

DOCUMENT 1

# CITY OF WINDHOEK

☒ 59, Windhoek

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NOTICE is hereby given of the monthly meeting of the

## MUNICIPAL COUNCIL OF WINDHOEK

to be held on **Thursday, 25 June 2026 at 17:30**, in the new Council Chambers, Windhoek.

.....  
**CHIEF EXECUTIVE OFFICER**

**ENQUIRIES:** Ms M Garises/jr

**REF:** 2026-06-25.ca

**TELEPHONE:** 2902557

**DATE:** 2026-06-22

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[Municipal Council Agenda: 2026-06-25]

**1 OPENING BY PRAYER**  
(9/4/2)

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[Municipal Council Agenda: 2026-06-25]

**2 OFFICIAL ANNOUNCEMENTS, STATEMENTS  
AND COMMUNICATIONS BY THE MAYOR -  
COUNCIL MEMBER SAKARIAS UUNONA**  
(12/4/3)

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[Municipal Council Agenda: 2026-06-25]

**3 APPLICATIONS FOR LEAVE OF ABSENCE**  
(9/1/4)

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[Municipal Council Agenda: 2026-06-25]

**4 DECLARATION OF INTEREST**  
(9/4/2)

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[Municipal Council Agenda: 2026-06-25]

**5 CONFIRMATION OF MINUTES**  
(9/4/3)

The minutes of the monthly meeting of the Municipal Council of Windhoek held on 4(27-05) June 2026 are submitted for confirmation.

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[Municipal Council Agenda: 2026-06-25]

**6 PETITIONS**  
(9/3/3)

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[Municipal Council Agenda: 2026-06-25]

**7 MOTIONS**  
(9/3/1)

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[Municipal Council Agenda: 2026-06-25]

**8 ANSWERS TO QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN (9/3/4)**

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**9 REPORTS OF MANAGEMENT COMMITTEE (9/4/4)**

[Municipal Council Agenda: 2026-06-25]

**9.1 REPORT OF MANAGEMENT COMMITTEE IN TERMS OF RULE 21(1) AS CONTEMPLATED IN SECTION 26(1) OF THE LOCAL AUTHORITIES ACT, 1992 (ACT 23 OF 1992) (AS AMENDED): MAY 2026**

This matter is submitted to the Council Members under Item 10.3.6 of this agenda.

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**10 MINUTES OF MANAGEMENT COMMITTEE**

[Municipal Council Agenda: 2026-06-25]

**10.1 APPROVAL OF MINUTES (MC 11/2026)**

The minutes of the Management Committee meeting (MC 11/2026) held on 2 June 2026 was approved by the said Committee on 16 June 2026 and is submitted for notice, with recommendations being submitted to the Municipal Council of Windhoek per Items GOV.1, GOV.2, FNS.1, FNS.2, FNS.3, FNS.4, FNS.5 and FNS.6, which follow immediately hereunder for consideration.

It is

**RECOMMENDED**

That the minutes of the Management Committee meeting (MC 11/2026) held on 2 June 2026, be noted by its members, with recommendations submitted to the Municipal Council of Windhoek as per Items GOV.1, GOV.2, FNS.1, FNS.2, FNS.3, FNS.4, FNS.5 and FNS.6.

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[Municipal Council Agenda: 2026-06-25]

**10.1.1 GOV.1 [FCS] RATES AND TAXES; AND SOLID WASTE MANAGEMENT FEE FOR EXTENDED BOUNDARIES, FINAL TARIFFS TO BE GAZETTED (3/8/4/2)**

Management Committee, at its meeting held on 20 May 2025, per Item GOV.1 *inter alia* resolved as follows:

- 1 *That this matter be referred back in order for the Strategic Executive: Finance and Customer Services to enrich the item by providing facts of the meetings/engagements held with the Brakwater residents, as well as attach all the relevant meeting minutes and attendance registers, etc., whereafter it be resubmitted to the next Management Committee, for consideration.*
- 1.1 *That paragraph 2 (citation of judgement) of the recommendations be removed with the above resubmission of the item.*
- 1.2 *That the paragraph also be enriched by indicating the mitigating factors on the concerns raised by the Brakwater residents outlining the events leading to these concerns.*
- 2 *That the resolution be implemented prior to confirmation of the minutes.*

\*\*\*

In line with the above resolution, meetings/engagements held with the Brakwater residents and the relevant meeting minutes and attendance registers are **attached as pages 1 - 2 and 3 - 35 respectively to the agenda.**

The mitigating factors on the concerns raised by the Brakwater residents, is for Council to separate the rates and taxes from matters of development, betterment fees, etc., as combining these matters will continue to be a stumbling block for approval of the tariff. It should be noted that the issue of agriculture land is addressed on the inclusion of agriculture land tariff in the recommended resolution.

The item is resubmitted as follows, for consideration.

The Strategic Executive's Forum at its meeting held 17 April 2025, per Item 9.10.7 *inter alia* resolved as follows:

- *Recommended on condition that the item be reworked on and simplified with the assistance of the CEO (Corporate Legal Adviser), and the CEO to have oversight and sign off the final item, prior to placement on the MC Agenda, for consideration.*

The above resolution has been implemented and the item is herewith submitted, for consideration.

## Purpose

The purpose of this submission is to seek Council approval for site and improvement rate factors (tariff) on rateable properties (property tax); and solid waste management tariff (general refuse removal).

## Introduction

A local Municipality is an arm of Government that plays a vital role by providing the basic infrastructure and amenities that are needed by residents. Local Municipalities facilitate these functions and services by raising funds through external and internal means. They raise funds by internal means e.g., through property rates and taxes paid by citizens in respect of land used and by external means through Central Government funding.

Municipalities need a reliable source of revenue to provide basic services and perform their functions. Property rates and taxes are an important source of general revenue for Municipalities. Revenue from property rates is used to fund services that benefit the community as opposed to individual households. These include installing and maintaining streets, roads, sidewalks, lighting, and storm drainage facilities, operating parks, recreational facilities and cemeteries. Property rates revenue is also used to fund Municipal administration, such as computer equipment and stationery, and costs of governance, such as Council and community meetings which facilitate community participation in discussing any matter of public interest as stipulated under Part XVIII of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

Based on the above the following item seeks Management Committee approval for the final tariffs on rates and taxes and related waste management fee for all properties situated in the extended boundaries and Brakwater (excluding properties in Brakwater zoned 'business' which are charged normal Windhoek tariff), in terms of sections 73 and 75 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

## Background

Over the years Brakwater enjoyed favorable tariffs for rates and taxes, and waste management compared to the rest of Windhoek. Before 1 August 2018, Brakwater community enjoyed a tariff factor which was more than ten (10) times (i.e., 1000 %) cheaper than the rest of Windhoek, as illustrated in Table 1: Property tax rate factors of Brakwater below, under the *'Historic tariff comparison'* paragraph below.

\*\*\*

On 12 July 2018 Council per Resolution 196/07/2018 **attached as page 36 to the agenda**, resolved to charge all properties in the extended boundaries and Brakwater the same tariffs for rates and taxes and waste management as those of the rest of Windhoek. However, this was taken without the knowledge of the existence of a Council Resolution 267/08/2012, **attached as pages 37 - 40 to the agenda**, which caused an outcry by the Brakwater community, as the impact of the adjustment coincided with implementation of the new valuation which compounded the impact on the pockets of private residents. Council Resolution 267/08/2012 approved a proposed financial model for Brakwater which among others resolved the following principles that are proposed as part of the financial model be accepted:

- 2.1 *That the land and improvements in the Greater Brakwater Area be subject to the same valuation process and programme as the City of Windhoek.*
- 2.2 *That the applicable rates for land and improvements in the Greater Brakwater Area be the same as for the City of Windhoek.*
- 2.3 *That a system of rebates that are based on the relative service level spreadsheet be introduced.*

\*\*\*

After the implementation of Council Resolution 196/07/2018 **attached as page 36 to the agenda**, the Brakwater community engaged the Municipal Council of Windhoek to establish what happened to Council Resolution 267/08/2012 **attached as pages 37 - 40 to the agenda**; and questioned as to why Council did not consult the Brakwater Advisory Committee (BAC) before the implementation of Council Resolution 196/07/2018 **attached as page 36 to the agenda**, as per the Council Resolution 433/11/2008 **attached as pages 41 - 42 to the agenda**. In short, it was discovered the Brakwater Advisory Committee (BAC) was dormant, which resulted in the submission of Council Resolution 196/07/2018 going through approval without any advice by internal staff or Council Members for the need to consult the said community.

\*\*\*

In addition, Council Resolution 267/08/2012 **attached as pages 37 - 40 to the agenda** was never submitted to the Minister of Urban and Rural Development for approval of the model (as other parts of the model were beyond Council authority). In addition, other communities within extended boundaries ceased an opportunity and join the protest of Brakwater community. Some requested to know what services are financed from rates and taxes. Then the Strategic Executives' Forum resolved to form a task team/committee made up of Strategic Executives: Finance and Customer Services; Electricity; and Urban and Transport Planning and the Chief Executive Officer (Corporate Legal Adviser) to look at the issue. Some of the findings and recommendations of the task team/committee are discussed hereunder.

### **Rebates program**

It was resolved to establish an interim relief program to the affected residents, a 'phasing out' rebate be offered to the residents in the extended boundaries and Brakwater. The task team/committee decided on the relief based on two (2) sections of Local Authorities Act, 1992 (Act 23 of 1992) (as amended) which *inter alia* reads as follows:

73(4)(ii) *Notwithstanding the provisions of subsection (1) -*

(a) *any rate determined under that subsection -*

(iii) *may, in the case of rateable property situated in an approved township within a local authority area with a zoning of "residential", and which accommodates a dwelling used for residential purposes only, be reduced in respect of the site value, by such percentage not exceeding 50 per cent, as may be determined by the local authority council;*

- 75(a)(1) A local authority council may, notwithstanding the provisions of this Part, and subject to the approval of the Minister, upon an application of the owner of any rateable property, grant to such owner a rebate on the rate which is payable in respect of the property in terms of section 73(1), if the local authority council is satisfied that a business has been or is to be established on such property, or that a business conducted on such property has been or is to be expanded, and that the establishment or expansion of the business will result in the creation of substantial opportunities for permanent employment in the local authority area.*
- (2) A rebate under subsection (1) shall be granted subject to such conditions and for such period as the local authority council may determine with the approval of the Minister.*
- (3) If the owner of any rateable property referred to in subsection (1) is not, or will not be, the beneficial owner of the business conducted or to be conducted on the property, the local authority council may impose under subsection (2) any condition which it may consider necessary for ensuring that the whole or a specified part of the benefit of a rebate granted under subsection (1) will be passed on to the owner of the business concerned.*

The rebate for business was to be provided only upon application and approval by the line Minister.

