hectare. The exact location is clearly indicated on the locality plan, **attached as page 102 to the agenda.**

Topography

Although the majority of Portion 55 is widely characterised by the very hilly physical terrain of the Nubuamis Hills, it is still found to be developable to some extent. There is a dry river which dissects across Portion 183, running from the north towards the southern direction. Although the Remainder of Portion 55 and Portion 182 features steep and rocky terrain, an extensive part of these farmland portions are found to be both habitable and developable for the intended purpose. The low-lying area in the southern section of Portion 55 is earmarked for public open space as a land use that will complement the larger extent of the proposed development.

Ownership

Portions 181, 182 and 183 (portions of Portion 55) of the Farm Nubuamis No. 37 and the Remainder of Portion 55 (a portion of Portion 12) of the Farm Nubuamis No. 37 are registered under the direct ownership of The Gate-Way Tourism Club CC (CC/2005/3801). Proof of ownership documents are included in the application.

Proposed development

The application proposes to consolidate Portions 181, 182 and 183 (portions of Portion 55) of Farm Nubuamis No. 37 and the Remainder of Portion 55 (a portion of Portion 12) of the Farm Nubuamis into Consolidated Erf 'X' with an intention to establish a township. The consolidated portion will be further subdivided into fifty seven (57) erven and the remainder streets.

*** The application, including all the relevant background information/documentation, is **attached as pages 103 - 162, 163 - 203 and 204 - 305 respectively to the agenda.**

*** The land use allocation for the proposed township is indicated as per the following table and subdivision layout, **attached as pages 306 - 307 to the agenda.**

Subdivision of Consolidated Erf 'X' for the proposed township establishment (Eben-Ezer Township)

Land use	Number of erven	Extent (m²)	Density/bulk	Percentage (%)
Residential	12	26 447	1:500	13
General residential	23	96 357	1:250	48
Business	3	11 249	0.4	5
Public open space	8	22 942	N/A	11
Institutional	2	10 632	N/A	5
Remainder (street)	-	36 581	N/A	18
Total	**57**	**200 056**		**100**

The proposed township will cater for mixed development, with demarcated erven ranging between ± 1 400 m² to ± 11 000 m² in extent as per the provided land use schedule. The densities of 1:250 m² and 1:500 m² are proposed and will be maintained for both general residential and single residential land uses respectively. The erven reserved for institutional use could be used for a clinic or school, considering the absence of those facilities in the immediate neighbouring areas. Provision of functional public open spaces will be made with similar reserved areas to contribute towards the overall preservation of the environmentally sensitive areas (river course).

With regard to the proposed township name and street names, the applicant seeks for the consideration of the township to be known as the Eben-Ezer Village with the proposed street names to adopt a terrain descriptive oriented theme as per the physical topology of the area.

Thus, the applicant proposes the following names for streets:

Common name	Proposed street name
Saddle	Saddle
Valley	Valley
Spurs	Spurs
Ridge	Ridge
Draw	Draw

*** It should be noted that all street names are subject to the standing Council Resolution 35/02/2018, **attached as pages 308 - 310 to the agenda**, and related Street Naming Policy documents.

Council Policy and precedent

*** Council placed a moratorium on all subdivisions within the Nubuamis Hills area until the alignments of the required roads as approved under Council Resolution 208/06/2007, **attached as page 311 to the agenda**. Such Council Resolution was revoked and replaced with Council Resolution 363/10/2008 and Policy Zone, **attached as pages 312 - 314 to the agenda**. This Council Resolution endorsed the delimitation of Farm Nubuamis No. 37 into two (2) sections, namely, Nubuamis Hills West and Nubuamis Hills East. Respectively, the western residents oppose the subdivision of plots in their area into portions smaller than ± 25 hectares, subject to exceptional cases approved by all plot owners. The records also show that the eastern group, Nubuamis Hills East, allows subdivisions into 5 hectares being in compliance with the Windhoek Zoning Scheme or a higher density depending on the physical terrain of the area.

*** Regarding this development application, the affected farmland portions forms part of the Nubuamis Hills West segment of the Farm Nubuamis No. 37. Thus, the application is subjected to the provision that only permits subdivision of portions with a minimum of ± 25 hectares (no portion less than ± 25 hectares), except in cases were consents are obtained from all the owners of plots in Nubuamis Hills West as per Council Resolution 363/10/2008 and the Policy Zone, **attached as pages 312 - 314 to the agenda**. The proposed development received a number of objections from Nubuamis residents.

The draft Windhoek Structure Plan which will serve as future guidance for development in the area remains with the same provision where it prohibits subdivision of portion less than 25 hectares in Nubuamis Hills West.

Technical comments

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

Comments from the Strategic Executive: Electricity

- **Technical Support**

  There is no objection to the application submitted. It should be noted that the Municipal Council of Windhoek does not have any electrical network in the area. However, there is electricity in the area under the operation of NamPower, and the applicant has indicated to approach NamPower.

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

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

- **Human Settlement**

  The Human Settlement Division is currently preparing the Terms of Reference (ToR) for a local level structure plan that will cover the remaining extent of Farm No. 508, as well as portions of Okuryangava Extension 6. With this administrative and pre-planning task at hand, the division find it premature to comment on the feasibility of using and retaining the informal road that connects the proposed development and the northern section of the City via Omuvapu Street in the Okuryangava township.

  On this account, the division advises the applicant to wait until the finalisation of the local level structure plan that will amongst many other critical aspects reflects on the road network, development nodes and land uses in the area. In addition, there is a need for a more holistic development framework for the entire area instead of developments in selected pockets. The Brakwater Master Plan (2010) presents one of the departure points for doing so.

  The division highlighted the need for consistency and conformity with the regulations for naming places in Windhoek as it is observed that, the middle name of one of the owners is used as the name of the township.

- **Housing and Land Delivery**

  The Project Management Section states that the need for taking over of the infrastructure at the cost of the Developer is to be considered.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

  In terms of the provision of the Environmental Management Act, 2007 (Act 7 of 2007), an Environmental Consultant must be consulted to investigate and report on possible impacts foreseen by the proposed development undertaking.

  In the absence of compliance with the environmental legal requirements the application cannot be supported.

- **Parks**

  There is no objection to the submitted development application.

- **Emergency Management**

  In terms of the general fire protection requirements concerning the consolidation of portion intended for township establishment. The following are prerequisites as per the applicable standards (SANS 10090 and SANS 10400):

  - The designs for the development must provide public fire hydrants, and the water reticulation supplying the hydrants, and must be designed in accordance with the applicable standard, by a competent Engineer;

  - Provision of access for firefighting and other related emergencies to the township development must be provided, determining turning circles for emergency vehicles and the width of the streets, to accommodate all types of emergency vehicles; and

  - The designer of the building structures should consider the safety distance between the buildings, and plan designs must be submitted by client to the Building Control Division for fire protection scrutiny.

Comments from the Strategic Executive: Urban and Transport Planning

- **Roads Planning Design and Traffic Flow**

  Reference is made to our previous comments dated 10 February 2022 and subsequent Engineering Report, dated 15 April 2024, regarding the above subject matter:

  Proposed Road 1 is via Omuvapu Street, along a planned road to link with Monte Christo Road, and to then extend via an informal access road to Eben-Ezer Township Establishment. Proposed Access Road 2: is along 4.3 kilometres of an existing gravel access road (a defined collector road alignment), off the Old District Road 1491, starting from a junction close to Nubuamis Hills next to the weight bridge off-ramp. This formal alignment ends at ± 0.9 kilometres before the proposed Eben-Ezer Township, although a gravel road, mostly existing right of way servitudes, or portions of farm roads, extends onwards.

The Engineering report submitted does not contain a Traffic Impact Assessment (TIA) as was requested during 2018, considering the actual densities and bulk of the development due to an increased development potential for the proposed Eben-Ezer Township. Since the proposed township is not in line with the current Brakwater Structure Plan, a TIA was requested. Sustainable development is to confirm in line with previous comments when same was communicated to the client.

The division therefore objects to the proposed township establishment, Eben-Ezer Village, Windhoek due to the following:

- The new road via Omuvapu Street to link with Monte Christo Road, is still only provisional and Sustainable Development need to provide guidance/clarification of the provisional planning and corresponding alignment was defined. Hence the road referred to does not exist and still need to be established. It remains unclear who needs to establish this link.

- It is noted that this access option (Road 2) is preferred. However, the report spells out that same can only be formally concluded upon conducting a detailed feasibility study that involve topography and centreline survey, preliminary design and cost estimates. In the absence of same it remains uncertain which access option is viable and will be the official access to the township. The Engineering Report should be more specific which access option will be executed part of the township.

- The applicant must indicate and define how the access to the development will be obtained since the formal alignment (Road 2) does not extend up to the township. The report does show an alignment, but more detail could not be verified from the plan. The consultant should submit a detailed plan, verifying existing right of way servitudes, contours, including new servitudes, as applicable. In some instances, the right of way servitudes needs to be widened. Further consultation with land owners might be needed (Plots 64 and 53).

- The road reserve should be minimum 25 metres wide to serve as a Collector Road. This is to be verified in the Engineering Report where right of way servitudes needs to be widened or established.

- The access road passes through a dam portion which might be flooded occasionally and might not be suited for an all-weather needed access to a township. More clarity is needed.

- The design parameters of the road will be defined by the Roads Design Section.

- The road should be designed and constructed to bitumen road standards by the applicant as part of the township establishment.

- Since the Municipal Council of Windhoek has no capacity to take over the roads located far outside the serviced perimeter, a homeowner's association must be established for the township for maintaining and development of internal streets.

Reference is further made to the Traffic Impact Assessment (TIA) Report dated April 2025 regarding the Eben-Ezer Village Township Development. The division remains with its objection to the proposed township establishment, Eben-Ezer Village, Windhoek due to the following:

- The submitted Traffic Impact Assessment's (TIAs) methodology did not follow the recommended standard, the TMH 1 and 2, hence cannot be subjected to the necessary technical evaluation.

- The report should further give details of what mitigations should be taken at the affected intersections by the proposed development. The report should also further cover the aspects of Non-Motorised Transport (NMT) and public transport aspects.

- Further, the Engineering Report is an exact copy of what was submitted in 2024, meaning that the comments provided at the time remain valid and are still not considered.

- **Urban Planning**

There is no objection to the consolidation of Portions 181, 182 and 183 (portions of Portion 55) of Farm Nubuamis No. 37 and Remainder 55 (a portion of Portion 12) of the Farm Nubuamis No. 37 into Consolidated Erf 'X'.

However, the division does not support a township establishment on Portion 'X' for the following reasons:

*** - Nubuamis was divided into two (2) separate parts as per Council Resolution 363/10/2008 and Policy Zone, **attached as <u>pages 312 - 314</u> to the agenda**, as per agreement with the property owners of Farm Nubuamis No 37;

- The Nubuamis West area explicitly determined that no subdivisions smaller than ± 25 hectares will be considered in this area due to the topography as well as lack of bulk infrastructure services unless all property owners approve the subdivision;

*** - The subsequent Bulk Services Master Plan for the Greater Brakwater area approved as per Council Resolution 267/08/2012, **attached as <u>pages 315 - 318</u> to the agenda,** did not provide for any bulk infrastructure planning or design due to Council Resolution 363/10/2008; and

- The application is unclear with regards to the upgrading of the Nubuamis road, specifically with who will be responsible for the funding as well as the design and construction of the required upgrade.

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

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

Discussion

- No existing bulk water and sewer services are available for Portion 55 of Farm Nubuamis No. 37. The Municipal Council of Windhoek conducted a bulk Water and Sewer Reticulation Master Plan for the entire Brakwater area during 2010, and the bulk services requirements anticipated for the area is specified in the said document. Henceforth, the supply of bulk water and sanitation/sewerage services shall be executed in-line with the bulk services framework established for the entire area.

- All costs for the provision of bulk and internal services for the development shall be borne by the Developer. This shall include the cost of bulk infrastructure upstream and downstream from the development.

- The Developer must appoint a registered professional Engineer to propose an acceptable waste water disposal system subject to the condition that no pollution of the ground water occurs and further provide that there will be no health risks to the users and surrounding residents (if applicable). Final effluent shall at all times comply with applicable legislation. The possibility to re-use the purified effluent for irrigation purposes must be considered and all costs involved will be for the Developer's own account.

- The sewer system and proposed treatment of waste water must be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval prior to approval of any building plans. The issuing of the waste water discharge permit must be subject to the adherence of all conditions pertaining to such permit. Only full waterborne waste systems should be utilised and all the Municipal Council of Windhoek's service standards should apply.

- The Developer may be required to construct temporary facilities and shall do so at own cost. Final effluent from any treatment facilities (whether temporary or permanent) shall comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs. No oxidation or other open pond system or holding system shall be allowed.

- No erven may be developed within a radius of 500 metres from a Treatment Plant. The Strategic Executive: Infrastructure, Water and Technical Services should be consulted during the planning stage of a treatment plant, before starting with detail designs, for conceptual discussions.

- For the design of water and sewer related services, the Developer is required to appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed development on both the bulk water and sewer infrastructure. This should be done in line with the comments and recommendations of the existing master plans. The Design Report should be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with detail water and sewer infrastructure designs. All costs involved due to the Design Report will be for the Developer's own account.

The Design Report should stipulate at least the following:

- The expected water demand for the development;

- Whether fire-fighting requirements are met with the current installed infrastructure, and if not, how it is to be accommodated;

- It should be indicated how access to an existing water supply source or linkage to an existing water supply network will cater for the water demand of the development;

- An analysis of the impact of the development on the existing bulk water infrastructure, as well as on the existing water supply source, by taking the existing water demand as well as the additional water demand, due to the development, into account. This is to confirm that the capacity of the existing water supply source as well as the existing bulk water infrastructure is sufficient to cater for the new development. If the outcome of the report determines that any of these services are insufficient, the report should state how these will be catered for (if applicable);

- The minimum and maximum pressures in the reticulation under peak and low-flow demand;

- The calculated design waste water generated by the development;

- It should be clearly stated how the generated waste water will be disposed of;

- An analysis of the impact of the development on any existing bulk sewer infrastructure downstream of the point of connection, as well as the impact on the existing waste water treatment plant by taking the existing sewer discharge as well as the additional sewer discharge, due to the development, into account. This is to confirm that the capacity of the existing bulk sewer infrastructure

as well as the existing waste water treatment plant is sufficient to cater for the new development. If the outcome of the report determines that any of these services are insufficient, the report should state how these will be catered for (if applicable);

- It should be clearly stated who will take ownership of the water and sewer infrastructure and who will be responsible for the maintenance and operations thereof. It should be noted that the Municipal Council of Windhoek, in principle, doesn't take-over pump stations, reservoirs or treatment facilities;

- An Environmental Impact Assessment (EIA) should be submitted along with the Design Report and should clearly confirm the following:

  - The proposed treatment of waste water will have no negative impact on any water sources and/or aquifers (if applicable);

  - The minimum recommended distance between the waste water treatment facility and any water source (if applicable);

  - A quality analysis of the water quality of the water source (if applicable); and

  - A comprehensive Geo-hydrological Study that should confirm the sustainability supply of the water source. This shall include test pumping data and abstraction rates for boreholes (if applicable).

- After approval of the Design Report, all final designs for water and waste water infrastructure should be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before construction commences; and

- All sewer or water requirements have to comply with the following standard conditions to large subdivisions in respect of services:

Standard conditions applicable: Water and sewerage services

  - The design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations, if applicable, must be done by registered professional Engineer (details to be submitted for approval before design work commences). The costs will be for the applicant's own account;

- The design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, must be done according to the standards and specifications of the Strategic Executive: Infrastructure, Water and Technical Services and must be submitted for approval by the applicant to the Strategic Executive: Infrastructure, Water and Technical Services before any work may proceed;

- Design criteria are to be in accordance with the 'The Guidelines for human settlement, planning and design' as published by the Council of Scientific and Industrial Research (CSIR) and are available on-line at http://www.csir.co.za/Built_environment/RedBook/;

- Materials and construction standards are to comply with the latest edition of SANS 1200;

- Water reticulation networks must connect to the existing main services provided by Namibia Water Corporation Limited (NamWater) or the Municipal Council of Windhoek and all connection points must be approved by the Municipal Council of Windhoek;

- The design of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, must be done on a Computer Aided Design (CAD) system adaptable to the system used by the Municipal Council of Windhoek and the information will be made available to the Chief Engineer: Engineering Services. (A complete set of as-built drawings (paper copies and electronically) must be submitted to the Strategic Executive: Infrastructure, Water and Technical Services or his representative once the project is completed);

- The existing water, sewer, electricity and telecom services must be indicated on the construction drawings. The applicant will be held responsible for any damages to existing services;

- The registered professional Engineer must supervise the construction of the water and sewerage reticulation networks, as well as waste water treatment plants, reservoirs and pump stations if applicable, to ensure that the work is done to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services, and a **Certificate of Acceptance** shall be submitted by the applicant's Engineer to certify that construction conforms to the design and approved drawings;

- After the construction period, all the new services must be inspected by the Strategic Executive: Infrastructure, Water and Technical Services (Chief Engineers: Engineering Services and Bulk and Waste Water or their respective representatives) at an official site inspection where-after a **Certificate of Completion** will be issued to the applicant;

- No building plan for any improvements will be approved without the proof of a **Certificate of Completion** of the water and sewerage infrastructure, as well as waste water treatment plants, reservoirs and pump stations, if applicable;

- The applicant must bear the full costs of all water and sewer services (as well as waste water treatment plants, reservoirs and pump stations, if applicable), including the professional fees for planning, design and supervision costs and construction costs;

- The applicant will be held responsible by the Strategic Executive: Infrastructure, Water and Technical Services for a retention period of twelve (12) months on the water and sewerage reticulation networks (as well as reservoirs and pump stations if applicable) after completion and take-over of the work;

- The operation and maintenance of the waste water treatment plant shall be the responsibility of the applicant for a predetermined number of years as described in the Development Agreement which will dictate taking over pre-conditions (if applicable);

- There is a possibility that the Municipal Council of Windhoek will not be able to take-over the services and to do any maintenance on the water and sewerage reticulation networks. In this case, the applicant will then be responsible to do maintenance on all the water and sewerage reticulation networks until such time that the Municipal Council of Windhoek will be able to take-over the services. The Strategic Executive: Infrastructure, Water and Technical Services (Chief Engineer: Bulk Water and Waste Water) should be contacted regarding the taking-over of services; and

- If it comes to the attention of the Municipal Council of Windhoek that any of the work constructed by the Developer are at fault, no further developments will be permitted and no building plans will be approved until such time that the work are rectified to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services (Chief Engineers: Engineering Services; and Bulk Water and Waste Water).

Sustainable Development evaluation

The application was referred back to the applicant to address several critical concerns raised, including objections from surrounding neighbours, issues of financial viability, environmental sustainability, and the availability of municipal services and bulk infrastructure.

Despite ample time being allowed to the applicant and resubmissions in April 2024 and 2025, the proposal still fails to meet the Municipal Council of Windhoek's requirements and mandatory legal standards. Most of the substantive concerns remain unresolved.

Key outstanding issues include the following:

- The feasibility of the proposed access route and the accompanying traffic impact assessment, which remains inconclusive.

- The lack of a verified, detailed plan indicating existing and proposed servitudes, contour mapping, and the necessary consents from affected landowners (specifically Plots 64 and 53), through which the proposed access road is intended to traverse.

*** While a public participation process was undertaken, the proposed development continues to attract significant objections from neighbouring property owners. Furthermore, no consent has been provided by these neighbouring owners in support of the proposed development, which is a requirement in terms of Council Resolution 363/10/2008 and Policy Zone, **attached as pages 312 - 314 to the agenda.**

Additionally, the area under consideration falls within a zone earmarked for low-density development, as per the draft Windhoek Structure Plan (2023) and the Brakwater Densification Policy (as endorsed in Council Resolution 363/10/2008). Specifically, the Nubuamis West area prescribes that no subdivisions smaller than ± 25 hectares will be considered, due to the challenging topography and absence of bulk services - unless unanimous approval is obtained from all affected property owners.

Given the continued absence of basic services and the unresolved concerns relating to access, environmental and financial sustainability, sewerage provision, and infrastructure capacity, the desirability of establishing a township in this location cannot be confirmed.

Accordingly, the proposed development is not supported.

Management Committee, having considered the matter

RECOMMENDED

1 That the application for the consolidation of Portions 181, 182 and 183 (portions of Portion 55) of the Farm Nubuamis No. 37 and the Remainder of Portion 55 (a portion of Portion 12) of the Farm Nubuamis No. 37 into Portion 'X', not be recommended to the Urban and Regional Planning Board in terms of section 109(2) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) due to the following:

1.1 That the application is contradicting the development objectives and principles established during extensive studies and compilation of the draft Windhoek Urban Structure Plan and existing development policies of the area.

1.1.1 The area under consideration is falling within a zone earmarked for low-density development, as per the draft Windhoek Structure Plan (2023) and the Brakwater Densification Policy (as endorsed in Council Resolution 363/10/2008). Specifically, the Nubuamis West area prescribes that no subdivisions smaller than ± 25 hectares will be considered, due to the challenging topography and absence of bulk services.

1.2 That the area's topography, characterised by steep slopes and associated stormwater channels, has constrained development potential, particularly in terms of higher-density township establishment. [Consequently, the existing policy position supporting low-density development only which will be maintained for the foreseeable future.]

1.3 That there are severe limitations in terms of municipal services and infrastructure provisions, and this prevents the need and desirability of the proposed township establishment on Farm Nubuamis No. 37 to be viable.

1.4 That despite ample time being allowed to the applicant and resubmissions in April 2024 and 2025, the proposal is still failing to meet the Municipal Council of Windhoek's requirements and mandatory legal standards. [Most technical considerations remain unresolved technical feasibility could not be substantiated.]

1.5 That the effective future planning for infrastructure, service provisions and land use requirements and mutual agreement, amongst the owners, should first be established and clarified before any development takes place in the area.

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

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.1.4 **FNS.3 [UTP] APPLICATION FOR THE REZONING OF ERF 956, HOCHLAND PARK FROM 'RESIDENTIAL' WITH A DENSITY OF 1:700 m² TO HOSPITALITY** (L/956/HP)

Application

An application was received from Du Toit Planning Consultants, on behalf of the owners of the erf, Mr Manuel Gouveia and Ms Carla Deolinda Simão Gouveia for the following:

- Rezoning of Erf 956, Hochland Park from 'residential' with a density of 1:700 m² to 'hospitality' for an accommodation establishment (hotel pension with eleven (11) rooms).

The Power of Attorney was signed by the owners of the erf.

*** The full application, including the relevant correspondence/documentation is **attached as pages 319 - 383 to the agenda.**

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

Erf information

*** Erf 956, Hochland Park is located at No. 28 Osprey Road, in the southern section of the Hochland Park suburb. The property lies in close proximity to David Hosea Meroro Road, which serves as the boundary between Hochland Park and Pionierspark. It borders a large, undeveloped erf, Erf R/1054, Hochland Park. The locality plan is **attached as page 384 to the agenda.**

The surrounding area is a well-established residential neighbourhood, predominantly composed of single residential erven. Erf 956 is ± 1 434 m² and is zoned as '*residential*' with a density of 1:700 m².

The following structures are currently situated on the property:

- A main dwelling measuring ± 302 m²; and
- An outbuilding of ± 45 m².

The combined footprint of the existing structures constitutes less than 50 % of the total erf size.

Development intention

It is the intention of the owner to convert the current residence into a hotel pension accommodation establishment with eleven (11) leasable bedrooms. The final conversion for the intended eleven (11) rooms must still be done and is subject to providing sufficient parking. A Manager's flat consisting of two (2) bedrooms is also planned.

Advertisement

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

*** - The proposed rezoning of Erf 956, Hochland Park was advertised in the New Era on 23 April and 2 May 2024 and in The Namibian on 23 April 2024 and 30 April 2024, as per the advertisements, **attached as pages 385 - 388 to the agenda;**

*** - Notices of the proposed rezoning, **attached as pages 389 - 390 to the agenda**, were placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Neighbour consultation letters/forms, **attached as pages 391 - 397 to the agenda**, were sent by certified mail to the neighbours/owners of Erven 953, 954, 955, 957, 958, 921, 920, 924 and 925, Hochland Park; and

*** - A notice, **attached as pages 398 - 401 to the agenda**, was also published in Government Gazette No. 228 of 15 May 2024.

*** The closing date for comments and objections was 20 May 2024 and objections (remaining as per the first (1st) round of consultations), as received from the owners of Erven 924, 925, 954, 955 and 957, Hochland Park is **attached as pages 402 - 413 to the agenda.**

The Urban Policy Division's responses to the objections will be addressed as part of the evaluation of the application.

Technical comments

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

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the proposed rezoning from 'residential' with a density of 1:700 m² to 'hospitality' (hotel pension with eleven (11) rooms).

- **Roads Planning and Traffic Flow**

  Erf 956 is located in Osprey Street, Hochland Park. The street carries moderate traffic volumes and no traffic flow problems are currently experienced during peak hours. The rezoning will generate about six (6) vehicular trips for the current road network.

  There is no objection to the proposed rezoning of Erf 956, Hochland Park from 'residential' with a density of 1:700 m² to 'hospitality' (hotel pension with eleven (11) rooms): Provided:

  - That parking be provided as per the submitted parking layout.

- That parking on the sidewalk be subject to lease from the Municipal Council of Windhoek, subject to the following conditions:

  - That the applicant apply for a sidewalk lease with the Municipal Council of Windhoek's Property Management Division.

  - That a minimum of 2 metres be retained for pedestrian movements.

  - That parking be properly constructed with kerb stones making distinction between parking and pedestrian movements.

  - That the sidewalk parking remain public parking and not be reserved for exclusive use.

- That the Municipal Council of Windhoek reserve the right to cancel the lease should such land be needed for municipal services.

- That service positions be ascertained before excavating since construction is taking place within the road reserve.

- 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 shortfall of parking on-site or any other area approved by the Municipal Council of Windhoek should the lease be cancelled/terminated.

- That for an accommodation establishment (hotels/motels/ pensions): 0.66 parking bays be provided per leasable room, plus five (5) parking bays per 100 m² open floor space (excluding reception area), plus an on-site loading zone.

- **Roads and stormwater**

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

- Erf 956, Windhoek has a general downward slope from the north east into a south westerly direction; and

- There is no other visible stormwater flow across the proposed Erf 956, except for surface stormwater run-off.

There is no objection to the proposed, rezoning of Erf 956, Hochland Park from 'residential' with a density of 1:700 m² to 'hospitality' (hotel pension with eleven (11) rooms: Provided:

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

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

- **Engineering Services**

The application can be supported: Provided:

- That the total number of rooms not exceed eleven (11) rooms.

- That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning, or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is no objection to the application submitted as per subject matter: Provided:

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

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

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

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

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

  There is no objection to the application. The construction of resorts, lodges, hotels or other tourism and hospitality facilities in a built-up area of local authority without statutory zoning obligations is not required to obtain an Environmental Management Clearance Certificate.

Title Deed conditions

Deed of Transfer No. T960/2010 has been reviewed, and existing conditions are in line with the Municipal Council of Windhoek's standard conditions and no amendments are necessary.

Urban Policy evaluation

- **Proposed land uses and Zoning Scheme provisions**

  Erf 956, Hochland Park is zoned 'residential' and the intended zoning is 'hospitality' for a hotel pension with eleven (11) rooms. No additional consent uses are applied for.

  The 'hospitality' zoning was approved by Council as per Resolution 401/11/2020 and promulgated in Amendment Scheme No. 103. The primary and consent uses permissible on the 'hospitality' zoned erf as per Table B of the Windhoek Zoning Scheme are outlined as follows:

Use zone (1)	Primary uses (2)	Consent uses (3)	Owners' consent (4)	Prohibited uses (5)
Hospitality	Accommodation establishment(s) as approved by the local authority with condition(s) as may be applicable	Restaurant; Events and functions; Conference facility; Office; Shop; and tourist facility	Resident occupation	Other uses not under columns 2 and 3

The definitions of hospitality, accommodation establishment and hotel pension as contained in the Windhoek Zoning Scheme No. 103 are *inter alia* as follows:

***'Hospitality'** zoning refers to the zoning in which a holiday accommodation, tourist facilities and accommodation establishments, as defined in the scheme, is permitted in the scheme area, with prescribed conditions by the Council upon application.*

***'Accommodation establishment'** means a building for accommodation purposes for tourist/ guest and can includes a pension, a caravan park, a guest house, a lodge, hotel, a backpackers-lodge and all other type of hospitality establishments but excludes place of amusement, place of entertainment, restaurant and functions and events except with consent from Council.*

***'Hotel pension'** means an accommodation establishment comprising of **at least ten (10) but not more than twenty (20) bedrooms** for accommodation of guests and which complies with the provisions of the Namibian Tourism Board Act, 2000 (Act 21 of 2000) and its Regulations and the Liquor Act, 1998 (Act 6 of 1998), but excludes any off-sales department. A restaurant, place of amusement, place of entertainment and functions and events may only be undertaken with consent of Council as per Table B.*

The introduction of the 'h*ospitality'* zoning, along with clearly defined categories for accommodation establishments based on the number of rooms, was intended to eliminate ambiguity regarding the scale of such developments. This approach provides clarity for both the Municipal Council of Windhoek and neighbouring property owners by explicitly outlining the size and nature of the proposed use.

By specifying the number of rooms permitted under each category, the potential impact of accommodation establishments can now be more accurately assessed and managed. These refined definitions support more informed decision-making and contribute to greater transparency and predictability in the development application process.

Response to objections received

In accordance with section 65(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), the grounds of objections were evaluated and the Urban Policy Division's responses are outlined as follows:

- **The owner misled the neighbours by deviating from approved building plans**

  The applicant indeed deviated from approved building plans by making illegal internal alterations in the dwelling unit which resulted in twelve (12) illegal rooms on the erf. However, in May 2024, the Building Control Division issued instructions to the applicant to correct the deviations through demolitions or submission of as-built plans.

  Notwithstanding the above, the demolition notice and requirement to submit as-built plans was put on hold upon submission of the rezoning application. Should the rezoning be approved, the client will proceed with submission of the completed as-built plans for review. Should the rezoning however not be recommended the demolition notice will be reinstated.

  Although the illegal alterations caused a degree of mistrust with the neighbours/objectors as to the intention of the applicant, the building compliance issues are separate from this land use application and will be monitored by the Municipal Council of Windhoek's Building Control Division.

  Any further construction which requires consent from the neighbouring properties will be addressed during the building plan phase of development.

- **Method for seeking neighbouring comments and information provided in the application**

  The neighbours were provided with accurate information about the intention of the rezoning application. In particular, the advertisement notices and the forms issued to the neighbours clearly state the intention as a pension hotel consisting of eleven (11) rooms. Hence, the information provided to the owners of the neighbouring properties with regards to the land use application complies with the requirements of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

  In response to the method of consultation, it should be pointed out that the application was advertised in line with the provisions of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), as well as the Municipal Council of Windhoek's Public Consultation Policy on Proposed Development, whereby rezoning notices were published in the Government Gazette and two local newspapers. Furthermore, the notices were placed on-site as well as on the Local Authority Customer Care Notice Board. All neighbours were consulted either via registered mails and/or e-mails.

- **Nature of accommodation establishment and impact of the accommodation establishment in residential area and neighbouring erven**

  The objectors have expressed concern that the area is purely residential, and that the introduction of an accommodation establishment constitutes a commercial activity that could undermine the character and integrity of the community. They cite potential negative impacts such as increased noise, crime, traffic, and a decline in property values.

  While accommodation establishments are technically commercial activities, they retain a residential nature and character, and are commonly situated within residential areas all over Windhoek. To minimise potential impacts, no additional consent uses typically associated with commercial operations - such as restaurants, events and functions, conference facilities, offices, shops, or tourist facilities - will be allowed as part of this application.

  Noise pollution in the area is primarily attributable to traffic along David Hosea Meroro Road and aircraft activity from Eros Airport. Given that the proposed use remains residential in character, a significant increase in noise levels is not anticipated. Furthermore, any noise that may arise is subject to the Council's Noise Regulations and can be reported to the relevant municipal departments for enforcement.

  A marginal increase in traffic is expected, which is typical in a growing city like Windhoek, especially when land use changes occur. However, the nature of the traffic will remain residential and is not expected to result in any substantial negative impact.

With regard to safety, there is no evidence to suggest that a land use change on a single erf to accommodate hospitality use would directly contribute to increased crime. On the contrary, accommodation establishments often enhance neighbourhood security due to the surveillance and protective measures they implement for guests and property.

In terms of property values, there is no consistent evidence to support the claim that land use change or redevelopment of neighbouring erven has a negative impact on surrounding property values. In many cases, such developments can contribute positively to neighbourhood renewal.

Lastly, concerns about privacy, peace, and quiet are noted; however, the anticipated impact is comparable to that of any residential property development or densification. The scale and nature of the proposed activity are such that any effect on the surrounding environment will be minimal.

The enforcement of municipal bylaws related to noise pollution and land use provides residents with sufficient avenues for recourse should any regulations be violated.

Betterment fee

Compensation will be charged in line with the provisions of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and governing Council Policy.

Conclusion

The rezoning of Erf 956, Hochland Park from 'residential' with a density of 1:700 m² to 'hospitality' for a hotel pension with eleven (11) rooms is recommended for approval.

Management Committee, having considered the application,

RECOMMENDED

1 That the rezoning of Erf 956, Hochland Park from 'residential' with a density of 1:700 m² to 'hospitality' for a hotel pension with eleven (11) rooms, be recommended for approval to the Urban and Regional Planning Board in accordance with section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

2 That the applicant take note that approval do not consent to additional activities (e.g. restaurants, events and functions, conference facilities, offices, shops, or tourist facilities).

3 That compensation be charged in line with the provisions of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and governing Council Policy.

4 That parking be provided as per the submitted parking layout.

5 That parking on the sidewalk part of any parking requirement be subject to a Lease Agreement, subject to the following conditions:

5.1 That the applicant apply for the sidewalk lease with the Municipal Council of Windhoek's Property Management Division.

5.2 That a minimum of 2 metres be retained for pedestrian movements.

5.3 That parking be properly constructed with kerb stones making distinction between parking and pedestrian movements.

5.4 That sidewalk parking remain public parking and not be reserved for exclusive use.

5.5 That the Municipal Council of Windhoek reserve the right to cancel the lease should such land be needed for municipal services.

5.6 That service positions be ascertained before excavating since construction is taking place within the road reserve.

5.7 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.

5.8 That the owner remain responsible to provide any shortfall of parking on-site or any other area approved by Council should the lease be cancelled/terminated.

6 That the parking requirement for accommodation establishment (hotels/ motels/pensions) of 0.66 parking bays, be provided per leasable room plus five (5) parking bays per 100 m^2 open floor space (excluding reception area), plus an on-site loading zone.

7 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:

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

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

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

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

8 That the total number of residential units (pension hotel rooms) not exceed eleven (11) units.

9 That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning and consent use or subsequent activities be for the applicant's, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

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

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

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

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

14 That the objectors be informed of the Council Resolution, in writing.

15 That the applicant acknowledge receipt of the Council Resolution and accept the conditions in writing, within twenty eight (28) days of receipt of this letter.

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

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

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.1.5 FNS.4 [UTP] APPLICATION FOR THE REZONING OF THE REMAINDER OF ERF 603, ROCKY CREST EXTENSION 1 FROM 'RESIDENTIAL' WITH A DENSITY OF 1:300 m² TO 'GENERAL RESIDENTIAL' WITH A DENSITY OF 1:150 m² (L/603/RC)

Application

An application was received from Plan Africa Consulting CC, on behalf of the owners of the erf, Adonai Court (registered under Sectional Title) for the following:

- Rezoning of the Remainder of Erf 603, Rocky Crest Extension 1 from 'residential' with a density of 1:250 m² to 'general residential' with a density of 1:150 m²: Provided:

  - That no betterment fee be charged.

  - That the rates and taxes not be increased as a result of the rezoning.

Deed of Transfer No. 4020/2012, under MGM Properties CC/2005/1171 indicates the registration of a Sectional Title via endorsement, for Adonai Court, in accordance with Sectional Title Plan SS35/2014.

The Power of Attorney was signed by the Trustees, being Dr B Meseke, L Shinooshili and T Amutenya, in accordance with the Body Corporate Resolution which authorised the trustees to appoint Plan Africa Consulting CC to submit the subject application.

*** The full application, including the relevant correspondence/documentation is **attached as <u>pages 414 - 442</u> to the agenda.**

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

Erf information

The Remainder of Erf 603, Rocky Crest Extension 1 is zoned 'residential' with a density of 1:300 m² (incorrectly indicated as 1:250 m² by the applicant).

Development intention

It is the intention of the owner to rezone the erf from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m² in order to rectify the number of units built on the erf.

Advertisement

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

*** - The proposed rezoning of the Remainder of Erf 603, Rocky Crest Extension 1 was advertised on 24 and 31 January 2025 in the Market Watch (Republikein, Sun and Algemeine Zeitung newspapers), as per the advertisements, **attached as pages 443 - 444 to the agenda**;

*** - Notices of the proposed rezoning, **attached as pages 445 - 446 to the agenda**, were placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Neighbour consultation letters/forms, **attached as pages 447 - 449 to the agenda**, were sent by certified mail to the neighbours/owners of Erven 1440, 604, 613, 601, 602, 600, 599, 598, 597, 596, 1456 and R/1456, Rocky Crest Extension 1; and

*** - A notice, **attached as page 450 to the agenda**, was also published in Government Gazette No. 8578 of 14 February 2025.

The closing date for comments and objections was 20 February 2025 and no objections were received.

Technical comments

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

Comments from the Strategic Executive: Urban and Transport Planning

- **Building Control**

  There is no objection to the proposed rezoning of the Remainder of Erf 603, Rocky Crest Extension 1 from 'residential' with a density of 1:300 m² to 'residential' with a density of 1:150 m²: Provided:

  - That it be noted that the two (2) extra units were built without a valid building permit.
  - That the as-built building plans for the two (2) units be submitted for approval after the rezoning application is granted.

- **Sustainable Development**

  There is no objection to the proposed rezoning of the Remainder of Erf 603, Rocky Crest Extension 1 from 'residential' with a density of 1:300 m² to 'residential' with a density of 1:150 m²: Provided:

  - That the rezoning be done in line with the Windhoek Zoning Scheme provisions.

- That the comments from all technical departments be considered.

- **Roads Planning and Traffic Flow**

Erf 603, Rocky Crest is ± 14 024.80 m² in extent and is zoned 'residential' with a density of 1:300 m². The erf gains access from Sao Tome Street, which is a short street with medium to high traffic volumes from multiple general residential erven surrounding it. Rezoning to residential with a density of 1:150 m² will in theory generate fifty six (56) trips into the road network but is an existing situation.

The division has no objection to the rezoning of the remainder of Erf 603, Rocky Crest from 'residential' with a density of 1:300 m² to 'residential' with a density of 1:150 m²: Provided:

- That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site. [Only visitors' parking is allowed on the sidewalk.]

- That it be noted that a stacking distance of 36 metres is required at the access gate with a turning circle for vehicles before entrance.

- That a dedicated access and exit gate be provided.

- **Roads and Stormwater**

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

- Erf R/603, Rocky Crest, has a general downward slope from the south east into a north westerly direction; and

- There is a stormwater course flowing from the southeast, then along the northern boundary of the proposed Erf R/603 Rocky Crest, flowing into a north westerly direction.

There is no objection to the proposed, rezoning of the Remainder of Erf 603, Rocky Crest from 'residential' with a density of 1:300 m² to 'residential' with a density of 1:150 m²: Provided:

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

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

- **Engineering Services**

The application can only be approved: Provided:

- That it be noted that the application is only supported to accommodate the existing fifty seven (57) units.

- The applicant takes note that no additional dwelling units will be allowed in the future as this will place additional loads on municipal water and sewer infrastructure.

- That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Electricity

- **Technical Support**

  There is no objection to the application submitted with the following conditions:

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

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

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

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

  There is no objection to the application and the rezoning from 'residential' to 'residential' is required to be subjected to an environmental assessment.

Title Deed conditions

Deed of Transfer No. 4020/2012, indicates the registration of a Sectional Title via endorsement to Adonai Court, in accordance with Sectional Title Plan SS35/2014.

Deed of Transfer No. T4020/2012 lists no restrictive conditions which requires amendment.

Urban Policy evaluation

The Remainder of Erf 603, Rocky Crest is ± 14 025 m² in extent and is zoned 'residential' with a density of 1:300 m² in terms of the Windhoek Zoning Scheme, based on the size and density of the subject erf and the legal provisions of the Windhoek Zoning Scheme. During a compliance application additional units in excess of the maximum allowed were detected.

*** In a letter dated 4 November 2022, **attached as page 451 to the agenda,** the owner was advised to:

- Rezone the property to a density of 1:150 m², or
- Subdivide and purchase a portion of the adjacent public open space (i.e. a portion of the Remainder of Erf 849, Rocky Crest) for subsequent consolidation with the Reminder of Erf 603, Rock Crest.

The owner opted for the first option of rezoning the subject property to a density of 1:150 m².

The rezoning is therefore a correction of an existing situation and is not foreseen to have any negative impact on the surrounding erven/area and is recommended for approval.

Betterment fee

The applicant will be informed that no compensation is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

Rates and taxes

The applicant requested for the rates and taxes not be increased as a result of the rezoning. However, the rezoning application only seeks to align the density with the actual development on the property. Hence, the adjustment of municipal rates and taxes cannot form part of the rezoning application recommendation. Instead, it is recommended that any review or adjustment to the rates and taxes arising from the increased density should be handled separately through the Department of Finance and Customer Services in accordance with the Municipal Council of Windhoek's applicable policies.

Conclusion

The rezoning is not foreseen to have any negative impact on the surrounding erven/area and is recommended for approval.

Management Committee, having considered the application,

RECOMMENDED

1 That the rezoning of the Remainder of Erf 603, Rocky Crest Extension 1 from 'residential' with a density of 1:300 m² to 'general residential' with a density of 1:150 m², be recommended for approval to the Urban and Regional Planning Board in accordance with section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

2 That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site. [Only visitors' parking is allowed on the sidewalk.]

3 That a minimum of two (2) entrance gates be provided having a stacking distance of at least 15 metres, being to the satisfaction of the Strategic Executive: Urban and Transport Planning.

3.1 That dedicated access and exit gates be provided.

4 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:

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

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

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

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

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

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

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

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

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

5 That no building plan be approved until the above stormwater conditions are met.

6 That it be noted that the application is only supported to accommodate the existing fifty seven (57) units.

6.1 That no additional dwelling units be allowed in the future as this will place additional loads on municipal water and sewer infrastructure.

7 That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

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

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

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

11 That a Building Compliance Certificate for Unit 57 on the Remainder of Erf 603, Rocky Crest be obtained following the Building Control Division's processes: Provided that the application for the rezoning of the Remainder of Erf 603, Rocky Crest Extension 1 from 'residential' with a density of 1:300 m² to 'residential' with a density of 1:150 m² be submitted to the Urban and Regional Planning Board prior to the issue of the Building Compliance Certificate.

12 That the applicant ensure that all efforts are made to prevent and mitigate causing health nuisance to the surrounding properties and the environment.

13 That the applicant note that any enquiry, regarding the review or adjustment to the rates and taxes arising from the increased density, should be handled separately through the Department of Finance and Customer Services in accordance with the Municipal Council of Windhoek's applicable policies.

14 That the applicant accept the conditions of the Council Resolution recommendation (or Council) in writing, by completing and returning the Acknowledgment and Acceptance of Council Conditions Form to the Municipal Council of Windhoek, prior to the submission of the application to the Urban and Regional Planning Board.

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

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

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.1.6 FNS.5 [HPH] APPLICATION TO PURCHASE A PORTION OF THE REMAINDER OF ERF 1052, DORADO PARK EXTENSION 1 FOR CONSOLIDATION WITH ERF 983 (A PORTION OF ERF 313), DORADO PARK EXTENSION 1
(L/1052/DP)

Introduction

The purpose of this item is to submit to the Municipal Council of Windhoek the application of the owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1 for a portion of the Remainder of Erf 1052, Dorado Park Extension 1 for consolidation purposes.

The Strategic Executives Forum at its meeting held on 5 June 2025 *inter alia* resolved as follows:

- *The Strategic Executive: Housing, Property Management and Human Settlement to reword the wording under the background (provide high level summary and opening statement), prior to placement on the Management Committee, for consideration.*

Having attended to the directives of the Strategic Executives Forum, the item is herewith submitted, as directed.

Background

The item served at the Strategic Executives Forum meetings held on 10 October 2024 and on 17 April 2025. It was directed that the town planning procedures be reviewed and that consent be obtained from the owners of Erven 982 and 1509 (1012), Dorado Park Extension 1.

The Strategic Executive: Housing, Property Management and Human Settlement consulted with the Strategic Executive: Urban and Transport Planning regarding town planning procedures. The town planning procedures were amended according to recommendations of the Strategic Executive: Urban and Transport Planning and are presented under paragraph 4 of the recommendations.

*** The neighbours' consent from the owners of Erven 982 and 1509 (1012), Dorado Park Extension 1, **attached as pages 452 - 453 to the agenda**, have been obtained.

Application

*** An application dated 5 June 2013, **attached as pages 454 - 455 to the agenda**, was received from Ms Adelheid Hamukonda, the owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1, as per Deed of Transfer No. T2980/1998, **attached as pages 456 - 460 to the agenda**, to purchase a 10 metre portion of the Remainder of Erf 1052, Dorado Park Extension 1, for consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1. The Identity Document (ID) of Ms Adelheid Hamukonda is **attached as page 461 to the agenda**.

The application involves the following:

- Subdivision of the Remainder of Erf 1052, Dorado Park Extension 1 into Portion A (± 250 m² in extent) and the Remainder;

- Closure of Portion A (± 250 m² in extent) of Erf 1052, Dorado Park Extension 1 as public open space in line with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);

- Consolidation of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 with Erf 983 (a portion of Erf 313), Dorado Park Extension 1; and

- Sale of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 to the applicant/owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1 for consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1.

Property description and locality

Erf 983 (a portion of Erf 313), Dorado Park Extension 1 is zoned 'residential' and is ± 484 m² in extent with a density of 1:250 m² and is situated along Virgo Street.

The Remainder of Erf 1052, Dorado Park Extension 1 is zoned 'public open space' is ± 6 677 m² in extent and is situated along Virgo Street.

*** The locality of the properties is indicated on the Plan 983-1, **attached as page 462 to the agenda.**

Technical comments

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

Comments from the Strategic Executive: Electricity

- **Technical Support**

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

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

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

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

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

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

- **Engineering Services**

Water

There is no objection to the application: Provided:

- That it be noted that adequate water supply services of 110 mm are available.
- That any further costs with regard to water requirements resulting from this application be for the applicant/owner's account.

Sewer

There is no objection to the application: Provided:

- That it be noted that a sewer connection is available.
- That any further costs with regard to sewer requirements resulting from this application be for the applicant/owner's account.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Policy**

There is no objection to the sale of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 for consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1: Provided:

- That the Remainder of Erf 1052, Dorado Park Extension 1 be subdivided into Portion A (± 250 m² in extent) and the Remainder and that Portion A (± 250 m² in extent) (a portion of the Remainder of Erf 1052, Dorado Park Extension 1), be consolidated with Erf 983 (a portion of Erf 313), Dorado Park Extension 1 into one (1) erf.
- That the applicant consult with the adjacent neighbours in accordance with section 107 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and the Municipal Council of Windhoek's Public Consultation Policy of the Proposed Development regarding the aforesaid subdivision and consolidation. [The applicant is required to furnish the Municipal Council of Windhoek with proof of the neighbours' consultation.]
- That the applicant apply to the Municipal Council for approval of the permanent closure of the proposed Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 as public open space in accordance with the provisions of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), subject to the following conditions:
    - That all costs as a result of this application be for the applicant's account.

- That, prior to the formal closure, the applicant advertise the intended permanent closure in the Government Gazette and in at least two newspapers circulating within the local authority area, in accordance with the provisions of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), send out letters to affected and interested persons (including neighbours) and place notice of the intended closure on-site as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.

- That the applicant note that the public and neighbours' consultation for the intended closure of the portion of the public open space can take place concurrently with the neighbours' consultation process of the subdivision and consolidation application(s).

- That upon closure of the proposed Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 as public open space, Portion A assume the same zoning Erf 983 (a portion of Erf 313), Dorado Park Extension 1 in terms of the Windhoek Town Planning Scheme.

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

- That the current conditions registered against Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be replaced with the usual short standard conditions of the Municipality, including a minimum building value as stipulated in clause 39 of the Windhoek Town Planning Scheme.

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

- The cost of all the procedures mentioned above should be for the account of the applicant.

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

Traffic Flow

There is no objection to the proposed subdivision of the Remainder of Erf 1052, Dorado Park Extension 1 into Portion A (± 250 m² in extent) of Erf 1052, Dorado Park Extension 1 and the Remainder and subsequent consolidation of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 with Erf 983 (a portion of Erf 313), Dorado Park Extension 1: Provided:

- That an Urban Arteria Account (UAA) contribution be applicable for one (1) additional dwelling unit at N$23 363.10.

- That access not be obtained from the public open space, i.e. the Remainder of Erf 1052, Dorado Park Extension 1.

Stormwater

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

- Erf 983 (a portion of Erf 313), Dorado Park Extension 1 has a downward slope from a north easterly direction in a south westerly direction; and

- There is a stormwater course close to the southern boundary of Erf 983 (a portion of Erf 313), Dorado Park Extension 1 which is however accommodated with a channel with the development on Erf 290, Dorado Park.

There is no objection to the proposed subdivision of the Remainder of Erf 1052, Dorado Park Extension 1 into Portion A (± 250 m² in extent) and Remainder and subsequent consolidation of Portion A (± 250 m² in extent) with Erf 983 (a portion of Erf 313), Dorado Park Extension 1: Provided:

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

Comments from the Strategic Executive: Economic Development and Community Services

- **Parks**

  There is no objection to the sale of a portion of the Remainder of Erf 1052, Dorado Park Extension 1 for consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1, subject to the comments from the other service departments.

- **Environmental Management**

  There is no objection to the sale of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 as per policy. It should however be noted that the Remainder of Erf 1052, Dorado Park Extension 1 is zoned 'public open space'. The applicant should apply for Environmental Clearance or Exemption from the Strategic Executive: Economic Development and Community Services once the application has been approved by Council.

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

- **Valuations**

  Portion A of Erf 1052, Dorado Park Extension 1 is ± 250 m² in extent, and after consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1 (± 484 m² in extent), the size of the newly consolidated erf will be ± 734 m².

*** The development potential is enhanced in terms of the density being 1:250 m². Therefore, the price payable is the full purchase price of the portion. The valuation as determined by the Strategic Executive: Housing, Property Management and Human Settlement is N$1 291.00/m² or N$322 800.00 (rounded off) in total as per Council Resolution 276/08/2004 (Policy), **attached as page 463 to the agenda.** The Valuation Certificate dated 24 March 2025 is **attached as page 464 to the agenda.**

Should the owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1, wishes to take occupation of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 prior to the conclusion of the sale, it could be leased to the applicant once the preliminary diagrams are available, pending the finalising of the sale, at a monthly rental of N$2 690.00/month. The rental was calculated at 10 % of the purchase price divided by twelve (12) and should be further subjected to the annual escalation in line with the Namibia Inflation Rate.

*** All funds generated from the sale of resulting from the subdivision of public open spaces are to be used exclusively (unless with consent of the Municipal Council of Windhoek), for the development of public open spaces into attractive public spaces, e.g. family parks, walking trails, etc., as per Council Resolution 183/08/2021, **attached as pages 465 - 467 to the agenda.**

- **Property Management**

*** The Remainder of Erf 1052, Dorado Park Extension 1 is zoned 'public open space'. Council Resolution 251/07/2001 (Policy), **attached as pages 468 - 471 to the agenda**, supports the sale of portions of public open spaces, not exceeding 10 metre, for consolidation with adjacent erven.

All technical comments are in favour of the application.

Therefore, the Strategic Executive: Property Management and Human Settlement Management has no objection against the sale of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 for consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1.

Neighbours' consent

*** The neighbours' consent from the owners of Erven 982 and 1509 (1012), Dorado Park Extension 1, **attached as pages 452 - 453 to the agenda**, have been obtained.

Site visit

*** A site visit was conducted on 13 February 2025, and no encroachment or illegal activities were detected. The site is indicated on the photograph, **attached as page 472 to the agenda.**

Conclusion

Having presented the above comments, the Strategic Executive: Housing, Property Management and Human Settlement presents the application for the Municipal Council of Windhoek's deliberation.

Management Committee, having considered the application,

RECOMMENDED

*** 1 That the Remainder of Erf 1052, Dorado Park Extension 1 be subdivided into Portion A (± 250 m² in extent) and the Remainder as per Plan 983-1, **attached as page 462 to the agenda.**

2 That Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1, be sold to the applicant for consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1.

3 That Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be closed as 'public open space' in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

4 That all costs as a result of this application be for the account of the applicant/owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1.

4.1 That, prior to the formal closure, the applicant advertise the intended permanent closure in the Government Gazette and in at least two (2) newspapers circulating within the local authority area, in accordance with the provisions of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), send out letters to affected and interested persons (including neighbours) and place notice of the intended closure on-site as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.

4.2 That the applicant note that the public and neighbours' consultation for the intended closure of the portion of the public open space can take place concurrently with the neighbours' consultation process of the subdivision and consolidation application(s).

5 That upon closure of proposed Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 as 'public open space', Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be consolidated with Erf 983 (a portion of Erf 313), Dorado Park Extension 1 and assume the same zoning and density as Erf 983 (a portion of Erf 313), Dorado Park Extension 1 in terms of the Windhoek Town Planning Scheme.

6 That the land and buildings comply with the provisions of the Windhoek Town Planning Scheme.

7 That the current conditions registered against Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be replaced with the usual short standard conditions of the Municipality, including a minimum building value as stipulated in clause 39 of the Windhoek Town Planning Scheme.

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

9 That the applicant apply for Environmental Clearance or Exemption from the Strategic Executive: Economic Development and Community Services once the application has been approved by the Municipal Council of Windhoek.

*** 10 That subject to the Environmental Management Clearance Certificate being issued or the exemption thereof and the successful implementation of the town planning and cadastral procedures, Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1, be sold to the owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1, for consolidation with Erf 983 (a portion of Erf 313), Dorado Park Extension 1 at a purchase price of N$1 291.00/m², being N$322 800.00, as per the Valuation Certificate dated 24 March 2025, **attached as page 464 to the agenda**, as determined by the Strategic Executive: Housing, Property Management and Human Settlements (Manager: Valuation Services).

10.1 That an amount of N$23 363.10 of the purchase price be allocated to the Urban Arterial Account (UAA).

10.2 That should the owner of Erf 983 (a portion of Erf 313) Extension 1, Dorado Park Extension 1 wish to take occupation of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 prior to the finalisation of the town planning and cadastral procedures, Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be leased to the owner at a monthly rental of N$2 690.00, which is 10 % of the purchase prices per annum calculated monthly, further subject to the annual escalation in terms of the Namibia Inflation Rate and the draft diagrams being available.

*** 10.3 That all funds generated from the sale of resulting from the subdivision of public open spaces be used exclusively (unless with consent of the Municipal Council of Windhoek), for the development of public open spaces into attractive public spaces, e.g., family parks, walking trails, etc., as per Council Resolution 183/08/2021, **attached as pages 465 - 467 to the agenda**.

11 That the sale of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be subject to the following conditions:

11.1 That no access be taken from the public open space, i.e., the Remainder of Erf 1052, Dorado Park Extension 1.

11.2 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:

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

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

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

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

11.3 That all costs regarding water and sewer requirements as a result of this application be for the applicant's account.

12 That the applicant/owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1 note the following:

12.1 That should any municipal electrical infrastructure on the sidewalk or portion applied for need to be relocated to accommodate new access to the erf or as a result of an oversight from our side, all costs related thereto be for the applicant's account.

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

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

12.4 That any additional cost with regard to water and sewer is for the applicant/owner's account.

13 That the applicant/owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1:

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

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

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

13.4 Sign the Deed of Sale not later than sixty (60) days after the approved diagrams became available and after having been requested to do so by the Chief Executive Officer (Strategic Executive: Housing, Property Management and Human Settlement) and pay the purchase price.

14 That should the owner of Erf 983 (a portion of Erf 313), Dorado Park Extension 1 fail to comply with any of the conditions of this Council Resolution or fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, the allocation be subject to a price revision to be determined by the Chief Executive Officer (Strategic Executive: Housing, Property Management and Human Settlement).

15 That the sale/lease of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be advertised in terms of section 63(2)(a)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

16 That the sale/lease of Portion A (± 250 m² in extent) of the Remainder of Erf 1052, Dorado Park Extension 1 be subject to Ministerial approval in terms of section 30(1)(t)(i) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

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

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

Financial implications

Service rendered	Funds required (N$)	Funds available
Urban Arterial Account (UAA) contribution	23 363.10	Item 5010/05/2/05/1032
Advertisement cost	4 000.00	Item 4000/20/1/10/0025

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[Municipal Council Agenda: 2025-08-07(07-31)]

9.2 APPROVAL OF MINUTES (MC 14/2025)

The minutes of the Management Committee meeting (MC 14/2025) held on 24(22) July 2025 is submitted to Management Committee members for approval.

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3 MINUTES (MC 14/2025)

The minutes of the Management Committee meeting (MC 14/2025) held on 24(22) July 2025 as approved by its members at this Council meeting, is submitted for notice with the exception of Items GOV.3, GOV.4, GOV.7, FNS.1, FNS.2, FNS.4, SOP.1 and SOP.2, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 14/2025) held on 24(22) July 2025, be noted by its members, with the exception of Items GOV.3, GOV.4, GOV.7, FNS.1, FNS.2, FNS.4, SOP.1 and SOP.2.

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3.1 GOV.3 [EDC] FEEDACK TO THE MOTION: ADOPTION OF PARKS - ERVEN 7146, OLYMPIA AND R/4247, WINDHOEK IN ALIGNMENT WITH COUNCIL RESOLUTION 153/07/2024
(L/7146/O) (L/4247/W)

Introduction/Purpose

*** Council at its meeting held on 31 July 2024 per Resolution 153/07/2024, **attached as pages 473 - 477 to the agenda**, amongst others *inter alia* resolved as follows:

12 That Council Members be encouraged to voluntarily adopt a park for the purpose of mobilising funds for developing or upgrading a park so adopted taking into consideration provisions of Council's Public Open Space Policy and relevant provisions of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), as it relates to donations.

12.1 That the specific Council Member be part and parcel of the refurbishment project which will be executed in line with Council's Policies, Regulations and Development Plans.

12.2 That the Strategic Executive: Economic Development and Community Services (Manager: Parks) through the Chief Executive Officer (Acting Manager: Mayoral and Council Affairs) provide administrative support to Council Members in the execution of this initiative.]

*** In accordance with this Council Resolution, three (3) Council Members, Professor Job S Amupanda, Illse Keister and Clemencia Hanases submitted a motion, **attached as page 478 to the agenda,** to develop and adopt the envisaged parks on Erven 7146, Olympia and R/4247, Windhoek.

The purpose of this item is to seek Municipal Council of Windhoek's approval for the development and adoption request as submitted.

Background/Discussion

*** Applications for the development and adoption of parks are provided under the framework of the Recreational Facilities and Public Open Spaces Development Master Plan, **attached as pages 479 - 480 to the agenda,** and Council Resolution 153/07/2024, **attached as pages 473 - 477 to the agenda.** The Master Plan and Council Resolution outlines the necessary procedures and compliance requirements for approval.

The Master Plan further outlines the development and design framework that must be adhered to as well as the partnership models and funding modalities that may be explored. The detailed application must be accompanied by the duly completed application form.

The application must demonstrate adherence to the following guiding principles, as outlined in the Master Plan:

- **Accessibility**

  Green spaces should be easily accessible to all residents, regardless of their age, physical abilities, or socio-economic status.

- **Diversity and variety**

  Green spaces should offer a diverse range of environments and features to cater to different needs and desires, such as open grassy areas, playgrounds, sports facilities, walking and cycling paths, picnic areas, and serene gardens. By providing a variety of options, green spaces can cater to the various recreational, cultural and social needs of urban residents.

  The public open spaces with protected plant species will still remain protected, and whilst pursuing the conservation of natural, potential opportunities for commercial exploitation in a cohesive and harmonious manner is not excluded.

- **Sustainability**

  Green spaces must be designed with sustainability in mind, which is enhanced by utilising environmentally friendly systems and materials, installation of energy-efficient lighting, incorporation of permeable surfaces to manage stormwater run-off, and conservation of biodiversity through the preservation of natural habitats etc.

- **Community engagement**

  Engaging the community in the design and planning process is crucial for ensuring that green spaces meet the needs and desires of local residents. By involving the community, it fosters a sense of ownership and pride, as well as a greater commitment to the green spaces' maintenance and care. Public consultations, workshops, and participatory design processes can facilitate meaningful engagement and collaboration.

- **Maintenance and management**

  Proper maintenance and management of green spaces are essential to ensure their longevity and functionality. Adequate funding and resources should be allocated to regular upkeep, including mowing, pruning, litter removal, and infrastructure maintenance. Collaboration between local governments, community groups, and volunteers can help share the responsibility for maintenance and management tasks. The value of envisaged investment and maintenance cost and period must be included in application.

- **Integration and connectivity**

  Green spaces should be integrated into the fabric of the urban landscape to create a seamless connection with surrounding neighbourhoods and infrastructure, enhancing interconnectivity through a network of green corridors and walkways, providing easy access and promoting active transportation. Green spaces can also be integrated into the design of buildings and urban structures, such as green roofs and vertical gardens.

  Regarding the erven applied for under the motion, the following applies:

  - Erf 7146, Olympia is a public open space located in Olympia. It is currently undeveloped and has a total area of 90 980.3 m², making it available for development; and

  - Erf R/4247, Windhoek, is a public open space situated in Windhoek West. This erf is also undeveloped and is 5 508.5 m² in extent.

Strategic implications

These areas have long been earmarked for sports and recreational -related development, aligning with the Municipal Council of Windhoek's strategic themes: Social Progression, Economic Advancement and Infrastructure Development.

Financial implications

There are no direct financial implications for the Municipal Council of Windhoek, as the financial obligation will rest with the Developer, however full implications can only be assessed upon receipt of the detailed application.

Compliance and legal considerations

*** The application will be processed in accordance with the legal frameworks established in Council Resolution 153/07/2024 (paragraph 12), **attached as pages 473 - 477 to the agenda,** the Master Plan and applicable legal instruments.

Stakeholder consultation

Following receipt of the detailed application, it will be circulated to the relevant departments to ensure compliance with technical, legal, administrative, and regulatory requirements.

Management Committee

RECOMMENDED

*** 1 That Council provisionally reserve Erven 7146, Olympia and 4247, Windhoek blocks for the development of a park and adoption thereof by Council Members Professor Job S Amupanda (Former), Illse Keister and Clemencia Hanases, subject to the submission of a detailed application in adherence with the provisions of the Recreational Facilities and Public Open Spaces Development Master Plan and Council Resolution 153/07/2024, **attached as pages 473 - 477 to the agenda.**

2 That the provisional reservation be valid for a period of twelve (12) months, from the date of this Council Resolution, to enable the submission of a detailed application and requisite funding, whereafter the reservation will lapse.

3 That Council Members, supported by the Office of the Mayor, in consultation with the Department of Economic Development and Community Services (Parks Division), submit the internal requirements for verification and compliance.

4 That the Council Members submit feedback with a detailed proposal and submission to Council on how this project will be implemented.

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3.2 GOV.4 [EDC] FEEDBACK TO MOTION: CREATION OF THE WINDHOEK AFRICAN MARKET
(14/1/4/4)

The Strategic Executives Forum at its meeting held on 24 June 2025 requested that the Strategic Executive: Economic Development and Community Services address the following, prior to placement on the Management Committee agenda, for consideration:

- *Strengthen the item by providing how to incorporate ideas and create an African Market from/around the seven (7) houses which was passed by Council per Resolution 241/08/2023 to be created as a cultural Museum/village; and*

- *Indicate time lines for the Feasibility Study and Stakeholder consultations with clear commitment on implementation time lines and budget commitment.*

*** The identification of houses to be preserved as heritage sites, as per Council Resolution 241/08/2023, , **attached as pages 481 - 482 to the agenda**, would see the identification of houses in various Katutura and Khomasdal townships, who pending the meeting of set criteria and successful negotiations pertaining to the exchange of houses, would need to be classified as heritage sites. This process, part from being time-consuming, would also limit the extent of development of said properties, the objective being to preserve the properties in their original state. Part of the overall objective is certainly to unlock other socio-economic activities in the surrounding areas, however the development of an African Market is outside the scope of the Katutura/Khomasdal heritage houses project. The envisaged Feasibility Study would however investigate the potential synergies between the two (2) projects.

The matter is herewith submitted.

Introduction/Purpose

*** The motion dated 7 March 2025, **attached as page 483 to the agenda**, submitted by Professor Job S Amupanda (former Council Member), has reference.

The Municipal Council of Windhoek is committed to poverty alleviation through the creation of employment and income generation opportunities. To this end, the Council has initiated a Market Infrastructure Development Programme across various city suburbs. These markets aim to provide safe and suitable trading spaces for traders and the community. This initiative also addresses the need for economic and physical infrastructure, and support services to enhance the socio-economic development potential of the city's residents.

This item specifically motivates for a Feasibility Study that will address the conceptualisation, land identification, and financial planning for the development of a new African Market in Windhoek. This market will showcase and sell products unique to Namibia and Africa, targeting tourists and visitors while providing a well-maintained, safe and internationally marketable tourist attraction.

Background

The informal trading sector is rapidly expanding in Windhoek, necessitating effective management and control to mitigate conflicts with the formal sector and the physical environment. The Municipal Council of Windhoek has established the Informal Trading Regulations under the Local Authorities Act, 1992 (act 23 of 1992), with the regulations currently at an advanced stage of review and will be submitted for approval in the 2025/2026 Financial Year. These regulations guide the various types of informal trading activities within the city, including permanent open markets, communal car washes, opportunistic markets, product-focused craft markets, periodic markets, stationery or fixed traders, roaming informal traders, mobile traders, and intersection traders.

Discussion

The motivation for developing a 'Unique African Market' in Windhoek draws inspiration from successful models in Kenya, Turkey, and Ghana, such as the dynamic Maasai Markets, the culturally rich bazaars of Istanbul, and the vibrant markets of Accra. This initiative aims to create a dedicated space showcasing Namibia's unique culture, cuisine, and crafts, offering tourists an authentic and immersive experience beyond traditional wildlife tourism. By fostering direct interaction with local artisans and showcasing the diverse heritage of Namibian communities, the market promises to be a significant attraction to both residents and visitors to our city.

This project would aim to offer multifaceted benefits, including economic empowerment for local entrepreneurs, the preservation and promotion of Namibian cultural heritage, and the diversification of Windhoek's tourism sector. A strategically developed market can also contribute to urban revitalisation and offer a truly unique and authentic experience for visitors. The success of this concept would demand a collaborative and phased approach with a strong emphasis on creating a sustainable model with the critical community involvement. Ultimately, the 'Unique African Market' has the potential to become a vibrant cultural and economic hub, enriching Windhoek's cultural identity and attracting discerning tourists.

*** While progress has been made in addressing the needs of informal traders through the Informal Market Development Master Plan, the Vision for a dedicated Windhoek African Market presents a distinct opportunity to simultaneously boost tourism and formalise a specific segment of the informal economy. The establishment of such a market, as highlighted in the motion would not only provide a centralised and appealing destination for tourists seeking authentic Namibian goods and cuisine but also offer a structured platform for local artisans and traders to thrive. (The form for community engagement is **attached as <u>pages 484 - 485</u> to the agenda**).

1 Current status quo

The Namibian arts and crafts sector are a strategic cultural and economic asset. Institutions like the Namibia Craft Centre and Penduka are pillars of empowerment, tourism, and heritage preservation. Strengthening support for local producers through funding, infrastructure, and policy implementation will:

- Enhance economic inclusion;
- Promote cultural tourism; and

- Support sustainable livelihoods for artisans, especially women and rural communities.

1.1 Current producers of local/authentic arts and crafts in Windhoek

1.1.1 Namibia Craft Centre

The Namibia Craft Centre, located in the Old Breweries Complex in Tal Street, Windhoek, is the leading retail hub for handmade Namibian crafts. It hosts over fourty (40) women-owned and community-driven enterprises, representing diverse ethnic groups and rural communities. Its product ranges include jewellery, textiles, wood carvings, leather goods, and traditional crafts. Its economic role, is that it acts as a key platform for local artisans to access both domestic and international markets. The cultural role of the Omba Gallery within the Centre showcases fine art and curated exhibitions, enhancing cultural tourism.

1.1.2 Individual artisans to co-operatives and social enterprises

Namibia's craft sector is vibrant and diverse, with producers ranging from individual artisans to co-operatives and social enterprises. Notable producers, amongst others, include the following:

- **Ibenstein Weavers:** Known for hand-woven Karakul carpets and natural fibre textiles;
- **Casa Anin (Anin Embroidery):** Specialises in home textiles with distinct Namibian embroidery;
- **Pewa and Pambili:** Fashion and accessories brands rooted in Namibian identity; and
- **The Narrative:** A retail platform supporting Namibian artisans, inspired by Gondwana Collection.

1.1.3 Penduka Development Trust

Penduka Development Trust, based in Katutura, Windhoek, is a social enterprise empowering woman through skills development and craft production. Aligned with UN SDG 5 (Gender Equality). Penduka trains women in embroidery, beadwork, pottery, and textile arts. Penduka is a key stop for cultural tourists and hosts workshops, exhibitions, and a craft shop. In the past it has partnered with the EU and the Municipal Council of Windhoek to host business development workshops for artisans from the Khomas and Zambezi Regions. Penduka is a model for inclusive economic development, combining social impact with cultural preservation.

All these above producers contribute significantly to the **'Proudly Namibian'** brand, promoting local content, cultural tourism and economic empowerment.

2 Product development

Product development in Namibia's local arts and crafts sector is increasingly being recognised as a vital and viable component of the industry, and with workshops like the EU-Namibia Craft Project, artisans are equipped with practical skills in the following:

- Design thinking: Encouraging artisans to innovate while staying rooted in tradition;
- Material experimentation: Using sustainable and locally sourced materials like ostrich eggshells, leather, beads, and natural dyes;
- Craft diversification: Expanding from traditional items to include corporate gifts, home décor, and fashion accessories

Access to platforms like the /Ae //Gams Arts and Cultural Festival provide further exposure and sales opportunities, a vital component of economic empowerment, cultural preservation, and tourism growth.

3 Opportunities

3.1 Feasibility Study to assess the viability of various proposed tourism business opportunities

The Economic Development Division recently invited public bids calling for proposals for a Feasibility Study to assess the viability of various proposed tourism business opportunities on land owned or leased by the Municipal Council of Windhoek, which presents a timely and complementary opportunity to the proposed Feasibility Study for the African Market.

One such projects relates to the development of a cultural village on Erf 3189, Goreangab Dam (121 473 m²). A cultural village, traditional restaurant, amphitheatre, traditional huts for accommodation and a craft shop are integral components of cultural tourism. This form of tourism offers economic benefits to both the destination and the local community. It also brings about positive social impacts by preserving cultural heritage and fostering a sense of community pride by providing platforms for people to collaborate in the development and promotion of their culture. The development of a cultural village may present the ideal breeding ground to incorporate an African Market, with special focus on the development of authentic Namibian arts and craft market, that can grow as local capacity and market demand grows. Through the assessment of its conceptual design, land suitability, and financial sustainability, the study will not only determine the market's viability but also establish a replicable model for future tourism-focused developments across the city.

3.2 Alte Feste development

A partnership between the then Ministry of Education, Arts and Culture and the Namibia Craft Centre is set to transform the Alte Feste historical landmark into a cultural hub. While the project has reportedly secured grant funding from the Embassy of the United States of America for renovations of the Alte Feste and has already engaged with an Architect and the line Ministry to start the project, recent information, which is still to be confirmed, indicate that the United States of America based funds are not secured following the recent change in policy directive within the Government of the United States of America. In the meantime, the project is also looking for additional funding in Germany give its envisaged size and scope.

Feasibility Study

The African Market is envisioned as a strategic pilot initiative, a vibrant, culturally immersive hub dedicated to showcasing exclusively Namibian cuisine and products. It directly supports the city's tourism development goals by offering a distinctive attraction for both local and international visitors.

The development of a Feasibility Study for the African Market in Windhoek is essential to ensure its viability and sustainability. While insights from the Cultural Village Feasibility Study may be useful, it would not fully address the unique commercial, operational, and branding dynamics of the African Market, hence the inclusion of the African Market concept into the Feasibility Study of the Cultural Village. This study will help differentiate the market, assess product viability, and evaluate infrastructure needs, economic impact, and branding potential. It will also provide a structured platform for Stakeholder engagement, ensuring alignment and buy-in. Key factors such as product range, vendor readiness, tourist demand, and financial sustainability will be thoroughly assessed, making this study crucial for informed decision-making and successful implementation. The Feasibility Study is envisaged to be completed during 2025/2026 and would include the costing of the market construction including management model.

Strategic implications and significance

The African Market aligns with the Municipal Council of Windhoek Strategic Plan (2022 to 2027) through three (3) key strategic themes. Under Economic Advancement, it supports objectives like promoting Micro, Small and Medium Enterprises (MSMEs) and job creation by offering local entrepreneurs a platform to trade and grow. In the theme of Social Progression, it fosters inclusive community development and cultural heritage by celebrating diverse traditions and encouraging social interaction. Lastly, within Governance and Financial Sustainability, the market contributes to improved revenue collection and formalisation of informal trade, enhancing transparency and integration into the city's economic framework.

The African Market furthermore strongly aligns with the objectives of the Windhoek Economic Development Strategy by actively fostering local entrepreneurship, empowering Micro, Small, and Medium Enterprises (MSMEs), and driving inclusive job creation. It serves as a vital platform for informal traders and small businesses to grow, directly aligning with initiatives such as the Business Development and Youth Entrepreneurship Strategies. At the same time, the market plays a key role in advancing the Tourism Development Strategy by positioning Windhoek as a vibrant cultural

destination and becoming a conduit for unique product development and a strong Namibian brand identity. Through its dynamic showcase of local crafts, cuisine, and traditions, it offers authentic experiences that celebrate the city's cultural identity and attract both local and international tourists.

The development of the Unique African Market carries significant strategic implications for the Municipal Council of Windhoek:

- **Tourism enhancement**: By creating a dedicated market for Namibian and African products, the city can enhance its appeal to tourists, offering a centralised location for purchasing unique goods;

- **Economic development:** The market will provide a platform for local artisans, traders, and businesses, contributing to economic growth and job creation;

- **Urban management:** The initiative will aid in managing and formalising informal trading activities, reducing illegal trading, and improving urban aesthetics and functionality; and

- **Service provision:** The market's development will necessitate the provision of essential services such as water, sanitation, waste management, and security, improving the overall quality of the trading environment.

The African Market aligns with national tourism and economic development strategies by promoting cultural heritage, supporting local entrepreneurship, and enhancing Windhoek's appeal as a tourist destination. It has the potential to become a flagship attraction that strengthens Namibia's position in the regional and global tourism market.

Financial implications

Funding commitment for the execution of the Feasibility Study is envisaged to range between N$100 000.00 and N$200 000.00, which have been included in the divisional budget submission.

The development of the African Market will furthermore entail financial investment. Funding mechanisms to be considered may include the following:

- **Council funding:** Direct allocation of funds for a Feasibility Study and development of the African Market;

- **Public-Private Partnerships (PPPs):** Partnering with private sector entities to finance, develop, manage, and maintain the market;

- **Joint Ventures (JVs):** Collaborating with private Developers where the Council contributes land, and the Developer provides financial and technical resources;

- **Private treaty land sales:** Selling or leasing land to private Developers for market development, potentially with conditions for Small and Medium Enterprise (SME)inclusion; and

- **Revenue generation:** Implementing rental fees for traders to ensure the market's financial sustainability and generate income for the Municipal Council of Windhoek.

For the Feasibility Study of a 'Unique African Market' in Windhoek it would require understanding the potential for economic growth and addressing the current gap in authentic cultural tourism offerings, aligning with the city's development goals. The study would be crucial to ensure Council makes an informed decision, mitigate risks, understanding market dynamics and demand from both tourists and local vendors, and justifying the investment by looking at the importance to prevent costly mistakes.

Possible risks

Risk rating	Description of risk rating	Score
[redacted]	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
[redacted]	Risks are manageable and monitored.	1

Risk No.	Risk type	Risk description (cause and effect)	Impact	Score	Risk containment plan
3	Strategic, operational and financial	- **Market saturation or competition:** Overlap with existing markets or cultural initiatives could dilute the African Market's uniqueness. - **Branding and marketing gaps:** Without a strong, differentiated brand, the market may struggle to attract tourists and locals.	Critical	3	The market positioning analysis must clearly define the African Market's unique value proposition. This must include identifying niche offerings such as authentic, locally handmade crafts, traditional cuisine and live cultural performances that are not currently available in other markets. This is to avoid duplication and explore complementary partnerships rather than competition.
2	Strategic, operational and financial	- **Economic volatility:** Inflation, consumer spending, market sustainability or slowdown in social and economic activities.	High	2	Collaborate with tourism operators, hotels, and event organisers to integrate the market into broader tourism packages, ensuring a steady flow of visitors.

Compliance and legal implications

The development and operation of the Windhoek African Market must comply with all relevant legal and regulatory frameworks, including the following:

- **Informal trading regulations:** Adherence to the city's Informal Trading Regulations to ensure organised and lawful trading activities;

- **Local Authorities Act, 1992 (Act 23 of 1992) (as amended):** Compliance with the said Act, which governs the powers and functions of the Municipal Council;

- **Health and safety standards:** Implementation and enforcement of health, hygiene and safety standards to protect traders and visitors; and

- **Environmental regulations:** Adherence to environmental regulations, particularly in waste management and infrastructure development.

The project must comply with urban planning regulations, land use policies, environmental standards, and business licensing requirements. Early legal review is essential to ensure alignment with municipal and national laws, particularly regarding land acquisition and commercial operations.

Conclusion

The establishment of a dedicated Windhoek African Market aligns with the city's broader goals to formalise and upgrade informal trading, address the pressures of rapid urbanisation, and improve the management of informal trading activities. This initiative acknowledges the significant contribution of informal traders, predominantly women, to income generation within the city. The establishment of the Windhoek African Market is a strategic initiative that will contribute to economic development, tourism enhancement, and improved urban management. By providing a dedicated, well-regulated space for Namibian and African traders, the city can address the challenges of informal trading while creating a vibrant attraction for residents and tourists. The successful implementation of this project requires careful planning, Stakeholder collaboration, and adherence to legal and regulatory frameworks.

Management Committee

RECOMMENDED

1 That a comprehensive Feasibility Study be conducted in the 2025/2026 Financial Year, to assess the financial viability and potential socio-economic impact of the market.

2 That the Feasibility Study provide input to the viability of available land portions for the establishment of the Windhoek African Market.

3 That Stakeholder consultations be held with relevant internal Stakeholders and potential private sector partners to ensure collaborative planning and implementation.

4 That the Strategic Executive for Economic Development and Community Services conceptualise the Windhoek African Market including, a detailed market development plan, infrastructure requirements, designs, costing, operational guidelines and a management framework and submit to the Municipal Council of Windhoek for approval.

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3.3 **GOV.7 [HCC] STAFF MATTER**
(4/2/2)

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 -

(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: 2025-08-07(07-31)]

9.3.4 **FNS.1 [UTP] APPLICATION FOR THE REZONING OF THE REMAINDER OF PORTION 58 (A PORTION OF PORTION H) OF THE FARM BRAKWATER NO. 48 FROM 'RESIDENTIAL' WITH A DENSITY OF ONE (1) DWELLING PER 50 000 m² TO 'HOSPITALITY' AND CONSENT FOR A RESTAURANT**
(L/58/H/BW/48)

Application

An application was received from GF de Klerk t/s Town and Regional Planner on behalf of Mr Werner Kriegsheim, the owner of the Remainder of Portion 58 and Portion 536 (a portion of Portion 58) for the following:

- Rezoning of the Remainder of Portion 58 (a portion of Portion H) of Farm Brakwater No. 48 from 'residential' with a density of one (1) dwelling per 50 000 m² to 'hospitality' for six (6) tented and two (2) brick rooms; and

- Consent for a restaurant and associated purposes while the rezoning is in process.

Portion 58 (a portion of Portion H) of Farm Brakwater No. 48 is in the ownership of Werner Kriegsheim. The Power of Attorney is signed by Werner Kriegsheim.

*** The full application, including the relevant correspondence/documentation is **attached as <u>pages 486 - 508</u> to the agenda.**

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

Erf information

*** The original Portion 58 of the Farm Brakwater No. 49 was subdivided into Portions 564 (± 6.5 hectare in extent), 565 (± 5.2 hectare in extent) and the Remainder as per approved Diagram Nos. A403/2024 and A404/2024, **attached as pages 498 and 499 respectively to the agenda.**

The Remainder of Portion 58 of Portion H of the Farm Brakwater is zoned 'residential' with a density of 1:5 hectare and after the subdivision of the above portions, it is now ± 5.7 hectare in extent.

*** The Remainder of Portion 58 of Portion H of the Farm Brakwater is located west of the old District Road 1491 (Brakwater Service Road) and obtains access from a 25 metre right of way servitude registered against Portion 536 (a portion of Portion 58) in Deed of Partition Transfer No. T4132/2022, **attached as pages 501 - 505 to the agenda.**

The site is still used for residential purposes with one (1) main dwelling and outbuildings that are proposed to be converted into the new zoning that would include the tents.

Development intention

The intention of the owner is to rezone to allow for the use of the portion for hospitality purposes. It is intended to provide eight (8) leasable units of which six (6) will be tented unites and two (2) will be brick build units.

In addition to the eight (8) leasable units, the application requests consent for a restaurant that will not only cater to the patrons but also the general public.