The proposal entailed that 50 % rebate on site value be given for the year 2018/2019, and then reduced by 10 % every year thereafter until it reaches 0 % or when Council approves a permanent rebate (if any).

The above proposal was multifaceted, firstly it provided a relief to the residents and quell their concerns immediately. Secondly, it could have allowed Council time to resolve any technicalities around the implementation of the resolutions. Thirdly, it could have reduced the debt book as many affected communities were defaulting on their accounts as a sign of protest or due to unaffordability. Fourthly, it allowed affected residents who moved into extended boundaries on a promise of lesser cost, or those with large chunks of land to consider alternatives to reduce their financial burden.

The above rebate was to automatically apply to the site value and waste management charges only for residential property owners, while qualifying businesses will need to apply for the Minister's approval.

In addition, after considering the size of some of the erven and burden on the residents with big sized erven, the committee had resolved that rates and taxes be levied up to a maximum of 5 hectares. This was benchmarked to private owned erven in Windhoek in order to bring fairness to all residents.

However, this did not see light of day as Regional Council Member Penina Inga lita approached Council and met with Management Committee to discuss the concerns brought to her office by some residents affected by the August 2018 resolution.

**Interim tariff for rates and waste management (Brakwater and extended boundaries)**

Following an approach to Council through Regional Council Member Penina Inga Iita, at Management Committee instruction during November 2019, a Working Group composed of internal committee members and affected communities' representatives was established to look into issues raised by the residents within the extended boundaries regarding the levying of rates and taxes. The Working Group held its first consultative meeting on 27 February 2020, during the meeting it was highlighted by the respective representatives of the resident groups that due to the ongoing dispute their members have stopped paying rates and taxes until their concerns raised have been adequately addressed. The situation whereby no rates and taxes are being paid favours neither Council (loss of valuable income), nor the residents who are accruing substantial debt in the process. It was resolved by the meeting that, to alleviate the burden on both parties (Council and affected residents), an interim arrangement be put in place for the time being while the consultations are taking place.

\*\*\*

A proposal was put forward for an interim tariff for rates and taxes at a level of 20 % of the gazetted tariff be levied back dated to 1 August 2018. Furthermore, given the dispute that all interest and related penalties be reversed. Furthermore, so as to lend urgency to the activities of the Working Group, it was agreed among its members that the interim arrangement should be capped to a maximum of six (6) months from the date of the decision by Council at which time a formal proposal be presented. The decision of Council was contained in Council Resolution 145/05/2020 **attached as page 43 to the agenda.**

Following the above decision consultations continued but due to COVID-19, the discussions were put on hold and only started again after it became viable to resume with consultation. In the process about four (4) months of the time granted by Council was lost and further extension was granted by Council to June 2021 and followed by further extensions which are still valid until today (all benchmarked to 20 % of the Windhoek tariff factor). The following are the respective Council Resolutions on the extensions:

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- Council Resolution 404/11/2020 **attached as page 44 to the agenda;**

\*\*\*

- Council Resolution 140/06/2021 **attached as page 45 to the agenda;** and

\*\*\*

- Council Resolution 264/11/2021 **attached as pages 46 - 47 to the agenda.**

\*\*\*

The above Resolution 264/11/2021 **attached as pages 46 - 47 to the agenda,** was scheduled for presentation to the affected communities during April and May 2022. Unfortunately, only one (1) meeting took place on 25 April 2022. Due to the reception received, at the closure of the meeting, Council Member Juergen Hecht who was in attendance assured the residents that he would take up the matter with Management Committee as management misinformed Council Members. It was then decided that it would be better to have a workshop regarding the matter with all Council Members so that no contradiction is repeated.

### Property (rates and taxes) versus level of service

According to section 73(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), *there shall be levies paid by the owner of any rateable property in a local authority area for the benefit of the funds of the local authority council, in respect of each financial year, a rate on the basis of the valuation as shown in the main valuation role, of-*

- (a) *The whole of such rateable property, to be known as a general rate*
- (b) *The land of such rateable property only to be known as a site value rate*
- (c) *The improvement on such land only, to be known as an improvement rate*
- (d) *Such land and such improvement only, to be known as site and improvement rate*

\*\*\*

As mandated by Council, the task team/committee deliberated and gathered information to establish whether Council Resolution 267/08/2012 **attached as pages 37 - 40 to the agenda** can be implemented considering the current dynamics of Council. The bone of contention was the linking of rates and taxes to services being enjoyed by the community as per paragraph 2.3 of Resolution 267/08/2012: *'That a system of rebates that are based on the relative service level spreadsheet be introduced.'* In addition, due to the fact that those in extended boundaries do not enjoy the same level of infrastructure, the task team/committee established that:

- The linking of rates and taxes to service level was erroneous, as rates and taxes is tax which is **not** linked to a particular service a payer enjoys. This is similar to income tax which each income earner has to pay to Central Government, irrespective of the location or infrastructure, the same rules and tax rates apply.

\*\*\*

This interpretation is supported by the Supreme Court of Appeal of South Africa in the judgement on Case No. 20634/2014 **attached as pages 48 - 61 to the agenda**, a matter between Blair Atholl Homeowners Association and others; and the City of Tshwane Metropolitan Municipality. The appellants challenged the Municipality's decision to subject the appellants a same rates policy for other differently situated ratepayers. They believe they were entitled to be treated differently from other property owners within the jurisdiction of the Municipality as they provide and maintain their own services. The Supreme Court upheld the judgement of the High Court which resolved as follows:

- 'Property tax is not payable upon receiving basic services. The taxpayers do not receive direct or measurable benefits from the payment of property tax and the value of the benefit, which an individual derives, cannot be quantified. It is the responsibility of an individual property owner to pay property tax irrespective of receiving a direct benefit from making use of collective services. The lesser the number of properties, subject to property rates, the smaller becomes the tax base of the municipality. The more exceptions and rebates granted, the greater the tax burden becomes to the property owners whose properties remain subject to non-discounted rates. Exceptions also create precedents and expectations that could not be afforded by the remaining tax payers. The Blair Atholl Development is not entitled to any reduction on rates and taxes or any preferential treatment'.

Valuation of properties consider various factors including the availability of infrastructure and the proximity of properties to amenities. Therefore, valuation of properties in extended boundaries and Brakwater already factored the absence of infrastructure and proximity to amenities. In addition, property owners in Windhoek have paid for the infrastructure that surround them during the acquisition of those erven from Municipality or from property developers. Municipality or property developer is required (need) to recover the costs of development from the buyers.

Based on the above, it can be concluded that, just like any resident within the boundaries of Windhoek who have to pay property tax, owners in extended boundaries must also pay tax in accordance with the valuation of the property by the Municipal Council of Windhoek. Property tax has nothing to do with the basic services provided as it is not a levy or an account for services rendered, it is a tax, therefore making any owner on a rateable property liable to pay such tax.

#### **Legislated methods and the Municipal Council of Windhoek practice**

Section 73 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), defines and provides guidance on rates that may be levied for the benefit (funding) of the local authority. Section 73(2) permits local authority determine different rates with or without any basis.

*Section 73(2) Different rates may be determined under subsection (1) or different rates may be so determined on different bases in respect of rateable properties -*

- (a) *situated in different areas within a local authority area;*
- (b) *in respect of which different zonings have been indicated on the map of the approved town planning scheme or general plan of every approved township and zoning shall, for purposes of this paragraph, include a consent use granted by a local authority council in terms of a town planning scheme promulgated in terms of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954).*

\*\*\*

Over the years the Municipal Council of Windhoek used single factors for site and improvement within its municipal area until when the boundaries of Windhoek were extended to include Brakwater. Brakwater formally became part of Windhoek in 1992 as per Government Gazette No. 368 of 3 March 1992, Proclamation 6; and subsequently included in the Windhoek Town Planning Scheme in 1995. The Brakwater tariffs were introduced in 1993, due to special circumstances that existed then as explained in Item 8.1.2 of Council Resolution 267/08/2012, **attached as pages 62 - 78 to the agenda**; and Council Resolution 181/06/2013 **attached as pages 79 - 80 to the agenda**. Therefore, it can be deduced that Council had unwritten policy orientation of one (1) single factor for all properties in Windhoek except in special cases thus used property valuation to bring equity into residents' contribution to the funding of council operations. As stated earlier, section 67(5) provides guidance of the basis of valuation; land portion based on market price; and improvement based on construction costs considering depreciation, obsolescence or any change of circumstances in the vicinity of such improvements.

\*\*\*

With extension of the boundaries in 2011, Council approved levying of *interim* rates and taxes (which was referred as administrative tariff) to fund the extended operations, see attached Council Resolution 181/06/2013 **attached as pages 79 - 80 to the agenda**. The tariff was to come into effect after the approval of interim valuation roll. It should however be noted that the approved interim valuation roll was already in place at the time of the resolution, as confirmed by Mr I Hendjala, Manager: Valuations, however, no interim tariff has been levied to that effect.

The interim tariff is supposed to remain until the Department of Finance and Customer Services will 'determine cost reflective rates and taxes.'

Unfortunately, this has not been implemented and those paying now, e.g., Omeya, are paying the interim tariff as documented under the '*Interim Tariff for rates and waste management (Brakwater and extended boundaries)*' paragraph above.

#### Historical tariff comparison

As evident below, from onset the property tax rate factors of Brakwater were significantly lower to those of Windhoek and kept growing until it clocked beyond 1000 %:

**Table 1: Property tax rate factors of Brakwater**

Effective date	Brakwater		Windhoek		Percentage difference (%)	
	Site value	Improvements	Site value	Improvements	Site value (%)	Improvements (%)
1-Jan-93	0.0006330	0.0001030	0.001581	0.000356	150	246
1-Jul-94	0.0007279	0.0001185	0.001999	0.000450	175	280
1-Jul-95	0.0009090	0.0001470	0.002499	0.000560	175	283
1-Jul-96	0.0004700	0.0001300	0.001280	0.000330	172	154
16-Jun-97	0.0005200	0.0001400	0.001410	0.000360	171	157
16-Jun-98	0.0005600	0.0001500	0.001520	0.000390	171	160
16-Jun-99	0.0006200	0.0001700	0.001670	0.000430	169	153
16-Jun-00	0.0006700	0.0001900	0.001810	0.000470	170	147
16-Jul-01	0.0007200	0.0002000	0.001940	0.000500	169	150
16-Jul-02	0.0007920	0.0002200	0.002134	0.000550	169	150
16-Jul-03	0.0006370	0.0001240	0.001958	0.000445	207	259
16-Jul-05	0.0006560	0.0001280	0.002017	0.000458	207	258
17-Jul-06	0.0007090	0.0001390	0.002179	0.000495	207	256
16-Jul-07	0.0013220	0.0002730	0.002453	0.000499	86	83
16-Nov-07	0.0002280	0.0001150	0.001320	0.000366	479	218
16-Jul-08	0.0001900	0.0000980	0.001435	0.000395	655	303
16-Jul-09	0.0002090	0.0001070	0.001578	0.000434	655	306
16-Jul-10	0.0002250	0.0001150	0.001704	0.000468	657	307
16-Jul-11	0.0002520	0.0001290	0.001908	0.000524	65%	306
16-Aug-12	0.0000620	0.0000330	0.000736	0.000379	1087	1048
16-Jul-13	0.0002040	0.0001090	0.000809	0.000399	297	266
16-Aug-13	0.0000710	0.0000380	0.000846	0.000436	1092	1047
16-Jul-14	0.0000770	0.0000417	0.000914	0.000471	1087	1029
16-Jul-15	0.0000839	0.0000447	0.000996	0.000513	1087	1048
16-Jul-16	0.0000923	0.0000492	0.001096	0.000564	1087	1046
16-Jul-17	0.0001060	0.0000570	0.001260	0.000649	1089	1039

#### Various town planning schemes and zones

The Municipal Council of Windhoek has three (3) town planning schemes and are legislated by the Town Planning Ordinance of 1954, Township and Division

of Land Ordinance of 1963 and the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). These provide basic framework for town planning schemes.

It was necessary to take town planning schemes and zones into consideration due to the uniqueness of Windhoek; and the various relief clauses as provided in section 73(4) to bring harmony in the application of the tariff. The Windhoek Town Planning Schemes are as follows:

- Windhoek Town Planning Scheme;
- Kapps Farm Town Planning Scheme; and
- Aris Town Planning Scheme.

\*\*\* Extracts from the three (3) town planning schemes, are **attached as pages 81 - 91 to the agenda.**

### **Proposals**

#### **- Benchmarking**

- Local

- The Municipality of Swakopmund has two (2) tariff factors, one (1) for all erven in townships and another for smallholdings. The smallholdings tariff is further divided into one for businesses and for agriculture; and
- Koes Village Council has four (4) different factors, namely, 'business', 'residential', 'government' and 'agriculture'. It further provides rebates on 'government' and 'agriculture' at 20 % and 75 % which is the maximum rebates as per Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- Regional

\*\*\* - Cape Town has various rates according certified primary purposes as listed below, using residential factor as base factor for all property with 'agriculture' and 'government/business' paying 20 % and 200 % of the residential factor respectively. An extract from the City of Cape Town Rates Policy 2022/2023 is **attached as page 92 to the agenda.**

### **Proposed methodology**

As evident above, Council already approved a rebate program except for farms which was linked to level of service, it is now however proposed that any rebate program align to the rebates provided in the Local Authorities Act, 1992 (Act 23 of 1992) (as amended); and in special cases where deviation is required, such deviation not be linked to the level of services to avoid the complexity that it brings, but be rather defined to specific Council objective/strategy e.g.,

promotion of local manufacturing, food security or preservation of environment. Section 73(4) makes provision for potential rebates council may provide:

*Section 73(4) Notwithstanding the provisions of subsection (1) –*

- (a) *any rate determined under that subsection -*
- (i) *shall, in the case of any building, other than a dwelling, of which the ownership vests in the Government of Namibia or a regional council and which is used or occupied for public purposes, including the land on which any such building is actually constructed and any other land actually occupied for purposes of such building, in addition to any other reductions provided for in this Act, be reduced by 20 per cent;*
  - (ii) *may, in the case of rateable property situated within a local authority area, but outside the area of an approved township which is in the opinion of the local authority council used mainly for agricultural purposes, be reduced by such percentage, not exceeding 75 per cent, as may be determined by the local authority council;*
  - (iii) *(iii) may, in the case of rateable property situated in an approved township within a local authority area with a zoning of "residential", and which accommodates a dwelling used for residential purposes only, be reduced in respect of the site value, by such percentage not exceeding 50 per cent, as may be determined by the local authority council;*

**While section 75(a) provides rebates for qualifying business:**

*75(a)(1) A local authority council may, notwithstanding the provisions of this Part, and subject to the approval of the Minister, upon an application of the owner of any rateable property, grant to such owner a rebate on the rate which is payable in respect of the property in terms of section 73(1), if the local authority council is satisfied that a business has been or is to be established on such property, or that a business conducted on such property has been or is to be expanded, and that the establishment or expansion of the business will result in the creation of substantial opportunities for permanent employment in the local authority area.*

The above sections provide a clear guideline to use. It is therefore proposed that the rebates be based on primary use of the property.

The above proposal inevitably results in rescinding the following parts of Council Resolution 267/08/2012:

- 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.*

## Farms

With extension of Windhoek boundaries in 2011, farmers with large tracks of land were immediately brought into the reach of the rates and taxes regime of the local authority from the land tax of the Agricultural (Commercial) Land Reform, 1995 (Act 6 of 1995). Representatives of the farmers that formed part of the Working Group indicated that the farmers were prepared to pay property taxes to the maximum of the land tax. The table below illustrates the existing tariff for land tax as per the Government Gazette No. 6459 of 2017:

### Rates of Land Tax applicable to a Namibian national

- (a) 0.40 % of the unimproved site value per hectare in respect of a single farm.
- (b) 0.65 % of the unimproved site value per hectare in respect of a second farm.
- (c) 0.90 % of the unimproved site value per hectare in respect of a third farm.
- (d) 1.15 % of the unimproved site value per hectare in respect of a fourth farm.
- (e) 1.40 % of the unimproved site value per hectare in respect of a fifth farm.
- (f) 1.65 % of the unimproved site value per hectare in respect of a sixth farm and so forth.

### FOREIGN NATIONAL

#### Rates of Land Tax applicable to a foreign national

- (a) 1.40 % of the unimproved site value per hectare in respect of a single.
- (b) 1.65 % of the unimproved site value per hectare in respect of a second farm.
- (c) 1.90 % of the unimproved site value per hectare in respect of a third farm.
- (d) 2.15 % of the unimproved site value per hectare in respect of a fourth farm.
- (e) 2.40 % of the unimproved site value per hectare in respect of a fifth farm.
- (f) 2.65 % of the unimproved site value per hectare in respect of a sixth farm and so on.

When comparing to the proposal, at maximum agricultural rebated tariff factor on site of 0.00316647 (2024/2025) (2022/2023: 0.288425 %) and on improvement 0.0018751 (2024/25) (0.1709 % (improvement), land tax is in fact more. When the two (2) factors are added together they exceed land tax factor with negligible 25.99 % as of 2024/2025 rate (and 14.83 % as of 2022/2023). The differences are due to annual tariff increases. It should be noted that there is no land tax on farm improvements, which will need to be included as per the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). Therefore, it is proposed that municipal rate factor be applied instead of land tax rate factor, considering the benefits accrued to the farm owners in municipal boundary. It is further proposed that, where the farmer is engaged in other activities other than agriculture, or where it is a combination of agriculture and other activities; and other activities are predominant, then the agricultural related rebate not be applied. However, the farmer may apply to Council for rebate in other schemes if any.

### Practicability of the proposal

It is noted that the Windhoek Town Planning scheme currently does not make provision for 'agriculture' primary use. Therefore, properties in this scheme that intend or are doing agriculture will not benefit on primary use. However, Council gave Brakwater permanent consent for agriculture as per Resolution 496/10/1993, as 'residential' purpose was selected as the most suitable of the existing zones as per the Windhoek Town Planning Scheme. It is

therefore proposed that those properties with consent for 'agriculture' be levied as though their primary use is agriculture.

### **Small Holding definition**

Council Resolution 264/11/2021 required a definition of small holding and Wikipedia defines smallholding as '**small farm operating under a small-scale agriculture model;**' while Cambridge University Press and Assessment online dictionary defines smallholding as '**a small piece of land used for farming;**' and the Food and Agricultural Organisation (FAO) of the United Nations in its article Smallholders and Family Farmers of 2012, defines smallholders as '**small-scale farmers, pastoralists, forest keepers, fishers who manage areas varying from less than one hectare to 10 hectares.**'

As per Kapps Farm and Aris Town Planning Schemes, the primary use of 'agriculture' is limited to a piece of land with minimum size of 5 hectares, while the Windhoek Town Planning has no "agriculture" use.

The Communal Land Reform, 2002 (Act 5 of 2002) limits the size allocated to customary and leasehold rights to 50 and 100 hectares respectively, with allocations above the defined maximum are subject to approval of the Minister of Agriculture, Fisheries, Water and Land Reform. While the Agricultural (Commercial) Land Reform, 1995 (Act 6 of 1995) does not define size, as it only defines a farming unit as 'any piece of surveyed land allotted or available for allotment under the provisions of this Part (Part V: Allotment of Agricultural Land).'

With improvements in technology and methodology of farming and emergency of urban farming, minimum size of smallholding can be 1 hectare. Therefore, Council considers smallholding to be a piece of land used for 'agriculture' with minimum size of 1 hectare with maximum of 50 hectares.

### **Strategic implications/significance**

The implementation of the proposed tariff is potentially to increase revenue of Council from the mentioned community by a minimum of 25 % of the current levy billed. It will further bring certainty to the farmers and bring the subject matter to close.