Advertisement

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

*** - The proposed rezoning was advertised in the Namibian and New Era newspapers on 21 and 28 February 2025, as per the advertisements, **attached as pages 509 - 512 to the agenda;**

*** - Notices of the proposed rezoning, **attached as pages 513 - 514 to the agenda**, were placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Neighbour consultation letters/forms, **attached as pages 515 - 517 to the agenda**, were sent by certified mail to the neighbours/owners of Portions Remainder 56/H, 180/58, 179/58 and 178/58, Brakwater No. 48; and

*** - A notice, **attached as page 518 to the agenda**, was also published in Government Gazette No. 8623 of 15 April 2022.

The closing date for comments and objections was 29 March 2025 and no objections or comments were received.

Technical comments

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

Comments from the Strategic Executive: Urban and Transport Planning

- **Sustainable Development**

  There is no objection to the application taking in consideration that it is within the policy applicable to the area.

- **Roads Planning and Traffic Flow**

  Remainder 58 of Portion H of the Farm Brakwater is located in the larger Brakwater area and is zoned 'residential' with a density of 1:5 hectare.

  There is no objection to the proposed rezoning of Remainder 58 of Portion H of the Farm Brakwater No. 48 from 'general residential' with a density of 1:5 hectare to 'hospitality' (eight (8) rooms): Provided:

  - That access be restricted to the right of way servitude on the northern boundary of the farm portion.
  - That the parking requirements for hospitality be a minimum of 0.66 parking bays to be provided per leasable room, plus five (5) parking bays per 100 m² open floor space (excluding reception area), plus a loading zone on-site.

  There is objections to the proposed consent for a restaurant: Provided:

  - That it be noted that the parking layout was not submitted - the applicant must submit a parking layout with calculations and dimensions.
  - That for restaurant, a minimum of one (1) parking bay be provided per three (3) seats plus a loading zone on-site.
  - That consent use only come into effect after meeting the parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

- **Roads and Stormwater**

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

  - Portion R/58/H/48 of Farm Brakwater is situated along hilly terrain, with a general downward slope in various directions;

- There are various stormwater courses forming on different parts of the proposed Portion R/58/H/48 of Farm Brakwater No. 48, flowing into various directions, but mostly draining away from the proposed portion, with one (1) of the stormwater courses draining into the Perlhuhn River;

- The Perlhuhn River flows ± 160 metres away from the most southwestern corner of the proposed Portion A of Farm Brakwater No. 48, flowing from the southeast into a north westerly direction;

- A tributary of the Perlhuhn River is flowing ± 15 metres away from the most southwestern corner of the proposed Portion A, flowing from the southeast into a north westerly direction, flowing towards the Perlhuhn River;

- There is a small earth dam ± 24 metres away from the most southwestern corner of the proposed Portion A of Farm Brakwater No. 48, that is within the tributary of the Perlhuhn River.

- There is a tributary of the Perlhuhn River that is flowing ± 82 metres away from the most north eastern corner of the proposed Portion B of Farm Brakwater No. 48, flowing from the southeast into a north westerly direction; and

- There is a stormwater course flowing ± 22 metres away from the most south eastern corner of the proposed Portion B of Farm Brakwater No. 48, flowing from the southwest into a north easterly direction, flowing towards the tributary.

There is no objection to the proposed rezoning of Remainder 58 of Portion H of the Farm Brakwater No. 48 from 'general residential' with a density of 1:5 hectare to 'hospitality' (eight (8) rooms): Provided:

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

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

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

- **Engineering Services**

There is no objection to the proposed application: Provided:

- That it be noted that no existing bulk water and sewer services are available for Remainder 58 of Portion H of the Farm Brakwater No. 48.

- That it be noted that the Municipal Council of Windhoek conducted a Bulk Water and Sewer Reticulation Master Plan for the entire Brakwater area during 2010, and the bulk services requirements anticipated for the area is specified in the said document.

- That the supply of bulk water and sanitation/sewerage services, if feasible for the applicant, be executed in-line with the bulk services framework established for the entire area.

- That all cost for the provision of bulk and internal services be for the applicant's account, including the cost of bulk infrastructure upstream and downstream from the erf.

- That all new water and sewer infrastructure requirements have to comply with the standard conditions to large subdivisions in respect of services, and it be noted that these requirements can be obtained from the Strategic Executive: Infrastructure, Water and Technical Services.

- That the applicant appoint a registered professional Engineer to design the water supply and sewer reticulations to the applicable municipal standards and subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services, before construction commence.

- That the applicant provide its own water storage for the erf with a storage capacity of 48 hours, as well as sufficient storage for fire risk.

- That it be noted that the Municipal Council of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorate in case of boreholes.

- That the applicant appoint a registered professional Engineer to propose an acceptable waste water disposal system: Provided:

  - That no pollution of the ground water occur.

  - That there be no health risks to the users and surrounding residents.

  - That final effluent at all times comply with applicable legislation.

- That the sewer system and proposed treatment of waste water be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval during the building plan approval process: Provided:

  - That the issuing of the Waste Water Discharge Permit be subject to the adherence of all conditions pertaining to such permit.

- That only full waterborne waste systems be utilised, and that no soak-away systems be allowed.

- That final effluent from any treatment facilities comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.

- That the operation and maintenance of all water and sewer infrastructure be the responsibility of the applicant.

- That the design criteria be in accordance with *'The Guidelines for Human Settlement, Planning and Design'*, as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is no objection to the application submitted: Provided:

- That it be noted that the Municipal Council of Windhoek does not have any electrical network in the area, however, there is electricity in the area under the operation of Namibia Power Corporation (NamPower).

- That the applicant be advised to approach NamPower for any power requirements.

- That it be noted that the Electricity Control Board (ECB) has instructed the Municipal Council of Windhoek to take over, operate and maintain the electricity distribution network in this area.

- That the applicant thus be instructed to approach the Strategic Executive: Electricity to be advised on the Municipal Council of Windhoek's electricity specifications when designing for internal reticulations, and that all design drawings be submitted for approval by the Strategic Executive: Electricity.

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

There is no objection to the application: Provided:

- That the applicant comply with the Municipal Council of Windhoek's Noise Control Regulations and Sound Emission Policy by restricting noise generated from restaurant within the allowable noise level limits.

- That the applicant seek the Municipal Council of Windhoek's approval prior to hosting events that broadcast sound.

- **Health and Safety**

  There is no objection to the application: Provided:

  - That the applicant ensure that all relevant municipal requirements are met by applying for and annually renewing the Certificate of Fitness for the intended use.

  - That all efforts be made to prevent and mitigate causing a health nuisance to the surrounding properties during operational hours.

Title Deed conditions

*** Deed of Partition Transfer No. T4132/2022, **attached as <u>pages 501 - 505</u> to the agenda**, lists the following restrictive conditions or servitudes registered against the erf:

- According to Notarial Deed No. K293/2023 the property is subject to a right of way 25 metres wide along the northern and western boundary as indicated on Diagram No. A141/2022 annexed to the Notarial Deed in favour of the general public and the Municipal Council of Windhoek over Remainder of Portion 58 (a portion of Portion H) of the Farm Brakwater No. 48;

- Subject to an electrical powerline servitude 11 metres wide from the centre line of any overhead line or cable in favour of the Namibia Power Corporation (NamPower), created by Notarial Deed of Servitude No. K14/2014 S; and

- Further subject to an electrical line 3 metres wide from the centre line of any overhead line or cable in favour of the Namibia Power Corporation (NamPower) created by Notarial Deed of Servitude No. K612/2019 S.

These conditions should be retained against the portion.

Urban Policy evaluation

The portion is zoned 'residential' and the intended zoning is 'hospitality' for a guesthouse of eight (8) units of which six (6) will be tented units and two (2) will be brick units. The plot is situated in an area with mostly residential land uses.

The plot is located in Policy Area B, the Northern Flats of the Brakwater Development Guidelines, of which its provisions are as follows:

Zone B: Northern Flats	
Development objectives	- Area to be developed for medium income residential purposes; - Ultimately plot size to vary between 500 m² and 700 m²; - Commercial nodes can develop at strategic places to serve residents; and - Discourage light industrial activities.
Dominant land use	- Residential

Zone B: Northern Flats	
Development Intensity	- Average residential density 1:500m²; - Higher densities possible to provide housing to labourers; - Plots along the district road can have higher intensity development to support public transportation in the long run; and - For commercial development, a maximum bulk of 1 to be allowed.
Subdivisions	- Minimum plot size: 500 m²
Primary use	- Dwelling houses
Consent uses	- Agricultural; and - Residential buildings, places of public worship, places of instruction, social halls, institutions, special buildings, pensions and resident occupations.
Prohibited uses	- Other uses not under primary and consent uses.
Rezoning	- Can be supported to: • Higher density residential; • General residential; • Business; • Office; and • Institutional; - Proof of advertisement in two (2) local newspapers and comments from affected plot owners need to be provided on application for the rezoning.
Conservation	- Natural qualities of the landscape to be conserved; - Conserve water courses; and - Prevent dumping and pollution of river beds.

The proposed rezoning to 'hospitality' is not anticipated to have any negative impact on the surrounding area, as this land use is considered compatible with residential environments. Furthermore, no objections have been received in response to the intended use.

The consent for restaurant is not anticipated to have any negative impact in the area and is recommended.

The consent for liquor license cannot be considered by the Municipal Council of Windhoek at this instance and the applicant will be advised to follow the procedures set out in the Liquor Act, 1998 (Act 6 of 1998).

The original Portion 58 of the Farm Brakwater No. 49 was subdivided into Portions 564 (± 6.5 hectare in extent), 565 (± 5.2 hectare in extent) and the Remainder as per approved Diagram Nos. A403/2024 and A404/2024 respectively. The two (2) portions have however not been registered yet and therefore the size of the Remainder is still indicated as 17 hectares in the Title Deed.

In order to ensure the rezoning is limited to the Remainder of Portion 58 at only 5.7 hectares (after the subdivision of Portions 564 and 565), conditions will be listed that specifies the size of the Remainder of Portion 58 that is rezoned though this application.

Betterment fee

Compensation is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and prevailing Council Policy.

Conclusion

The rezoning of Portion R/58/H of the Farm Brakwater No. 48 from 'residential' with a density of 1:50 000 m² to 'hospitality' for a guesthouse of eight (8) rooms is supported.

Management Committee, having considered the application,

RECOMMENDED

1 That the rezoning of the Remainder of Portion 58 (a portion of Portion H) of the Farm Brakwater No. 48 (± 5.7562 hectare in extent) from 'residential' with a density of 1:50 000 m² to 'hospitality' for a guesthouse consisting of a maximum of eight (8) rooms, be recommended to the Urban and Regional Planning Board in accordance with section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

*** 2 That the rezoning to 'hospitality' only be for the Remainder of Portion 58 (a portion of Portion H) of the Farm Brakwater No. 48, excluding the subdivided Portions 564 (± 6.5 hectare in extent) and 565 (± 5.2 hectare in extent), as per approved surveyed Diagram Nos. A403/2024 and A404/2024, **attached as pages 498 and 499 respectively to the agenda.**

3 That the applicant take note that the rezoning will only be submitted to the Urban and Regional Planning Board on submission of proof of the registration of Portions 564 (± 6.5 hectare in extent) and 565 (± 5.2 hectare in extent), as per approved Diagram Nos. A403/2024 and A404/2024 respectively.

4 That the consent for a restaurant on the Remainder of Portion 58 (a portion of Portion H) of the Farm Brakwater No. 48, be approved in accordance Table B of the Windhoek Zoning Scheme.

5 That the following be noted by the applicant:

5.1 That compensation is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

5.2 That consent for a Liquor License cannot be considered by the Municipal Council of Windhoek at this instance and the applicant is thus advised to follow the procedures set out in the Liquor Act, 1998 (Act 6 of 1998), after the rezoning is approved and promulgated in the Government Gazette by the Minister of Urban and Rural Development and upon compliance with the conditions set out in this Council Resolution.

6 That the applicant submit building plans for permanent as well as intended temporary units (tents).

7 That access be restricted to the right of way servitude on the northern boundary of the farm portion.

8 That parking requirements for hospitality be a minimum of 0.66 parking bays to be provided per leasable room, plus five (5) parking bays per 100 m^2 open floor space (excluding reception area), plus a loading zone on-site.

9 That for restaurant, a minimum of one (1) parking bay be provided per three (3) seats plus a loading zone on-site.

10 That the consent use only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

11 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:

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

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

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

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

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

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

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

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

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

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

13 That it be noted that no existing bulk water and sewer services are available for Remainder 58 of Portion H of the Farm Brakwater No. 48.

14 That it be noted that the Municipal Council of Windhoek conducted a Bulk Water and Sewer Reticulation Master Plan for the entire Brakwater area during 2010, and the bulk services requirements anticipated for the area is specified in the said document.

15 That the supply of bulk water and sanitation/sewerage services, if feasible for the applicant, be executed in-line with the bulk services framework established for the entire area.

16 That all cost for the provision of bulk and internal services be for the applicant's account, including the cost of bulk infrastructure upstream and downstream from the erf.

17 That all new water and sewer infrastructure requirements comply with the standard conditions to large subdivisions in respect of services, and it be noted that these requirements can be obtained from the Strategic Executive: Infrastructure, Water and Technical Services.

18 That the applicant appoint a registered professional Engineer to design the water supply and sewer reticulations to the applicable municipal standards and subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services, before construction commence.

19 That the applicant provide its own water storage for the erf with a storage capacity of 48 hours, as well as sufficient storage for fire risk.

20 That it be noted that the Municipal Council of Windhoek will not be held responsible for the provision of water if the groundwater supply deteriorates in case of boreholes.

21 That the applicant appoint a registered professional Engineer to propose an acceptable waste water disposal system, subject to the following conditions:

21.1 That no pollution of the ground water occur.

21.2 That there be no health risks to the users and surrounding residents.

21.3 That final effluent at all times comply with applicable legislation.

22 That the sewer system and proposed treatment of waste water be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval during the building plan approval process.

22.1 That the issuing of the Waste Water Discharge Permit be subject to the adherence of all conditions pertaining to such permit.

23 That only full waterborne waste systems be utilised, and no soak-away systems be allowed.

24 That final effluent from any treatment facilities comply with the Special Discharge Standards as prescribed by the Directorate of Water Affairs.

25 That the operation and maintenance of all water and sewer infrastructure be the responsibility of the applicant.

26 That the design criteria be in accordance with *'The Guidelines for Human Settlement, Planning and Design'*, as published by the Council of Scientific and Industrial Research (CSIR), available on-line at http://www.csir.co.za/Built_environment/RedBook/.

27 That the applicant submit building plans for the intended use to the Municipal Council of Windhoek's Building Control Division for approval.

28 That the applicant take note that the Municipal Council of Windhoek do not have any electrical network in the area, but there however is electricity in the area under the operation of Namibia Power Corporation (NamPower).

29 That the applicant be advised to approach NamPower for any power requirements.

30 That the applicant take note that the Electricity Control Board (ECB) has instructed the Municipal Council of Windhoek to take over, operate and maintain the electricity distribution network in this area.

31 That the applicant thus be instructed to approach the Strategic Executive: Electricity to be advised on the Municipal Council of Windhoek's electricity specifications when designing for internal reticulations, and that all design drawings be submitted for approval by the Strategic Executive: Electricity.

32 That the applicant acknowledge receipt of this Council Resolution and accept the conditions in writing, within twenty eight (28) days from receipt of this letter.

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

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

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3.5 **FNS.2 [UTP] APPLICATION FOR THE CONSOLIDATION OF ERVEN 822, 823, 824 AND 825, AUASBLICK EXTENSION 1 INTO CONSOLIDATED ERF X; AND REZONING OF CONSOLIDATED ERF X, AUASBLICK EXTENSION 1 FROM 'RESIDENTIAL' WITH A DENSITY OF 1:1 TO 'GENERAL RESIDENTIAL' WITH A DENSITY OF 1:500 m²** (L/Ext.1/AB)

Application

An application was received from Stubenrauch Planning Consultants, on behalf of the Municipal Council of Windhoek for the following:

- Consolidation of Erven 822, 823, 824 and 825, Auasblick Extension 1 into consolidated Erf X;
- Rezoning of consolidated Erf X', Auasblick Extension 1 from 'residential' with a density of 1:1 to 'general residential' with a density of 1:500 m²; and
- Inclusion of the rezoning in the next Zoning Scheme to be prepared for Windhoek.

The Power of Attorney signed by the Strategic Executive: Housing, Property Management and Human Settlement is attached to the application.

*** The full application, including the relevant correspondence/documentation is **attached as <u>pages 519 - 566</u> to the agenda.**

A Credit Clearance was not provided as this is an internal application.

Erven information

Erven 822, 823, 824 and 825 are located adjacent to one another in the predominantly residential neighbourhood of Auasblick Extension 1.

All erven are zoned 'residential' with a density of 1:1 and the erf sizes are as follows:

Erf No.	Size (m²)
Erf 822, Auasblick Extension 1	± 3 949
Erf 823, Auasblick Extension 1	± 3 592
Erf 824, Auasblick Extension 1	± 3 500
Erf 825, Auasblick Extension 1	± 2 812

Development intention

The intention is to consolidate Erven 822, 823, 824 and 825, Auasblick Extension 1 into proposed Erf X and then to rezone the proposed Erf X from 'residential' with a density of 1:1 to 'general residential' with a density of 1:500 m².

Advertisement

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

*** - The application was advertised in the Namibian and New Era newspapers on 24 September 2024 and 1 October 2024, as per the advertisements, **attached as pages 567 - 570 to the agenda;**

*** - Notices, **attached as pages 571 - 572 to the agenda**, were placed on the Notice Board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on-site;

*** - Neighbour consultation letters/forms, **attached as pages 573 - 576 to the agenda**, were sent by certified mail to the neighbours/owners of Erven 826, 827, 828, 1090, 829, 831, 832, 833, 820 and 821, Auasblick Extension 1; and

*** - A notice, **attached as page 577 to the agenda**, was also published in Government Gazette No. 8461 of 1 October 2024.

The closing date for comments and objections was 22 October 2024 and no objections were received.

*** Relevant Council Resolutions 303/09/2005, 111/03/2007 and Government Gazette Notice No. 8203 dated 1 September 2023, are **attached as pages 578, 579 and 580 - 581 respectively to the agenda.**

Technical comments

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

Comments from the Strategic Executive: Urban and Transport Planning

- **Building Control**

  There is no objection for the proposed consolidation of Erven 822, 823, 824 and 825, Auasblick Extension 1 into consolidated Erf X and the rezoning of consolidated Erf X', Auasblick Extension 1, from 'residential' with a density of 1:1 to 'general residential' with a density of 1:500 m².

- **Roads Planning and Traffic Flow**

  Access is gained to Erven 822, 823, 824 and 825, Auasblick Extension 1 from an internal municipal street, where traffic volumes are low. The erven are zoned 'residential' with a density of 1:1. The respective erf sizes are: Erven 822 (± 3 949 m² in extent), 823 (± 3 592 m² in extent), 824 (± 3 500 m² in extent) and 825 (± 2 812 m² in extent). The rezoning will generate approximately fourty seven (47) additional trips to the current road network during peak hours, which is considered insignificant.

There is no objection to the proposed consolidation of Erven 822, 823, 824 and 825, Auasblick Extension 1 into consolidated Erf X: Provided:

- That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom units, be provided on-site.

There is no objection to the proposed rezoning of consolidated Erf X, Auasblick Extension 1 from 'residential' with a density of 1:1 to 'general residential' with a density of 1:500 m²: Provided:

- That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.

- **Roads and Stormwater**

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

- The proposed consolidated Erf X, Auasblick, has a hilly terrain along its south eastern parts and a flatter terrain towards the north western part and has a general downward slope from the southeast into a north westerly direction; and

- There is a stormwater course flowing across the central part of the proposed consolidated Erf X, flowing from the south east into a north westerly direction.

There is no objection for the proposed consolidation of Erven 822, 823, 824 and 825, Auasblick Extension 1, into consolidated Erf X and the rezoning of consolidated Erf X, Auasblick Extension 1 from 'residential' with a density of 1:1 to 'general residential' with a density of 1:500 m²; inclusion of the rezoning in the next zoning scheme to be prepared for Windhoek, provided:

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

- **Engineering Services**

The application for the consolidation of Erven 822, 823, 824, and 825, Auasblick Extension 1 into consolidated Erf X can only be approved: Provided:

- That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezoning and developments on both the bulk water and bulk sewer infrastructures.

- That the Design Report be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with detail water and sewer infrastructure designs.

- That all costs involved due to the Design Report be for the applicant's account.

- That the Design Report stipulate at least the following:

  - The expected water demand for the proposed development;

  - Whether the water supply requirements within the pressure zone will be met with sufficient pressure during peak flows and fire flow;

  - An analysis of the impact of the proposed development on the existing bulk water network within the reservoir pressure zone, by taking the existing water demand as well as the additional water demand, due to the development, into account;

  - The minimum and maximum pressures within the municipal reticulation network under peak and low flow demand;

  - The calculated design waste water generated by the proposed development;

  - How the generated waste water will be disposed of;

  - An analysis of the impact of the proposed development on the existing municipal bulk sewer network downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the development, into account; and

  - The Design Report to include detailed design calculations, assumptions and clear referencing to standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.

- That all cost for the provision of bulk and internal services for the development, as well as any upgrading of existing services, be for the applicant's account.

- That it be noted that a Design Report should be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services, before submission to Ministry of Urban and Rural Development Board.

- That no building plans be approved before water and sewer services are upgraded and taken over by the Municipal Council of Windhoek as per approved Design Report and designs.

- That the design criteria be in accordance with *'The Neighbourhood Planning and Design Guide 2019'* as published by the Council of Scientific and Industrial Research (CSIR), available on-line at https://www.ukesa.info.

- That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is no objection to the application submitted: Provided:

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

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

- That it be noted that all existing service connections must be consolidated into one (1) connection from the municipal network.

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

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

- That should an electrical substation be required a servitude or subdivided erf be allocated where the substation will be constructed.

- That no electrical substations be installed on the sidewalk.

- That it be noted that Medium Voltage (MV) and Low Voltage (LV) cables, streetlights and Low Voltage (LV) distribution units may be installed on sidewalk spaces.

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

Comments from the Strategic Executive: Economic Development and Community Services

- **Environmental Management**

  There is no objection to the application and the applicant is not required to obtain environmental permits/approval for rezoning from 'residential' to 'general residential'.

Title Deed conditions

There are no Deeds of Transfer available yet as the erven have not been transferred.

The following standard conditions should be registered against the consolidated erf:

- That the erf only be used or occupied for purposes which is in accordance with and the use or occupation of the land at all times be subject to the provisions of the Windhoek Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

- That the building value of the main building, excluding the outbuildings to be erected on the erf be at least four (4) times the prevailing valuation of the erf.

Urban Policy evaluation

The purpose of the consolidation and rezoning is to enhance the development potential of the erven.

There is no objection against the intended consolidation and rezoning.

Compensation

No compensation is payable as the properties still belong to the Municipal Council of Windhoek and forms part of the Public Private Partnership (PPP) project.

Conclusion

The application for the consolidation of Erven 822 to 825, Auasblick Extension 1 into a consolidated erf and the subsequent rezoning of the consolidated erf from 'residential' with a density of 1:1 to 'general residential' with a density of 1:500 m² is recommended for approval.

Management Committee, having considered the application,

RECOMMENDED

1 That the consolidation of Erven 822 to 825, Auasblick Extension 1 into proposed Erf X be recommended to the Urban and Regional Planning Board in accordance with section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018), subject to the following:

1.1 That the following conditions be registered against consolidated Erf X, Auasblick Extension 1 in favour of the Municipal Council of Windhoek:

1.1.1 That the erf be used or occupied for purposes which are in accordance with, and the use or occupation of the erf at all times be subject to the provisions of the Windhoek Zoning Scheme, prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

1.1.2 That the building value of the main building, including the outbuildings, to be erected on the erf, be at least four (4) times the prevailing valuation of the erf by the local authority.

2 That the rezoning of Erf X, Auasblick Extension 1 from 'residential' with a density of 1:900 m² to 'general residential' with a density of 1:500 m², be recommended to the Urban and Regional Planning Board in accordance with section 109(2)(a) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

3 That a minimum of one (1) parking bay per equal or less than three (3) bedroom units or a minimum of two (2) parking bays per equal or more than four (4) bedroom units be provided on-site.

4 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:

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

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

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

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

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

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

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

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

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

5 That any additional requirements with regard to water and sewer services brought on as a direct consequence of the consolidation or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

6 That the applicant be advised that the consideration of the intended rezoning will be subject to the submission and approval of an Engineering Report for water and sewer provision, stipulated as follows by the Strategic Executive: Infrastructure, Water and Technical Services:

6.1 That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed rezoning and developments on both the bulk water and bulk sewer infrastructures.

6.2 That the Design Report be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with detailed water and sewer infrastructure designs.

6.3 That all costs involved due to the Design Report be for the applicant's account.

7 That the Design Report stipulate at least the following:

7.1 The expected water demand for the proposed development;

7.2 Whether water supply requirements within the pressure zone will be met with sufficient pressure during peak flows and fire flow;

7.3 An analysis of the impact of the proposed development on the existing bulk water network within the reservoir pressure zone, by taking the existing water demand as well as the additional water demand, due to the development, into account;

7.4 The minimum and maximum pressures within the municipal reticulation network under peak and low flow demand;

7.5 The calculated design waste water generated by the proposed development;

7.6 How the generated waste water will be disposed of;

7.7 An analysis of the impact of the proposed development on the existing municipal bulk sewer network downstream of the point of connection, by taking the existing sewer discharge as well as the additional sewer discharge, due to the development, into account; and

7.8 The Design Report to include detailed design calculations, assumptions and clear referencing to Standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.

8 That all cost for the provision of bulk and internal services for the development, as well as any upgrading of existing services, be for the applicant's account.

9 That it be noted that a Design Report should be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission of the application to the Urban and Regional Development Board.

10 That no building plans be approved before water and sewer services are upgraded and taken over by the Municipal Council of Windhoek as per the approved Design Report and designs.

11 That the design criteria be in accordance with *'The Neighbourhood Planning and Design Guide 2019'* as published by the Council of Scientific and Industrial Research (CSIR), available on-line at https://www.ukesa.info.

12 That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

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

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

15 That all existing service connections be consolidated into one (1) connection from the municipal network.

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

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

18 That should an electrical substation be required a servitude or subdivided erf be allocated where the substation will be constructed.

19 That no electrical substations be installed on the sidewalk.

20 That it be noted that Medium Voltage (MV) and Low Voltage (LV) cables, streetlights and low voltage distribution units may be installed on sidewalk spaces.

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

22 That the applicant acknowledge receipt of this Council Resolution and accept the conditions, in writing, within twenty eight (28) days from receipt of this letter.

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

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

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3.6 FNS.4 [HPH] APPLICATION FOR LEASE AND NAME CHANGE ON ERF 3523, WINDHOEK FOR THE PETROLEUM DEPOT
(L/3523/W)

The Strategic Executives Forum at its meeting held on 24 June 2025 requested that the Strategic Executive: Housing, Property Management and Human Settlement, address the following, prior to placement on the Management Committee agenda, for consideration:

- *Include comments from the Department of Economic Development and Community Services on the fire and safety requirements in the item;*
- *Add an additional recommendation... **'That Vivo Energy should comply with the fire and safety requirements'**; and*
- *Correct/rearrange the sequence of pages 7, 8 and 9 of the item.*

The matter is herewith submitted.

Following the submission that served at the Strategic Executives Forum, it was revealed that the applicant will no longer use the premises as a depot for petroleum products, but will instead use it for a Liquefied Petroleum Gas (LPG) Depot. The new comments have been incorporated into the item accordingly, and the item is hereby submitted for consideration.

Introduction/Purpose

*** An application dated 16 August 2013, **attached as page 582 to the agenda,** was received from Engen Namibia (Pty) Ltd for the lease in respect of Erf 3523, Windhoek. In addition, a letter dated 17 September 2024, **attached as pages 583 - 588 to the agenda,** requests that the Municipal Council of Windhoek approve a ten (10) year lease period and accept the name change to Vivo Energy Namibia Ltd. Mr Jacobus Wessel Janse van Rensburg, Passport No. M00419204 (Date of birth: 3 July 1970), has been nominated and appointed to act and sign documents on behalf of the company (the resolution is **attached as page 588 to the agenda**).

The Lessee was entitled to use the property for the purpose for conducting business activities of reception, storing, packing, handling, distribution and sale, wholesale or retail, in bulk or otherwise, of petroleum and petroleum products and for any purpose incidental thereto. In their letter dated 17 September 2024, they indicated that Vivo Energy Namibia Ltd has taken over the GasIt LPG business from Triple J Energies Ltd in September 2023. The Liquefied Petroleum Gas (LPG) Depot will be relocated to Erf 3523, Windhoek, as a new offering of Vivo Energy Namibia Ltd. The current Engen Depot will be decommissioned entirely, and all fuel installations will be removed. The site will get a new Liquefied Petroleum Gas (LPG) filling with a bulk storage tank and a cylinder filling facility. The property may not be used for any other purpose whatsoever, nor may it be sublet, assigned or ceded without the written permission of the lessor, first having been obtained, which consent shall not be unreasonably withheld. The purpose is to collect revenue for the Municipal Council of Windhoek without any interruption or loss of income in the process.

Discussion

*** Council per Resolution 410/8/86, **attached as pages 589 - 591 to the agenda**, resolved that Erf 3523, Windhoek (± 6 367 m² in extent), be leased to Engen Namibia (Pty) Ltd for a period of twenty five (25) years. A Lease Agreement, **attached as pages 592 - 601 to the agenda**, commenced on 12 January 1986 and expired on 30 November 2011. Although the lease expired, the applicant is still in occupation of the subject property in question and has continued to pay the occupational rental, which has escalated to the current amount of N$16 511.08. It should be noted that the applicant is up to date with their monthly obligation (the municipal statement is **attached as page 602 to the agenda**).

Property description

*** Erf 3523, Windhoek is zoned 'industrial' and is ± 6 367 m² in extent. The locality plan indicating the required portion is **attached as page 603 to the agenda**.

Technical comments

Technical comments were requested on 30 August 2013 and revised comments were requested on 16 August 2022, and several reminders were sent to the technical departments to expedite the incorporation of technical comments. The comments received are as follows:

Comments from the Strategic Executive: Electricity

- **Technical Support**

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

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

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

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

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

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

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

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

- **Bulk Water and Waste Water**

  There are no objections relating to water services. An adequate water supply services are available along Iscor Street.

- **Engineering Services**

  A sewer connection is available.

Comments from the Strategic Executive: Urban and Transport Planning

- **Urban Policy**

  Erf 3523, Windhoek is zoned 'industrial' with a bulk of 1 in terms of the Windhoek Zoning Scheme.

  The primary, consent uses and prohibited land uses are depicted by the following extract of Table B of the Windhoek Zoning Scheme:

Use zone (1)	Primary uses (2)	Consent uses (3)	Prohibited uses (4)
VIII Industrial	Industrial buildings and business buildings	All other uses	No noxious industrial buildings may be erected, no noxious activities may be undertaken, and no hazardous substances may be stored in quantities exceeding 200 litres, saving for a quantity of 1 000 litres of fuel, specifically and only to cater for on-site standby generator installations, on land located South of the Southern edges of Academia, Windhoek, Olympia and Klein Windhoek Towns.

The proposed activity is a consent use under the 'industrial' zone.

Based on the aforesaid, there are no objections to the lease, subject to the following:

- That the applicant apply for the consent use for a noxious industry at own costs, prior to the commencement of the proposed use.
- That the applicant obtain the Environmental Management Clearance Certificate prior to the submission of the consent use application.
- That the erf at all times be subject to the provisions of the Windhoek Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).
- That all the costs regarding the consent use and Environmental Management Clearance Certificate be borne by the applicant.

- **Sustainable Development**

There is no objection to the proposed leases on Erf 3523, Windhoek to be used for conducting thereon business of reception, storing, packing, handling, distribution and sale, wholesale or retail, in bulk of otherwise, of petroleum and petroleum products and for any purpose incidental thereto: Provided:

- That the applicant provide a Certificate of the Medical Officer of Health, in consultation with the Inspector of Factories, confirming that that the process to be used in the conduct of any of the said industries or factories/storage listed above will eliminate nuisance or danger to health in neighbouring premises arising from:
  - Vapour or effluvia.
  - Liquid waste matters discharged from the premises, and if land treatment of such matters is proposed, the nature, slope and area of the land and its position in relation to buildings used for human habitation, streams, or water courses;
  - Solid waste matters; and
  - Oil spillage.

- **Road and Stormwater Design**

The site was investigated and the following can be reported:

- The erf is fully developed with fuel storage installations;
- Erf 3523, Windhoek is fairly level with stormwater drainage systems in place for stormwater reticulation; and
- Most of the erf is interlocked.

There is no objection to the proposed extension of lease of Erf 3523, Windhoek for the purpose of storage, handling, distribution and sale of petroleum and petroleum products: Provided:

- That all operations be carried out in adherence to the relevant standards for the activities.
- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme.

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

Erf 3523, Windhoek is fully developed with fuel storage installations. There are no objections to the proposed extension of lease of Erf 3523, Windhoek for the purpose of storage, handling, distribution and sale of petroleum and petroleum products: Provided:

- That all operations be carried out in adherence to the relevant standards for the activities.
- That all activities take place on-site.
- That adequate parking be catered for on-site.
- That any activities not spill over into the roadway.
- That a proper oil and grease trap be constructed and connected to the sewer system and that other effluent related to fuel storage similarly is disposed of via the sewer system.
- That the Municipal Council of Windhoek reserve the right to cancel the lease should above recommendations not be maintained.

Comments from the Strategic Executive: Economic Development and Community Services

- **Emergency Services (fire safety requirements)**

The Fire Brigade services has no objections to the proposed extension of lease of Erf 3523, Windhoek and the change from bulk storage of Flammable and Combustible liquids facility to the purpose of handling, storage, distribution, maintenance and sale of Liquefied Petroleum Gas (LPG) facility: Provided:

- That the company appoint a competent Engineer to design detailed Fire Installation Plan drawings and a Fire Protection Plan.
- That the plan drawing be submitted via the (Building Control) Municipal Building Plan process for fire protection plan scrutiny prior to approval of the Building Permit.

- That all designs and alterations activities be in adherence to the applicable and relevant regulatory standards (SANS 10087 Parts 1to 7), Windhoek Fire Brigade Services Regulation GN592 made under section 20 of the Local Authorities Fire Brigade Act, 2006 (Act 5 of 2006), and section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), and any other relevant legislation concerning safety of Liquefied Petroleum Gas (LPG).

- That the applicant ensure that the premises, after alteration, comply with the Fire Safety Fitness Requirement before and after annual fitness certification.

- **Parks**

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

- **Health and Environmental Management**

Engen Namibia (Pty) Ltd will be required to adhere to the following legislations as follows:

- **Environmental Management Act, 2007 (Act 7 of 2007):** An Environmental Management Clearance Certificate will be required as per the provisions of this Act; and

- **Petroleum Products and Energy Act, 1990 (Act 13 of 1990):** Under the regulations to this Act especially regulation 3(2) which *inter alia* states that *No person shall possess or store any fuel except under authority of a license or a certificate.* Such authorisation needs to be obtained from the Ministry of Mines and Energy.

The applicant is operating a listed activity on the erf. A valid Environmental Management Clearance Certificate and accompanying Environmental Management Plan must be submitted to the Municipal Council of Windhoek before the application is processed.

The applicant must ensure that the Fitness Certificate is renewed on an annual basis to ensure that all health, hygiene and safety requirements are met and adhered to.

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

- **Property Management**

There is no objection for lease for ten (10) years and name change to Vivo Energy Namibia Ltd. The application is supported and the applicant should be given seven (7) days to accept the resolution. Should the lease be terminated for whatever reason that the Municipal Council of Windhoek not compensate for the improvements. The Lessee shall not be entitled to claim any compensation for such improvements on cancellation or expiration of the Lease Agreement.

- **Valuations**

*** The rental valuation for the land situated on Erf 3523, Windhoek, is N$58 449.06, as per the Valuation Certificate, **attached as page 604 to the agenda.**

Conclusion

The subject property has been developed into a fully-fledged petroleum depot. The applicant is compliant with an Environmental certificate. They should provide the license or certificate from the Ministry of Mines and Energy, before signing the Lease Agreement. The Lessee shall not be entitled to claim any compensation for such improvements on cancellation or expiration of the Lease Agreement.

Management Committee, having considered the application,

RECOMMENDED

*** 1 That the application for lease, **attached as page 582 to the agenda**, be noted.

*** 2 That the request for a name change as per letter dated 17 September 2024, **attached as pages 583 - 588 to the agenda**, from Engen Namibia (Pty) Ltd to Vivo Energy Namibia Ltd, be noted and approved.

3 That Erf 3523, Windhoek (± 6 367 m² in extent), be leased to Vivo Energy Namibia Ltd at a monthly rental of N$58 449.06 for a period of ten (10) years, subject thereto that the rental escalate annually in line with the Namibia Inflation Rate, but not exceeding 10 %.

4 That in the event the applicant fail to conclude the Lease Agreement within the given time, the rental be revised prior to concluding the Lease Agreement.

5 That the Lessee not be entitled to claim any compensation for such improvements on cancellation or expiration of the Lease Agreement.

6 That the property only be used for conducting thereon business of reception, storing, packing, handling, distribution and sale, wholesale or retail, in the bulk of otherwise, of Liquefied Petroleum Gas (LPG) purpose and for any purpose incidental thereto.

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

8 That the applicant provide a Certificate of the Medical Officer of Health in consultation with the Inspector of Factories, confirming that the process to be used in the conduct of any of the said industries or factories/storage will eliminate nuisance or danger to health in neighbouring properties arising from:

8.1 Vapour or effluvia;

8.2 Liquid waste matters discharged from the premises, and if land treatment of such matter is proposed, the nature, slope and area of the land and its position in relation to building used for human habitation, streams, or water courses;

8.3 Solid waste matters, and

8.4 Oil spillage.

9 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:

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

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

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

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

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

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

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

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

10 That all operations be carried out in adherence to the relevant standards for the activities.

11 That adequate parking be catered for on-site.

12 That no activities spill over into the roadway.

13 That a proper oil and grease trap be constructed and connected to the sewer system, and that other effluent related to fuel storage is similarly disposed of via the sewer system.

14 That the company appoint a competent Engineer to design detailed Fire Installation Plan drawings and a Fire Protection Plan.

15 That the building plan be submitted via the (Building Control) Municipal Building Plan process for fire protection plan Scrutiny prior to approval of the Building Permit.

16 That all designs and alterations activities be in adherence to the applicable and relevant regulatory standards (SANS 10087 Parts 1to 7), Windhoek Fire Brigade Services Regulation GN592 made under section 20 of the Local Authorities Fire Brigade Act, 2006 (Act 5 of 2006), and section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), and any other relevant legislation concerning safety of Liquefied Petroleum Gas (LPG).

17 That the applicant ensure that the premises, after alteration, comply with the Fire Safety Fitness Requirement before and after annual fitness certification.

18 That Vivo Energy Namibia Ltd comply with the fire and safety requirements.

19 That it be noted that the applicant is operating a listed activity on the erf which subsisted before the passing of the Environmental Management Clearance Certificate as per the Environmental Management Act, 2007 (Act 7 of 2007).

19.1 That therefore, before signing the Lease Agreement, the applicant provide a valid Environmental Management Clearance Certificate and Environmental Management Plan.

20 That the Petroleum Products and Energy Act, 1990 (Act 13 of 1990), under the regulations to this Act, specifically regulation 3(2) stipulating that *No person shall possess or store any fuel except under authority of a licence or a certificate*, be noted that such authorisation be obtained from the Ministry of Mines and Energy.

21 That the applicant apply for the consent use for a noxious industry at own costs, prior to the commencement of the proposed use.

22 That the applicant obtain the Environmental Management Clearance Certificate prior to the submission of the consent use application.

23 That the erf all times be subject to the provisions of the Windhoek Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).

24 That the lease be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

25 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).

26 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3.7 **SOP.1 [CEO/UTP] APPLICATION FOR THE NAMING OF STREETS IN HAVANA EXTENSION 11**
(L/Havana Ext. 13)

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

Introduction

*** The submission seeks for the consideration of proposed street names for the establishment of a new township known as Havana Extension 11 under the theme of significant economic and commercial hubs in Africa, in accordance of Council Resolutions 76/04/2017 and 374/11/2018, **attached as pages 605 - 616 and 617 respectively to the agenda**. Council Resolution 374/11/2018 emphasis on the maintenance and retaining of the street name themes in existing and newly approved townships. In this light, the following names of significant economic and commercial cities are proposed: Lagos (Nigeria), Johannesburg (South Africa), Nampula (Mozambique), Oran (Algeria), Abidjan (Ivory Coast), Mwanza (Tanzania) and Libreville (Gabon).

Background

*** The proposed township of Havana Extension 11, as indicated on the approved layout, **attached as page 618 to the agenda**, is part of the informal settlement formalisation and upgrading effort driven by the Human Settlement Division. The township layout was approved per Council Resolution 256/11/2021, **attached as pages 619 - 622 to the agenda**. The approved township layout presents an opportunity for complementary land uses, including the creation of streets as part of the mobility network that connect the new township to neighbouring settlements and the rest of the City. The approved township consists of approximately seven (7) streets.

Motivation

*** Street naming themes carry great important when it to come to the shaping and characters of the built environment. Thematic classification of street names resonates consistency and harmonious identification of areas as well as the communication of landscape aesthetic, as encouraged by Council Resolution 374/11/2018, **attached as page 617 to the agenda**. It is anticipated that the proposed theme will expand to adjacent envisioned townships. Significant economic and commercial hubs of African countries are to be considered for the proposed township of Havana Extension 11.

*** The application is made in accordance with the Street and Place Naming/Renaming Guidelines and the township establishment layout as approved by Council Resolutions 76/04/2017 (as amended) and 256/11/2021, **attached as pages 605 - 616 and 617 respectively to the agenda.**

Management Committee

RECOMMENDED

1 That the proposed theme of significant economic and commercial hubs in countries on the African continent, be noted and supported.

*** 2 That street names in Havana Extension to be known as follows (as indicated on the approved township layout), **attached as page 618 to the agenda**:

2.1 Lagos (Nigeria), Johannesburg (South Africa), Nampula (Mozambique), Oran (Algeria), Abidjan (Ivory Coast), Mwanza (Tanzania) and Libreville (Gabon).

3 That the generic term 'Street' be abbreviated as 'Str.'.

4 That the Department of City Police and Emergency Services erect the necessary street name plates

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

[Municipal Council Agenda: 2025-08-07(07-31)]

9.3.8 SOP.2 [EDC/HPH] CONFIDENTIAL MATTER
(17/1/6)

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 -

(iii) the institution of any legal proceedings by, or opposition of any legal proceedings instituted against, a local authority council,

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

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Figure 1: Windhoek annual water demand

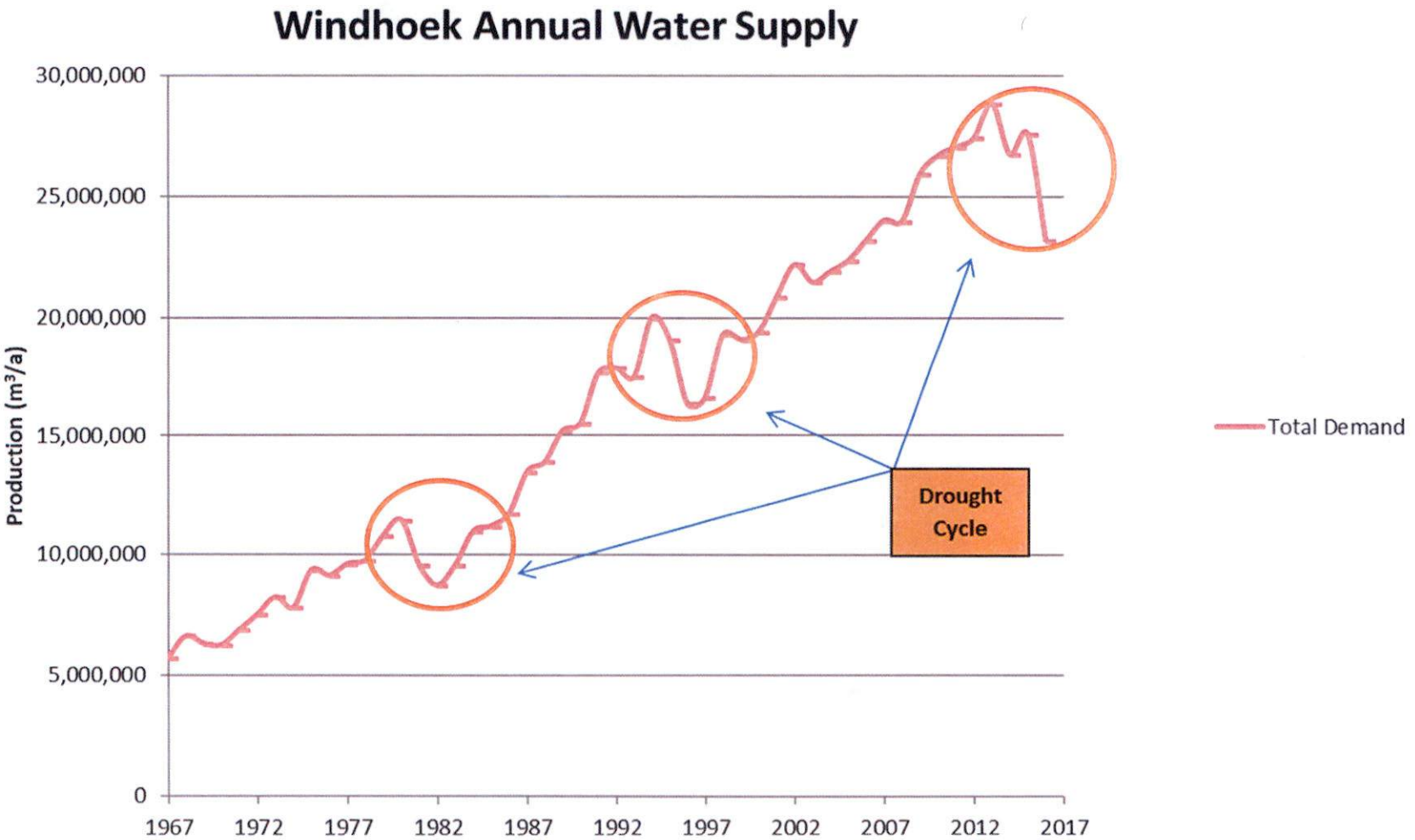


Figure 2: Increase in annual water demand versus reduction in per capita consumption

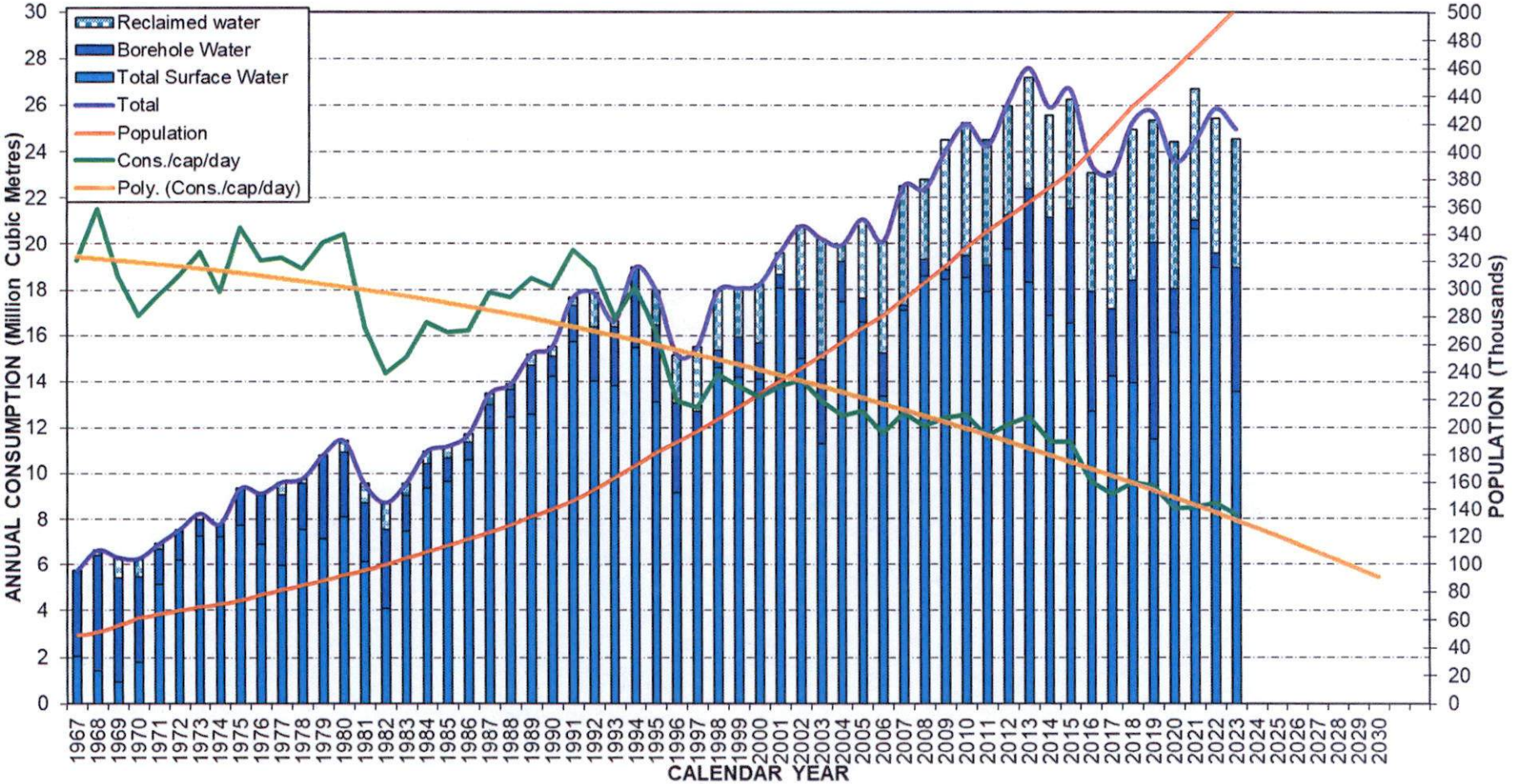
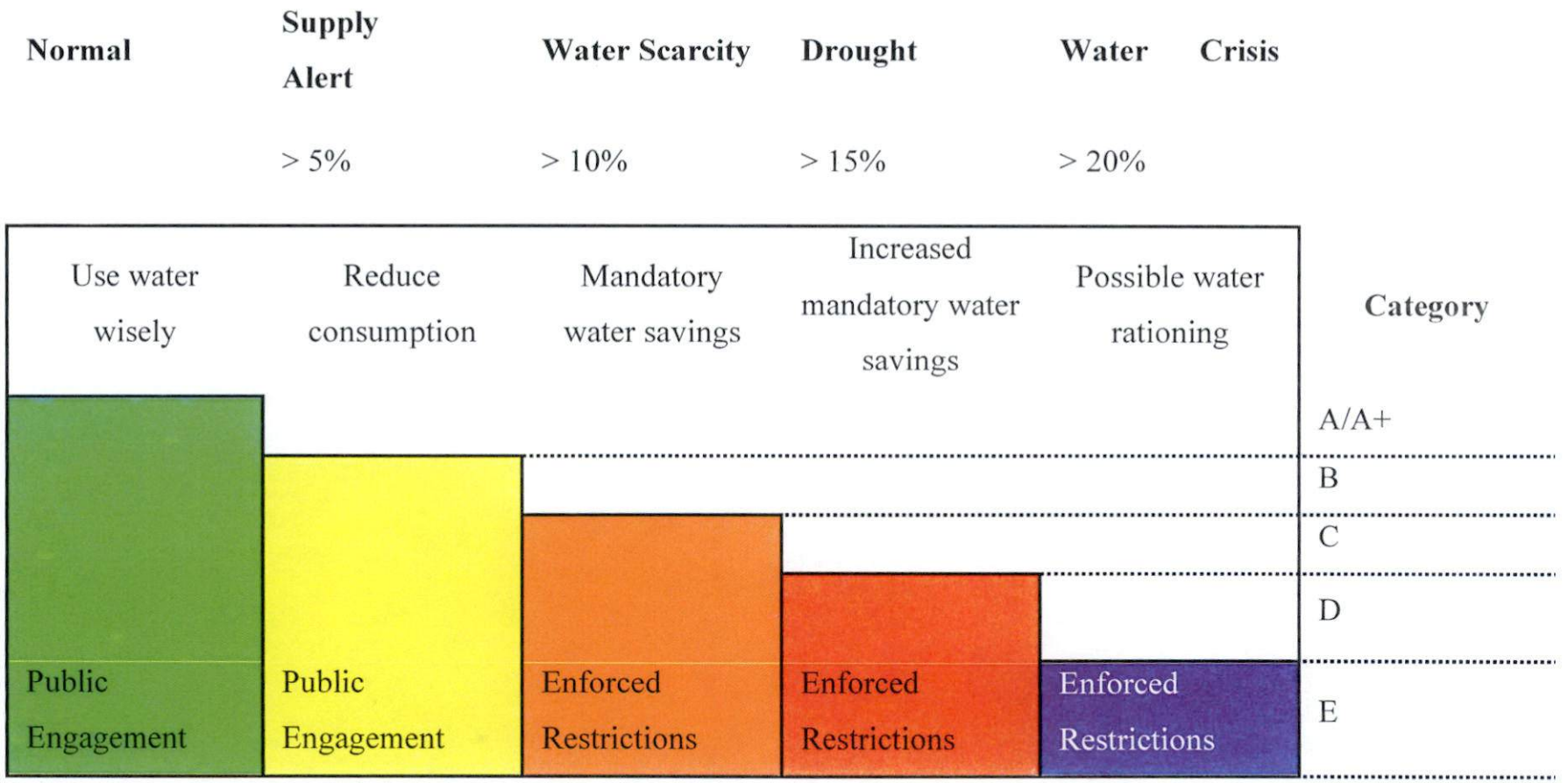


Figure 3: WDM Response Index (WDMRI) – The City of Windhoek demand management categories



[Municipal Council Minutes: 2023-06-01&05-31]

10.1.2 **GOV.3 [INF] UPDATE ON WATER SUPPLY TO THE MUNICIPAL COUNCIL OF WINDHOEK AND ACTIVATION OF THE EMERGENCY BOREHOLE SCHEME (16/1/9/2)**

On proposal by Councillor SS Nujoma, it was

RESOLVED

1 That it be noted that due to the current water supply situation, the Strategic Executive: Infrastructure, Water and Technical Services commenced with the Emergency Borehole Scheme to supply Windhoek at a rate of 8.5 Mm^3/annum from 1 May 2023.

2 That the Strategic Executive: Infrastructure, Water and Technical Services be mandated to proceed with the implementation and co-ordinate the Water Management Plan (WMP), in consultation with the Chief Executive Officer, to manage the water supply and water use during the pressing drought.

3 That measures be put in place to promote and strive for at least a 10 % water savings on the existing water demand target for the Municipal Council of Windhoek.

4 That the Strategic Executive: Infrastructure, Water and Technical Services arrange a workshop for Councillors on the Water Management Plan (WMP), for a better understanding.

5 That the Strategic Executive: Infrastructure, Water and Technical Services, in consultation with the Chief Executive Officer, inform the Regional Councillors of the Water Management Plan (WMP).

6 That the Chief Executive Officer (Manager: Corporate Communication, Marketing and Public Participation), embark on a rigorous campaign to inform the residents in all the vernaculars on the Drought Response Plan, to promote water saving initiatives and to create awareness campaigns in this regard, to ensure a proper understanding.

6.1 That the impact of the Water Demand Management (WDM) Category on residents, be noted as follows:

6.1.1 Gardens may only be watered two (2) times a week;

6.1.2 Vehicles may only be washed using buckets (no handheld hoses);

6.1.3 Swimming pools should be covered with a pool cover at all times;

6.1.4 No water features such as fountains are allowed;

6.1.5 Water re-use, where possible, is encouraged;

6.1.6 Four (4) block water tariffs move to a lower volume consumed per month before penalty tariffs apply - to encourage water savings;

6.1.7 Residents are expected to do daily water meter readings to identify water leakages; and

6.1.8 No water leak rebates will be allowed.

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

RESOLUTION 95/05/2023

[Municipal Council Minutes: 2024-07-31]

10.1.1 GOV.2 [INF] UPDATE ON WATER SUPPLY TO THE MUNICIPAL COUNCIL OF WINDHOEK
(16/1/9/2)

On proposal by Council Member Bernardus Araeb, it was

RESOLVED

1 That it be noted that on 1 June 2023, Council per Resolution 95/05/2023 attached as pages 46 - 47 to the agenda, approved the implementation of Category C, as per the Water Management Plan Water Demand Response Index, promoting water savings of at least 10 %.

2 That it be noted that since the water scarcity situation has escalated as of June 2023, the Municipal Council of Windhoek now announces a Category D drought classification according to the Water Management Plan Water Demand Response Index, which calls for mandatory water savings of at least 15 %.

3 That due to the current water supply situation, the Chief Executive Officer (Strategic Executive: Infrastructure, Water and Technical Services) be mandated to continue operating the Emergency Borehole Scheme at a rate of 8.5 Mm^3/annum and to increase the same to 9.5 Mm^3/annum when so required to breach the 2023/2024 rainy season.

4 That the Chief Executive Officer (Strategic Executive: Infrastructure, Water and Technical Services) be mandated to proceed with the implementation and co-ordination of the Water Management Plan, attached as pages 48 - 74 to the agenda, to manage water supply and water use during the pressing drought.

5 That measures be put in place to promote mandatory water savings targeting 15 % on the current existing water demand target for the Municipal Council of Windhoek.

6 That a Working Committee be constituted consisting of the following representatives to report to STRATCOM and onward reporting to Management Committee/Council within three (3) months after this resolution on possible options for a lasting solution to water security within the Municipal Council of Windhoek, for information:

- Chief Executive Officer (Corporate Legal Adviser);
- Strategic Executive: Finance and Customer Services;
- Strategic Executive: Information and Communication Technology; and
- Strategic Executive: Infrastructure, Water and Technical Services.

7 **That the Chief Executive Officer (Manager: Corporate Communication, Marketing and Public Participation), embark on a rigorous media campaign including radio stations in various vernaculars to inform the residents on the Drought Response Plan, to promote water saving initiatives and to create awareness campaigns in this regard.**

7.1 That the campaign should run concurrently for a certain period of time.

8 That the Chief Executive Officer (through the Strategic Executives: Urban and Transport Planning; and Infrastructure, Water and Technical Services) engage Government on the status and long term plan of the desalination project.

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

RESOLUTION 151/07/2024

NAMWATER

Namibia Water Corporation Ltd

Return Address: Namibia Water Corporation Ltd
Private Bag 13389, Windhoek, Namibia

Mr. Moses Matyayi
Chief Executive Officer
City of Windhoek
P O Box 59
WINDHOEK

29 APR 2025
A-3186

Our Reference: BUC/SM/2025/
Direct Phone: (061) 71-2224/5
Direct Fax: (061) 71-3804
E-Mail Address: MukuyaS@namwater.com.na
Date: 23 April 2025

Dear Mr. Matyayi

NAMWATER'S COMMITMENT TO SUPPLY THE WATER REQUIREMENT AND DEMAND OF THE CITY OF WINDHOEK FOLLOWING IMPROVED WATER LEVELS IN THE 3-DAM SYSTEM

NamWater hereby formalizes its commitment to supply the City of Windhoek (CoW) with its water requirements for the next 12 months, effective as from 1st May 2025 based on improved water levels in the Omatako–Swakoppoort–Von Bach 3-dam system and the operational readiness of our infrastructure.

Commitment Details:

NamWater commits to supplying 22.66 Mm^3/a of potable water to meet CoW's total demand of 28.5 Mm^3/a (26 Mm^3/a for potable use and 2.5 Mm^3/a for Managed Aquifer Recharge), after accounting for Direct Potable Reclamation (DPR) contributions. This commitment is supported by:

- Water Availability: Enhanced 2024/2025 rainfall has increased the 3-dam system's yield, sufficient for supply until early 2027 under normal conditions.
- Operational Capacity: The Von Bach Water Treatment Plant, with a capacity of 47 Mm^3/a, ensures reliable delivery of the required 22.66 Mm^3/a.
- Conjunctive Use Strategy: Surface water will be prioritized, with groundwater reserved for drought periods and surplus water used for MAR.

Supporting Actions:

To fulfill this commitment, NamWater will:

- Conduct continuous hydrological modelling to inform operations.
- Apply conjunctive use operating rules.
- Finalize the Bulk Water Supply, Service Level, and Aquifer Recharge Agreements with CoW.

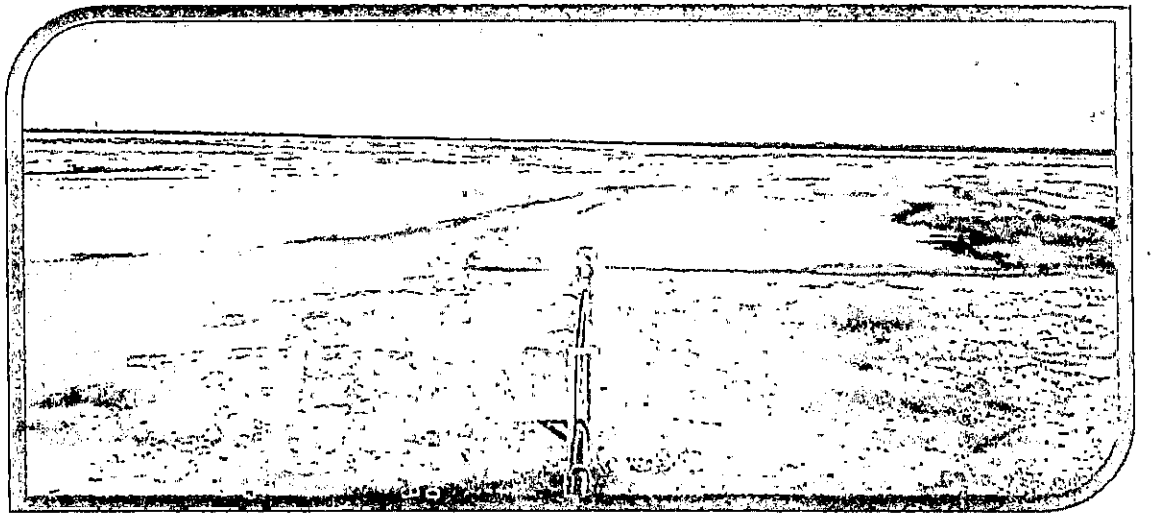
Thank you for your kind attention and we look forward to your inputs in finalizing the water supply agreements to ensure sustainable water supply for Windhoek.

Yours sincerely,

ABRAHAM NEHEMIA
Chief Executive Officer

The Gateway to Endless Opportunities

Water Management Plan



DEPARTMENT OF INFRASTRUCTURE,

WATER AND

TECHNICAL SERVICES

Version 3/2019

INTRODUCTION

Namibia is a semi-arid country, with the lowest average rainfall in the Southern Africa region. Droughts are frequent occurrences, which require appropriate water management to assist in the successful bridging thereof, while making every effort to sustain development, social and economic goals throughout periods of water supply challenges.

As a drought is a naturally occurring phenomenon each drought can be different. It is therefore not considered practical to develop a set of hard-and-fast rules to apply to all droughts. Furthermore, water demand management cannot be applied only during times of droughts as the required response heavily relies on public support which takes time to acquire. As a result, these guidelines are intended to provide a framework for continuous water management and a timely drought response while maintaining flexibility to respond to unique water supply challenges. These guidelines are intended to assist the Windhoek City Council (the Council), through the Department of Infrastructure, Water and Technical Services, in making decisions water demand management linked to the prevailing supply conditions. The Council may adjust or refine the response based on actual conditions at the time.

This Water Management Plan aims to outlines guidelines the City of Windhoek will use to manage water supply and water use during varying supply situations. The guidelines are designed to maintain the health, safety and economic vitality of the community; to avoid adverse impacts to public activity and quality of life for the community; and to consider individual customer needs as much as possible.

Windhoek as the capital city and seat of government also comprises the largest urban and industrial development in the country. The bulk potable water supply scheme serving the city is owned and operated by NamWater as the national bulk supplier of water in the country. The so-called "three dam system" transferring water to the Von Bach Water Treatment Plant (VBWTP), located near the town of Okahandja, comprises the bulk of the NamWater supply scheme for the Central Areas of Namibia, including Windhoek. Other supply sources include the Windhoek reclamation scheme and groundwater in the Windhoek and northern aquifers.

Given the supply system to Windhoek described above, and the varying supply conditions from the aforementioned system which is mainly caused by a deficit in precipitation and subsequent runoff to the three min surface dams, continuous water management is crucial to achieve the set objective earlier referred. Unfortunately, no one can predict future precipitation, how long drought conditions will continue once they begin or how frequently they will occur which all the more raises the importance of early action in line with a defined strategy. This Water Management Plan consists of the following components:

- **Supply Situation Indicators** – Varying supply scenarios as announced by the NamWater as the bulk supplier.
- **WDM Response Actions** – Guidelines for managing water demand according to varying supply situations.
- **WDM Program Elements** – Guidelines for water uses according to the varying supply situations.

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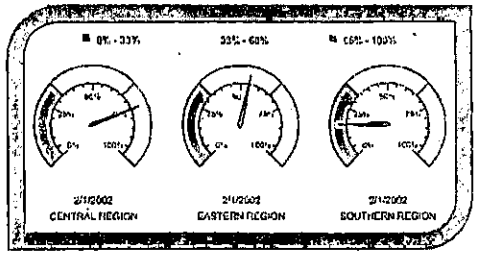
SUPPLY SITUATION INDICATORS (SSI)



Given the heavy reliance of the water supply to the Central Areas on the three dams, dam contents are a major factor impacting on supply. Dam levels at the end of a rainy season are the bottom line result of various factors affecting supply, including weather, precipitation, runoff, evaporation, collection system limitations and water use. Despite the weighting of the dams in the overall supply an integrated approach is followed in the determination of the prevailing supply situation at the end of each rainy season. This is done by NamWater using the CA computer model to develop the most likely supply scenario for the following two years in the Central Areas of Namibia (CAN) supply scheme, given the available supplies and the various built in statistical model parameters.

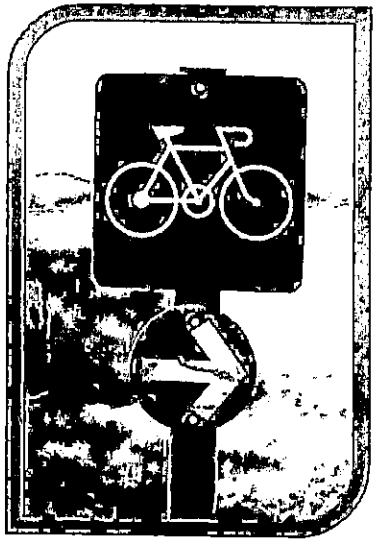
Although Supply Situation Indicators can generally be based on a number of occurrences, for the purposes and intent of this document it will be based on the results obtained from the CA model. The aforementioned provides an indication of the period for which water is available to sustain the present demand given available resources at varying rates of utilisation. The principle objective of the forecast modelling is to bridge two rainy seasons considering a worst case scenario without any inflow into the main dams.

With the aim to link the supply scenario as prepared and announced by NamWater to the WDM actions applied by the CoW for the ensuing period and hence provide the consumer with a complete understanding of the need for WDM a number of likely scenarios or outcomes were defined as captured in the table below.

Category	Classification	Description
A+		Demand can be met with available supply from dams and recycled water only for two rainy seasons as from May
A	Normal	Demand can be met with available supply from dams, recycled and groundwater sources utilised at a sustainable level for two rainy seasons as from May
B	Water Alert	Demand can be met with available supply from dams, recycled and groundwater sources utilised at a non - sustainable level for two rainy seasons as from May
C	Scarcity	Demand can be met with available supply from dams, recycled and full emergency groundwater sources utilised at a non -sustainable level for two rainy seasons as from May
D	Severe Scarcity	Demand can be met with available supply from dams, recycled and full emergency groundwater sources utilised at a non -sustainable level for one rainy season as from May
E	Water Crisis	Demand can be met with available supply from dams, recycled and full emergency groundwater sources utilised at a non -sustainable level for less than one rainy season as from May

Table 1: Supply Situation Indicators (SSI) - Categorisation of likely water supply scenarios as predicted by NamWater's CA-Model

WDM RESPONSE INDEX (WDMRI)



Accordingly, these supply scenarios are categorised into six (6) categories to match a five (5) stage Water Demand Management categorisation as depicted below. The best supply scenario was labelled A+ as this represents a mostly theoretical supply situation with all three the supply dams at or near full capacity at the end of a given rainy season. Gradually increasing demand, in particular in Windhoek, will eventually see this this possibility disappear. The second category was therefore labelled **A – Normal** progressing up to category **E – Water Crisis** which was colour coded (green to purple) to match the water demand categories in **Table 2** below.

Annually, the City of Windhoek (COW), Department of Infrastructure, Water and Technical Servicers will consider Supply Situation Indicators as provided by NamWater in announcing the appropriate demand management category in line with the WDM Response Index (**Table 2** below). The **Water Demand Management Program** section indicates how the WDM Response Index aligns with the suggested WDM response framework.

NOTE: The feedback at the annual NamWater CAN Workshop in May will be utilized by the City of Windhoek to announce the Water Demand Management category (DMI) at the end May for the following year.

Normal	Supply Alert	Scarcity	Severe Scarcity	Water Crisis	
	> 5%	> 10%	> 15%	> 20%	
Use water wisely	Reduce consumption	Mandatory water savings	Increased mandatory water savings	Possible water rationing	Category
					A/A+
					B
					C
					D
Public Engagement	Public Engagement	Enforced Restrictions	Enforced Restrictions	Enforced Restrictions	E

Table 2: WDM Response Index (WDMRI) - The City of Windhoek demand management categories

DROUGHT IMPACT FACTORS AND CONSIDERATIONS

1. Political, Social and Economic Indicators

Consumer response to calls for saving water may be influenced by public perceptions about the water supply situation, the WDM response activities of other water consumers in the Central Area, as well as news media and political responses. Although political, social and economic indicators may not always be quantitative; they can be monitored to some extent and described for consideration in the Council's decisions about the appropriate WDM response.

2. CAN Workshop

Stakeholders forming part of the Central Areas Water Supply Scheme meet annually during May, after the rainy season. They weigh (analysis and forecast using the CA computer model) the available water resources in relation to the water demand of the Central Area to determine the availability of water for the coming 24 months (two rainy seasons). Based on the outcome of such analysis a prediction including utilisation framework is agreed upon and established in the WDMRI.

3. Media Response

Much of the information customers receive about a particular supply challenge comes from traditional and social media outlets. Members of the news media can be very helpful in conveying factual information to customers, and they also play a key role in shaping public perception of the prevailing supply situation.

4. **Political Response**

Political response to any supply challenge can take many forms and can depend on the constituents affected. For example, the Ministry of Agriculture, Water and Forestry, Board of NamWater or the Windhoek City Council could guide the political decision regarding due process and WDM support programs.

5. **Economic Impacts**

One of the key principles guiding the City of Windhoek's WDM response is to maintain economic vitality of the community to the best extent possible. Water restrictions imposed in response to a supply situation can potentially affect businesses in different ways. As part of its public outreach efforts, the City of Windhoek will continue to carefully coordinate restriction programs with water-based industries so that customer needs are accommodated as far as reasonable possible. The primary program is to apply consumption control by introducing appropriate tariff programs. Water rationing is considered as last resort, since such rationing will impact on the integrity of infrastructure and have a negative impact on essential services.

6. **Environmental Effects**

Reduced stream flows and more particular lower dam levels caused by a drought can affect the environment, recreation and the natural ground water recharge. The City of Windhoek monitor dam levels, wastewater quality and ground water levels so that environmental effects are taken into account in WDM response decisions.

7. **Uncertainty Associated with Forecasts**

The City of Windhoek's WDM Response relies to some extent on national and international weather forecasts where scientists are limited in terms of their source and the availability of information. Weather forecast therefore has its limitations and is a science of probabilities. Forecasting a drought and

knowing with certainty if one exists can be difficult. When a dry year occurs, for example, it is unknown whether it is the first year of a three-, five- or 10-year drought, or if it is merely a dry year somewhere in a series of average-to-wet years. Even though droughts cannot always be predicted, the City of Windhoek will continue to advise customers of the latest water supply information so they can consider it in their own planning.

WDM RESPONSE ACTIONS

The City of Windhoek Water Management Plan consists primarily of two components; the *indicators/index* which helps the Council decide on an appropriate WDM classification and response, and the corresponding *actions* recommended for that response. This plan delineates five stages or categories. Each stage is based on water supply indicators, as discussed earlier.

For each stage, progressively more stringent responses are recommended. Some WDM response measures, particularly those designated for mild episodes of supply challenges, require minimal customer / consumer effort. However, measures can become mandatory, more costly and sometimes intrusive as a the supply situation worsens.

In short, the basic recommended responses are as follows:

- During a **Normal** situation consumer awareness is maintained and realistic demand monitored;
- A **Supply Alert** requires increased communication on supply conditions;
- A **Scarcity** classification implements mandatory restrictions;
- A **Severe Scarcity** classification intensifies mandatory restrictions, and
- A **Water Crisis** classification could result in the rationing of water supplies for essential uses only.

To activate a particular WDM stage, the City of Windhoek will declare a WDM category following the announcement of the applicable supply scenario by NamWater and adopt an effective date for imposing applicable restrictions. Because the severity of a supply scarcity (relating to the above description) could involve mandatory restrictions, they are incorporated into the COW water tariffs and operating rules and become enforceable pursuant to the COW Municipal Regulations and provisions in the COW's water service agreements.

At the onset of Severe Scarcity, it is recommended that a "Coordinating Committee" will be formed. This committee should monitor supply conditions and evaluate the effectiveness of the WDM response. Recommendations for adjusting the response will be communicated. As conditions can vary throughout a response period, the Committee will refine WDM response actions based on actual conditions and levels achieved.

1. **Increasing Water Supply**

In addition to managing water use during a drought, City of Windhoek will increase its supplies by increasing production from the aquifer and by optimising the Goreangab Reclamation water supply. In addition, NamWater will engage the pumping of ground water sources, considered as Scarcity Supply sources. Each augmentation option could present unique challenges in relation to the prevailing supply conditions.

2. **Reducing Water Demand**

The City of Windhoek's primary response to supply shortages is to reduce water demand so that supplies will be available for the most essential uses for the duration of the supply scenario through Water Demand Management. A variety of actions, rather than one single approach, is generally more effective at creating an overall atmosphere that promotes water use reductions. The actions discussed in the sections that follow include: ***water use education and enforcement, monitoring and evaluation, water scarcity tariffs, restrictions.***

Generally speaking, restricting the number of days and times allowed for watering landscapes can be an effective method for reducing water use. Other methods, such as drought water tariffs and public information efforts, complement those watering restrictions. Other restrictions may not substantially reduce water use but may eliminate indiscretionary uses of water or heighten public awareness of a certain supply situation.

3. **Water Scarcity Tariffs**

Pursuant to demand management and to encourage water savings standard step tariffs are adjusted and pricing increased according to the applicable supply scenario. Water scarcity tariffs are designed to increase awareness of the supply situation with the intent of defining a targeted contribution to save water through pricing incentives.

Water scarcity tariffs are different from the regular tariff structures for water services in that it is temporary in nature. The WDM category announced will define the criteria for implementing and removing water scarcity tariffs once the status of the situation has changed.

City of Windhoek will consider several guiding principles in developing water scarcity tariffs:

- There is a relationship between price and demand. However, the cost of water for the basic water demands should remain reasonable.
- Water scarcity tariffs should not be used alone, but should be incorporated into an overall program to increase customer awareness of the supply situation and the importance of saving water.
- Public communication is the most important element of WDM awareness and water saving efforts.
- Water scarcity tariffs generally apply to domestic consumers. However during a severe water scarcity or a water crisis all other consumers have to be controlled as well.

- Water scarcity tariffs should match the severity of the situation and associated response philosophy.
- Water scarcity tariffs must be reasonable in so far as that consumers who save water are not affected.
- Water scarcity tariffs should motivate investment in water saving technology.
- Public information is important in helping customers understand water scarcity tariffs.

4. Water Use Education and Enforcement

City of Windhoek has a water use education and enforcement program to educate customers about efficient water use, to enforce water waste rules and water restrictions, and to save water. During a supply shortage, inspectors and law enforcement officers will patrol the Windhoek service area looking out for customers who are not complying with drought response calls. The goal of the program is to educate and inform customers, not to merely penalize violators.

The Ministry of Education, Arts and Culture, in particular schools, are considered an imported public communication channel for awareness rising and to implement a sustainable drought awareness and water saving program. Their active support and participation is crucial in the quest for public cooperation.

During supply shortages, a community awareness program is engaged to address the community at various platforms including communal gathering places such as shopping centres and markets. Information regarding water saving methods and the severity of the supply shortage is shared.

Dedicated City of Windhoek personnel will distribute educational materials, help customers reduce their water use and answer questions about the supply situation. Customers are also able to report water waste through a City of Windhoek hotline, Web page and social media outlets connected to the organisation. Violators are to receive written warnings and may be fined for repeat transgressions. Flow restrictors may be installed at properties with repeat violations or supply temporary suspended pending corrective action. The resident (owner or occupant of the property) is responsible for complying with WDM restrictions and emergency terms.

For practical reasons, WDM awareness is seen as a public responsibility and public programs are strongly motivated. Pursuant to this all private and public cooperation programs are fully supported and are considered essential for public cooperation.

5. Restrictions

Once Council has declared a WDM category, the City of Windhoek will activate the corresponding set of recommended responses. The City of Windhoek's goal for WDM response is to maintain the health, safety and economic vitality of the community to the extent possible in the face of

the prevailing water shortage. The City of Windhoek follows the basic principles indicated below in so far as is possible when restricting water use during a drought:

"*Clear communication is essential. Communicate the supply situation and only the relevant restriction program.*"

Avoid irretrievable loss of natural resources.

- Allow for watering of trees if possible.
- Avoid damaging perennial landscaping if possible.
- Motivate the introduction of hardy and indigenous plants to reduce water demand for gardens and parks.
- Restrict the time of watering, to minimise evaporation losses.

Restrict less essential uses before essential uses.

- Curtail outdoor water use (except for trees and shrubs) before restricting domestic indoor use.
- Eliminate water waste.
- Restrict car wash operations, to allow only such operations that comply with the environmental, sewer and water saving regulations.
- Stop the watering of public lawns with potable water.

Affect individuals or small groups before affecting large groups or the public as a whole, allowing as much public activity as possible to be unaffected.

- Have a dedicated water quota program for public spaces watered by semi-purified water to allow those customers to prioritize water use for heavily-used landscapes.
- All private pools shall be closed with a pool cover, if not in use.
- Preserve public pools before residential private pools. To shorten the open period of the pool, to raise public awareness and save water.

Minimize adverse financial effects.

- Be respectful of water-based businesses that will be financially affected by restrictions.
- Engage in ongoing dialogue with the landscaping industry to obtain input and to allow these businesses to plan for future dry months.
- Consider long term planning to implement and manage suitable landscapes and gardens which address low water demand.

Implement extensive public information and media relations programs.

- Inform customers about conditions and actions they can take to reduce water use.
- Have open, clear and consistent messaging and communication.
- Maintain the trust of customers and stakeholders.
- Communicate the WDM Response Index applicable and define the relevant requirements.

Integrated development planning

- Inform building industry customers about supply conditions and actions to reduce water use.
- Restrict water intensive building programs
- Plan water efficient developments by integrating water efficient technology and related programs.
- Consider decentralisation for economic benefits and stability.

24

6. **Monitoring and Evaluation**

When a supply shortage emerge, City of Windhoek staff will intensify its monitoring and evaluation activities. The monitoring and evaluation program will track information such as precipitation, reservoir levels and weather forecasts. In addition, water usage and its corresponding revenue will be compared to normal use and supply situation expected use. If water-reduction goals are not being met, the Committee may increase public outreach and/or the level of WDM response.

7. **Recycled Water**

The City of Windhoek has fully adopted the principle of total re-use of water which has been implemented to a large extent.

Currently three reclamation plants are being operated by the City of Windhoek for the purpose of providing:

i. Treated water for irrigation and non-potable use;
ii. Treated water for potable use;
iii. Treated water for commercial irrigation projects

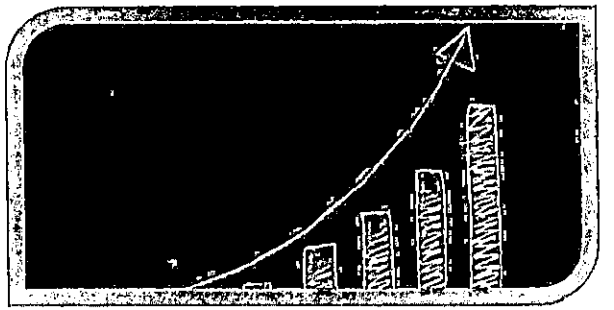
Semi-purified irrigation water has a lower quality than potable water. In periods of water shortage, re-usable water may be more or less abundant than other water supplies. In recognition of these potential differing circumstances, the Committee may adopt specific supply restrictions for semi-purified water customers depending on conditions.

The recycling of water for industrial purposes is supported by the City of Windhoek. In some consumer applications, the recycling of water is acceptable and may reduce water consumption.

8. Use of Water Not Provided by the City of Windhoek

Some customers in the City of Windhoek service area have access to water sources that are not owned, controlled, or provided by City of Windhoek. Though the use of such water is not under the direct control of the City of Windhoek, those customers will be subject to restrictions in the operating rules related to avoidance of contamination of the potable water system and prevention of water waste. In addition, the City of Windhoek reserves the right to restrict the use of such water sources, if such sources are over consumed to the negative effect of fellow users or as otherwise determined.