### **Financial implications**

Other than indirect expenditure (salaries/overtime of existing staff and costs associated with promulgation), no further expenditure is evident

### **Possible/perceived risks and mitigation matrix**

What are the risks that may pop up as a result of considering the matter. This included risks in:

<b>Risk No.</b>	<b>Risk type</b>	<b>Risk description (cause and effect)</b>	<b>Risk rating</b>	<b>Score</b>	<b>Risk containment plan</b>
1	Organisational	Backlash from affected properties owner	High	2	Council has strong leadership both at Executive Management and Council.

### Compliance check/legal implications

The item is prepared in accordance with the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and relevant citation have been included in the body of the item.

### Consultation with Stakeholder departments and other interested parties

A workshop regarding the item took place on 31 July 2023, with Council Members and Departmental Heads in attendance, chaired by the former Chairperson of Council, Council Member Joseph Uapingene.

The following can be reported:

### Comments from the Chief Executive Officer

- **Corporate Legal Adviser**

\*\*\*

The full legal opinion and interpretation of the relevant sections from the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) is **attached as pages 93 - 98 to the agenda.**

### Conclusion

It should be noted that levying of property tax and related tariffs should not be linked to level of services, and any rebate should be aligned to the Local Authorities Act, 1992 (Act 23 of 1992) (as amended). Further, that properties zoned 'agricultural' or with consent of 'agricultural' be rebated to the maximum allowable in the Act which is 75 %. The following table is recommended:

Tariff	2025/2026	
	Windhoek 100 %	Agriculture 25 %
Land per annum	0.0126587538	0.0031646884
Site (improvements) per annum	0.0075003116	0.0018750779
Solid Waste Management per month (VAT inclusive)	0.000271848	0.0000679620

Management Committee

### RECOMMENDED

- 1 That the following events leading to the concerns of the Brakwater and extended boundaries residents, be noted:
  - 1.1 The increase of tariff factor for property tax and solid waste management fee for Brakwater properties from historical lower tariff than the rest of Windhoek;
  - 1.2 The disregard of Council Resolution 267/08/2012 during the implementation of Council Resolution 196/07/2018, that linked property tax and solid waste management fee tariff to the level of service; and
  - 1.3 The lack of consultation during the creation and implementation of Council Resolution 196/07/2018.

- 2 That it be noted that there is no link of property tax (rate factor payable on properties) to the level of service a property owner enjoys.
- 3 That the request by the Brakwater and extended boundaries residents on the linking of the rebate on property tax and the level of service, not be approved.
- 4 That Council Resolutions 267/08/2012; and 196/07/2018, be noted.
- 5 That the following parts of Council Resolution 267/08/2012, be rescinded:
- 12.8 *That the applicable rates for land and improvements in the Greater Brakwater Area be the same as for the City of Windhoek.*
- 12.9 *That a system of rebates that are based on the relative service level spreadsheet be introduced.*
- 6 That the definition of the term small holding quoted below, be noted and approved:
- *Small holding be defined as a small piece of land used for farming with minimum size of 1 hectare and maximum size of 50 hectares.*
- 7 That all rateable properties within the municipal boundaries of Windhoek be subject to the same rate factors of site and improvement value, as determined and approved by Council from time to time.
- 8 That farms and small holdings with primary use (or with consent use) 'agriculture' be charged 25 % of the normal rates and taxes tariff on site value and improvement values; and that this also apply to solid waste management charges tariffs.
- 8.1 That all other small holdings and other properties be charged at 100 % of the normal rates and taxes; and waste management charges tariffs on-site and improvement values.
- 9 That 'agricultural' zoned farms practicing activities other than agriculture, or predominantly activities other than agriculture, be levied at 100 % i.e., not be rebated under agricultural rebate.
- 10 The following factors be applicable:

Tariff	2025/2026	
	Windhoek 100 %	Agriculture 25 %
Land per annum	0.0126587538	0.0031646884
Site (improvements) per annum	0.0075003116	0.0018750779
Solid Waste Management per month (VAT inclusive)	0.000271848	0.0000679620

- 10.1 That in the event that the above is approved or is only implementable after the 2025/2026 Financial Year, the applicable tariffs then replace the tariffs in paragraph 10 above.

- 11 That the interim tariff continues to be charged until the tariffs in paragraph 10 above, or new tariffs are gazetted.
- 12 That the Acting Strategic Executive: Finance and Customer Services communicate to all property owners in the municipal area of Windhoek through all possible media platforms.
- 13 That the resolution be implemented prior to confirmation of the minutes.

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 [Municipal Council Agenda: 2026-06-25]

#### 10.1.2

**GOV.2 [HPH] APPLICATION FOR THE LESSEE'S NAME CHANGE FROM PUPKEWITZ PROPERTY (WINDHOEK) PROPRIETARY LIMITED TO M. PUPKEWITZ AND SONS PROPRIETARY LIMITED IN RESPECT TO THE APPROVED LEASE OF PORTION A OF ERF 1, KLEINE KUPPE (L/1/KK)**

#### **Purpose**

This item serves to seek Council approval to rectify and ratify the name approved under Council Resolution 139/07/2024 as Pupkewitz Property (Windhoek) (Pty) Ltd in respect of the lease of Portion A of Erf 1, Kleine Kuppe to be amended to M. Pupkewitz and Sons (Pty) Ltd.

#### **Background**

\*\*\* Council Resolution 139/07/2024, **attached as pages 99 - 102 to the agenda** *inter alia* resolved as follows:

- 1 ...
- 3 *That Portion A (± 1 456 m<sup>2</sup> in extent) of Erf 1, Kleine Kuppe (adjacent to Erf 1346, Kleine Kuppe), be leased to Pupkewitz Property (Windhoek) Proprietary Limited for a period of five (5) years at a monthly rental of N\$3 559.92: Provided that the rental escalate annually in line with the Namibia Inflation Rate, but not exceeding 10 %.*

The client came to realise that the name reflected in the above cited resolution, is not the one that is supposed to have been approved for the subject lease, hence hereby requesting Council to approve the name change as addressed hereunder.

#### **Application**

\*\*\* An email dated 24 September 2025, **attached as pages 103 - 107 to the agenda**, was received from M. Pupkewitz and Sons (Pty) Ltd, requesting Council to change the name of Pupkewitz Property (Windhoek) (Pty) Ltd which is reflected in the approved lease of Portion A of Erf 1, Kleine Kuppe, to Pupkewitz and Sons (Pty) Ltd. They indicated that the name change was necessitated by the mere fact that there was a name amendment done on the company registration document which are **attached as pages 108 - 110 to the agenda**. Such name

change is vital in order to avoid administrative challenges when the wrong name is inserted in the Lease Agreement. Therefore, the request is submitted for Council's consideration. The business registration documents of Pupkewitz and Sons (Pty) Ltd are **attached as pages 111 - 164 to the agenda**. Mr Marthinus G Schoeman **ID:7111035235082** has been appointed and authorised, as per resolution dated 19 September 2025 **attached as pages 165 - 166 to the agenda**, to sign documents on behalf of Pupkewitz and Sons (Pty) Ltd.

#### **Technical comments**

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

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

##### **- Property Management**

There are no objections in amending the name on the approved lease in Council Resolution 139/07/2024 from Pupkewitz Property (Windhoek) (Pty) Ltd to M. Pupkewitz and Sons (Pty) Ltd. As explained by the client, there was a name amendment on the company registration document, which thus needs the right name to be reflected in the Lease Agreement, and therefore their request is supported. This resolution and Council Resolution 139/07/2024 should read together to form part of the lease conditions of Portion A of Erf 1, Kleine Kuppe.

#### **Conclusion**

The name amendment in respect of Portion A of Erf 1, Kleine Kuppe is supported and the correct name, (Pupkewitz and Sons (Pty) Ltd), as reflected on the registration documents should be amended accordingly. This resolution and Council Resolution 139/07/2024 should read together to form part of the lease conditions of Portion A of Erf 1, Kleine Kuppe.

Management Committee

#### **RECOMMENDED**

- 1 That it be noted that the lease of Portion A of Erf 1, Kleine Kuppe should have been on the name of Pupkewitz and Sons (Pty) Ltd, and not Pupkewitz Property (Windhoek) (Pty) Ltd as reflected in Council Resolution 139/07/2024.
  - 2 That the name amendment from Pupkewitz Property (Windhoek) (Pty) Ltd to M. Pupkewitz and Sons (Pty) Ltd, in respect of Portion A of Erf 1, Kleine Kuppe, be approved.
  - 3 That Council Resolution 139/07/2024 should be read together with this resolution in order to form the full conditions of the lease in respect of Portion A of Erf 1, Kleine Kuppe.
  - 4 That the resolution be implemented prior to confirmation of the minutes.
-

[Municipal Council Agenda: 2026-06-25]

### 10.1.3

#### **FNS.1 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF 1036, ACADEMIA EXTENSION 1 FOR CONSOLIDATION WITH ERF 757, ACADEMIA EXTENSION 1 (L/757/1036/AC/EXT 1)**

##### **Introduction**

In accordance with the Council's Public Open Spaces Policy, property owners are provided the opportunity to submit an application for a once-off 10 metre portion of land that is adjacent to their property for the purpose of consolidation. The property owner benefits from such an acquisition in various ways, including the fact that it increases the value of the property and enhances its appeal. This application represents one such instance.

##### **Purpose**

The purpose of this item is to submit an application from the owners of Erf 757, Academia Extension 1 for the acquisition of a portion of Erf 1036, Academia Extension 1 for consolidation purposes.

The technical investigation was extended to include all erven bordering Erf 1036, Academia Extension 1.

##### **Application**

\*\*\*

An undated application **attached as page 167 to the agenda**, from the owners of Erf 757, Academia Extension 1, Mr Austin Maswahu and Ms Melissa K Maswahu as per Deed of Transfer No. T1937/2020, **attached as pages 168 - 170 to the agenda**, was received on 22 November 2021 for the acquisition of a portion of Erf 1036, Academia Extension 1.

\*\*\*

Copies of the Identity Documents of Mr and Ms Maswahu are **attached as pages 171 - 172 to the agenda**.

It is anticipated that the neighbours of the applicant might be desirous to acquire additional portions for consolidation too, therefore additional portions to be consolidated with Erven 752, 753, 754, 755, 756, 758 and 759, Academia Extension 1 was also investigated.

The application involves the following:

\*\*\*

- The subdivision of Erf 1036, Academia into Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); Portion H ( $\pm 114 \text{ m}^2$  in extent) and the Remainder as per Plan No. 1036 AC-1, **attached as page 173 to the agenda**.

- The permanent closure of Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia as 'public open space' in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- \*\*\* - The consolidation of Portion A ( $\pm 71 \text{ m}^2$  in extent), Portion B ( $\pm 94 \text{ m}^2$  in extent), Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia with adjacent corresponding erven according Plan No. 1036 AC-1, **attached as page 173 to the agenda.**
- \*\*\* - The sale of Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia to the owners of adjacent, corresponding erven as depicted per Plan No. 1036 AC-1, **attached as page 173 to the agenda.**

#### **Property description and location**

- Erf 752, Academia Extension 1 is  $\pm 620 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 753, Academia Extension 1 is  $\pm 548 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 754, Academia Extension 1 is  $\pm 596 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 755, Academia Extension 1 is  $\pm 613 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 756, Academia Extension 1 is  $\pm 630 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 757, Academia Extension 1 is  $\pm 648 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 758, Academia Extension 1 is  $\pm 565 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 759, Academia Extension 1 is  $\pm 583 \text{ m}^2$  in extent, zoned 'residential' with a density of 1:500  $\text{m}^2$  and is situated along Dimo Hamaambo Street.
- Erf 1036, Academia Extension 1 is  $\pm 10\,395 \text{ m}^2$  in extent, is zoned 'public open space' and situated along Nehale Lya Mpingana Street.

### 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 to the purchase of Portions A - H of Erf 1036, Academia Extension 1, for consolidation with adjacent erven as depicted by subdivision Plan No. 1036 AC-1, **attached as page 173 to the agenda**: 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 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 shall be used in residential areas with payment levels lower than 80 % and all informal settlements.
- That for 'general residential' developments without high rise buildings i.e., individual apartments, a split prepayment meter 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

#### - Sewer

The sale of Portions A, B, C, D, E, F, G and H of Erf 1036, Academia Extension 1 for consolidation with neighbouring Erven 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1 is affected by a sewer line. The application is approved provided that the sewer line is relocated outside the boundaries of the newly consolidated erven.

There is no objection: Provided:

- That the applicant/owner be required to appoint a registered professional Engineer to do the design for the new sewer relocation.
- That a complete design be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services (Engineering Services Division) for approval before any work start.
- That after approval of the design, the applicant appoint a contractor to do the construction of the sewer line. The supervision of the construction work should be done by a registered professional Engineer.
- That all costs involved be for the applicants' account.
- That the Deed of Sale may only be signed after the relocation of the sewer line is done and meets the approval of the Strategic Executive: Infrastructure, Water and Technical services.
- That any further requirements and costs relating to the relocation of the sewer line are for the applicants'/owners' accounts.

#### - Water

No water services are affected.

Any further water requirements and costs shall be for the applicants'/owners' accounts.

### Comments from the Strategic Executive: Urban and Transport Planning

#### - Urban Policy

Erf 1036, Academia Extension 1 is zoned 'public open space' and is ± 10 395 m<sup>2</sup> in extent.

\*\*\*

In view of the above, the Urban Policy Division has **no objections to the sale** of Portions A, B, C, D, E, F, G, H of Erf 1036, Academia Extension 1 and subsequent consolidation with the adjacent corresponding erven as depicted per Plan No. 1036 AC-1, **attached as page 173 to the agenda.**

\*\*\* The consolidations at the current density, being 1:500 m<sup>2</sup>, will not enhance the development potential of Erven 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1 upon consolidation with their corresponding additional portions as per Plan No. 1036 AC-1, **attached as page 173 to the agenda.**

\*\*\* • That Erf 1036, Academia Extension 1 be subdivided into Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) and the Remainder as per Plan No: 1036 AC-1, **attached as page 173 to the agenda;** and following the subdivision:

\*\*\* • That Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 be consolidated with adjacent erven accordingly as depicted per Plan No. 1036 AC-1, **attached as page 173 to the agenda.**

That applicants should apply to the Municipal Council of Windhoek for permanent closure of the proposed Portions A, B, C, D, E, F, G, and H of Erf 1036, Academia Extension 1 as 'public open space' in accordance with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), further subject to the following:

- That prior to the formal closure, the applicants promulgate the intended permanent closure in the Government Gazette and advertise it .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 the site, as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.
- That the applicants/owners are required to 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 will be required to furnish the Municipal Council of Windhoek with proof of neighbours' consultation.
- That the applicant notes 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, the proposed Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 as 'public open space', it assume the same zoning and density as the adjacent corresponding erven with which it is to be consolidated in terms of the Windhoek Zoning Scheme.
- That the applicants/owners be responsible for the cadastral town planning applications to the Ministry of Urban and Rural Development and all other costs as a result of this application.
- That the applicants/owners submit copies of the approved erf diagrams to the Strategic Executive: Housing, Property Management Human Settlement upon approval of the subdivision and consolidation.
- That the current conditions registered against Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 be replaced with the usual short standard conditions of the Municipal Council of Windhoek, including a minimum building value as stipulated in clause 39 of the Windhoek Zoning Scheme be registered against the erf.
- That any existing and future buildings comply with any building regulation in regards with safety distances from boundaries.
- That the land and buildings only be used for purposes in line with the provisions of the Windhoek Zoning Scheme.
- That the subdivision and consolidation application (inclusive of automatic conversion/rezoning of the portion of 'public open space' to 'residential' zoning) be submitted by a registered Town and Regional Planner, because the proposed zoning of the proposed additional portion ('residential') will not remain identical to that of the parent property ('public open space') and thus involves the works reserved for registered Town and Regional Planner.
- That the applicants/owners are required to apply for an Environmental Clearance Certificate from the Strategic Executive: Economic Development and Community Services for Portions A, B, C, D, E, F, G and H of Erf 1036, Academia Extension 1.

## **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

### **Erf 752, Academia Extension 1:**

- Both Erf 752, Academia Extension 1 and the proposed Portion A of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing Erf 752, Academia Extension 1, except for surface stormwater run-off.
- There is however some consolidated stormwater flow along Erf 1036, Academia Extension 1, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flow into a northeasterly direction, flowing approximately 10 metre away from the southeastern boundary of Erf 752, Academia Extension 1 measured from the centre of the minor stormwater course.

This division therefore does not support the sale of the proposed portion of Erf 1036, Academia Extension 1 to be consolidated with Erf 752, Academia Extension 1.

The division proposes:

- That the proposed Portion A of Erf 1036, Academia Extension 1 be no more than 5 metre wide measured parallel from the southeastern boundary of Erf 752, Academia Extension 1, resulting in a portion of  $\pm 71 \text{ m}^2$  in extent.
- That the applicant appoints a registered professional Engineer at his/her own cost and risk, to determine if the southeastern boundary of the proposed Portion A ( $\pm 71 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 requires protection against any potential flood damage.

### **Erf 753, Academia Extension 1:**

- Both Erf 753, Academia Extension 1 and the proposed Portion B of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing Erf 753, Academia Extension 1, except for surface stormwater run-off
- There is however some consolidated stormwater flow along Erf 1036, Academia Extension 1, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flows into a northeasterly direction, flowing approximately 10 metre away from the southeastern boundary of Erf 753, Academia Extension 1, measured from the centre of the minor stormwater course.

This division therefore does not support the sale of the proposed 10 metre wide portion of Erf 1036 to be consolidated with Erf 753, Academia Extension 1.

The division proposes:

- That the proposed Portion B of Erf 1036, Academia Extension 1 be no more than 5 metre wide measured parallel from the southeastern boundary of Erf 753, Academia, resulting in a portion of  $\pm 94 \text{ m}^2$  in extent.
- That the applicant appoints a registered professional Engineer at his/her own cost and risk, to determine if the southeastern boundary of the proposed Portion B ( $\pm 94 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 requires protection against any potential flood damage.

**Erf 754, Academia Extension 1:**

- Both Erf 754, Academia Extension 1 and the proposed Portion C ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing either Erf 754, Academia Extension 1 or the proposed Portion C ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1, except for surface stormwater run-off.
- There is however some consolidated stormwater flow along Erf 1036, Academia Extension 1, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flows into a northeasterly direction, flowing approximately 25 metre away from the southeastern boundary of Erf 754, Academia Extension 1, measured from the centre of the minor stormwater course.

The division has no objection to the proposed purchase of Portion C ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 and consolidation with Erf 754, Academia Extension 1.

**Erf 755, Academia Extension 1:**

- Both Erf 755, Academia Extension 1 and the proposed Portion D ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing either Erf 755, Academia Extension 1 or the proposed Portion D ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1, except for surface stormwater run-off.

- There is however some consolidated stormwater flow along Erf 1036, Academia Extension 1, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flow into a northeasterly direction, flowing approximately 25 metre away from the southeastern boundary of Erf 755, Academia Extension 1, measured from the centre of the minor stormwater course.

The division has no objection to the proposed purchase of Portion D ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 and consolidation with Erf 755, Academia Extension 1.

#### **Erf 756, Academia Extension 1:**

- Both Erf 756, Academia Extension 1 and the proposed Portion E ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing either Erf 756, Academia Extension 1 or the proposed Portion E ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1, except for surface stormwater run-off.
- There is however some consolidated stormwater flow along Erf 1036, Academia, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flows into a northeasterly direction, flowing approximately 25 metre away from the southeastern boundary of Erf 756, Academia Extension 1, measured from the centre of the minor stormwater course.

The division has no objection to the proposed purchase of Portion E ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 and consolidation with Erf 756, Academia Extension 1.

#### **Erf 757, Academia Extension 1:**

- Both Erf 757 Extension 1 and the proposed Portion F ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing either Erf 757, Academia Extension 1 or the proposed Portion F ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1, except for surface stormwater run-off.
- There is however some consolidated stormwater flow along Erf 1036, Academia Extension 1, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flows into a northeasterly direction, flowing approximately 25 to 30 metre away from the southeastern boundary of Erf 757, Academia Extension 1, measured from the centre of the minor stormwater course.

The division has no objection to the proposed purchase of Portion F ( $\pm 185 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 and consolidation with Erf 757, Academia Extension 1.