WDM RESPONSE INDEX (WDMRI) – DESCRIPTIONS



Supply Alert:

Conditions requiring public awareness to avoid water wastage and achieve minimal targeted savings

Description:

A Supply Alert will increase communication to customers to alert them that water supplies are below ideal, conditions are dry and continued dry weather could lead to mandatory watering restrictions. A minimal saving to stretch supplies is likely to be announced.

Indicators:

- Projected usable water supplies correspond to **Category B** (See **Table 1**).
- Watershed characteristics such as precipitation, wind and soil moisture indicate abnormal and possible prolonged dryness.
- Service-area precipitation indicates abnormal and possible prolonged dryness.
- News media are sending messages that imply drought may be pending.
- Customers believe a Water Scarcity and its corresponding actions are appropriate.
- Elected officials are suggesting the City of Windhoek adopt a Water Scarcity or similar response.

Responses:

- Increase communication and outreach to customers and stakeholders to explain we may be beginning to see indicators of drier period.
- Encourage customers to continue to use water efficiently and provide suggestions for reducing water use in order to reduce the risk of progression to mandatory restrictions.
- Warn of and prepare for the possibility of mandatory watering restrictions.
- Enhance the water use education and enforcement program.
- Targeted savings is monitored with continuous feedback.

Scarcity:

Water supplies showing strain due to abnormal weather conditions or otherwise

Description:

A water Scarcity imposes mandatory watering restrictions and requires more effort on the part of customers. Corresponding watering restrictions will appear in the City of Windhoek operating rules.

Indicators:

- Projected usable water supplies correspond to **Category C** (See Table 1).
- Watershed characteristics such as precipitation, wind and soil moisture indicate definite current and possible prolonged dryness.
- Customers believe that mandatory watering restrictions are appropriate, to save water.
- Government and Regional water officials are engaged in drought response activities.
- Circumstances warrant possible adverse impacts on water-dependent businesses involved in outdoor water use.
- Targeted savings is monitored with continuous feedback.

Responses:

1. **Use Reduction Target**

A reduction of greater than 10% based on the ideal/realistic demand. This target is generally suggested to be met with approximately a 10 percent decrease in indoor use and a 25 percent decrease in outdoor use.

2. **Restrictions**

Below is the required garden watering schedule for this WDM response.

- Single-family residential properties with odd-numbered addresses: Saturday, Wednesday
- Single-family residential properties with even-numbered addresses: Sunday, Thursday
- All others (multi-family, High density, commercial, industrial, government): Tuesday, Friday

Consciousness of indoor water use

3. **Water Pricing**

A WDM pricing program may be instituted to increase awareness of the drought's severity, assist in meeting water-use reduction targets through pricing signals and/or maintain the financial health of the Council as service provider.

4. **Strategic Water Reserve(s)**

The Committee may make water from the borehole water reserve available for use during a water Scarcity. Such action could reduce the severity of restrictions, to delay or eliminate a Severe Scarcity response.

5. **Fixed-Amount Water Contracts:**

Water deliveries to customers who receive semi-purified or potable water under contracts may be restricted as follows:

- For agreements with provisions allowing the City of Windhoek to reduce supply under water scarce conditions, supply will be reduced by proclaimed percent from normal use to save water.
- For agreements without these provisions, the Committee may adopt drought pricing or other methods to reduce water consumption as necessary to provide an adequate water supply to the people of Windhoek.

Severe Scarcity:

Water supplies severely strained

Description:

A Severe water Scarcity imposes compulsory water savings on City of Windhoek's customers. Severe Scarcity restrictions are severe and will likely result in damage to or loss of landscapes.

Indicators:

- Projected usable water supplies correspond to **Category D** (See Table 1).
- Watershed characteristics such as precipitation, wind and soil moisture indicate extreme dryness.
- The CAN Workshop has enacted or are advocating severe restrictions on outdoor water use.
- Customers believe that severe water-use restrictions are appropriate.
- Government/Regional water officials are taking drought emergency preparatory actions.
- Bans on most lawn watering justify prohibitions on some water-dependent businesses.
- No tolerance to leaks and open water features as well as extensive watering of lawns, common believes that no unnecessary consumption can be tolerated.
- Targeted savings is monitored with continuous feedback.

Responses:

1. **Use Reduction Target**

A targeted reduction of 15% or more based on a predetermined quantity. This target is generally suggested to be met with approximately a 15 (proclaimed) percent decrease in indoor use and a 50-75 percent decrease in outdoor use.

2. **Water Pricing**

The water pricing program is likely to be intensified to increase awareness of the severity of supply conditions, assist in meeting water-use reduction targets through pricing signals and/or maintain the financial health of the Council as service provider.

3. **Strategic Water Reserve**

The Committee may (high probability) make water from the underground reserves available for use during a Severe Scarcity. Such action could reduce the severity of restrictions, or it could be used to delay or eliminate a Water Crisis response.

4. **Fixed-Quota Water Contracts**

Water deliveries to customers who receive semi-purified water or potable water under contracts will be restricted as follows:

- For non-domestic consumers with provisions allowing reduced supply under conditions of supply shortges, the amount supplied shall be reduced by the water saving percent from normal use.
- For domestic consumers the water tariff structure will be further adjusted for a lower consumption quantity.
- For agreements without these provisions, the Committee may adopt drought pricing or other methods to reduce water consumption as necessary to provide an adequate water supply to the people of Windhoek.

Water Crisis:

Insufficient Water Supply

Description:

A Water Crisis will be associated with severe water restrictions and may activate a rationing program for the City of Windhoek's consumers. *Conditions that would lead to a Water Crisis are highly unlikely, but possible.* However, if conditions warrant, the City of Windhoek may implement a rationing program for an indefinite period of time to ensure, to the extent possible, that there is adequate water for essential uses. No outdoor watering will be allowed and indoor water use will be restricted. Water Crisis restrictions will affect the quality of life in the City of Windhoek's service area, including the long-term damage or loss of landscapes.

Indicators:

- Projected usable water supplies correspond to **Category E** (See Table 1).
- Watershed characteristics such as precipitation, wind and soil moisture indicate exceptional and prolonged dryness.
- News media are sending message that we are in a water crisis situation.
- Customers believe we are in a water crisis situation.
- Elected officials are saying that water rationing is appropriate.
- The State declares a drought emergency.
- The situation suggests that severe impacts to water-dependent businesses are unavoidable.
- No tolerance to leaks and no filling of water features and pools as well as no potable water use for landscaping, common believe that no unnecessary consumption can be tolerated.

Response:

1. **Use Reduction Target**

A reduction of 20% or more based on a predetermined quantity.

2. **Water Pricing**

A water scarce water pricing program is maintained and likely to be become more severe.

3. Strategic Water Reserve

Because of the severity of the situation, the Committee will likely make any remaining water reserves available for essential uses during a Water Crisis.

Challenges:

- To maintain an operational state of water availability, to guaranty a minimum water supply.
- To ensure a fair distribution of water to maintain sustainability and operations during water crisis conditions.
- To obtain public support and understanding at all levels for the implementation of this Water Management Program.
- Not to run out of water. In such a case, water supply can no longer be maintained.
- To motivate immediate, albeit short term decentralization to reduce water demand.
- Motivate a change in perspective, to consider alternative production, cleaning or operations which do not require water.

Decentralisation of operations:

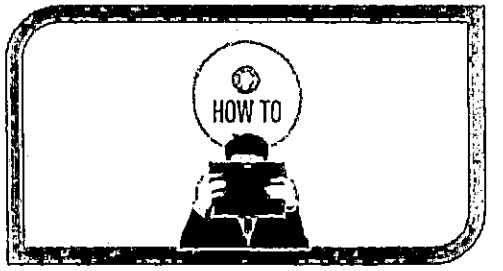
- Government institutions could decentralize their operations by moving workers and offices out of the water crisis area.
- Businesses could divert operations and office out of the water crisis area.
- To close selected water intensive operations and businesses.
- To minimize and stop operation of water infrastructure where significant water losses occur.

Halting non-essential construction:

- Government to consider delaying construction until water becomes available.
- A business to consider the delay of construction until water is available.
- Private developments and renovations to be put on hold, to save the water during the water crisis.

WDM PROGRAM

The program table below is meant to be a guide to water users under various levels of supply scarcity related to the WDM Response Index (WDMRI).



		Normal Category A	Supply Alert Category B	Scarcity Category C	Severe Scarcity Category D	Water crisis Category E
1	**Outdoor watering and Irrigation**					
a	**Turf grass**	Maximum of three days/week of customer's choice.	Maximum of three days/week of customer's choice.	Two days/week per mandatory schedule based on customer address.	Public: Only semi-purified Private: once weekly only	No watering allowed. Restricted semi-purified
b	**New seed and sod (lawn establishment)**	Allowed. Written approval for establishment of more than 20m².	Allowed. Written approval for establishment of more than 20m².	Allowed, but not recommended. Written approval for establishment of more than 20m².	Not allowed	Not allowed
c	**Co-Watering**	Allowed	Allowed	Not allowed, Only semi-purified watering	Not allowed, Only semi-purified watering	Not allowed , restricted semi-purified watering
d	**Trees, shrubs and perennials**	May be watered by hand-held hose or low-volume non-spray on any day, not between 9 a.m. and 6 p.m. Summer, 10 a.m. and 4 p.m. Winter	May be watered by hand-held hose or low-volume non-spray on any day, not between 9 a.m. and 6 p.m. Summer, 10 a.m. and 4 p.m. Winter	May be watered by hand-held hose or low-volume non-spray on assigned days only, not between 9 a.m. and 6 p.m. Summer, 10 a.m. and 4 p.m. Winter	Existing trees and shrubs may be watered by means of a hand-held hose or low-volume non-spray irrigation no more than once per week on scheduled day.	Not allowed.
e	**Flowers, vegetables, and community gardens**	May be watered by automatic system and by hand-held hose or low-volume spray on any day, not between 9 a.m. and 6 p.m. Summer, 10 a.m. and 4 p.m. Winter	May be watered by automatic system and by hand-held hose or low-volume spray on any day, not between 9 a.m. and 6 p.m. Summer, 10 a.m. and 4 p.m. Winter	May be watered by means of a hand-held hose or low-volume non-spray irrigation only on the assigned watering days, , not between 9 a.m. and 6 p.m. Summer, 10 a.m. and 4 p.m. Winter.	Existing plants may be watered only twice a week on assigned days by means of a hand-held hose or low-volume non-spray irrigation. , not between 9 a.m. and 6 p.m. Summer, 10 a.m. and 4 p.m. Winter	No watering allowed.

		Normal Category A	Supply Alert Category B	Scarcity Category C	Severe Scarcity Category D	Water crisis Category E
f	Athletic, sport and playing fields (incl. golf courses)	No waste of water.	No waste of water.	Irrigation limited to every second day only unless non-potable water is used.	No watering with potable allowed. Only Semi-Purified water	No watering with potable allowed. Restricted Semi-Purified
g	Irrigation taps not covered by other rules	No waste of water.	No waste of water.	Same as Trees, shrubs and perennials.	Same as Trees, shrubs and perennials.	Same as Trees, shrubs and perennials
2	Washing Events					
a	Cars – washing at home	With bucket or hand-held hose with shut-off nozzle.	With bucket or hand-held hose with shut-off nozzle.	With bucket or pressure Sprayer. NO hand-held hoses.	Not allowed. Must use certified commercial car washes.	Not allowed.
b	Cars – commercial car washes	Only certified commercial car washes	Only certified commercial car washes	Only certified commercial car washes	Only certified commercial car washes	Only certified commercial car washes. Car wash operations may be halted by the Committee
c	Fleet vehicle washing	Must use a certified car wash and use approved equipment	Must use a certified car wash and use approved equipment	As before, but maximum once per week.	Once per month only for health and safety at certified car washes only.	Not allowed.
d	Charity events (car wash)	On case-by-case basis.	On case-by-case basis.	Approval needed.	Not allowed.	Not allowed.
e	Street cleaning equipment	Obtain water from semi-purified source only.	Obtain water from semi-purified source only.	Obtain water from semi-purified source only.	Obtain water from semi-purified source only.	Extreme health and safety reasons only;
f	Washing impermeable surfaces	Use dry clean-up methods prior to washing. No waste of water.	Use dry clean-up methods prior to washing. No waste of water.	Use dry clean-up methods only. Washing for health and safety reasons only.	Use dry clean-up methods only. Washing for health and safety reasons only.	Use dry clean-up methods only. Washing for health and safety issues only.
3	Water Features					
a	Unlined ponds	Not allowed.	Not allowed.	Not allowed.	Not allowed.	Not allowed.
b	Swimming pools	Cover pool	Cover pool	Cover pool	Cover pool, Single-family residential pools shall not be filled or refilled from public supply.	Cover pool, No filling of private pools from public supply.
c	Public pools	Water saving	Water saving	Water saving	Reduced opening period	Reduced opening period. Possible closure of pools
d	Other water features (fountains, waterfalls etc.)	No construction of new water features not incorporating water saving measures	No construction of new water features not incorporating water saving measures	Customers are highly encouraged not to operate any existing outdoor fountain or waterfall that sprays water into the air.	Customers are prohibited from operating any existing outdoor fountain or waterfall that sprays water into the air. No new features allowed.	No filling or operation of water features. No new water features allowed.
e	Misting devices	N/A	N/A	Restricted to commercial application.	Not allowed.	Not allowed.

		Normal Category A	Supply Alert Category B	Scarcity Category C	Severe Scarcity Category D	Water crisis Category E
4				Commercial/Industrial Processes		
a	Lodging (Hotel/B&B/Guesthouse/ other)	Advertise and encourage water savings programmes	Advertise and encourage water savings programmes	Laundry restrictions. Advertise and encourage water savings programmes	Laundry restrictions. Enforce water savings programmes	Laundry restrictions. Enforce water savings programmes
b	Barber and hairdresser	N/A	N/A	Water saving	Water saving	Water restrictions
c	Construction water	Best management practices; no water waste. Utilise semi-purified water for earth works.	Best management practices; no water waste. Utilise semi-purified water for earth works.	Best management practices; no water waste; Utilise semi-purified water for earth works, building/construction Building permit rescinded for violations.	Best management practices; no water waste; Utilise semi-purified water for earth works, building/construction Building permit rescinded for violations.	On case by case basis; best management practices, no water waste; Only semi-purified water for earth work, permit rescinded for violations. Construction projects postponed/halted.
d	Commercial water reuse	Recommended water re-use where possible	Recommended water re-use where possible	Water re-use where possible encouraged	Re-use of water encouraged	Re-use of water/Restrictions or reduced production
e	Hydrant permits	For fire emergency only	For fire emergency only	For fire emergency only	For fire emergency only	For fire emergency only
5				Tariff Program		
a	Residential block tariff	Four level block tariff, level 3 at >30 kl/m level 4 at >50 kl/m	Four level block tariff, level 3 at >30 kl/m level 4 at >45 kl/m	Four level block tariff, level 3 at >25 kl/m level 4 at >40 kl/m	Four level block tariff, level 3 at >25 kl/m level 4 at >30 kl/m	Four level block tariff, level 3 at >20 kl/m level 4 at >30 kl/m. Disconnection at 40 kl/m
b	Water Leak Rebate	Two month leak rebate	Monthly meter logging required Two months leak rebate	Weekly meter logging required One month leak rebate	Daily meter logging required No leak rebate	Daily meter logging required No leak rebate
c	No tolerance for water leaks	Monthly water leak management	Monthly water leak management	Weekly leak management Isolate for all leaks	Weekly leak management Isolate for all leaks	Daily leak management Isolate for all leaks
d	Commercial block tariff	N/A	N/A	Two level block tariff. Normal average annual consumption - % saving required. Apply fourth level residential tariff for exceeding limit	Two level block tariff. Normal average annual consumption - % saving required. Apply fourth level residential tariff for exceeding limit	Two level block tariff. Normal average annual consumption - % saving required. Apply fourth level residential tariff for exceeding supply limit.
e	Close main supply during prolonged times of no use	N/A	N/A	Consider	Apply and reduce flow during operations	Apply and reduce flow during operations

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		Normal Category A	Supply Alert Category B	Scarcity Category C	Severe Scarcity Category D	Water crisis Category E
6	**Community Awareness Program**					
a	**Publications and pamphlets**	Basic awareness campaign	Basic awareness campaign	Dedicated awareness campaign related to % water savings	Intensive Awareness campaign, % water savings and consumption barometer	Intensive Awareness campaign, % water savings and consumption barometer
b	**Water saving law enforcement.**	Warnings & Fines	Warnings & Fines	Warnings & Fines	Fines & disconnection	Fines & disconnection
c	**Education program**	Ministry of Education, Arts & Culture	Ministry of Education, Arts & Culture	Dedicated programme targeting schools and public institutions and public campaign	Dedicated programme targeting schools and public institutions and public campaign	Dedicated programme targeting schools and public institutions and public campaign
d	**Public Sector water awareness program and communication**	Basic Awareness	Implement intensified awareness. Monitor savings target. Top 50 Consumer programme.	Full drought awareness program, % water savings. Monitor savings target. Top 50 Consumer programme.	Intensive Awareness campaign, % water savings and consumption barometer. Top 100 consumers identified and consulted on a monthly basis	Intensive Awareness campaign, % water savings and consumption barometer Top 250 consumers identified and consulted on a monthly basis
e	**Water Meter management**	Weekly reading recommended	Weekly reading recommended	Weekly reading required	Weekly reading required, recommend daily reading	Daily reading required
f	**Leak management**	Required	Required	No leaks tolerated	Isolate water leaks immediately, no leaks tolerated	Isolate water leaks immediately, no leaks tolerated
g	**New water installations**	N/A	N/A	N/A	N/A	May be prohibited.
h	**Water for water intensive construction work**	N/A	N/A	Cannot be provided with water, unless semi-purified water is available	Cannot be provided with water, unless semi-purified water is available	Cannot be provided with water, unless semi-purified water is available
i	**No sewer water contamination**	No contamination allowed	No contamination allowed	No contamination allowed	Critical to ensure reclaimed water availability	Critical to ensure reclaimed water availability

Notes:

- Water connections for new installations larger than 20mm, should reflect a manageable installation plan that supports easy control to isolate water leaks.
- All such installations have to comply with water saving infrastructure and equipment in line with the Water Supply Regulations.
- For water supply applications, where water recycling is possible, such options may be permitted. An appropriate agreement may apply.

[Special Municipal Council Minutes: 2023-07-06]

5.2.20 FNS.3 [HPH] REVENUE ENHANCEMENT AND PROTECTION FROM DELIVERY OF SERVICED LAND: REQUEST FOR APPROVAL OF EARLY EXIT FROM PUBLIC PRIVATE PARTNERSHIP (PPP) AGREEMENTS
(16/15)

On proposal by Councillor SS Nujoma, it was

RESOLVED

1 That the status of the Public Private Partnership (PPP) Projects and their potential yield in terms of erven as set out as follows, be noted:

Development	Developer	Development Agreement (date signed)	Total area (hectare)	Number of erven					
				Single	General residential	Business	Institutional	Other	Total
Alienation/Sales phase									
Academia Extensions 1 and 2	Acacia Investments	5 October 2011	56.51	447	11	2	3	14	477
Otjomuise Extension 4	Betula Nigra	5 October 2011	49.30	116	83	1	1	5	206
Erf 2317, Otjomuise (co-development)	Betula Nigra	5 October 2011	11.94	0	1	0	0	0	1
Otjomuise Extension 5	Ino Investment Holdings	23 Aug 2013	33.74	357	5	3	2	0	367
Khomasdal Extension 4 (Erven 6219 to 6250)	Heikky Property Development	31 May 2017	1.960	25	2	0	0	0	27
Rocky Crest Extension 4	Otweya Land Developer	15 May 2017	45.00	231	19	22	2	12	286
Kleine Kuppe Extension 1 (Phase 2B)	Champac Investments	15 May 2017	20.42	88	0	0	0	0	88
Design and construction phase									
Kleine Kuppe Extension 1 (Phase 2B)	Champac Investments	15 May 2017	20.42	0	10	0	1	3	14
Auasblick Extension 1	Sinco Investments	15 June 2017	57.23	269	3	1	1	9	283
Klein Windhoek Extension 4	Twine Investment Holdings	15 May 2017	42.00	161	4	2	0	4	171
Rocky Crest Extension 5	Waterberg Investments	15 May 2017	43.00	254	21	2	3	23	303
Rocky Crest Extension 6	Shikongo Investments	31 May 2017	25.00	254	6	10	1	8	279
Statutory planning phase									
Otjomuise Extension 12	Omba Holdings	31 May 2017	12.40	0	71	12	1	18	102
Cimbebasia Extension 7	Wilru Investments	9 May 2017	15.40	227	1	0	1	0	229
Prosperita (Erven 72 and 73)	Tuye Buco Construction	31 May 2017	3.420	0	0	70	0	0	70
Total				2 429	237	125	16	96	2 903

2 That the challenges experienced in implementing the Public Private Partnership (PPP) Projects for land development and associated risks, be noted.

3 That Early Exits from the current Public Private Partnership (PPP) Development Agreements with the Development Partners listed as follows, be approved:

3.1 Alienation/sales phase

Development	Development partners	Development Agreement (date signed)	Total area (hectare)
Academia Extensions 1 and 2	Acacia Investments	5 October 2011	56.51
Otjomuise Extension 4	Betula Nigra	5 October 2011	49.30
Erf 2317, Otjomuise (co-development)	Betula Nigra	5 October 2011	11.94
Otjomuise Extension 5	Ino Investment Holdings	23 August 2013	33.74
Khomasdal Extension 4 (Erven 6219 to 6250)	Heikky Property Development	31 May 2017	1.960
Rocky Crest Extension 4	Otweya Land Developer	15 May 2017	45.00
Kleine Kuppe Extension 1 (Phase 2B)	Champac Investments	15 May 2017	20.42

3.2 Design and construction phase

Development	Development partners	Development Agreement (date signed)	Total area (hectare)
Kleine Kuppe Extension 1 (Phase 2B)	Champac Investments	15 May 2017	20.42
Auasblick Extension 1	Sinco Investments	15 Jun 2017	57.23
Klein Windhoek Extension 4	Twine Investment Holdings	15 May 2017	42.00
Rocky Crest Extension 5	Waterberg Investments	15 May 2017	43.00
Rocky Crest Extension 6	Shikongo Investments	31 May 2017	25.00

3.3 Statutory planning phase

Development	Development partners	Development Agreement (date signed)	Total area (hectare)
Otjomuise Extension 12	Omba Holdings	31 May 2017	12.40
Cimbebasia Extension 7	Wilru Investments	9 May 2017	15.40
Prosperita (Erven 72 and 73)	Tuye Buco Construction	31 May 2017	3.420

4 That in order to fast-track project implementation and lower the risk to Council, the Early Exit be negotiated between Council (dedicated Negotiation Team) and the respective Public Private Partnership (PPP) Development Partners.

5 That Council consider Early Exit from the Public Private Partnership (PPP) Development Agreements, subject to the following conditions:

5.1 That all Public Private Partnership (PPP) Projects that attain a subdivision layout approved by the Urban and Regional Planning Board, have an Environmental Management Clearance Certificate or Exemption issued by the Environmental Commissioner and a General Plan approved by the Surveyor General, be considered for Early Exit.

5.2 That the approved layout plan be subjected to a valuation of erven based on approved land uses.

5.3 That the basis of the negotiated exit amount be the fair and reasonable value of the land if sold outright based on the approved layout. In arriving at the value, the provision for bulk infrastructure should be taken into consideration.

5.4 That land development commence within two (2) years from the date of signature of the Addendum to the Public Private Partnership (PPP) Development Agreement, failing which rates and taxes be applied based on the approved layout as if the area is fully developed.

5.5 That the land be transferred once the amount due to Council is settled by the Developer.

5.6 That all erven zoned 'public open space', 'municipal', 'street' and all other reserved land uses as set out in the Windhoek Town Planning Scheme (Zoning Scheme) remain the property of Council, and not form part of the negotiations.

5.7 That institutional land be negotiated for sale in accordance with Council's Policy.

5.8 That upon transfer of the land to the Developer, Council be absolved of all liabilities related to the Public Private Partnership (PPP) Development Agreement.

5.9 That upon transfer, the Developer continue the project as a Private Development and enter into a Public Private Partnership (PPP) with Council for the take-over of services.

5.10 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale and an Addendum to the Public Private Partnership (PPP) Development Agreement following negotiations to affect the outright sale of the land.

5.11 That the negotiated terms and the Addendum to the Public Private Partnership (PPP) Development Agreement be submitted to Council for approval.

6 That the following implementation approach to the Early Exit negotiations, be noted and approved:

6.1 That to avoid challenges related to the delegation of power whilst at the same time ensuring the successful closure of the Public Private Partnership (PPP) Projects, all saleable erven at the **sales/alienation phase** that remain unsold after one (1) or multiple sales attempts, be sold through Private Treaty.

6.2 That the Strategic Executive: Housing, Property Management and Human Settlement develop criteria on how erven as per paragraph 6.1 above, will be sold in a manner that is transparent.

6.3 That the Project Team, and through them, the Public Private Partnership (PPP) Development Partners at the sales/alienation phase, be consulted for their input during the development of the criteria.

7 That projects outlined fully in paragraphs 1 and 3 to 3.3 above that are at the **design and construction phase**, be considered for outright sale to the respective Development Partners in accordance with conditions in paragraphs 5 to 5.11 above.

8 That it be noted that projects outlined fully in paragraphs 1 and 3 to 3.3 above that are at the **statutory planning phase**, do not meet the requirement for Early Exit in their current form, the said projects will qualify for Early Exit and considered accordingly when they attain a subdivision layout approved by the Urban and Regional Planning Board and other requirements set out under paragraphs 5 to 5.11 above.

9 That to ensure continued supply of serviced land, 40 % of the funds secured through the Early Exit from Public Private Partnership (PPP) Development Agreements be ring-fenced in the Land Delivery Revolving Fund, and further, 40 % of the funds so secured be committed to funding of bulk infrastructure and land servicing projects within the City.

10 That the Negotiation Team comprising of the following departments be approved with a mandate to engage the Developers (Public Private Partnership (PPP) Partners) and negotiate the most beneficial outcome for Council:

Department	Member
Office of the Chief Executive Officer	Corporate Legal Adviser
Housing, Property Management and Human Settlement	Manager: Housing and Land Delivery assisted by the Section Engineer: Land Delivery and Engineer: Project Management
	Manager: Valuations
	Manager: Property Management
Finance and Customer Services	Executive: Financial Reporting and Budgeting

10.1 That the Strategic Executive: Housing, Property Management and Human Settlement be the Chairperson of the Negotiating Team.

11 That the Negotiation Team follow, with possible adaptation to improve efficiency and effectiveness, the following steps in the negotiation process:

11.1 That to ensure consistency with all private treaty land sales, the Strategic Executive: Housing, Property Management and Human Settlement issue upon request, duly signed Valuation Certificates to Public Private Partnership (PPP) Development Partners at the sales/alienation phase with expressed interest to enter Early Exit negotiations.

11.2 That the property value reflected on a duly signed Valuation Certificate constitute Council's Offer and basis for negotiations.

11.3 That on receipt of Council's Offer the Public Private Partnership (PPP) Development Partner appoint, at own cost and risk a suitably qualified and experienced independent Property Valuer for advice and guidance on the offer. [The Public Private Partnership (PPP) Development Partner, may, out of free will opt to skip independent valuation process and enter directly into negotiations.]

11.4 That once paragraphs 11.1 to 11.3 above is fulfilled, the Negotiation Team officially engage the Public Private Partnership (PPP) Development Partner and agree on the terms of Early Exit from Public Private Partnership (PPP) Project.

11.5 That on conclusion of negotiations, the Negotiation Team prepare a submission setting out clearly the negotiated terms, for consideration and decision by Council.

11.6 That the Public Private Partnership (PPP) Development Partner be informed of the decision of Council and the next steps.

11.7 That where the negotiated terms are acceptable to Council, the sales process be initiated culminating in a Ministerial approval in accordance with sections 30(1)(t) and 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

11.8 That on of receipt of Ministerial approval, the Chief Executive Officer (Corporate Legal Advisor) prepare a Deed of Sale and Addendum to the Public Private Partnership (PPP) Agreement.

11.9 That once the Deed of Sale and Addendum to the Agreement is signed, the Strategic Executive: Housing, Property Management and Human Settlement without delay, prepare a Development Agreement and take the necessary steps and ensure that it is signed by the parties.

11.10 That the Negotiating Team, once negotiations have commenced provide regular updates to Management Committee, for information.

12 That Early Exit proposals that do not meet the approval of Council remain Public Private Partnership (PPP) Projects until such time that that an approval for Early Exit is obtained.

13 That the Chief Executive Officer do or cause to be done all that is necessary in the best interest of Council to ensure that negotiations are concluded expeditiously.

14 That the Early Exit proposal should not prohibit Council to venture into future Public Private Partnership (PPP) endeavours.

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

RESOLUTION 161/07/2023

[Municipal Council Minutes: 2023-07-27]

10.5.2 GOV.2 [HPH] REVISION OF THE METHOD OF SALE FOR THE REMAINING ERVEN DEVELOPED UNDER PUBLIC PRIVATE PARTNERSHIP (PPP) AGREEMENTS FOR LAND DELIVERY
(16/15)

On proposal by Councillor SS Nujoma, it was

RESOLVED

1 That the approval of the early exit from Public Private Partnership (PPP) Agreements as per Council Resolution 161/07/2023, and its implications in terms of expediting the closeout of the current Public Private Partnership (PPP) Projects specifically pertaining to the use of the Private Treaty method of sale in Projects that are in the Alienation/sales phase, be noted.

2 That the following criteria be approved as the manner through which sellable erven ('residential', 'office', 'business', 'restricted business' and 'industrial') contemplated in paragraph 6.1 of Council Resolution 161/07/2023, attached as pages 1088 - 1092 to the agenda, will be sold through Private Treaty:

2.1 'Residential', 'office', 'business', 'restricted business' and 'industrial' zoned erven

2.1.1 That the Tender method of sale, through the closed bid sale process as approved by Council in terms of Resolution 289/11/2019, attached as pages 1093 - 1094 to the agenda, remain the preferred method of sale for sellable erven.

2.1.1.1 That the erven subjected to at least one (1) or multiple sales attempts that remain available, be sold through Private Treaty.

2.1.1.2 That the erven be offered only up to the second (2nd) in line, and thereafter the erven be sold through Private Treaty.

2.2 'Institutional'/'private open space' zoned erven

2.2.1 That all 'institutional' and 'private open space' zoned erven developed under the Public Private Partnership (PPP) Agreement, be sold at the upset price, subject to compliance to the requirements as per the Institutional Land Policy.

2.2.2 That all current applications for 'institutional' and 'private open space' zoned erven developed under Public Private Partnerships (PPPs), be considered as per the Institutional Land Policy, with the exception that the selling prices be at the full upset price and not at a subsidised price.

3 That in order to implement the sale of the erven through Private Treaty with efficiency, as contemplated herein, that each respective Developer and Project Team be mandated to attend to the sale/administrative process (marketing and securing of purchasers) on behalf of Council, up to a point where a committed purchaser is secured.

4 That it be noted that the Project Team may appoint an Estate Agent to be responsible for all administrative processes relating to the sale up to a point where a committed purchaser is secured, following which a Sales Agreement (Deed of Sale) be signed with the purchaser and the Municipal Council of Windhoek.

5 That the following preference criteria be applied during the implementation of the sale of erven through Private Treaty as approved in this Council Resolution:

5.1 That the sale not be restricted to first time buyers.

5.2 That the prospective purchaser be allowed to purchase more than one (1) erf, subject to affordability.

5.3 That any offer below the upset price not be considered.

5.4 That preference be given to cash buyers.

5.5 That the sale be on a first-come-first served basis i.e., the sale to be to the purchaser who sign an Agreement first after proving affordability.

5.6 That the payment of cash and that of a Bank Guarantee/Letter of Undertaking be accepted.

6 That the following process flow be followed:

6.1 The qualifying erven will be advertised by the Project Team (which includes Council, the Financier and Developer) as soon as such become available;

6.2 The advertisement and marketing will be done by the Project Team/the Developer (or its appointed Estate Agent);

6.3 Once a prospective buyer has been found who qualifies to buy a property at the upset price, the process and allocation will be tabled before the Project Team for ratification and thereafter submitted to the Chief Executive Officer for approval as delegated by Council.

6.4 Once the Chief Executive Officer's approval is received the prospective buyer is informed;

6.5 The prospective buyer then approaches the financial institution for financing/financial guarantee (if not in place already);

6.6 While the prospective buyer is arranging financial approval, Council advertises the sale for objections in line with requirements of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended);

6.7 Council obtains Ministerial approval for the sale of erven through Private Treaty to the respective purchasers;

6.8 Once all the processes above have been concluded, the Project Team must hand over the files to the Department of Housing Property and Human Settlement, for a Deed of Sale to be signed by Council and the prospective buyer;

6.9 Once a Deed of Sale is concluded then the file is handed back to the Project Team to undertake the process of ensuring that payment is made, or a Financial Guarantee/Letter of Undertaking is received; and

6.10 Once a proof of payment/Financial Guarantee/Letter of Undertaking is received, the Project Team must hand over the file to the Department of Housing Property and Human Settlement, to issue transfer instructions for the transfer of the property into the name of the purchaser.

7 That the Strategic Executive: Housing, Property Management and Human Settlement be mandated to amend the process flow, as and when required to yield the best and most efficient results.

8 That in the interest of efficiency and timely conclusion of the Projects that the Chief Executive Office be given the delegated authority to approve Private Treaty sales to be conducted in terms of this Council Resolution.

9 That the sale through Private Treaty be advertised in terms of section 63 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

10 That Ministerial approval be obtained in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

11 That the Strategic Executive: Housing, Property Management and Human Settlement develop a mechanism for the City to first advertise to invite applicants by private treaty, thereafter, if no interest is shown, the Developer to run the process through the Project Team.

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

RESOLUTION 219/07/2023

[Municipal Council Minutes: 2024-08-29]

10.3.11 GOV.20 [HPH] REVENUE ENHANCEMENT AND PROTECTION FROM DELIVERY OF SERVICED LAND: NEGOTIATED OFFER OF EARLY EXIT FROM PUBLIC PRIVATE PARTNERSHIP AGREEMENT WITH TUYE BUCO CONSTRUCTION CC
(3/1/6/9/2)

On proposal by Council Member Bernardus Araeb, it was

RESOLVED

1 That Conditions of Early Exit from Public Private Partnership (PPP) Agreement set out fully in Council Resolution 161/07/2023, attached as pages 714 - 718 to the agenda, be noted.

Offer and Counter-offer

2 That the Municipal Council of Windhoek's Offer of N$12 040 000.00 dated 10 May 2024 issued to Tuye Buco Construction CC and attached as pages 719 - 721 to the agenda, be noted and accepted as the Municipal Council of Windhoek's original offer and final offer to Tuye Buco Construction CC taking into consideration the Counter offer.

3 That the Counter offer by Tuye Buco Construction CC of N$9 525 417.63 attached as pages 754 - 755 to the agenda, be noted and turned down per reasons set out in a letter to the Counter offer and Counterproposal attached as pages 757 - 762 to the agenda.

4 That the Counter offer attached as pages 757 - 762 to the agenda be replaced by the acceptance of Council's offer as per the letter, attached as pages 754 -755 to the agenda.

5 That Tuye Buco Construction CC be informed of Council's decision and be given seven (7) days from the date of notice of Council's decision to accept the Council Resolution, which constitutes Council's Final Offer of N$12 040 000.00 in writing to the Chief Executive Officer.

6 That should Tuye Buco Construction CC accept the Municipal Council of Windhoek's Final Offer, the following procedure as set out in paragraph 11.7 to 11.10 of Council Resolution 161/07/2023 shall take effect:

6.1 That the sales process be initiated culminating in a Ministerial approval in accordance with sections 30(1)(t) and 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

6.2 That on of receipt of Ministerial approval, the Chief Executive Officer (Corporate Legal Adviser) prepare a Deed of Sale and Addendum to the Public Private Partnership (PPP) Agreement.

6.3 That once the Deed of Sale and Addendum to the Agreement is signed, the Strategic Executive: Housing, Property Management and Human Settlement without delay, prepare a Development Agreement and take the necessary steps and ensure that it is signed by the parties.

7 That remaining conditions of Council Resolution 161/07/2023 are binding on this transaction and further that:

7.1 That Tuye Buco Construction CC provide the Municipal Council of Windhoek with a Bank Guarantee within thirty (30) days after receipt of Ministerial approval and the payment of the amount of N$12 040 000.00 be made within thirty (30) days after signing the Addendum to the Development Agreement and Deed of Sale, failing which, the offer to enter into Early Exit Agreement from the subsisting Public Private Partnership (PPP) lapses.

7.2 That as set out in paragraph 2 of Council Resolution 161/07/2023, land development commence within two (2) years from the date of signature of the Addendum to the Public Private Partnership (PPP) Development Agreement, failing which rates and taxes be applied based on the approved layout as if the area is fully developed.

7.3 That the maximum period to materially improve the property and release serviced land to market is set at three (3) years from the date of sale, should land not be improved within three (3) years, Tuye Buco Construction CC provides the Municipal Council of Windhoek with an irrevocable Power of Attorney to effect repossession on the selling price.

7.4 That as means to ensure that the project remain relevant to its original intent (that of releasing serviced land to the market), it is a set condition of the Early Exit Agreement that the purchaser shall not be entitled to sell the property to a third party or to any subsequent successor(s) in title or successor-in-title or name or cede or assign this agreement to any third party or successor in title or name without the consent of the Municipal Council of Windhoek.

7.5 That by entering into Early Exit Agreement, the Municipal Council of Windhoek is absolved from any risks, obligations and liabilities whatsoever related to the development of Erven 72 and 73, Prosperita.

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

RESOLUTION 184/08/2024

Afreximbank to host 2024 trade seminar in Windhoek

Afreximbank heads to Windhoek

The event will address critical trade finance trends and tools and offer training in innovative strategies to bolster Africa's trade ecosystem.

African bankers, financiers, legal practitioners, insurers and professionals from regulatory agencies and corporations from across the African continent involved in trade finance will gather in Windhoek from 5 to 8 November for the annual Afreximbank Trade Finance Seminar (ATFS) and Factoring Workshop.

The event will address critical trade finance trends and tools and offer training in innovative strategies to bolster Africa's trade ecosystem. The seminar underscores Namibia's commitment to advancing intra-Africa trade as well as global trade facilitation.

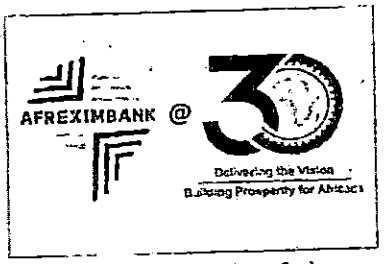
Titus Ndove, executive director in the ministry of finance and public enterprises will deliver the keynote address.

The seminar will host a number of world-class speakers covering a broad range of topics and technical training workshops.

Gwen Mwaba, the MD of trade finance and correspondent banking, said the seminar will equip bankers with knowledge to aid them in their day-to-day roles.

"This seminar aims to equip participants with essential knowledge and skills to navigate the complexities of financing transactions and structuring viable trade deals amidst increasing and heightened global economic uncertainty," Mwaba said.

"By enhancing expertise in trade and trade-related deals, participants will not only drive national economic growth and boost public and private sector revenues through enhanced income generation, but also enable governments to execute critical development projects. Our aim is to foster a collaborative environment where these key stakeholders can share insights and strategies to strengthen Africa's trade finance landscape and unlock new opportunities for growth."



TOOLS: The Afreximbank Trade Finance Seminar (ATFS) and Factoring Workshop will be held in Windhoek in November. PHOTO: CONTRIBUTED

Tailored for the continent

Africa's trade finance gap is estimated to be between US$90 billion and US$120 billion per year.

The exiting and scaling back of many international banks from Africa have severely limited local lenders' ability to finance clients' import and export needs and created record demand for trade finance in Africa.

The seminar is a cost- and time-efficient capacity-building seminar tailored to African markets for professionals involved directly or indirectly in trade finance, providing them with valuable knowledge and expert training.

Among the speakers at the workshop is Neal Harra, the secretary general of the FCI, the global representative body for factoring and financing of open account domestic and international trade receivables headquartered in the Netherlands.

The full-day factoring workshop on 8 November will focus on 'Solving the African Micro Small Medium Enterprise (MSMEs) Trade Finance Gap through Factoring and Supply Chain Finance" and provide valuable insights into how this alternative financing method can effectively bridge the finance gap for MSMEs.

Factoring is a vital trade finance tool that provides MSMEs with access to financing, helping to boost trade under the African Continental Free Trade Area (AfCFTA).

Interested attendees can register for the Afreximbank Trade Finance Seminar and Factoring Workshop by visiting https://apo-opa.co/3YJsWav.

WE'RE HIRING

VACANCY

EXECUTIVE: FINANCIAL SERVICES

DEPARTMENT: FINANCIAL SERVICES
OFFICE: WINDHOEK

CLOSING DATE: 31/10/2024
FOR DETAILS, VISIT: https://www.nampost.com.na/corporate/vacancies

www.nampost.com.na

We Deliver More.
nampost

City of Windhoek
Vision: to be a Sustainable and Caring City by 2027

NOTICE FOR OBJECTIONS

ALLOCATION OF VARIOUS ERVEN BY WAY OF PRIVATE TREATY IN TERMS OF SECTION 63(2) READ TOGETHER WITH SECTION 30(1)(i)(iii) OF THE LOCAL AUTHORITIES ACT, 1992 (ACT 23 OF 1992) AS AMENDED.

The City of Windhoek intends to sell properties as indicated in the table below by way of private treaty in terms of Section 63(2)(b) read together with Section 30(1)(i)(iii) of the Local Authorities Act, 1992 (Act 23 of 1992) as amended. Maps with all the relevant information with respect to the Erven are available free of charge at the Customer Care Centre, Independence Avenue for inspection.

All interested parties are called upon to lodge their written objections, if any, in a sealed envelope in the GLASS BOX indicating "OBJECTIONS TO THE SALE OF VARIOUS UNIMPROVED PROPERTIES, NOTICE NO. 40/2024" by no later than Friday,01 November 2024 at 11:00. The objections will be removed on Friday, 01 November 2024 at 11:00 and those submitted after the stipulated time will not be considered.

SALE OF VARIOUS UNIMPROVED PROPERTIES

	Erf	Township	Size (m²)	Street	Zoning	Council Resolution	Purchase Price Excluding 15% VAT (where applicable)	Purchaser
1	72	Prosperita	±30 814	Platinum	Industrial	16/08/2024	N$12,040,000.00	Tuye Buco Construction Cc
2	73	Prosperita	±34,243					
3	Portion 1024, a Portion of Remainder of Farm 508	Havana	±151,432	Farm	Farm	246/10/2017	N$18,900,000.00	Ministry of Health and Social Services
4	2378	Otjomuise	±1,230	Narva	Residential	219/07/2023	N$835 720.00	Edward Fynn
5	2407	Otjomuise	±658	Vacaa	Residential	219/07/2023	N$500,000.00	Abraham Hamarenl
6	6244	Khomasdal	±651	Uhvaa	Residential	219/07/2023	N$660,000.00	Alukelaus Abel
7	1000	Olympia	±673	R Denlowitz	Residential	740/11/87	N$919,600.00	Erf 893 Olympia Properties Cc

Sales:
Mr. E. T. Shapopi
Section Head: Property Sales and Acquisitions
Property Management Division

Tel: +264 61 – 290 3354

Issued By:
Mrs. S. Simpson
Manager: Property Management Division
Department of Housing, Property Management and Human Settlement

Notice No. 40/2024

Issued by

Notice of Environmental Impact Assessment

The Roads Authority of Namibia (RA) under an emergency direct appointment, appointed *Element Consulting Engineers* to perform the consulting services for the following project:

Design, Contract Documentation, Site Supervision and Contact Administration for Upgrading Priority Road No.1 to Bitumen Standards in Nkurenkuru, Kavango West Region for a Period of Four (4) Months

Enviro Management Consultants Namibia is appointed by Element Consulting Engineers to conduct an Environmental Impact Assessment and develop an Environmental Management Plan as required by the Environmental Management Act No 7 (2007) and the associated Environmental Regulations.

All Interested and Affected Parties (I&AP's) are hereby invited to register in terms of the environmental assessment process and to give input, comments or opinions regarding the intended road upgrade on or before the 4th of November 2024.

Public Consultation Meeting
Date: **16 October 2024**
Venue: **Nkurenkuru Community Hall**
Time: **11:00**

For further information, and to register as an I&AP please contact:
Enviro Management Consultants Namibia
Contact: Ms. Maike Prickett or Mr. Rian du Toit
Fax: 088 626968 |
Email: maike@enviromcn.com

48

South African click-and-collect firm Pargo considers foray into rest of Africa

NQOBILE DLUDLA

South African click-and-collect company Pargo is exploring an expansion into the rest of Africa, its CEO said in an interview, betting on e-commerce growth on the continent.

Africa is forecast to surpass half a billion e-commerce users by 2025, having shown a steady 17% compound annual growth rate of online consumers in the market, according to the International Trade Administration, a United States government agency.

This growth is driven by increasing internet penetration, smartphone adoption and the growing use of digital financial services, especially mobile money. "We're looking at an expansion strategy to move into multiple markets. We're already operational in Egypt as a second country, but we are quite seriously looking at, in the future, building a network across Africa," CEO and co-founder Lars Veul told Reuters.

He said the options would span the main economies in Africa.

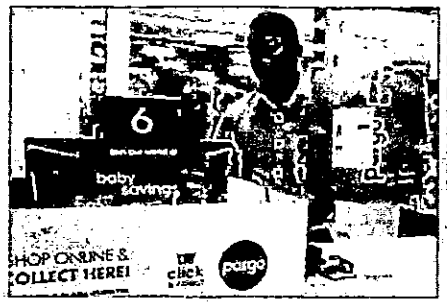
"We don't know exactly [where] yet. So, it's more about the countries where e-commerce is booming or is expected to boom."

The expansion will also be driven by following its existing clients into countries where they operate outside of South Africa, he added.

Veul, a Dutch citizen who moved to Cape Town in 2012 from Amsterdam to help set up online marketplace Groupon in South Africa, said he co-founded the company in 2015 after realising that last-mile delivery was a serious challenge for e-commerce businesses on the continent.

Click-and-collect allows shoppers to avoid delivery costs and the agony of waiting for the delivery. It also lowers costs for last-mile delivery companies, who grapple with fuel expenses, product returns and difficulty in delivering to townships and rural areas.

-REUTERS



A worker holds a parcel next to a Pargo logo at a store in Sandton, South Africa. PHOTO: REUTERS

City of Windhoek
Vision: to be a Sustainable and Caring City by 2027

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Issued By:
Mrs. S. Simpson
Manager: Property Management Division
Department of Housing, Property Management and Human Settlement

Notice No. 40/2024

ARK TRADING

The fastest growing building supplier in Namibia is looking for great people!

SALES CONSULTANTS

As a Sales Consultant at ARK Trading, you will play a crucial role in driving sales and building strong customer relationships. Your confidence, persuasive skills, and willingness to engage in sales prospecting are essential for success in this role. While previous experience in the construction trade or knowledge of electrical or plumbing products would be a plus, it is not a requirement.

The Ideal candidate should possess:

- Proven track record of exceeding sales targets
- Great people skills and ability to develop exceptional client relationships
- Confident, persuasive ability, with willingness to do sales prospecting
- Committed to ongoing learning
- Go getter, self-starter mindset

If you feel that you are this person, please send your CV with a cover letter and salary expectation to pa@arktrading.com.na on/before **31 October 2024**

INVITATION FOR BIDS (IFB)

Request for Proposal for Consultancy Services Development of a new revised three (3) years Integrated Strategic Business Plan 2025/26-2027/28 and the Business and Financial Plan for the year 2025/2026.

RELEASE DATE:	**11 October 2024**
CLOSING DATE:	**25 October 2024 at 12h00 pm**
DOCUMENT FEE:	Free

Interested bidders can download the bid document from NSFAF website, www.nsfaf.na under - Opportunities, procurement or further information contact Allenah Matengu on 061 434 6055 or Agnes Dawid on 0614346070/ Email: Procurement@nsfaf.na

Bid documents to be submitted in a sealed envelope at NSFAF Head Office, Eros Road 746, Windhoek.

NSFAF

31 October 2024

Mrs. Sheridan Simpson
Manager: Property Management Division
Municipality of Windhoek
Private Bag 59
Windhoek
Namibia

Dear Mrs. Simpson,

RE: OBJECTION TO THE SALE OF UNIMPROVED PROPERTIES

NOTICE NO. 40/2024 TO TUYE BUCO CONSTRUCTION CC

Land has and will always remain an emotive issue for every Namibian. For most if not all, land has been and always will be the basic tool of production, job creation; and enhances a sense of belonging. Therefore, the issue of land should at all times be treated with the greatest level of diligence, fairness and care.

The City of Windhoek allocates land to a select few through a selective application of policy-law.

I am thus writing to formally object to the decision by the City of Windhoek to sell erven 72 and 73 Prosperita to Tuye Buco Construction CC at a reduced price as indicated in Notice No. 40/2024.

This erven "are relatively large erven that can yield a potential number of erven that must be distributed to all interested parties in a transparent and equitable manner, through a competitive process".

I believe that this decision is contradictory and raises significant concerns regarding transparency, fairness, and consistency in the application of policy and procedures. The reasons for my objection are as follows:

1. "There is a general policy whereby business erven are offered for sale by way of tender procedure to allow all interested parties an equal opportunity";
2. "The Municipal council of Windhoek is committed towards the equal distribution of land to all interested parties. As a public institution, the City of Windhoek must remain committed to a transparent and equitable process of land allocation, it is therefore on the basis of transparency, equity and competitiveness that the City tries by all means possible to avoid land allocations that do not provide the general public an equal opportunity to obtain the same."
3. Valuation for erven 72 and 73, Prosperita, this same erven, for the same development plan was valued by the City of Windhoek at N$17,045,000 (17 million) in 2014 (attached valuation), offered to Tuye Buco Construction CC, and the offer was accepted at that time. This offer and valuation in 2014 was based on the fact that Tuye Buco Construction CC made an offer of N$14,500,00 (14.5 million) to the City of Windhoek for the purchase of the erven via private treaty. It is therefore questionable as to why and how the same erven for the same development plans would be offered at what appears to be a significantly reduced price of N$12,040,000 (12 million) in 2024 (attached valuation).

This in my view amounts to unfair, if not an irregular practice on the part of the City of Windhoek. The City of Windhoek is a public institution which is the custodian of land with jurisdiction over Windhoek. Interested parties would be greatly prejudiced by the City of Windhoek's actions or inactions if its policies and laws are not applied consistently and across the board.

It is on that basis, read with article 18 of the Namibian constitution that I lodge my objection against the sale of land as approved by the Windhoek Municipal Council resolution 184/08/2024

1. The sale of Erven 72 and 73, Prosperita to Tuye Buco Construction CC by way of private treaty.
2. These erven should equally be "offered for sale by way of tender procedure to allow all interested parties an equal opportunity to compete for erven" as per the City of Windhoek's policy position. Otherwise, this is tantamount to discrimination, an unequivocal fact that

the City of Windhoek applies policy selectively or bypasses its own policy to which the Minister may impose on the sales conditions in terms of the law.

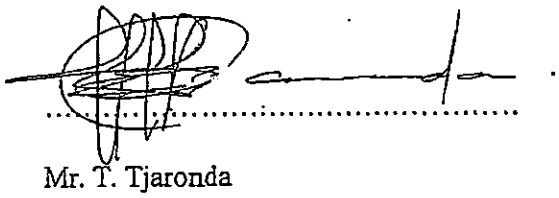
Selling the above-mentioned erven to Tuye Buco Construction at the exclusion of a "competitive open and transparent process" is unfair to the public and contradicts the City of Windhoek's own policy position to favour some while denying others the same rights.

I respectfully request that the council (decision making body) reconsider this decision and take the necessary steps to ensure a transparent and fair process that serves the interests of all parties. I urge the Council to review the decision, and be consistent by opening the erven for sale through a competitive process that allows equal opportunity for all interested parties as per their policy position that they communicate to others, while not applying the same to some.

All my rights remain reserved to clarify and/or supplement this objection.

I hope that the above receives your urgent attention.

Yours Sincerely,



Mr. T. Tjaronda
Cell: +264 81 22 95551
Email:vitovesment2030@gmail.com

CC: All Honourable Councillors (City of Windhoek)

[Municipal Council Minutes: 2017-10-31]

9.4.4 **FNS.4 [HPH] PROPOSED SUBDIVISION AND SALE OF PORTIONS OF ERF R/2, PROSPERITA**
(L/2/Pros)

After Councillor I Semba abstained from the decision, and on proposal by Councillor MJ Amadhila, it was

RESOLVED

1 That the applications received for the purchase of Erf R/2, Prosperita, be noted.

2 That the standing Council Resolutions 114/03/94 and 317/10/2002, be noted.

3 That the applicants be informed that their applications are unsuccessful and they be informed to take part in the tender sales of the subdivided erven from Erf R/2, Prosperita.

4 That Erf R/2, Prosperita be subdivided into Portions 1 to 53 and the Remainder as indicated on the plan, attached as page 594 to the agenda.

5 That the Remainder of Erf 2, Prosperita be reserved as 'street' and be named Chrome Street.

6 That Portion 1 of Erf R/2, Prosperita be reserved for municipal purposes and rezoned to 'municipal'.

7 That Portions 2 to 53 of Erf R/2, Prosperita be rezoned from 'restricted business' with a bulk of 1.0 to 'industrial' with a bulk of 1.0.

8 That potential entrepreneurs again be made aware on the restrictions regarding the underground water protection and that this clause become part of the sales conditions.

9 That such access points be located appropriately in relation to existing access points.

10 That it be noted that no access from Michelle McLean Road is possible.

11 That it be noted that erven located adjacent to Silver Street can have access provided 20 metres from intersections for industrial purposes.

12 That the Strategic Executive: Urban and Transport Planning take the 11 kV underground cables that pass Erf 437 into consideration when they plan the new access to Prosperita.

13 That the City be responsible for the town planning and cadastral procedures.

14 That after the town planning and cadastral procedures, the properties be registered.

15 That the sales conditions for the newly created erven be obtained whereafter it be sold by way of tender.

16 That the applicants be informed of this Council Resolution, in writing, and that no further applications be considered.

17 That the Street and Place Naming/Renaming Committee discuss the issue of the street names and that same be submitted to Management Committee/Council, for consideration.

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

RESOLUTION 247/10/2017

[Special Municipal Council Minutes: 2022-04-12]

8.1.4 ITEM 9.3.4 - FNS.1 [HPH] RESUBMISSION - REVIEW AND APPEAL: APPLICATION TO DEVELOP ERF R/2, PROSPERITA (L/R/2/Pros)

On proposal by Councillor Ms N Larandja, it was

RESOLVED

1 That the review and appeal from Vito Investment 2030, be noted and be turned down.

2 That Council Resolution 247/10/2017, be noted and upheld.

3 That Vito Investment 2030 be informed in writing of this Council Resolution.

4 That the Strategic Executive: Urban and Transport Planning complete the town planning procedures within a year from the date of this Council Resolution.

5 That furthermore the Strategic Executive: Economic Development and Community Services facilitate all matters related to Environmental Management Clearance within the given period of one (1) year.

6 That the Strategic Executive: Housing, Property Management and Human Settlement provide an update to Management Committee for the purpose of tracking progress.

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

RESOLUTION 93/04/2022

OFFICE OF THE CHIEF EXECUTIVE OFFICER

✉ 59
80 Independence Avenue
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Ref: CR 161/07/2023

Mr. I-Chuan Kuo
Member
Tuye Buco Construction cc
P O Box 80884
Olympia
WINDHOEK

Dear Sir,

OFFER FOR EARLY EXIT OF COUNCIL FROM PUBLIC PRIVATE PARTNERSHIP (PPP) AGREEMENTS.

The above subject matter and the letter from the City of Windhoek dated 11 August 2023 has reference.

The Municipal Council of Windhoek at its meeting held on the 6th of July 2023 approved the Early Exit from the current PPP Development Agreements with the Development Partners. Council Resolution (CR 161/07/2023) approved and mandated that a Negotiation Team headed by the Strategic Executive: Housing Property Management and Human Settlements negotiate the most beneficial outcome for Council and submit to Council for approval.

The Resolution by Council set out among other, the following conditions for the negotiation process:

5.1 That all Public Private Partnership (PPP) Projects that attain a subdivision layout approved by the Urban and Regional Planning Board, have an Environmental Management Clearance Certificate or Exemption issued by the Environmental Commissioner and a General Plan approved by the Surveyor General, be considered for Early Exit.

5.2 That the approved layout plan be subjected to a valuation of erven based on approved land uses

5.3 That the basis of the negotiated exit amount be the fair and reasonable value of the land if sold outright based on the approved layout. In arriving at the value, the provision for bulk infrastructure should be taken into consideration.

The Resolution by Council further set out the following steps in the negotiation process:

11.1 That to ensure consistency with all private treaty land sales, the Strategic Executive: Housing, Property Management and Human Settlement issue upon request, duly signed Valuation Certificates to Public Private Partnership (PPP) Development Partners at the sales/alienation phase with expressed interest to enter Early Exit negotiations.

11.2 That the property value reflected on a duly signed Valuation Certificate constitute Council's Offer and basis for negotiations.

11.3 That on receipt of Council's Offer, the Public Private Partnership (PPP) Development Partner appoint, at own cost and risk, a suitably qualified and experienced independent Property Valuer for advice and guidance on the offer. [The Public Private Partnership (PPP) Development Partner may, out of free will, opt to skip the independent valuation process and enter directly into negotiations.

11.4 That once paragraphs 11.1 to 11.3 above is fulfilled, the Negotiation Team officially engage the Public Private Partnership (PPP) Development Partner and agree on the terms of Early Exit from the Public Private Partnership (PPP) Project.

11.5 That on conclusion of negotiations, the Negotiation Team prepare a submission setting out clearly the negotiated terms for consideration and decision by Council.

In accordance with the Council Resolutions above, attached find the Valuation Certificate and Report, which constitutes the official offer of Council for the Early Exit from the PPP Partnership with Tuye Buco Construction CC. The amount offered by Council is to the value of N$ 12 040 000.00.

Tuye Buco Construction CC is hereby invited to follow the process as set out above and to approach the negotiation table in order for the PPP Partners to discuss the offer, negotiate and reach consensus on the way forward. The negotiation meeting will be scheduled through the officials of the Department of Housing, Property Management and Human Settlement.

Accept, Mr I-Chuan Kuo assurances of my highest regards for your office at all times.

Yours faithfully

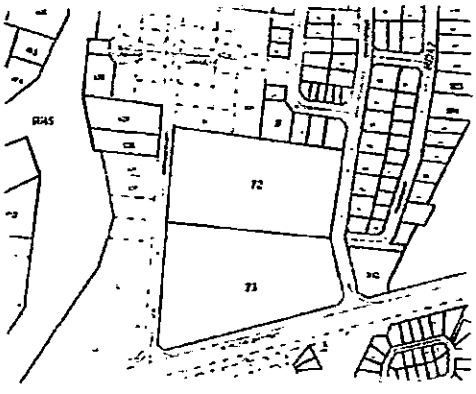
Moses Matyayi
CHIEF EXECUTIVE OFFICER

03 MAY 2024

Department of Housing, Property Management and Human Settlement
Division of Valuations

VALUATION REPORT

ERF 72 and 73 PROSPERITA



Prepared for:

The Early Exit Negotiation Team per CR 161/07/2023

Date:

11 March 2024

VALUE:

Erf 72 and 73 = N$ 12 040 000
(Twelve Million, Fourty Thousand Namibian Dollars)

VALUED BY:

.....

Isack K. Hendjala
Manager: Valuations

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1. INTRODUCTION

A request was received from the Division of Housing and Land Delivery (on behalf of the Negotiation Team) to the Division of Valuations (both Divisions in the Department of Housing, Property Management and Human Settlement) for the valuation of Erf 72 and 73 Prosperita in line with Council Resolution CR 161/07/2023 (Early Exit from Public Private Partnership).

2. PURPOSE OF VALUATION

The purpose of the valuation is to determine the market value of saleable erven that resulted from the subdivision of Erf 72 and 73 Prosperita. The valuation is done in line with CR 161/07/2023 in which the following is stated as a guide:

4 *That in order to fast-track project implementation and lower the risk to Council, the Early Exit be negotiated between Council (dedicated Negotiation Team) and the respective Public Private Partnership (PPP) Development Partners.*

5 *That Council consider Early Exit from the Public Private Partnership (PPP) Development Agreements, subject to the following conditions:*

5.1 *That all Public Private Partnership (PPP) Projects that attain a subdivision layout approved by the Urban and Regional Planning Board, have an Environmental Management Clearance Certificate or Exemption issued by the Environmental Commissioner and a General Plan approved by the Surveyor General, be considered for Early Exit.*

5.2 *That the approved layout plan be subjected to a valuation of erven based on approved land uses.*

3. DATE OF VALUATION

The date of valuation shall be 04 December 2023. This is the date on which the opinion of value contained in this report applies.

4. INSPECTION DATE

The property was physically visited and inspected on 04 December 2023.

5. PROPERTY DESCRIPTION

Details pertaining to Erf 72 and 73, Platinum Street, Prosperita are fully described in Table 1 and 2 below:

Description	Details
Erf Number	72
Location	Prosperita
Street name	Platinum Street
Town	Windhoek
Deeds Office	Windhoek
Title Deed Number	
Registration Status	Registered
Registered Owner	municipal council of windhoek
Registration division	K
Property extent	30,814 m^2
Servitude	Standard municipal conditions
Land use right	Industrial
Bulk	1.0
Current land use practice	Vacant
Topography	Relatively even
Structure on the erf	None
Neighbourhood appearance	Restricted industrial properties

Table 1: Property Description – Erf 72, Prosperita

Erf Description	Details
Erf No.	73
Location	Prosperita
Street name	Platinum Street
Town	Windhoek
Deeds office	Windhoek
Title Deed Number	

Registration Status	Registered
Registered Owner	Municipal council of windhoek
Registration Division	K
Proerty extend	34,241 m^2
Servitude	Standard municipal conditions
Land use right	Industrial
Bulk	1.0
Current land use practice	Vacant
Topography	Relatively even
Structure on the erf	None
Neighbourhood appearance	Restricted industrial properties

Table 2: Property Description – Erf 72, Prosperita

6. DESCRIPTION OF IMPROVEMENTS

There is currently no structure built on the property.

7. MUNICIPAL SERVICES

Municipal services available on Erf 72 and 73, Platinum Street, Prosperita are fully described in Table 3 below:

Type of Service	Status
Water	Available
Electricity	Available
Sewage line	Available
Road	Tarred

Table 3: Available Services – Erf 72 and 73, Prosperita

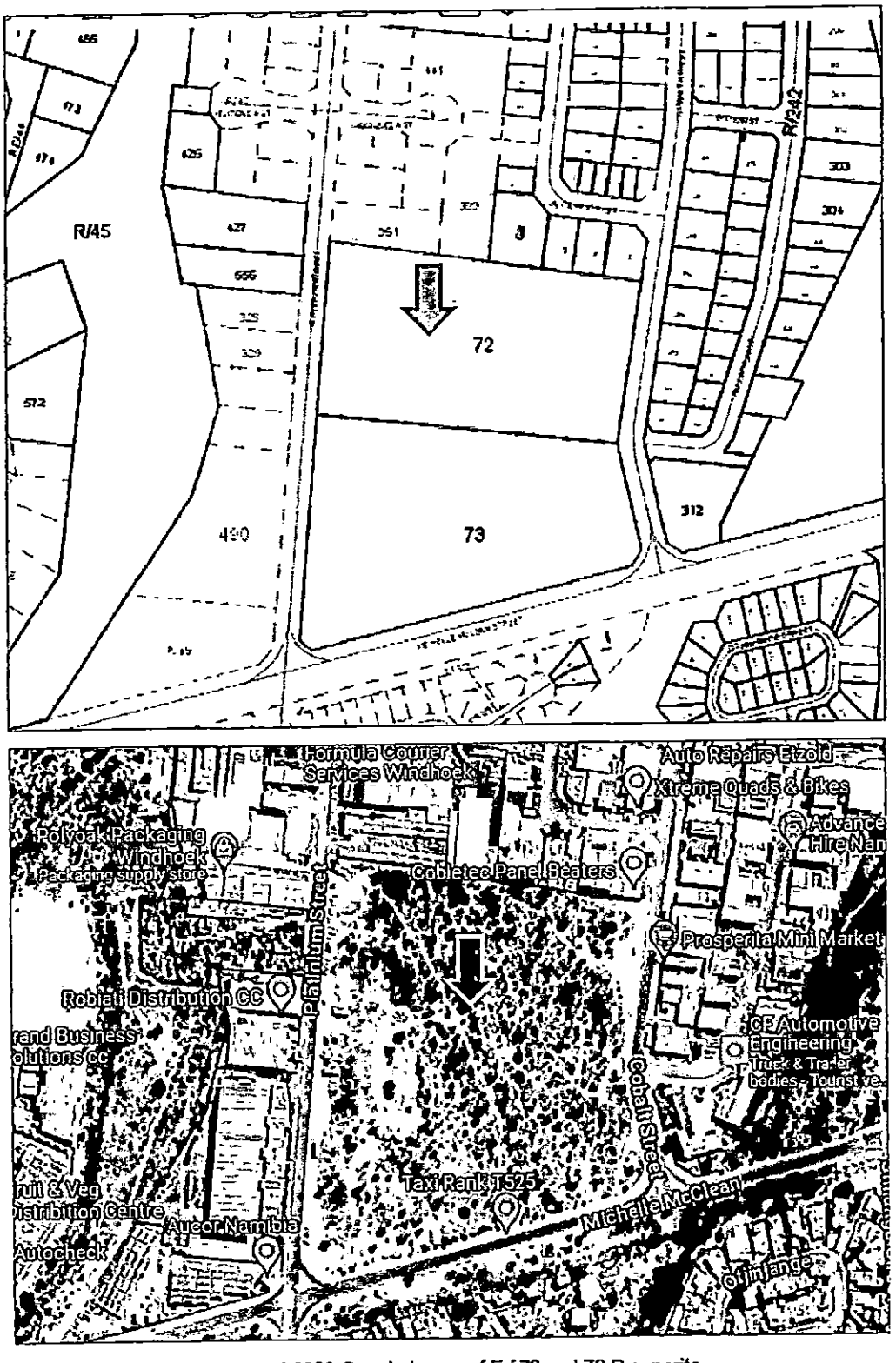

Figure 1: Cadastral Layout and 2023 Google image of Erf 72 and 73 Prosperita

8. RESTRICTION ON LAND-USE

Prosperita Township is located in an area that is designated for the preservation of underground water. As a result, heavy wet industries are prohibited and use of certain chemicals strictly controlled. To qualify the above statement, Council per Resolution 231/07/2005 incorporated groundwater protection provisions in the Windhoek Town Planning Scheme. The incorporation which was based on the findings of groundwater studies resulted in the introduction of a new land-use titled "*Conservation (groundwater protection)*" and prohibition on the "Industrial" Zoning. Table 4 below, provides details of the land-use in reference.

USE ZONE (1)	PRIMARY USES (2)	CONSENT USES (3)	PROHIBITED USES (4)
III Conservation (groundwater protection)	Indigenous fauna and flora, nature conservation areas	Municipal purposes and public infrastructure, hotel or other accommodation establishment designed to promote environmental conservation with adequate provisions that ensure no groundwater pollution will occur, park, playground, pasture land and associated agricultural building but excluding any concentration of domesticated animals, bee-keeping.	Other uses not under columns 2 and 3
VIII Industrial	Industrial buildings and business buildings	All other uses	No noxious industrial buildings may be erected, no noxious activities may be undertaken and no hazardous substances may be stored in quantities exceeding 200 litres, saving for a quantity of 1000 litres of fuel, specifically and only to cater for on site standby generator installations, on land located South of the Southern edges of Academia, Windhoek, Olympia and Klein Windhoek Townships.

***Table 4:** land-use extract from the Windhoek Town Planning Scheme.*

Among others, outputs of the groundwater studies included the '*Southern Development Limit map*' which shows the *Southern Development Limit* and the *Development Restriction Zone*. Prosperita, Cimbebasia, Kleine Kuppe and Auasblick are located in the Development Restriction Zone an area classified as *Aquifer Management Divide* in the Windoek Environmental Structure Plan and the Windhoek Strategic Environmental Assessment (SEA). Figure 2 below, show the Southern Development Limit.

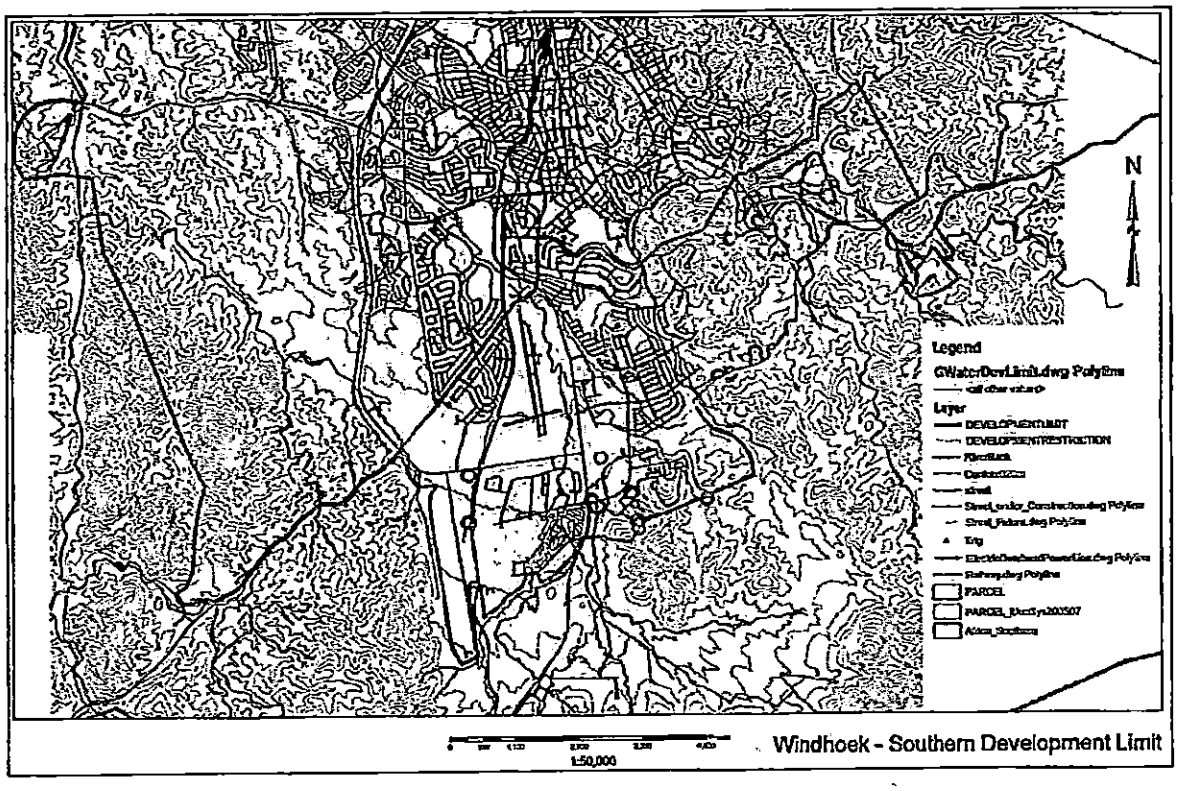

Figure 2: Southern Development Limit

9. BASES OF VALUATION

The basis of valuation for the subject properties is Market Value as defined in the 2013 International Valuation Standards, soon to be adopted as the National Valuation Standard for Namibia.

9.1. Market value definition

Market Value* is defined as the "*estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in <u>an arm's length transaction</u>, after

proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion".

Expounding on the above definition by remining with the International Valuation Standards: *"the estimated amount"* refers to a price expressed in terms of money payable for the assest in an arm's length market transaction. *"an asset should exchange"* refers to the fact that the of value of an asset is an estimayed amount rather that a predetermined amount or actual sale price. *"on the valuation date"* requires that the value is time-specific as of a given date. *"between a willing buyer"* refers to one who is motivated, but not compelled to buy. *"and a willing seller"* is neither an over eager nor a forced settler prepared to sell at any price, nor one prepared to hold out for a price not considered reasonable in the current market. *"in an arm's length transaction"* is one between parties who do not have a particular or special relationship, e.g. parent and subsidiary companies or landlord and tenant, that make the price uncharacteristic of the market or inflated because of an element of special vaue. *"after proper marketing"* means that the asset would be exposed to the market in the most appropriate manner to effect its disposal at the best price reasonably obtainable in accordance with the *market value* definition. *"where the parties had each acted knowledgeably, prudently"* presumes that both the willing buyer abd willing seller are reasonably informed about the nature and characteristics of the asset, its actual and potential uses and the state of the market as of the *valuation date*. *"and without compulsion"* establishes that each party is motivated to undertake the transaction, but neither is forced or unduly coerced to complete it.

The asset in the above definition refers to the land and improvements to be valued herein. All assumptions reflected in this report shall be prepared with the above definition in mind.

9.2. Applying Comparable sales Method

The comparable technique examines the sales of comparable properties in the vicinity and locality around the subject property to determine the most likely market price. In doing so, the following will be considered: similar sized property transactions, recent industrial zoned land sale transactions, Council land price.

9.2.1. Similar sized property transactions

A recent arms-length transaction for land of similar size could not be found. The latest sale involving land of a similar size occurred in 2012. According to the deed of sale signed January 2012, Erf 50 Prosperia, which measures 8,2071 hectares, located in the immediate vicinity of the subject properties, was sold for N$ 13,500,000.00 which equated to a price per square meter of N$165 at that time. The above-mentioned price per square meter was escalated from 2012 to 2023 to what could be today's market-related pricing per square metre using an average inflation rate of 3.75% per year, yielding a price of N$238/m². Erf 50 was similarly subdivided into 109 Erven, that were serviced and sold, similar land development process will be followed in the subject properties.

9.2.2. Recent Industrial zoned land sales transactions

The comparable method analyses the sales of similar properties in proximity to the subject property to arrive at the most probable market price as on the date of valuation. Table 4 below compares sales transactions of properties of similar land use to the subject properties.

Erf number	Suburb	Size	Purchase price	Price/sqm (N$)	Title Deed No.
168	Prosperita	795	1,400,000	1,761	T6993/2022
287	Prosperita	1178	2,126,153	1,805	T8429/2022
496	Prosperita	585	1,100,000	1,880	T881/2021
323	Lafrenz	3055	2,549,500	835	T6690/2023
324	Lafrenz	2545	2,090,500	821	T6691/2023
163	Lafrenz	1750	2,675,000	1,529	T2518/2023
Total				**8,631**	
Average price price/sqm				**1,439**	

Table 4: Sales transactions. Source: *Deeds Office, Windhoek.*

The analysis of the aforementioned property sales transaction revealed properties that changed hands in the subject's vicinity and locality. The above sales transaction were derived from the Lafrenz and Prosperita industrial areas of Windhoek. The transactions are of small-sized properties that are fully serviced, as opposed to the subject properties, which are large and must still be subdivided and

serviced. Based on the above analysis, the transactions produced an average price per square meter of N$ 1,439.00. This is the price at which privately owned land is exchanging hands in the market. It is useful in its nature as a reference point in comparison to the land price per square metre used in the application of the residual method of valuation, which is the price per square metre at which the Council is selling industrial zoned land. In this scenario, the comparable sale method is not the right valuation technique to use because the subject properties requires implementation of a subdivision and servicing, whereas the analysis above is for smaller-sized properties that are already completely serviced. Nevertheless, the aforementioned rate can be utilized as a benchmark when computing the purchase price for the residual component. Hence, due to the lack of a transaction of a similar sized land and the fact that the size of the subject properties is far too large to apply the above price per square meter, it shall be valued utilizing the residual method of valuation, as detailed upon in the section that follows.

9.2.3. Council land price

Council, in this case the City of Windhoek, has been selling portions of land in the area of interest at N$ 1,210.00 per square meter, which is the Council's current yearly adjusted rate. This rate is relatively lower than market rates for similar sized property changing hands in the property market. However, because the land belongs to Council, it is safer to utilize the council's rate in determining land value. For the purposes of this development, the price per square meter of N$ 1,210.00 will be utilized to establish the selling price when when computing the residual value technique.

10. Applying Residual Valuation Approach

The residual method of valuation entails a very simple computation applied to big sized land ripe for development to assist property developers in determining a reasonable price for the purchase of land. The residual approach provides guidance on the following: (a) the determination of gross development value of the development, (b) construction expenses - in this case, the cost of installing services, (c) professional fees, and (d) allowance for any contingencies. The said method also provides guidance on the estimated potential profit that the developer is projected to make from the development, which is deducted before the residual amount. As indicated in Table 5 below, the subject property comprises a substantial area of 65,055

square meters, which is suitable for subdivision into seventy (70) land parcels. Not often, comparable-sized parcels of land change hands on the market. For big sized-land devoid of recent sibling sales transactions, residual valuation approach is the most appropriate method to employ. The following are the possible costs associated with land servicing. All of these formulations are predicated on the premise of utilizing the average level of costs.

Prosperita Erf 72 and 73	
Total size	65,055
Land use: Industrial	50,994
Land-use -Saleable (industrial)	50,994
Bulk (average size of erf)	729
Price / m^2 (fully servicesd erf)	1,210
Number of erven	70
Selling price of each erven	882,000
Total selling price	**61,696,444**
Less Cost	
Planning	611,928
surveying	509,940
Internal roads	15,043,230
Street lights	1,233,929
water reticularation	1,274,850
Sewer reticulation	1,274,850
Electrical reticulation	3,569,580
Professional fees	1,274,850
Sales Commission @ 3%	1,850,893
Profit @ 20%	12,339,289
Endowment @ 7.5%	1,200,000
Urban account levy	764,910
others @ 5%	3,084,822

Total costs	**44,033,071**
interest on Deve Cost @11.75%	**5,622,961**
Total Dev + Interest	**49,656,032**
[redacted]	[redacted]
Residual value (Land)	**12,040,000**
Land price/m^2	236

Table 5: Residual Valuation computation

The subsections that follows, provides a brief explanation of terminologies used in Table 5 above and what they represent therein.

10.1. Gross sale computation

10.1.1. Total size

The land area size of 65,055 square meters represents the total combined size of the two plots, inclusive of any other non-saleable land use.

10.1.2. Land use-Saleable

The land area size of 50,994 square meters represents the total combined size of the two plots, excluding any other non-saleable land use. For example, land set aside for public open space, municipal substations, streets, and other similar uses. In view of the subject properties, this is the leftover land parcel as per the proposed layout after deducting land required for public open spaces, municipal purpose, and streets.

10.1.3. Average erf size

The provisional layout for the subject properties before consideration make provision for the creation of 70 erven. The saleable portion of the land (50,994 m2) was subdivided using 70 erven, resulting

in an average size of 729 m^2. The aforementioned average erf size will be used to calculate the land value for each erf. This value is calculated for each individual erf, and then added together to determine the overall sales value of the development.

10.1.4. Land Price per square meter

The prospective gross income for the development is calculated using the current market land price per square meter for similar land uses. The current land price per square meter is important since it determines whether or not a development is worthwhile, can yield profit and whether there can be a residual value. The price per square meter in the value and costs computerization table above is derived from the going rate of Council's land price per square meter. This is the yearly adjusted price that is calculated on an annual basis, however, referenced it to the market pricing per square meter of land sales changing hands between private individuals. Put simply, this refers to the selling price of Council land in the Prosperita industrial suburb.

10.1.5. Number of Erven

The number of erven is generated by dividing the saleable land with the average erf size (50,994 m^2/ 729 m^2 = 70 erfs). This is the total number of erfs that can be created and sold in this development.

10.1.6. Selling price per Erf

It is critical to establish the expected selling price per Erf. The estimated selling price per erf is calculated using market-related prices per square meter of land. This is the amount from which the residual value is calculated after deducting development costs, interests, and profits. It is also a stage at which the developer will determine whether it is worthwhile to continue with the work. For the purposes of this valuation, the rate of N$ 1210/m^2 at which the council sells land in the Prosperita industrial area was used to calculate the possible selling price.

10.1.7. Total gross sales

This is the overall selling price for all possible erven combined. It provides an estimate of what could be realised from the development, and this is the amount from which development expenditures are deducted to calculate the residual value. The estimated overall selling price for the saleable erven is N$ 61,696,444.00 thus costs and any related expenditures will be deducted from this amount.

The preceding section depicts the process of calculating the total selling price, which is the first stage in performing valuation using the Residual Method of valuation. Now that the potential total selling price has been determined, it is necessary to examine the potential costs or development costs associated with producing a fully serviced erf. All techniques employed under the Residual Approach are eventually aimed at yielding possible purchase price for the land.

10.2. Costs

The following are the possible costs associated with land servicing. All of these formulations are predicated on the premise of utilizing the mean level of costs.

10.2.1. Planning

The planning fee encompasses cadastral amendments, such as the consolidation in this instance, informal subdivision of the land for the purpose of producing a provisional layout, and preparation of the Council submission application including the allocation of erf numbers once the application is approved by the relevant planning boidy. These costs are determined by the prevailing rates set forth by the governing body of the town planners. The costs detailed in the table below were formulated with the assistance of multiple professional Town Planners and amounted to an average amount of N$611,928.00.

10.2.2. Surveying

Following the sequential occurrence in the process of establishing a township, this is the expense of producing cadastral information for land parcels. Similar to planning, a Land Surveyor surveys the land to create each individual land coordinates, and erf number for formal documentation at the

surveyor general office as well as the physical placement of beacons on site. The estimated average costs for surveying works on this development, which are found in the table above amount to N$509,940.00 and were calculated with the input of several professional Land Surveyors who are presently active in the industry.