**Erf 758, Academia Extension 1:**

- Both Erf 758, Extension 1 and the proposed Portion G ( $\pm 122 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing either Erf 758, Academia Extension 1 or the proposed Portion G ( $\pm 122 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1, except for surface stormwater run-off.
- There is however some consolidated stormwater flow along Erf 1036, Academia Extension 1, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flows into a northeasterly direction, flowing approximately 30 metre away from the southeastern boundary of Erf 758, Academia Extension 1, measured from the center of the minor stormwater course.

The division has no objection to the proposed purchase of Portion G ( $\pm 122 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 and consolidation with Erf 758, Academia Extension 1.

**Erf 759, Academia Extension 1:**

- Both Erf 759, Academia Extension 1 and the proposed Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing either Erf 759, Academia Extension 1 or the proposed Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1, except for surface stormwater run-off.
- There is however some consolidated stormwater flow along Erf 1036, Academia Extension 1, forming a minor stormwater course starting along the road edge of Nehale Lya Mpingana Street, from where the stormwater flow into a northeasterly direction, flowing approximately 30 metre away from the southeastern boundary of Erf 759, Academia Extension 1, measured from the centre of the minor stormwater course.
- There is some consolidated stormwater flow along Erf 1036, Academia Extension 1 forming a stormwater course, that flows approximately 30 metre away and parallel to the southeastern boundary of Erf 759, Academia Extension 1, flowing from the southwest into a northeasterly direction.

The division has no objection to the proposed purchase of Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 and consolidation with Erf 759, Academia Extension 1: Provided:

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

- **Traffic Flow**

The Traffic Flow Division has no objection to the proposed purchase of additional portions of Erf 1036, Academia Extension 1 for consolidation with Erven 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1: Provided:

- That no access be allowed from a 'public open space', i.e., the Remainder of Erf 1036, Academia Extension 1.
- That no Urban Arterial Account (UAA) contribution be applicable.

**Comments from the Strategic Executive: Economic Development and Community Services**

- **Environmental Management**

No objection to the sale of additional portions as per policy. It should however be noted that Erf 1036, Academia Extension 1 is zoned 'public open space'. The applicants should therefore obtain Environmental Clearance Certificates from the Strategic Executive: Economic Development and Community Services once the application has been approved by Council.

- **Parks**

No objection to purchase of additional portions not exceeding 10 metre as per the Public Open Spaces Policy.

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

- **Valuations Services**

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- Portion A of Erf 1036, Academia Extension 1 is  $\pm 71 \text{ m}^2$  in extent and after consolidation with Erf 752, Academia Extension 1 ( $\pm 620 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 691 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$47 570.00 in total (rounded-off), as per Council Resolution 276/08/2004, **attached as page 174 to the agenda.** The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda.**

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- Portion B of Erf 1036, Academia Extension 1 is  $\pm 94 \text{ m}^2$  in extent and after consolidation with Erf 753, Academia Extension 1, ( $\pm 548 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 642 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$63 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.
- \*\*\*
- Portion C of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 754, Academia Extension 1, ( $\pm 596 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 781 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.
- \*\*\*
- Portion D of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 755, Academia Extension 1, ( $\pm 613 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 798 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.
- \*\*\*
- Portion E of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 756, Academia Extension 1, ( $\pm 630 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 815 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.
- \*\*\*
- Portion F of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 757, Academia Extension 1, ( $\pm 648 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 833 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.

- \*\*\*
- Portion G of Erf 1036, Academia Extension 1 is  $\pm 122 \text{ m}^2$  in extent and after consolidation with Erf 758, Academia Extension 1, ( $\pm 565 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 687 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$81 750.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.

- \*\*\*
- Portion H of Erf 1036, Academia Extension 1 is  $\pm 114 \text{ m}^2$  in extent and after consolidation with Erf 759, Academia Extension 1, ( $\pm 583 \text{ m}^2$  in extent), the size of the newly consolidated erf will be  $\pm 697 \text{ m}^2$  in extent. The development potential will not be enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$76 400.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.

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

#### - **Property Management**

- \*\*\*
- Erf 1036, Academia Extension 1 is zoned 'public open space'. The applications are in line with the Public Open Spaces Policy as per Council Resolution 251/07/2001, **attached as pages 176 - 179 to the agenda**.

Having perused the comments from the technical departments, the Property Management Division supports the application. It is further worth noting that the Property Management Division has adopted an approach of investigating the possibility of selling portions of 'public open spaces' to neighbouring property owners as it is anticipated that they might also be interested in acquiring additional portions. This approach is necessary to fast-track the entire process of selling additional portions.

#### **Neighbours' consent**

- \*\*\*
- The favourable consent from the owners of Erven 756 and 758, Academia Extension 1 is **attached as pages 180 - 181 to the agenda**. These are the immediate neighbours that are affected by the purchase of a portion of Erf 1036, Academia Extension 1, by the owner of Erf 757, Academia Extension 1, as the initial applicant thereof. However, given the department's approach to rather investigate and recommend for sale portions to other adjacent erf owners too, the owners of Erven 756 and 758, Academia Extension 1 are also expected to receive portions thereof for consolidation with their properties.

### Site visit

\*\*\* A site visit was conducted on 2 December 2025, and no encroachment or illegal activities were detected. Pictures of the site is **attached as pages 182 - 183 to the agenda.**

### Conclusion

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

Management Committee, having considered the application,

### RECOMMENDED

- 1 That the application received from the owner of Erf 757, Academia Extension 1 to purchase a portion of Erf 1036, Academia Extension 1, for the purpose of consolidation with Erf 757, Academia Extension 1, be noted and approved.
- \*\*\* 1.1 That to cater for the application and similar requests in future, Erf 1036, Academia Extension 1 be subdivided into Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) and the Remainder as indicated on Plan No. 1036-1, **attached as page 173 to the agenda**, be noted.
- \*\*\* 1.2 That Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1, should on proof of written application, and after the following required cadastral procedure, be consolidated with corresponding adjacent erven as depicted per Plan No. 1036 AC-1, **attached as page 173 to the agenda.**
- 1.3 That the applicants apply to the Municipal Council of Windhoek for permanent closure of the proposed Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 as 'public open space' in accordance with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 1.4 That the Municipal Council of Windhoek prepare the closure notice for the applicants.
- 1.5 That the applicants promulgate the intended permanent closure in the Government Gazette and advertise it in at least two (2) newspapers circulating within the local authority area, in accordance with the provisions of section 50(3)(a) 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 the site, as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.

- 1.6 That the applicants/owners be required to 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 will be required to furnish the Municipal Council of Windhoek with proof of neighbours' consultation.]
- 1.7 That it be noted 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).
- 1.8 That upon permanent closure as 'public open space', the proposed Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 assume the same zoning and density as the corresponding adjacent erven with which it is to be consolidated in terms of the provisions of the Windhoek Zoning Scheme.
- 1.9 That the applicants/owners be responsible for the cadastral and town planning applications to the Ministry of Urban and Rural Development and all other costs as a result of this application.
- 1.10 That the applicants/owners submit copies of the approved erf diagrams to the Strategic Executive: Housing, Property Management Human Settlement upon approval of the subdivision and consolidation.
- 1.11 That the current conditions registered against Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1 be replaced with the usual short standard conditions of the Municipal Council of Windhoek, including a minimum building value as stipulated in clause 39 of the Windhoek Zoning Scheme be registered against the erf.
- 1.12 That any existing and future buildings comply with any building regulation with regard to safety distances from boundaries.
- 1.13 That the land and any buildings only be used for purposes in line with the provisions of the Windhoek Zoning Scheme.
- 1.14 That the subdivision and consolidation application (inclusive of automatic conversion/rezoning of the portion of 'public open space' to 'residential' zoning) be submitted by a registered Town and Regional Planner, because the proposed zoning of the proposed additional portion ('residential') will not remain identical to that of the parent property ('public open space') and thus involves the works reserved for a registered Town and Regional Planner.

- 1.15 That the applicants be required to apply for Environmental Clearance Certificates from the Strategic Executive: Economic Development and Community Services upon approval of the application by the Municipal Council of Windhoek with regard to Portion A ( $\pm 71 \text{ m}^2$  in extent); Portion B ( $\pm 94 \text{ m}^2$  in extent); Portion C ( $\pm 185 \text{ m}^2$  in extent); Portion D ( $\pm 185 \text{ m}^2$  in extent); Portion E ( $\pm 185 \text{ m}^2$  in extent); Portion F ( $\pm 185 \text{ m}^2$  in extent); Portion G ( $\pm 122 \text{ m}^2$  in extent); and Portion H ( $\pm 114 \text{ m}^2$  in extent) of Erf 1036, Academia Extension 1.
- 2 That subject to the successful closure and implementation of all town planning and cadastral procedures and obtaining of Environmental Clearance Certificates Portions A, B, C, D, E, F, G and H of Erf 1036, Academia Extension 1, be sold to the owners of the adjacent erven as follows:
- \*\*\* 2.1 Portion A of Erf 1036, Academia Extension 1 is  $\pm 71 \text{ m}^2$  in extent and after consolidation with Erf 752, Academia Extension 1 ( $\pm 620 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 691 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$47 570.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate date 27 November 2025 is **attached as page 175 to the agenda**.]
- \*\*\* 2.2 Portion B of Erf 1036, Academia Extension 1 is  $\pm 94 \text{ m}^2$  in extent and after consolidation with Erf 753, Academia ( $\pm 548 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 642 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$63 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.]
- \*\*\* 2.3 Portion C of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 754, Academia Extension 1 ( $\pm 596 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 781 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.]
- \*\*\* 2.4 Portion D of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 755, Academia Extension 1 ( $\pm 613 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 798 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.]