10.2.3. Internal roads

This is one of the most expensive aspects of any development since it stems from the pattern created by the land surveyor, which indicates where the roads will be, and it entails the provision of access to interior streets. In the event that the subject properties are developed, a roadway area of 12,963 m^2 will be reserved. Some of it will be graveled and surfaced. The expenses will also include the installation of curbs, pavings, and compactions, if necessary, especially on the subject due to the porous soil structure in Prosperita, which necessitates the compacting of the soil prior to the application of gravel beddings and tarmac solution. The estimated average costs of N$ 15,043,230.00 was arrived at and based on information sourced from several Windhoek based construction companies familiar with civil work connected to road constructions.

10.2.4. Electricity reticulations and street lights installation

The residual method of valuation also examine the costs of providing electricity, inclusive of street lighting and any other items that comes with it. In this case, it is projected that the provision of a mini electrical substation and all electricity-related services will cost between N$3,569,580.00 and N$ 1 233 230 for electricity provision and street lighting respectively. Again, these average estimates were obtained from professionals involved in the provision of electricity services and are based on a provisional layout of 70 erven.

10.2.5. Water reticulation

The residual method of valuation examines the costs associated with water provision, which is a component of the provision for basic services to any development of the subject's nature. An

approximate average cost of N$1,274,850 is anticipated to be needed for water retitulation in this development.

10.2.6. Sewage reticulation

Sewage reticulation is one of the most fundamental and necessary services. It is projected that around N$ 1,274,850.00 will be required to provide sewage reticulation.

10.2.7. Professional fees

Professional fees are among the most essential elements of any land servicing recognised by applying residual method of valuation. This section details the potential professional fees that may be levied by various professionals supervising the development, such as civil engineers, electrical engineers, attorneys, and valuers for valuation purposes, among others. The average amount allocated to professional fees as a result of applying the residual method of valuation analysis is estimated to be N$1,274,850.00.

10.2.7. Sales commission

It is critical to include the sales commission in any development, as erven may be offered for sale through marketing and advertising. Since this task is being carried out by a marketing professional, there will inevitably be associated costs. For this development, the projected cost of agent sales commission is approximately N$ 1,850,893.

10.2.8. Development contribution (e.g endowmet, betterments, maintance fees, e.t.c.)

Occasionally, development contributions fees are included to cover expenses that may be incurred due to particular modifications made to the development. It is a cost that must be accounted for when estimating development costs.

Certain development contributions fees, such as endowment fees, are mandated by law. This also includes fees that may be used to obtain an expert opinion on a dispute between the developer and partening parties (local authority); paying arbitration fees and the likes. It is anticipated that around N$1,200,000.00 will suffice for this development.

10.2.9. Urban account levies

Urban arterial fee is a critical aspect to consider when applying a residual approach beyond completion service installation. This is the amount set aside for the possibility that internal roadways will need to be maintained. The development is obligated to remit a charge to the Urban Account levy as a contribution towards future road maintenance. Considering the seventy erfs, it is estimated that an average fee of N$ 764,910.00 is sufficient to warrant a contribution towards this development.

10.2.10. Contigency

In any development, such as the installation of basic services, unanticipated expenditures may arise due to circumstances beyond initial estimation, such as the need for additional work or a modification to the project. The residual technique of valuation allows for such assumptions to be factored into project expenses as a percentage of the overall total development costs. For the purpose of this valuation, the contingency expenses amount is set at 5% of the development costs, which totals N$ 3,084,822.00.

10.2.11. Costs of money

Another crucial thing to consider when calculating development costs is the monetary expenses. This refers to the monetary costs on th money required for the acquisition and payment of development expenses. In many instances, funds for development are obtained by borrowing. It is crucial to take into account the cost of money, as it directly affects the targeted profit. The approximate cost of money in this case, is projected to be N$ 5,622,961.00. The costs of money differ between different developments and are often determined by the agreed-upon terms and

conditions between the parties involved. However, for the purposes of this valuation, the aforementioned costs of money are assumed.

10.2.12. Profits

The primary objective of doing a residual valuation approach is to ascertain the potential total sales, total development costs, potential profit that can be generated by undertaking the development, and eventually, the potential price of the undeveloped land. Profit is a crucial consideration that every developer must determine before undertaking a project. The residual valuation approach highly acknowledges this factor as it allows the developer to determine the minimum price at which the land can be acquired, after accounting for profit. It is important to acknowledge that each developer may have a different expectation for the rate of return on the investment. However, for the purpose of this development, an assumption based on the typical market practice of a 20% profit on the development is adopted. This assumption results in a profit of N$ 12,339,289.

10.2.13. Residual value

The primary motive behind employing the residual technique of valuation is to establish the possible minimum purchase price of the land that the developer must pay the land owner or seller. The technique is most suited for use on large land parcels where sales of sibling-sized erfs are not recorded in the market, such as the subject. For the purposes of this valuation, a residual value shown below was obtained using the calculation in the table provided earlier above.

Total sales:	N$ 61 696 444
Less; total development cost, profits and interest:	N$ 49 656 032
Residual value equals:	N$ 12 040 000
Land price/m^2	N$ 236/m^2

11. Rates Summary

Based on the analysis above, it can be deduced that the adjusted average price per square meter of N$238 for Erf 50 prosperita, which was sold several years ago, yields a price per square meter that is more comparable to the one calculated using the residual valuation methodology. The above analysis of the two average price per square, resulted in an average price per square meter of N$ 237.Therefore, with the former average price in mind, it shall be regarded acceptable to utilize the price per square meter calculated using the residual valuation methodology for calculating the purchase price of Erf 72 and 73 Prosperita. In calculating land prices, the average land price per square meter of N$1439.00 mentioned above earlier, is excluded, given that it pertains to the smaller-sized erfs changing hands between private individuals. However, it remains and served as a practical reference in comparison to the land price per square meter Council land is being sold for.

12. Opinion of Value

Taking into consideration the application of the residual techniques described above, the following conclusions can be drawn

Total sales:	N$ 61 696 444
Less; total development cost and interest:	N$ 49 656 032
Residual value equals:	N$ 12 040 000
Land price/m^2	N$ 236

Therefore, I am more of the considered view that the market value for Erf 74 and 73 Prosperita is Erf 72 and 73 = N$ 12 040 000 *(Twelve Million, Fourty Thousand Namibian Dollars).*

PROPERTY VALUED BY : **ISACK KAULIKUFWA HENDJALA**

DESIGNATION : **MANAGER: VALUATIONS**

VALUATION CERTIFICATE
DIVISION: VALUATION SERVICES
DATE OF VALUATION: 13/11/2023

Erf No.:	72 and 73	Suburb:	Prosperita	Street name:	Cobalt/Platinum
Erf size:	65 055 m²	Zoning:	Industrial	Bulk:	1.0

Required portion size: Whole erf m²

Current use of the portion under consideration: vacant

Acquisition purpose: To be sold

Land price/ m²	N$ 236	The value was determined based on the calculation provided below.
Size of the portion Required	65 055 m²	
Estimated market Value	N$ 12 040 000	

Total size	65,055
Land use: Industrial	50,994
Land-use used (industrial)	50,994
Bulk (average size of erf)	729
Price / m2 (fully servicesd erf)	1,210
Number of erven	70
Selling price of each erven	882,000
Total selling price	61,696,444
Less Cost	
Planning	611,928
surveying	509,940
Internal roads	15,043,230
Street lights	1,233,929
water reticularation	1,274,850
Sewer reticulation	1,274,850
Electrical reticulation.	3,569,580
proffesional fees	1,274,850
sales Commission @ 3%	1,850,893
Profit @ 20%	12,339,289
Endowment @ 7.5%	1,200,000
Urban account levy	764,910
others @ 5%.	3,084,822
Total costs	44,033,071
Interest on Deve Cost @11.75%	5,622,961
Total Dev + Interest	49,656,032
Residual (Land)	12,040,000
Land price/m2	236

Valuedby: Kavilikufwa Hendjala Date: 13/11/2023

Minutes of Negotiation meeting with Tuye Buco Construction to discuss Early Exit Offer of Council for the PPP Project on Consolidated Erf 573 (Previously Erf 72 and 73) Prosperita

Date: 22 May 2024 **Time: 10h00**

Attendees:

Council:

Mr. Maanda, Mr. Hendjala, Mr. Mutonga, Mr. B Amuenje, Ms. Simpson, Mr. Kandovazu, supported by Ms. Chipeio, Mr. JD Cupido

Developer:

Mr. Kuo, Mr. Nekundi, Mr. Du Toit, Mr. Haihambo

Welcoming and Introduction:

Mr. Maanda welcomed all present, and introduced himself and requested all attendees to introduce themselves. He thanked all present and indicated that it was a very important engagement in the life of the Project and informed that the Negotiation Team of Council was present in part but the remaining two members would join shortly.

Mr. Maanda as the Chairperson of the Negotiation Team informed that the basis of meeting emanated from Council Resolution that brought about the opportunity for Council to early exit from the PPP Agreement. Mr. Maanda referred to Council Resolution as captured in the Offer letter, as it set out the procedure to be followed in Clause 11.6.

The Offer letter dated 3 May 2024 has been formally issued to Tuye Buco by Council and the intention was that the Developer be granted time to reflect on the Offer by Council. The Resolution makes provision for the Developer to reach out to a Certified valuer to assist in the reflection of the Offer.

Mr. Maanda then informed the meeting that the purpose of the meeting was for the Council Valuer to present the Valuation Report and clarify any questions that may arise. He indicated that the meeting was not to be an offer and acceptance but for the Developer to be taken through the report for clarity and fairness of the process.

He informed further that the Developer was to reflect on the Offer and if there was anything that needed clarity, further meetings could be held to address these questions before the Developer makes its final offer.

The Developer would then be expected to give their final position, whether they accept the Offer or not. Should the Developer reject the Offer, the Project continues and is expected to be implemented as is.

Mr. Maanda clarified that the various offers (two or three) communicated by Tuye Buco to date were merely suggestive but did not constitute an offer, as the official Offer is the one presented by the Council. The Developer is thus requested to focus and zoom in on the Council Offer and reflect on that in order to respond regarding either acceptance or decline.

Mr. Maanda introduced Mr. Hendjala, the Council Valuer as the person who will take the meeting through the Valuation report and the meeting was allowed to interrogate the content of the said report. Mr Maanda allowed for general question before commencing with the presentation.

At this point, Mr. Nekundi requested clarification pertaining to the past offers given by Tuye Buco and enquired whether these have been considered or taken into consideration in Council coming up with its Offer.

Mr. Maanda responded that the Developer merely responded to an opportunity given by Council for an exit. The Council remains the land owner and therefore it is not for the Developer to make an offer to the Council, but for Council to make an offer as initiators of the PPP concept considering an early exit from the PPP Agreement. The Offer by the Council therefore constitutes the official Offer and what has been communicated in the past was for information purposes only and can be used by the Developer to compare to the Offer of Council.

[Mr. Kandovazu joined the meeting].

Council Offer and Valuation Report

Mr. Hendjala - Manager: Valuations took the meeting through a summarized version of the Valuation report, explaining how the valuation report was compiled and the basis of the figure of N$ 12 040 000 which constituted Council's Offer.

[Mr. Mutonga joined the meeting].

Upon completion of the presentation of the Valuation report, Mr. Maanda opened the floor for questions. He informed that the Developer was not expected at this meeting to respond with an acceptance or decline of the Offer but to become acquainted with the basis of the valuation and to go and reflect and consider the Offer made. Mr. Maanda informed that Mr. Hendjala does the main and interim valuations rolls of Council and is appointed by the Minister to ensure fairness of valuations and hence did the valuation of this land on behalf of Council. Mr. Maanda emphasized Pg. 10 of the report citing that the basis of valuation is market information from tittle deeds as summarized in the market study done. He further highlighted that although the valuation of similar properties was higher, the Valuer has considered the market and dropped from market figures to Council figures (9.2.3) and has indicated a selling price of N$ 1210/m2. Also, very important is that the cost as reflected in the valuation report includes the profit of the Developer factored in. Having consideration that the Developer is going to develop the land, Council is asking merely N$ 236 /m2. The difference between this and the market includes the cost of development and the profit of the Developer and this is the position advanced in the valuation report.

Mr. Maanda acknowledged that the Developer may sit with actual figures of what they have spent and it may differ with the figures that are reflected in the report presented, some being higher, and some lower and therefore the Developer would be granted time to go back, reflect and have their own Valuer also come to have an engagement on the specifics if the Developer so wishes.

Mr. Kuo thanked the Valuer for the presentation and informed that they respect the work by the Valuer and would reflect on the valuation as presented. He informed that they had taken the risk over time as Developers, with prices constantly changing over the years (2014 to date). He informed that their valuer also came up with the same selling price of N$ 1050/m2. He informed that the market value and the selling prices however do change over time and made the example of how property selling prices have decreased from N$ 12 million (2016) to N$ 9.5 million (2024)

yet the valuation remains at N$ 1200/m2 in theory and informed that the market situation is real and does not always agree with the valuation.

Mr. Kuo emphasized that the aim of the meeting was for the Developer to know if there was any possibility for negotiation of a reasonable offer between the selling price of N$1050/m2 as proposed by Developer and N$1210/m2 as proposed by Council given that the CoW is going to get the benefits from the projects in the form of services and rates and taxes as forever income. He informed that the negotiation was really between these two selling prices to say what kind of price will be reasonably for both sides to accept. The real figures therefore have to be presented for consideration by Council.

Mr. Kuo informed the meeting that the Developer agrees and fully understands that the valuation is fair but the range has to be looked at between the selling price of Council and that of the Developer. He informed that the Developer already had the funds available since last year (2023) and was ready to start but put all on hold because of possibility of early exit. Mr. Kuo emphasized the urgency of starting with the Project. He informed that the Financiers were becoming impatient and would take back the funds if the process didn't proceed fast and therefore the Developer is interested to proceed speedily and hopes the Council has the same interest. He proceeded to say that the Developer was ready to send back to Council a figure which the Council could consider. The cost of financing and interest that is incurred when spending time to sell the property is what is at risk. He informed that the Developer will calculate the figures in order to assess reasonableness and hopes the Council can agree and the process can proceed quickly.

Mr. Haihambo informed that he operates from fundamentals. He thanked the meeting for the valuation report as presented and informed that no one would argue against it. He enquired that if serviced land was in such high demand, why were there still erven unsold in certain PPP developments over many years and given various invitations for sales. He referred to Academia where he resides as an example and informed the meeting that often what is calculated according to the bible of valuations has to be considered against the actuals out there.

Mr. Hendjala responded that properties are attached rights, which are land use rights and these differ from one area to another. Academia was mainly for residential land use which is in abundance. He informed that in such a development as Academia, there is both vacant land and developed properties sold and residents have a choice. In the residential market there are many speculators signing up and then disappearing who are not really in need. Other factors that play a role in the acquisition of properties is the improvement value which in Academia is 4 times the land value, so even if prospective buyers were registered at the beginning of the Project they give

up because of those factors. He informed that Prosperita is prime industrial land, that is why this Project, if implemented fast will definitely realize a profit. The bulk services are available in the most part and all the Developer has to do is connect and lay internal reticulation. As it stands, the demand of industrial land differs from residential land where there is plenty supply and therefore cannot be compared. E.g. Lafrenz when developed by Trustco sold fast due to demand – similarly Mr. Hendjala confirmed that he would not fear developing Prosperita if he was a Developer.

Mr. Haihambo reiterated that his purpose was not to respond to the valuation report but to go to the fundamentals – He cautioned the meeting to understand that the end result cannot be based on valuation alone- what is happening in the market has to be considered. He informed that the market drives itself and in the interest of the PPP environment the outcome is determined by the market and not by valuation estimates. He thanked the meeting for the valuation and informed that the Developer would look at the actual figures and input costs and will revert back in response.

Mr. Kuo agreed that the Developer would use actual figures and submit to Council to enquire the reasonableness of their figures. He informed that he doesn't want to lose money because he will have to pay back the borrowed money. The economy has to be considered and as Developer he wants to sell the developed erven quickly while being reasonable.

Mr. du Toit sought clarity regarding whether with the early exit the properties would be transferred from Council to the Developer.

Mr. Amuenje informed that once agreed on the offer, the land will be transferred to the Developer at the amount as indicated in the Deed of Sale.

Mr. Maanda gave the direction forward as follows:

He clarified that in Academia according to records most erven were sold and the ones that are still available are for service station and block erven to be developed as flats.

Ms. Simpson agreed that most single residential erven were sold with only few block erven left. She further informed of a successful project in Rocky Crest Ext 4 where all but 1 single residential erf are sold and only the larger general residential and business erven remain. Ms Simpson confirmed that there is a huge appetite for industrial land development because of the scarcity

of industrial erven and specifically with the erf in question, as a lot of interest has been received which the Council had to decline due to the PPP Agreement in place. Mr Hendjala informed that given the demand, there will be significant interest in how much Council sells this industrial land for to the Developer, which is the price of 236/m2 so that is what Council will look at. When one divides the N$ 12 million by the 70 erven, that means Council is offering the Developer, 16 500 per erf.

Mr. Maanda touched on the rates and taxes and the infrastructure which the Developer informed is to the benefit of the Council for many years to come and informed that certain things are enablers (roads, sewer, water and other infrastructure) and rates and taxes do not allow break even for a long time. The Developer is to be mindful that whereas the Council gets the infrastructure, Council also gets the cost of maintenance of the infrastructure and has to provide for such.

Mr. Kuo enquired as to how fast this matter can proceed in the next meeting and was informed that it depends on how fast the Developer responded to the official Offer as provided by Council.

Concluding remarks:

The meeting was concluded with the following final remarks:

The Developer through Mr. Kuo informed that they would express themselves in the response to Council and informed that they would submit their response quickly.

Mr. Maanda responded that it now depends on the Developer as Council had provided the official Offer for early exit. The ball is now in the court of the Developer to either accept the Offer or turn it down. A counter offer would kill the original offer, so the Developer has to reflect carefully prior to responding. As part of the Negotiation process, the Developer may request a meeting to reflect and present their case and thereafter the final position must be submitted in writing. There will not be an offer and counter offer process, and should the Developer turn down the Offer as presented by Council, the PPP partnership will continue. Mr. Maanda informed that the actual PPP Agreement never died, therefore whatever was required must continue because the early exit is only an aside—it should not stop project execution and the project was supposed to have continued. The Developer must therefore reflect and consider the Offer from Council and come back should they require a further meeting to tease out aspects of the Offer, alternatively, the Developer must respond to the Offer in writing citing their position.

Meeting adjourned in good spirits.

Meeting Minutes compiled by:

Ms. AR Chipeio

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CONSTRUCTION
We Plan | We Build | You Celebrate

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PROSPERITA NICKEL STREET, NO.2 DOMINIUS PARK

OFFICE OF THE CHIEF EXECUTIVE OFFICER
PO BOX 59
80 INDEPENDENCE AVENUE
WINDHOEK
NAMIBIA

29 May 2024

Chief Executive Officer
Accounting Officer in line with 27 (1) Local Authority Act 23 of 1992
31 MAY 2024
Box 59
Windhoek
Tel 061 - 290 2615

For attention: Mr Moses Matyayi

Dear Sir

RE: Counter proposal for Early Exit by Council from Public Private Partnership (PPP) Agreement, Erven 71/72 Prosperita

The above subject matter above refers.

I, **Mr I-CHUAN Kuo**, in my capacity as the Managing Member of Tuye Buco Construction CC, and representing the Corporation in the Public Private Partnership with Council hereby accept the sales price offered by the Council as well as the conditions stated in the Council Resolution (**CR160/07/2023**) and the letter dated 3 May 2024 containing Council perspective on the Early Exit from the Public Private Partnership Development Agreement.

Suffice to say, I partially accept Council's Valuation certificate dated 13 November 2023. However, before going into each development cost item, we take note that Council's offer is mainly based on assumptions, estimates, average pricing and projections. In the Valuation Report received, there are explanations to the valuation method used but no explanations as to the actual expenses or costs. Importantly, the valuation by Council did not cater for the following REAL project expenses or costs, in our view:

Description	Amount (N$)	Notes
Project Management	559,910.98	*2,5% of construction cost*
Financing cost	496,560.32	*1% of total cost*
Accounting and audit	248,280.16	*0.5% of total cost*
Bank charges	273,108.18	*0.55% of total cost*
Legal costs	150,000.00	*Lump sum estimate*
Insurance	156,775.07	*0.7% of construction cost*
Security services	180,000.00	*2 guards @N$10,000 pm over 2 years*
EIA	383,200.00	*Lump sum cost estimate*
Surveying	247,825.16	*5% of total cost*
Estate agent	1,542,411.10	*2.5% of income*
*Interest	7,448,404.80S	*Principal Lender: 16% (70% of loan)* *Equity Lender: 14.5% (30% of loan)*

**Interest rates by lenders are based on the prime rate at banks plus a percentage. As at 29 May 2024, the prime rate is 11.5%. Our envisaged lenders charge 16% and 14.5%. Note that this no penalty interest is provided for in the calculation of the interest.*

As alluded to above, we agree with the expenses or costs in the valuation by Council. However, the above expenses or costs are to be included in the calculations because these are real expenses or costs that have or will be incurred, as bench marked with other PPP developments. Reference is made to the fact that the above expenses or costs have always been included in all the Public Private Partnership projects and we implore upon Council that the Prosperita project not be an exception to the norm. In all fairness, the Council's valuation process must follow the spirit of the Public Private Partnership Development Agreement projects.

In summary, we opt for the Early Exit option from the Public Private Partnership Development Agreement as soon as possible but with reasonable and fair exit conditions and profit sharing. To recap, we accept the N$1,210 price per square meter from Council. However, we need the above cost to be included in the Valuation. we trust that you will reconsider our view and offer in a positive manner for a win-win situation and in the name of socio-economic and industrial development of our City.

Yours faithfully,

Mr. I-CHUAN KUO
TUYE BUCO CONSTRUCTION CC
WINDHOEK

Copies

1. ***Mr F Maanda***
   Strategic Executive
   Housing, Property Management and Human Settlement

2. ***Mr B Amuenje***
   Manager: HLD Division

Attachment

TUYE BUCO
CONSTRUCTION
We Plan | We Build | You Celebrate

OFFICE OF THE CHIEF EXECUTIVE OFFICER
PO BOX 59
80 INDEPENDENCE AVENUE
WINDHOEK
NAMIBIA

10 June 2024

12 JUN 2024
1-1544

For attention: Mr Moses Matyayi

Dear Sir

RE: Final offer for Early Exit by Council from Public Private Partnership (PPP) Development Agreement, Erven 71/72 Prosperita

The subject matter above refers.

This is the final offer we make to Council for consideration. At the onset, we want to point out that if this offer is not accepted that we will have to revert to implementing the Public Private Partnership Development Agreement.

In my previous communication, we emphasized the fact that exit conditions be reasonable and fair. However, it is only my company that tries to negotiate in all fairness. To emphasize this point, we had a look at the economic conditions in the property market and herewith point out that the demand for various land uses are now below market rates. This is also very visible in the rental market with many vacant properties, especially retail businesses. We are also keenly aware that Council is still struggling to sell erven serviced under the Public Private Partnership Development Agreement since 2015 or so. As a result of having studied the market conditions and struggles by Council to sell serviced land, we offered a sales price of N$1,150 per square meter with a profit to be shared (on a 50:50 basis) of N$7,664,970. Council's sales price started and remained at N$1,210 per square meter and the Residual Land Value remained at N$12,040,412. We then adjusted our offer price to N$1,200 per square meter with a profit to be shared of N$15,314,070.92. Again, Council's offer remained as is. We now adjust our offer price per square meter to N$1,210 and our final offer is thus as follows:

Sales price per square meter: N$1,210
Payment to Council for land: N$9,525,417.63

To reiterate, we wish to proceed with the Early Exit option from the Public Private Partnership Development Agreement as soon as possible but a reasonable and fair exit conditions and profit sharing. I trust that you will reconsider our offer in a positive

manner for a win-win situation and in the name of socio-economic and industrial development of our City,

Yours faithfully,

Mr. I-CHUAN KUO
TUYE BUCO CONSTRUCTION CC
WINDHOEK

Copies

1. *Mr F Maanda*
   Strategic Executive
   Housing, Property Management and Human Settlement

2. *Mr B Amuenje*
   Manager: HLD Division

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Tel: (+264) 61 290 2615 e-mail: Angeline.Nanyemba@windhoekcc.org.na

ENQ: Faniel I Maanda
DATE: 13/08/2024

TEL: (061) 2902170
REF: Comments and Counter-offer

Mr. I-Chuan Kuo
Managing Member
Tuye Buco Construction CC
P O Box 40746
Ausspanplatz
WINDHOEK

Email: buco@iway.na

Dear Sir,

RE: COUNTER PROPOSAL AND FINAL OFFER FOR EARLY EXIT BY COUNCIL FROM PUBLIC PRIVATE PARTNERSHIP AGREEMENT – ERF 71 AND 72 PROSPERITA

Reference is drawn to your letter dated 31 May 2024 titled *'Counter proposal for Early Exit by council from Public Private Partnership agreement, Erven 71/72 Prosperita'* and another letter dated 12 June 2024 titled *'Final offer for Early Exit by council from Public Private Partnership agreement, Erven 71/72 Prosperita'* content of which is noted with appreciation. The two (2) letters are responses to our letter dated 03 May 2024 with the heading *'Offer for Early Exit of Council from Public Private Partnership Agreements'*.

The City of Windhoek's Manager for Valuations who is also a member of the Negotiation Team was tasked to study content of the two letters and provide feedback to Negotiation Team for consideration. The Negotiation Team at its meeting held 01 August 2024 considered content of the two letters in details and arrived at the following conclusion:

Counter Proposal

In the Counter Proposal you put forward the following statement which signified the company position on the offer:

> *Suffice to say, I partially accept Council's Valuation certificate dated 13 November 2023. However, before going into each development cost item, we can take note that Council's offer is mainly based on assumptions, estimates, average pricing and projections. In the Valuation Report received, there are explanations to the valuation method used but no explanations as to the actual cost expenses or costs. Importantly, the valuation by Council did not cater for the following REAL project expenses or costs, in our view:*

On Page 11 of the Valuation Report the following explanation is provided regarding Residual Valuation Approach:

> *The residual method of valuation entails a very simple computation applied to big sized land ripe for development to assist property developers in determining a reasonable price for the purchase of land. The residual approach provides guidance on the following: (a) the determination of gross development value of the development, (b) construction expenses - in this case, the cost of installing services, (c) professional fees, and (d) allowance for any contingencies. The said method also provides guidance on the estimated potential profit that the developer is projected to make from the development, which is deducted before the residual amount. ..... Not often, comparable-sized parcels of land change hands on the market. For big sized-land devoid of recent sibling sales transactions, residual valuation approach is the most appropriate method to employ. The following are the possible costs associated with land servicing. All of these formulations are predicated on the premise of utilizing the average level of costs.*

It is clear from the above that, the Residual Method of Valuation does not use real project costs, since such costs will only become real once a task is executed, before project execution all project costs remain estimates. Therefore, for this project, real project costs will be Town Planning Costs, EIA costs and Surveying Costs because the said activities are completed, costs have been incurred and necessary approvals received. However, for the incurred project costs to be included, we will require proof of payment certified by the bank from which such payment was made. In the absence of proof, the cost so incurred remain as estimates.

Having had regard to the above, we now turn to the perceived real expenses which you provided in your proposal. For ease of interpretation, we have expanded Table 1 below by two columns '*%/100*' and '*Originating Amount (N$)*'.

Description	Amount (N$)	Notes	%/100	Originating Amount (N$)
Project Management	559,910.98	2.5% of construction cost	0.025	22,396,439.20
Financing cost	496,560.32	1% of total cost	0.01	49,656,032.00
Accounting and audit	248,280.16	0.5% of total cost	0.005	49,656,032.00
Bank charges	273,108.18	0.55% of total cost	0.0055	49,656,032.73
Legal costs	150,000.00	Lump sum estimate	-	-
Insurance	156,775.07	0.7% of construction cost	0.007	22,396,438.57
Security services	180,000.00	2 guards @ N$ 10,000 pm over 2 years	-	-
EIA	383,200.00	Lump sum estimate	-	-
Surveying	247,825.16	5% of total cost	0.05	4,956,503.20
Estate Agent	1,542,411.10	2.5% of income	0.025	-
*Interest	7,448,404.80	Principal lender: 16% (70% of Loan)	-	-
		Equity Lender: 14.5% (30% of loan)		

* Interest rates by lenders are bases on the prime rate at banks plus a percentage. As at 29 May 2024, the prime rate 11.5%. Our envisaged lenders charge 16% and 14.5%. Note that this no penalty interest is provided for the calculation of interest.

Table 1: perceived Real Cost

As shown on Table 1 above, the construction cost is assumed to be N$ 22,396,439.20 and total project cost is is assumed to be N$ 49,656,032 based on your figures provided. The 5% of total

cost from '*Surveying*' amount of N$ 247,825.16 drastically reduces the total project cost to N$ 4,956,503.20 which we believe is an error, in that, instead of 5% you may have intended to use 0.5% instead, which would translate into project cost of N$ 49,565,032.00 leaving a difference of N$ 91,000.00 from the total project cost of N$ 49,656,032.

Having clarified the above observation, we now turn to items on Table 1 above read together with Table 2 below:

Tuye Buco Description	Tuye Buco Amount (N$)	City of Windhoek Description	City of Windhoek Amount (N$)	Comments
Project Management	559,910.98	Professional Fees	1,274,850.00	CoW offers better rate.
Legal costs	150,000.00			
Financing cost	496,560.32	Others @ 5%	3,084,822.00	
Accounting and audit	248,280.16			
Bank charges	273,108.18			
Insurance	156,775.07			
EIA	383,200.00			
Surveying	247,825.16	Surveying	509,940.00	
Security services	180,000.00	Not Applicable	Not Applicable	
Estate Agent	1,542,411.10	Sales Commission @ 3%	1,850,893.00	
*Interest	7,448,404.80 Bank = 11.5% Principal Lender = 16% Equity Lender = 14.5%	Interest on Development @ 11.75% - -	5,622,961.00 - -	
CoW = City of Windhoek				

Table 2: Perceived Real Costs by Tuye Buco compared to estimated costs on the City of Windhoek Valuation Certificate.

1. The *Project Management* and *Legal costs* with an assumed combined a total of N$ 709,910.98 in your Counter Proposal falls under the category of '*Professional Fees*' in the City of Windhoek's Valuation Certificate to which an amount N$ 1,274,850.00 is provided for. Therefore, the City of Windhoek offers a better amount, thus, no further action is required.

2. The *Financing Cost, Accounting and Audit, Bank Charges, Insurance* and *EIA* in your Counter Proposal with an assumed combined cost of N$ 1,557,923.73 falls under '*Others at 5%*' in the City of Windhoek's Valuation Certificate to which an amount of N$ 3,084,822.00 is provided for. Therefore, the City of Windhoek offers a better amount, thus, no further action is required.

3. The cost of *Surveying* in your Counter Proposal is fixed at N$ 247,825.16. The same item in the City of Windhoek's Valuation Certificate under the same name is estimated

at N$ 509,940.00. Therefore, the City of Windhoek offers a better amount, thus, no further action is required.

4. In your Counter Proposal you made a provision of N$ 180,000.00 for Security Services. This cost item does not qualify as a cost under Residual Method of Valuation and as such, hereby disqualified. Therefore, for you to insist in its subsistence will be tantamount to additional costs. For the reason above, no further action is required.

5. The services of an *Estate Agent* in your Counter Proposal are fixed at an assumed amount of N$ 1,542,411.10. The City of Windhoek referred to the same item as '*Sales Commission @ 3%*' in its Valuation Certificate and estimated the cost of such services at N$ 1,850,893.00. Therefore, the City of Windhoek offers a better amount, thus, no further action is required.

6. In your Counter Proposal you estimated your *interest* amount at N$ 7,448,404.80 compared to the City of Windhoek's *interest* amount of N$ 5,622,961.00. Your interest amount is based on the following interest rates: Principal Lender at 16%, and Equity Lender at 14.5%, you further acknowledged that the current Commercial Bank going rate is 11.5%. In arriving at our provisioned amount on interest, the City of Windhoek made provision of interest rate of 11.75%. The interest rates of 14.5% and 16% respectively are way above acceptable market rate. Therefore, to remain with the commercial banks, the City of Windhoek's interest rate of 11.75% is higher than the current going rate of 11.5%, thus giving Tuye Buco favourable advantage. For the reason above, no further action is required.

With the above on record, your good office reasoned that: "*the valuation by Council did not cater for the ... REAL project expenses or costs*". We note with appreciation that, despite such a claim in your letter, your construction cost estimate of N$ 22,396,439.20 and total project cost of N$ 49,656,032.00 is exactly the same amount as that which is provided for in our Valuation Certificate Certificate. Refer to Table 1 for Tuye Buco's cost estimates and Table 3 for construction cost estimate extracted from the Valuation Certificate of the City of Windhoek.

Description	Amount (N$)
Internal Roads	15,043,230.00
Street lights	1,233,929.00
Water reticulation	1,274,850.00
Sewer reticulation	1,274,850.00
Electrical reticulation	3,569,580.00
TOTAL	22,396,439.00

Table 3: Extract of construction cost from the City of Windhoek Valuation Certificate

Final Offer

In your letter dated 10 June 2024 received by the City of Windhoek on the 12th of June 2024, you made a final offer of N$ 9,525,417.63 based on the per square meter cost of N$ 1,210.00. The opening statement of your letter reads as follows: "*This is the final offer we make to Council for consideration. At the onset, we want to point out that if this offer is not accepted that we will have to revert to implementing the Public Private Partnership Development Agreement*".

Suffice to mention that the City of Windhoek through the Negotiation Team extended an offer to Tuye Buco for consideration as part of the negotiation for Early Exit from the Public Private Partnership (PPP) arrangement. The offer was to be accepted, declined, or negotiated further before arriving at a decision whether to accept the offer or not. Your final offer of N$ 9,525,417.63 is for all intent and purpose, considered a Counter-offer and as such, subject to it being accepted, or rejected, or negotiated further.

Therefore, the said Counter-offer will be submitted to Council together with the original offer for further consideration. Whilst the above is clear, I wish to interrogate the following statement in your final offer and have a point of reflection:

> *In my previous communication, we emphasized the fact that exit conditions be reasonable and fair. However, it is only my company that tries to negotiate in all fairness. To emphasize this point, we had a look at the economic conditions in the property market and herewith point out that the demand for various land uses are now below market rates. This is very visible in the rental market with many vacant properties, especially retail businesses. We are also keenly aware that Council is still struggling to sell erven serviced under the Public Private Partnership Development Agreement since 2015 or so. As a result of having studied the market conditions and struggles by Council to sell land, we offered a sales price of N$ 1,150 per square meter with profit to be shared (on a 50:50 basis) of N$ 7,664,970. Council's sales price started and remained at 1,210 per square meter and the Residual Land Value remained at 12,040,412. We then adjusted our offer price to N$ 1,200 per square meter with a profit to be shared of N$ 15,314,070.92. Again, Council's offer remained as is. We now adjust our offer price per square meter to 1,210 and our final offer is thus as follow:*
>
> *Sales price per square: N$ 1,210*
> *Payment to Council for land: N$ 9,525,417.63*
>
> *To reiterate, we wish to proceed with the Early Exit option from Public Private Partnership Development Agreement as soon as possible but a reasonable and fair exit conditions and profit sharing. I trust that you will reconsider our offer in positive manner for a win-win situation and in the name of socio-economic and industrial development of our City.*

Having had regard to the content above and appreciating the context thereof, I respond as follows:

1. The process followed in the negotiation for Early Exit from PPP, including the valuation method, is reasonable, fair and conducted in good faith from our side.

2. A statement in which a claim is made that, demand for various land uses are now below market rates and that, rental properties market is marked by high vacancy rates should be substantiated with facts. I therefore advise that based on your statement in which you made a claim that: "demand for various land uses are now below market rates and that, rental properties market is marked by high vacancy rates", it is my considered view that such claims should be supported with facts to assist both parties to arrive at a common understanding in the negotiation process.

3. In your letter you averred statement that, Council is struggling to sell erven serviced under PPP development since 2015, your statement could not be verified as true or reliable, since it is without empirical evidence. However, we appreciate that that you have raised such a pertinent matter to the Negotiation Team. Thus, it is advisable to remain within the confines of the negotiation spirit anchored in principles of good faith. The subject. In qualifying our position, it is important to state that, the land under negotiation is industrial land in Prosperita and Council does not have similar competing industrial land in the market nor, any previous industrial land that it has failed to sell.

4. A statement that Tuye Buco offered a sales price of N$ 1,150 per square meter with profit to be shared (on 50:50 basis) and that, Council's sales price started and remained at N$ 1,210 per square meter whilst Tuye Buco adjusted its price to N$ 1,200 and now to N$ 1,210 is not reflective of reality in the negotiation process. Following our offer of 03 May 2024, Tuye Buco responded on the 29th of May 2024 with a Counter Proposal for Early Exit by Council from PPP Agreement in which the N$ 1,210 per square meter was accepted on condition that additional items such as project management, financial cost, accounting and audit, bank charges etc. are added to the valuation. On the 10th of June 2024, Tuye Buco sent its final offer of N$ 9,525,417.63. We are not privy to other offers meant to respond to our offer of 03 May 2024 unless such offer was sent earlier. For example, in your letter dated 20 November 2023 addressed to the Department of Housing, Property Management and Human Settlement, you proposed two possible scenarios: (a) a selling price of N$ 1,050 per square meters with a profit share of N$ 2,610,469.68 rounded to N$ 3,000,000; and (b) a selling price of N$ 1,200 per square meters with a profit share of N$ 6,435,019.68. The said profit share cannot be taken into consideration because it was not responding to any offer from our end. Given that, we are dealing with an Early Exit offer, there is no 50:50 profit sharing. If consensus is reached and terms agreed, Council will pass ownership to Tuye Buco and end the PPP arrangement. For that reason, the interest of Council is in ensuring fair compensation for its land.

5. In your final offer, you have made the following statement "*we now adjust our offer price per square meter to N$ 1,210*". The price of N$ 1,210 per square meters in your Final Offer, is the same as Council's initial offer to Tuye Buco, therefore, we are agreeable. By adjusting to the said price per square meter, Tuye Buco accepts Council offer, the only difference is that, the acceptance is for N$ 9,525,417.63 instead of N$ 12,040,000.000 offered by Council. On the 29th of May 2024 Counter Proposal, Tuye Buco made the following statement: "*to recap, we accept the N$ 1,210 price per square meter from Council. However, we need the above cost to be included in the Valuation*". The statement in the 29 May and 10 June letters should be reconsidered.

Accept Mr. Kuo regards of my highest consideration.

Yours sincerely

13 AUG 2024

Moses Matyayi
CHIEF EXECUTIVE OFFICER

OFFICE OF THE CHIEF EXECUTIVE OFFICER

59
80 Independence Avenue
WINDHOEK, NAMIBIA

The Gateway to Endless Opportunities

Tel: (+264) 61 290 2615 e-mail: Angeline.Nanyemba@windhoekcc.org.na www.cityofwindhoek.org.na

ENQ: Faniel I Maanda **TEL:** (061) 290 2170
DATE: 16/09/2024 **REF:** CR 184/08/2024

Mr. I-Chuan Kuo
Managing Member
Tuye Buco Construction CC
P O Box 40746
Ausspanplatz
WINDHOEK

Email: buco@iway.na

Dear Sir,

RE: COUNCIL RESOLUTION 184/08/2024 - OFFER FOR EARLY EXIT OF COUNCIL FROM PUBLIC PRIVATE PARTNERSHIP (PPP) AGREEMENT WITH TUYE BUCO CC.

The above subject matter has reference.

The Municipal Council of Windhoek at its meeting held on the 06 July 2023 per Resolution (CR 161/07/2023) approved the Early Exit from PPP projects meeting set criteria. Following the passing of the said Council Resolution, negotiations were held between the Negotiation Team of Council and Tuye Buco Construction cc, which negotiations gave rise to a submission of an Early Exit Proposal to Council for consideration.

On the 29th of August 2024, Council considered the Early Exit Proposal and set out its offer and exit conditions per Resolution 184/08/2024 attached as Annexure A to this letter. Please indicate your acceptance or non-acceptance of Council's offer within seven (7) working days from receipt of this letter, failing which, the offer lapses.

Receive Mr. Kuo regards of my highest consideration.

Yours sincerely

Moses Matyayi
CHIEF EXECUTIVE OFFICER

Chief Executive Officer
Local Authority Act 23 of 1992 - Accounting Officer in line with
17 SEP 2024
Box 59
Windhoek
Tel: 061 - 290 2615

cc: *Mr. Faniel Maanda SE: Housing, Property Management and Human Settlement*

All official correspondence must be addressed to the Chief Executive Officer

[Municipal Council Minutes: 2024-08-29]

10.3.11 **GOV.20 [HPH] REVENUE ENHANCEMENT AND PROTECTION FROM DELIVERY OF SERVICED LAND: NEGOTIATED OFFER OF EARLY EXIT FROM PUBLIC PRIVATE PARTNERSHIP AGREEMENT WITH TUYE BUCO CONSTRUCTION CC**
(3/1/6/9/2)

On proposal by Council Member Bernardus Araeb, it was

RESOLVED

1 That Conditions of Early Exit from Public Private Partnership (PPP) Agreement set out fully in Council Resolution 161/07/2023, attached as pages 714 - 718 to the agenda, be noted.

Offer and Counter-offer

2 That the Municipal Council of Windhoek's Offer of N$12 040 000.00 dated 10 May 2024 issued to Tuye Buco Construction CC and attached as pages 719 - 721 to the agenda, be noted and accepted as the Municipal Council of Windhoek's original offer and final offer to Tuye Buco Construction CC taking into consideration the Counter offer.

3 That the Counter offer by Tuye Buco Construction CC of N$9 525 417.63 attached as pages 754 - 755 to the agenda, be noted and turned down per reasons set out in a letter to the Counter offer and Counterproposal attached as pages 757 - 762 to the agenda.

4 That the Counter offer attached as pages 757 - 762 to the agenda be replaced by the acceptance of Council's offer as per the letter, attached as pages 754 -755 to the agenda.

5 That Tuye Buco Construction CC be informed of Council's decision and be given seven (7) days from the date of notice of Council's decision to accept the Council Resolution, which constitutes Council's Final Offer of N$12 040 000.00 in writing to the Chief Executive Officer.

6 That should Tuye Buco Construction CC accept the Municipal Council of Windhoek's Final Offer, the following procedure as set out in paragraph 11.7 to 11.10 of Council Resolution 161/07/2023 shall take effect:

6.1 That the sales process be initiated culminating in a Ministerial approval in accordance with sections 30(1)(t) and 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

6.2 That on of receipt of Ministerial approval, the Chief Executive Officer (Corporate Legal Adviser) prepare a Deed of Sale and Addendum to the Public Private Partnership (PPP) Agreement.

6.3 That once the Deed of Sale and Addendum to the Agreement is signed, the Strategic Executive: Housing, Property Management and Human Settlement without delay, prepare a Development Agreement and take the necessary steps and ensure that it is signed by the parties.

7 That remaining conditions of Council Resolution 161/07/2023 are binding on this transaction and further that:

7.1 That Tuye Buco Construction CC provide the Municipal Council of Windhoek with a Bank Guarantee within thirty (30) days after receipt of Ministerial approval and the payment of the amount of N$12 040 000.00 be made within thirty (30) days after signing the Addendum to the Development Agreement and Deed of Sale, failing which, the offer to enter into Early Exit Agreement from the subsisting Public Private Partnership (PPP) lapses.

7.2 That as set out in paragraph 2 of Council Resolution 161/07/2023, land development commence within two (2) years from the date of signature of the Addendum to the Public Private Partnership (PPP) Development Agreement, failing which rates and taxes be applied based on the approved layout as if the area is fully developed.

7.3 That the maximum period to materially improve the property and release serviced land to market is set at three (3) years from the date of sale, should land not be improved within three (3) years, Tuye Buco Construction CC provides the Municipal Council of Windhoek with an irrevocable Power of Attorney to effect repossession on the selling price.

7.4 That as means to ensure that the project remain relevant to its original intent (that of releasing serviced land to the market), it is a set condition of the Early Exit Agreement that the purchaser shall not be entitled to sell the property to a third party or to any subsequent successor(s) in title or successor-in-title or name or cede or assign this agreement to any third party or successor in title or name without the consent of the Municipal Council of Windhoek.

7.5 That by entering into Early Exit Agreement, the Municipal Council of Windhoek is absolved from any risks, obligations and liabilities whatsoever related to the development of Erven 72 and 73, Prosperita.

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

RESOLUTION 184/08/2024

Received: 28/09/2024

TUYE BUCO
CONSTRUCTION

We Plan | We Build | You Celebrate

MOBILE [illegible]
EMAIL buco@[illegible] | FAX TO EMAIL [illegible]
P O BOX [illegible] AUSSPANPLATZ, WINDHOEK
PROSPERITA NICKEL STREET, NO 2 DOMINIUS PARK

OFFICE OF THE CHIEF EXECUTIVE OFFICER
P O Box 59
80 Independence Avenue
WINDHOEK
NAMIBIA

23 September 2024

For attention: Mr. Moses Matyayi

Dear Sir,

RE: ACCEPTANCE OF COUNCIL'S OFFER FOR EARLY EXIT FROM PUBLIC PRIVATE PARTNERSHIP (PPP) AGREEMENT WITH TUYE BUCO CC.

Your letter dated 16 September bears reference.

I, **Mr. I-CHUAN KUO** in my capacity as the Managing Member of Tuye Buco Construction CC and re-presenter in the Public Private Partnership (PPP) hereby accept the Council's offer and exit conditions per Council's Resolution **184/08/2024.**

Notwithstanding, I want to comment Resolution 7.4 attached to your letter.

> *I opine that the spirit of the PPP Development agreement signed in 2017 continues to guide our interaction and the implementation of the envisaged development.*
> *I understand and and agree with Resolution 7.4 not sell the Erven 72 and 73, Prosperita to any third party or subsequent successor(s) in-title or name or cede or assign the Early Exit Agreement to any third party without it being serviced and the consent from Council. However, the Council shall not withhold consent if the erven to be transferred have been serviced. I affirm that Tuye Buco Construction CC will only alienate individual erven within the development.*

I will be waiting for further instructions and interactions from your good office. Equally, I implore upon your office for the speedy conclusion of the sales process since Tuye Buco cc lost over a year after Council Resolution 161/07/23023 was passed. In addition, we kindly request the draft addendum to the PPP development Agreement for our scrutiny and inputs, as soon as it is available.

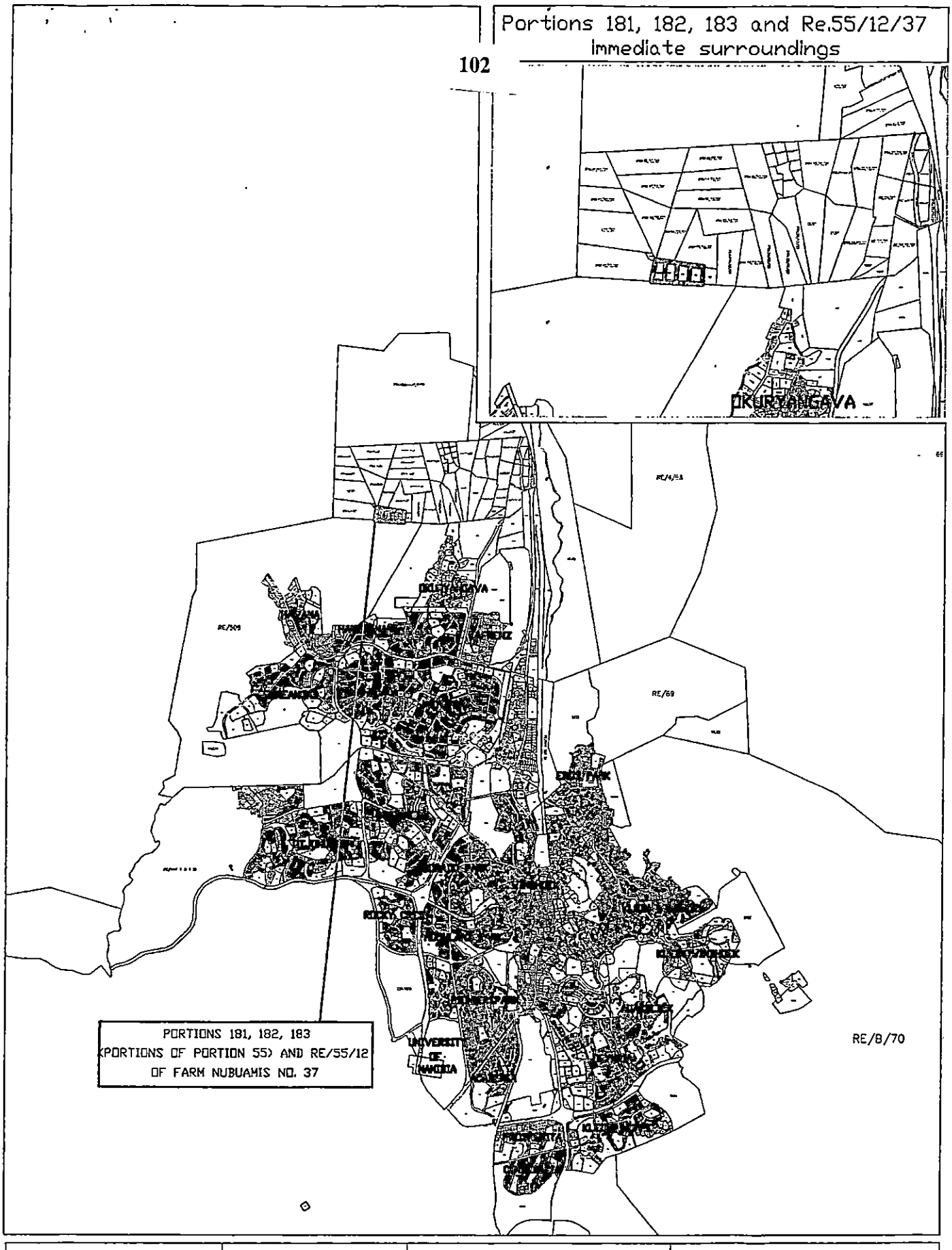
We trust that the above is acceptable and that you will revert to us if need be.

Yours in development,

Yours faithfully

Mr. I-CHUAN KUO
MANAGING MEMBER
TUYE BUCO CONSTRUCTION CC
Cell: 0813022282
Email: buco@iway.na
WINDHOEK

Copies:
1. Mr. F. Maanda, Strategic Executive Housing, Property Management and Human Settlement
2. Mr B Amuenje, Manager: HLD Division



LOCALITY PLAN PORTIONS 180/55, 182/55, 183/55) AND RE/55/12 OF THE FARM NUBUAMIS NO. 37 WINDHOEK	T N DATE: 27 FEBRUARY 2018	HARMONIC Not To Scale	HARMONIC PLANNING CONSULTANTS Town and Regional Planners P O Box 3216 Windhoek Cell: 081 127 5879 Tel: 061 238 460 Fax: 088 646 401 Email: hklsting@namibnet.com

Submission 2025

Ongwediva Consulting Engineers

Windhoek Office: 22 Rabenweg Street,
Hochlandpark, Windhoek
P.O. Box 3769, Windhoek

Conselect Engineering
Consulting Engineers
&
Project Managers

PROPOSED EBEN-EZER TOWNSHIP DEVELOPMENT NUBUAMIS NO. 37 (PORTIONS 181-183 AND REMAINDER OF 55/37)

REF No: RA/CS-CR/09 – 2015/RE-010

14 March 2025

Urban + Transport Planning
2025 -03- 17
RECEIVED BY:
CITY OF WINDHOEK

City Of Windhoek

Office of the Chief Executive Officer

Private Bag 59

Tel: +264 (61) 260 2615

Email:CEO@widhoekcc.org.na

Subject: Submission of Outstanding Documents for Township Establishment – Farm Nubuamis No. 37 (Portions 181-183 and Remainder of 55/37)

Dear , Moses Matyayi

We refer to your letter dated **28 October 2024** regarding the outstanding documentation for the township establishment application for **Farm Nubuamis No. 37 (Portions 181-183 and Remainder of 55/37).**

Please find attached the required documents as per your request:

1. **Engineering Report** – Including the Traffic Impact Assessment (TIA) with access requirements.
2. **Nampower Support Letter** – Confirming electricity supply to the proposed development.
3. **Namwater Support Letter** – Confirming the availability of water for the development.

We sincerely apologize for the delay in submitting these documents. The delay was primarily due to the prolonged process of obtaining formal support letters from the respective service providers. Despite our initial request for these letters in **November 2024**, they were only furnished in **late February 2025**, which regrettably affected our ability to meet the initial deadline.

We appreciate your understanding and kindly request that our application be considered despite the delay. We remain committed to ensuring full compliance with all requirements and are available to provide any additional information should it be necessary.

Thank you for your time and consideration. We look forward to your favorable response.

Yours sincerely,

Sincerely,

Joseph Simson

PROJECT ENGINEER

OFFICE OF THE CHIEF EXECUTIVE OFFICER

59
80 Independence Avenue
WINDHOEK, NAMIBIA

The Gateway to Endless Opportunities

Tel: (+264) 61 290 2615 e-mail: CEO@windhoekcc.org.na www.cityofwindhoek.org.na

ENQ: Mrs. Hamata
DATE: 28/10/2024

TEL: +264 61 290 2 375
REF: Nubuamis-Eben Ezer

Ebenezer Township Development
PO Box 4715
WINDHOEK

Dear Sir,

RE: URGENT COMPLAINT REGARDING DELAYS IN TOWNSHIP ESTABLISHMENT APPROVAL

Your letter received on 21 October 2024 regarding delays in township establishment on Farm Nubuamis No. 37 (Portions 181-183 and Remainder of 55/37) has reference. We note your concerns raised but wish to set the record straight by providing the relevant information as follows.

Following the initial submission, it was communicated to the applicant and their representative/consultant that the application was incomplete and as a result could not be evaluated for legal compliance and considered for further recommendation. In this regard the following remains outstanding to date:

- An engineering report containing the necessary Traffic Impact Assessment (TIA), in particular access requirements pertaining the actual densities and bulk of the development due.

- A formal support letter from Nampower confirming the supply of electricity to the proposed development.

- A formal support letter from Namwater in support of the proposed development and availability of water to the development.

The absence of this information has prevented the Council from finalizing the application. Given the time that has elapsed, we request that the outstanding information be provided within three (3) months. Should this information not be submitted within this period, it will be assumed that the applicant no longer intends to pursue the development, and the application will be cancelled.

We trust the above clarifies our response to your inquiry, and we look forward to your prompt response to allow us to finalize this long-outstanding matter.

Yours sincerely

30 OCT 2024

Moses Matyayi
CHIEF EXECUTIVE OFFICER

ONGWEDIVA CONSULTING ENGINEERS

TRAFFIC IMPACT ASSESSMENT (TIA)

Ebenezer Village Township Development – Windhoek

Joseph Simson

11/4/2024

Ongwediva Consulting Engineers

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TRAFFIC IMPACT ASSESSMENT (TIA)

Traffic Impact Assessment for Ebenezer Village Township Development – Windhoek

1. INTRODUCTION

The purpose of this Traffic Impact Assessment (TIA) is to analyze the expected impact of the Ebenezer Village Township Development on the surrounding road network, including access feasibility, projected traffic volumes, and required infrastructure upgrades.

2. SITE LOCATION & DEVELOPMENT IMPACT

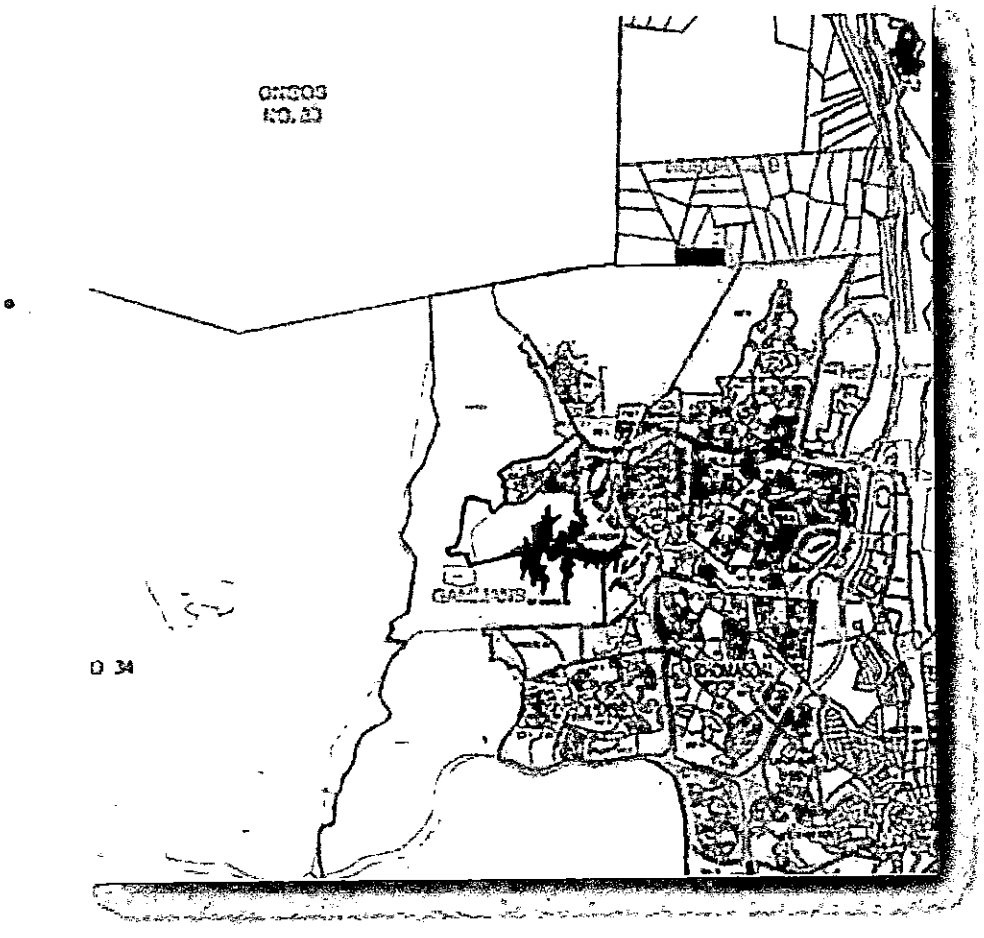

Figure 1: Locality map

The proposed development spans **20 hectares** and consists of:

- 24 General Residential Plots

- 12 Single Residential Plots
- 3 Business Plots
- 1 School Plot
- 1 Clinic Plot
- 7 Public Open Spaces

3. TRAFFIC STUDY DATA

Field studies were conducted to assess the current road network, peak-hour traffic flows, and access road conditions. Below is a summary of key findings.

3.1 Current Traffic Volumes (Peak Hour Analysis)

Road Name	Morning Peak (07:00-09:00)	Evening Peak (16:30-18:30)	Total Daily Traffic (ADT)
Monte Christo Rd	450 vehicles/hr.	500 vehicles/hr.	5,500 vehicles/day
Omuvapu Street	300 vehicles/hr.	350 vehicles/hr.	3,800 vehicles/day
Old District Rd 1491 access Road 2	200 vehicles/hr.	250 vehicles/hr.	2,500 vehicles/day
Proposed Access Road 1	50 vehicles/hr.	70 vehicles/hr.	800 vehicles/day

3.2 Projected Traffic Growth with Development

Year	Estimated Traffic Increase (%)	Projected ADT on Monte Christo Rd
2025	10%	6,050 vehicles/day
2030	25%	6,875 vehicles/day
2040	50%	8,250 vehicles/day

4. ROAD CAPACITY ANALYSIS

The existing road network is **near capacity** and will require upgrades for efficient traffic flow. Below is a capacity analysis:

Road Name	Existing Capacity	Current Load	Projected Load 2040

	(vehicles/day)	(%)	(%)
Monte Christo Rd	7,500	73%	110%
Omuvapu Street	5,000	76%	98%
Old District Rd 1491 access road 2	4,000	63%	85%
Proposed Access Road 1	3,000	27%	65%

5. TRAFFIC MITIGATION MEASURES & RECOMMENDATIONS

- **Road Upgrades:** The current widening of Peter Nanyemba Rd into a dual carriage way will play a significant role in accommodating traffic from the development.
- **Intersection Improvements:** Installing traffic 4 way juction at Paulus Gawaseb & Omuvapu Street intersection.
- **Access Road Upgrades:** Bitumen surfacing of Proposed 1.3 km access Road to improve connectivity to the planned Paulus Gawaseb.
- **Non-Motorized Transport Considerations:** Sidewalks and pedestrian crossings near the school and clinic.
- **Future Expansion Planning:** Additional service roads to reduce congestion over time.

6. MAP & ROADS PLAN

The proposed access road (magenta color) from the development will connect to the planned Paulus Gowaseb Road (illustrated in green) at a right-angle junction. This intersection is recommended to have either a three-way stop or traffic lights to regulate traffic flow efficiently. The planned Paulus Gowaseb Road is intended to serve as a major link, passing through the One Nation informal settlement and ultimately joining Peter Nanyemba Road (formerly Monte Christo Road). Peter Nanyemba Road is currently undergoing rehabilitation and expansion into a **dual carriageway**, which will enhance traffic capacity and reduce congestion in the area. This strategic alignment ensures smooth connectivity between the township and major transport routes, facilitating improved accessibility for residents and businesses.

Map 1: Proposed Access Roads

Figure 3: Angled aerial view

Figure 4: Perpendicular View

---

7. CONCLUSION

The Ebenezer Village Township Development will significantly increase traffic volumes. The proposed road upgrades and traffic management measures will mitigate potential congestion and ensure safe, efficient road access.

Ongwediva Consulting Engineers

Joseph Simson (BSc Eng. Hnrs)

Project Engineer

8. References

Enviromental Scoping Assessment_Proposed Havana Relocation Township Establishment Farm 1030 A Portion Of RE/508

National Planning Commission (NPC) (2005): 2001 Population and Housing Census.

Khomas Region.

DEAT (2006) Guideline 5: Assessment of Alternatives and Impacts in support of the

Environmental Impact Assessment Regulations, 2006. Integrated Environmental

Management Guideline Series, Department of Environmental Affairs and Tourism

(DEAT), Pretoria.

Environmental Management Act guidelines of Namibia, 2012.

PROPOSED TOWNSHIP DEVELOPMENT, EBENEZER VILLAGE, WINDHOEK

ENGINEERING REPORT

UPDATED 15TH APRIL 2024

Compiled by:

EMCE
PROJECT CONSULTANTS

PROPOSED TOWNSHIP DEVELOPMENT, EBEN-EZER VILLAGE, WINDHOEK.

ENGINEERING PRELIMINERY FINDING REPORT

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1. INTRODUCTION (BACKGROUND)

1.1 INTRODUCTION

The Gateway Tourism Club intends to develop farmland on the northern outskirts of Windhoek in a 20 Ha township. The development was necessitated by the need and desirability of accommodation and housing shortage in Khomas region, mostly the city of Windhoek.

A consolidation of portion 181, 182, 183 (portion of portion 55) of farm Nubuamis No. 37 and the remainder portion 55 (A Portion of portion 12) of the farm Nubuamis No. 37 into consolidated Portion X.

A team of Consultants [Engineers, and Town Planners have been appointed to fast-track the implementation of this necessity project.

It is envisaged that the township will accommodate the following functionalities:

- 24 General residential Plots
- 12 Single residential Plots
- 3 Business Plots
- A school Plot.
- A Clinic Plot
- 7 Public open space plots

As well as the general Civil and External Services as:

- Fire Water, Domestic Water storage and Water Tower
- Sewage reticulation, Sump and Pump Station
- Storm water
- Access Road and Walkways
- Fencing

2. SCOPE OF THIS REPORT

The aim of this report is to outline the structural and civil findings, analyze them in terms of design philosophy and specification of the project. It is to be read in conjunction with:

- Relevant Town planner drawings and specifications.

This report will deal with envisaged engineering components and their feasibleness in terms of the planning and design of such components. Hence forth the findings and recommendation thereafter.

3. SITE LOCATION AND GENERAL DESCRIPTION OF SITE

3.1 SITE LOCATION

The Site is on the northern border of the City of Windhoek. The size of the Site is approximately 20 hectares. Figure 1 below depicts the geographical setting, plot division and the location of the Site.

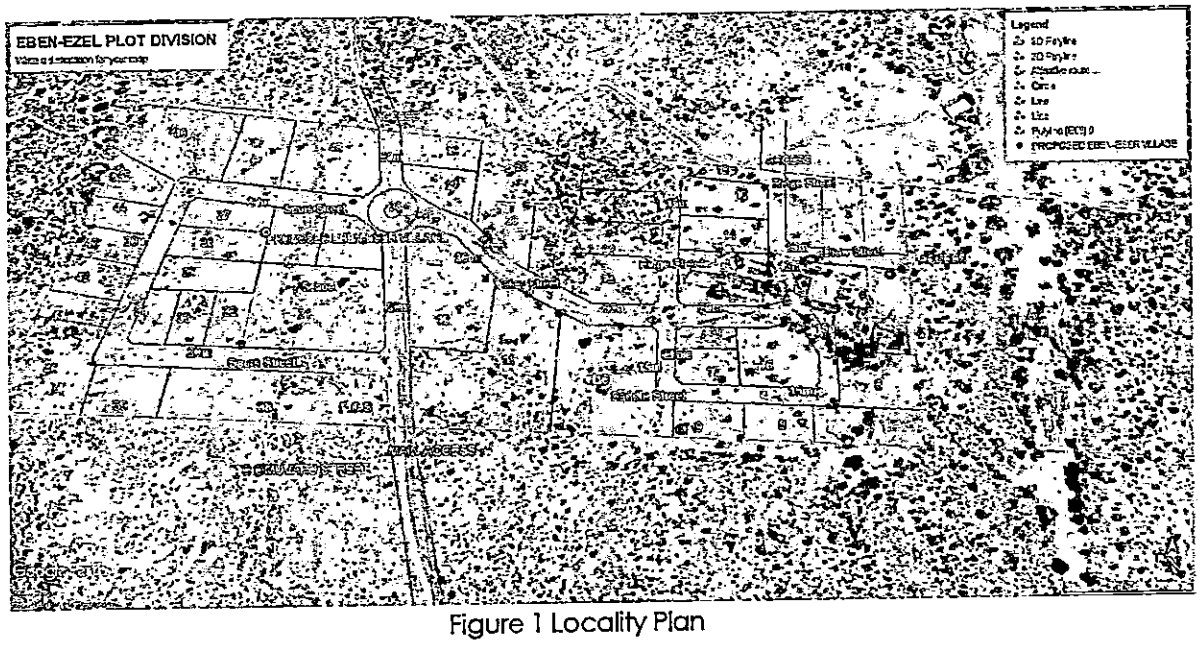

Figure 1 Locality Plan

3.2 SITE SURVEY

A detailed Topographical survey for the project site as well as surrounding infrastructure has not been conducted yet, however their area was surveyed as per CoW demarcation and the four main plats/erven are pegged and allocated accordingly.

The Site is fairly flat at certain areas and steep at other areas. The elevation flows from the western part to the eastern part of the plot, as the lowest. The research location is at 17°02'18 " E-17°02'45"E and 22°28'39 " S - 22°28'50 " S. This study was in the administrative region of Ebenezer Village, North of Windhoek city. There is a river that flows in the eastern part. Based on the elevation analysis through DEM obtained approximate location was at 1590 – 1740 meters above sea level (asl) (See slope Analyses). In general, the location of study scattered dominant elevations between 800 and 1000 meters asl. DEM map showed this region had a fairly diverse elevation. To the east, and south increasingly visible elevation, reaches a height of ± 1600-1700 meters asl.

It will be expected that the buildings will be built from the high section toward the low section in most or vice versa, with a combination of stepping, cut and fill practice, which is very common in Windhoek due to the terrain of many similar locations.

The bulk of the external civil works designs will be based on the survey data.

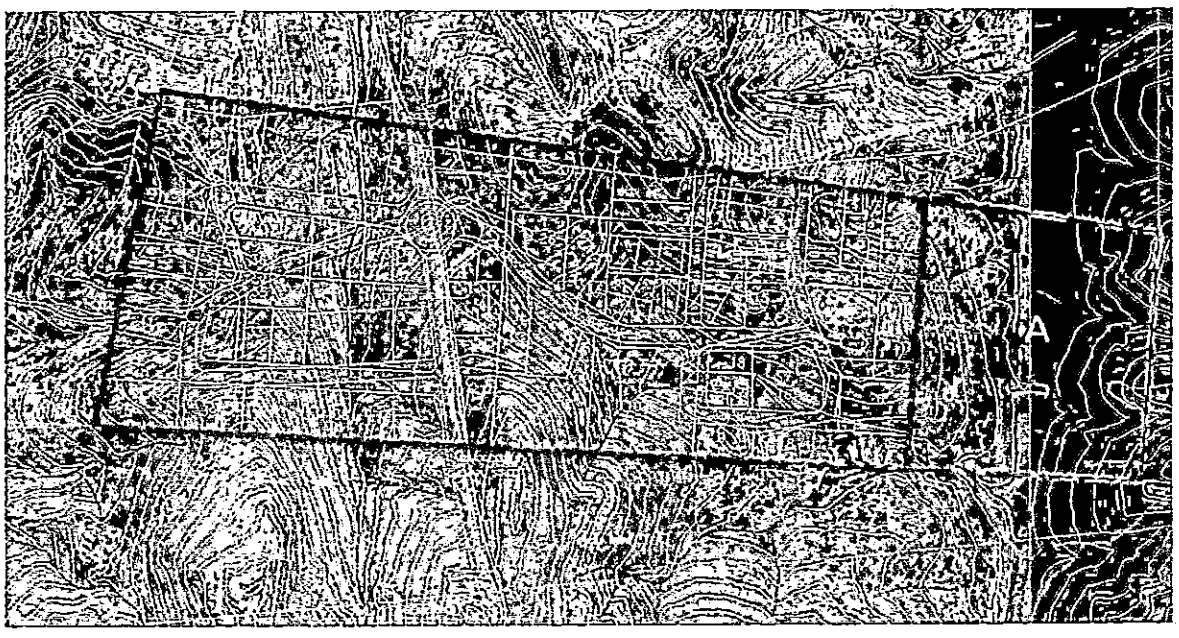

Figure 2: Existing CoW surveyed topography around existing infrastructures.

4. ENGINEERING FINDINGS

4.1 SITE ACCESS AND INTERNAL ROADS

The primary objective of this report was initially to determine whether there are existing access roads to the proposed development site and to examine the feasibility of improving them to serve as suitable access routes for potential residents of the development. Three potential routes were identified, labeled as Access Road 1, Access Road 2, and Access Road 3, as illustrated in Figure 3 below.

At present, there are two informal routes originating from Omuvapu Street in Okuryangava and from Monte Cristo Road in Havana that are currently being used to access the proposed Eben-Ezer Township Development plot. Both routes are composed of gravel or earth and pose significant challenges for conversion into daily commuter routes for the development. The project team suggests that existing routes or access roads should be prioritized as they would entail relatively lower costs for upgrading compared to constructing entirely new roads.

Another suggested alternative is the municipal gravel road linking the development area to and from B1. The aerial image (figure 3) below depicts the three proposed access routes as shown on Google Earth.

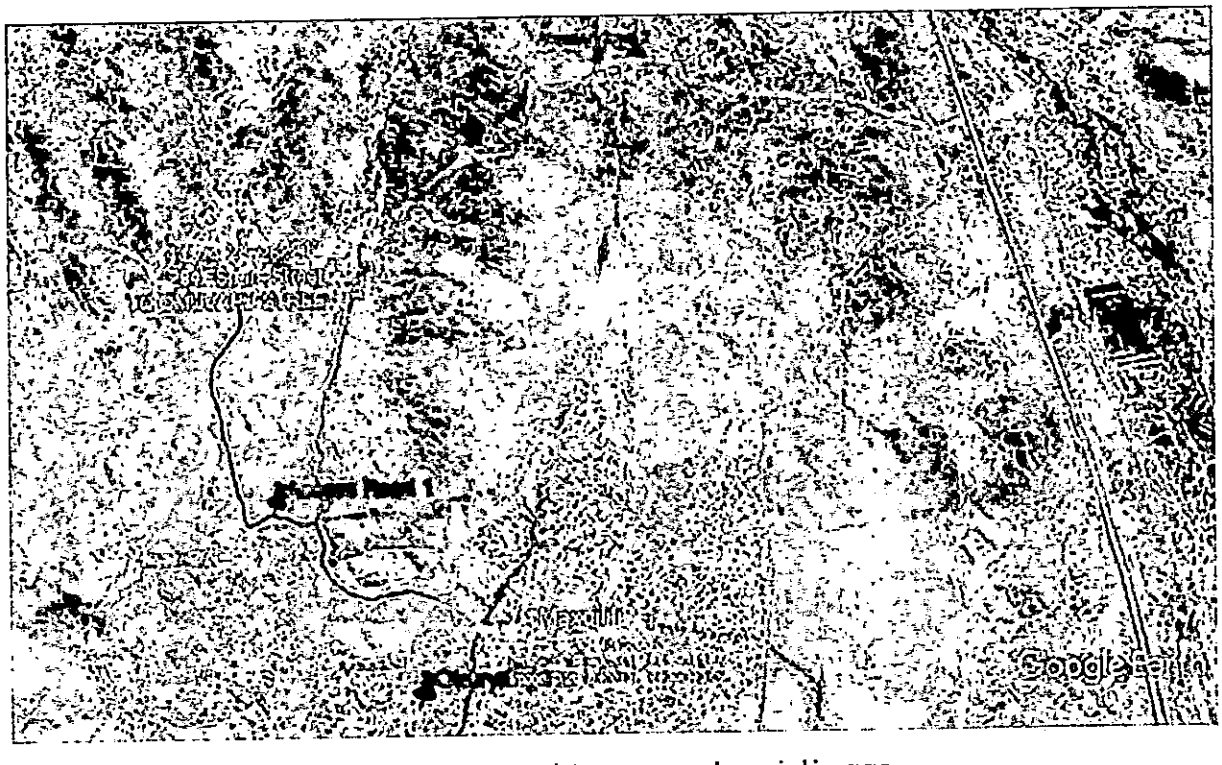

Figure 3 Proposed Access roads aerial image

4.1.1 PROPOSED ACCESS ROADS

The proposed access road corresponds to the existing informal pathway highlighted in red in Figure 4, spanning a length of 2.31 kilometers. This route links Okuryangava to Havana, following a trajectory similar to the one proposed by the City of Windhoek to extend Paulus Gowaseb Road from Omuvapu Street, eventually intersecting with Monte Christo Road in Havana. Beginning at the T-junction of Paulus Gowaseb and Omuvapu Street, the proposed access road will go through One Nation and the Maxuilili informal settlement before reaching Havana. This new proposed route, as outlined by the City of Windhoek (shown in green), is intended to connect to the envisioned hospital and secondary school in Havana, passing through the Havana location to join Monte Christo Road, which leads to Ongos and Havana West.

Hence, this newly proposed road, designated as Access Road 1, will establish connections between the Eben-Ezer Township development and both Havana and Okuryangava. Access Road 1, which currently serves this purpose, will integrate with the new route to the new City of Windhoek development, passing near the Eben-Ezer Township development and diverging solely to serve the Eben-Ezer Development, as depicted by the magenta line in the figure below. This adjustment has the potential to halve the initially proposed route distance and avoids passing through the informal settlement.

Figure 4 Access Road 1

4.1.1.1 Features to be affected:

The realization or upgrading of this route into the ideal access road to the proposed development,

- Okuryangava municipal landfill site

The proposed four-way junction to be established at the Omuvapu and Paulus Gowaseb Street passes by the Okuryangava Municipal landfill site.

- Informal settlement

The greatest concern of the road driving through the informal settlement have thus been mitigated by the fact that the access route to the establishment will no longer go through the informal settlement but rather joins the route that goes the new City of Windhoek development.

4.1.1.2 Benefits of upgrading this route

If upgraded to a bitumen access road this route will also serve the community road to the informal settlement, as taxis and other public transport will be able to reach the settlement of One Nation.

4.1.1.3 Proposed Upgrade

Currently the existing access road is gravel, approximately three meters wide. It is proposed that a 6-meter-wide bitumen road of 3-meter lanes be constructed, with an addition of a 1.5-meter interlocked sidewalk on one side. The construction of the sidewalk will depend on the availability of funds and space.

To keep the construction cost at a minimum, it is proposed that the current gravel road level and existing material be incorporated in the upgrading as much as possible. Thus, it is proposed that three layers be constructed namely:

1) SSG (Selected Subgrade Layer)
2) Subbase layer
3) Base layer

If practically possible and pending results of the centerline materials survey investigation to be conducted once approved, to avoid major cutting on the project construction can commence from the subbase layer by improving the current material if it does not meet the specifications to be classified as subbase.

It is proposed that the seal work incorporates cape seal made up of 19mm chips and two layers of slurry.

The curves and slopes on the existing route will also need to be redesigned to conform to the typical design standards.

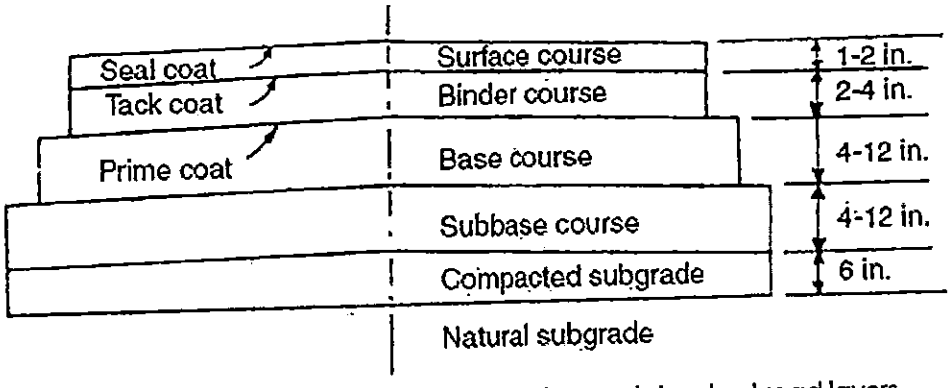

Figure 5 Proposed design and standard road layers

4.1.1.4 Expected construction duration.

It is anticipated that the upgrading of this route will take approximately 6 months, to establish, construct and complete this access road upgrade.

4.1.2 PROPOSED ACCESS ROAD 3

The initial alternative proposed access road three will connect the proposed development to the B1 road. The proposed road will connect at the junction close to Nubuamis Hills, at Weight Bridge ramp, as indicated in Figure 6. Access road three below. Spanning 4.3 kilometers, currently this gravel access road exists as an access road to farmhouses and lodges.

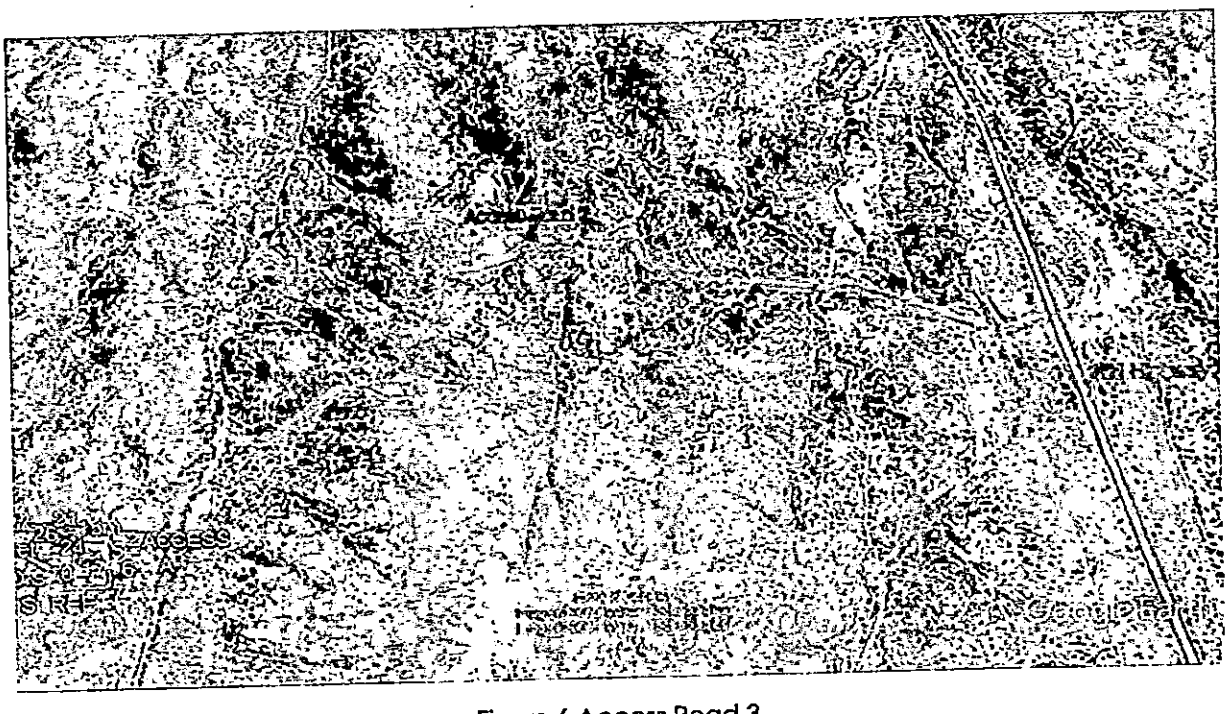

Figure 6 Access Road 3

4.1.2.1 Other related benefits of upgrading this route.

Upgrading this road to an access road will provide and improve the access road to the lodges along its path, which will boost business. Local farmers along the road access to their farms will also improve.

4.1.2.2 Proposed Upgrade

It is proposed that a 6-meter-wide bitumen road of 3-meter lanes. The current gravel access road is approximately five meters wide.

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To keep the construction cost at a minimum, it is proposed that the current gravel road level and existing material be incorporated in the upgrading as much as possible. Thus, it is proposed that three three layers be constructed namely:

1) SSG (Selected Subgrade Layer)
2) Subbase layer
3) Base layer

If practically possible and pending results of the centerline materials survey investigation to be conducted once approved, to avoid major cutting on the project construction can commence from the subbase layer by improving the current material if it does not meet the specifications to be classified as subbase.

It is proposed that the seal work incorporates cape seal made up of 19mm chips and two layers of slurry.

The curves and slopes on the existing route will also need to be redesigned to conform to the typical design standards.

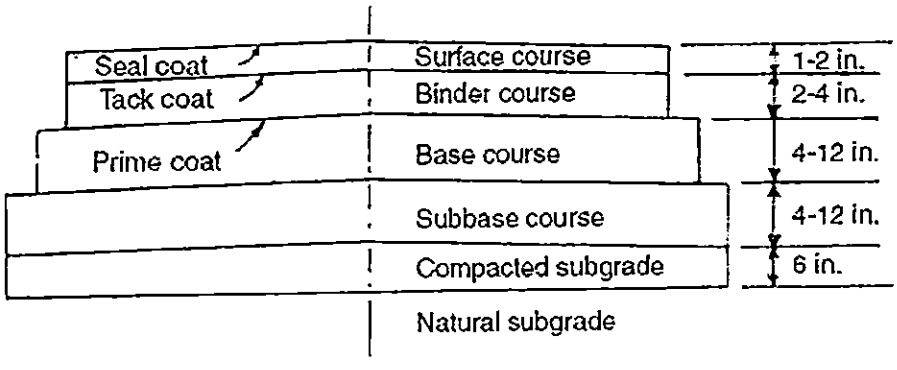


Figure 7 Proposed design and standard road layers

4.1.3 ACCESS ROAD 1 VS ACCESS ROAD 2

Both roads have potential for use, each offering distinct advantages. However, the access road from Omuvapu Street through the extension of Paulus Gowaseb Street to Havana is preferred. This preference stems from the fact that the township development targets low-income individuals who are predominantly located in Okuryangava and Havana.

4.1.3.1 Terrain and effected features

The proposed alignment of Road 1and 2 features have a more favorable slope and is notably shorter compared to Road 3, by approximately two kilometers. Consequently, it is recommended as the primary access road to development. Moreover, this choice garners support from both the constituency and the wider community, as it promises to foster development in the underdeveloped areas while simultaneously reducing crime rates along the existing informal road.

Nevertheless, Access Road 3 presents a more challenging terrain with mountainous features and is longer compared to Access Road 1and 2. Despite these challenges, there is a belief that the owners of lodges and farmhouses along Access Road 3 would welcome its upgrading to bitumen standards. This anticipated improvement could potentially enhance business prospects for the lodges and facilitate easier access to the farmhouses.

4.1.3.2 Estimated design and construction duration

Given that the proposed access road 1or 2 lies on a more accommodating slope, the duration of constructing the road will take about six months. The table below shows the design and construction duration estimates for the two roads.

ACCESS ROAD 1/2		ACCESS ROAD 3	
Design duration	2	Design duration	4
Construction duration	6	Construction duration	8

Table 1 Estimated project to upgrade Access Road 1 or 2 and 3

4.1.3.3 Feasibility

When comparing the two roads, putting into consideration the difficult terrain associated with road three and the proposed route for the alignment, one can conclude that the upgrading of Access Roads 1 or 2 is more feasible and would pose less challenging to the designers and the contractor.

4.2 BULK WATER AND SEWER RETICULATION

The aim of this section of the design report is to present the design approach on the site water and sewer reticulation infrastructure for the proposed township development.

The project includes the provision of bulk water and sewerage services which will be supplied/linked to the existing City of Windhoek services as shown on the figure below. Water services (Blue line) and Sewer services (Green line).

Figure 8 Existing municipality services within proximity to the development

4.2.1 DESIGN STANDARDS/ASSUMPTION

These designs are based on the following design standards:

- The GUIDELINES FOR HUMAN SETTLEMENT PLANNING AND DESIGN (Red Book) [1]
- SANS 10252-1:2012 *Water Supply and Drainage for Buildings; Part 1: Water Supply Installations for Buildings*
- SABS 0252-2:1993 *Water Supply and Drainage for Buildings; Part 2: Drainage Installations for Building*

4.2.2 WATER RETICULATION

4.2.2.1 The site

The topography of the Site is combination of fairly flat and steep areas, but the elevation does increase towards the west of the Site and gradually slopes away in all four directions. The topography of the Site will require either elevated storage or dedicated pump systems to be used to achieve an even pressure distribution across the extent of the Site.

4.2.2.2 Annual Average Daily Demand (AADD)

The Annual Average Daily Demand (AADD) was calculated based on the design standards and Human settlement guidelines.

Block name	No of people/ Area	Water demand/day	Total Water Demand/day	References
Day School	0.8976 Ha	≤ 2 ha: 50 KL	50 000 L/Day	Red Book Vol II
Office & Shops (50 %)	5624.5 m^2	100 m2 = 400 L/Day	22 498 L/Day	Red Book Vol II
Clinic (50 %)	828 m^2	100 m^2 = 500 L/Day	4140 L/Day	Red Book Vol II
Public Open Space	2.27 Ha	≥ 2 ha: 40 KL	40 000 L/Day	Red Book Vol II
General Residential	356 Units	800 L/c/d	284 800 L/Day	Red Book Vol II
Single Residential	12 Erven	750 L/Day	54 000 L/Day	Red Book Vol II
TOTAL			**451 300 L/Day**	

Table 2 Estimated AADD for the township

The calculated AADD is 676.95 m3/day but for further calculation purposes this figure will be rounded up to 680 m3/day.

4.2.2.3 Bulk water supply

Existing potable water is being supplied to the property (farmhouse) through a 50 mm HDPE pipe connected to 63 mm uPVC municipality waterline that supplier a public water point at One Nation location, in Okuryangava. No reduction in water pressure is noted during periods that the farmhouse is fully operational, implying the current supply network meets the existing infrastructure water demand.

However a significant increase in water demand is envisaged and as per the above AADD estimation table, the current pipeline and tap off point will not be sufficient to meet the envisaged township water demand.

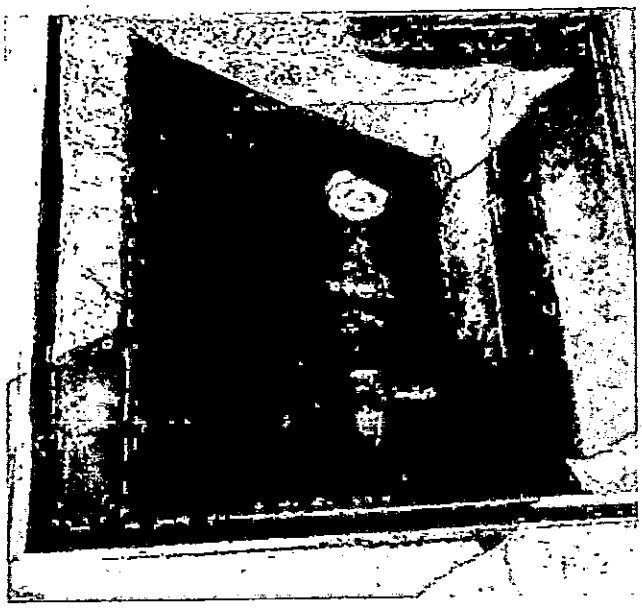


Figure 9 Connection point and meter supplying water to the farmhouse

To meet the estimated water demand, the consultant has identified Okuryangava Municipality water storage as the significant and feasible bulk water supplier. The storage is in Okuryangava at an Elevation of 1688.75 m with a Capacity of 10 000 m³. It is established that the identified tower currently meets the demand of the location and can be able to supply future demand.

The consultant has identified a connection point with the Okuryangava location where a new 200 mm UPVC water main supply pipe to the development will be connected to an existing 200 mm uPVC municipal water pipe, channeled along a riverbed passing on the Eastern of the property where it will feed a ground reservoir 2x the AADD at the township, placed at a 1650.50 m which correctively falls within the required elevation and flow rate of the Okuryangava water storage.

PROPOSED TOWNSHIP DEVELOPMENT, EBEN-EZER VILLAGE, WINDHOEK.

ENGINEERING PRELIMINERY FINDING REPORT

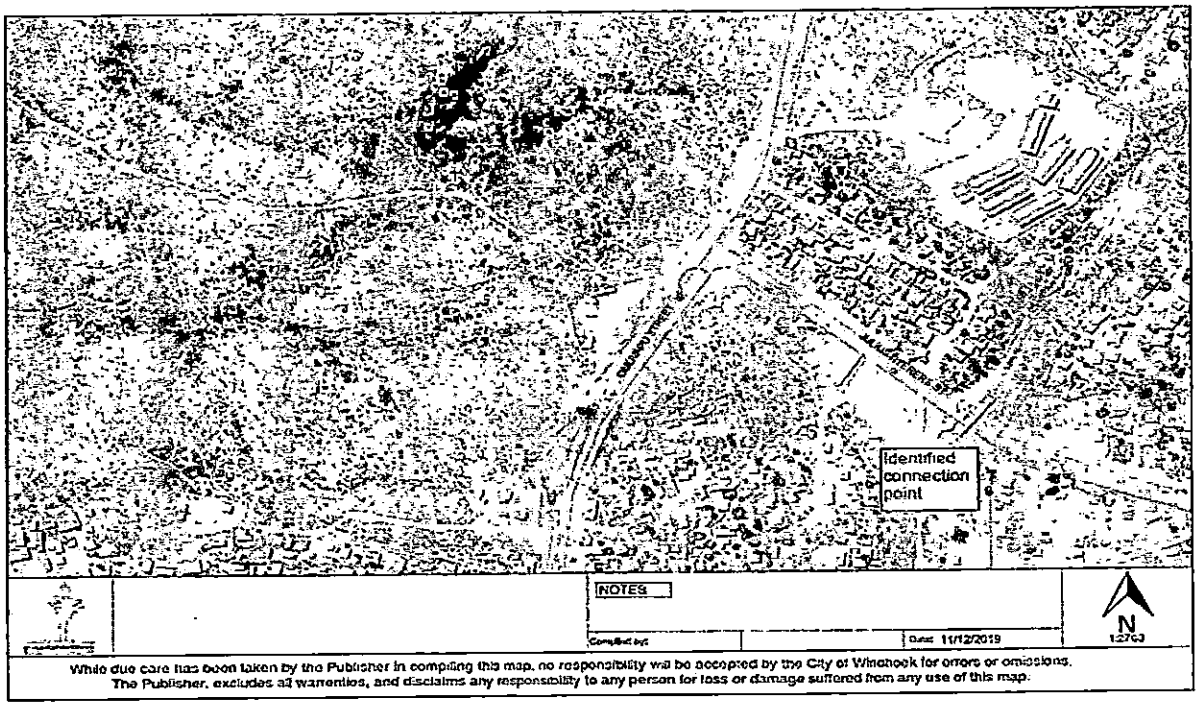


Figure 10 Municipality connection point

Figure 11 Proposed water Main to the township (Blue line)

4.2.2.4 Emergency water storage

There will be emergency storage tanks onsite, hence frequent interruptions in the water supply will not occur. The total storage volume required for domestic purposes according to the Red Book is 2 days the volume of the AADD, for which it is envisaged such facility will be constructed as such.

The topography of the Site will require either elevated storage or dedicated pump systems to be used to achieve an even pressure distribution across the extent of the Site. Hence in addition to the 2x AADD, an elevated water tank will be constructed as such to provide sufficient water pressure to every erf.

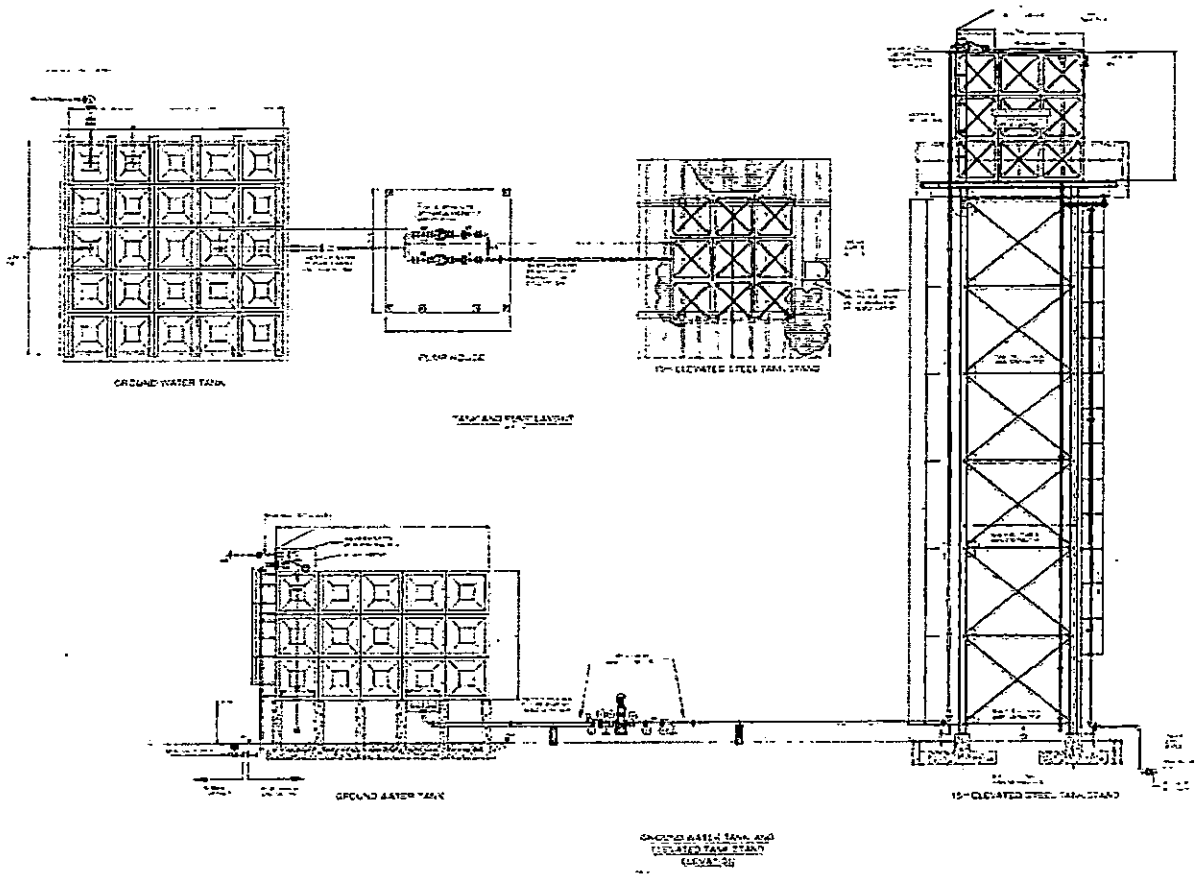


Figure 12 Typical Ground Storage and Elevated Water Tower

4.2.3 SEWER RETICULATION

4.2.3.1 Sewage production

Taking due cognizance of the design considerations and local Site conditions the bulk sewer reticulation for the Site will correct on the eastern part of the township, with both road and midblock sewer reticulation where it will further gravitate down along the township main road, toward the western part of the township, which is lowest point of the site. Here it will be accommodated on a sewer sump and pump station, where the entire township sewage will then be conveyed out or treated according to the following options.

The sewage water produced by a developed area consists mainly of two components:

Wastewater

Wastewater is produced from domestic and industrial uses. The average water demand for a developed area is relatively accurate indication of the wastewater production, as a large portion (between 80 -90 %) of the water used from a water reticulation system is re-introduced into the sewage water network, depending on the portion of area designated for landscaping.

The sewage produced by the school facility will be drained under gravity on sewage reticulation to the sewer sump, where is pumped and gravitated to the municipality sewer ponds.

Extraneous Flow

Extraneous flow is undesired water from different sources ending up in the sewage water system and can be divided into the following categories:

Leakage

- When sewage lines are located below the ground water level, ground water can enter the system through poorly connected pipes or any other opening in the pipes. In a system that is well installed this can be reduced to a minimum.
- Another source of leakage water can be from leaking taps and toilets, which produce a continuous inflow into the sewage water system.
- Usually, the amount of leaked water is not calculated separately but is included in the calculation for the wastewater flow. Wastewater and leakage water combine to give the dry weather flow for a system.

Rainwater

During a rainstorm it is not inconceivable for rainwater to enter the sewage system through:

- Loose or broken manhole lids, rainwater can enter the sewage system from streets and pavements.
- Illegal connections of water from roofs and pavements can enter the sewage system.
- Pipe connections which are poorly connected or do not seal properly anymore.

4.2.3.2 Bulk sewer connection and conveyance

The topography of the area has made it difficult for straight route hence a feasible route around mountains and existing infrastructure should be identified. A further obstacle is the lack of subdivisions of the municipal land on the bounder of the proposed township, hence it is difficult to locate or propose a route that will not interfere or conflict with the future subdivision of the area.

Hence the consultant must identify a route that will not pose difficulties for future municipal land division nor be expensive to construct due to the terrain of the area.

The proposed route will also serve as a possible connection for future municipal sewage connection once the CoW embarks on servicing that area.

4.2.3.2.1 Option a: municipal sewer ponds

There is a waterborne sewerage network already within the CoW but neither close to the proposed township development where there exists no sewage system, there are built to self- sustain themselves by means of construction Wastewater Treatment Plants (WTP). This however poses danger to underground water, various EIA studies, exorbitant construction and maintenance costs that may not be feasible to a development of this size.

Therefore, the consultants have identified a route that will be possible to sewage to the nearest municipal ponds.

Taking due considerations of the site topography, the site is surrounded by mountainous areas which proved very difficult to convey sewage by means of gravitational sewer. Hence, a pumping and gravitational sewer system will be utilized.

A bulk sewer line will be constructed along the southern border, toward the access from Okuryangava. This line will be pumped by a lifting station installed at the sewer sump as

it goes against the slope of the site. This pumped main will extend for about 730 m where it will connect to a proposed collection chamber/manhole.

From the proposed collection chamber/Manhole the sewage will now be able to gravitates along an exist valley, which flows toward municipal ponds located on the outskirt of Havana location. The proposed sewage pipe will link/connected to an existing manhole that connects an existing 250 mm gravity sewer main that collects sewer from Okuryangava and Havana locations. The identified manhole is approximately 500 m from the ponds.

Figure 13 Proposed pressure main sewer route (Blue Line)

Figure 14 Proposed gravity main sewer route (Brown Line)

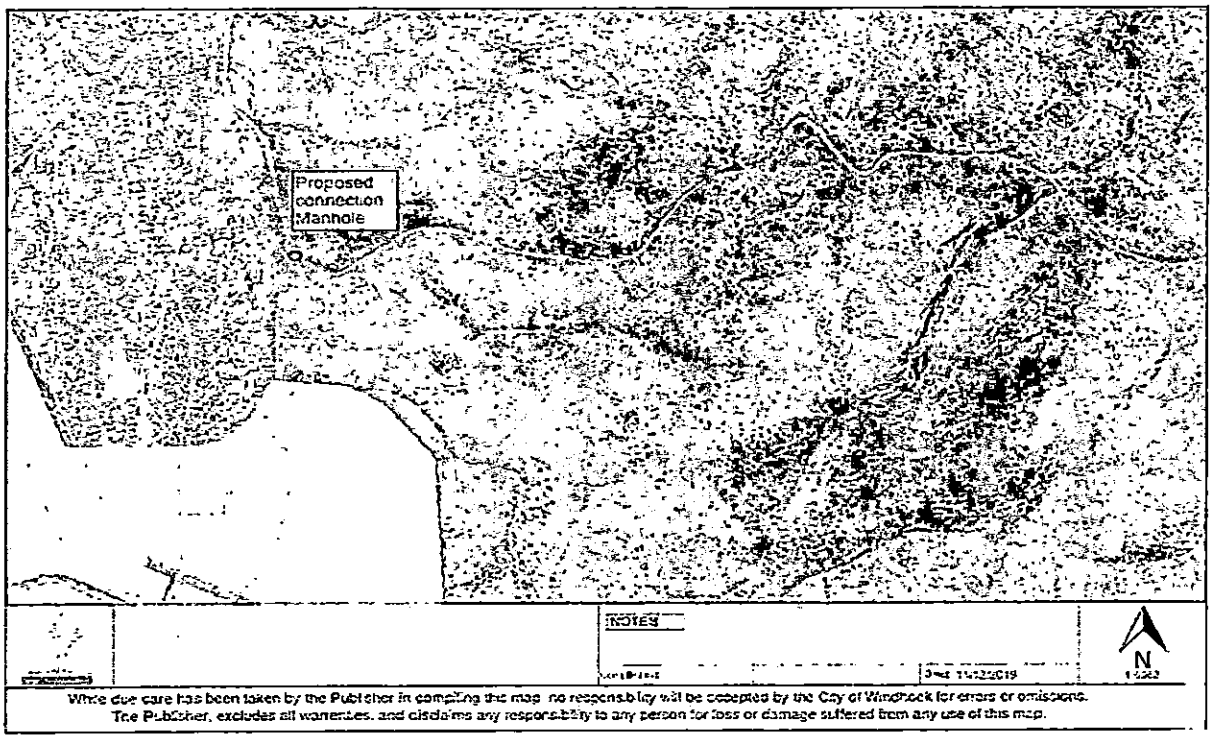


Figure 15 Proposed connection manhole

This option is regarded as the most feasible for discarding and disposing of sewage from the proposed development as it is nature friendly, cost effective and beneficial to the CoW.

For discussion purposes and alternative means, two further options are briefly discussed on the next page. However, they are not recommended by the consultant due to the complexity, costs and maintenance involved.

4.2.3.2.2 Option B: Trickling Filter System

The development will be a 150 m3/d (1 500 people) sewage treatment plant at Eben-Ezer Development just north of Windhoek. The design will take current and future envisaged water treatment standards into consideration and will allow for water from the treatment plant to be used for recreational and/or agricultural irrigation, for example such as sports fields or parks.

The advanced biological treatment utilizing new-generation Trickling Filter (NGTF) technology shall be provided for the ≥ 150 m^3/d WWTP. The plant will operate continuously over 24 h/d and will incorporate the following basic unit treatment processes:

- Removal of large objects such as plastic bags, rags etc. by a Manual Inlet Screen.
- Primary treatment in Septic Tank (=Anaerobic Reactor).
- Aerobic, biological carbonaceous material removal and nitrification in NGTF.
- Denitrification in Anoxic Reactor.
- Solids removal in Secondary Clarifier.
- Disinfection using Sodium Hypochlorite.
- Desludging from Secondary Clarifier to Inlet Works; and
- Sludge removal into sludge drying beds onsite.

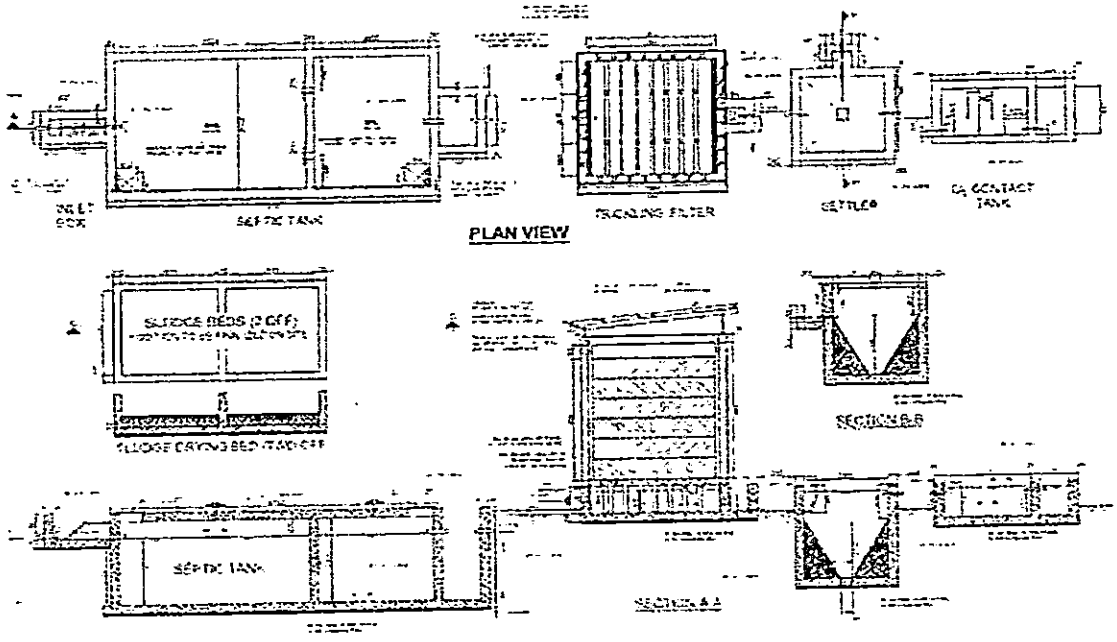


Figure 16 Typical Trickling Filter System

4.2.3.2.3 Option C: Centralized Solar Powered Sewage Treatment Plant

The proposed Wastewater Treatment Plant is a Centralized Solar Powered, 150 cubic meter/day, Eco Smart Integrated Suspended Growth Activated Sludge and Moving Bed Biofilm below Ground wastewater treatment package plant and the Biological Treatment section will have a total treatment capacity of 150 m³.

This Centralized Solar Powered, 150 cubic meter/day, Eco Smart Integrated Suspended Growth Activated Sludge and Moving Bed Biofilm Below Ground wastewater treatment package plant shall complies with the requirements of Section 21(1) and 21(2) of the Water Act (Act 54 of 1706) as amended and the purified water complies with the General Standard as laid out in Government Gazette R553 of 5 April 1962.

The final effluent from this 150 m³/day, Eco Smart Integrated Suspended Growth Activated Sludge and Moving Bed Biofilm containerized wastewater treatment package plant shall also conform to the envisaged new Water Quality Standards for Effluent, General Standard, as already defined by the Department of Water Affairs but not yet legalized. Hence, the inclusion of an Anaerobic Filter Module, an Anoxic mechanically stirred MBBR and an Aerobic MBBR will ensure that both soluble orthophosphates and nitrates shall be within the new Water Quality Standards for Effluent.

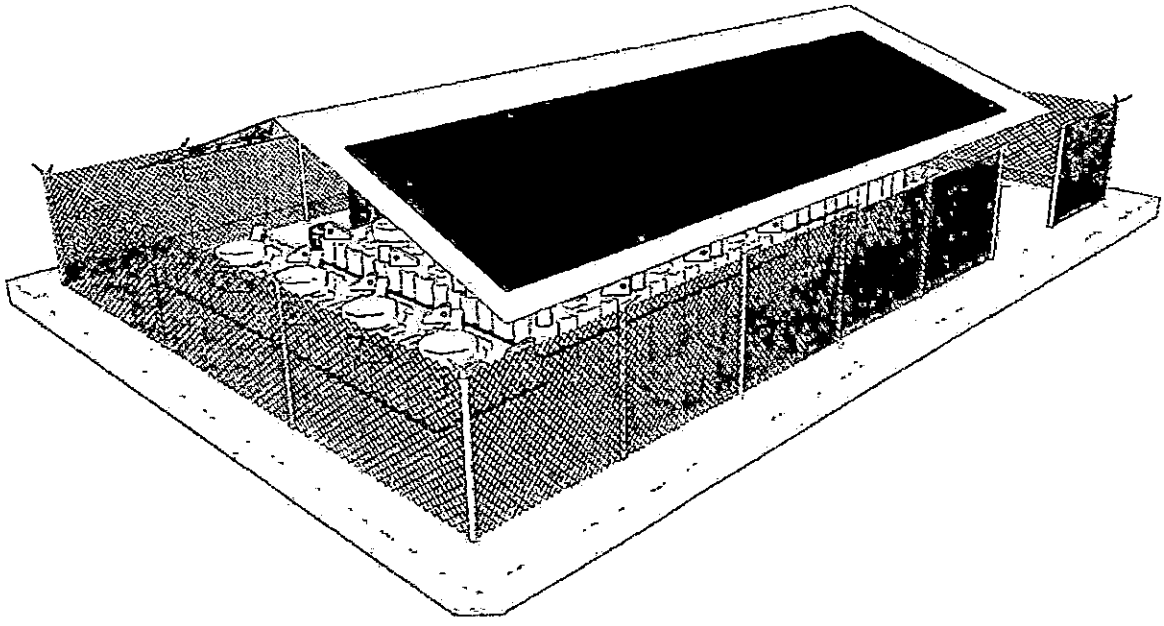


Figure 17 Typical Centralized Sewage Treatment Plant System

4.3 BULK ELECTRICAL

4.3.1 INTRODUCTION

The purpose of this section of the report is to present the Electrical design based on the guidelines and standards to demonstrate that the standards are met and to explain the required electrical infrastructure and capacity.

All external electrical infrastructure, installation procedures and quality assurance that will be utilized on this Project will have to comply with the relevant SABS specifications and normal construction regulations.

In general, all material, equipment and work shall at least conform to the requirements of the below mentioned standards, regulations, and codes of practice etc.:

- SANS 10280: Overhead power lines for conditions prevailing in Southern Africa.
- SANS 10198-1:2004: the selection, handling, and installation of electric power cables of rating not exceeding 33kV.
- SANS 1507: the selection, handling, and installation of electric power cables
- SANS 1713: Electric cables- medium voltage aerial bundled conductor for voltages from 3.8/6.6kV to 19/33kV.
- National Electricity Act of Namibia.
- SANS 10142-1: 2014: The Wiring of Premises. Part 1: Low-voltage installations.
- Labor Act of Namibia.
- NRS 033: Electricity Distribution- guidelines for the application design, planning and construction of medium voltage overhead power lines up to and including 33kV, using wooden pole structures and bare conductors.

4.3.2 EBENESER ELECTRICAL NEED

The following are estimated Medium Voltage (MV) and Low Voltage (LV) Installation requirements.

4.3.2.1 Medium Voltage (MV) Installation

The settlement of Brakwater is supplied with electricity by NamPower through its rural electrification division. The settlement is currently supplied through a network of MV overhead lines and transformers.

The Ebenezer development has an estimated demand of 0.5 MVA for its envisaged population of approximately 1500 residents. NamPower has indicated that they have enough capacity to supply the Ebenezer development at present. A new substation is also established during the year 2021/22 for the whole Brakwater area in addition to the one at Bokomo which supplies the

southern area of breakwater and is in line with the Ebenezer township development and construction plan.

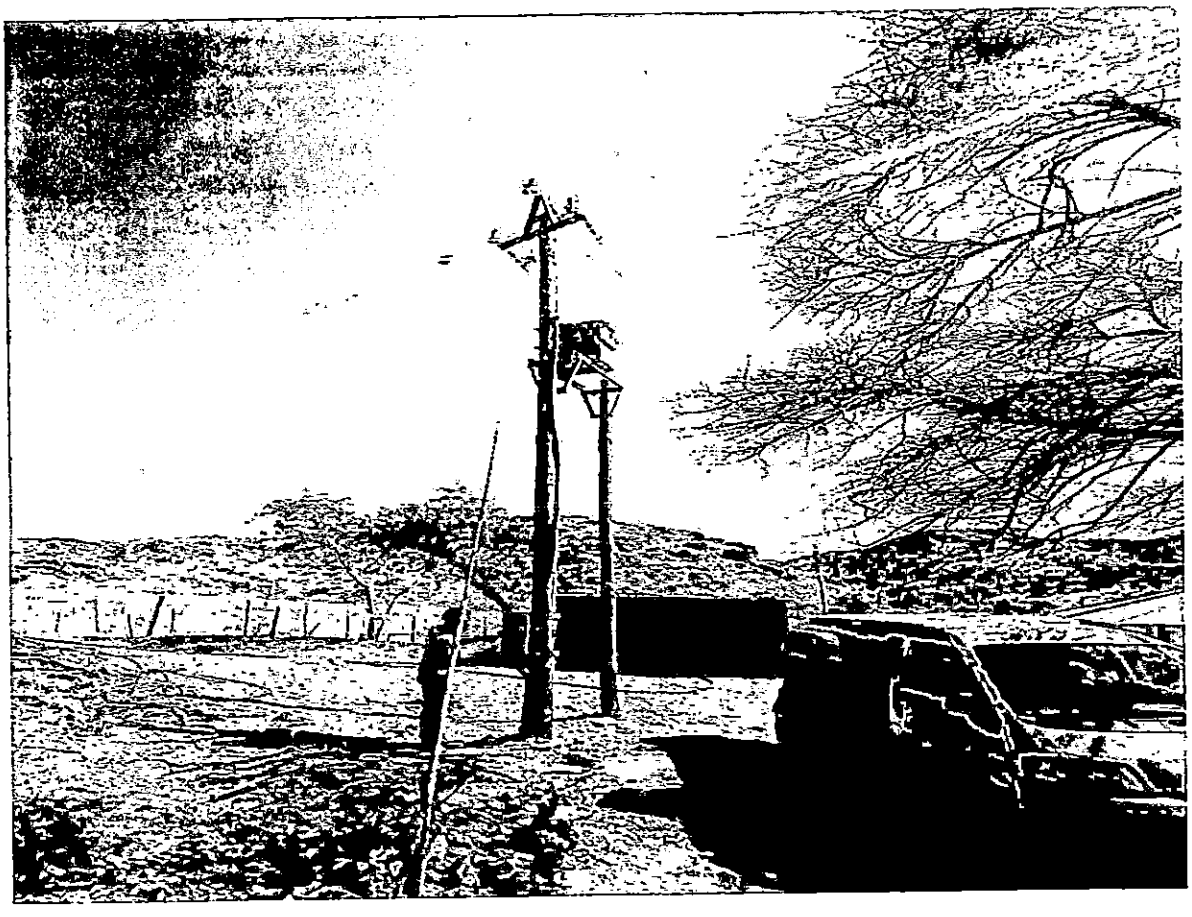


Figure 18 Current electrical supply to the existing property (Farmhouse)

4.3.2.2 Low Voltage (LV) Installation

The electrical supply shown in figure 18 will be upgraded according to the required level to accommodate the new development as the construction of new houses increases in various phases.

For the Low Voltage (LV) distribution network, the electrical power is to be distributed through underground cable trenches from miniature substations to kiosks and from the Kiosks distribution boards (DB's) and sub distribution Boards (SDB's) as required onsite.

The general cable type for LV distribution networks of this nature is 600/1000V AC, SWA/PVC/PVC/PVC cable, SABS approved and will typically be a 2 core (single phase) or 4 core (three phase) with a bare copper earth wire depending on the power requirements of the individual building. Demarcated markers will be placed where LV cables are rerouted with an inscribed metal plate to indicate the change in direction.

4.4 SITE TOPOGRAPHY

4.4.1 DEFINITIVE SLOPE ANALYSIS

The purpose of the study was to run a definitive slope analysis of the 20ha area of Ebenezer.

The area of interest shown in figure 16 is located at an altitude ranging from 1600 meters to 1740 meters above sea level. Study began in October 2019 and went on until November 2019. The method used in this study was descriptive method through field surveys and interviews.

Figure 19 Proposed Area Location

4.4.1.1 Study Data

The analytical method that was used is analysis. The Steps taken: 1) elevation and slope analysis, which consists of:

a. Elevation analysis

b. Slope analysis

a. Elevation analysis

Elevation analysis (altitude location of the earth's surface) to be done to create topographic maps and contour maps by Digital Elevation Method (DEM). Measures undertaken are: 1) created topographic data; 2) interpolated; 3) created an elevation digital map. The formula for making interpolation as follows:

$$\frac{d}{D} = \frac{e}{E}$$

Where:

d = Distance between the grid intersection toward a measuring point elevation obtained (meters).

D = The distance between the grid intersections (meters)

e = Elevation changes between the grid the same intersection and the intermediate point (meters)

E = Total elevation change between the grid intersections (meters)

b. Slope analysis.

Slope analysis will be grounded by a contour map (contour map) region. Grade slope (slope categories) were analyzed based on the number of changes of DEM. Class slope of the land will be divided into several classes: 1) 0-3%, 2) 3-15%, 3) 15-25%, 4) 25-45%, and 5)> 45 %.

Formulated into an area with a slope (slope) is different is as follows:

$$L = \frac{DE}{S}$$

Where:

L = length of the distance between the contour line

DE = contour intervals

S = the percentage of slope

4.4.1.3 Result

General Condition

The research location is at 17° 02'18" E -17° 02'45 E and 22° 28'39 " S - 22° 28'50 " S. This study was in the administrative region of Ebenezer Village, North of Windhoek city. There is a river that flows in the eastern part. Based on the elevation analysis through DEM obtained approximate location was at 1590 – 1740 meters above sea level (asl) (figure 2). In general, the location of study scattered dominant elevations between 800 and 1000 meters asl. DEM map showed this region had a diverse elevation. To the east, and south increasingly visible elevation, reaches a height of ± 1600-1700 meters asl.

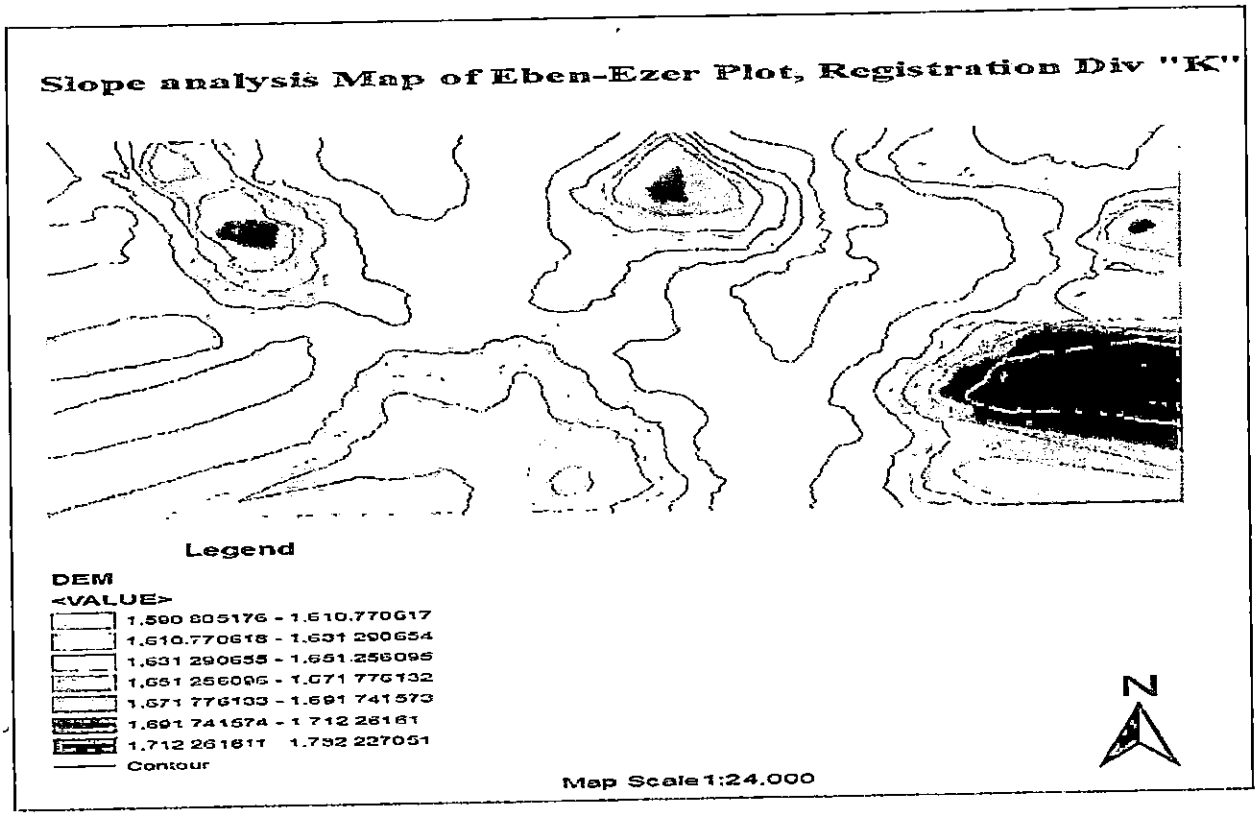


Figure 20 DEM and Slope Analysis Map

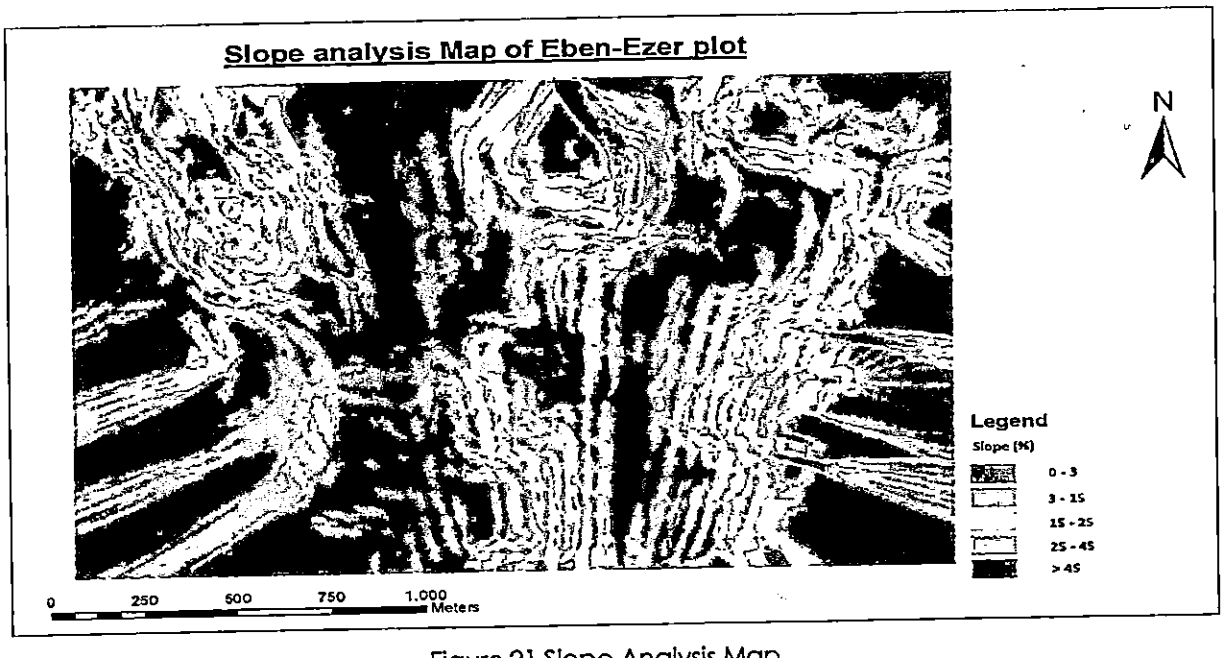


Figure 21 Slope Analysis Map

Based on the slope analysis, there were several classes: 1) 0-3%, 2) 3-15%, 4) 15-25%, 5) 25- 45%, and 6)> 45% (figure 3). The results of the analysis showed that the slope at locations scattered research slope from flat to steep. The slope of the land is dominated by 0-3%, 3-15% and 15- 25%. Dominant steep slope was in the north and south.

5. CONCLUSIONS AND RECOMMENDATIONS

Based on the content of this report and envisaged costs and further required detailed design, it is concluded and recommended as follows.

- Roads
  - It is strongly recommended that Access Road 2, should be considered opposed to Access Road 1. The envisaged high cost associated with Road 2 due to its double distance as Road 1 can be reduced by surfacing only half of the length of the proposed road. This decision has been recommended after consideration of the unknown associated with Road 1 and the forecasted cost escalation that could result from its upgrading.
  - However, the above can only be formally concluded upon detailed feasibility study that involve topography and centerline survey, preliminary design, cost estimates etc.

- Water
  - There exists a pipeline that supplies potable water to the development, however it will need to be upgraded to meet the estimated demand.
  - A connection from municipal water pipe and storage has been identified and agreed to be the most feasible connection point for the Ebenezer Township. The identified storage and waterline are sufficient and have the required capacity.
  - It is recommended that all required water infrastructure be provided accordingly and in line with the national standards, and requirement and specifications of CoW.

- Sewer
  - No current sewage system available at the development nor existing municipal sewer services with proximity.
  - Various options (A-C) of sewage collection and treatment have been investigated and discussed. Option A is agreed and recommended as the most feasible and both beneficial to both Ebenezer and CoW future development.
  - It is recommended that all required sewer infrastructure be provided accordingly and in line with the national standards, and requirement and specifications of CoW.

- Electrical
  - A new substation that was earmarked for 2021/2022 has been established while the one at Bokomo is being upgraded to increase supply of electricity, this is still in line with the construction plan of the proposed township development.
  - It is recommended that all required electrical infrastructure be provided accordingly and in line with the requirements and specifications of both NamPower and CoW.

- Topography
  - The slope of the land is dominated by 0-3%, 3-15% and 15-25%. Dominant steep slope was in the north and south. Which is highly developable.
  - Besides the difficulty of the main sewer conveyance, the topography of the site does not hinder the proposed services nor the construction. The proposed plan is perfect designed and planned to fit the development, hence the proposed is highly feasible on such terrain.

- Environmental Impact Assessment (EIA) and Feasibility Study
  - Engagement and consultation with neighbors, the constituency office of Tobias Hainyeko and the residents of the surrounding informal settlements of One Nation and various authorities and the public at large have been completed and all various stakeholders are in full support of the development. With a purpose of pinning, it is recommended that an EIA must be conducted upon the approval of township development plan that will further engage neighbors, various authority and the public at large, with a purpose of pinning down the final feasible plans and formulate mitigation measure accompanied by this type of development.

- Costs
  - Cost estimates can be established upon a detailed feasibility study which will be conducted on all engineering components discussed in this report. This can only be done upon approval of township establishment and plan by the Township Board, as no further plan change is envisaged.

Based on this report content, site inspection, findings and town planner proposed plan, the consultant strongly believe that the township development is a feasible project, and all necessary services can be provided within reasonable costs to be borne by the owners.

PROPOSED TOWNSHIP DEVELOPMENT, EBEN-EZER VILLAGE, WINDHOEK.

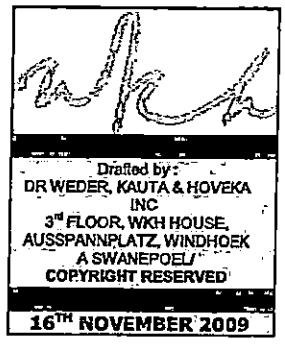
ENGINEERING PRELIMINERY FINDING REPORT

The consultants further agree with the Town Planner on the needs, necessity, and desirability of establishing the Ebenezer Township as it is in line with the CoW vision of providing accessibility to service land, housing, and accommodation to its inhabitants. The development is also in line with the city priority that supports the development of private land closest to already developed areas and where services are available.

FOR OFFICIAL USE ONLY:

We trust the above is in order and should you require further information, please do not hesitate to contact us.

INSPECTED/DESIGNED/RECOMMENDED/COMPLILED BY:	RECEIVED	DATE
Joseph Simson (Civil/Structural Engineer) For **EMCE PROJECT CONSULTANTS**	ISSUED BY	DATE
		15/04/2024



MEMORANDUM OF AGREEMENT GRANTING A SERVITUDE OF RIGHT OF WAY

Memorandum of Agreement entered into between:

1. **NUBUAMIS FORTY FIVE PROPERTIES CC**
   REGISTRATION NUMBER CC/2000/0323
   herein represented by STANFORD JACQUES ISAACS, he being duly authorized thereto

   (Hereinafter called the PRIMARY DOMINANT OWNER)

   and

2. **LINDA DIANNE HUBBARD**
   BORN ON 3 JANUARY 1959

   and

3. **ANDREW WILLIAM CORBETT**
   BORN ON 27 FEBRUARY 1958

   (hereinafter together with Linda Dianne Hubbard jointly called the ADDITIONAL DOMINANT OWNERS, and the PRIMARY DOMINANT OWNER and

ADDITIONAL DOMINANT OWNERS together jointly hereinafter called the DOMINANT OWNER)

and

4. **GET-AWAY TOURISM CLUB CLOSE CORPORATION**
REGISTRATION NUMBER CC/2005/3801
herein represented by STANFORD JACQUES ISAACS, he being duly authorized thereto

(Hereinafter called the SERVIENT OWNER)

WHO DECLARED THAT:

WHEREAS:

A. The PRIMARY DOMINANT OWNER is the registered owner of

CERTAIN REMAINING EXTENT OF PORTION 45 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO 37

SITUATE IN THE MUNICIPALITY OF WINDHOEK
REGISTRATION DIVISION "K", KHOMAS REGION

MEASURING 50,0047 (FIVE NIL comma NIL NIL FOUR SEVEN) HECTARES

HELD BY VIRTUE OF DEED OF TRANSFER NO T. 5778/2000

B. The ADDITIONAL DOMINANT OWNERS are the registered owners of, or will become the owners of –

(i) CERTAIN REMAINING EXTENT OF PORTION 45 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO 37

(ii) CERTAIN PORTION 62 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37

(iii) CERTAIN PORTION OF PORTION 63 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37, TO BE RENUMBERED PORTION 137 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37

(iv) CERTAIN PORTION 61 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37

(The aforegoing properties as per A. and B. above hereinafter jointly called the DOMINANT TENEMENT)

and

C. The SERVIENT OWNER is the registered owner of

CERTAIN PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO 37

SITUATE IN THE MUNICIPALITY OF WINDHOEK
REGISTRATION DIVISION "K", KHOMAS REGION

MEASURING 25,0076 (TWO FIVE comma NIL NIL SEVEN SIX) HECTARES

HELD BY VIRTUE OF DEED OF TRANSFER NO T. 2757/2006

(Hereinafter called the SERVIENT TENEMENT)

D. The DOMINANT OWNER, as owner of the DOMINANT TENEMENT, requires a right of way for a road over the SERVIENT TENEMENT to enable it and successors in title to gain access to the DOMINANT TENEMENT, and any properties resulting from future subdivisions or consolidations of the DOMINANT TENEMENT.

D. The SERVIENT OWNER, as owner of the SERVIENT TENEMENTS, has agreed to grant the DOMINANT OWNER such right of way on the terms and conditions hereinafter set out.

NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

1. **OPERATIVE CLAUSE**

The SERVIENT OWNER, as owner of the SERVIENT TENEMENT, hereby gives and grants to the DOMINANT OWNER, as owner of the DOMINANT TENEMENT, a praedial servitude of right of way in perpetuity over the SERVIENT TENEMENT for a road reserve 14 (fourteen) metres in width, over which an access road at least 4 (four) metres wide may be constructed and maintained, which road is to follow that route as agreed between the parties and which route is indicated by the figure **AB** on the sketch diagram prepared by Urban Dynamics and annexed hereto, on the following terms and conditions.

2. **TERMS AND CONDITIONS**

2.1 The road shall be constructed and thereafter maintained by the DOMINANT OWNER or its successors in title at its own cost except for those portions of the road used in common by the SERVIENT OWNER, the cost of which construction and maintenance in such instance shall be shared proportionately by the parties.

2.2 The DOMINANT OWNER and the SERVIENT OWNER shall at all times take reasonable steps and precautions to stop any soil erosion that may be caused by the presence of the road and shall ensure that the road is kept adequately drained.

2.3 The DOMINANT OWNER shall have access to the SERVIENT TENEMENT for itself, its employees, its servants and/or its contractors together with all necessary vehicles and implements for the purpose of construction and maintaining the said road provided that only the lawful and registered owners of the DOMINANT TENEMENT and their employees, tenants, guests, invitees, servants, agents and/or contractors shall be entitled to use the access road.

2.4 The right to use the road reserve and access road shall include the right to go by wagon, cart, motor vehicle, truck or other vehicle, or by bicycle,

or on horseback or on foot and to drive cattle, sheep and any other livestock over the road, provided all animals are under proper supervision, and are not allowed to stray more than the 14 (fourteen) metre road reserve, and to convey over the said right of way all goods of whatsoever nature to and from the DOMINANT TENEMENT.

2.5 No sand or stone originating from the SERVIENT TENEMENT'S property shall be used for the purpose of construction and maintaining the said road unless the prior written approval of the SERVIENT OWNER has been obtained.

2.6 The DOMINANT OWNER hereby indemnifies and holds the SERVIENT OWNER harmless against all or any claims whatsoever that may be made or instituted against the SERVIENT OWNER by any person in connection with the presence and reasonable use of the road.

2.7 The SERVIENT OWNER shall have the right to use the said road or any portion thereof provided such use shall be at his own risk.

2.8 No consideration is to be given or received in respect of the rights granted.

3. **NOTARIAL REGISTRATION**

3.1 The parties hereby acknowledge and agree that the road is currently in the process of being surveyed for purposes of the Notarial registration of the road as a servitude of right of way against the respective Title Deeds of the DOMINANT and SERVIENT TENEMENTS and that once such Road Servitude Diagram has been approved by the Surveyor General this Agreement shall be Notarially executed and registered.

3.2 For purposes of the above the parties hereto undertake to sign and execute any such documents and Powers of Attorney necessary to give effect to the intent and meaning of clause 3.1 hereto.

4. **ACCEPTANCE**

The DOMINANT OWNER hereby accepts, in so far as necessary, the benefits of this servitude subject to the terms and conditions aforementioned.

5. **SUCCESSORS IN TITLE**

The DOMINANT OWNER and SERVIENT OWNER hereby agree to bind their respective successors in title and/or assigns to the terms and conditions hereof and any reference herein to DOMINANT OWNER or SERVIENT OWNER shall include their respective successors in title or assigns.

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

2. _____ _____

NUBUAMIS FORTY FIVE PROPERTIES CC

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

2. _____ _____

LINDA DIANNE HUBBARD

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

2. _____ _____
ANDREW WILLIAM CORBETT

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

2. _____ _____
GET-AWAY TOURISM CLUB CLOSE CORPORATION

HARMONIC

Town & Regional Planners
Property Development Specialist
Municipal Consultants

19 December 2024

The Acting Chief Executive Officer

The City of Windhoek

P O Box 59

Windhoek

Dear Mr. O'Brien Hekandjo,

URGENT COMPLAINT REGARDING DELAYS IN TOWNSHIP ESTABLISHMENT APPROVAL OF EBEN-EZER VILLAGE (PROJECT START DATE: APRIL 11, 2018)

We refer to our client's letter of complaint dated 18 June 2024 and the response from the CEO, Mr. Moses Matyayi, dated 28 October 2024. Additionally, we refer to the meeting held with you, Mr. Hekandjo, and Mr. Maanda on Wednesday, 11 December 2024.

I hope this message finds you well. We would like to reiterate our position that the City is being unfair in requesting detailed engineering solutions and reports without a principal decision by the Council on the need and desirability of establishing the new township, Eben-Ezer Village. The previous and repealed Township and Division of Land Ordinance (11/1963) clearly separated the establishment of townships into two phases: the determination of the need and desirability of establishing the new township, and the approval of the layout and ensuring the technical feasibility of the new township. These processes were administered by two different bodies, namely NAMPAB and the Townships Board. NAMPAB, as a policy body represented by Permanent Secretaries, presided over the need and desirability applications, while the Townships Board, comprising technical members of various ministries, evaluated the technical feasibility of establishing the new township.

With the adoption of the new Urban and Regional Planning Act, the fundamental question of the need to establish the township has somehow been lost, and the City directly delves into technical questions that should be subservient to the principal decision on the need and desirability of establishing the new township.

We appreciate your commitment to the development and establishment of new townships, and we acknowledge the importance of thorough technical evaluations for roads, water, and electricity infrastructure. However, we would like to highlight that town planning decisions are strategic principal decisions. These decisions guide the

direction and scope of new developments, ensuring that they are aligned with our long-term vision and goals for the community. Consequently, the technical requirements for engineering should follow these strategic decisions. It is, therefore, critical that the Council make a principal decision on the need and desirability of establishing the township before assessing its technical feasibility.

The insistence by the technical departments on detailed engineering reports on every matter is also very costly to the client who needs to appoint specialists at her own cost without any commitment by the City on the approval of Eben-Ezer Village as a township. While we understand the necessity of comprehensive technical reports, it is important to note that technical engineering challenges can always be addressed and resolved, albeit at considerable cost. These costs often include substantial consulting and research fees, which must be weighed carefully against the strategic intent of the proposed developments.

We kindly request that the Council clearly express itself on the fundamental question of the need and desirability to establish Eben-Ezer Village before requiring any additional technical reports, in accordance with the broader strategic direction of the City. This will help us manage resources more effectively and ensure that our planning processes remain focused and efficient. If the City, however, continues to insist on specialized technical investigations and reports, we rightfully assume that the City has applied its strategic requirements and approved the need and desirability to establish Eben-Ezer Village as a new township.

Thank you for your understanding and cooperation in this matter. We look forward to continuing our collaboration on this important initiative.
Kind regards,

Yours in planning,

Mr Harold Kisting

Signed: _____

Namibia Power Corporation (Pty) Ltd
PO Box 2864, Windhoek, Namibia, NamPower Centre, 15 Luther Street
Tel: +264 61 205 4111
Fax: +264 61 232 805
Email address: register@nampower.com.na
Website address: www.nampower.com.na

NamPower

CEO
Ongwediva Consulting Engineers
P.O Box 3769
Hochlandpark
Windhoek

Your Ref: **RA/CS-CR/09 – 2015/RE-009**

Our Ref:

Enquiries: **Benny Hanghome**
Benny.Hanghome@nampower.com.na

Date: **19 February 2025**

Dear Mr. Simson,

RE: REQUEST FOR CONFIRMATION LETTER FOR ELECTRICITY SUPPLY

We write this letter in response to your letter dated 22 November 2024 to NamPower on the above subject matter.

NamPower confirms that there is existing electrical infrastructure in the area of interest. However, power connections are done on a first come-first serve basis after a customer has applied, which necessitates a network study to be undertaken to confirm capacity.

If the network study indicates that the capacity of the network infrastructure has reached its limits, the applicant will be required to pay for the upgrade of the infrastructure.

I hope you find the above in order. Do not hesitate to contact the reference above for further enquiries.

Yours Faithfully,

K. S. Haulofu
Managing Director

NamPower (Pty) Ltd
19 FEB 2025
OFFICIAL
Office of the Managing Director

L.C. Kavendjii (Chairman), K.S. Haulofu (Managing Director), P. Elago, M. Mbombo, S. Hornung, E. Kandongo, S.G. Hamutwe, R. Tobich
Namibia Power Corporation (Pty) Ltd: Co. Reg. No. 2051

Ongwediva Consulting Engineers

Windhoek Office: 22 Rabenweg Street,
Hochlandpark, Windhoek
P.O. Box 3769, Windhoek

Conselect Engineering
Consulting Engineers
&
Project Managers

PROPOSED EBEN-EZER TOWNSHIP DEVELOPMENT NUBUAMIS NO. 37 (PORTIONS 181-183 AND REMAINDER OF 55/37)

REF No: RA/CS-CR/09 – 2015/RE-009

22 November 2024

Namibia Power Corporation (Proprietary) Limited

NamPower Center 15 Luther Street, Windhoek

PO Box 2864, Windhoek, Namibia

Tel: +264 (61) 205 4111

Fax: +264 (61) 232 805

Att: Managing Director, Mr Simson Haulofu

Subject: Request for Confirmation Letter for Electricity Supply

I am writing to kindly request a confirmation letter from your esteemed institution regarding the provision of electricity supply for the proposed Eben-ezer Township Development located on Farm Nubuamis No. 37 (Portions 181-183 and Remainder of 55/37).

As part of the application process for township establishment, we are required to submit a formal support letter confirming the availability of electricity to the proposed development. Your cooperation in providing this confirmation is crucial for us to proceed with our application to the City of Windhoek.

We would greatly appreciate it if you could provide your confirmation by 05 February 2025, as this will enable us to submit our application in a timely manner. If you need any further information or documents from our side to expedite this request, please do not hesitate to contact us.

Thank you for your attention to this matter. I look forward to your prompt response.

Sincerely,

Joseph Simson

PROJECT ENGINEER

NAMWATER
Namibia Water Corporation Ltd

Return Address Namibia Water Corporation Ltd
Private Bag 13389, Windhoek, Namibia

Ebenezer Township Development
P.O. Box 4715
Windhoek, Namibia

Our Reference EXE/AN/DB/2025/03/04
Direct Phone 061 71 2224/5
Direct Fax 061 71 3804
E-Mail Address Nehemiaa@namwater.com.na
Date 06 March 2025

Dear Ms. M Iyambo

RE: Township Establishment on Farm Nubuamis No. Portions 181-183 and Remainder of 55/37

Following your inquiry and meeting held on 03 March 2025 at NamWater seeking a formal support letter from NamWater of the proposed development and availability of water to the proposed development as referred by City of Windhoek on their letter to Ebenezer dated 28 October 2024 reference *Nubuamis Ebenezer.*

NamWater reiterates that there is a looming long-term water supply inadequacy in the Central Area of Namibia (CAN). In collaboration with the Government of Namibia, NamWater is working on the Okavango Link project that will augment water supplies to CAN to which the City of Windhoek is major water demand centre to be supplied. However, NamWater supports and has no reservations of the Ebenezer Township Development even though this will add to the current water supply challenges until the long-term water supplies are developed.

Yours faithfully

ABRAHAM NEHEMIA (MR)
Chief Executive Officer

City of Windhoek

P.O. Box 59, Windhoek, Namibia

10882561

Tax Invoice	
Statement Key	JXT6CZU2O1
Account No.	10882561
Vat No.	2646057-01-5
Tax Invoice No.	20250210882561
Statement Date	2025/02/22
Group Account No.	
Reference	
Due Date	2025/03/17

GET WAY TOURISM CLUB CC
PO BOX 4715
WINDHOEK
C/O MEN & AP IYAMBO

00045

VAT Reg. Number:

Meter Details				
Service	Meter No.	Prev. Reading	Curr. Reading	Cons.
WA	CYJA1322	0	0	

Description	VAT Charges	Amount (VAT excl.)	Amount (VAT incl.)
BALANCE B/FWD	0.00	-10707.02	-10707.02
RATES BRAKWATER SITE	0.00	280.61	280.61
BRAKWATER GOV PUBLIC BLDG	0.00	269.46	269.46
WATER INTERIM	0.00	922.50	922.50
WASTE MANAGEMENT BRAKWATE	24.58	163.84	188.42
FIRE BRIGADE LEVY RESIDEN	0.00	30.00	30.00
Total Amount Due:			-9016.03

Arranged	120 Days Plus	90 Days	60 Days	30 Days	Current	Amount Due
0.00	0.00	0.00	0.00	0.00	-9016.03	-9016.03

Message: ACCOUNTS MUST BE SETTLED ON OR BEFORE THE DUE DATE TO AVOID SERVICE DISCONNECTION AND/OR ADDITIONAL FEES. WHEN MAKING PAYMENTS VIA EFT OR BANK DEPOSIT, PLEASE QUOTE ONLY YOUR CITY OF WINDHOEK ACCOUNT NUMBER AS THE BENEFICIARY REFERENCE. EMAIL PROOF OF PAYMENT TO PAYMENTS@WINDHOEKCC.ORG.NA.

Property Information	
Erf Number	530037000000550000000000000
Township	FARM NUBUAMIS NO 37
Street Address	0 TRUNK ROAD 1/6
Portion	
Area	250076m²
Unit	

Valuation			
Ground Value	Improvements	Penalty	Total Value
1330000	2156000	0	3486000

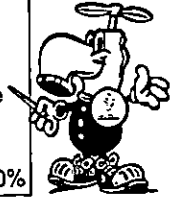
Electricity & Water Deposit		
Electricity	Water	Guarantee
0.00	600.00	0.00

save water EVERY DROP COUNTS! Category D requires 15% water savings.

10882561

NAME	DUE DATE	2025/03/17
GET WAY TOURISM CLUB CC	ACC NO	10882561
REMITTANCE ADVICE	AMOUNT	-9016.03

- Please take daily, at least weekly readings
- Evaluate the readings to assess the water consumed.
- NO rebates DURING THE 2024-25 SEASON
- Isolate the main water supply ones leaving the property longer than 24 hours.
- Install water efficient toilets and flow regulators to reduce your water consumption by 40% to 50%



City of Windhoek

P.O. Box 59, Windhoek, Namibia

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Date: 12 August 2021

To: The Chief Urban Planner
City of Windhoek
P O Box 59
Windhoek

Attention: Mr Vernouman Endjala

RE: LETTER ON THE UPDATE OF THE EBEN-EZER TOWNSHIP ESTABLISHMENT APPLICATION.

This letter serves as an update to the application submitted **11 April 2018** addressing the comments received from the City of Windhoek to consider the application for submission to the city council.

1. Background to the Application

Reference is made to your letter dated 26 November 2019 requesting more information needed to assess the application for the need and desirability for the township establishment. Reference is further made to your letter dated 06 May 2019 and the meeting that took place on October 2019 at the Mayor's Office with the Department of urban and Transport Planning.

1.1 Engineering Report

In responding to the requested information, the client has appointed EMCE engineers to research and provide technical answers to your concerns. The appointed EMCE engineers have conducted a preliminary finding report that addresses the required information pertaining to the Eben-Ezer Township development, necessary for the application to be considered.

hkisting001@gmail.com
hkisting@namibnet.com
(061) 238 460
(Fax) 088 646401
Office 76B Pasteur Street, Windhoek West.
Box 3216, Windhoek

The report already submitted addresses the following:

1. Site Access and Internal roads
2. Bulk Water and Sewer Reticulation
3. Bulk Electrical
4. Site Topography

The report further provides conclusion and recommendations regarding the bulk services, environmental impact assessment and cost.

1.2 Public Consultation Report

The client also decided to proceed with a more detailed public consultation to gauge the acceptability and concerns of the public. Harmonic Town Planning consultants in consultation with Mr. Tendai Kasinganeti conducted the public consultation process as per the Environmental Management Act, 2007 (Act No. 7 of 2007). All Stakeholders and immediate neighbour were consulted and most of the participants were in favour of the proposed Township Establishment. Concerns were raised by some of the residents of the area who refuses to accept the development. These concerns are unfortunately personal and refuses to accept the natural expansion of development and in particular the growth of the informed settlements that are already reaching the southern boundary of the Nubuamis Hills at some places. As stated in our application the township development of Eben-Ezer will provide a natural edge to further spreading of the informal settlement and will bring services closer to the area. A report is there for attached.

The following documentation is attached in support of the application

1) Application
2) Public Consultation Report

I trust that this letter will receive your positive consideration.

Yours truly,

Mr Harold Kisting

Signed: _____

Date: 12 August 2021

To: The Chief Urban Planner
City of Windhoek
P O Box 59
Windhoek

Attention: Mr Vernouman Endjala

- **APPLICATION TO CONSOLIDATE PORTION 181, 182, 183, (PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 AND REMAINDER PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO CONSOLIDATED ERF 'X'**
- **APPLICATION TO ESTABLISH A TOWNSHIP ON CONSOLIDADTED PORTION 'X' TO BE KNOWN AS EBEN-EZER VILLAGE**

1. Appointment

Harmonic Town Planning Consultants cc was appointed to establish a township on Portions 181,182,183 (portions of portion 55) of the farm Nubuamis No. 37 and Remainder portion 55 (a portion of portion 12) of the farm Nubuamis No. 37 to be known as Eben-Ezer Village by **The Gate-Way Tourism Club CC**, with **Mr. Abed Pendapala Iyambo and Mrs. Nelago Iyambo** being the members.

hkisting001@gmail.com
hkisting@namibnet.com

(061) 238 460

(Fax) 088 646401

Office 76B Pasteur Street, Windhoek West.
Box 3216, Windhoek

2. Location and Erf Information

Farm Portion 55/12/37 is located on the north side of the city surrounded by the Nubuamis Hills road to the north, small farm holdings to the east and west and Okahandja park informal settlement on the far south. Portion 55 (a portion of portion 12) of the farm Nubuamis No. 37 was recently subdivided into four (4) portions and the remainder. The newly created portions are 181, 182, 183 and the Remainder. The owners initially intended to sell the portions but could only sell one, due to the location of the plots on the northern edge of Windhoek informal settlements. After a long time of unsuccessful marketing the owners decided to develop the remaining portions as a township targeting low income households. Initially the township was named Eben-Ezervillage.

Portion 181/55/37 measures approximately 5.0029 hectares, Portion 182/55/37 measures approximately 5.0037 hectares, and Portion 183/55/37 measures approximately 5.0008 hectares according to the title deeds. Remainder Portion 55/12/37 measures approximately 4.9982 hectares in extent. The total size of the portions to be consolidated measure 20.0056 hectares. The portions are zoned "Residential" with a density of 1 dwelling unit per 5ha. A dwelling structure exist on Portion 181/55/37.

The location of Farm Portions 181/55/37,182/55/37, 183/55/37 and Re/55/12/37 is indicated on the attached locality map dated **27 February 2018.**

3. Topography

The topography of Portion 55/12/37 is mountainous; characterised by hilly terrain, ridges and rocky areas. The Remainder of Portion Re/55/12/37 have fairly steep mountains and rocky area exists on the North west of the portion while a dry river bed runs through portion 183/55/37 from north to south. Portion 182/55/37 is also fairly steep and has rocky areas in the north side and south side of the portion leaving only the middle area developable. Portion 181/55/37 is the most favourable for development and is mostly envisioned for single residential dwellings. The low-lying area situated on the south of the portion will be used for public open space.

4. Access

The proposed township establishment will obtain access via the Nubuamis Hill Road and newly proposed access on the south leading to Omuvapu Street. It is proposed that the

existing informal routes on the plots be used for the new proposed roads. The access will be taken from Omuvapu Street situated on the south of the portions, connecting to the proposed development as indicated on subdivision plan dated **20 February 2018**.It is proposed that the road to the south leading to Omuvapu Street is developed as the main access road integrating the development with Okahandja Park and the rest of Windhoek. The main roads measure 20m wide and the distributors 15m wide.

Picture 1: Informal route linking Omuvapu Street to portion 55/12/37

5. Bulk Services and Access

The Consolidated Portion 'X' is located not far from the established township, Okuryangava therefore bulk services can be connected from the existing infrastructure to the newly proposed township in accordance with the standards of the City of Windhoek.

The developer will provide all services to the newly created erven. All erven will receive full services. Water will be sourced from an existing nearby water pipeline, while the area will be reticulated with sewer lines that will pump into the City of Windhoek system. A bulk water

distribution system and sewer systems will be created to serve the entire township. The water and sewer distribution network will be designed by a registered civil engineer. The proposed access road from Omuvapu Street to the ConsolidatedErf 'X' will be improved and widened to cater for traffic. The existing services and infrastructure is indicated on the map dated **27 February 2018**.

6. Proposed Township Establishment

The owners intend to consolidate Portions181/55/37, 182/55/37, 183/55/37 and Re/55/12/37 into Consolidated Portion 'X' for township establishment and to subdivide the consolidated Portion into 57ervenand the remainder street.

The proposed township development will be inter-connected with Okuryangava township and will also be accessible through Omuvapu Street. This development will cater for mixed use erven with erf sizes ranging between 1400m² - 11000m² with a density restriction of 1:250m² for General Residential and 1:500m² for Single Residential. Below is the utility index for Eben- Ezer Village development.

UTILITY INDEX			
Land Use	**Nr of Erven**	**Total Area Sizes m²**	**%**
Residential	12	26520	13
Business	3	10477	5
POS	7	21845	11
Institutional	2	10658	5
General Residential	23	93133	47
Rem/Street	2	37423	19
Totals	**49**	**200056**	**100**

Table 2: Utility Index Table indicating total number of Erven and total area in m²

Single Residential Erven:

The Consolidated Portion 'X' accommodates 12 single residential erven with the erf sizes ranging between 1468 m² and 4069 m². The single residential erven make up a total of 13% of the total layout area. A density zone of 1:500 is proposed for the single residential erven.

General Residential Erven:

The newly created Consolidated Portion 'X' accommodates twenty-three (23) general residential zoned erven, which will be used for a denser type of development to avail a variety of options in housing types in the layout. The general residential erf sizes range between 2198 m^2 and 10853 m^2. A density zone of 1:250 is proposed for the general residential erven.

Institutional:

The Consolidated portion 'X' accommodate 2 Institutional zoned erven which measures in total 10658 m^2 and it is envisioned for school and a clinic. This land use zone constitutes 5% of the overall layout area.

Business Erven:

Three (3) business erven, constituting 5% of the layout are accommodated. These erven are located along the 25m main road.

Public Open Spaces:

Eight (7) public open space (POS), constituting 11% of the overall development area is incorporated in the layout design as it is an environmentally sensitive (river course) area. Erf 38 will be used as functional open space.

Streets:

The township will be accessed via two 25m wide roads from the south and the north side of Portion 183/55/37. The individual erven within the portion will further be accessed via an internal street network comprised of 15m internal streets. The Remainder (Street) will constitute 19% of the total layout area. Bus stops are provided for at institutional and business erf and are zoned street.

7. Township Name

The proposed name for the township to be established on the Consolidated Portion 'X' to be known as **Eben- Ezer Village.**

8. Street Names

Nubuamis area is characterised by hilly terrain such as ridges and valleys to mention a few, thus the proposed street names of **Eben- Ezer Village** have been selected to represent terrain features as found in Nubuamis.

The table below shows terrain features *found in Nubuamis area*

COMMON NAME	PROPOSED STREET NAME
Saddle	Saddle
Valley	Valley
Spurs	Spurs
Ridge	Ridge
Draw	Draw
Hill **(Main Street)**	Hill

9. Need and Desirability

The development is envisioned for an integrated township with General Residential, Single Residential, Institutional and Business Erven.

Development of new townships towards the north side of the city is inevitable, due to the fact that this is the only available and accessible land close to the city. Windhoek is under significant development pressure and a number of development projects were recently approved.

This trend of urban development on the northern outskirts of the city is set to continue as land in Windhoek becomes limited and more expensive. Recently households have started to move in significant numbers to Okahandja to acquire more affordable land while working in Windhoek as mentioned before. The development will appeal to households that want to escape the bustle of city life and who cannot afford the astronomical house prices in Windhoek but would like to be close to Windhoek as a major employment centre. The target market is low- and medium-income Windhoek residents who are finding it hard to acquire affordable properties in Windhoek. The proposed township establishment should therefore be supported.

The proposed development for a township establishment will provide primarily sectional title ownership and the developer will be responsible for the provision of sewage, electricity and rubbish removal. All the services will be provided according to the standard of the City of Windhoek.

Nubuamis farm and the surrounding small holdings have experienced pollution due to the fact the informal settlements are located close to the farm. The rubbish from the informal settlements get carried by the river running towards the Nubuamis farms. This creates a concern for the residents living in the Nubuamis area.The proposed development can act as a buffer and be a solution to this problem. The development of the new plots can be fenced-off and will naturally acts as a buffer to prevent future informal squatter settlements invasion.

The proposed layout for Eben-EzerVillage on the Consolidated Portion 'X' is complementing its surroundings as it creates a buffer between the informal settlement and the small holdings located to the east and west.

10. Council Policy and Precedent

City of Windhoek and the Ministry of Urban and Rural Development have already approved residential townships along the three major national roads, which include the B1 road to Okahandja and B1 road to Rehoboth. Townships proclaimed along on the road to Rehoboth are Omeya and Regenstein. Township's approved on the Okahanja road are Elisenheim and Osona Village. Townships approved on the Airport road are Finkenstein, Sungate and Herbothblick.

11. Environmental Impact Assessment

An environmental consultant will be appointed to undertake the required scoping and environmental impact assessment to apply for the environmental clearance certificate from the Environmental Commissioner before the application is submitted to Townships Board.

12. Application

Harmonic Town planning Consultants is resubmitting the application for the following:

1. Application is hereby made in terms of the Urban and Regional Planning Board Act, 2018 (Act No. 5 of 2018) for the following:

1.1 Approval to consolidate Portions 181, 182, 183 (portions of portion 55) of farm Nubuamis No.37 and the Remainder Portion 55 (a portion of portion 12) of farm Nubuamis no. 37 into consolidated Portion "X"

1.2 Approval to establish a township on newly created Consolidated Portion 'X' in terms of the provisions of section 64(2) of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018) to be known as Eben-Ezer Village.

1.3 Approval of the proposed Townships name as Eben-Ezer Village; and

1.4 Approval of the proposed Street names namely, Saddle, Valley, Spurs, Ridge, Draw and Hill Street.

In Support of my application the following are included:

The following documentation is attached in support of the application

1) Locality Plan
2) Proposed Consolidation and Subdivision Plan
3) Power of Attorney
4) Title deeds
5) Founding Statement and Company Resolution
6) Engineering Report
7) Public Consultation Report

I trust that my application will receive your positive consideration.

Yours truly,

Mr Harold Kisting

Signed: _____

PREPARED BY ME:

CONVEYANCER
LOUW T J A

ORIGINAL.
STAMPED.
DUTY N$15 900,00
FEES

MORTGAGED 27 APR 2006 in No B 3302 12006
for N$ 1 350 000 - 00 with preference to
an additional amount not exceeding N$ 270 000-00
DEEDS OFFICE, WINDHOEK.
Deputy REGISTRAR OF DEEDS.

8000000129349

LODGED BY:

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

T 2757 / 2006

DEED OF TRANSFER

Be it hereby made known:

That **TOBIAS JOHANNES ADRIAN LOUW**

appeared before me, Registrar of Deeds

at **WINDHOEK**

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

granted to him by

SIEGFRIED EBERHARD PAUL EIMBECK
Born on 17 October 1948
Unmarried

dated the 10th day of April 2006, and signed at Windhoek

ISSUED FOR INFORMATION ONLY

And the said Appearer declared that

His Principal had truly and legally sold on the 22 February 2006

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

BV INVESTMENTS FIVE HUNDRED AND TEN CLOSE CORPORATION
Registration number CC/2005/3801

Its Successors in Title or Assigns

CERTAIN: Portion 55 (a Portion of Portion 12) of the farm NUBUAMIS no. 37

SITUATED: In the Municipality of Windhoek

REGISTRATION DIVISION " K "

KHOMAS REGION

MEASURING: 25,0076 (TWO FIVE COMMA NIL NIL SEVEN SIX) Hectares

FIRST transferred by Deed of Transfer no. T1525/1970 with annexed diagram relating thereto and held by Deed of Transfer no.T2040/1980

ISSUED FOR INFORMATION ONLY

A. **SUBJECT** to the following conditions created in Government Grant no. 11/1935 in favour of the Local Authority, namely:

(a) "the reservation of mineral rights in favour of the Government;

(b) the construction of dams, water furrows, railways, roads, telegraph and telephone lines by the Administrator, subject to the payment of compensation;

(c) the resumption of the whole or any portion of the land for public purposes, subject to the payment of compensation;

(d) the existing or future reservations, servitudes, obligations, laws and regulations;

(e) the use of all roads, thoroughfares and rights of outspan;

(f) the obligation on the owner to allow necessary roads to and from neighbouring properties;

(g) the obligation on the owner to pay land tax."

B. **FURTHER SUBJECT** to the following conditions in terms of Section 22(4) of Ordinance no. 11 of 1963 created by way of endorsement against Deed of Transfer no. T1525/1970, namely:

In terms of Section 22(4) of the said Ordinance is the said Transferee prohibit to erect any further buildings on the said property except for farming.

ISSUED FOR INFORMATION ONLY

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

Its Successors in Title, or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, The State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N$1 600 000,00

Signed at WINDHOEK, on 27 APR 2006, together with the appearer, and confirmed with my seal of office.

Signature of appearer

In my presence,

Registrar of Deeds.

1. Transfer Duty Receipt No. 103176250
Issued at Windhoek
on 13.04.2006 for
N$ 128 000.00.

Checked 1. _____ 2. _____

2. I, the undersigned, TOBIAS JOHANNES ADRIAN LOUW Conveyancer hereby certify in terms of Section 32 of Act 23/1992 that all rates, fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in Section 30(1)(u) has been paid up to and including the date of registration hereof.

T J A LOUW (CONVEYANCER)

*Delete which is not applicable.

If necessary, insert a Registrator Clause etc. approved by the Registrar.

CLOSE CORPORATION/COMPANY RESOLUTION

THE GATE-WAY TOURISM CLUB CC (Company Number: CC/2005/3801)

MINUTES OF A DIRECTORS/MEMBERS MEETING HELD IN WINDHOEK ON 30 July 2021

PRESENT MIRJAM EBEN-EZER NELAGO IYAMBO

ABED PENDAPALA IYAMBO

NOTICE AND CONSTITUTION

With the members present and willing to hold the meeting, it was declared duly constituted

SPECIAL POWER OF ATTORNEY

It was **RESOLVED:**

That Mrs. Mirjam Eben-ezer Nelago Iyambo be appointed to sign the Special Power of Attorney on behalf of the firm for:

- **APPLICATION TO CONSOLIDTAE PORTION 181, 182, 183, (A PORTION OF PORTION 55) OF FARM NUBUAMIS NO. 37 AND REMAINDER PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NO. 37 INTO CONSOLIDATED ERF 'X'**

- **APPLICATION TO ESTABLISH A TOWNSHIP ON CONSOLIDADTED PORTION 'X' TO BE KNOWN AS EBEN-EZER VILLAGE**

The signatories are the members, namely Abed Pendapala Iyambo and Mirjam Eben-ezer Nelago Iyambo.

GENERAL SIGNED AS A CORRECT RECORD

There being no further business to attend to, the meeting closed.

.....
Signatory 1

.....
Signatory 2

Prepared by me:

CONVEYANCER
VAN DEN BERG, L.T.

By Notarial Deed No. K 17 S /2017 dated 18 April 2017

the within-mentioned property is ~~subject~~ entitled to a servitude right of way 15 (fifteen) meters wide over Portion 180 (a portion of portion 55) of the farm Bulgramis No. 37 held by T 2431/2017 [illegible] the northern boundary of which servitude of right of way and access road is represented by the line e-f-B on diagram No. 1016/2015 annexed. Subject to conditions with our lang rights

In favour of _____ as will more fully appear on reference to the said Notarial Deed, a copy whereof is hereunto annexed.

DEEDS OFFICE, WINDHOEK 2017-05-02

REGISTRAR OF DEEDS.