- \*\*\* 2.5 Portion E of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 756, Academia Extension 1 ( $\pm 630 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 815 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.]
- \*\*\* 2.6 Portion F of Erf 1036, Academia Extension 1 is  $\pm 185 \text{ m}^2$  in extent and after consolidation with Erf 757, Academia Extension 1 ( $\pm 648 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 833 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$124 000.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.]
- \*\*\* 2.7 Portion G of Erf 1036, Academia Extension 1 is  $\pm 122 \text{ m}^2$  in extent and after consolidation with Erf 758, Academia Extension 1 ( $\pm 565 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 687 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00.00/ $\text{m}^2$  or N\$81 750.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.]
- \*\*\* 2.8 Portion H of Erf 1036, Academia Extension 1 is  $\pm 114 \text{ m}^2$  in extent and after consolidation with Erf 759, Academia Extension 1 ( $\pm 583 \text{ m}^2$  in extent), the size of the consolidated erf will be  $\pm 697 \text{ m}^2$  in extent. [The development potential is not enhanced in terms of the density being 1:500  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 340.00/ $\text{m}^2$ , being N\$670.00/ $\text{m}^2$  or N\$76 400.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 27 November 2025 is **attached as page 175 to the agenda**.]
- \*\*\* 2.9 That all funds generated from the sale resulting from the subdivision of 'public open spaces' be used exclusively (unless with consent of Council) for the development of 'public open spaces' into attractive public spaces, e.g., family parks, walking trails, etc., as directed by Council Resolution 183/08/2021, **attached as pages 184 - 186 to the agenda**.
- 3 That the sale of Portions A, B, C, D, E, F, G and H of Erf 1036, Academia Extension 1 be subject to the following conditions:
- 3.1 That no access be taken over the 'public open space', i.e., the Remainder of Erf 1036, Academia Extension 1.

- 3.2 That the applicants/ owners of Erven 752 and 753, Academia Extension 1 appoint a registered professional Engineer at their own cost and risk, to determine if the southeastern boundary of the proposed Portion A and Portion B of Erf 1036, Academia Extension 1 requires to be protected against any potential flood damage.
- 4 That the following applies with regard to Erven 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1:
- 4.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:
- 4.1.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
  - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
- 4.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 4.2 That all stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.
- 5 That the following be noted:
- 5.1 That only one (1) electrical service connection will be allowed from the municipal network to the consolidated erf.
- 5.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.
- 5.3 That should an upgrade of the electricity supply point be required, the applicant and/or his representative contact the Strategic Executive: Electricity, well in advance, to determine whether the existing network can handle the additional loading and to determine the size and cost for the upgraded supply point.
- 5.4 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.

- 5.5 That a connection charge may 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.
- 5.6 That a split prepayment meter shall be used in 'residential' areas with payment levels lower than 80 % and all informal settlements.
- 5.7 That for 'general residential' developments without high rise buildings i.e., individual apartments, a split prepayment meter with a metering box located on the street/development erf boundary shall be used for each unit, provided that it's technically possible otherwise a bulk meter shall be used.
- 5.8 That any additional requirements or costs with regard to electricity as a consequence of this application shall be for the accounts of the property owners.
- 6 That the following be noted:
  - 6.1 That a main sewer line passes through Erf 1036, Academia Extension 1 and that the entire sewer line behind Erven 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1, need to be relocated outside the boundaries of the consolidated erven, with the approval of and to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
  - 6.2 That the applicants/owners of Erven. 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1 should appoint a registered professional Engineer to design the sewer line and supervise the construction. [The designs should be submitted to the Strategic Executive: Infrastructure, Water and Technical Services for approval prior to commencement of construction.]
  - 6.3 That the applicants/owners of Erven 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1 should appoint a contractor to be supervised by the appointed registered professional Engineer to do the construction of the sewer line with the approval of the Strategic Executive: Infrastructure, Water and Technical Services.
  - 6.4 That all costs relating to the relocation of the sewer line be for the applicants'/owners accounts.
  - 6.5 That the Deed of Sale may only be signed after the relocation of the sewer line is done and meets the approval of the Strategic Executive: Infrastructure, Water and Technical Services.
  - 6.6 That any additional requirements and costs with regard to water and sewer services shall be for the cost of the applicants/owners.
- 7 That the applicants/owners of Erven 752, 753, 754, 755, 756, 757, 758 and 759, Academia Extension 1:

- 7.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, not later than six (6) months from the date this Council Resolution is adopted, that the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board, for consideration.
- 7.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a Surveyor has been appointed.
- 7.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.
- 7.4 Sign the Deed of Sale not later than ninety (90) days after having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.
- 8 That should the applicants fail to comply with any of the conditions stipulated in this Council resolution or fail to finalise the sale within eighteen (18) months of this resolution, the price be revised by the Strategic Executive: Housing, Property Management and Human Settlement.
- 9 That the sale of Portions A, B, C, D, E, F, G and H of Erf 1036, Academia Extension 1 be advertised in terms of section 63(2)(a)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 10 That the sale of Portions A, B, C, D, E, F, G and H of Erf 1036, Academia 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).
- 11 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deeds of Sale and Lease Agreements.
- 12 That the resolution be implemented prior to confirmation of the minutes.

#### Financial implications

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

[Municipal Council Agenda: 2026-06-25]

#### 10.1.4

### **FNS.2 [HPH] APPLICATION TO PURCHASE A PORTION OF THE REMAINDER OF ERF 878, CIMBEBASIA EXTENSION 2, FOR CONSOLIDATION WITH ERF 1107, CIMBEBASIA EXTENSION 3 (L/1107/878/CM/EXT 3)**

#### **Introduction**

In accordance with the Municipal Council of Windhoek's Public Open Spaces Policy, property owners adjacent to 'public open spaces' are given the opportunity to submit an application for a once-off purchase of a portion of the 'public open space' for a maximum of 10 metre to be consolidated with their property.

A purchase of this nature has mutual benefits for the applicant as well as for the Municipal Council. The property owner benefits from such an acquisition in various ways, including the fact that it increases the value of the property and enhances its appeal while the Municipal Council of Windhoek's revenue is enhanced through the sale. This application represents one such instance.

#### **Purpose**

The purpose of this item is to submit an application from the owner of Erf 1107, Cimbebasia Extension 3 for a portion of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation purposes.

#### **Application**

\*\*\* An application dated 12 March 2013, **attached as page 187 to the agenda** was received from the owner of Erf 1107, Cimbebasia Extension 3, Ms Lettie Shakhira, as per Deed of Transfer No. T3484/2008, **attached as pages 188 - 193 to the agenda**, for the acquisition of a portion of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation with Erf 1107, Cimbebasia Extension 3.

\*\*\* A copy of Ms Shakhira's Identity Document is **attached as page 194 to the agenda**.

The application involves the following:

- \*\*\* - The subdivision of the Remainder of Erf 878, Cimbebasia Extension 2 into Portion A ( $\pm 171 \text{ m}^2$  in extent) and the Remainder as depicted per Plan No. CIM 1107-1, **attached as page 195 to the agenda**.
- The permanent closure of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 as 'public open space' in accordance with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- The disestablishment of a portion of an approved township (Cimbebasia Extension 2) by excluding Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 from Cimbebasia Extension 2.

- The alteration of the township boundaries of Cimbebasia Extension 3 by incorporating the disestablished Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 into Cimbebasia Extension 3 as an erf.
- The consolidation of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 with Erf 1107, Cimbebasia Extension 3.
- The sale of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation with Erf 1107, Cimbebasia Extension 3.

### **Property description and location**

Erf 1107, Cimbebasia Extension 3 is  $\pm 422 \text{ m}^2$  in extent and zoned 'residential' with a density of 1:300  $\text{m}^2$  and situated along Mudorib Street.

The Remainder of Erf 878, Cimbebasia Extension 2, is zoned 'public open space' and is  $\pm 118\,099 \text{ m}^2$  in extent and situated along Arimas Street.

\*\*\*

The location of the properties is depicted on a map, **attached as page 195 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 will be allowed per erf.
- That only one (1) additional meter point will be allowed for an approved flat on erven that is zoned 'single residential'. For more meter points, the erf must be rezoned to 'general residential'.
- 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**

- **Water**

Adequate water supply services 90 mm are available. There are no objections.

- **Sewer**

The application is affected by a municipal sewer line that should be relocated outside the boundaries of the consolidated erf.

There is no objection to the application submitted: Provided:

- That the applicant appoint a registered professional Engineer to do the designs for the relocation of the sewer line outside the boundaries of the new consolidated erf, or within the building lines of the new consolidated erf.
- That the sewer line designs be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services (Engineering Services Division) for approval before starting with construction works.
- That after approval of the sewer line designs, the applicant appoints a contractor to do the relocation of the sewer line.
- That the supervision of the construction works be done by a registered professional Engineer.
- That all costs involved, due to the relocation of the sewer line, be for the applicant's account.
- That the sale of the applied portion between the applicant and the Municipal Council of Windhoek only be concluded after the sewer line is relocated by the applicant with the approval of the Strategic Executive: Infrastructure, Water and Technical Services.
- That no building plans be approved before the sewer line is relocated.
- That a 3 metre building line be maintained on the southwestern boundary of the consolidated erf due to an existing sewer line.

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

### Comments from the Strategic Executive: Urban and Transport Planning

#### - Urban Policy

The Remainder of Erf 878, Cimbebasia Extension 2 is  $\pm 118\,099\text{ m}^2$  in extent and zoned 'public open space'.

Erf 1107, Cimbebasia Extension 3 is  $\pm 422\text{ m}^2$  in extent and zoned 'residential' and with a density of 1:300  $\text{m}^2$  and is situated along Mudorib Street.

The proposed consolidation of Erf 1107, Cimbebasia Extension 3 with Portion A ( $\pm 171\text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 will not enhance the development potential of the newly consolidated erf.

The cost of the town planning procedures should be for the account of the applicant. In terms of the provisions of the Windhoek Zoning Scheme, the subdivided portion will assume the same zoning and density as the abutting Erf 1107, Cimbebasia Extension 3 upon consolidation.

\*\*\*

The Urban Policy Division has no objection to the subdivision of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation purposes with the adjacent Erf 1107, Cimbebasia Extension 3 as per erven as depicted by subdivision Plan No. CIM 1107-1, **attached as page 195 to the agenda**: Provided:

\*\*\*

- That the Remainder of Erf 878, Cimbebasia Extension 2 be subdivided into the proposed Portion A ( $\pm 171\text{ m}^2$  in extent) and the Remainder as indicated on Plan No. CIM 1107-1, **attached as page 195 to the agenda**. [The same plan must be submitted to the Ministry of Urban and Rural Development.]
- That the disestablishment of a portion of an approved township (Cimbebasia Extension 2) be done by excluding Portion A ( $\pm 171\text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 from Cimbebasia Extension 2.
- That alteration of the township boundaries of Cimbebasia Extension 3 be done by incorporating the disestablished Portion A ( $\pm 171\text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 into Cimbebasia Extension 3 as an erf.
- That Portion A ( $\pm 171\text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be consolidated with Erf 1107, Cimbebasia Extension 3.