T 2432/2017

CERTIFICATE OF REGISTERED TITLE

Issued under The Provisions of Section Forty Three of the Deeds Registries Act, 1937
(Act No. 47 of 1937)

WHEREAS

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

ISSUED FOR INFORMATION ONLY

has applied for the issue to it of a Certificate of Registered Title under Section Forty Three of the Deeds Registry Act, 1937, in respect of the undermentioned land, being portion of the land registered in its name by **Deed of Transfer no. T2757/2006**

Now, Therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Windhoek do hereby certify that the said

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

It's Successors in Title or Assigns is the registered owner of:

CERTAIN	Portion of 181 (a Portion of Portion 55) of the Farm Nubuamis No. 37
SITUATE	In the Municipality of Windhoek Registration Division "K" Khomas Region
MEASURING	5,0029 (Five comma Nil Nil Two Nine) Hectares as indicated on Diagram No. A 1016/2015
HELD	under Deed of Transfer no. T 2757/2006
SUBJECT	to the following conditions Imposed in terms of Section 21 of the Townships and Division of Land Ordinance, 1963 (Ordiance 11 of 1963) as amended, namely:

ISSUED FOR INFORMATION ONLY

IN FAVOUR OF THE LOCAL AUTHORITY

The land shall only be used for purposes permissible in terms of the Town Planning Scheme of Windhoek, which has been compiled in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended and shall therefore be used only subject to the conditions laid down in and in pursuance of the above-mentioned Town Planning Scheme.

AND that by virtue of these presents the said

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

Its Successors in Title or Assigns, now is and henceforth shall be entitled thereto conformably to local customs, the State, however, reserving its rights.

ISSUED FOR INFORMATION ONLY

SIGNED at WINDHOEK on 2017-05-02 and confirmed with my seal of office.

DEPUTY REGISTRAR OF DEEDS
MINISTRY OF LAND REFORM

REGISTRAR OF DEEDS

Prepared by me:

CONVEYANCER
VAN DEN BERG, L.T.

By Notarial Deed No. K 176/2017 dated 18 April 2017

the within-mentioned property is ~~subject~~ entitled to a servitude right of way 15 (fifteen) metres wide over Portion 183 (a portion of portion 55) of the Farm Nubuamis No.37 held by T 2432/2017 ... the northern boundary of which servitude of right of way and access road is represented by the line A-B Diagram No 1018/2015 annexed. Subject to conditions with in favour of auxiliary rights ... as will more fully appear on reference to the said Notarial Deed, a copy whereof is hereunto annexed.

DEEDS OFFICE, WINDHOEK 2017-05-02

REGISTRAR OF DEEDS.

T 2433/2017

CERTIFICATE OF REGISTERED TITLE

Issued under The Provisions of Section Forty Three of the Deeds Registries Act, 1937
(Act No. 47 of 1937)

ISSUED FOR INFORMATION ONLY

8000000776285

WHEREAS

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

has applied for the issue to it of a Certificate of Registered Title under Section Forty Three of the Deeds Registry Act, 1937, in respect of the undermentioned land, being portion of the land registered in its name by **Deed of Transfer no. T2757/2006**

Now, Therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Windhoek do hereby certify that the said

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

It's Successors in Title or Assigns is the registered owner of:

CERTAIN	Portion of 182 (a Portion of Portion 55) of the Farm Nubuamis No. 37
SITUATE	In the Municipality of Windhoek Registration Division "K" Khomas Region
MEASURING	5,0037 (Five comma Nil Nil Three Seven) Hectares as indicated on Diagram No. A 1017/2015
HELD	under Deed of Transfer no. T 2757/2006
SUBJECT	to the following conditions imposed in terms of Section 21 of the Townships and Division of Land Ordinance, 1963 (Ordiance 11 of 1963) as amended, namely:-

IN FAVOUR OF THE LOCAL AUTHORITY

ISSUED FOR INFORMATION ONLY

The land shall only be used for purposes permissible in terms of the Town Planning Scheme of Windhoek, which has been compiled in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended and shall therefore be used only subject to the conditions laid down in and in pursuance of the above-mentioned Town Planning Scheme

AND that by virtue of these presents the said

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

Its Successors in Title or Assigns, now is and henceforth shall be entitled thereto conformably to local customs, the State, however, reserving its rights.

SIGNED at WINDHOEK on 2017-05-02 and confirmed with my seal of office

SCANNED FOR INFORMATION ONLY

DEPUTY REGISTRAR OF DEEDS
MINISTRY OF LAND REFORM

REGISTRAR OF DEEDS

Prepared by me:

CONVEYANCER
VAN DEN BERG, L.T.

By Notarial Deed No. K 176/2017 S dated 18 April 2017

the within-mentioned property is subject to a servitude right of way 15 (fifteen) meters wide in favour of Portion 182 (a portion of portion 55) of the farm Nubuamis and Remainder of portion 55 (a portion of portion 12) of the farm Nubuamis held by T. 2433/2017

the pathein boundary of which servitude right of way and access road is represented by the line A-B program no. 10131-2015 annexed, subject to conditions with auxiliary rights in favour of

together on reference to the said Notarial Deed, a copy whereof is hereunto annexed.

DEPARTMENT OF DEEDS, WINDHOEK. 2017-05-02 Dep

REGISTRAR OF DEEDS.

T 2434/2017

CERTIFICATE OF REGISTERED TITLE

ISSUED FOR INFORMATION ONLY

Issued under The Provisions of Section Forty Three of the Deeds Registries Act, 1937
(Act No. 47 of 1937)

8000000776302

WHEREAS

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

has applied for the issue to it of a Certificate of Registered Title under Section Forty Three of the Deeds Registry Act, 1937, in respect of the undermentioned land, being portion of the land registered in its name by **Deed of Transfer no. T2757/2006**

Now, Therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Windhoek do hereby certify that the said

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

It's Successors in Title or Assigns is the registered owner of:

CERTAIN	Portion of 183 (a Portion of Portion 55) of the Farm Nubuamis No. 37
SITUATE	In the Municipality of Windhoek Registration Division "K" Khomas Region
MEASURING	5,0008 (Five comma Nil Nil Nil Eight) Hectares as indicated on Diagram No. A 1018/2015
HELD	under Deed of Transfer no. T 2757/2006
SUBJECT	to the following conditions imposed in terms of Section 21 of the Townships and Division of Land Ordinance, 1963 (Ordiance 11 of 1963) as amended, namely:-

FOR INFORMATION ONLY

IN FAVOUR OF THE LOCAL AUTHORITY

The land shall only be used for purposes permissible in terms of the Town Planning Scheme of Windhoek, which has been compiled in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended and shall therefore be used only subject to the conditions laid down in and in pursuance of the above-mentioned Town Planning Scheme

AND that by virtue of these presents the said

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION
Registration number CC/2005/3801

Its Successors in Title or Assigns, now is and henceforth shall be entitled thereto conformably to local customs, the State, however, reserving its rights.

SIGNED at WINDHOEK on 2017 02 2 and confirmed with my seal of office

ISSUED FOR INFORMATION ONLY

DEPUTY REGISTRAR OF DEEDS
MINISTRY OF LAND REFORM

REGISTRAR OF DEEDS

THE GET-AWAY TOURISM CLUB CLOSE CORPORATION

Registration number CC/2005/3801

prepared and lodged by:

LINDA ERASMUS
ERASMUS & ASSOCIATES
362 SAM NUJOMA DRIVE
KLEIN WINDHOEK
WINDHOEK
(+ 264 61) 244 570

188 C OF NAMIBIA

CLOSE CORPORATIONS ACT, 1988

(Section 13, 15, 24, 27, 29, 47 and 60)
(Regulations 3 and 12)

Amended Founding Statement

P.O. BOX [illegible]
2012 -07- 16
REPUBLIC OF NAMIBIA
REGISTRAR OF CLOSE CORPORATIONS

Before filling in the form, first see notes on page 2.

REGISTRATION NUMBER OF CORPORATION	DATE OF RECEIPT
CC/2005/3801	

PART A	Dates of commencement of change
Full name of corporation THE GET-AWAY TOURISM CLUB CLOSE CORPORATION	
Previous name of corporation (if applicable) BV INVESTMENTS FIVE HUNDRED AND TEN CC	
Literal translation of name (if applicable) N/A	
Shortened form of name (if applicable) N/A	
Description of principal business Self catering, Conferences, Tourism and all Business related thereto.	
Date of end of financial year Last day of JUNE each year.	

PART B	
Postal address* P O BOX 22563, WINDHOEK	
Address of registered office (not post office box) No 105 JOHN MEINERT STREET, WINDHOEK-WEST, WINDHOEK, NAMIBIA	
Name and address of accounting officer* E D BEUKES, P O BOX 22563, WINDHOEK, NAMIBIA	

(Attach written consent to appointment)

Full name of association or body of which accounting officer is a member - *Institute of Chartered Accountants of Namibia*

Membership/Practice No. 302

* *See note 2 on page 2*

Walters Stationery Co. (Namibia) (Pty) Ltd; Reproduced under government Authority
Registrar of Close Corporations Reference 1/3/85

NOTES

1. Form CC2 must be written in block capitals or be typewritten, lithographed or printed in legible characters with deep permanent black ink, and lodged in triplicate.

2. Change(s) effective from date of registration or upon a later date mentioned.

3. Where a person signs on behalf of a member, a power of attorney must be attached.

4. Minor children and other persons under legal disability must be assisted by their parents, guardians or representatives as the case may be, and the capacity must be stated.

5. If no identity document has been issued, a written statement to this effect must be attached.

6. Particulars which do not change should be furnished.

7. No fee is payable in respect of any changes in particulars under Part B and C.

8. New members must personally sign the form.

9. Form CC2 which does not comply with the requirements of the Act, regulations or these notes, will be rejected.

6. Particulars to be furnished under PART C.

   (a) Full names and surname, (If juristic person, mention name and capacity and if trustee, also mention name and particulars of testamentary trust).

   (b) Identity number ((i) if no identity document has been issued, state date of birth and see par. 4 above.)(ii) If juristic person, mention registration number).

   (c) Size of interest expressed as a percentage.

   (d) Particulars of interest and fair value thereof.

   (e) Residential address.

   (f) Postal address.

   (g) Signature of member or representative (where applicable).

NAME OF CORPORATION THE GET-AWAY TOURISM CLUB CLOSE CORPORATION

REGISTRATION NUMBER CC/2005/3801

PART C

Date of Change

MEMBERS 1 (ONE)

Full names and surname MIRJAM EBEN-EZER NELAGO HAMBO 2012-07-23

	Year		Month		Day								
Identity number or date of birth (i)	7	1	0	4	0	9	0	0	5	6	9		
Registration number (ii)													

2012-07-23

Percentage of interest 50% 2012-07-23

Particulars of contribution N$ 50,00 2012-07-23

Residential address ERF 427 CHAMONIX STREET, AUASBLICK, WINDHOEK NAMIBIA 2012-07-23

Postal address P O BOX 4715 WINDHOEK NAMIBIA 2012-07-23

Signature of member or representative 2012-07-23

Full names and surname ABED PENDAPALA HAMBO 2012-07-23

	Year		Month		Day								
Identity number or date of birth (i)	6	7	0	5	0	5	0	0	2	4	0		
Registration number (ii)													

2012-07-23

Percentage of interest 50% 2012-07-23

Particulars of contribution N$ 50,00 2012-07-23

Residential address ERF 427 CHAMONIX STREET, AUASBLICK, WINDHOEK NAMIBIA 2012-07-23

Postal address P O BOX 4715 WINDHOEK NAMIBIA 2012-07-23

Signature of member or representative 2012-07-23

Witness Signature Date of signature 29-03-2012

Full names JUANITA VAN WYK

Residential address ERF 264 COETZEE STREET, PIONIERSPARK, WINDHOEK

Business address 362 SAM NUJOMA DRIVE, KLEIN WINDHOEK, WINDHOEK

Postal address P O BOX 86477, EROS, WINDHOEK

NAME OF CORPORATION THE GET-AWAY TOURISM CLUB CLOSE CORPORATION

REGISTRATION NUMBER CC/2005/3801

PART C

Date of Change

MEMBERS

Full names and surname

Identity number or date of birth (i) Year Month Day

Registration number (ii

Percentage of interest

Particulars of contribution

Residential address

Postal address

Signature of member or representative

Full names and surname

Identity number or date of birth (i) Year Month Day

Registration number (ii

Percentage of interest

Particulars of contribution

Residential address

Postal address

Signature of member or representative

Date of signature

Witness Signature

Full names

Residential address

Business address

Postal address

NAME OF CORPORATION THE GET-AWAY TOURISM CLUB CLOSE CORPORATION

REGISTRATION NUMBER CC/2005/3801

PART C

Date of change

MEMBERS

Full names and surname

Identity number or date of birth (i) Year Month Day

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Residential address

Postal address

Signature of member or representative

Date of signature

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Full names

Residential address

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NAME OF CORPORATION THE GET-AWAY TOURISM CLUB CLOSE CORPORATION

REGISTRATION NUMBER CC/2005/3801

PART C

Date of change

MEMBERS

Full names and surname

Year Month Day

Identity number or date of birth (i)

Registration number (ii

Percentage of interest

Particulars of contribution

Residential address

Postal address

Signature of member or representative

Full names and surname

Year Month Day

Identity number or date of birth (i)

Registration number (ii

Percentage of interest

Particulars of contribution

Residential address

Postal address

Signature of member or representative

Witness Signature Date of signature

Full names

Residential address

Business address

Postal address

NAME OF CORPORATION THE GET-AWAY TOURISM CLUB CLOSE CORPORATION

REGISTRATION NUMBER CC/2005/3801

MEMBERS WHO CEASE TO BE MEMBERS

Full name and surname of member	Identity number	Signature
EDWIN BEUKES	6 8 0 7 1 9 0 0 0 2 8	
RUDIGER MARSHALL SAUNDERSON	6 8 0 9 2 5 0 3 0 0 5 5	
ALFRED ANDREW RIETH	6 8 0 7 1 4 0 0 8 0 2 1 0	
IRVIN CLEFFORD NEWMANN	6 4 1 1 2 5 5 1 5 9 0 8 2	
STANFORD JACQUES ISAACS	6 7 0 1 3 1 0 0 0 4 8	
ERASTUS HAFENI MBUMBA HAITENGELA	7 0 0 1 3 1 1 0 0 5 9	
JOHAN DEON BEUKES	6 9 0 6 2 5 0 3 0 0 2 6 4	

Membership cease on the date of registration of the Amended Founding Statement

Witness Signature: Date of signature: 19/4/2012

Full names: JUANITA KLEINHANS

Residential address: 294 MATAMAN STREET, CBD BEASIA, WINDHOEK

Business address: 362 SAM NUJOMA DRIVE, KLEIN WINDHOEK, WINDHOEK

Postal address: P O BOX 86477, EROS, WINDOEK

FOR OFFICE USE

Amended Founding Statement registered

Registrar Of Close Corporations

23 [illegible]

Date

Data Processing

Classification

Recorded

Initials and date

Paste revenue receipt or affix revenue stamp or impress revenue franking machine impression here

N$ 30,00

CLOSE CORPORATION/COMPANY RESOLUTION

THE GATE-WAY TOURISM CLUB CC (Company Number: CC/2005/3801)

MINUTES OF A DIRECTORS/MEMBERS MEETING HELD IN WINDHOEK ON 15 March 2018

PRESENT MIRJAM EBEN-EZER NELAGO IYAMBO

ABED PENDAPALA IYAMBO

NOTICE AND CONSTITUTION

With the members present and willing to hold the meeting, it was declared duly constituted

SPECIAL POWER OF ATTORNEY

It was **RESOLVED:**

That Mrs. Mirjam Eben-ezer Nelago Iyambo be appointed to sign the Special Power of Attorney on behalf of the firm for:

- **APPLICATION TO CONSOLIDTAE PORTION 181, 182, 183, (A PORTION OF PORTION 55) OF FARM NUBUAMIS NO. 37 AND REMAINDER PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NO. 37 INTO CONSOLIDATED ERF 'X'**

- **APPLICATION FOR THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP AND APPROVE THE LAYOUT ON CONSOLIDADTED PORTION 'X' TO BE KNOW AS IYAMBO VILLAGE**

The signatories are the members, namely Abed Pendapala Iyambo and Mirjam Eben-ezer Nelago Iyambo.

GENERAL SIGNED AS A CORRECT RECORD

There being no further business to attend to, the meeting closed.

.....
Signatory 1

.....
Signatory 2

GOEDGEKEUR A. F. van Zyl
LANDMETER-GENERAAL
20/5/68

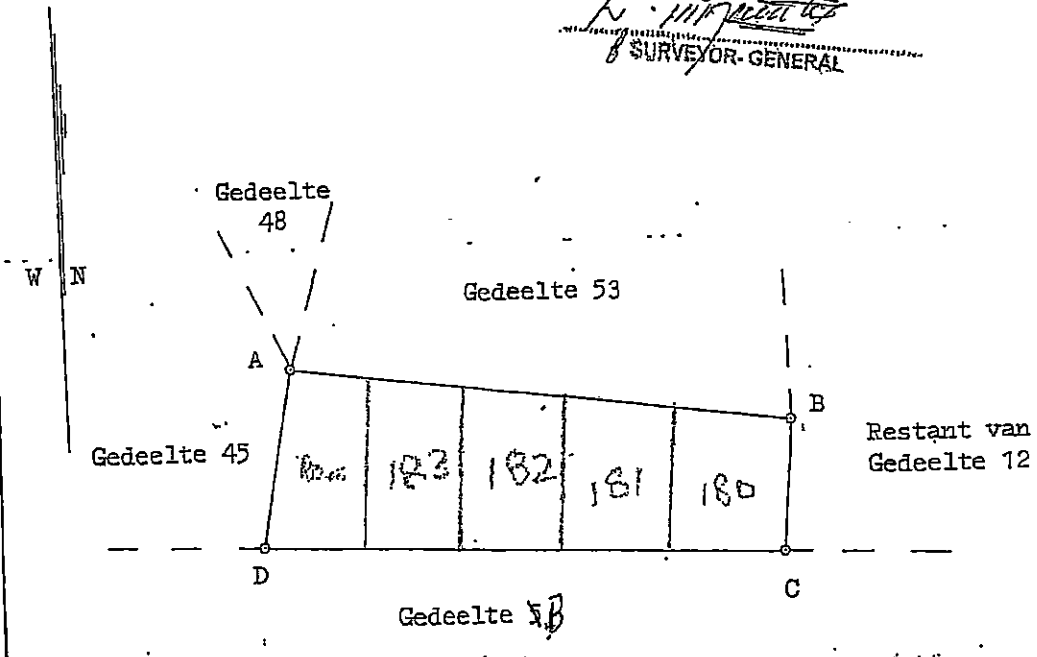
Nr. A. 199/68

SYE Meters		Rigtingshoeke ° ′ ″	KOÖRDINATE Stelsel: 22/17	y	x	BEN.
AB	922.9	278.14.50	A	− 4069.5	+ 52827.2	Cent
BC	224.0	4.00.00	B	− 4982.9	+ 52959.6	Riv 1 bn
CD	960.0	93.08.14	C	− 4967.3	+ 53183.1	Riv bn
DA	309.3	191.20.10	D	− 4008.7	+ 53130.5	Dop bn
			▲	− 10285.4	+ 37542.0	Brakwater
			△	− 5533.6	+ 53318.3	Nubuamis-berg

BAKENBESKRYWING.

A.B.C.D. = Ysterpen in klipstapel.

TRUE COPY
SURVEYOR-GENERAL



SKAAL, 1 : 12500

Die figuur A.B.C.D.

stel voor 25.0076 Hektaar grond, synde

GEDEELTE 55 ('n gedeelte van gedeelte 12) van die plaas NUBUAMIS NR. 37 ~~Suidwes-Afrika.~~

geleë in die Registrasie Afdeling K

Opgemeet in Maart 1966 – Maart 1968 deur ~~my~~ ons

Landmeters

Hierdie kaart is geheg aan	Die oorspronklike kaart is	M.S. Nr. E. 50/68
Nr.	Nr. A 835/56	Alg. Plan Nr.
	~~Transport / Grendbrief~~ S.G.T.	Noteerplan
gedateer	Nr. 1215/56	Lêer Nr.
		Breed. 22° 30′ S.
Registrateur van Aktes.		Leng. 17° O.

APPROVED

for SURVEYOR-GENERAL

No. A1016/2015

2015 -10- 2 2

SIDES metres		ANGLES OF DIRECTION		CO-ORDINATES Y System:Lo.22/17	X	Designation
		Constants				
A B	199.03	278.14.50	A	-4 573.52	+52 900.26	fb3
B C	243.24	3.59.50	B	-4 770.49	+52 928.79	fb4
C D	198.49	93. 9.10	C	-4 753.54	+53 171.44	fb5
D A	260.89	183.59.50	D	-4 555.35	+53 160.52	fb6
			△	-5 533.58	+53 318.33	Nubuamisberg
			⊕	-7 972.02	+52 274.07	Ujams
Servitude data						
e B	109.84	278.14.50	e	-4 661.78	+52 913.06	RW1

Description of beacons :

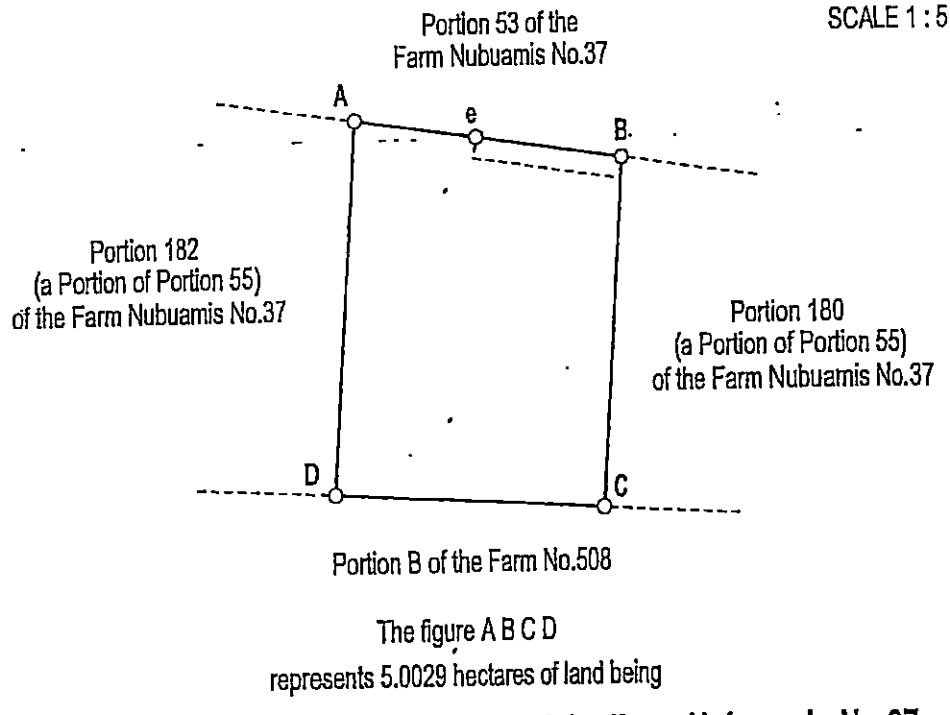
A - D.....16mm Round iron peg

Servitude Note

The line e B represent the northern boundary of a 15m wide right of way servitude, as shown

T N

SCALE 1 : 5000



The figure A B C D

represents 5.0029 hectares of land being

Portion 181 (a Portion of Portion 55) of the Farm Nubuamis No.37

Situate in the Municipal Area of Windhoek

Registration Division K, Khomas Region, Namibia

Surveyed in September 2015 by me

N.Hangula

Professional Land Surveyor

This diagram is annexed to No. Dated Registrar of deeds	The original diagram is SG. No. 199/68 Transfer/Grant: T1525/70 Dated 21-08-1970	S.R. No.:E244/2015 Noting Plan:MG-3AC,MG-3CC File No.:K37

APPROVED

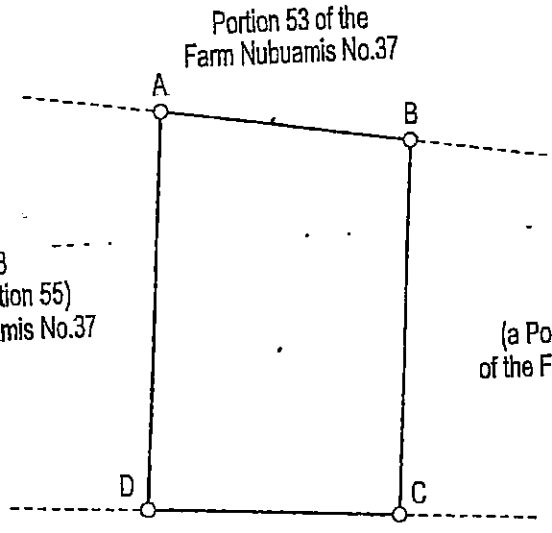
for SURVEYOR-GENERAL

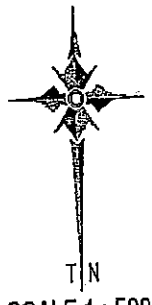
No. A1017/2015

2015 -10- 22

SIDES metres		ANGLES OF DIRECTION		CO-ORDINATES Y System:Lo.22/17	X	Designation
		Constants				
A B	186.4	278.14.50	A	-4 389.05	+52 873.53	fb2
B C	260.89	3.59.50	B	-4 573.52	+52 900.26	fb3
C D	185.92	93. 9.10	C	-4 555.35	+53 160.52	fb6
D A	277.44	183.59.50	D	-4 369.71	+53 150.30	fb7
			△	-5 533.58	+53 318.33	Nubuamisberg
			⊕	-7 972.02	+52 274.07	Ujams

Description of beacons :
A - D_____16mm Round iron peg





SCALE 1 : 5000

The figure A B C D
represents 5.0037 hectares of land being

Portion 182 (a Portion of Portion 55) of the Farm Nubuamis No.37

Situate in the Municipal Area of Windhoek
Registration Division K, Khomas Region, Namibia

Surveyed in September 2015 by me

N.Hangula
Professional Land Surveyor

This diagram is annexed to No. Dated Registrar of deeds	The original diagram is SG. No. 199/68 Transfer/Grant: T1525/70 Dated 21-08-1970	S.R. No.:E244/2015 Noting Plan:MG-3AC,MG-3CC File No.:K37

APPROVED

for SURVEYOR-GENERAL

2015 -10- 22

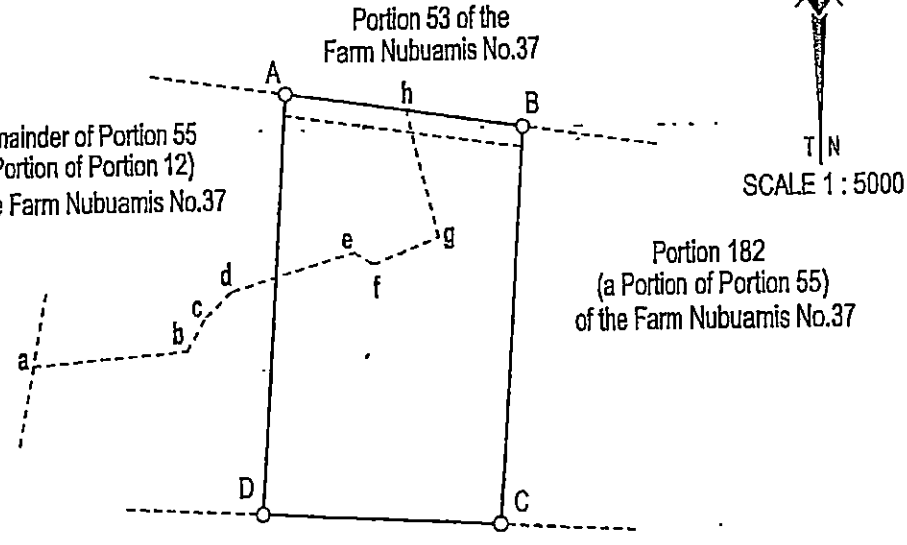
No. A1018/2015

SIDES metres		ANGLES OF DIRECTION		CO-ORDINATES Y System:Lo.22/17	X	Designation
		Constants				
A B	175.8	278.14.50	A	-4 215.06	+52 848.34	fb1
B C	277.44	3.59.50	B	-4 389.05	+52 873.53	fb2
C D	175.34	93. 9.10	C	-4 369.71	+53 150.30	fb7
D A	293.03	183.59.50	D	-4 194.64	+53 140.66	fb8
			△	-5 533.58	+53 318.33	Nubuamisberg
			⊕	-7 972.02	+52 274.07	Ujams

Description of beacons :
A-D _____ 16mm Round iron peg

Servitude Note

1. The line a b c d e f g h represent an existing right of way servitude, via Diagram No.A22/2010
2. The line A B represent the northern boundary of a 15m wide right of way servitude, as shown



Portion B of the Farm No.508

The figure A B C D

represents 5.0008 hectares of land being

Portion 183 (a Portion of Portion 55) of the Farm Nubuamis No.37

Situate in the Municipal Area of Windhoek
Registration Division K, Khomas Region, Namibia

Surveyed in September 2015 by me

N.Hangula
Professional Land Surveyor

This diagram is annexed to No. Dated Registrar of deeds	The original diagram is SG. No. 199/68 Transfer/Grant: T1525/70 Dated 21-08-1970	S.R. No.:E244/2015 Noting Plan:MG-3AC,MG-3CC File No.:K37

NAMIBIA REVENUE N$5

Power of Attorney

I, the undersigned **MRS. MIRJAM EBEN-EZER NELAGO IYAMBO, ID no: 71040900569** in my capacity as the member of **THE GATE-WAY TOURISM CLUB CC (Company Number: CC/2005/3801)**, do hereby nominate, constitute and appoint,

HARMONIC TOWN PLANNING CONSULTANTS CC

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

- **APPLICATION TO CONSOLIDTAE PORTION 181, 182, 183, (A PORTION OF PORTION 55) OF FARM NUBUAMIS NO. 37 AND REMAINDER PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NO. 37 INTO CONSOLIDATED ERF 'X'**
- **APPLICATION TO ESTABLISH A TOWNSHIP ON CONSOLIDADTED PORTION 'X' TO BE KNOWN AS EBEN-EZER VILLAGE**

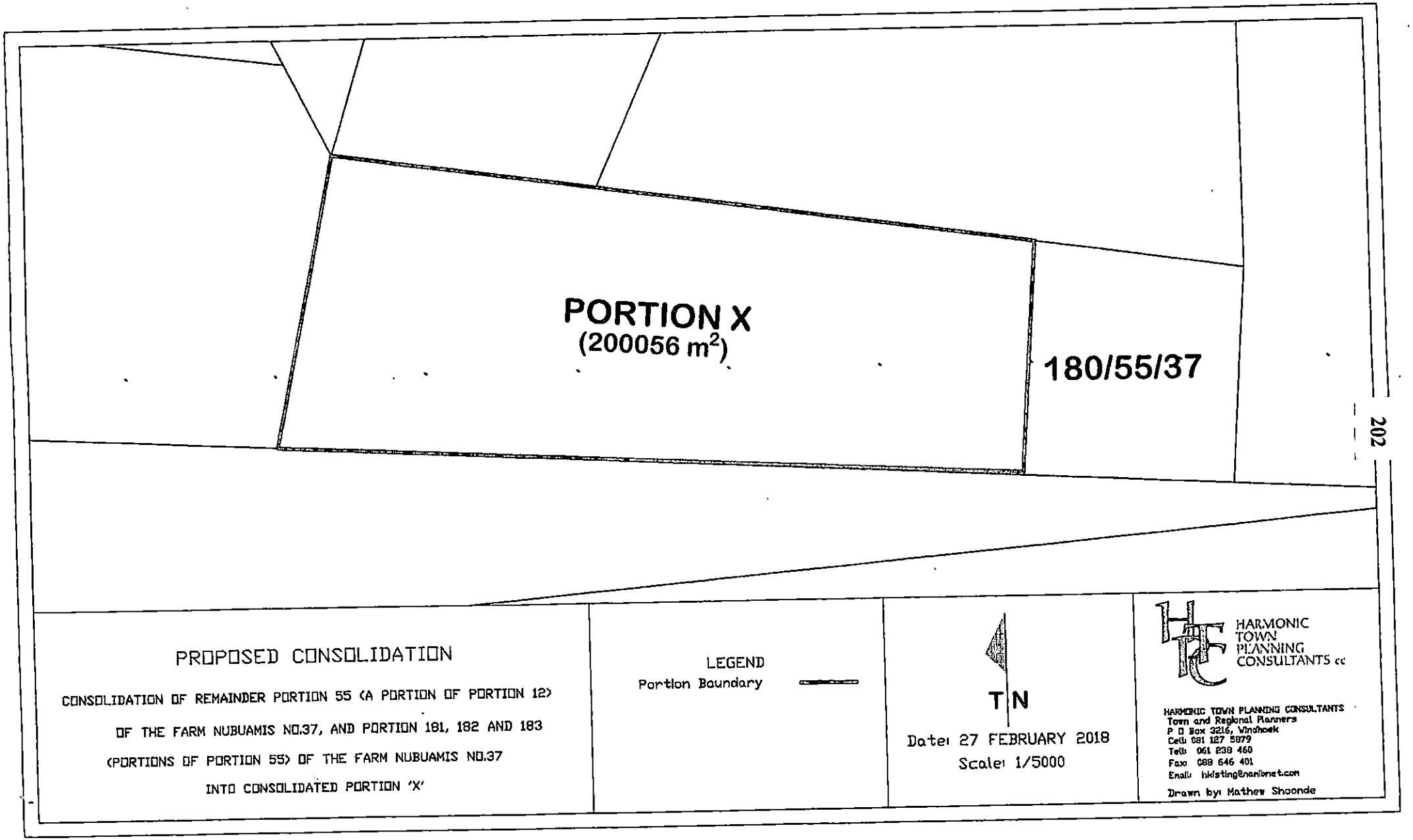
At the cost of the applicant and generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, for all intents and purposes, as I might or could do if personally present and acting herein –hereby ratifying, allowing and confirming and promising and agreeing to ratifying, allow and confirm all and whatsoever my said Attorney and Agent shall lawfully do, or cause to be done, by virtue of these present.

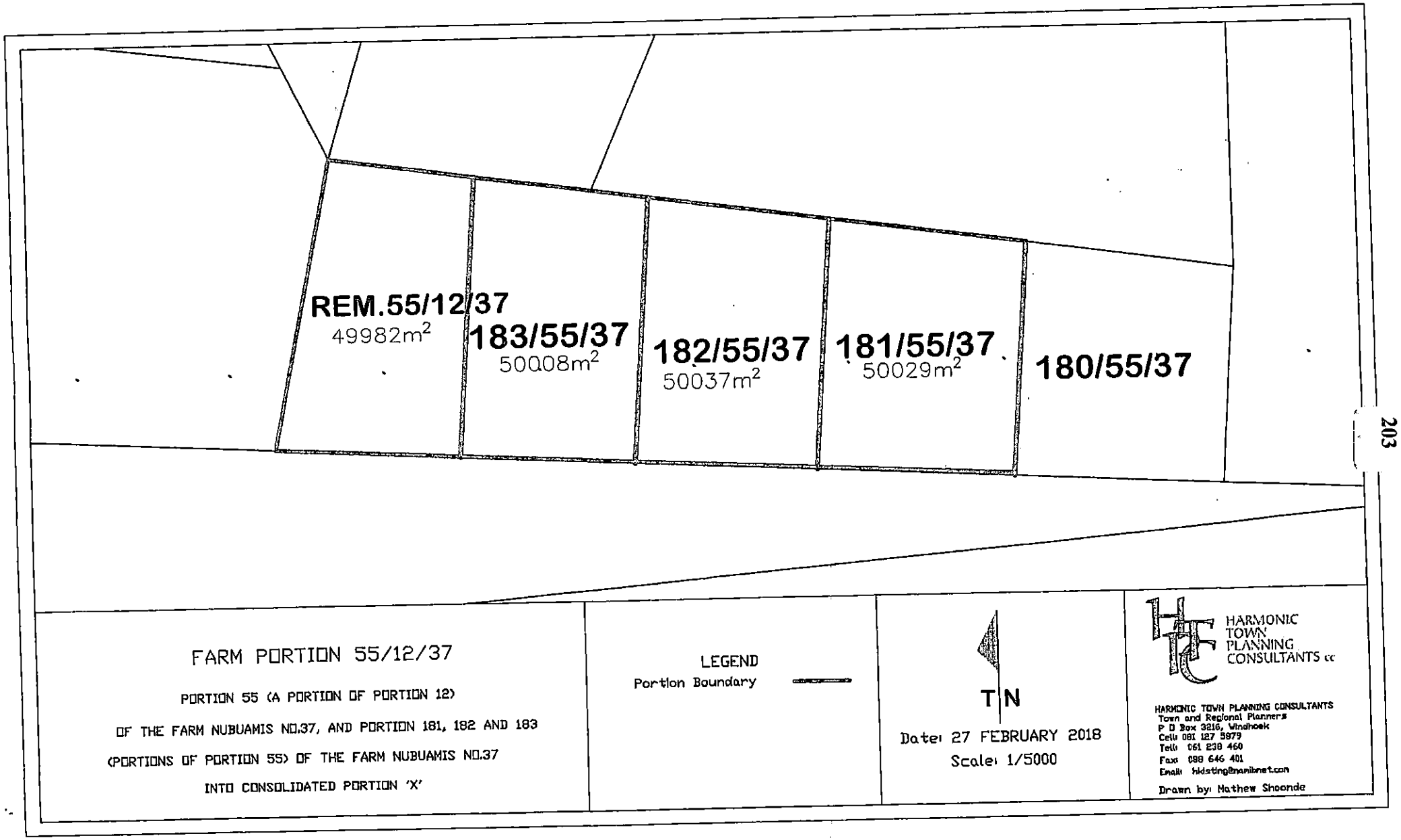
Signed at **WINDHOEK** on this ...30... day of ...July... **2021** in the presence of the undersigned witnesses.

.....
Signed: **MRS. MIRJAM EBEN-EZER NELAGO IYAMBO**

AS WITNESSES:

1. ..... 2. .....


PORTION X
(200056 m²)
180/55/37
PROPOSED CONSOLIDATION
CONSOLIDATION OF REMAINDER PORTION 55 (A PORTION OF PORTION 12)
OF THE FARM NUBUAMIS NO.37, AND PORTION 181, 182 AND 183
(PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO.37
INTO CONSOLIDATED PORTION 'X'
LEGEND
Portion Boundary
T N
Date: 27 FEBRUARY 2018
Scale: 1/5000
HARMONIC TOWN PLANNING CONSULTANTS cc
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216, Windhoek
Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401
Email: hklsting@mailbnet.com
Drawn by: Mathew Shoonde


REM.55/12/37
49982m²
183/55/37
50008m²
182/55/37
50037m²
181/55/37
50029m²
180/55/37
FARM PORTION 55/12/37
PORTION 55 (A PORTION OF PORTION 12)
OF THE FARM NUBUAMIS NO.37, AND PORTION 181, 182 AND 183
(PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO.37
INTO CONSOLIDATED PORTION 'X'
LEGEND
Portion Boundary
T N
Date: 27 FEBRUARY 2018
Scale: 1/5000
HARMONIC TOWN PLANNING CONSULTANTS cc
HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216, Windhoek
Cell: 081 127 5979
Tel: 061 238 460
Fax: 088 646 401
Email: hdating@namibnet.com
Drawn by: Mathew Shoonde

URBAN Green cc
Sustainability Consultants

URBAN Green cc
Sustainability Consultants

31 May 2021

The Director
Harmonic Town Planning Consultants cc
PO Box 3216
Windhoek

Attention: Mr. T. Kasinganeti,

RE: PROPOSED EBEN-EZER TOWNSHIP ESTABLISHMENT (NUBUAMIS HILLS WEST), BRAKWATER, WINDHOEK – ENVIRONMENTAL IMPACT ASSESSMENT

Our office has been appointed to act on behalf of the neighbouring property, objecting to the proposed Eben-Ezer Township development (Nubuamis Hills).

This communication, along with all other email communication between our respective offices and communication between your office and the I&APs should be included into your Scoping Report for purpose of a transparent process and consideration of all comments/concerns/questions as part of your EIA being conducted. It is also important that the comments of the objection letter dated 11 September 2020 (attached) be included in the Scoping Report and the comments/questions/concerns be addressed as part of your EIA being conducted.

In reaction to your call for comment on the proposed development as part of the 1st round of public consultation of the environmental impact assessment (EIA) being conducted, find below the comments/concerns/questions to be addressed as part of the EIA.

1. PUBLIC CONSULTATION

Public consultation was not done as per the requirements of the Environmental Impact Assessment Regulations (No. 30 of 6 February 2012).

It is recommended that the EAP revisit the aims and objectives of the public consultation process, as presented in the Background Information Document (March 2021) and ask the question on if these aims and objectives have been successfully achieved.

Neighbouring Property Owners

It is worth mentioning that during the town planning phase, that preceded this EIA, NO public consultation was done, as set-out in our objection letter dated 11 September 2020 (see Appendix A). Harmonic Town Planning Consultants cc is well familiar with the town planning procedures and legal requirements, as stipulated by the applicable Acts, **yet no public consultation was done. This raise questions with respect to Harmonic Town Planning Consultants cc's intentions of deliberately excluding the public.**

Telephone: +264-61-300 820
Fax: +264-61-401 294
Cell.: +264-81-129 5759
E-mail: urbangreen@iway.na
Website: www.urbangreenafrica.net

GREEN BUILDING COUNCIL SA
MEMBER ORGANISATION

P O Box 11929
Klein Windhoek
Namibia

No. 19 Elysium Field Complex,
No. 40, Berg Street, Klein Windoek,

Further to the mentioned, the manner in which public consultation was done during this EIA raised questions once again as there was a deliberate act NOT to inform the neighbouring property owners of the EIA being conducted. Section 21(2)(b) of the Environmental Impact Assessment Regulations (GG. Notice No. 29 of 6 February 2012) clearly stipulate that **written notice** should be given to *'the owners and occupiers of the land adjacent to the site where the activity is to be undertaken…'*.

None of the neighbouring property owners was informed in writing during the initial consultation phase (24 to 31 March 2021) of the EIA, despite the fact that our office stated that it is the responsibility of the Proponent's EAP to consult the neighbouring property owners in writing. See attached the email communication dated 25 March 2021 (Appendix B).

Following the communication dated 25 March 2021, the EAP was on the 8th of April 2021 once again reminded to consult the neighbouring property owners in writing, **as at that stage (2 weeks later) the EAP have not consulted any of the neighbouring property owners in writing.** See attached the email communication dated 8th of April 20 (Appendix C).

It is thus evident that once again Harmonic Town Planning Consultants cc and/or the appointed EAP was NOT of the intention to include the neighbouring property owners as part of the EIA conducted.

Given the mentioned, we are of the opinion that both Harmonic Town Planning Consultants cc and/or the appointed EAP was of the intention to deliberately exclude the neighbouring property owners as the Town Planner and the EAP are well aware of the fact that the proposed development would not be supported due to the fact that the proposed development goes against every policy and in actual fact is totally out of place and character with the receiving environment. Was it not for the reminders and requests from our side that the neighbouring property owners be consulted, as per the requirements of the Environmental Impact Assessment Regulations (GG. Notice No. 29 of 6 February 2012), we believe the neighbouring property owners would have been excluded.

It was only on the 23rd of April 2021 that some of the residents was informed and requested for comments (see Appendix D) via email. This particular email was not delivered to several of the addressees due to spelling mistakes within the addressees' email addresses and outdated email addresses.

Within the email communication of 23 April 2021, NO deadline was given to the addressees, which left the addressees confused as no indication on when comments/concerns/questions should be submitted.

The method of informing the neighbouring property owners (i.e. email) and without any confirmation of receipt of the EAP's emails to the neighbouring property owners supports our argument that the EAP was NOT of the intention to include the neighbouring property owners in the EIA and had no concern on if the emails reached the neighbouring property owners or not.

Directly Affected I&APs

In addition to the above, it is also worth mentioning that the EAP did not consult any of the property owners that reside along the Nubuamis Hills road (described as proposed access road 2 within the Engineering Preliminary Finding Report – November 2019), to which the proposed development intends to obtain access from. **This is yet another flaw within the public consultation process** and considered a deliberate act from the side of the EAP. The Act and EIA Regulations makes it clear that all potentially Interested and Affected Parties should be consulted and their comment obtained. Given that all the neighbouring property owners will be negatively affected by this road and resulting activities, they should have been identified by the EAP as directly affected, **which was deliberately and conveniently NOT done.**

THIS DELIBERATE ACT TO EXCLUDE THE NEIGHBOURING PROPERTY OWNERS AND OTHER DIRECTLY AFFECTED RESIDENTS BY BOTH HARMONIC TOWN PLANNING CONSULTANTS CC DURING THE TOWN PLANNING PHASE AND NOW BY THEIR APPOINTED ENVIRONMENTAL ASSESSMENT PRACTITIONER RAISE SERIOUS QUESTIONS TO THE PROFESSIONALISM OF THE MENTIONED COMPANY AND EAP, AS WELL AS TO THE CORRECTNESS OF THE LEGAL PROCESS FOLLOWED FOR THE ENVIRONMENTAL ASSESSMENT BEING CONDUCTED.

Authorities & Organs of State

Apart from informing the City of Windhoek of the environmental assessment (*pers. email comm. Mathew Shoonde)*, **the EAP did not inform any of the other authorities (i.e. regional council & constituency) and other organs of state having jurisdiction in respect to any aspect of the activity (i.e. Ministry of Urban and Rural Development; Ministry of Environment, Forestry & Tourism; Ministry of Agriculture, Water and Resettlement; NamWater; etc.).**

The lack in obtaining the input from the side of the mentioned authorities and organs of state result in the environmental assessment not considering all potential impacts that the proposed development may have on the receiving environment, which results in the environmental assessment being flawed.

Reasonable Opportunity

Considering how the 1st round of public consultation was done and the initial limited time allowed, it **is evident that no reasonable opportunity was provided for all I&APs to take part and provide comment** (section 21(6)[b] of the Environmental Impact Assessment Regulations [GG. No. 30 of 6 February 2012]).

Section 21(7) of the Environmental Impact Assessment Regulations (GG. No. 30 of 6 February 2012) gives a guide with regards to a time of 21 days. The email communication from the EAP dated 24 March 2021 (see Appendix B), which was not send to a single neighbouring property owner nor resident along the Nubuamis Road, allowed for only 7 days within which time feedback should have been provided. The public meeting, as presented in the documentation attached to the email communication dated 24 March 2021 was scheduled for the 27th of March 2021, **only 3 days after the notification. Both the mentioned, is considered unrealistic, unreasonable and not a reasonable opportunity. It is evident that the manner in which this process was done was**

not in line with section 2(b) of the Environmental Management Act (No. 7 of 2007) and prescribed public consultation process (Environmental Impact Assessment Regulations (GG. No. 30 of 6 February 2012).

As mentioned above, initially none of the neighbouring property owners nor any of the directly affected parties residing along the access road was informed by the EAP of the EIA being conducted.

Considering the mentioned, the process followed by the EAP was flawed and the legal correctness of the environmental assessment study is questioned.

Withholding of Information & Incorrect Information

What is equally disturbing is the fact that the Background Information Document did not present the proposed access routes, which is considered a deliberate act not to alarm the residents residing along the Nubuamis Road, who will be impacted severely as a result of the increased traffic to and from the proposed Eben-Ezer Township.

It is interesting that the exact same modus operandi was followed by Harmonic Town Planning Consultants cc during the town planning phase that preceded the environmental phase. One would have expected Harmonic Town Planning Consultants cc to instruct their EAP to ensure that all information be presented to the I&APs, considering their past experience.

THIS DOUBLE ACT IN WITHHOLDING IMPORTANT INFORMATION TO I&APS CONFIRMS OUR OPINION THAT NEITHER HARMONIC TOWN PLANNING CONSULTANTS CC NOR THEIR APPOINTED ENVIRONMENTAL ASSESSMENT PRACTITIONER WAS AND IS OF THE INTENTION TO CONDUCT A TRANSPARENT AND OBJECTIVE ENVIRONMENTAL ASSESSMENT.

Further to the mentioned, the EAP states in the Background information Document that *'there is reliable water supply from CoW'*, **while Engineering Preliminary Finding Report (November 2019) states that potable water infrastructure is not capable of supplying this development.**

The proposed sewer treatment indicated in the EAP's Background Information Document, i.e. septic tanks) differs from what was proposed by the Engineering Preliminary Finding Report (November 2019), i.e. oxidation ponds or trickling filter system.

It is once again evident that the EAP is deliberately and consciously withholding important information from the I&APs, which results in the EAP not being transparent and in support to the proposed development. It can thus be considered that the EAP is not acting independent from the developer, which results in a conflict of interest.

2. 2010 BRAKWATER BULK SERVICES MASTER PLAN & 2013 COW BRAKWATER COLLECTOR ROAD PLAN

In accordance with the mentioned Master Plan (Council Resolution 267/08/2012), the area of Nubuamis Hills West was specifically excluded from a portion size of smaller than 25ha and density higher than 1:5ha, for the reason/s that bulk infrastructure provision would be too

complicated to provide and be too expensive, which is a direct result of the (i) challenging terrain; and (ii) distance from the closest point of bulk infrastructure.

The proposed Brakwater Collector Road Plan of City of Windhoek (Council Resolution 281/09/2013) equally does not provide for any planned roads into the area of Nubuamis Hills West to the area of the proposed Eben-Ezer Township Development, for exactly the same reasons as stated above and considered by the 2010 Brakwater Bulk Services Master Plan.

The City of Windhoek (CoW) is thus of the opinion that any development exceeding a density of 1:5ha will be too expensive to service and thus not part of the CoW's development plan for the particular area. This results in the infrastructure provision to become the responsibility of the Developer.

From the communication document dated 28 August 2020 (Harmonic Town Planning Consultants cc) (see attached Appendix A to the letter dated 11 September 2020 – Appendix A to this communication), the proposed Eben-Ezer Township development will be inter-connected with the Okuryangava Township and will also be accessible through Omuvapu Street, located to the south of Nubuamis Hills. No reference to any other access road was given. **Yet, from the township layout** (no drawing number appears on your township layout, apart from the date 20 February 2020 that can be used as reference) **it is evident that additional accesses are in actual fact planned to the north** (two access points) over Ptn. 64/53/37 and Ptn. 53/12/37, but not stated. On further investigation it was discovered that an Engineering Preliminary Finding Report (November 2019) exists, which was never communicated to any person. **This particular Report was also not distributed to the neighbouring property owners or any other affected I&AP during this EIA process.**

These two mentioned northerly access points are assumed to form part of the 'proposed access road 2', as defined by the Engineering Preliminary Finding Report (November 2019), which is Arterial Road 8 (2010 Brakwater Bulk Services Master Plan) extending from the B1 (area of weighbridge) westwards into Nubuamis Hills.

As per the mentioned Master Plan, the existing road (referred to as Arterial Road 8) was incorporated as a single lane per direction, terminating at Portion 54/12/37, which is some distance from the proposed Eben-Ezer Township Development (see attached Appendix B to the letter dated 11 September 2020). **The reason for the single lane per direction design is based on the very challenging terrain (i.e. cost and safety) and neighbouring private land that will be affected (cost and time) by any design larger than the single lane per direction.**

Considering that the current 3m-wide road is already considered to pose a traffic safety concern, the proposed 6m-wide road (Engineering Preliminary Finding Report - November 2019) **WILL NOT be able to overcome this very important traffic safety concern. It is believed that a much larger road servitude would be required of a much straighter alignment to overcome this traffic safety concern. This again has enormous cost implications and will require a lot of time, as private land will be directly affected.**

The single most important reason why this road was to remain a single lane per direction and terminates at Portion 54/12/37 was for traffic safety reasons. By extending this road further

west and adding additional traffic, IT WILL CAUSE AN INCREASED TRAFFIC SAFETY RISK, which DOES NOT MAKE SENSE from both a responsible town planning and engineering perspective.

Contrary to the belief of Harmonic Town Planning Consultants cc and euphemised in the Engineering Preliminary Finding Report (November 2019), 'proposed access road 2' (as termed in the mentioned engineering report) **is not a safe, viable and/or workable option** and should from our point of view have been classified accordingly. The particular 'proposed access road 2' **is not capable of safely handling any more traffic than the current volumes, which makes this road NEITHER SUITABLE nor VIABLE.**

It is believed that 'proposed access road 1' poses very similar challenges as that of 'proposed access road 2', although not as severe, but has the added challenge of having to relocate informal settlers.

It is evident that neither 'proposed access road 2' nor 'proposed access road 1' is suitable or viable, for the reasons presented above, which underscores the findings of the 2010 Brakwater Bulk Services Master Plan and the 2013 Brakwater Collector Road Plan of City of Windhoek, that the area of Nubuamis Hills West is NOT suitable or viable for any high density developments and associated higher order roads.

3. BRAKWATER LAND USE POLICY AND POLICY GUIDELINES (2002-02-20) & LAND USE DEVELOPMENT GUIDELINES (2013)

The area of Nubuamis Hills (defined as Zone A2: Nubuamis Hills West within the mentioned Policy) is earmarked for low density (1:5ha minimum), high income residential use of not smaller than 25ha in size. This guideline was introduced based on the low density land use that is common throughout the Nubuamis Hills area, which again was determined by the challenging terrain conditions restricting affordable bulk service provision.

The majority of the existing residents of Nubuamis Hills West have located and invested millions of dollars within the area for the exclusive purpose to live within nature, within an area supporting very low densities and minimal disturbance to nature.

The Policy and Guidelines explicitly **prohibit** any other land uses, other than **low density residential** with a **density of 1:5ha** and a **minimum size of 25ha**, which is a far cry from the proposed excessive high densities (i.e. >1:500m²) and land uses of the proposed Eben-Ezer Township development. The extremely low density and agricultural nature of the Nubuamis Hills area is supported by the Policy and Guidelines, providing for these agricultural activities as a consent to the primary activity of residential.

It is evident that the town planner, Harmonic Town Planning Consultants cc, disregarded the Brakwater Land Use Policy and Policy Guidelines (2002) & Land Use Development Guidelines (2013) by proposing a township development contradicting every aspect of the mentioned Policy and Guideline. It raises the question of why such policies exist, if it is not considered and respected by professionals advising their clients. What is further interesting is that Mr. H. Kisting of Harmonic Town Planning Consultants cc was in actual fact the person responsible for

developing and sourcing Council approval for this Brakwater Land Use Policy and Policy Guidelines (2002) during his employment with the City of Windhoek at the time.

The guidelines stipulated by both the Policy (2002) and Guidelines (2013) are equally applicable today as 10 years back, as the natural conditions of the Nubuamis Hills West area on which these town planning and engineering guidelines was based DID NOT CHANGE.

The area to the south of Nubuamis Hills, Windhoek Townlands, is equally undeveloped and characterised by large open areas. Similar to the Nubuamis Hills area, this area is mountainous and poses the same challenges as the Nubuamis Hills area with respect to service provision. The cost to develop and provide developable land within this mountainous area would be too costly. It can thus be expected that this mountainous area will remain a natural buffer between the low income informal developments and Nubuamis Hills. **To force-in a high density township development, such as the proposed Eben-Ezer township, amongst these large-open areas is contradicting the essence of the existence of such a low density developed area, determined by the natural features, i.e. mountainous area and conservation value.**

A matter of concern to the community, although not directly related to the proposed Eben-Ezer Township development, is the fact that the initial Portion 55/12/37 was rezoned to a density of 1:5ha, which contradicted the minimum portion size of 25ha. This matter is being investigated separately to establish how this was approved and if the correct legal procedure was followed.

Given the subdivision of Ptn. 55/12/37 into Ptns. 181, 182, 183 and the Remainder of Ptn. 55/12/37, AND NOW the consolidation again for township establishment purposes, it is evident that the owners never bought the property (Ptn. 55/12/37) with the purpose to remain within the status and respect the low density nature of the area that they have bought into. **IT IS EVIDENT THAT THE OWNERS ARE INTERESTED IN FINANCIAL GAIN TO THE DETRIMENT OF OTHERS, WHILE ALL POLICIES REFER TO THE AREA AS A LOW DENSITY DEVELOPMENT AREA.**

Find attached as Appendix C to the letter dated 11 September 2020 a summary of ideas proposed to CoW in 2012 for productive use of the 'border area' between Nubuamis Hills and Katutura, in support to the low density status and continuation of the immediate surroundings.

The mentioned Policy and Guidelines further state that conservation of natural systems should be encouraged, which is supported and in line with the current low density nature and non-feasible and high development cost. In line with the mentioned Policy and Guidelines, various property owners within the area established a nature conservation area, i.e. Windhoek Nature Conservation Partnership, having the purpose of protecting the indigenous fauna and flora (see attached Appendix E).

The proposed Eben-Ezer Township development WILL be counterproductive in achieving and maintaining conservation within this area, considering improved and increased access into the area, which is not wanted by the existing residents. Township developments pose various negative impacts of which pollution and removal of natural vegetation is only a few.

4. RIGHT OF WAY SERVITUDES

From the proposed township layout (no drawing number appears on the township layout, apart from the date 20 February 2020 that can be used as reference), Harmonic Town Planning Consultants cc have failed to consider the existing and registered right of way servitude passing over Portions 183/55 and the Rem. Ptn. 55/37 (see attached as appendix E1 and appendix E2 to the letter dated 11 September 2020) providing access to the neighbouring land portions to the west.

The proposed township layout (see attached as appendix A to the letter dated 11 September 2020) will result in cutting off access to the portions located to the west and north-west of the proposed township, which would not be supported by the authorities. Alternative access servitude will have to be considered and negotiated with those property owners affected, which first needs to be concluded before any decision can be taken by the authorities.

This is a very basic and crucial aspect to town planning omitted from the side of Harmonic Town Planning Consultants cc.

The township layout of the proposed Eben-Ezer Township development is accordingly legally flawed and cannot be supported by the authorities.

5. SENSITIVE ECOLOGY

The particular area is known to have a sensitive ecology, which best coexists with low density residential developments (2010 Brakwater Bulk Service Master Plan & 2009 CoW Biodiversity Inventory & 2004 CoW Environmental Structure Plan).

The mountains and rocky outcrops are inhabited by several rare and /or endemic plant species, such as *Ficus cordata, Ozoroa crassinervia, Combretum apiculatum, Steganotaenia araliacea and Dombeya rotundifolia.* The project area has a number of protected plant species, such as *Acacia erioloba, Boscia albitrunca, Maerua schinzii, Aloe littoralis*; and *Albizia anthelmentica.*

Thus the sensitivity of the rocky outcrops and the high mountains in the Nubuamis Hills area were rated HIGH Sensitive as a result of the steep slopes, presence of protected and rare plants, diverse micro-climate and habitats, which are seen as contributing to the high biodiversity and endemism (2010 Brakwater Bulk Service Master Plan & & 2009 CoW Biodiversity Inventory & 2004 CoW Environmental Structure Plan). The 2010 Brakwater Bulk Service Master Plan classifies the soils within the area as 'high' in sensitivity (i.e. erosion risk and loss of topsoil with resulting loss of sensitive habitats).

The Brakwater Land Use Policy and Policy Guidelines (2002-02-20) and Land Use Development Guidelines (2013) state clearly that conservation of natural systems should be encouraged, that natural qualities of the landscape be conserved, that hilltops and slopes and watercourses be conserved. In line with the mentioned Policy and Guidelines, various property owners within the area established a nature conservation area, i.e. Windhoek Nature Conservation Partnership, having the purpose of protecting the indigenous fauna and flora (see attached Appendix E).

The proposed high density township, which is totally out of place, scale and sense, will have a negative impact on this sensitive ecology and in actual fact result in a destruction of the

landscape, of the hilltops, slopes and watercourses. Destruction of the natural ecology and disregard for the Policy has already happened on-site as the entire area earmarked for development has been cleared, as evident from the attached photos (see attached Appendix F to the letter dated 11 September 2020). This action of removal of an entire ecology, inclusive of indigenous trees and shrubs, is a violation of the City of Windhoek's Town Planning Scheme, the CoW's Environmental Structure Plan (2004) and various National Legislation (i.e. Forest Act, 12 of 2001, as amended; Nature Conservation Ordinance 4 of 1974 and Nature Conservation Amendment Act, 3 of 2017; Soil Conservation Act, 76 of 1969; and Atmospheric Pollution Prevention Ordinance, No. 11 of 1976).

It is clear that there is a total disregard from the side of the landowners towards the natural environment and the CoW's Policy following their actions to clear the entire site of any evidence of natural habitats protected by law. This was done prior to an environmental clearance certificate being obtained, which further violates the Environmental Management Act (No. 7 of 2007).

Considering the sensitive ecological environment and the potential negative impacts that such a township development pose, it is once again evident and clear that the proposed Eben-Ezer Township development is totally out of place, scale and has no respect for the sense of the surrounding natural value.

6. SENSE OF PLACE

The area of Nubuamis Hills is defined by large open areas of a farm-like nature having an extremely low density (i.e. 1:25ha), being the epitome of rural living within a peaceful and tranquil environment. This is a direct result of the topographical nature (i.e. hilly terrain) of the area of Nubuamis Hills, as defined and considered in the 2010 Brakwater Bulk Services Master Plant, Brakwater Land Use Policy and Policy Guidelines (2002) & Land Use Development Guidelines (2013).

The information made available by the EAP conveniently and purposefully do not state the amount of dwellings that can be developed as part of the proposed Eben-Ezer township development, nor the scale of this proposed development.

Considering that a total of 403 dwellings (i.e. houses) can be constructed, apart from the institutional and business developments, the real density of this development is higher than 1:500m², which is not even close to the 1:25ha density proposed by the Brakwater Land Use Policy and Policy Guidelines (2002) & Land Use Development Guidelines (2013).

A township development with a density of greater than 1:500m² within an area with a density of 1:25ha WILL UNDOUBLE HAVE A DEVASTATING NEGATIVE IMPACT ON THE SENSE OF PLACE AND CHARACTER OF THE NUBUAMIS HILLS WEST AREA.

With a total amount of 605 vehicles (1.5 vehicle per dwelling), excluding those generated by the businesses and the institutional activities, the tranquillity of the larger Nubuamis Hills area will be severely negatively affected, not to mentioned the increased risk to traffic and pedestrian safety. **If the traffic from the institutional activity (i.e. school) and business activities are considered, a**

total of ± 800 vehicles per day can be expected, which is a far cry from the current extremely low volume traffic and resulting minimal impact.

The proposed township development is totally out of place and out of scale. The portions on which the proposed township is planned are currently surrounded by large portions of vacant land of a very low development density, with limited infrastructure.

As there is a right and value to live within densely urban areas, **an equal right is held by others who prefer the farm-like style of living within nature.** This type of lifestyle is the primary reason for the current landowners residing within the particular part of the larger Brakwater, who invested a lifetime and millions of Namibian Dollars.

The area to the south of Nubuamis Hills and even within the larger Brakwater provides for available and much more affordable land with existing bulk infrastructure access, which is far more suitable and cost effective for higher density developments.

7. SERVICE PROVISION

The Background Information Document provides almost no information with respect to services apart from mentioning it.

In accordance with the Brakwater Bulk Services Master Plan (Council Resolution 267/08/2012), **which both Harmonic Town Planning Consultants cc and/or the appointed EAP conveniently disregard,** the area of Nubuamis Hills West was specifically excluded from any portion size of smaller than 25ha and density higher than 1:5ha, for the reason/s that bulk infrastructure provision would be too complicated to provide and be too expensive, which is a direct result of the (i) challenging terrain; and (ii) distance from the closest point of bulk infrastructure.

The EAP will have to investigate the real impact/s expected as a result of the various bulk infrastructure systems associated with a development of this nature. **Bulk infrastructure holds a great negative impact to both the resource (currently in scares supply) and the receiving environment (i.e. pollution; health, safety, visual, disturbance to sense of place), which currently does not exists within this particular area of Nubuamis Hills West.**

Sewer Waters

The proposed sewer treatment indicated in the EAP's Background Information Document, i.e. septic tanks) differs from what was proposed by the Engineering Preliminary Finding Report (November 2019), i.e. oxidation ponds or trickling filter system.

The servicing of a development's sewer demand by means of septic tanks poses various challenges, as septic tanks need to be pumped on a regular basis. A development of this nature can generate up to 272,250m² sewer per day (i.e. 605 dwellings x 3 people per dwelling x 150l/p/d), which requires pumping by means of trucks.

The EAP's proposed septic tank solution, i.e. pumping and transport of 272,250m² of sewer per day, is neither feasible nor viable. It is clear that the EAP is not aware of the extent and complexity of sewer waters and the proper handling thereof as part of a development of this scale

and nature. Wastewater treatment and the sustainable management thereof should be investigated and assessed as part of the environmental assessment, as this particular service holds a huge negative impact on both the immediate and downstream social and natural environment, as well as the sense of place and low density development.

The wastewater solutions as proposed by the Engineering Preliminary Finding Report (November 2019), is either municipal sewer ponds or trickling filter system. Where and how either of these solutions will be accommodated within the proposed development is not known, as the **proposed township layout does not provide for land suitable to cater for either of the wastewater solutions.**

Seepage from septic tanks holds a great risk to underground and downstream water resources, which would have been raised as a serious concern from the side of NAMWATER, should they have been consulted as part of the public consultation process.

Proper management of these facilities is a huge problem throughout the Country, which has proofed to be a huge problem holding serious environmental and social impacts. Bulk sewer systems, i.e. municipal sewer ponds or trickling filter systems pose a variety of negative impacts, i.e. health and safety, odours and announce caused by insects, pollution of surface and underground water resources and soils, visual disturbance, degradation of land value, to mention a few.

The environmental impact assessment will have to investigate how sewer waters can be handled and treated effectively and within a sustainable manner without negatively affecting the immediate and downstream resources over the short and long terms.

IT IS EVIDENT THAT VERY LITTLE THOUGHT HAS WENT INTO THE REAL IMPACT OF THE PROPOSED TANK SYSTEM, AS IT CANNOT WORK AS A SUSTAINABLE SOLUTION AND HOLDS THE POTENTIAL OF AN ENVIRONMENTAL DISASTER. IT IS EQUALLY EVIDENT THAT THE DEVELOPER IS SHYING AWAY FROM PROVIDING THIS EXPENSIVE SERVICE AS PART OF THE PROPOSED DEVELOPMENT, BY PROPOSING SEPTIC TANKS COMPARED TO THE SOLUTIONS PROPOSED FROM THE SIDE OF ENGINEERING PRELIMINARY FINDING REPORT (NOVEMBER 2019).

Potable Water

Apart from stating that *'there is reliable water supply from CoW'*, no further information exists, **which is also considered an incorrect and uniformed statement from the side of the EAP, as the Engineering Preliminary Finding Report (November 2019) explicitly states that the existing potable water infrastructure extending towards Nubuamis Hills is not capable of supplying this development.**

As stated in the Engineering Preliminary Finding Report (November 2019), the proposed development is expected to place an additional demand of 680,000l per day on the water supply infrastructure and resources. To be able to supply in the daily demand infrastructure of much greater capacity than what is currently available within Nubuamis Hills will have to be developed. It can be expected that a dedicated bulk water supply pipe, pump stations and reservoir will have to be constructed for purpose of this development. **This will contribute to having an increased**

negative impact on the low density and predominantly natural receiving environment. The elevated water tower of 18m would have a significant visual impact within this low density environment having no bulk infrastructure.

Water supply to the Central Parts of the Country, i.e. Windhoek area, is under great pressure and the current water resources is not able to supply in the existing demand, let alone the growing demand of which this Eben-Ezer development forms part of.

The environmental impact assessment will have to consider the current water supply shortage, as well as how the future demand (inclusive of the Eben-Ezer development) will be sustainable be supply with potable water without negatively impacting the existing users/tax payers. This impact will also have to be considered cumulatively with respect to other developments planned within Windhoek and how all the mentioned will affect security of water supply.

Electricity

Apart from stating that *'There is an existing powerline in proximity to the development'*, no more information is provided, i.e. is there sufficient capacity or not and how electricity will be supplied.

The Engineering Preliminary Finding Report (November 2019) indicates that the existing NamPower electrical supply line is not sufficient to supply the proposed development. It is proposed that a new substation should be developed.

How this will be done and where the substation will be developed is not stated, nor is there any information provided with respect to the capacity of supply and overhead lines' design. The **proposed township layout does not provide for land suitable to cater for an electrical substation.**

Electrical substations and overhead powerlines will have a huge negative visual impact within this currently low development area. Substations are known to result in the decrease of land value due to the health related impacts and visual disturbances. Power lines on the other end will have negative impacts on avifauna, which again counters the goal of having a large conservation area within this low density natural environment.

8. CRIME, SAFETY AND LAND VALUE

It is a well-known fact that increased and improved access into an area 'supports' crime and reduces safety, which ultimately also results in the devaluation of land.

Equally known, is that out-of-scale and places of higher density developments within lower density areas are also having a negative effect on land value, as the value of lower density areas are fundamentally their low density nature and sense of place.

Bulk infrastructure takes-up large portions of land and towers into the sky, which impact negatively on land value and sense of place. Health, safety, nuisance, etc. are all negative impacts associated with bulk infrastructure, which within the currently very low density natural environment will have a devastating negative impact.

The current value of land within the Nubuamis Hills area is a direct result of this low density development status, defined by large natural open areas, which is a sought-after lifestyle too many, which also have the right to this in-nature living.

Since most of the terrain of the area is not suitable for higher density occupation, it would not be possible for neighbouring property-owners to follow suit by converting to this type of development - particularly since many of the neighbouring properties are even steeper than the site of the proposed development. **Thus, allowing the proposed development by a single property-owner outside the current zoning would render the neighbouring properties unattractive for low-density occupation while they remain unsuitable for higher-density occupation – thereby reducing their value catastrophically and serving no sensible town planning purpose.**

The proposed township will pose a direct treat to safety and security during both the construction and operational phase, and cause devaluation in surrounding property values.

9. COMMUNITY SUPPORT

The surrounding property owners **are not in support** of the proposed Eben-Ezer Township development nor the 'proposed access road 2', for the reasons stated within this communication and other to be considered as part of this objection. Find attached as Appendix G to the letter dated 11 September 2020 (Appendix A), the list of **31 objectors** opposing the proposed township development of Eben-Ezer and 'proposed access road no 2'. **The number of objectors represents 87% of the Nubuamis Hills residents.**

The owners of Ptn. 64/53/37 and Ptn. 53/12/37, over which access is planned for the Eben-Ezer Township Development (see attached Appendix A to the letter dated 11 September 2020), are also objecting to the proposed Eben-Ezer Township development (attached as Appendix G to the letter dated 11 September 2020 [Appendix A]).

CONCLUSION

It is evident that the proposed Eben-Ezer Township development was not properly thought through and does not consider existing Policies, natural and terrain challenges, the sense of place or the character and sensitivity of the surrounding receiving environment. **NOT A SINGLE POLICY OR THE NATURAL AND PHYSICAL ENVIRONMENT SUPPORTS WHAT IS BEING PLANNED. THE PROPOSED EBEN-EZER TOWNSHIP DEVELOPMENT CAN ACCORDINGLY BE ARGUED AS IRRESPONSIBLE FROM A TOWN PLANNING AND ENGINEERING PERSPECTIVE.**

It is worth highlighting that the Brakwater Land Use Policy and Policy Guidelines (2002-02-20), Land Use Development Guidelines (2013) and the 2010 Brakwater Bulk Services Master Plan were all the products of widespread consultation by residents who are by and large still occupying the same plots – particularly in NH West. **An exercise initiated by a single plot-owner which avoided proper consultation should not be allowed to overrule a process initiated by the CoW with proper and intensive public consultation and thorough analysis of the environment, the terrain and the feasibility of bulk service provision.**

It is clear and evident that Harmonic Town Planning Consultants cc totally disregarded the 2010 Brakwater Bulk Services Master Plan, the 2013 Brakwater Collector Road Plan of City of Windhoek, Brakwater Land Use Policy and Policy Guidelines (2002-02-20), the Land Use Development Guidelines (2013), City of Windhoek's Public Consultation Policy for Development (2018) and registered access servitudes when advising their client on the viability and feasibility of the proposed development. **THIS IS CONSIDERED IRRESPONSIBLE PLANNING WITH NO CONSIDERATION OR RESPECT TO EXISTING LAWS OR THE RIGHTS OF RESIDENTS LIVING WITHIN THE FRAMEWORK OF THESE VERY SAME LAWS.**

Considering that a total of 403 dwellings (i.e. houses) can be constructed, apart from the institutional and business developments, the real density of this development is higher than 1:500m², which is not even close to the 1:25ha density proposed by the Brakwater Land Use Policy and Policy Guidelines (2002) & Land Use Development Guidelines (2013). A township development with a density of greater than 1:500m² within an area with a density of 1:25ha WILL UNDOUBLE HAVE A DEVASTATING NEGATIVE IMPACT ON THE SENSE OF PLACE AND CHARACTER OF THE NUBUAMIS HILLS AREA.

Bulk infrastructure takes-up large portions of land and towers into the sky, which impact negatively on land value and sense of place. Health, safety, nuisance, etc. are all negative impacts associated with bulk infrastructure, which within the currently very low density natural environment will have a devastating negative impact. Proper management of these facilities is a huge problem throughout the Country, which has proofed to be a huge problem holding serious environmental and social impacts.

Contrary to the belief of Harmonic Town Planning Consultants cc and euphemised in the Engineering Preliminary Finding Report (November 2019), 'proposed access road 2' (as termed in the mentioned engineering report) is not a safe, viable and/or workable option and should from our point of view have been classified accordingly. The particular 'proposed access road 2' is not capable of safely handling any more traffic than the current volumes, which makes this road NEITHER SUITABLE nor VIABLE.

The so called public consultation was poorly done, not in line with the applicable Policy and speaks of an intended malicious agenda to avoid involvement of the community. This is evidenced by the fact that Harmonic Town Planning Consultants cc did not consult the neighbours in advance of designing the township layout and/or prior to submitting their application with the City of Windhoek, **which was again the modes operandi of the appointed environmental assessment practitioner.**

Various conflicts exist between the information presented in the Background Information Document and the Engineering Preliminary Finding Report (November 2019), which leaves the I&APs unsure of what is really intended from the side of the developer. Certain information available from the Engineering Preliminary Finding Report (November 2019) was withheld from the I&APs, while the public was never informed of the existence and availability of the Engineering Preliminary Finding Report (November 2019).

It is once again evident that the EAP is deliberately and consciously withholding important information from the I&APs, which results in the EAP not being transparent and in support to

the proposed development. It can thus be considered that the EAP is not acting independent from the developer, which results in a conflict of interest.

It is clear that there is a total disrespect from the side of the land owners (Ptn. 55/12/37 into Ptns. 181, 182, 183 and the Remainder of Ptn. 55/12/37) towards the natural environment and disregard for the CoW's Policy following their actions to clear the entire site of any evidence of natural habitats protected by law. This was done prior to an environmental clearance obtained, which further violates the Environmental Management Act (No. 7 of 2007).

Given the subdivision of Ptn. 55/12/37 into Ptns. 181, 182, 183 and the Remainder of Ptn. 55/12/37, AND NOW the consolidation again for township establishment purposes, it is evident that the owners never bought the property (Ptn. 55/12/37) with the purpose to remain within the status and respect the low density nature of the area that they have bought into. **It is evident that the owners are interested in financial gain to the detriment of others, while all Policies refer to the area as a low density development area.**

IT IS CLEAR THAT THE PROPOSED EBEN-EZER TOWNSHIP DEVELOPMENT DOES NOT BELONG OR SUPPORT THE CHARACTER AND NATURE OF THE LOW DENSITY NUBUAMIS HILLS AREA, BUT INFRINGES AND INTENDS TO DESTROY THE LOW DENSITY FARM-LIKE LIVING CHARACTER, WHICH IS SUCH AS A RESULT OF THE TERRAIN CONDITIONS, NATURAL AMENITY AND INFRASTRUCTURE CHALLENGES.

We trust that the above concern and objection from the side of the Nubuamis Hills community will be considered to the benefit of the natural environment and concerned community of Nubuamis Hills.

Please provide our office and all registered I&APs with a complete Scoping Report with attachments for review and comment before submitting with the Competent Authority and the Office of the Environmental Commissioner.

Yours faithfully,

Brand van Zyl (NCTRP)
On Behalf of the Concerned Community

APPENDIX A

URBAN Green cc
Town and Regional Planning Consultants
Environmental Management Consultants

11 September 2020

The Director
Harmonic Town Planning Consultants cc
PO Box 3216
Windhoek

Attention: Mr. H. Kisting,

RE: PROPOSED EBEN-EZER TOWNSHIP DEVELOPMENT (NUBUAMIS HILLS WEST), BRAKWATER, WINDHOEK

Our office has been appointed to act on behalf of the neighbouring property owners, objecting to the proposed Eben-Ezer Township development (Nubuamis Hills).

It is worth noting at the onset that none of the neighbouring property owners or the larger community received any documentation/information from the office of Harmonic Town Planning Consultants cc in respect to the proposed development, which is a requirement in accordance with the Public Consultation Policy for Development Applications (348/11/2018) and an instruction from the side of the City of Windhoek (*pers. Comm. Mr. V. Endjala*).

1. 2010 Brakwater Bulk Services Master Plan & 2013 CoW Brakwater Collector Road Plan

In accordance with the mentioned Master Plan (Council Resolution 267/08/2012), the area of Nubuamis Hills West was specifically excluded from any portion size of smaller than 25ha and density higher than 1:5ha, for the reason/s that bulk infrastructure provision would be too complicated to provide and be too expensive, which is a direct result of the (i) challenging terrain; and (ii) distance from the closest point of bulk infrastructure.

The proposed Brakwater Collector Road Plan of City of Windhoek (Council Resolution 281/09/2013) equally does not provide for any planned roads into the area of Nubuamis Hills West to the area of the proposed Eben-Ezer Township Development, for exactly the same reasons as stated above and considered by the 2010 Brakwater Bulk Services Master Plan.

From the communication document dated 28 August 2020 (Harmonic Town Planning Consultants cc) (see attached Appendix A), the proposed Eben-Ezer Township development will be inter-connected with the Okuryangava Township and will also be accessible through Omuvapu Street, located to the south of Nubuamis Hills. No reference to any other access road was given. **Yet, from the township layout** (no drawing number appears on your township layout, apart from the date 20 February 2020 that can be used as reference) **it is evident that additional accesses are in actual fact planned to the north** (two access points) over Ptn. 64/53/37 and Ptn. 53/12/37, but not stated. On further investigation it was discovered that an Engineering Preliminary Finding Report (November 2019) exists, which was never communicated to any person.

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No. 40, Berg Street
Klein Windhoek

These two mentioned northerly access points are assumed to form part of the 'proposed access road 2', as defined by the Engineering Preliminary Finding Report (November 2019), which is Arterial Road 8 (2010 Brakwater Bulk Services Master Plan) extending from the B1 (area of weighbridge) westwards into Nubuamis Hills.

As per the mentioned Master Plan, the existing road (referred to as Arterial Road 8) was incorporated as a single lane per direction, terminating at Portion 54/12/37, which is some distance from the proposed Eben-Ezer Township Development (see attached Appendix B). **The reason for the single lane per direction design is based on the very challenging terrain (i.e. cost and safety) and neighbouring private land that will be affected (cost and time) by any design larger than the single lane per direction.**

Considering that the current 5m-wide road is already considered to pose a traffic safety concern, the proposed 6m-wide road (Engineering Preliminary Finding Report - November 2019) **WILL NOT be able to overcome this very important traffic safety concern**. It is believed that a much larger road servitude would be required of a much straighter alignment to overcome this traffic safety imperative. This again has enormous cost implications and will require a lot of time as private land will be directly affected.

The single most important reason why this road was to remain a single lane per direction and terminates at Portion 54/12/37 was for traffic safety reasons. By extending this road further west and adding additional traffic, IT WILL CAUSE AN INCREASED TRAFFIC SAFETY RISK, which DOES NOT MAKE SENSE from both a responsible town planning and engineering perspective.

Contrary to the belief of Harmonic Town Planning Consultants cc and euphemised in the Engineering Preliminary Finding Report (November 2019), 'proposed access road 2' (as termed in the mentioned engineering report) **is not a safe, viable and/or workable option** and should from our point of view have been classified accordingly. The particular 'proposed access road 2' **is not capable of safely handling any more traffic than the current volumes, which makes this road NEITHER SUITABLE nor VIABLE.**

It is believed that 'proposed access road 1' poses very similar challenges as that of 'proposed access road 2', although not as severe, but has the added challenge of having to relocate informal settlers.

It is evident that neither 'proposed access road 2' nor 'proposed access road 1' is suitable or viable, for the reasons presented above, which underscores the findings of the 2010 Brakwater Bulk Services Master Plan and the 2013 Brakwater Collector Road Plan of City of Windhoek, that the area of Nubuamis Hills West is NOT suitable or viable for any high density developments and associated higher order roads.

2. Brakwater Land Use Policy and Policy Guidelines (2002-02-20) & Land Use Development Guidelines (2013)

The area of Nubuamis Hills (defined as Zone A2: Nubuamis Hills West within the mentioned Policy) is earmarked for low density (1:5ha minimum), high income residential use of not smaller than 25ha

in size. This guideline was introduced based on the low density land use that is common throughout the Nubuamis Hills area, which again was determined by the challenging terrain conditions restricting affordable bulk service provision.

The Policy and Guidelines further state that conservation of natural systems should be encouraged, which is supported and in line with the current low density nature. Urban sprawl at high densities, such as the proposed Eben-Ezer Township development WILL be counterproductive in achieving and maintaining conservation.

The Policy and Guidelines explicitly **prohibit** any other land uses, other than **low density residential** with a **density lower than 1:5ha** and a **minimum size of 25ha**, which is a far cry from the proposed excessive high densities and land uses of the proposed Eben-Ezer Township development. The agricultural nature of the Nubuamis Hills area is supported by the Policy and Guidelines, providing for these agricultural activities as a consent to the primary activity of residential.

It is evident that Harmonic Town Planning Consultants cc disregarded the Brakwater Land Use Policy and Policy Guidelines (2002) & Land Use Development Guidelines (2013) by proposing a township development contradicting every aspect of the mentioned Policy and Guideline. It raises the question of why such policies exist, if it is not considered and respected by professionals advising their clients. What is further interesting is that Mr. H. Kisting of Harmonic Town Planning Consultants cc was in actual fact the person responsible for developing and sourcing Council approval for this Brakwater Land Use Policy and Policy Guidelines (2002) during his employment with the City of Windhoek at the time.

The guidelines stipulated by both the Policy (2002) and Guidelines (2013) are equally applicable today as 10 years back, as the natural conditions of the Nubuamis Hills West area on which these town planning and engineering guidelines was based DID NOT CHANGE.

The area to the south of Nubuamis Hills, Windhoek Townlands, is equally undeveloped and characterised by large open areas. Similar to the Nubuamis Hills area, this area is mountainous and poses the same challenges as the Nubuamis Hills area with respect to service provision. The cost to develop and provide developable land within this mountainous area would be too high for the low income market. It can thus be expected that this mountainous area will remain a natural buffer between the low income informal developments and Nubuamis Hills. **To force-in a high density township development, such as the proposed Eben-Ezer township, amongst these large open areas is contradicting the essence of the existence of such a low density developed area, determined by the natural features, i.e. mountainous area.**

A matter of concern to the community, although not directly related to the proposed Eben-Ezer Township development, is the fact that the initial Portion 55/12/37 was rezoned to a density of 1:5ha, which contradicted the minimum portion size of 25ha. This matter is being investigated separately to establish how this was approved and if the correct legal procedure was followed.

Given the subdivision of Ptn. 55/12/37 into Ptns. 181, 182, 183 and the Remainder of Ptn. 55/12/37, AND NOW the consolidation again for township establishment purposes, it is evident that the owners never bought the property (Ptn. 55/12/37) with the purpose to remain within the status and

respect the low density nature of the area that they have bought into. **It is evident that the owners are interested in financial gain to the detriment of others, while all Policies refer to the area as a low density development area.**

Find attached as Appendix C a summary of ideas proposed to CoW in 2012 for productive use of the 'border area' between Nubuamis Hills and Katutura, in support to the low density status and continuation of the immediate surroundings.

3. Public Consultation Policy for Development Applications (348/11/2018)

From our investigation with the CoW, the developer or his appointed town planner (Harmonic Town Planning Consultants cc) was instructed to consult and source the consent of the neighbouring property owners, as provided for in accordance with the City of Windhoek's 'Public Consultation Policy for Development – July 2018' (Council Resolution 348/11/2018).

It is shocking and disturbing that not a single neighbouring property owner received any direct communication from the offices of Harmonic Town Planning Consultants cc. Apart from Mrs. Dianne Hubbard receiving the attached document dated 28 August 2020 (see attached Appendix A) **from Mrs. N. Iyambo (co-owner), no other form of communication and/or consultation transpired. It is clear and evident that the City of Windhoek's 'Public Consultation Policy for Development' (July 2018) was NOT followed by Harmonic Town Planning Consultants cc.**

Should Harmonic Town Planning Consultants cc have consulted the owners of Ptn. 64/53/37 and Ptn. 53/12/37 prior to its township planning application with the CoW, the owners would have stated their objection at the time already.

Consultation with the 'neighbourhood' and also 'other parties', as required by the mentioned Policy, was evidently NOT done from the side of Harmonic Town Planning Consultants cc.

An email requesting more information on the proposed Eben-Ezer Township development and an explanation of the public consultation done was sent to Harmonic Town Planning Consultants cc on 7 September 2020 (see attached as Appendix D1), which was successfully delivered (see attached as Appendix D2). Following no feedback from Harmonic Town Planning Consultants cc after two days, it was assumed that the email hkisting@namibnet.com that appears on the proposed township layout map (see attached Appendix A) is not in use any more. An alternative email address was obtained and the email requests of 7 September 2020 accordingly sent to the new email address (see Appendix D3), which was also successfully delivered (see Appendix D4). Feedback received from Mr. H. Kisting (Harmonic Town Planning Consultants cc) contradicts the information obtained from the CoW with respect to the public consultation done/to be done.

From the feedback received from Mr. H. Kisting, the office of Harmonic Town Planning Consultants cc is still busy with the 'initial draft layout' (see attached as Appendix D5), yet a formal application for township establishment and subdivision was submitted with the CoW during 11 April 2018. In another correspondence from Mr. H. Kisting, it is stated that the owner (Mrs. N. Iyambo) is busy consulting the immediate neighbours, while Mrs. N. Iyambo only contacted Mrs. D. Hubbart. The consultation done by Mrs. N. Iyambo (see attached Appendix A) brings further confusion between

what was done, what is being done and what still needs to be done with respect to the required public consultation.

With a formal township and subdivision application already submitted with the CoW (11 April 2018) the requirement would have been to have completed the public consultation, yet the communication handed by Mrs. N. Iyambo to Mrs. D. Hubbart (see attached Appendix A) calls for comment with deadline 11 September 2020. Then there is also the statement from Mr. H. Kisting that Harmonic Town Planning Consultants cc will commence with the public engagement once the development concept (which has already been submitted to CoW) is refined.

Considering the very poor and improper consultation done with the neighbours, it can be concluded that the legal process of engagement and consultation was NOT done and accordingly needs to be done as stipulated by the City of Windhoek's 'Public Consultation Policy for Development – July 2018'.

What is equally disturbing is the fact that the communication dated 28 August 2020, deliberately makes no mention of the 'proposed access road 2' (Engineering Preliminary Finding Report - November 2019), which is considered a deliberate misrepresentation of the development.

The abovementioned actions or lack thereof from the side of Harmonic Town Planning Consultants cc can be considered malicious and with the aim of explicitly excluding community comment in support of approval for a township development that clearly does not belong nor enhance the receiving environment.

4. Right of Way Servitudes

From the proposed township layout (no drawing number appears on the township layout, apart from the date 20 February 2020 that can be used as reference), Harmonic Town Planning Consultants cc have failed to consider the existing and registered right of way servitude passing over Portions 183/55 and the Rem. Ptn. 55/37 (see attached as appendix E1 and appendix E2) providing access to the neighbouring land portions to the west.

The proposed township layout (see attached as appendix A) will result in cutting off access to the portions located to the west and north-west of the proposed township, which would not be supported by the authorities. Alternative access servitude will have to be considered and negotiated with those property owners affected, which first needs to be concluded before any decision can be taken by the authorities.

This is a very basic and crucial aspect to town planning omitted from the side of Harmonic Town Planning Consultants cc.

The township layout of the proposed Eben-Ezer Township development is accordingly legally flawed and would not be supported by the authorities.

5. Sensitive Ecology

The particular area is known to have a sensitive ecology, which best coexists with low density residential developments (2010 Brakwater Bulk Service Master Plan & 2009 CoW Biodiversity Inventory & 2004 CoW Environmental Structure Plan).

The mountains and rocky outcrops are inhabited by several rare and /or endemic plant species, such as *Ficus cordata, Ozoroa crassinervia, Combretum apiculatum, Steganotaenia araliacea and Dombeya rotundifolia.* The project area has a number of protected plant species, such as *Acacia erioloba, Boscia albitrunca, Maerua schinzii, Aloe littoralis*; and *Albizia anthelmentica.*

Thus the sensitivity of the rocky outcrops and the high mountains in the Nubuamis Hills area were rated HIGH Sensitive as a result of the steep slopes, presence of protected and rare plants, diverse micro-climate and habitats, which are seen as contributing to the high biodiversity and endemism (2010 Brakwater Bulk Service Master Plan & & 2009 CoW Biodiversity Inventory & 2004 CoW Environmental Structure Plan). The 2010 Brakwater Bulk Service Master Plan classifies the soils within the area as 'high' in sensitivity (i.e. erosion risk and loss of topsoil with resulting loss of sensitive habitats).

The Brakwater Land Use Policy and Policy Guidelines (2002-02-20) and Land Use Development Guidelines (2013) state clearly that conservation of natural systems should be encouraged, that natural qualities of the landscape be conserved, that hilltops and slopes and watercourses be conserved.

The proposed high density township, which is totally out of place, scale and sense, will have a negative impact on this sensitive ecology and in actual fact result in a destruction of the landscape, of the hilltops, slopes and watercourses. Destruction of the natural ecology and disregard for the Policy has already happened on-site as the entire area earmarked for development has been cleared, as evident from the attached photos (see attached Appendix F). This action of removal of an entire ecology, inclusive of indigenous trees and shrubs, is a violation of the City of Windhoek's Town Planning Scheme, the CoW's Environmental Structure Plan (2004) and various National Legislation (i.e. Forest Act, 12 of 2001, as amended; Nature Conservation Ordinance 4 of 1974 and Nature Conservation Amendment Act, 3 of 2017; Soil Conservation Act, 76 of 1969; and Atmospheric Pollution Prevention Ordinance, No. 11 of 1976).

It is clear that there is a total disregard from the side of the landowners towards the natural environment and the CoW's Policy following their actions to clear the entire site of any evidence of natural habitats protected by law. This was done prior to an environmental clearance certificate being obtained, which further violates the Environmental Management Act (No. 7 of 2007).

From our investigation with the CoW, to date no environmental clearance certificate exists for this proposed Eben-Ezer Township development, as required by the Environmental Management Act (No. 7 of 2007).

Considering the sensitive ecological environment and the potential negative impacts that such a township development pose, it is once again evident and clear that the proposed

Eben-Ezer Township development is totally out of place, scale and has no respect for the sense of the surrounding natural value.

6. Sense of Place

The area of Nubuamis Hills is defined by large open areas of a farm-like nature having an extremely low density (i.e. 1:25ha), being the epitome of rural living within a peaceful and tranquil environment. This is a direct result of the topographical nature (i.e. hilly terrain) of the area of Nubuamis Hills, as defined and considered in the 2010 Brakwater Bulk Services Master Plant, Brakwater Land Use Policy and Policy Guidelines (2002) & Land Use Development Guidelines (2013).

The proposed township development and 'proposed access road 2' will have a devastating effect on the Nubuamis Hills sense of place, currently defined by a very low density farm-like character.

The proposed township development is totally out of place and out of scale. The portions on which the proposed township are planned are currently surrounded by large portions of vacant land of a very low development density, with limited infrastructure

As there is a right and value to live within densely urban areas, an equal right is held by others who prefer the farm-like style of living within nature. This type of lifestyle is the primary reason for the current landowners residing within the particular part of the larger Brakwater, who invested a lifetime and millions of Namibian Dollars.

The area to the south of Nubuamis Hills and even within the larger Brakwater provides for available and much more affordable land with existing bulk infrastructure access, which is far more suitable and cost effective for higher density developments.

7. Crime, Safety and Land Value

It is a well-known fact that increased and improved access into an area 'supports' crime and reduces safety, which ultimately also results in the devaluation of land.

Equally known, is that out-of-scale and place higher density developments within lower density areas are also having a negative effect on land value, as the value of lower density areas are fundamentally their low density nature and sense of place.

The current value of land within the Nubuamis Hills area is a direct result of this low density development status, defined by large natural open areas, which is a sought-after lifestyle to many, which also have the right to this in-nature living.

Since most of the terrain of the area is not suitable for higher density occupation, it would not be possible for neighbouring property-owners to follow suit by converting to this type of development - particularly since many of the neighbouring properties are even steeper than the site of the proposed development. Thus, allowing the proposed development by a single property-owner outside the current zoning would render the neighbouring properties unattractive for low-density occupation while they remain unsuitable for higher-density occupation – thereby reducing their value catastrophically and serving no sensible town planning purpose.

The proposed township will pose a direct treat to safety and security during both the construction and operational phase, and cause devaluation in surrounding property values.

8. Community Support

The surrounding property owners **are not in support** of the proposed Eben-Ezer Township development nor the 'proposed access road 2', for the reasons stated within this communication. Find attached as Appendix G to this communication, the list of **31 objectors** opposing the proposed township development of Eben-Ezer and 'proposed access road no 2'. **The number of objectors represents 87% of the Nubuamis Hills residents.**

The owners of Ptn. 64/53/37 and Ptn. 53/12/37, over which access is planned for the Eben-Ezer Township Development (see attached Appendix A), are also objecting to the proposed Eben-Ezer Township development (attached as Appendix G).

Should Harmonic Town Planning Consultants cc have consulted the neighbours in advance of submitting the township establishment and subdivision application with the CoW this would have been known, which is assumed to be the reason why Harmonic Town Planning Consultants cc never consulted neither the neighbours nor the larger community.

Conclusion

It is evident that the proposed Eben-Ezer Township development was not properly thought through and does not consider existing Policies, natural and terrain challenges, the sense of place or the character and sensitivity of the surrounding receiving environment. **Not a single Policy or the natural and physical environment supports what is being planned. The proposed Eben-Ezer Township development can accordingly be argued as irresponsible from a town planning and engineering perspective.**

It is clear and evident that Harmonic Town Planning Consultants cc totally disregarded the 2010 Brakwater Bulk Services Master Plan, the 2013 Brakwater Collector Road Plan of City of Windhoek, Brakwater Land Use Policy and Policy Guidelines (2002-02-20), the Land Use Development Guidelines (2013), City of Windhoek's Public Consultation Policy for Development (2018) and registered access servitudes when advising their client on the viability and feasibility of the proposed development. **This is considered irresponsible planning with no consideration or respect to existing laws or the rights of residents living within the framework of these very same laws.**

Contrary to the belief of Harmonic Town Planning Consultants cc and euphemised in the Engineering Preliminary Finding Report (November 2019), 'proposed access road 2' (as termed in the mentioned engineering report) **is not a safe, viable and/or workable option** and should from our point of view have been classified accordingly. The particular 'proposed access road 2' **is not capable of safely handling any more traffic than the current volumes, which makes this road NEITHER SUITABLE nor VIABLE.**

The so called public consultation was poorly done, not in line with the applicable Policy and speaks of an intended malicious agenda to avoid involvement of the community. This is evidenced by the fact that Harmonic Town Planning Consultants cc did not consult the neighbours in advance of

designing the township layout and/or prior to submitting their application with the City of Windhoek. It is only now after the community has become aware of the proposed Eben-Ezer Township development that public consultation will apparently be done. The question remains, why not beforehand, as required by law.

Should Harmonic Town Planning Consultants cc have consulted the neighbours in advance of submitting the township establishment and subdivision application with the CoW this would have been known, which is assumed the reason why Harmonic Town Planning Consultants cc never consulted neither the neighbours nor the larger community.

It is worth highlighting that the Brakwater Land Use Policy and Policy Guidelines (2002-02-20), Land Use Development Guidelines (2013) and the 2010 Brakwater Bulk Services Master Plan were all the products of widespread consultation by residents who are by and large still occupying the same plots – particularly in NH West. **An exercise initiated by a single plot-owner which avoided proper consultation should not be allowed to overrule a process initiated by the CoW with proper and intensive public consultation and thorough analysis of the environment, the terrain and the feasibility of bulk service provision.**

It is clear that there is a total disrespect from the side of the owners towards the natural environment and disregard for the CoW's Policy following their actions to clear the entire site of any evidence of natural habitats protected by law. This was done prior to an environmental clearance obtained, which further violates the Environmental Management Act (No. 7 of 2007).

Given the subdivision of Ptn. 55/12/37 into Ptns. 181, 182, 183 and the Remainder of Ptn. 55/12/37, AND NOW the consolidation again for township establishment purposes, it is evident that the owners never bought the property (Ptn. 55/12/37) with the purpose to remain within the status and respect the low density nature of the area that they have bought into. **It is evident that the owners are interested in financial gain to the detriment of others, while all Policies refer to the area as a low density development area.**

It is clear that the proposed Eben-Ezer Township development does NOT belong or support the character and nature of the low density Nubuamis Hills area, but infringes and intends to destroy the low density farm-like living character, which is such as a result of the terrain conditions, natural amenity and infrastructure challenges.

We trust that the above concern and objection from the side of the Nubuamis Hills community will be considered to the benefit of the natural environment and concerned community of Nubuamis Hills.

Yours faithfully,

Brand van Zyl (NCTRP)
On Behalf of the Concerned Community

APPENDIX A – REQUEST FOR COMMENT

HARMONIC

Town & Regional Planners
Property Development Specialist
Municipal Consultants

Date: 28 August 2020

NEIGHBOUR CONCENT LETTER

THE OWNER: PORTION .....

- **APPLICATION TO CONSOLIDATE PORTION 181, 182, 183, (PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 AND REMAINDER PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION 'X'.**
- **APPLICATION FOR THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP AND APPROVE THE LAYOUT ON CONSOLIDATED PORTION 'X' TO BE KNOWN AS EBEN-EZER VILLAGE.**

Harmonic Town Planning Consultants was appointed to apply to the City of Windhoek, NAMPAB and Townships Board to establish a township on Portions 181,182,183 (portions of portion 55) of the farm Nubuamis No. 37 and Remainder portion 55 (a portion of portion 12) of the farm Nubuamis No. 37 by the owners **Mr. Abed Pendapala Iyambo and Mrs. Nelago Iyambo.**

The owners intend to consolidate Portions 181/55/37, 182/55/37, 183/55/37 and Re/55/12/37 into Consolidated Portion 'X' for township establishment.

The proposed township development will be inter-connected with Okuryangava township and will also be accessible through Omuvapu Street. This development will cater for mixed use erven which include 'General Residential', 'Single Residential', Business and 'Institutional'.

I, ... the owner of PORTION .....has:

1	NO OBJECTION	
OR		
2	OBJECTION	

Against the application for the need and desirability to establish a township and approve the layout on consolidated Portion 'X' to be known as Eben-Ezer village.

Please provide valid reasons should you have any objection.

.....

.....

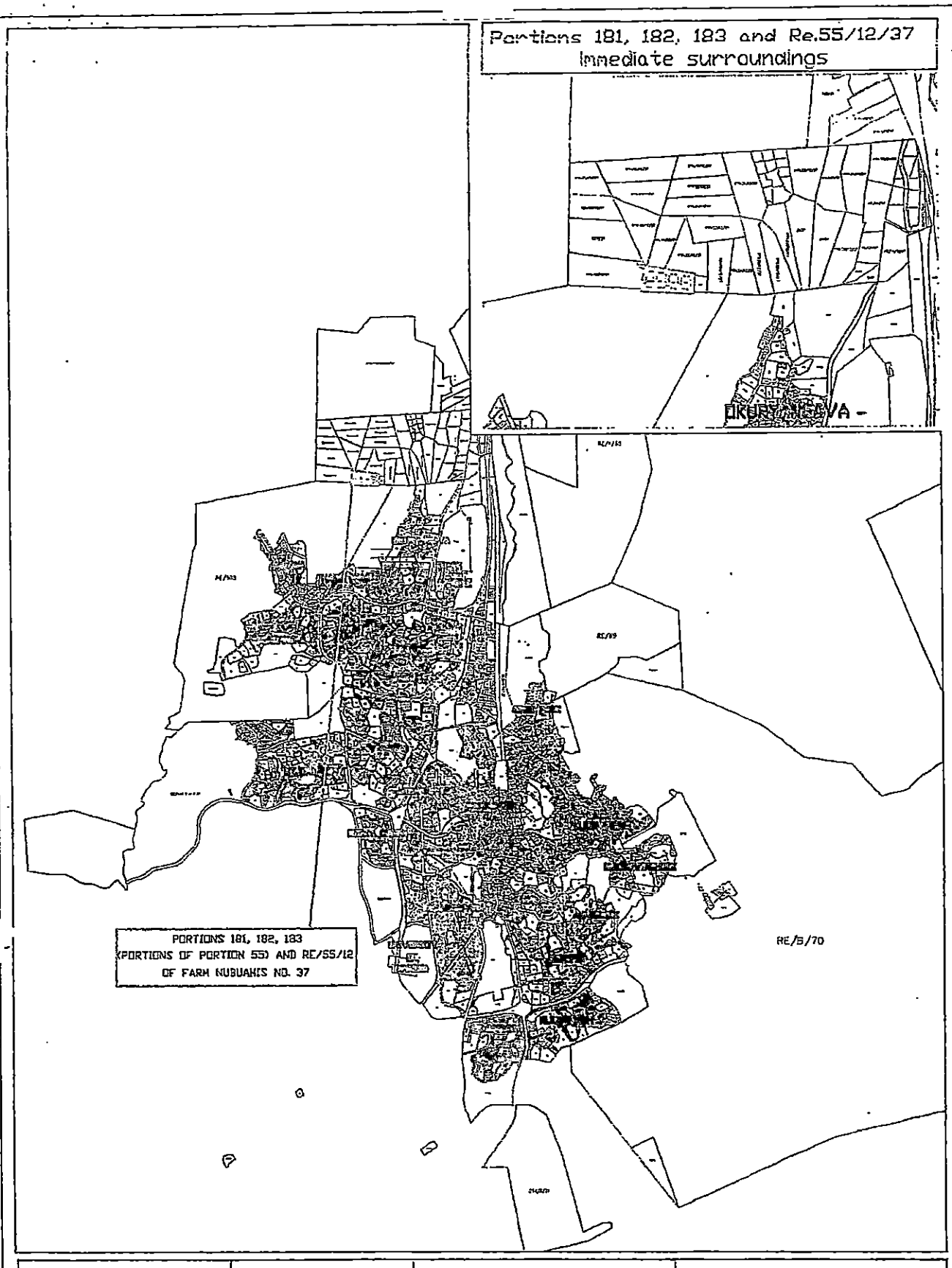
.....

.....

....

Signed Date

Please forward to Harmonic Town Planning Consultants CC Box 3216, Windhoek or fax to 088 646 401 within 14 days of receipt hereof. Contact Harold Kisting at Cell. No. 081 127 5879, for further information.



LOCALITY PLAN
PORTIONS 180/55, 182/55, 183/55) AND RE/55/12
OF THE FARM
NUBUAMIS NO. 37

WINDHOEK

TN

DATE: 27 FEBRUARY 2018

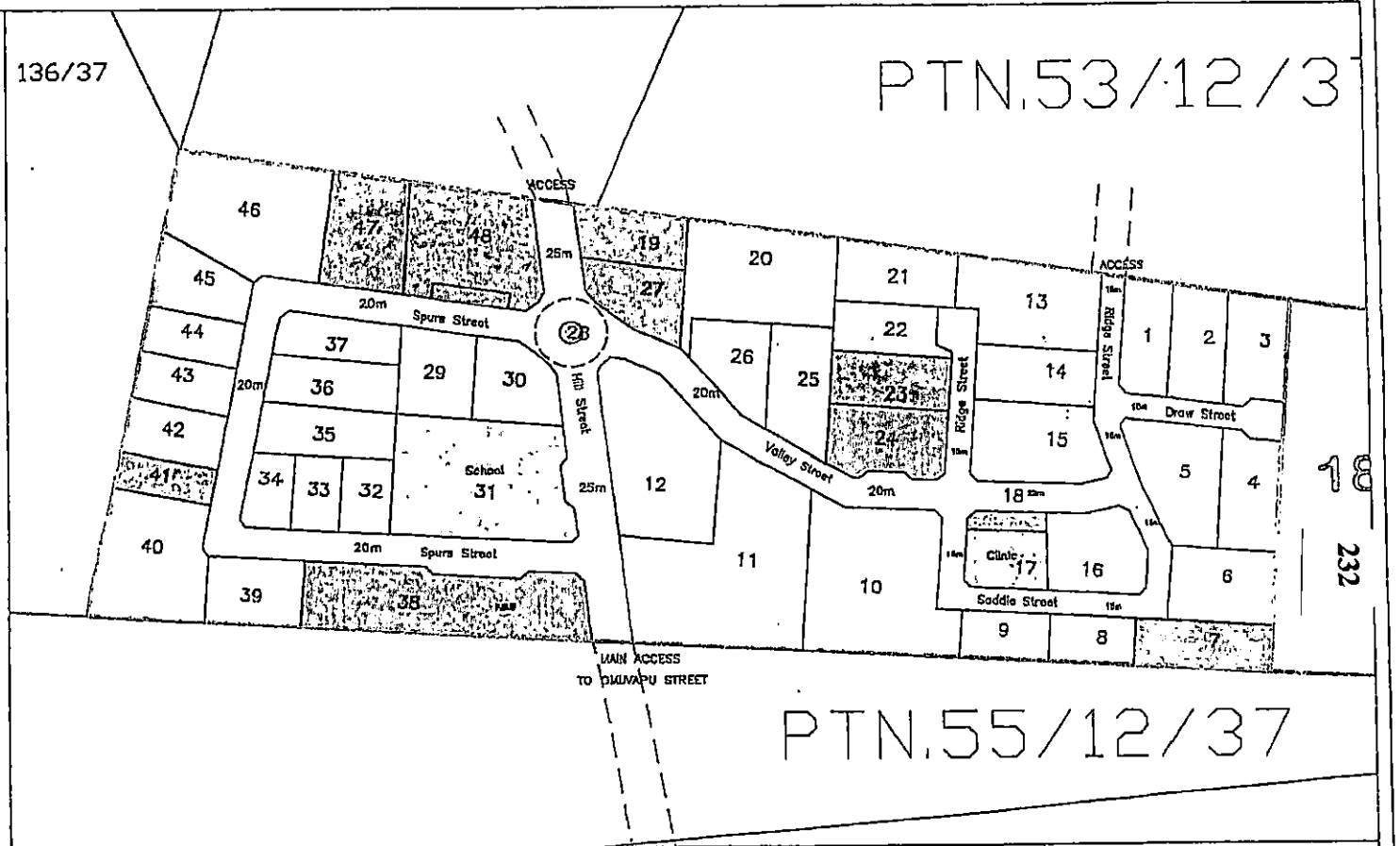
HARMONIC TOWN PLANNING CONSULTANTS cc

Not To Scale

HARMONIC PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek

Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401
Email: hkisting@namibnet.com

Consolidated Portion K			Consolidated Portion K		
ERF NUMBER	SIZE A (m²)	ZONING	ERF NUMBER	SIZE B (m²)	ZONING
1	2356	RESIDENTIAL	38	2905	P.O.S
2	2659	RESIDENTIAL	39	2624	GEN RESIDENTIAL
3	2692	RESIDENTIAL	40	5491	GEN RESIDENTIAL
4	2511	RESIDENTIAL	41	2562	P.O.S
5	4069	RESIDENTIAL	42	2187	GEN RESIDENTIAL
6	3171	GEN RESIDENTIAL	43	1575	RESIDENTIAL
7	2673	P.O.S	44	1874	RESIDENTIAL
8	1691	RESIDENTIAL	45	2186	GEN RESIDENTIAL
9	1741	RESIDENTIAL	46	6915	GEN RESIDENTIAL
10	8501	GEN RESIDENTIAL	47	3777	P.O.S
11	11030	GEN RESIDENTIAL	48	6290	BUSINESS
12	7180	GEN RESIDENTIAL	RE/STREET	36581	STREET
13	2585	GEN RESIDENTIAL	TOTAL	200694	
14	2701	GEN RESIDENTIAL			
15	4250	GEN RESIDENTIAL			
16	3331	GEN RESIDENTIAL			
17	1856	INSTITUTIONAL			
18	986	P.O.S			
19	2437	BUSINESS			
20	6014	GEN RESIDENTIAL			
21	2789	GEN RESIDENTIAL			
22	2470	GEN RESIDENTIAL			
23	2470	P.O.S			
24	3403	P.O.S			
25	2082	GEN RESIDENTIAL			
26	2470	GEN RESIDENTIAL			
27	2522	BUSINESS			
28	155	P.O.S			
29	2810	GEN RESIDENTIAL			
30	2612	GEN RESIDENTIAL			
31	8976	INSTITUTIONAL			
32	1568	RESIDENTIAL			
33	1565	RESIDENTIAL			
34	1468	RESIDENTIAL			
35	2878	GEN RESIDENTIAL			
36	2457	GEN RESIDENTIAL			
37	2159	GEN RESIDENTIAL			



PROPOSED LAYOUT

SUBDIVISION OF REMAINDER PORTION 55 (A PORTION OF PORTION 12)

OF THE FARM NUBUAMIS NO.37,

PORTION 181, 182 AND 183

(PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO.37

LEGEND

Proposed Boundary

ZONING

- Business
- General Residential
- Institutional
- Public Open Space
- Residential

T N

Date: 20 FEBRUARY 2018

Scale: 1/3000

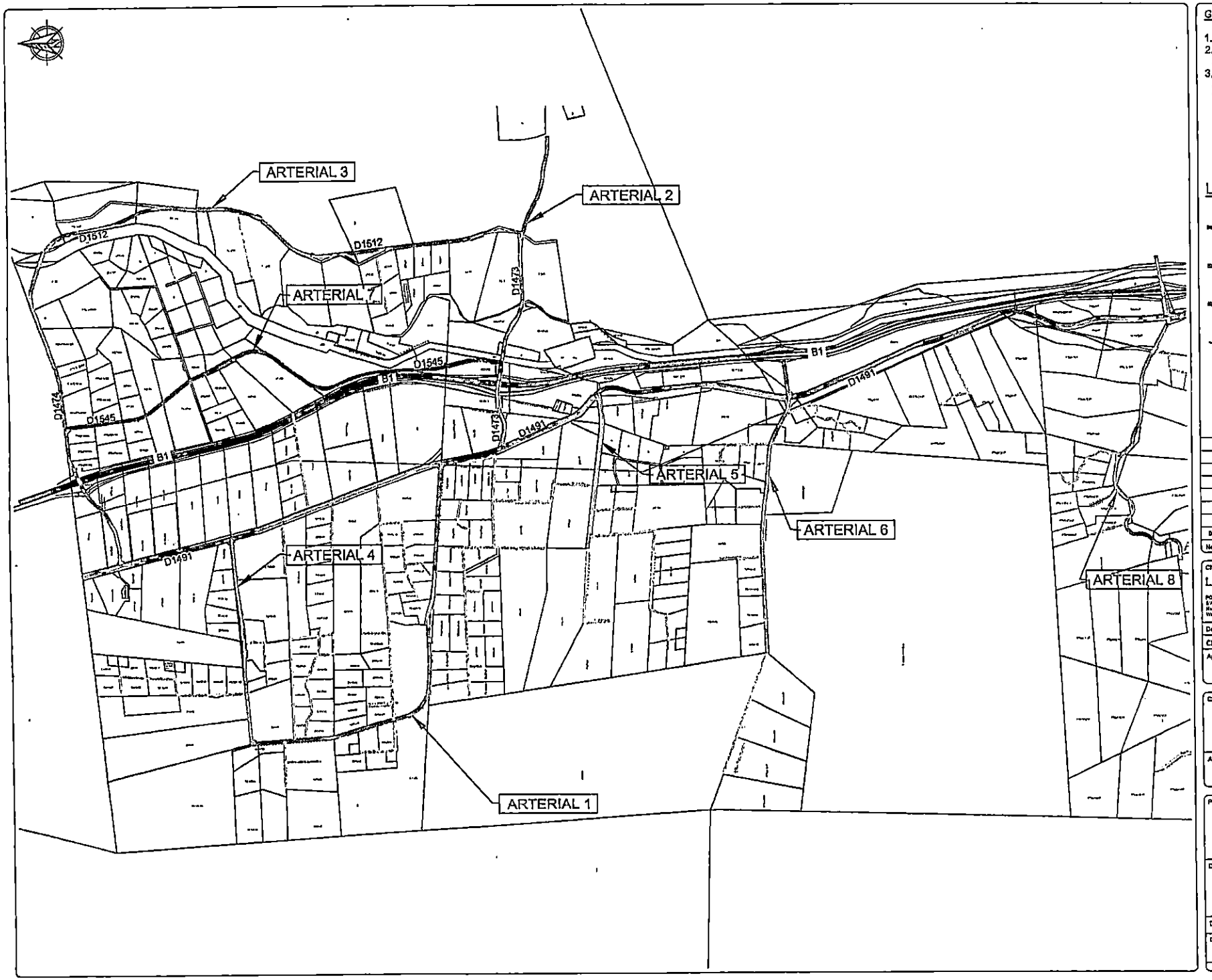
HARMONIC TOWN PLANNING CONSULTANTS cc

HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek

Cell: 081 127 5979
Tel: 061 238 460
Fax: 088 646 401
Email: hdsting@mweb.net.com

Drawn by: Mathew Shoonde

APPENDIX B – 2010 BRAKWATER BULK SERVICES MASTER PLAN (ROADS)



General Notes:

1. No part of this drawing must be scaled.
2. All dimensions should be checked before any work on the site commences.
3. Any discrepancies that may occur during the construction phase of this drawing must be brought under the attention of the Engineer immediately.

Legend

- Three lanes per direction
- Two lanes per direction
- Single lane per direction
- Right of Way

234

No	Date	Revision	Initial
0	November 2009	FOR REPORT PURPOSES ONLY	DAR

Civil and Structural Engineers:

Lithon Project Consultants

Designed:	Surveyed:
Checked:	Drawn: BA Reutenbach
Approved for Lithon:	Approval date:

Client:

Approved for Client:	Approval date:

Project:

P0344 - BRAKWATER BULK SERVICES MASTERPLAN

Drawing title:

ARTERIAL ROADS - GENERAL LAYOUT

Date of issue:	NOVEMBER 2009	Scale:	N.T.S.
Drawing no.:	P0344-G-001	Revision	0

Copyright of this drawing reserved

APPENDIX C - A SUMMARY OF IDEAS PROPOSED TO COW IN 2012 FOR PRODUCTIVE USE OF THE 'BORDER AREA' BETWEEN NUBUAMIS HILLS AND KATUTURA

PRODUCTIVE USES FOR BORDER TOWNLANDS
October 2012

1. BACKGROUND

The City of Windhoek's Department of Economic Development and Community Services has recently engaged in discussion with members of the Brakwater community about potential productive uses of the townlands between Brakwater and the northernmost informal settlements.

Ms Geraldine van Rooi and Mr Metusalem Ashipala took a tour of the area in October 2012 in order to get a better idea of the situation on the ground.

It is agreed that community-spirited uses of this area would help to halt settlement expansion into areas not earmarked for informal settlements, and ease problems such as-

- illegal wood-chopping on private land, which often leads to veld fires when people who wish to gather wood seek to clear the area of grass where snakes might hide;
- poaching of both wild animals and domestic livestock and setting of snares; and
- vandalism of water pipes which lead into the area as well as fences around these areas.

Part of the area in question is earmarked for a water reservoir, meaning that a surrounding area must be kept clear of human settlement. Portions of the area are also already in use for sewerage ponds. Creative uses of other portion of the area in question could further benefit all the communities in question by creating employment, educational opportunities and tourist attractions.

2. IDEAS FOR PRODUCTIVE USES

The following ideas have been suggested, many of which could be workable in combination with each other. Members of the Brakwater community have undertaken to assist with fund-raising for such initiatives if the necessary commitment is secured from the Municipality. One the most desirable activities were agreed upon, the spatial requirements could be set and sponsorship from development partners solicited. It is recommended that the activities be owned and managed by a section 21 company or a trust, which could eventually be wholly-community managed. We also suggest involving schools close to the area, such as Havana Primary School, as well as the Ministry of Youth, National Service, Sport and Culture.

The envisaged uses would also complement *Namplace* (the Namibia Protected Landscape Conservation Areas Initiative), as the idea proposed would be consistent with a greenbelt linking to Daan Viljoen. These proposals shown in the table below would all be logical land uses which fit in with existing planning.

IDEA	POTENTIAL BENEFITS
environmental education centre	◦ programmes to increase environmental awareness amongst urban youth ◦ tourist attraction
"zoo" of appropriate indigenous wild animals	◦ urban children can become acquainted with Namibian fauna ◦ could be stocked with excess animals donated from game-catching exercises ◦ tourist attraction
training programmes for personnel for use in anti-poaching, game tracking and stock theft units	◦ venue where practical work could be combined with training on relevant legal issues, to prepare people for employment in the fields in question throughout Namibia ◦ tracking and bushcraft demonstrations could be staged for tourists
training in game lodge management	◦ venue where practical work could be combined with desk training, in a central location for prospective employers
a series of cultural villages with craft demonstrations and sale of traditional food (ie a "living museum" such as those found in Norway and Sweden, which both preserve traditional architecture and culture and attract tourism)	◦ employment creation ◦ tourist attraction ◦ a way to showcase Namibian culture to those who do not have time to travel more widely (eg conference-goers) • fostering increased pride in traditional culture amongst urban-dwelling youth ◦ market for locally-produced crafts ◦ could be done in partnership with College of the Arts or JMAC
traditional story-telling in purpose-built amphitheatre & traditional concerts etc.	• adding value to traditional oral culture ◦ transmission of endangered knowledge and customs to urban youth • tourist attraction ◦ could be an avenue for collection of oral history ◦ could be an attractive activity for urban elders, who might appreciate revived interest in their knowledge and wisdom
reforestation demonstration area (to show different stages and techniques of reforestation of areas currently de-nuded for firewood)	◦ could be used as practical training for UNAM and Polytech students • could be combined with envirommental education for local communities • tourist demonstrations
protected landscape for social activities	• could provide Green Belt space for walks and braais, which is more accessible to residents than Paaltjies which requires road transportation ◦ social activities could be combined with exhibits and activities which could raise environmental awareness

focus for workshops and sales of solar stoves, energy efficient stoves and other alternative energy initiatives	∘ accessible venue for market audience in informal settlements ∘ could be combined with environmental education via demonstrations of uses of such equipment and reforestation initiatives ∘ tourist attraction ∘ could be done in partnership with DFRN
urban conservancy for community-based resource management	∘ tourist activities could be structured as an urban conservancy modelled on the successful communal area conservancies in Namibia, with benefits being ploughed into community development ∘ could be done in partnership with IRDNC and WWF
waste management and recycling workshops (eg recycling old plastic into fence droppers, and fashioning discarded glass into saleable items)	∘ community skills development ∘ tourist demonstrations on site could benefit craft marketing ∘ could be combined with environmental education ∘ income-generating opportunities without high transport costs for residents of adjacent areas ∘ craft component could be done in partnership with College of the Arts or JMAC
training on Flexible Land Tenure Act	∘ given proximity to developing areas, could be a good location for providing training to community groups who wish to utilise starter title
extra stop on existing tourist tours of Katutura	∘ the area could be a site for a stop for photographs of the area from one of the higher points ∘ as additional tourist attractions develop in the area, these could be additionally integrated with tourist tours of Katutura
bush encroachment centre	∘ community members could be trained and then hired out in teams to clear bush, which could then be sold for firewood or charcoal production for their own profit
venue for professional photography courses	∘ courses could be marketed so that paying participants subsidise participation of underprivileged locals, including provision of cameras which are still perfectly usable but might be outdated for those who regularly purchase high-end equipment ∘ could open up new employment prospects for local residents ∘ could be done in partnership with College of the Arts or JMAC

APPENDIX D – EMAIL COMMUNICATION WITH HARMONIC TOWN PLANNING CONSULTANTS CC

From: Urban Green
To: "hkisting@namibnet.com"
Subject: RE: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)
Date: 08 September 2020 16:54:00

Dear Mr. H. Kisting,

Can you please indicate if the environmental clearance certificate has been obtained for the proposed Eben-Ezer Township?

Regards

Brand van Zyl

Urban *Green* cc
SUSTAINABILITY CONSULTANTS
www.urbangreenafrica.net

From: Urban Green [mailto:urbangreen@iway.na]
Sent: 07 September 2020 16:04
To: 'hkisting@namibnet.com'
Subject: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)

Dear Mr. H. Kisting,

Our office has been appointed to act on behalf of the surrounding property owners to the proposed Eben-Ezer Development of which your office is the appointed town planner.

From the investigation with the CoW, I understand that it was set as a requirement that your office consult with the neighbouring property owners. Can you please indicate which of the neighbouring property owners was consulted, when were they consulted, by means of what medium were they consulted and please forward me the proof of consultation with the surrounding property owners? Can you please indicate if the

Can your office please provide us with information on the intended development?

Regards

Brand van Zyl

Urban *Green* cc
SUSTAINABILITY CONSULTANTS
Water and Wastewater Consultants
Town and Regional Planning Consultants
Environmental Management Consultants
PO Box 11929, Klein Windhoek, Windhoek
Tel.: +264 61 300 820 Fax.: +264 61 401 294
www.urbangreenafrica.net

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From:	Mail Delivery System
To:	prvs=15201eb81d=urbangreen@iway.na
Subject:	Successful Mail Delivery Report
Date:	08 September 2020 17:37:11
Attachments:	details.txt Message Headers.txt

This is the mail system at host smtp2.iway.na.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<hkisting@namibnet.com>: delivery via namibnet.com[13.244.130.82]:25: 250 OK id=1kFfgD-00046b-3b

From: Urban Green
To: "hkisting001@gmail.com"
Subject: FW: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)
Date: 09 September 2020 15:24:00
Importance: High

Dear Mr. H. Kisting,

Our email communications below refers.

Following no feedback from your side in response to the two emails below, I am forwarding you the two emails to another email address of yours that I was able to find.

Can you please give me feedback on the requests below to enable us to finalise our objection to the proposed township development?

Regards

Brand van Zyl
Urban *Green* cc
SUSTAINABILITY CONSULTANTS
Water and Wastewater Consultants
Town and Regional Planning Consultants
Environmental Management Consultants
PO Box 11929, Klein Windhoek, Windhoek
Tel.: +264 61 300 820 Fax.: +264 61 401 294
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Please consider the environment before printing this e-mail / attachments

From: Urban Green [mailto:urbangreen@iway.na]
Sent: 08 September 2020 16:54
To: 'hkisting@namibnet.com'
Subject: RE: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)

Dear Mr. H. Kisting,

Can you please indicate if the environmental clearance certificate has been obtained for the proposed Eben-Ezer Township?

Regards

Brand van Zyl
Urban *Green* cc
SUSTAINABILITY CONSULTANTS
www.urbangreenafrica.net

From: Urban Green [mailto:urbangreen@iway.na]

Sent: 07 September 2020 16:04
To: 'hkisting@namibnet.com'
Subject: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)

Dear Mr. H. Kisting,

Our office has been appointed to act on behalf of the surrounding property owners to the proposed Eben-Ezer Development of which your office is the appointed town planner.

From the investigation with the CoW, I understand that it was set as a requirement that your office consult with the neighbouring property owners. Can you please indicate which of the neighbouring property owners was consulted, when were they consulted, by means of what medium were they consulted and please forward me the proof of consultation with the surrounding property owners? Can you please indicate if the

Can your office please provide us with information on the intended development?

Regards

Brand van Zyl
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The mail system

<hkisting@namibnet.com>: delivery via namibnet.com[13.244.130.82]:25: 250 OK id=1kFfgD-00046b-3b

From: Harold Kisting
To: Brand van Zyl
Subject: Re: FW: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)
Date: 09 September 2020 15:54:42

Dear Mr. van Zyl, we are still busy with the initial draft layouts and our interactions with the City of Windhoek to integrate and refine the proposed development concept. We have not started the EIA process.

Kind Regards

Harold Kisting
Town and Regional Planner
Harmonic Town Planning Consultants CC (Reg:2012/4406)
P.O. Box 3216, Windhoek, Namibia
Pasteur Street 76, Windhoek West
Tel: +264 61 238 460/Cell 081 127 5879
Fax: 088 646401
Email: hkisting@namibnet.com / hkisting001@gmail.com
"Verba Volant, Scripta Manent"(Words Fly Away, Writings Remain)

On Wed, Sep 9, 2020 at 3:49 PM Harold Kisting <hkisting@namibnet.com> wrote:

fyi

From: Urban Green [mailto:urbangreen@iway.na]
Sent: Tuesday, September 8, 2020 4:54 PM
To: hkisting@namibnet.com
Subject: RE: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)

Dear Mr. H. Kisting,

Can you please indicate if the environmental clearance certificate has been obtained for the proposed Eben-Ezer Township?

Regards

Brand van Zyl

Urban Green cc

SUSTAINABILITY CONSULTANTS

www.urbangreenafrica.net

From: Urban Green [mailto:urbangreen@iway.na]
Sent: 07 September 2020 16:04
To: 'hkisting@namibnet.com'
Subject: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)

Dear Mr. H. Kisting,

Our office has been appointed to act on behalf of the surrounding property owners to the proposed Eben-Ezer Development of which your office is the appointed town planner.

From the investigation with the CoW, I understand that it was set as a requirement that your office consult with the neighbouring property owners. Can you please indicate which of the neighbouring property owners was consulted, when were they consulted, by means of what medium were they consulted and please forward me the proof of consultation with the surrounding property owners? Can you please indicate if the

Can your office please provide us with information on the intended development?

Regards

Brand van Zyl

Urban *Green* cc

SUSTAINABILITY CONSULTANTS

Water and Wastewater Consultants

Town and Regional Planning Consultants

Environmental Management Consultants

PO Box 11929, Klein Windhoek, Windhoek

Tel.: +264 61 300 820 Fax.: +264 61 401 294

www.urbangreenafrica.net

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Please consider the environment before printing this e-mail / attachments

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This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: Harold Kisting
To: Urban Green
Cc: Mathew Shoonde
Subject: Re: FW: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)
Date: 09 September 2020 15:51:03

Dear Mr. Van Zyl,

The owner of the development is currently busy consulting with the immediate neighbours on a personal basis.
We will officially start with the public engagement process once the development concept is refined. The wider Nubuamis community and the general public will be invited through the media to a formal engagement process.

Kind Regards

Harold Kisting
Town and Regional Planner
Harmonic Town Planning Consultants CC (Reg:2012/4406)
P.O. Box 3216, Windhoek, Namibia
Pasteur Street 76, Windhoek West
Tel: +264 61 238 460/Cell 081 127 5879
Fax: 088 646401
Email: hkisting@namibnet.com / hkisting001@gmail.com
"Verba Volant, Scripta Manent"(Words Fly Away, Writings Remain)

On Wed, Sep 9, 2020 at 3:31 PM Urban Green <urbangreen@iway.na> wrote:

Dear Mr. H. Kisting,

Our email communications below refers.

Following no feedback from your side in response to the two emails below, I am forwarding you the two emails to another email address of yours that I was able to find.

Can you please give me feedback on the requests below to enable us to finalise our objection to the proposed township development?

Regards

Brand van Zyl

Urban Green cc

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Please consider the environment before printing this e-mail / attachments

From: Urban Green [mailto:urbangreen@iway.na]
Sent: 08 September 2020 16:54
To: 'hkisting@namibnet.com'
Subject: RE: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)

Dear Mr. H. Kisting,

Can you please indicate if the environmental clearance certificate has been obtained for the proposed Eben-Ezer Township?

Regards

Brand van Zyl

Urban Green cc

SUSTAINABILITY CONSULTANTS

www.urbangreenafrica.net

From: Urban Green [mailto:urbangreen@iway.na]
Sent: 07 September 2020 16:04

To: 'hkisting@namibnet.com'
Subject: Re.: Eben-Ezer Development, Nubuamis Hills (Brakwater)

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Regards

Brand van Zyl

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APPENDIX E – REGISTERED RIGHT OF WAY SERVITUDE

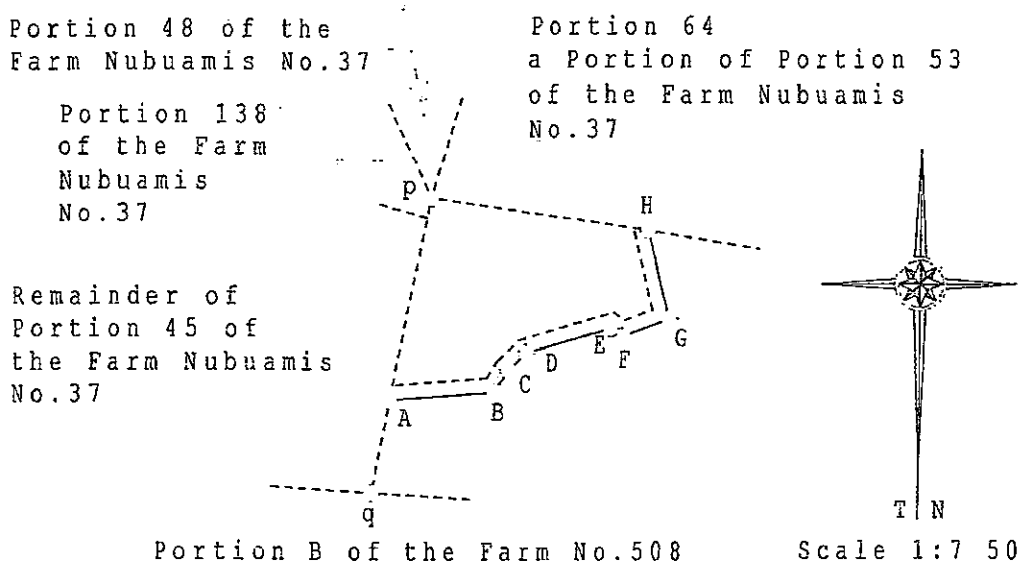
Approved ~~2011-11-03~~ 2010-11-03 No. A22/2010

for Surveyor-General

Sides (metres)		Angles of Direction		CO-ORDINATES Y System:22/17	X	Design
A B	112,81	265 50 00	A	-4 027,73	+53 035,39	SR4
B C	26,88	212 40 10	B	-4 140,24	+53 027,20	SR5
C D	25,93	226 50 00	C	-4 154,75	+53 004,57	SR6
D E	93,46	254 16 40	D	-4 173,66	+52 986,83	SR7
E F	15,83	302 20 50	E	-4 263,63	+52 961,51	SR8
F G	51,72	249 21 20	F	-4 277,00	+52 969,98	SR9
G H	93,69	165 45 40	G	-4 325,40	+52 951,74	SR10
			H	-4 302,35	+52 860,93	SR11
Connections						
H p	235,33	98 14 50	p	-4 069,45	+52 827,22	Cent
A q	96,92	11 20 10	q	-4 008,64	+53 130,41	Dopbn
		Doebra	+	-6 852,79	+45 884,86	
		NubuamisBerg	..	-5 533,58	+53 318,33	

Beacon Description

A B C D E F G H p.....16mm Round iron pegs
q.....Iron peg in cairn



Portion B of the Farm No.508 Scale 1:7 500

The line A B C D E F G H represents the Southern to South Eastern boundary of a servitude right of way 15,00m wide over

Portion 55 of the Farm Nubuamis No.37

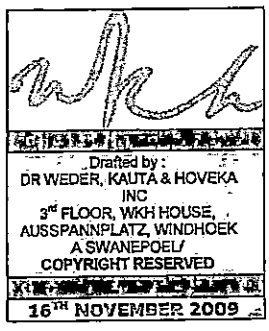
Situate in the Municipal Area of Windhoek
Registration Division K, Namibia
KHOMAS REGION

Surveyed in November 2009 by me

Land Surveyor
H.L.Strydom

This diagram is annexed to No.	The original diagram is No. A	S.R No.11/2010
		Gen. Plan :
		Noting Plan: MG-3AC MG-3CC
Registrar of deeds	Transfer:No.T Dated:	File No.: K37

G:\Applications\Alta Muir\Templates\AGREEMENTS\MEMORANDUM OF AGREEMENT\NUBUAMIS GET AWAY.rtf



MEMORANDUM OF AGREEMENT GRANTING A SERVITUDE OF RIGHT OF WAY

Memorandum of Agreement entered into between:

1. **NUBUAMIS FORTY FIVE PROPERTIES CC**
   REGISTRATION NUMBER CC/2000/0323
   herein represented by STANFORD JACQUES ISAACS, he being duly authorized thereto

   (Hereinafter called the PRIMARY DOMINANT OWNER)

   and

2. **LINDA DIANNE HUBBARD**
   BORN ON 3 JANUARY 1959

   and

3. **ANDREW WILLIAM CORBETT**
   BORN ON 27 FEBRUARY 1958

   (hereinafter together with Linda Dianne Hubbard jointly called the ADDITIONAL DOMINANT OWNERS, and the PRIMARY DOMINANT OWNER and

ADDITIONAL DOMINANT OWNERS together jointly hereinafter called the DOMINANT OWNER)

and

4. **GET-AWAY TOURISM CLUB CLOSE CORPORATION REGISTRATION NUMBER CC/2005/3801**
herein represented by STANFORD JACQUES ISAACS, he being duly authorized thereto

(Hereinafter called the SERVIENT OWNER)

WHO DECLARED THAT:

WHEREAS:

A. The PRIMARY DOMINANT OWNER is the registered owner of

CERTAIN REMAINING EXTENT OF PORTION 45 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO 37

SITUATE IN THE MUNICIPALITY OF WINDHOEK
REGISTRATION DIVISION "K", KHOMAS REGION

MEASURING 50,0047 (FIVE NIL comma NIL NIL FOUR SEVEN) HECTARES

HELD BY VIRTUE OF DEED OF TRANSFER NO T. 5778/2000

B. The ADDITIONAL DOMINANT OWNERS are the registered owners of, or will become the owners of –

(i) CERTAIN REMAINING EXTENT OF PORTION 45 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO 37

(ii) CERTAIN PORTION 62 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37

(iii) CERTAIN PORTION OF PORTION 63 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37, TO BE RENUMBERED PORTION 137 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37

(iv) CERTAIN PORTION 61 (A PORTION OF PORTION 45) OF THE FARM NUBUAMIS NO 37

(The aforegoing properties as per A. and B. above hereinafter jointly called the DOMINANT TENEMENT)

and

C. The SERVIENT OWNER is the registered owner of

CERTAIN PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO 37

SITUATE IN THE MUNICIPALITY OF WINDHOEK
REGISTRATION DIVISION "K", KHOMAS REGION

MEASURING 25,0076 (TWO FIVE comma NIL NIL SEVEN SIX) HECTARES

HELD BY VIRTUE OF DEED OF TRANSFER NO T. 2757/2006

(Hereinafter called the SERVIENT TENEMENT)

D. The DOMINANT OWNER, as owner of the DOMINANT TENEMENT, requires a right of way for a road over the SERVIENT TENEMENT to enable it and successors in title to gain access to the DOMINANT TENEMENT, and any properties resulting from future subdivisions or consolidations of the DOMINANT TENEMENT.

D. The SERVIENT OWNER, as owner of the SERVIENT TENEMENTS, has agreed to grant the DOMINANT OWNER such right of way on the terms and conditions hereinafter set out.

NOW THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

1. **OPERATIVE CLAUSE**

The SERVIENT OWNER, as owner of the SERVIENT TENEMENT, hereby gives and grants to the DOMINANT OWNER, as owner of the DOMINANT TENEMENT, a praedial servitude of right of way in perpetuity over the SERVIENT TENEMENT for a road reserve 14 (fourteen) metres in width, over which an access road at least 4 (four) metres wide may be constructed and maintained, which road is to follow that route as agreed between the parties and which route is indicated by the figure **AB** on the sketch diagram prepared by Urban Dynamics and annexed hereto, on the following terms and conditions.

2. **TERMS AND CONDITIONS**

2.1 The road shall be constructed and thereafter maintained by the DOMINANT OWNER or its successors in title at its own cost except for those portions of the road used in common by the SERVIENT OWNER, the cost of which construction and maintenance in such instance shall be shared proportionately by the parties.

2.2 The DOMINANT OWNER and the SERVIENT OWNER shall at all times take reasonable steps and precautions to stop any soil erosion that may be caused by the presence of the road and shall ensure that the road is kept adequately drained.

2.3 The DOMINANT OWNER shall have access to the SERVIENT TENEMENT for itself, its employees, its servants and/or its contractors together with all necessary vehicles and implements for the purpose of construction and maintaining the said road provided that only the lawful and registered owners of the DOMINANT TENEMENT and their employees, tenants, guests, invitees, servants, agents and/or contractors shall be entitled to use the access road.

2.4 The right to use the road reserve and access road shall include the right to go by wagon, cart, motor vehicle, truck or other vehicle, or by bicycle,

or on horseback or on foot and to drive cattle, sheep and any other livestock over the road, provided all animals are under proper supervision, and are not allowed to stray more than the 14 (fourteen) metre road reserve, and to convey over the said right of way all goods of whatsoever nature to and from the DOMINANT TENEMENT.

2.5 No sand or stone originating from the SERVIENT TENEMENT'S property shall be used for the purpose of construction and maintaining the said road unless the prior written approval of the SERVIENT OWNER has been obtained.

2.6 The DOMINANT OWNER hereby indemnifies and holds the SERVIENT OWNER harmless against all or any claims whatsoever that may be made or instituted against the SERVIENT OWNER by any person in connection with the presence and reasonable use of the road.

2.7 The SERVIENT OWNER shall have the right to use the said road or any portion thereof provided such use shall be at his own risk.

2.8 No consideration is to be given or received in respect of the rights granted.

3. **NOTARIAL REGISTRATION**

3.1 The parties hereby acknowledge and agree that the road is currently in the process of being surveyed for purposes of the Notarial registration of the road as a servitude of right of way against the respective Title Deeds of the DOMINANT and SERVIENT TENEMENTS and that once such Road Servitude Diagram has been approved by the Surveyor General this Agreement shall be Notarially executed and registered.

3.2 For purposes of the above the parties hereto undertake to sign and execute any such documents and Powers of Attorney necessary to give effect to the intent and meaning of clause 3.1 hereto.

4. **ACCEPTANCE**

The DOMINANT OWNER hereby accepts, in so far as necessary, the benefits of this servitude subject to the terms and conditions aforementioned.

5. **SUCCESSORS IN TITLE**

The DOMINANT OWNER and SERVIENT OWNER hereby agree to bind their respective successors in title and/or assigns to the terms and conditions hereof and any reference herein to DOMINANT OWNER or SERVIENT OWNER shall include their respective successors in title or assigns.

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

2. _____

_____
NUBUAMIS FORTY FIVE PROPERTIES CC

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

2. _____

_____
LINDA DIANNE HUBBARD

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

2. _____ _____

ANDREW WILLIAM CORBETT

THUS DONE AND SIGNED AT _____ THIS _____ DAY OF _____ 2009.

AS WITNESSES:

1. _____

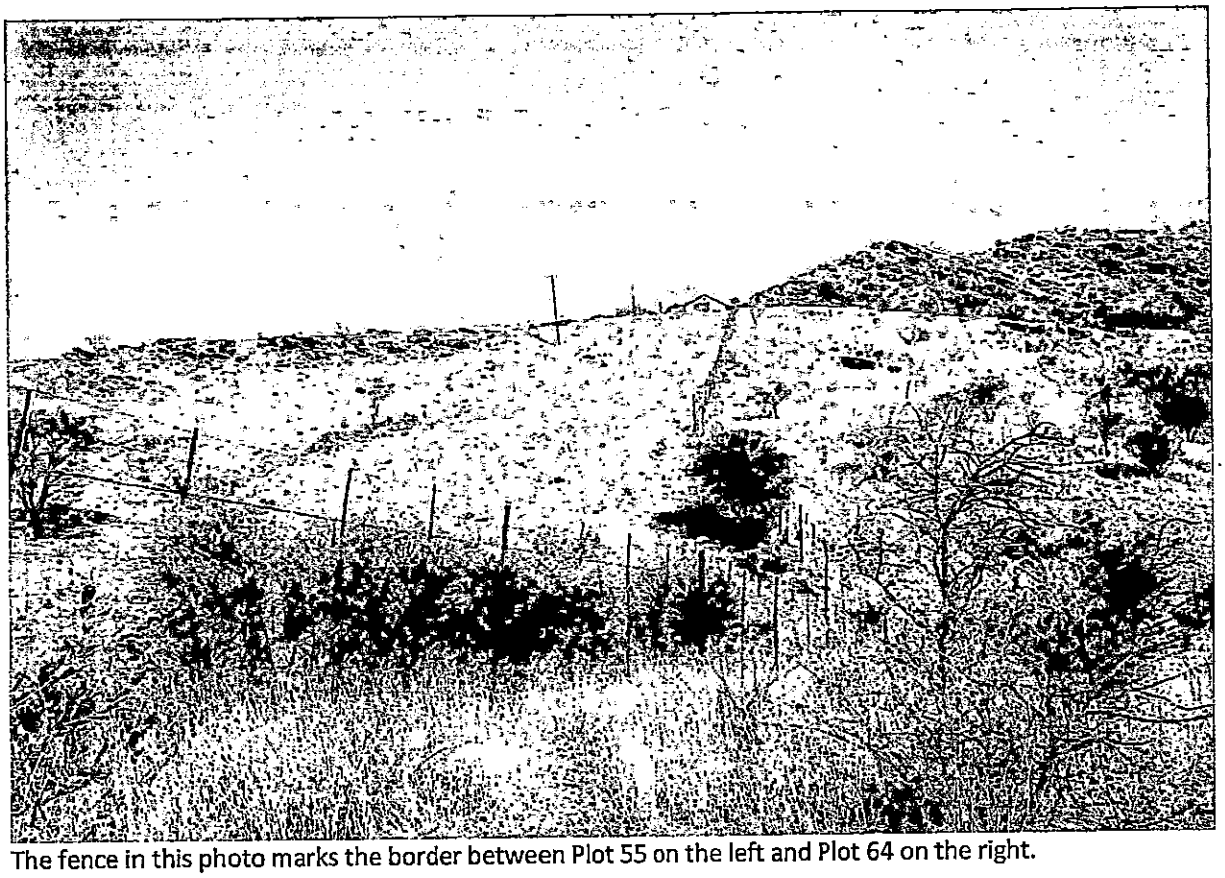
2. _____ _____

GET-AWAY TOURISM CLUB CLOSE CORPORATION

APPENDIX F – PHOTO REPORT

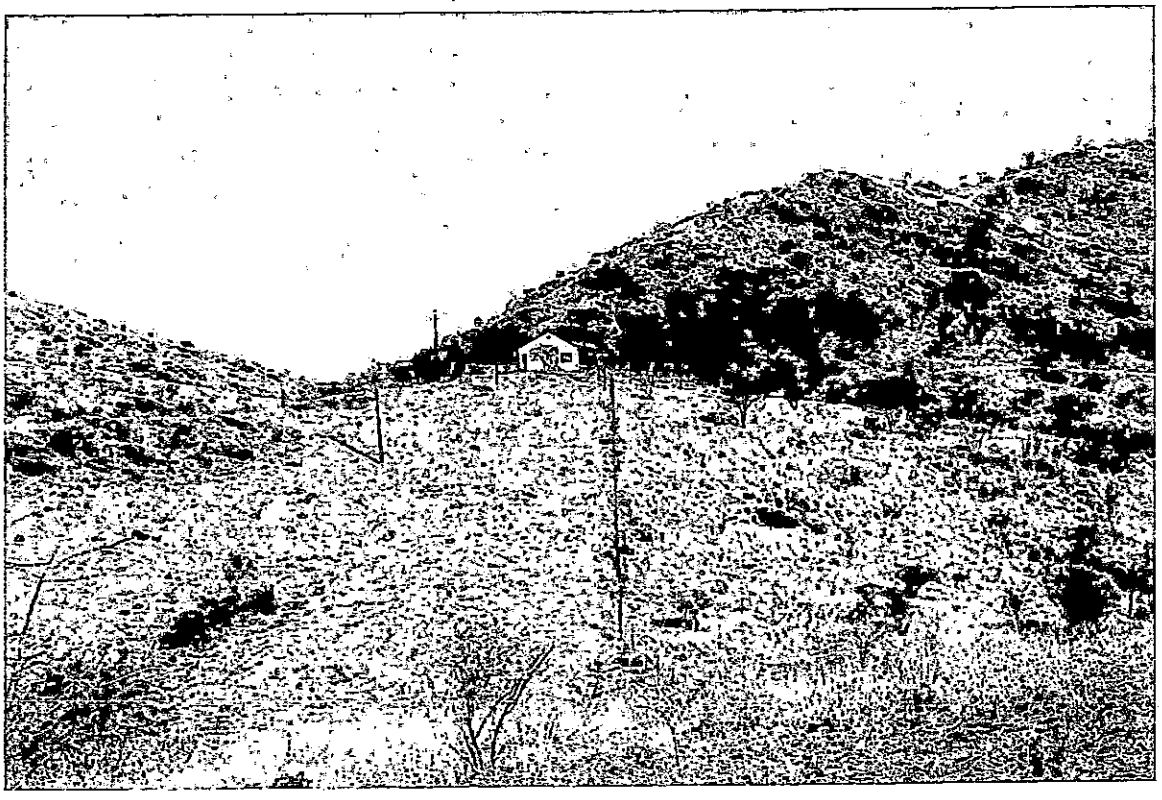
PHOTOGRAPHS OF THE AREA OF PROPOSED DEVELOPMENT

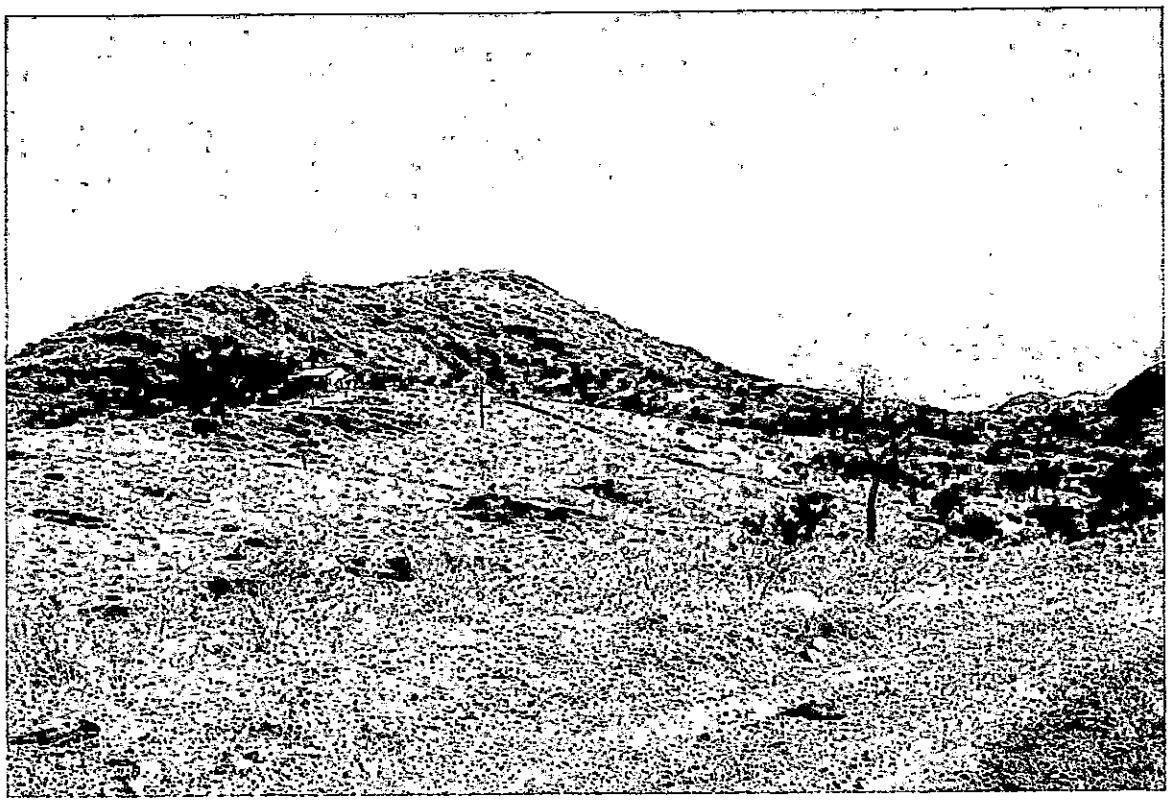
The photos herein were taken at Plot 55 Nubuamis Hill on 8 September by Dianne Hubbard. They show the effect of the complete bulldozing of the property which took place last year. Several of the photos show the fence line between Plot 55 and neighbouring plots to show the contrast. Because the topsoil was removed from Plot 55, there was virtually no grass this year and increase of sickle bush (*Dichrostachys cinerea,* well-known as an invader species on disturbed soil) is evident in some areas due to the wholesale removal of other vegetation. The photographs also show the beginning of erosion resulting from the bulldozing

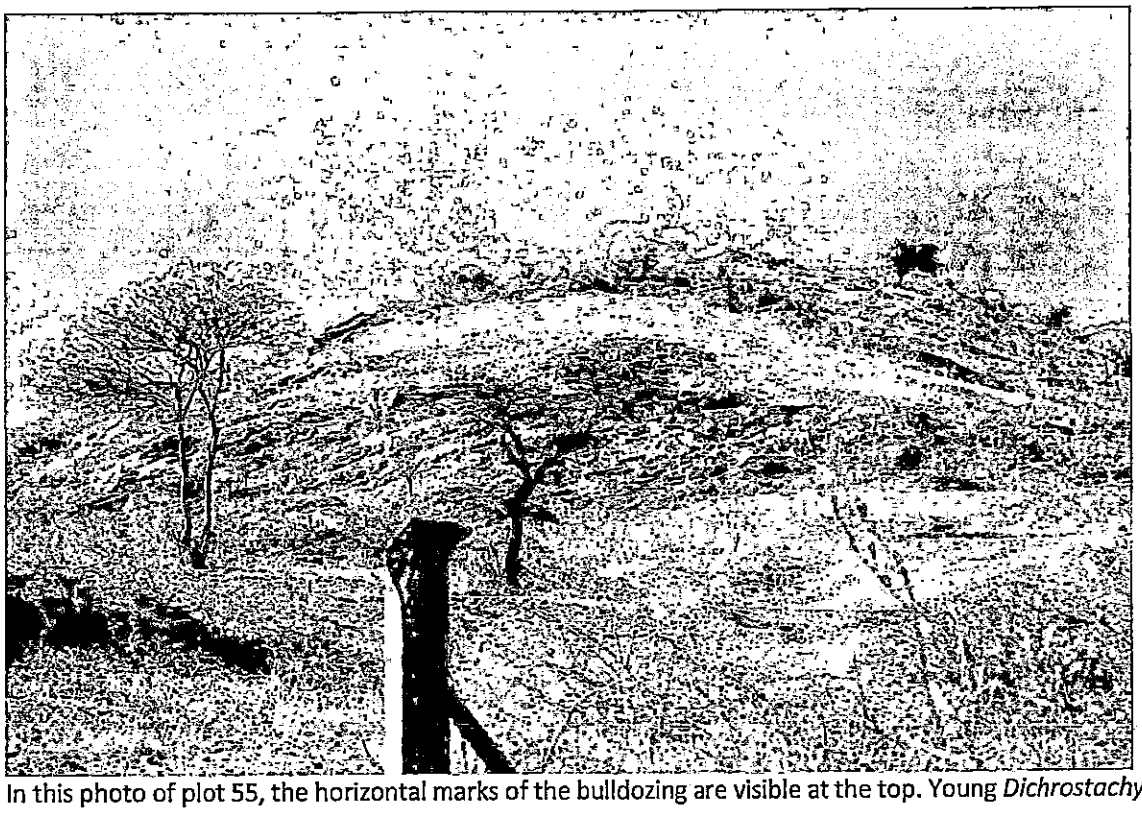


The fence in this photo marks the border between Plot 55 on the left and Plot 64 on the right.
The house just visible at the top is on Plot 136.

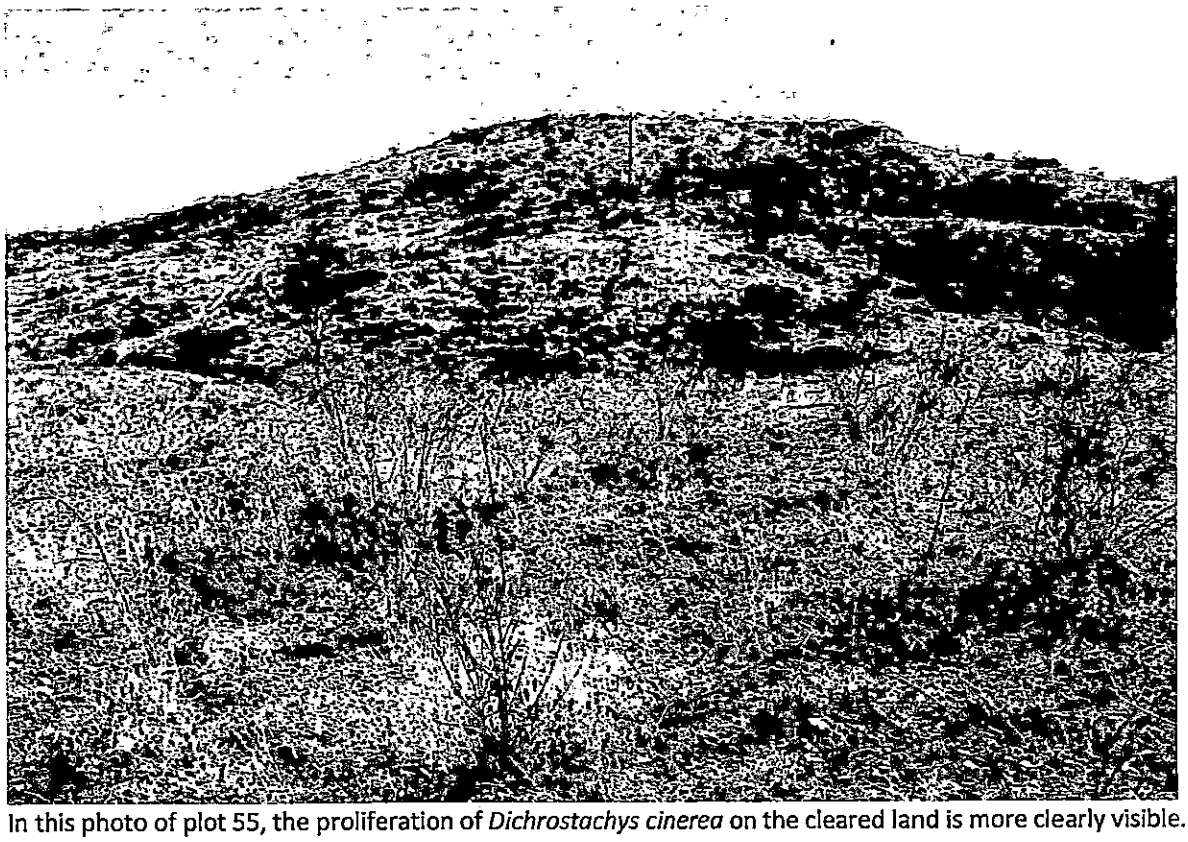
The next photo two photos are slightly different views of the same spot.



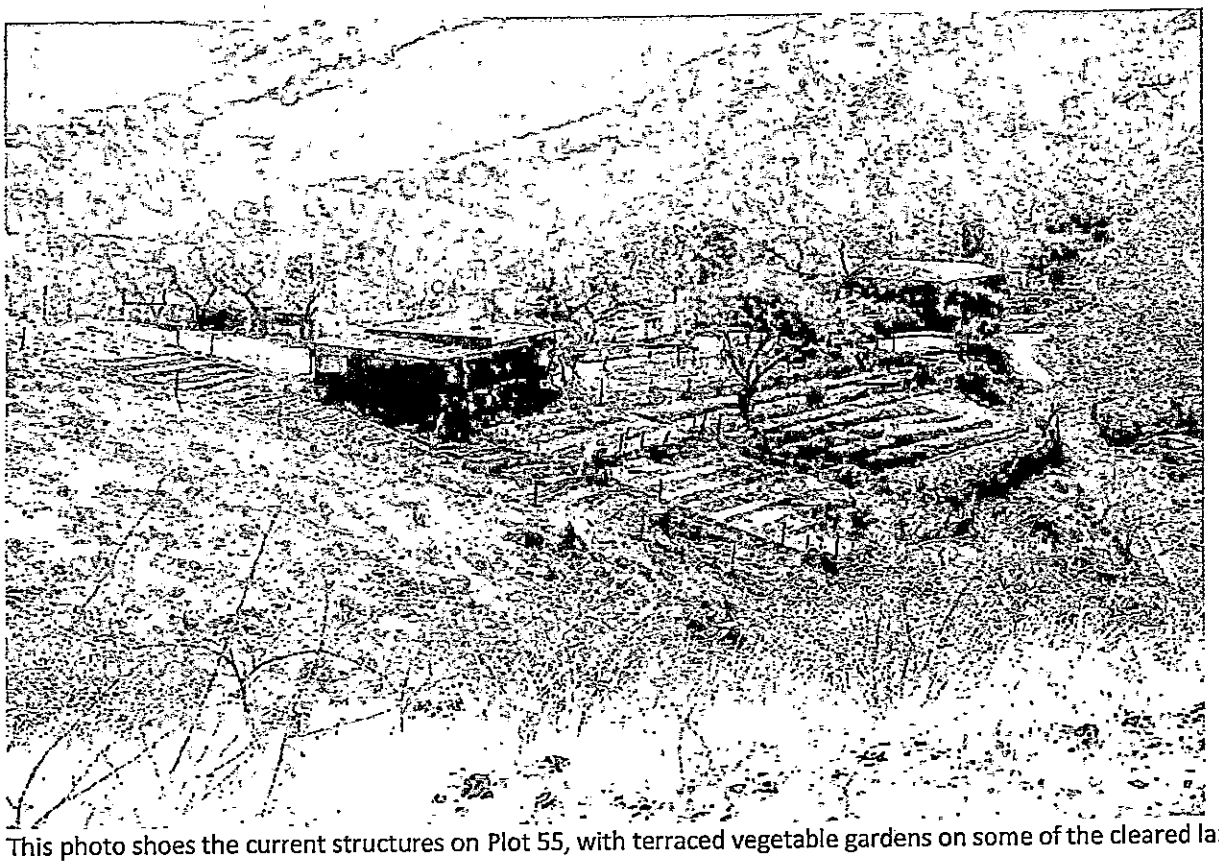




In this photo of plot 55, the horizontal marks of the bulldozing are visible at the top. Young *Dichrostachys cinerea* bushes are visible in the foreground.



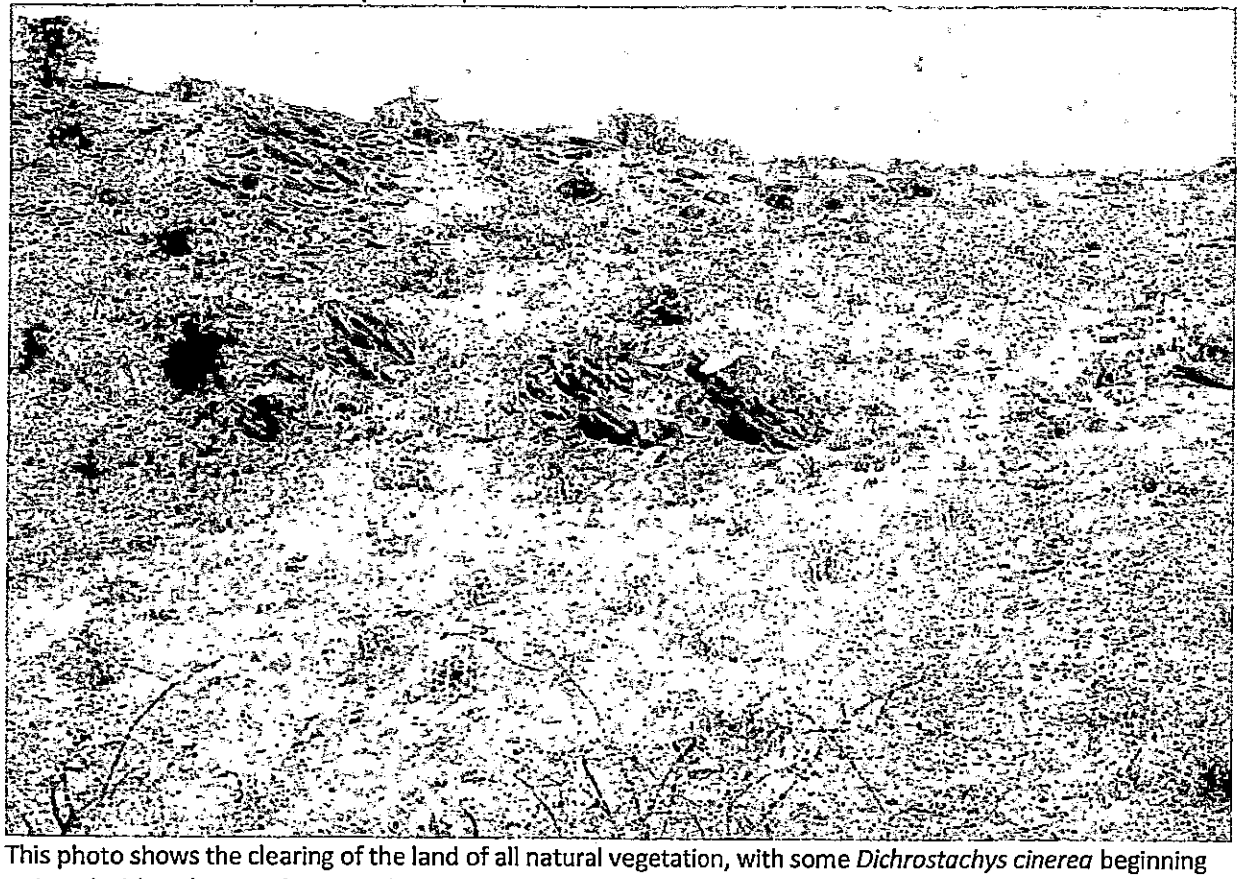
In this photo of plot 55, the proliferation of *Dichrostachys cinerea* on the cleared land is more clearly visible.



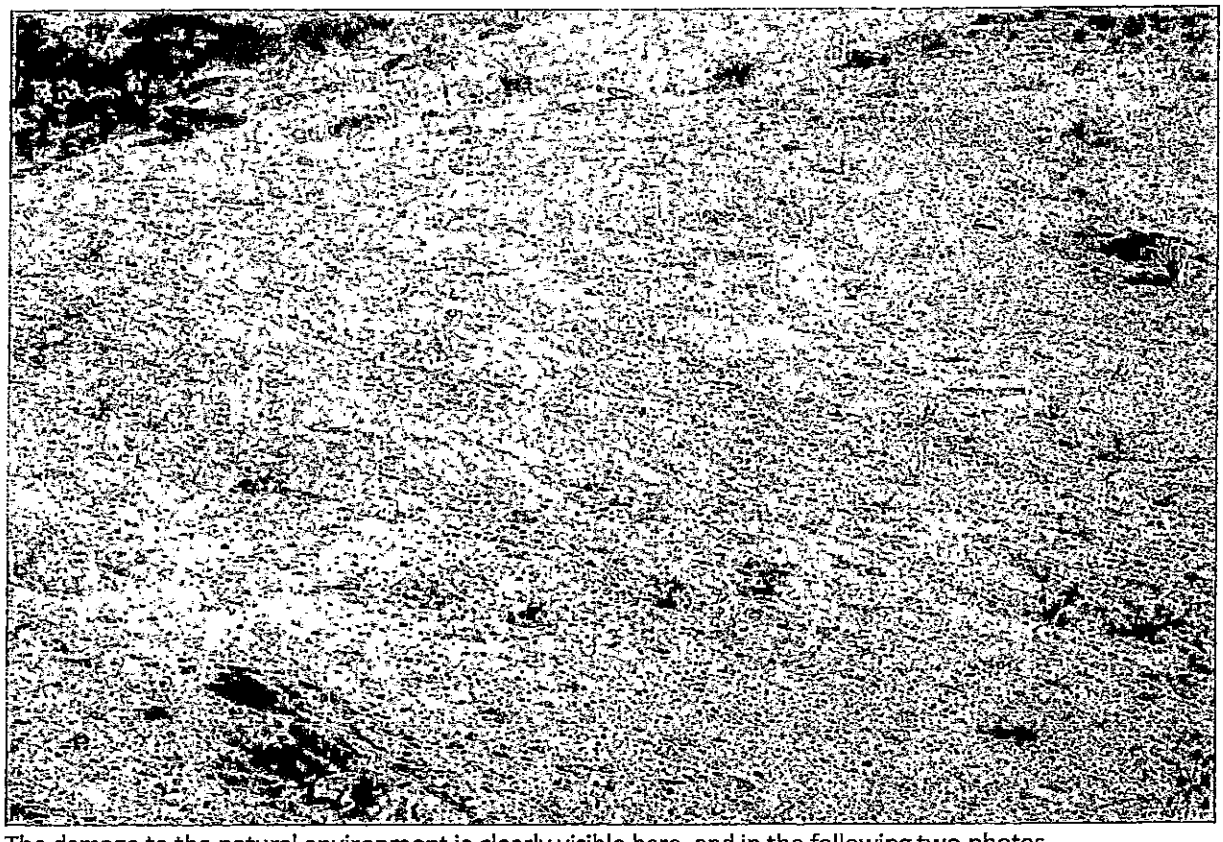
This photo shoes the current structures on Plot 55, with terraced vegetable gardens on some of the cleared land.

The grading of the land below the gardens is visible here.

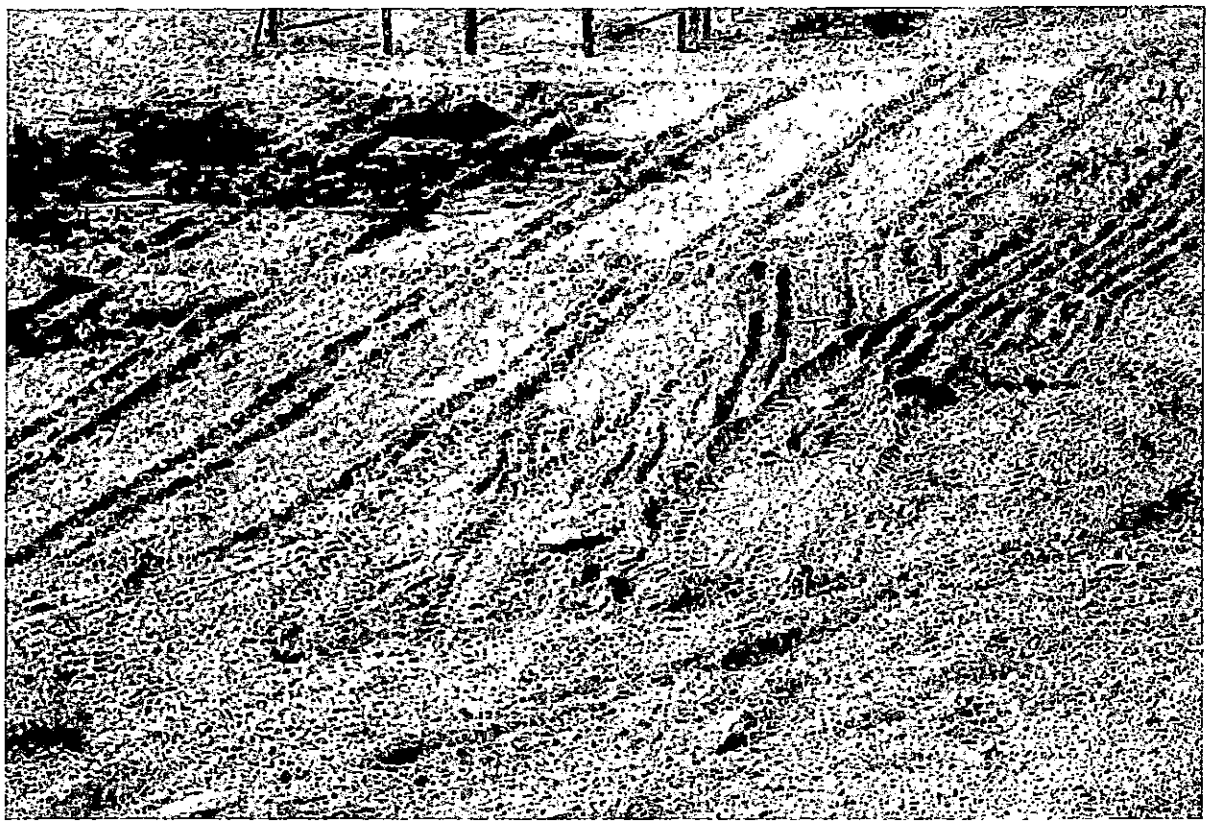
Another view of the spot in the previous photo

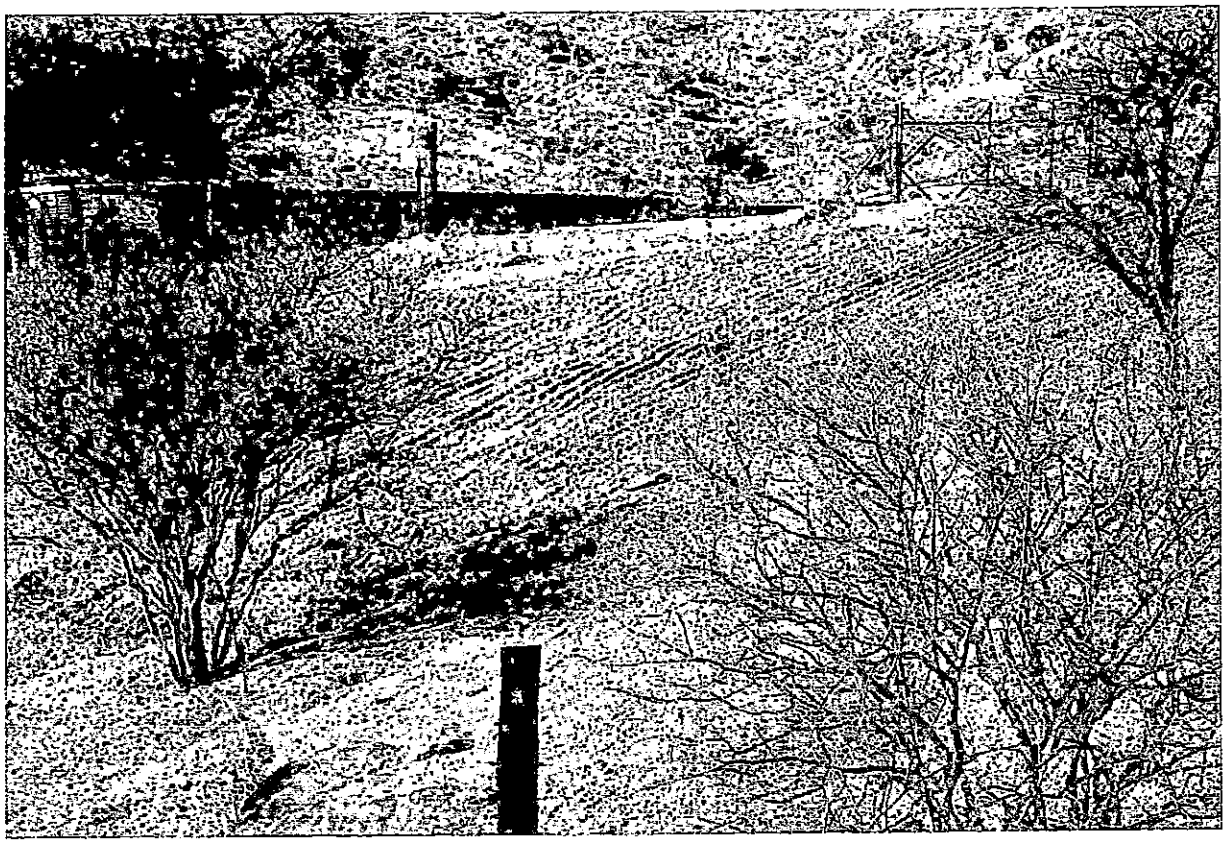


This photo shows the clearing of the land of all natural vegetation, with some *Dichrostachys cinerea* beginning to invade. The white markings on the rock at mid-left are surveyor's marks.



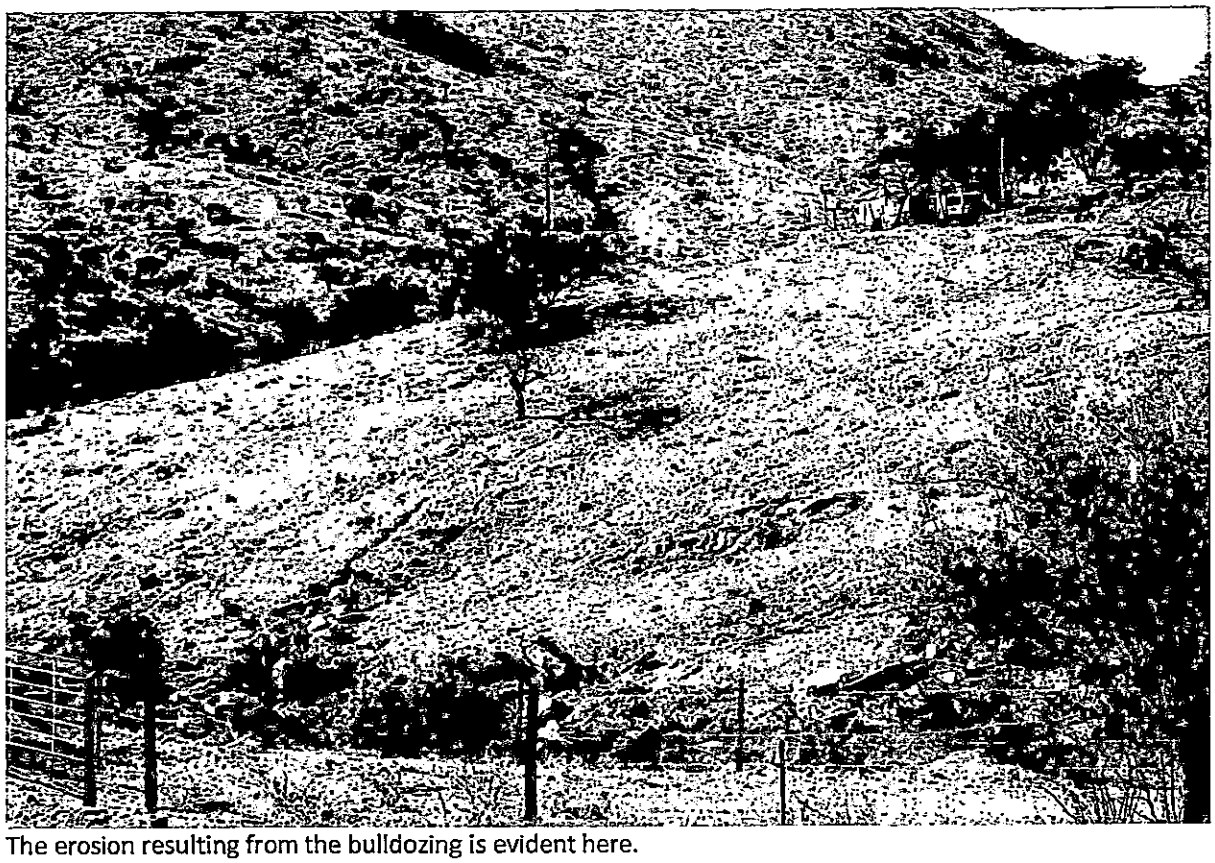
The damage to the natural environment is clearly visible here. and in the following two photos.



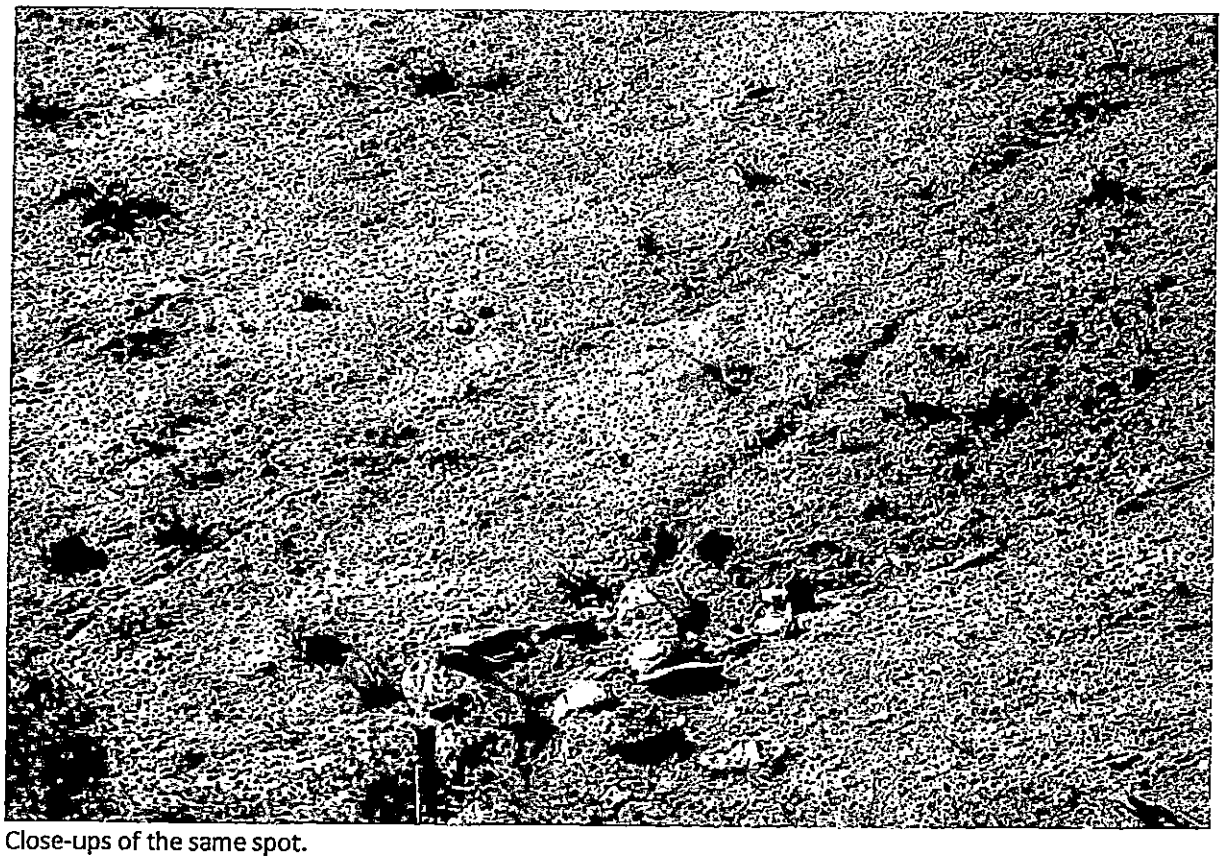


This photos shows the graded Plot 55 from Access Road 8. For reference, the house with the red roof at the right is the main dwelling on plot 55.

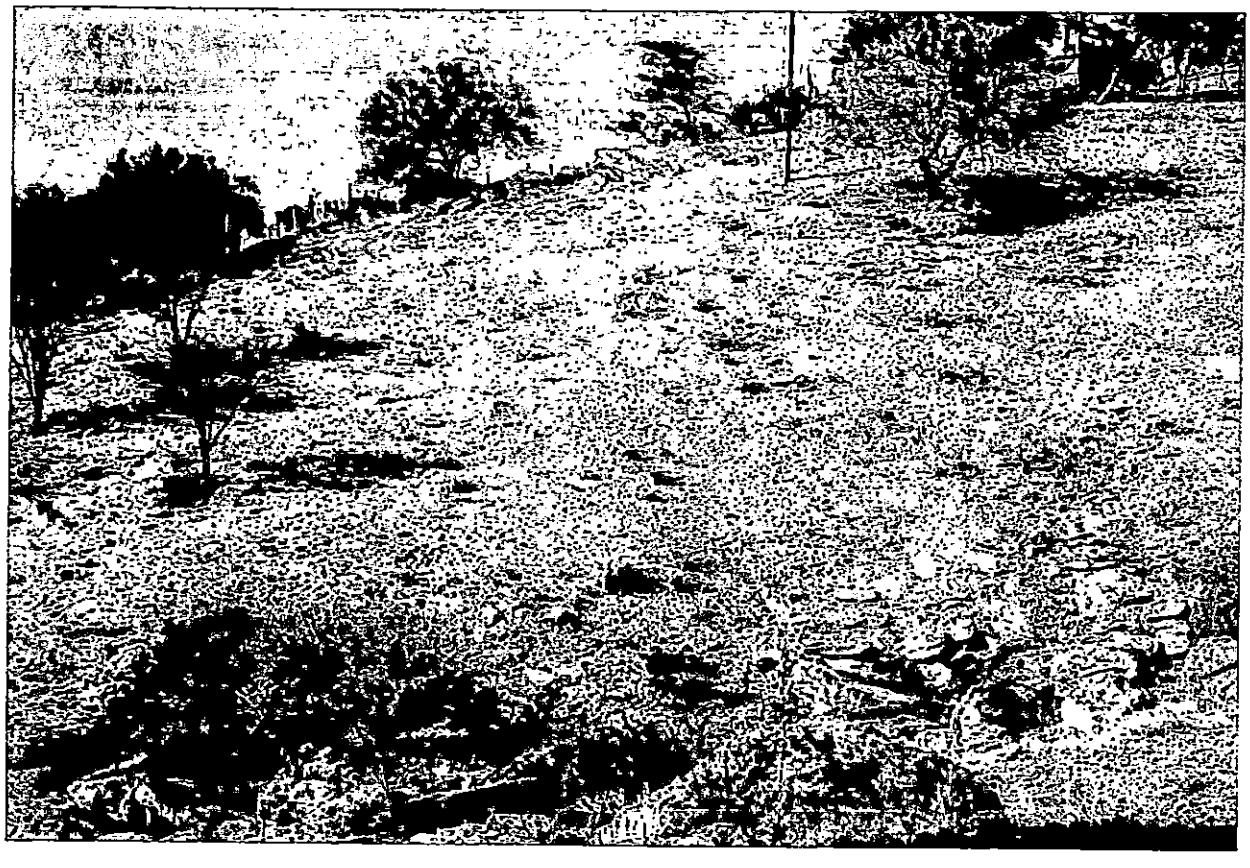
Another view from the road, taken from a bit farther down the hill.



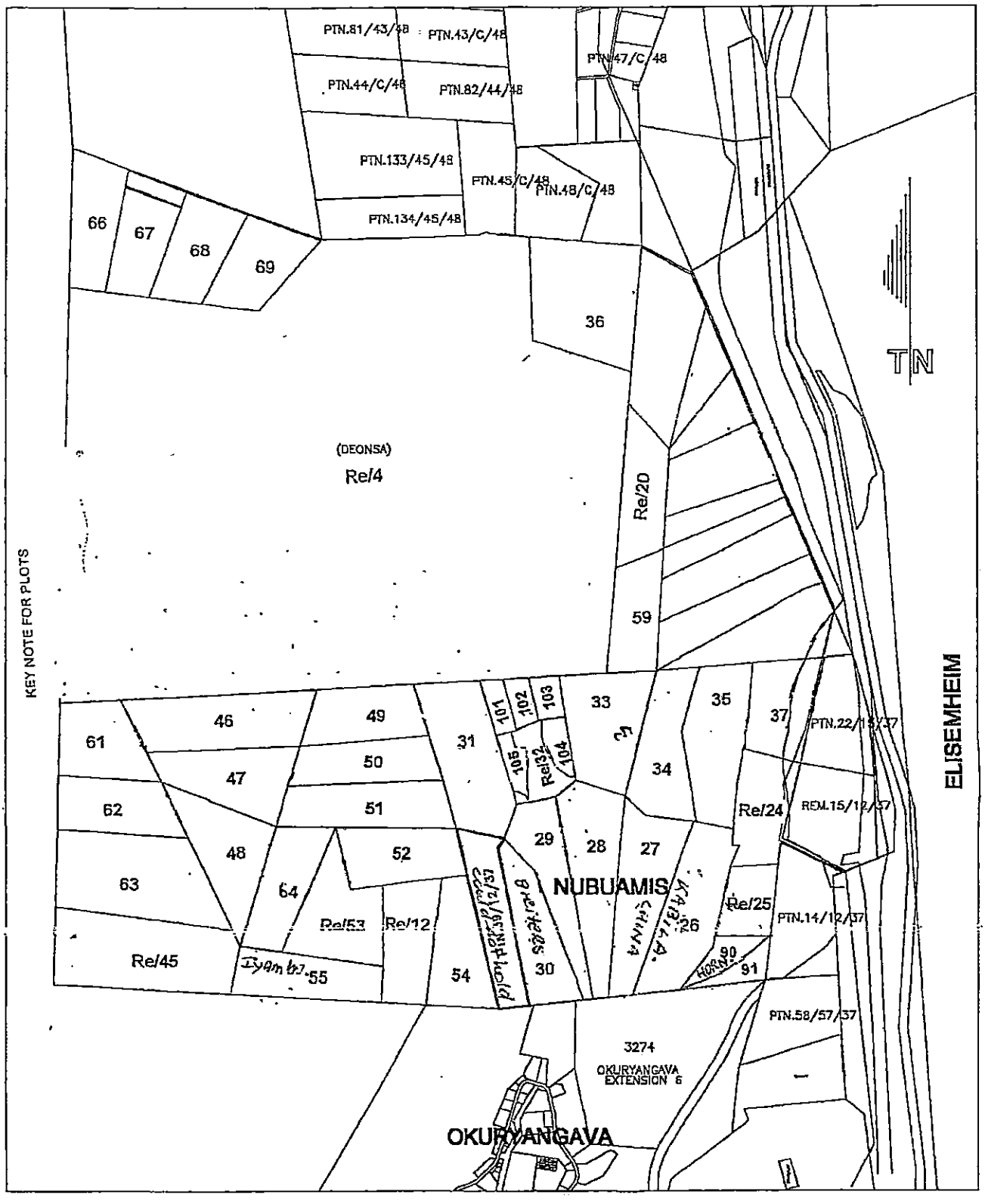
The erosion resulting from the bulldozing is evident here.



Close-ups of the same spot.



APPENDIX G – LIST OF OBJECTORS



LOCALITY PLAN OF PORTION 39 OF PORTION 12 OF THE FARM NUBUAMIS 37

CONSULTANT:

ELMARIE DU TOIT
TOWN PLANNING CONSULTANT
P O Box 6571 Ausspannplatz
Windhoek, Namibia
Tel: (092641) 248010 Fax: (092641) 248608

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DATE: FEBRUARY 2004

DRAWING NO. nub39/12

SCALE: 1: 40 000

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
KELSEY CORBETT Jason Corbett	62NH, 46NH, 47NH 62NH, 46NH, 47NH	kelseycorbett652@gmail.com jwcorbettnam@gmail.com	081-3048483 081 3048483		01/09/20 04/09/2020
Andrena Corbett	61NH, 63NH, 45NH	acorbett@iafrica.com	081-324-2739		07/09/2020
Dianne Hubbard	61NH, 63NH, 45NH	dhubbard@iafricaonline.com.na	081-304-8483		07/09/2020

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
Charl Yates	Plot 104 NH	charl@mantisbooks.co.za	0833219905	C Yates	2020/09/06

Connie Meissner

From:	Charl Yates <charl@mantisbooks.co.za>
Sent:	06 September 2020 08:18 PM
To:	Connie Meissner
Cc:	lutzie@clickmail.na
Subject:	RE: request to engage Urban Green to oppose proposed development in Nubuamis Hills
Attachments:	Township Development Nubuamis Hills - List of Objectors.docx

Hallo Connie
Hiermee my respons vir die ontwikkeling se teenkanting. Jammer ek weet nie hoe om op die document te teken nie.
Groete
Charl Yates

From: Connie Meissner <CMeissner@mpact.co.na>
Sent: Friday, 04 September 2020 15:22
To: 'charl@mantisbooks.co.za' <charl@mantisbooks.co.za>
Subject: FW: request to engage Urban Green to oppose proposed development in Nubuamis Hills

Stuur asb terug aan my address of as dit later word as 16h30 na

lutzie@clickmail.na

Connie Meissner
Manager
Tel: +264 61 262 536 Cell: +264 81 129 3123
CMeissner@Mpact.co.na
44 Third Street East, Walvis Bay
Namibia
1428

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
Körner Thomas	PLOT 49 WINDHOEK NUBUAMIS HILL	lenja@sunrise.ch	+41 796341068		4.9.2020

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAM
OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTI
DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBE

Owner Name & Surname	Property Name	Email Address	Telephone Number
3/09/20 Dr B Sandelowsky	Plot 25	beasandy@iway.na	0812625996

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
JJ Oosthuizen	Plot 154/33	oosie@hemcoranibia.com	081 1221742	[signature]	03/09/2020.
S.C Bessinger	Plot 151/33	drbredenhann@gmail.com	0812414007	[signature]	06/9/2020

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
D. STEINBACH	PLOT 29	dieterste10@gmail	0811285397	[signature]	1/09/2020
D du Plessis	PLOT 12	danmar dp@gmail.com	0814057123	[signature]	1/09/2020
C. Meissner	PLOT 31	CMeissner@mpact.co.na	0811293123	[signature]	1/09/2020.
R. DAUB	PLOT 53	rdaub@namib			
~~A. Parr~~ [illegible]	~~Plot 28~~ [illegible]	mills.com.na	0811223712	[signature]	1-9-2020
A. Parr	Plot 28	mickeymot@gmail	0812622262	[signature]	1-9-2020
C. WARD	PLOT 24	ctward1949@gmail.com	081-2528571	[signature]	2-09-2020
K. Holder	Plot 51	karel.holder@gmail.com	0813060406	[signature]	3-09-2020
S. Yates	Plot 32	petrayates26@gmail.com	081-2556324	[signature]	3-09-2020
K. Yates	Plot 102	kevinyates125@gmail.com	0811468509	[signature]	3-09-2020
C. Steyn	Plot 105	ditkerk@ngwes.com	0812786464	[signature]	4-09-2020
MJ van Zyl	Plot 34 Nubuamis	homes.u@gmail.com	0812406700	[signature]	4-09-2020
H. J. von Marées	Plot 52 Nubuamis Hills	nubuamis1@gmail.com	0811274733	[signature]	04/09/2020
ID DuPlessis	Plot 50	sakkie.duplessis@yahoo.com	0812735809	[signature]	05/09/2020
Don Velida	Plot 33 (153)	don@ojcnam.com	0811405706	[signature]	4/9/20
Thelma Heathcote	Plot 35 Nubuamis	heathcote@mweb.com.na	0812752747	[signature]	5-9 2020
Raymond Heathcote	Plot 35 Nubuamis	heathcote@mweb.com.na	0811270265	[signature]	5-9-2020
CEG van Wyk	PLOT 34 NUBUAMIS	vanwykhardie@gmail.com		[signature]	6.9.2020

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
Karel van Wyk	Ptn 37 of Farm Nubuamis	destra@iway.na	081 261 8550		04/09/20
Liz van Wyk	PTN 171/87/24 Nubuamis 37	destra@iway.na	081 866 6696		04/09/2020
Ingrid Pretorius	PTN 104/32	pretoriusi@aforbes.com	0811247514		04/09/2020

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
MARKUS BATZ *	PLOT 64 & 48	batzcomposites@iway.na	061 - 400071		04.09.2020
/	/	/	0814483360		/

* **OBJECTION AS PROPOSED BUT OPEN FOR CHANGES AND PLANNINGS.**

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 35 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
Herman Steyn	Portion 105	herman@retsol.cc	081 127 7072		04/09/20

LIST OF OBJECTORS TO

CONSOLIDATION OF PORTIONS 181, 182, 183 (PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO. 37 AND THE REMAINDER OF PORTION 55 (A PORTION OF PORTION 12) OF THE FARM NUBUAMIS NO. 37 INTO PORTION X AND THE NEED AND DESIRABILITY TO ESTABLISH A TOWNSHIP ON PORTION X TO BE KNOWN AS EBEN-EZER VILLAGE

Owner Name & Surname	Property Name	Email Address	Telephone Number	Signature	Date
Karel van Wyk	Ptn 37 of Farm Nubuamis	destra@iway.na	081 261 8550		04/09/20
LA VAN WYK	PTN 171/37/24 NUBUAMIS 37	destra@iway.na	081 866 6696		04/09/2020

APPENDIX B

Urban Green

From: Urban Green <urbangreen@iway.na>
Sent: 25 March 2021 12:06
To: 'Mathew Shoonde'
Cc: 'Harold Kisting'; 'Tendai E Kasinganeti'; 'freddy shihepo'
Subject: RE: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB

Dear Mr. Shoonde,

Your email below is noted.

Thank you for registering Urban Green as an I&AP.

Please note that it remains your responsibility as the EAP to notify the residents and broader public, as per the EIA Regulations requirements.

Regards

Brand van Zyl
Urban *Green* cc
SUSTAINABILITY CONSULTANTS
www.urbangreenafrica.net

From: Mathew Shoonde [mailto:mathew.harmonic@gmail.com]
Sent: 24 March 2021 09:52
To: urbangreen@iway.na
Cc: Harold Kisting; Tendai E Kasinganeti; freddy shihepo
Subject: RE: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB

Dear Mr. Brand Van Zyl,

Notice is hereby given for the Environmental Impact Assessment process for the proposed EBEN-EZER Township development in Nubuamis Hills, Brakwater-Windhoek by Harmonic Town Planning CC. Your company being appointed as such by the interested parties (neighbours), we would like to extend the invitation to your office to notify all parties. We have attached an invitation letter to a public meeting for the development as well as additional documentation for your information and input.

Kind Regards.

Mathew N. Shoonde
Harmonic Town Planning Consultants cc

APPENDIX C

Urban Green

From: Urban Green <urbangreen@iway.na>
Sent: 08 April 2021 10:46
To: 'Mathew Shoonde'; 'Harold Kisting'; 'Tendai E Kasinganeti'; 'freddy shihepo'
Cc: Dianne Hubbard (dhubb@africaonline.com.na)
Subject: RE: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB

Dear Mr. M. Shoonde,

Our office has been appointed by members of the affected community to represent them in this matter.

A. Public Consultation

First and foremost, from the feedback received from the neighbouring property owners, they were never informed in writing and accordingly never given the opportunity to comment on this proposed study and development. ***Can you please email me the proof of your written communication to the neighbouring property owners?***

Secondly, apart from having to inform and give the neighbouring property owners an opportunity to comment, you as the EAP is also responsible to inform and provide opportunity to comment to those parties considered directly interested and affected. All owners adjacent to the east-west access road through Nubuamis Hills and those obtaining access from the mentioned road are directly affected by the proposed development and should accordingly have been informed and given the opportunity to comment. ***Can you please email me the proof of your written communication to the property owners along this east-west access road through Nubuamis Hills?***

Thirdly, apart from points one and two above, you as the EAP is also responsible to inform other authorities and organs of state. ***Can you please email me the proof of your written communication to the other authorities and organs of state?***

Forth, from the information received from your office a public meeting was held on Saturday 27 March at 10:00am at Umti Lodge. ***Can you please provide me with the Minutes of the Meeting?***

Fifth, you informed our office of your study on 24 March 2021 in which documents you make reference to the public meeting of 27 March and that the comment period closes at 31 March 2021. ***The timing of the notice of the public meeting only 3 days before the public meeting date is NOT considered reasonable time, let alone the fact that I&APs was not informed in writing... The time in between the 24th and 31st of March (only 7 days) is NOT considered reasonable time nor reasonable opportunity as stipulated by the EIA Regulations.***

Sixth, you as the EAP is responsible to place an on-site notice informing the public of the study and proposed development. ***Please provide us with proof of the on-site notice, as well as the dates when this notice appear on-site?***

Can you please email me your list of pre-identified I&APs and your list of registered I&APs.

B. Registration with the Office of the EC

We are unable to locate the registration of your EIA on 289 Portal. ***Can you please email me the proof of registration with the EC and the project number allocated by the EC for your study? Also, please indicate for which 'listed activities' is being applied for to the EC?***

C. EAP & Town Planner

To confirm, Harmonic Town Planning and Regional Consultants is both the EAP and the town planner for this development?

D. Proposed Development

At his point in time very little information has been supplied from your side to enable the I&APs to provide comment.

1. In the BID provided, it is stated that '48 medium density erven' will be created, yet no further details are given with respect to what the density will be. ***Can you please indicate at what density the 'residential' and the 'general residential' erven will be developed? What is the total amount of residential dwellings that can be developed as part of this development?***

2. In the BID it is stated that 2 institutional erven will be provided, of which one is for a school. ***Can you please indicate the expected number of pupils and level of school? Please indicate if this educational facility will include hostels and/or sports fields?***

3. In the BID, the following is stated –

Consolidated Portion x of portion 55 of farm Nubuamis No. 37 is to be divided into Erf Rehoboth Extension I-177 is to be subdivided into 48 medium density erven.

Please clarify the part highlighted above?

4. In the BID reference is made to 3 access roads, yet no map indicating the 3 mentioned access roads are part of the information received from your office. ***Please provide us with the map indicating the 3 access roads?***

5. Very little information is given on the services infrastructure. ***Please indicate who will be responsible for the supply and upgrade of these services? Has there been any approvals obtained from the respective authorities for the anticipated increased supply? Was the actual increase in demand calculated and how this will be addressed?***

More questions to follow from our side and that of the community.

I would appreciate your urgent response on these matters to enable our office and that of the appointed lawyers to submit a formal objection with your office, the CoW, the Ministry of Urban and Regional Development, as well as the office of the Environmental Commissioner.

Regards

Brand van Zyl
Urban *Green* cc
SUSTAINABILITY CONSULTANTS
Water and Wastewater Consultants
Town and Regional Planning Consultants
Environmental Management Consultants
PO Box 11929, Klein Windhoek, Windhoek
Tel.: +264 61 300 820 Fax.: +264 61 401 294

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Please consider the environment before printing this e-mail / attachments

From: Mathew Shoonde [mailto:mathew.harmonic@gmail.com]
Sent: 25 March 2021 14:38
To: Urban Green
Cc: Harold Kisting; Tendai E Kasinganeti; freddy shihepo
Subject: Re: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB

Good afternoon Sir,

Noted, and thank you for your response, Sir. We will do.

Kind regards,

On Thu, Mar 25, 2021 at 12:06 PM Urban Green <urbangreen@iway.na> wrote:

Dear Mr. Shoonde,

Your email below is noted.

Thank you for registering Urban Green as an I&AP.

Please note that it remains your responsibility as the EAP to notify the residents and broader public, as per the EIA Regulations requirements.

Regards

Brand van Zyl

Urban *Green* cc

SUSTAINABILITY CONSULTANTS

From: Mathew Shoonde [mailto:mathew.harmonic@gmail.com]
Sent: 24 March 2021 09:52
To: urbangreen@iway.na
Cc: Harold Kisting; Tendai E Kasinganeti; freddy shihepo
Subject: RE: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB

Dear Mr. Brand Van Zyl,

Notice is hereby given for the Environmental Impact Assessment process for the proposed EBEN-EZER Township development in Nubuamis Hills, Brakwater-Windhoek by Harmonic Town Planning CC. Your company being appointed as such by the interested parties (neighbours), we would like to extend the invitation to your office to notify all parties. We have attached an invitation letter to a public meeting for the development as well as additional documentation for your information and input.

Kind Regards.

--

Mathew N. Shoonde

Harmonic Town Planning Consultants cc

APPENDIX D

From: Connie Meissner <connie@clickmail.na>
Sent: 28 April 2021 12:24
To: urbangreen@iway.na
Cc: Dianne Hubbard (dhubb@africaonline.com.na)
Subject: FW: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB
Attachments: Questionnaire.pdf; Layout.pdf; NUBUAMIS HILLS EIA_BID.pdf; PRESENTATION-NUBUAMIS HILLS.pdf

Good day

This mail has been send to various plot owners please let us know how to react.
Did they ever respond to the mail send by Urban Green after the public meeting.

Thank you

From: Markus A. Batz [mailto:batzcomposites@iway.na]
Sent: 28 April 2021 11:49
To: Connie Meissner
Subject: FW: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB

From: Tendai E. Kasinganeti [mailto:ekasinganetie@gmail.com]
Sent: Freitag, 23. April 2021 23:27
To: acorbett@iafrica.com.na; kesleycorbett65@gmail.com; dhubbe@africaonline.com.na; jwcorbettnam@gmail.com; charl@mantisbooks.co.za; CMeissner@mpact.co.na; beasandy@iway.na; oosie@hemconamibia.com; dietpste@gmail.com; danmazdp@gmail.com; CMeissner@mpact.com.na; rdaub@namibmills.com.na; mickeymat@gmail.com; ctward1949@gmail.com; petrayates@gmail.com; kevinyates@gmail.com; duamis.homes.cc@gmail.com; nubuamis1@gmail.com; sakkie.duplessis@yahoo.com; don@ojcnam.com; heathcote@mweb.com.na; heathcode@mweb.com.na; vanwykhardie@gmail.com; destra@iway.com.na; pretoriusi@aforbes.com; batzcomposites@iway.na; herman@retsol.com
Cc: Mathew Shoonde <mathew.harmonic@gmail.com>; Harold Kisting <hkisting001@gmail.com>; Evidence Kasinganeti <ekasinganetie@icloud.com>
Subject: RE: NOTICE OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT: THE PROPOSED TOWNSHIP DEVELOPMENT (EBEN-EZER VILLAGE) (CONSOLIDATION OF PORTION 181, 182, 183 PORTIONS OF PORTION 55) OF FARM NUBUAMIS NO. 37 INTO CONSOLIDATED PORTION X), BRAKWATER-WINDHOEK: NAMIB

Dear Esteemed stakeholders

Notice is hereby given in terms of the Environmental Management Act No. 7 of 2007, that an application for Environmental Clearance Certificate will be made to the Environmental Commissioner for the proposed Ebenezer Township establishment in Nubuamis (referenced above).

As such, your comments, recommendations and conce 294 equested in regards to the proposed development, so that they can inform the Environmental and Social impact Assessment being undertaken for the project. All your communication, will also form part of the public consultation comments, that will be attached in the ESIA report.

A public consultation meeting was announced in the local newspapers and Notices were also put up, however not all affected parties managed to attend the meeting, as such, we are opening this platform for further commenting to ensure that we incorporate all concerns of the interested and affected parties in the assessment process.

Attached herewith is as follows;

i. Background information document
ii. Public commenting form
iii. Locality Map
iv. Public consultation ppt presentation

We look forward to the return of the filled and signed public commenting questionnaire to inform this EIA process.

Kind regards

Tendai E. Kasinganeti
Environmental Assessment Practitioner (EAP)
Mobile: +264 81 3634 904 |Windhoek | Namibia

APPENDIX E

NATURE CONSERVATION AGREEMENT

entered into by and between

Sauerland Farming Company (Pty) (Farm Ongos)

and

AW Corbett/LD Hubbard (Plots 46, 47, 61 & 62 Nubuamis)

and

U M Batz (Plots 64 & 48 Nubuamis) Corbett 11.13.

and

B Dedig (Plot 63 Nubuamis)

and

F Müller (Plot 45 Nubuamis)

hereinafter collectively referred to as "the Parties" to a nature conservation agreement to be known as the
WINDHOEK NATURE CONSERVATION PARTNERSHIP
(hereinafter referred to as "the Nature Conservation Partnership")

Corbett 11.13.

WHEREAS the Parties are desirous of combining their properties to form a "Nature Conservation Area";

AND WHEREAS the Parties are desirous of pooling their resources to ensure that nature is protected in such Nature Conservation Area;

AND WHEREAS it is the intention of the Parties to enter into an agreement whereby each Party agrees to take the necessary steps to protect all fauna & flora occurring or introduced onto their properties for the benefit of the Parties to the Nature Conservation Partnership;

AND WHEREAS the company responsible for the management of the Nature Conservation Area undertakes to act in accordance with sound game and conservation management principles;

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

1. DEFINITIONS

1.1 Unless otherwise determined by the context, the following words will bear the following meanings:

1.1.1 "the Management Company" means Sauerland Farming Company (Pty) Ltd or its successors as the company responsible for the management of the Nature Conservation Area;

1.1.2 "the Nature Conservation Area" means that area made up of all the properties of the respective Parties to this nature conservation agreement;

1.1.3 "the Nature Conservation Partnership" means the group consisting of the respective Parties hereto;

1.1.4 "the Parties" means the Parties to this agreement and a Party means one of them; and

1.1.5 "the properties" means the immovable property owned by the Parties to this agreement falling within the Nature Conservation Area".

1.2 This agreement will be interpreted in accordance with Namibian Law.

2. NATURE CONSERVATIONS PARTNERSHIP

2.1 A Partnership is hereby established between the abovementioned parties for the purpose of creating a Nature Conservation Area for the Parties' joint benefit subject to the terms and conditions of this agreement.

2.2 Nothing in this agreement shall be construed as vesting in the Nature Conservation Partnership the right of any other party hereto to share in the profits and losses of the Management Company arising out of the implementation of the terms of this agreement.

3. AIMS AND OBJECTIVES

3.1 The Nature Conservation Partnership shall create and maintain a Nature Conservation Area consisting of the properties owned by the Parties hereto, as referred to above.

3.2 The Nature Conservation Partnership shall be responsible for the conservation of all flora and fauna occurring in or introduced into the Nature Conservation Area.

3.3 The entire Nature Conservation Area will be fenced in with a 2500 mm high game fence consisting of 2010 mm high "Veldspan" mesh fence with an additional 3 strands of steel wire on top of the "Veldspan", with an additional cattle fence 10 metres distant from the game fence where this is required by the State Veterinary Services. This fence meets the specifications of the Ministry of Environment and Tourism.

3.4 An anti-poaching unit will be established and maintained by the Management Company, with responsibility for patrolling Ongos and any other commercial farms which are part of the Nature Conservation Area to minimise the risk of poaching, snaring or other disturbance of flora and fauna. The Parties agree that members of the anti-poaching unit may also traverse smallholdings which are part of the Nature Conservation Area in hot pursuit of poachers and/or when called in by plot owners specifically to follow up an incident which could threaten the flora or fauna of the area. The Management Company undertakes to recruit, train, incorporate and manage an additional member of the anti-poaching unit to patrol the smallholdings if the plot-owners wish to pay the salary of that staff member at any stage.

4. CONTRIBUTIONS

Each Party will contribute the following to the Nature Conservation Partnership:

4.1 make their respective properties available for game to graze, browse and access water within the Nature Conservation Area;

4.2 seek to remove all boundary and internal fencing to allow the game freer access to the properties to graze, browse and access water within the Nature Conservation Area, subject to the right of Parties to fence off pastures for livestock, dangerous or destructive game: Provided that any Party who wishes to keep cattle on a property within the Nature Conservation Area will be responsible for requesting an exemption with the State Veterinary Services for this purpose;

4.3 contribute to the erection and maintenance of the game fence referred to in paragraph 3.3 above, the details and financing of which are to be negotiated and separately agreed upon by the Parties hereto;

4.3.1 It should be noted that the Sauerland Farming Company (Pty) Ltd financed the erection of the southern border fence between Plots 63 and 45 Nubuamis and the town lands to the south. This fence remains the property of the Sauerland Farming Company (Pty) Ltd. In the event of a dispute resulting in the withdrawal of the smallholdings fenced in by the said fence being cancelled, the company in keeping with Section 9 below, is entitled to:

(a) Insist on the immediate erection of a game fence of equal materials, construction and quality between the farm Ongos and the said smallholdings, at the sole expense of the owners of these smallholdings; or

(b) Charge the owners of the small holdings for the cost of this fence (erection and materials at current replacement value to be paid within 14 days of presentation of an invoice. The company will then use these funds to erect the fence as in 4.3.1(a) above; or

(c) Failing this, Sauerland Farming Company (Pty) Ltd company is entitled to, without compensating the owners of the said smallholdings in any way, take down this fence and reuse the material for the erection of the fence as in 4.3.1 (a) and charge the owners of the smallholdings for the labour cost incurred in taking down and erecting this fence; as well as for any damage and losses of material due to this action.

4.4 assist in the protection and conservation of fauna and flora within the Nature Conservation Area by, *inter alia*, monitoring of the game fence and persons entering their properties to help to prevent poaching within the Nature Conservation Area; and

4.5 assist in combating destructive veld fires within the Nature Conservation Area.

5. PROHIBITED USES

The Parties hereto agree that:

5.1 No party other than the Management Company (or agents of the Management Company) will in any manner whatsoever hunt, trap, capture and sell or snare game within the Nature Conservation Area.

5.2 The control of "problem animals" such as jackals may be done only in consultation with the Management Company. The use of poisons such as strychnine is strictly prohibited.

5.3 No party will set up any tourism venture within the Nature Conservation Area in direct competition with the Management Company.

5.4 Traversing rights between the commercial farms in the Nature Conservation Area and the smallholdings in the Nature Conservation Area are limited to hot pursuit by the anti-poaching unit, specific monitoring by the anti-poaching unit at the request of the owner of the smallholding for purposes of dealing with a specific threat; and/or fire-fighting activities.

6. DURATION OF THE NATURE CONSERVATION PARTNERSHIP

The Nature Conservation Partnership will continue indefinitely.

7. ADMISSION OF OTHER PARTIES TO THE NATURE CONSERVATION PARTNERSHIP

The Parties may by written agreement admit other Parties to the Nature Conservation Partnership upon such terms and conditions as may be agreed upon. It shall be a term of such agreement that the Party being admitted to the Nature Conservation Partnership shall be bound by the terms and conditions of this Agreement, as varied by the Agreement admitting the new party to the Nature Conservation Partnership.

Carol

11-13. AUG 2009

8. SALE OF PROPERTIES WITHIN NATURE CONSERVATION AREA

In furtherance of the objectives of this agreement, the Parties undertake, should they transfer ownership of their property situated within the Nature Conservation Area, to find a purchaser who is willing to be admitted to the Nature Conservation Partnership, failing which the Party will be deemed to have withdrawn from the Nature Conservation Partnership in terms of clause 9.

9. WITHDRAWAL FROM THE NATURE CONSERVATION PARTNERSHIP

9.1 Any Party to this agreement may withdraw from the Nature Conservation Partnership on written notice given to all the other Parties.

9.2 A withdrawing Party will be liable for the cost of fencing off his or her property from the Nature Conservation Area to the same standard as the rest of the game fence, alternatively must attend to such fencing himself or herself to the satisfaction of the Nature Conservation Partnership, which could include but is not limited to the removal and re-erection of the game fence necessitated by such withdrawal, and the Management Company reserves the right to remove all the introduced game species from the property at the cost of the property owner who is withdrawing.

9.3 Should a party engage in conduct incompatible with the objects of the Nature Conservation Partnership, the Parties may request such other Party to desist, failing which the party can be required to withdraw from the Nature Conservation Partnership, subject to the obligation contained in sub-clause 9.2 above.

9.4 In the event of activities by Parties, including intensive property development, which are inconsistent with the objectives of the Agreement, the Management Company reserves the right to fence off portions of the Game Conservation Area under its ownership in an attempt to protect its own interests. Such an event will be treated as a withdrawal by the Party in question; in accordance with paragraph 9.2.

10. PROPERTY RIGHTS

Apart from the obligations contained in this Agreement, all other property rights of the Parties remain unaffected.

11. GOOD FAITH

The Partners acknowledge that this agreement is based on a spirit of trust and good faith and the Partners will endeavour to do everything in their power to enable the Nature Conservation Partnership to continue in such spirit.

12. *FORCE MAJEURE*

12.1 A Party is not liable for a failure to perform any of his or her obligations in so far as he or she proves:

12.1.1 that the failure was due to an impediment beyond his or her control;

12.1.2 that he or she could not reasonably be expected to have taken the impediment and its effects upon his or her ability to perform into account at the time of the conclusion of this Agreement; and

12.1.3 that he or she could not reasonably have avoided or overcome the impediment or at least its effects.

12.2 An impediment in sub-clause 12.1 may result from amongst others things but not limited to, the following:

12.2.1 nationalization, governmental resettlement, land-grabs or other actions by which the Party is deprived of his property;

12.2.2 natural disasters such as storms, floods, destruction by lightning, veld fires, etc. and

12.2.3 acts of an authority, whether lawful or unlawful.

12.3 For purposes of sub-clause 12.1 above, "impediment" does not include lack of authorizations, licences, permits or of approvals necessary for the performance of this Agreement and the Partnership's ideals.

12.4 Exclusion of liability for non-performance by reason of the provisions of this clause shall commence on the date upon which the Party seeking relief gives notice of the impediment relied upon to the other Partners and shall terminate upon the date which the impediment ceases to exist; provided that if such impediment continues for a period of more than 3 (three) months, any Partner shall be entitled to terminate this Partnership by written notice to the other Partners.

13. *DOMICILIUM CITANDI ET EXECUTANDI*

The Partners choose as their *domicilium citandi et executandi* address for all purposes in terms of this agreement, including service of notices, Court processes and other documentation, the addresses entered below at the time of signature of the contract. A Party may change his *domicilium* address on 5 (five) days written notice to the other Parties.

14. **WHOLE AGREEMENT**

This is the entire agreement between the Parties who acknowledge that there are no other oral or written understandings other than those contained in this Agreement and no Party has given any representations or warranties other than as may be set out in this Agreement.

15. **NON-WAIVER**

No party shall be regarded as having waived, or be precluded in any way from exercising any right under or arising from this Agreement by reason of such Party having at any time granted any extension of time for, or having shown any indulgence to the other Parties with reference to any obligation or performance hereunder, or having failed to enforce, or delayed in the enforcement of any right of action against the other Parties.

Sauerland Farming Company (Pty) Ltd

Address:

Farm Ongas No 38 Ongas farm #38

Windhoek District Windhoek

AS WITNESSES:

1. R.Swathooi

2. Booi

DATED at 18/3/2005 on this 18 day of MARCH 2005 2003

Cards

U.B.

AW Corbett/LD Hubbard

Address:

PO Box 604

Windhoek

AS WITNESSES:

1. M. Landaso

2. J. [illegible]

DATED at Windhoek on this 7th day of February 2003.

U. M Batz

Address:

P.O. Box 98371

Windhoek

AS WITNESSES:

1. _____

2. _____

DATED at _____ on this ____ day of _____ 2003.

Cards

U. 13

9 2003

B Dedig

B Dedig

Address:

Box 4823

Windhoek

AS WITNESSES:

1. [signature]
2. [signature]

DATED at 23 on this 10 day of 2004 2003.

F.J. Muller

F Müller

Address:

P.O. Box 20219

Windhoek

AS WITNESSES:

1. H. Ritter
2. [signature]

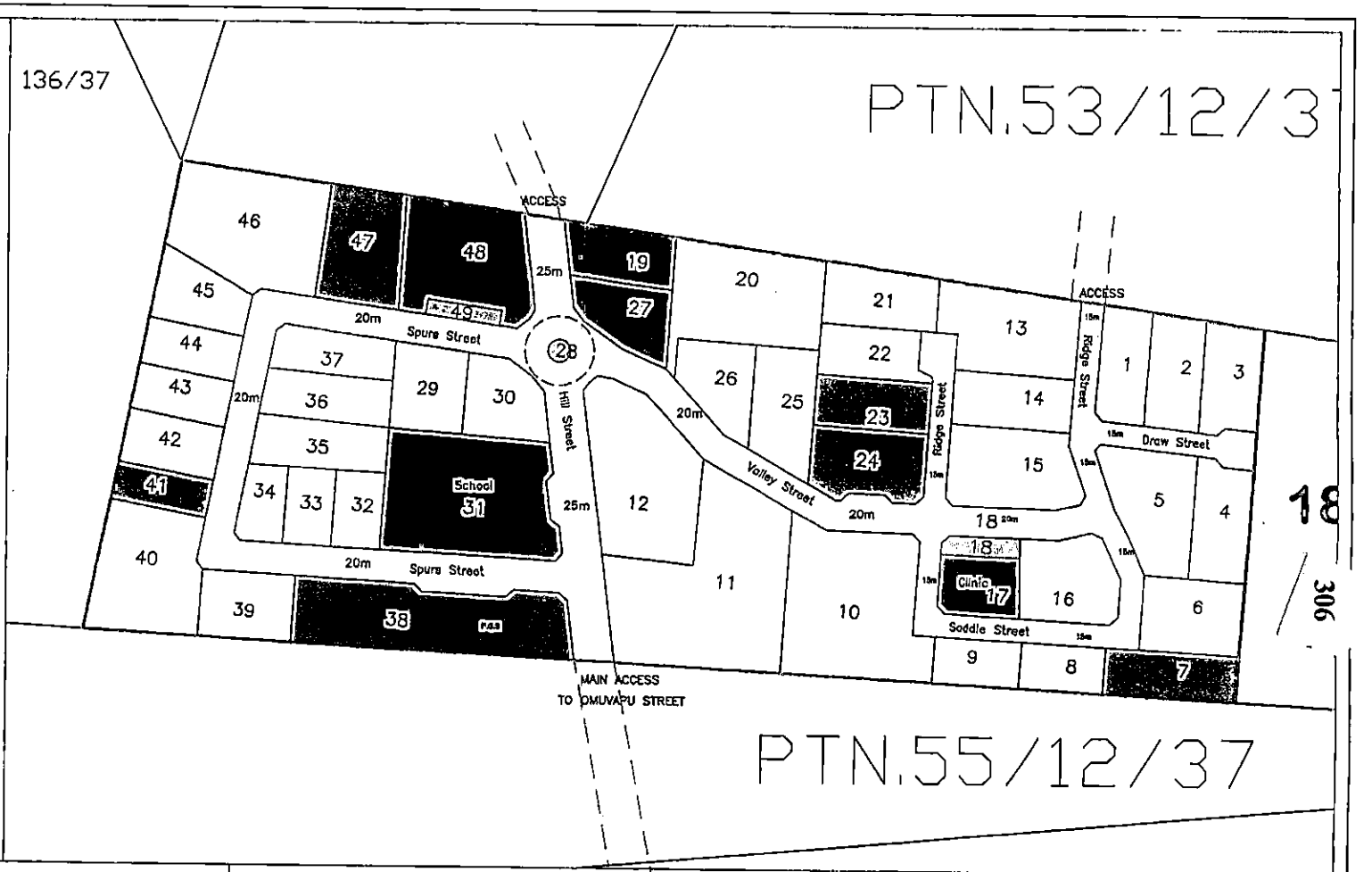
DATED at 24 on this 10 day of _____ 2004.

Carey, 11.13.

10

Dec 2004

Consolidated Portion X			Consolidated Portion X		
ERF NUMBER	SIZE ± (m²)	ZONING	ERF NUMBER	SIZE ± (m²)	ZONING
1	2396	RESIDENTIAL	38	7795	P.O.S
2	2619	RESIDENTIAL	39	2634	GEN RESIDENTIAL
3	2620	RESIDENTIAL	40	2451	GEN RESIDENTIAL
4	2797	RESIDENTIAL	41	1343	P.O.S
5	4009	RESIDENTIAL	42	2127	GEN RESIDENTIAL
6	3173	GEN RESIDENTIAL	43	1673	RESIDENTIAL
7	2623	P.O.S	44	8874	RESIDENTIAL
8	1685	RESIDENTIAL	45	2388	GEN RESIDENTIAL
9	1745	RESIDENTIAL	46	5115	GEN RESIDENTIAL
10	8561	GEN RESIDENTIAL	47	2777	P.O.S
11	8865	GEN RESIDENTIAL	48	6255	BUSINESS
12	6917	GEN RESIDENTIAL	49	486	STREET
13	4098	GEN RESIDENTIAL	RE/136/37	36333	STREET
14	2703	GEN RESIDENTIAL	TOTAL	200056	
15	4290	GEN RESIDENTIAL			
16	1851	GEN RESIDENTIAL			
17	2010	INSTITUTIONAL			
18	630	STREET			
19	3349	BUSINESS			
20	4614	GEN RESIDENTIAL			
21	2733	GEN RESIDENTIAL			
22	3168	GEN RESIDENTIAL			
23	1478	P.O.S			
24	1400	P.O.S			
25	3882	GEN RESIDENTIAL			
26	3420	GEN RESIDENTIAL			
27	3473	BUSINESS			
28	165	P.O.S			
29	2610	GEN RESIDENTIAL			
30	2590	GEN RESIDENTIAL			
31	2612	INSTITUTIONAL			
32	1586	RESIDENTIAL			
33	1315	RESIDENTIAL			
34	1460	RESIDENTIAL			
35	2478	GEN RESIDENTIAL			
36	3457	GEN RESIDENTIAL			
37	3150	GEN RESIDENTIAL			



PROPOSED LAYOUT

SUBDIVISION OF REMAINDER PORTION 55 (A PORTION OF PORTION 12)

OF THE FARM NUBUAMIS NO.37,

PORTION 181, 182 AND 183

(PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO.37

LEGEND

Proposed Boundary

ZONING

- Business
- General Residential
- Intitutional
- Public Open Space
- Residential
- Street

T N

Date: 20 JULY 2021

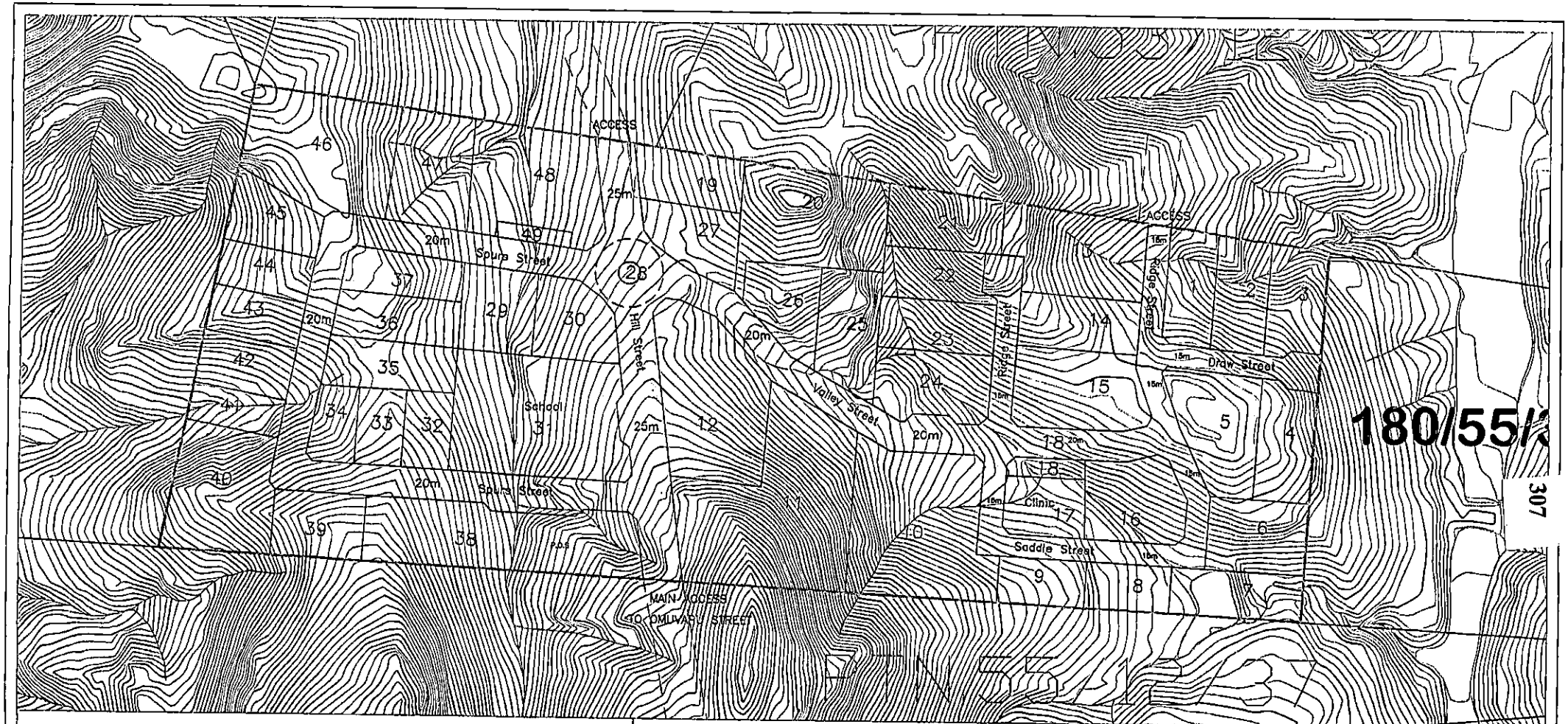
Scale: 1/3000

HARMONIC

HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P O Box 3216
Windhoek

Cell: 081 127 5879
Tel: 061 238 460
Fax: 088 646 401
Email: hkisting@namibnet.com

Drawn by: Mathew Shoonde



CONTOURS MAP

SUBDIVISION OF REMAINDER PORTION 55 (A PORTION OF PORTION 12)

OF THE FARM NUBUAMIS NO.37,

PORTION 181, 182 AND 183

(PORTIONS OF PORTION 55) OF THE FARM NUBUAMIS NO.37

LEGEND

Proposed Boundary

CONTOURS

RIVER

T N

Date: 20 JULY 2021

SCALE: 1/2500

HARMONIC

HARMONIC TOWN PLANNING CONSULTANTS
Town and Regional Planners
P.O Box 3216
Windhoek

Cell: 081 127 5979
Tel: 061 238 460
Fax: 088 646 401
Email: hklsting@namibnet.com

Drawn by: Mathew Shoonde

3 **CONFIRMATION OF MINUTES**

[Municipal Council Minutes: 2018-02-28]

3.1 **MUNICIPAL COUNCIL MEETING HELD ON 31 JANUARY 2018**
(3/2/1)

On proposal by Councillor I Subasubani, seconded by Councillor M Shiikwa, it was

RESOLVED

That the minutes of the monthly meeting of the Municipal Council of Windhoek held on 31 January 2018, be confirmed, subject to the amendment of Item 10.2.10:

[Municipal Council Minutes: 2018-02-28]

3.1.1 **ITEM 10.2.10 - SOP.3 [UTP] NAMING OF STREETS IN ELISENHEIM PROPER (PHASE 1)**
(16/3/7/1)

It was

RESOLVED

That Council Resolution 18/01/2018 be rescinded in its entirety and replaced to read as follows, with specific reference to paragraph 4:

1 That the proposed names of the historical figures be considered for naming the streets in Elisenheim Proper (Phase 1).

2 That the arterial streets, being Bethel Avenue, Corinth Avenue and Terrah Avenue, be named in honour of the identified heroic figures, being the Late Nico Bessinger, Dr Theo Ben Gurirab and Professor Peter Katjavivi respectively.

2.1 That the remaining streets in Elisenheim Proper (Phase 1), be renamed as per the following table:

Street name	*Reason for the award of the Biblical place names*
1 Alush Close	- ***Alush** (Hebrew) was one of the places, the last before Rephidim, at which the Israelites rested on their way to Mount Sinai (Numbers 33:13, 14);* - *It was probably situated on the shore of the Red Sea;* - *It means a crowd of men; and* - *A particular event that occurred here was the story in the Exodus where water flowed from a rock.*
2 Attalia Street	- ***Attalia** came from the ancient name of Antalya, a city on the Mediterranean coast of south western Turkey.*

Street name	*Reason for the award of the Biblical place names*
3 Bethel Avenue	- ***Bethel** Avenue came from (Ugaritic: bt il, meaning 'House of El' or 'House of God' (Hebrew) and also translated Beth El, Beth-El, or Beit El); and* - *Greek was a border city described in the Hebrew Bible as being located between Benjamin and Ephraim and also a location named by Jacob.*
4 Cana Street	- ***Cana** is one of the cities of Galilee where Jesus worked His First Miracle by turning a large quantity of water into wine at a wedding feast (John 2:1-11).*
5 Corinth Avenue	- ***Corinth** was an important City in Greek, Hellenistic, and Roman times. Its geographical location, role as a centre of trade, naval fleet, participation in various Greek wars, and status as a major Roman colony meant the city was, for over a millennium, rarely out of the limelight in the ancient world.*
6 Dan Close	- ***Dan** (Hebrew) is a city mentioned in the Hebrew Bible, described as the northernmost city of the Kingdom of Israel, and belonging to the tribe of Dan. The city is identified with a tell located in northern Israel known as Tel Dan.*
7 Dhiban Close	- ***Dhiban** is a Jordanian town located in Madaba Governorate, ± 70 kilometres south of Amman and east of the Dead Sea. Previously nomadic, the modern community settled the town in the 1950s. Dhiban's current population is about fifteen thousand (15 000), with many working in the army, government agencies, or in seasonal agricultural production.*
8 Elisenheim Boulevard	- ***Elisenheim** Boulevard was named after Elisenheim township itself.*
9 Ethan Street	- ***Etham** is a Hebrew place, meaning 'solid, enduring' and was the second place, after Succoth, at which the Israelites stopped during the Exodus.*
10 Hebron Street	- *The **Hebron** of the Bible was centered on what is now known as Tel Rumeida, while its ritual centre was located at Elonei Mamre. It is said to have been wrested from the Canaanites by either Joshua, who is said to have wiped out all of its previous inhabitants, 'destroying everything that drew breath, as the Lord God of Israel had commanded.*
11 Heshborn Street	- *A city ruled over by Sihon, king of the Amorites (Joshua 3:10 and 13:17). It was taken by Moses (Numbers 21:23-26), and became afterwards a Levitical city (Joshua 21:39) in the tribe of Reuben (Numbers 32:37). After the exile, **Heshbron** was taken possession of by the Moabites (Isaiah 15:4, Jeremiah 48:2, Jeremiah 48:34 and Jeremiah 48:45). The ruins of this town are still seen about 20 miles east of Jordan from the north end of the Dead Sea.*
12 Lystra Street	- ***Lystra** is the ancient name of the village visited by the Apostle Paul. There is a present-day village called 'Klistra' near Gökyurt, a village of the Meram district of the Konya province. Ancient ruins can be seen near Klistra, including a church with a big cross marked on the wall, a winery, house-like buildings, and the ruins of a city located over the top of a hill which is locally called 'Alusumas', where another church ruin can be seen. According to local people, the less-visible city was constructed over the hill to hide from enemies of ancient Anatolia.*
13 Nimrah Close	- *Pure, a city on the east of Jordan (Numbers 32:3), probably the same as Beth-nimrah (Joshua 13:27). **Nimrah** has been identified with the Nahr Nimrin, at one of the fords of Jordan, not far from Jericho.*
14 Patara Street	- *This was a flourishing maritime and commercial city on the south west coast of Lycia on the Mediterranean coast of Turkey near the modern small town of Gelemiş, in Antalya Province. **Patara** is the birthplace of St. Nicholas, who lived most of his life in the nearby town of Myra.*
15 Pegra Street	- *St. Paul the Apostle and his companion, St. Barnabas, twice visited **Perga** as recorded in the biblical book, the Acts of the Apostles, during their first missionary journey, where they 'preached' the word before heading for and sailing from Attalia.*
16 Tarsus Crescent	- *During the Roman Empire, **Tarsus** was the capital of the province of Cilicia. It was the scene of the first meeting between Mark Antony and Cleopatra, and the birthplace of Paul the Apostle. A historic city in south-central Turkey, 20 kilometres from the Mediterranean, it is part of the Adana-Mersin Metropolitan area.*

Street name	*Reason for the award of the Biblical place names*
17 Terah Avenue	- *Is a biblical figure in the Book of Genesis, son of Nahor, son of Serug and father of the Patriarch Abraham, all descendants of Shem's son Arpachshad.*

3 *That a public participation exercise be launched and addressed as per the guidelines and recommendations of the Street and Place Naming/Renaming Committee, prior to the actual renaming of the streets.*

4 ***That the need to honour historic figures be considered and that arterial and collector streets in new township developments be implemented for honouring historical figures.***

5 *That the street and place naming/renaming applications for all approved township layouts for the Elisenheim Proper (Phase 1) development be submitted for a unitary and collective consideration.*

6 *That the stated public participation exercise be undertaken to gather input from all interested and affected parties for the renaming of Elisenheim Proper (Phase 1), and such be done in the following manner:*

6.1 *Through placing a notice in two (2) local newspapers circulating in the area for one (1) week, requesting input from affected and interested parties; or*

6.2 *Through disseminating a Letter of Intent to all property owners along the affected street. (Such owners must be provided with an option to indicate if they agree or disagree with the proposed name change, and reasons must be provided for responses).*

7 *That the E-Venus and Enlighten Planning Systems be updated to correctly reflect the recommended changes.*

8 *That the Chief Executive Officer (Manager: External Relations and Networking) inform the applicant of the decision taken, and the necessary arrangements be made in the event of the street renaming ceremony.*

RESOLUTION 35/02/2018

[Municipal Council Minutes: 2007-06-28]

8.2.1 **UPG.1 [PLA] PROPOSED SUBDIVISION OF PORTION 39 OF THE FARM NUBUAMIS NO. 37 INTO SMALLER THAN 25 HECTARE PORTIONS – CHANGE OF POLICY ZONE A NUBUAMIS** (L/39/Nubuamis)

On proposal by Councillor Dr B von Finckenstein, it was

RESOLVED

1 That a moratorium be placed on all subdivisions within the Nubuamis Hills area (Policy Zone A as indicated on the plan attached as page 141 to the agenda), until the alignments of the required roads have been approved by Council.

2 That the Strategic Executive: Transportation be tasked to investigate the appointment of an engineering firm to determine the position of the collector road and any other municipal roads which might be required to serve the Nubuamis Hills area (Policy Zone A).

3 That the Strategic Executive: Transportation be tasked to budget for the said investigation in the 2008/2009 Budget, after Council approval for it has been obtained.

4 That, once the alignments of the required roads have been approved by Council and the roads are proclaimed, further applications for subdivisions of portions in the Nubuamis Hills area into portions smaller than 25 ha be investigated, in line with the Windhoek Town Planning Scheme.

5 That the application for the subdivision of Portion 39 of the Farm Nubuamis No. 37 into Portion A (5.0006 ha), Portion B (5.0007 ha), Portion C (5.0020 ha), Portion D (5.0006 ha) and the Remainder (5.0015 ha), as indicated on the plan of the applicant, date stamped 13 December 2004 attached as page 141 to the agenda be turned down, as the required collector road in that area is not in place.

Funds available

Item 0001/05/00151 (legal costs)

RESOLUTION 208/06/2007

[Municipal Council Minutes: 2008-10-29]

8.4.12 BRB.14 [PLA] SUBDIVISIONS ON FARM NUBUAMIS NO. 37 INTO PORTIONS SMALLER THAN TWENTY FIVE (25) HECTARE – CHANGE OF POLICY ZONE A NUBUAMIS
(L/37/Nub)

On proposal by Councillor Ms E Trepper, it was

RESOLVED

1 That the moratorium placed on subdivisions in the Nubuamis Hills area of the Farm Nubuamis No. 37 in terms of Council Resolution 208/06/2007, attached as page 413 to the agenda, be revoked.

2 That Nubuamis be delimited into Nubuamis Hills West and Nubuamis Hills East described as follows and indicated on plan P/3555/A, attached as page 416 to the agenda:

2.1 On the eastern boundary of Portion 32, along the northern boundaries of Portions 28, 29, 30 and 39 and then on the western boundary of Portion 39; and

2.2 Portions 4, 20, 59 and 66 to 69, Nubuamis be delimited as a separate area apart from Nubuamis Hills East and West.

3 That subdivisions in portions smaller than twenty five (25) hectare not be considered in the new Nubuamis Hills West area, except in cases where such subdivision is approved by all plot owners in Nubuamis Hills West.

4 That properties in the Nubuamis Hills East area be allowed to subdivide into smaller portions of five (5) hectare as allowed by the Town Planning Scheme or higher densities depending on the topography.

5 That the existing Policy Guidelines for Nubuamis be amended accordingly to provide for the separate Nubuamis Hills East and West Areas.

RESOLUTION 363/10/2008

Policy Zone A1 and A2

The new policy zone map (P/3555/A, Rev.3) propose that the former Policy Zone A (Nubuamis Hills) Area in terms of Council Resolution 41/02/2002 be divided into two Policy Zones.

Policy Zone: Nubuamis Hills East is described as follows:

Zone A1: Nubuamis Hills East	
Development objectives	Area to be developed for high income residential purposes. 5 ha plots with residential development. Encourage conservation of natural systems. Eliminate existing and prevent future light industrial uses.
Dominant land use	Residential
Development intensity	Average Residential density 1/5 ha Higher densities possible to provide housing to labourers
Subdivisions	Minimum plot size: 5 ha
Primary uses	Dwelling houses
Consent uses	Agriculture Residential buildings; places of public worship; places of instruction; social halls; institutions; special buildings; pensions and resident occupations
Prohibited uses	Other uses not under Primary and Consent uses
Infrastructure	New development to indicate how sewer, water and electricity will be provided. Provision of services is the responsibility of the developer. Services to be provided to municipal standards. When subdividing, access should be provided to individual plots from roads maintained by City.
Conservation	Natural qualities of the landscape to be conserved. Conserve hilltops, slopes and water courses Prevent dumping and pollution of river beds

Policy Zone: Nubuamis Hills West A2 is described as follows:

Zone A2: Nubuamis Hills West	
Development objectives	Area to be developed for high income residential purposes. Large plots with low intensity residential development. Encourage conservation of natural systems. Eliminate existing and prevent future light industrial uses.
Dominant land use	Residential
Development intensity	Higher densities possible to provide housing to labourers
Subdivisions	Minimum plot size: 25 ha (TPS 5 ha)
Primary uses	Dwelling houses
Consent uses	Agriculture Residential buildings; places of public worship; places of instruction; social halls; institutions; special buildings; pensions and resident occupations
Prohibited uses	Other uses not under Primary and Consent uses
Infrastructure	New development to indicate how sewer, water and electricity will be provided. Provision of services is the responsibility of the developer. Services to be provided to municipal standards. When subdividing, access should be provided to individual plots from roads maintained by City.
Conservation	Natural qualities of the landscape to be conserved. Conserve hilltops, slopes and water courses Prevent dumping and pollution of river beds

[Municipal Council Minutes: 2012-08-30]

8.1.2 PBS.2 [INF] BRAKWATER BULK SERVICES MASTER PLAN – PRESENTATION OF ENGINEERING AND FINANCING DOCUMENTS (L/Brakwater)

On proposal by Councillor Ms AM Kafula, it was

RESOLVED

1 That the Brakwater Bulk Services Master Plan be accepted as a working document for the provision of bulk services (potable water, sewerage, irrigation water, arterial and collector roads) in the Greater Brakwater Area (Brakwater area).

2 That the Strategic Executive: Planning, Urbanisation and Environment complete the new Structure Plan for the Greater Brakwater Area before the end of August 2012. [This plan is required for the implementation of the Brakwater Bulk Services Master Plan and the new financing model.]

3 That it be noted that all the district roads inclusive of the Brakwater Services Road (District Road 1491) with its link with Truck Road 1/6, which were under the jurisdiction of the Roads Authority, were handed over to the City of Windhoek by the Roads Authority.

4 That the Strategic Executive: Planning, Urbanisation and Environment get the district roads proclaimed.

5 That the '80 % of the area' development rules contained in the 31 March 2004 Council Resolutions, namely Resolutions 87/03/2004 and 105/03/2004, attached as pages 62 and 63 – 64 respectively to the agenda, be rescinded and that the decisions to provide bulk services be agreed upon annually by the Strategic Executives: Planning, Urbanisation and Environment; Transportation; and Infrastructure, Water and Waste Management, following consultations with the Brakwater Advisory Committee (BAC).

6 That the Report on the Implementation of an Infrastructure Development Charge Policy and Tariffs for the Greater Brakwater Area, attached as pages 5 – 59 to the agenda, which includes the principles of a Development Charge Policy, be accepted as a working document for the financing of the bulk services in that area.

7 That the following legal implications of the new policy be noted:

7.1 That the Development Charge Policy is applied in terms of section 30 of the Local Authorities Act, 1992 (Act 23 of 1992);

7.2 That the Development Charge Policy replace betterment levies as levied under section 35 of the Town Planning ordinance 18 of 1954; and

7.3 That the Development Charge Policy replace endowment paid under sections 6 and 19 of the Town and Division of Land Ordinance 11 of 1963.

8 That a policy based on the principles of the report be drafted for approval by Council.

9 That an advertising campaign be conducted to call the attention of the ratepayers, landowners, developers and consultants to the new policy, its intent and practical implementation.

10 That the first development charges, as calculated by the consultant (based on the 2009 estimated construction costs) and to be escalated by the City of Windhoek, be accepted as the 2011/2012 development charges.

11 That the need for bridging finance be recognised and the principle be applied in future budgets.

12 That the following principles that are proposed as part of the financial model be accepted:

12.1 That Brakwater residents who are linked to the municipal sewerage network, pay the same sewerage tariffs as those applicable to Windhoek residents.

12.2 That Brakwater residents using potable water supplied by the City of Windhoek pay the same potable water tariffs as those applicable to Windhoek residents.

12.3 That Brakwater residents being supplied with a wheelie bin for regular refuse removal by the City of Windhoek, pay the same refuse removal tariff as those applicable to Windhoek residents.

12.4 That the fee structure for collection of refuse in Windhoek (and Brakwater) be investigated, as it is running at a loss that is not sustainable.

12.5 That the land and improvements in the Greater Brakwater Area be subject to the same valuation process and programme as the City of Windhoek.

12.6 That the applicable rates for land and improvements in the Greater Brakwater Area be the same as for the City of Windhoek.

12.7 That a system of rebates that are based on the relative service level spreadsheet be introduced.

13 That consideration be given to refresh the Development Charge Policy three (3) years after introducing the system to amend the policy to accommodate new projections, assumptions and practical lessons learnt.

14 That the development charges, which are based on the 2009 construction costs, be increased annually in line with the Namibia Inflation Rate. [The increased construction costs must be compared with those received with tenders for work in Windhoek or the Greater Brakwater Area, to ensure realistic prices.]

15 That Ministerial approval for the new financing model (implementation of development charges) be obtained for the Greater Brakwater Area and for developments within the extended boundaries of Windhoek, as this would replace betterment levies and endowment payments.

15.1 That a high level delegation, which consist of the Chairperson of Council, Chairperson of Management Committee and the Chief Executive Officer, which may include Councillors (to be nominated), the Strategic Executive: Infrastructure, Water and Waste Management and relevant officials of the Department of Planning, Urbanisation and Environment, visit the Minister of Regional and Local Government, Housing and Rural Development to explain the Development Charges Policy and the implementation thereof.

16 That the proposed calculation of tariffs and rebates be accepted and that these rebates be adjusted annually following consultations with the Brakwater Advisory Committee (BAC) and the Brakwater community.

17 That a flexible implementation plan to accommodate the diversified demand for development be developed for the Greater Brakwater Area to serve as guideline for the development of bulk services to ensure an orderly and harmonious development over an extended period of time.

18 That a special vote/item be created for each bulk service to be supplied in the Greater Brakwater Area and that the development charges received be distributed amongst these items, according to the ratios supplied by the relevant departments.

18.1 That these funds only be used for the provision of bulk services in the Greater Brakwater Area.

19 That the betterment levies and endowment payments received between 31 March 2004 and the date of implementation of development charges be calculated by the Strategic Executive: Finance and then be allocated to the new votes/items with the assistance of the relevant service departments.

20 That developers and/or owners of properties already completed, under construction or approved before the implementation of development charges, pay development charges retrospectively, if betterment levies and endowment payments were not paid to the City of Windhoek before the introduction of development charges.

20.1 That the development charges be payable before bulk services be supplied to these developments.

21 That the financial principles developed for the Greater Brakwater Area be considered for new developments within the newly extended boundaries of Windhoek.

22 That the co-operation of the line Ministry be requested in that all direct applications for approval (which intend bypassing the City of Windhoek) be turned away and be referred to the City.

23 That all applications for development in the Greater Brakwater Area only be considered after consultations with the Brakwater Advisory Committee (BAC).

24 That all uncontrolled and illegal developments be identified and stopped until applications for development have been received and approved.

25 That the Strategic Executive: Planning, Urbanisation and Environment investigate the 2 hectare pieces of ground reserved for the City, following subdivisions in the Greater Brakwater Area and try to get these lined up for municipal development, if possible.

26 That the Strategic Executive: Planning, Urbanisation and Environment submit the list of names received from the Brakwater residents for the naming of streets in the Greater Brakwater Area, to the Street and Place Naming/Renaming Committee, to ensure easier and quicker response by the City Police, ambulance and fire brigade, and for delivery purposes.

27 That all outstanding administrative issues and outstanding correspondence with regard to the Greater Brakwater Area receive priority attention from those responsible.

28 That the Consultant be instructed to start training City officials and interested developers as well as the Brakwater community, as soon as Council has accepted the Report on the Implementation of an Infrastructure Development Charge Policy and Tariffs for the Greater Brakwater Area.

29 That the Chief Executive Officer (Corporate Legal Adviser) liaise with the Strategic Executive: Infrastructure, Water and Waste Management on when the tariffs would be promulgated.

30 That the resolution as per paragraph 28 above, be implemented prior to confirmation of the minutes to speed up the implementation.

RESOLUTION 267/08/2012