- That consultation with adjacent neighbours be done 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 aforementioned subdivision and consolidation. [The applicants are required to furnish the Municipal Council of Windhoek with proof of neighbours' consultation.]

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- That the applicant obtain the Municipal Council of Windhoek's support and the Minister of Urban and Rural Development's approval for the subdivision of the Remainder of Erf 878, Cimbebasia Extension 2 into Portion A ( $\pm 171 \text{ m}^2$  in extent) as per Plan No. CIM 1107-1, **attached as page 195 to the agenda** in accordance with the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and the subsequent consolidation of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 with Erf 1107, Cimbebasia Extension 3.
- That the Municipal Council of Windhoek grant approval for the permanent closure of the proposed Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 as 'public open space' in accordance with the provisions of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) subject to the following conditions:
  - That the Municipal Council of Windhoek prepare the closure notices for the applicant.
  - That the applicant/owner be responsible for inserting the notice in the media, placing a copy on-site and for the distribution to affected neighbours.
  - That the applicant/owner promulgate the intended permanent closure of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 in the Government Gazette and advertise it in at least two (2) newspapers circulating within the local authority area, in accordance with the provisions of section 50(3)(a) 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.
  - That proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before a sales agreement is signed.
- That the applicant/owner 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 the owners be responsible for the submission of the cadastral and town planning applications to the Ministry of Urban and Rural Development.
- That upon consolidation, Portion A of the Remainder of Erf 878, Cimbebasia Extension 2 assume the same zoning and density as Erf 1107, Cimbebasia Extension 3 in terms of the provisions of the Windhoek Zoning Scheme.
- That the existing conditions registered against Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be replaced with the standard short conditions of the Municipal Council of Windhoek, including a minimum building value equal as per the provisions of the Windhoek Zoning Scheme to be registered against the consolidated erf.
- That the applicant/owner be responsible for the town planning and cadastral procedures, i.e., subdivision, consolidation, survey and registration of the resulting erven, and all the costs involved.
- That the subdivision and consolidation application (inclusive of the automatic conversion/rezoning of the portion of 'public open space' to 'residential' zoning) be submitted by a registered Town and Regional Planner, because the proposed zoning of the portion of the 'public open space' ('residential') will not remain identical to that of the parent property ('public open space') and thus involves the works reserved for registered Town and Regional Planner.

- **Traffic Flow**

\*\*\*

No objection to purchase a 10 metre portion of 'public open space' along the southeastern boundary of Erf 1107, Cimbebasia Extension 3 as per Plan No. CIM 1107-1, **attached as page 195 to the agenda**: Provided:

- That access may not be obtained over the public open space, i.e., the Remainder of Erf 878. Cimbebasia Extension 2.

- **Roads and Stormwater**

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

This division supports the sale of a Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 along the southeastern boundary of Erf 1107, Cimbebasia Extension 3: 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

#### - Environmental Management

No objection to the application. It should however be noted that the Remainder of Erf 878, Cimbebasia Extension 2 is zoned 'public open space' and requires an Environmental Clearance Certificate in terms of the Environmental Management Act, 2007 (Act 7 of 2007). The applicant should therefore apply for an Environmental Clearance Certificate from the Strategic Executive: Economic Development and Community Services upon approval of the item by Council.

#### - Parks

No objection to the sale of a 10 metre portion of the Remainder of Erf 878, Cimbebasia Extension 2.

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

#### - Valuations

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Portion A of the Remainder of Erf 878, Cimbebasia Extension 2, is  $\pm 171 \text{ m}^2$  in extent and after consolidation with Erf 1107, Cimbebasia Extension 3 ( $\pm 422 \text{ m}^2$ , the size of the newly consolidated erf will be  $\pm 593 \text{ m}^2$  in extent. The development potential is not enhanced in terms of the density being  $1:300 \text{ m}^2$ . Hence, the value payable is 50 % of N\$1 386.00/m<sup>2</sup> being N\$693.00/m<sup>2</sup> or N\$118 500.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda.**

\*\*\*

The Valuation Certificate dated 29 January 2026 is **attached as page 196 to the agenda.**

Should the owners of Erf 1107, Cimbebasia Extension 3 wish to take occupation of Portion A prior to the conclusion of the sale, same could be leased to the owner once the preliminary diagrams are available, pending the finalising of the sale at a monthly rental calculated 10 % of the purchase price divided by twelve (12) i.e., N\$987.50 and should be further subjected to the annual escalations in line with the Namibian Inflation Rate.

\*\*\*

All funds generated from the sale resulting from the subdivision of 'public open spaces' are to be used exclusively (unless with consent of Council), for the development of 'public open spaces' into attractive public spaces, e.g., family parks, walking trails, etc., as directed by Council Resolution 183/08/2021, **attached as pages 184 - 186 to the agenda.**

- **Property Management**

Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 is too small to constitute 'single residential' erf. It should further be noted that there is no access to the portion, except through the abutting Erf 1107, Cimbebasia Extension 3.

\*\*\*

The application is in line with the Public Open Spaces Policy as contained in Council Resolution 251/07/2001, **attached as pages 176 - 179 to the agenda.**

Having considered the comments of the other departments, the Strategic Executive: Housing, Property Management and Human Settlement supports the application.

**Neighbours' comment**

\*\*\*

The written consent of the owners of Erf 1106 and 1109, Cimbebasia Extension 3 is **attached as pages 197 - 198 to the agenda.**

**Site visit**

\*\*\*

A site visit was conducted on 26 January 2026 and no encroachment or illegal activities were detected. Photos of the site are **attached as pages 199 - 200 to the agenda.**

**Conclusion**

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

Management Committee, having considered the application,

**RECOMMENDED**

1 That the application received from the owner of Erf 1107, Cimbebasia Extension 3 to purchase a portion of the Remainder of Erf 878, Cimbebasia Extension 2, be noted and supported.

\*\*\*

2 That the Remainder of Erf 878, Cimbebasia Extension 2, be subdivided into Portion A ( $\pm 171 \text{ m}^2$  in extent) and the Remainder as depicted per Plan No. CIM 1107-1, **attached as page 195 to the agenda.**

2.1 That the disestablishment of a portion from an approved township (Cimbebasia Extension 2) be done by excluding Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 from Cimbebasia Extension 2.

2.2 That alteration of the township boundaries of Cimbebasia Extension 3 be done by incorporating the disestablished Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 into Cimbebasia Extension 3 as an erf.

- 2.3 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 applicants are required to furnish the Municipal Council of Windhoek with proof of neighbours' consultation.]
- \*\*\*
- 2.4 That the applicant obtain the Municipal Council of Windhoek's support and the Minister of Urban and Rural Development's approval for the subdivision of the Remainder of Erf 878, Cimbebasia Extension 2 into Portion A ( $\pm 171 \text{ m}^2$  in extent) and the Remainder, as per Plan No. CIM 1107-1, **attached as page 195 to the agenda**, in accordance with the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and the subsequent consolidation with Erf 1107, Cimbebasia Extension 3.
- \*\*\*
- 2.5 That Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 as per Plan No. CIM 1107-1, **attached as page 195 to the agenda** be closed as 'public open space' in accordance with the provisions of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) subject to the following conditions:
- 2.5.1 That the Municipal Council of Windhoek prepare the closure notices for the applicant.
- 2.5.2 That the applicant/owner promulgate the intended permanent closure of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 in the Government Gazette and advertise it in at least two (2) newspapers circulating within the local authority area, in accordance with the provisions of section 50(3)(a) 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.
- 2.5.3 That it be noted that the public and neighbours' consultation for the intended permanent 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).
- 2.5.4 That the applicant/owner of Erf 1107, Cimbebasia Extension 3, be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours and that proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before a Sales Agreement is signed.
- 2.6 That upon consolidation, Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 assume the same zoning and density as Erf 1107, Cimbebasia Extension 3 in terms of the provisions of the Windhoek Zoning Scheme.
- 2.7 That the existing conditions registered against Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 3 be replaced by the standard conditions of the title including a minimum building value, as per the provisions of the Windhoek Zoning Scheme, to be registered against the consolidated erf.

- 2.8 That the applicant/owner of Erf 1107, Cimbebasia Extension 3 be responsible for the town planning and cadastral procedures i.e., subdivision of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2; consolidation of Portion A with the Erf 1107, Cimbebasia Extension 3; survey; and registration of the new resulting erven, and all the costs involved.
- 2.9 That the applicant/owner obtain an Environmental Clearance Certificate in terms of the Environmental Management Act, 2007 (Act 7 of 2007) from the Strategic Executive: Economic Development and Community Services.
- 2.10 That the subdivision and consolidation application (inclusive of the automatic conversion of the portion of 'public open space' to 'residential' zoning) be submitted by a registered Town and Regional Planner, because the proposed zoning of Portion A of the Remainder of Erf 878, Cimbebasia Extension 2 ('residential') will not remain identical to that of the parent property ('public open space') and thus involves the works reserved for registered Town and Regional Planner.
- \*\*\*
- 3 That subject to the successful closure and implementation of all town planning and cadastral procedures and obtaining of an Environmental Clearance Certificate, Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be sold to the owner of Erf 1107, Cimbebasia Extension 3 ( $\pm 422 \text{ m}^2$  in extent) at 50 % of N\$1 386.00/m<sup>2</sup>, being N\$693.00/m<sup>2</sup> or N\$118 500.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**, as the development potential is not enhanced in terms of the density being 1:300 m<sup>2</sup>. [The Valuation Certificated dated 29 January 2026 is **attached as page 196 to the agenda**.
- 3.1 That all funds generated from the sale resulting from the subdivision of 'public open spaces' be used exclusively (unless with the consent of Council) for the development of 'public open spaces' into attractive public spaces, e.g., family parks, walking trails, etc.
- 4 That the sale of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be subject to the following conditions:
- 4.1 That the applicant/owner of Erf 1107, Cimbebasia Extension 3 note that Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 is affected by a sewer line that needs to be relocated outside the boundaries of the resulting consolidated erf.
- 4.2 That the applicant/owner of Erf 1107, Cimbebasia Extension 3 appoint a registered professional Engineer to design the relocation of the sewer line for the new erven, and a complete design with the necessary long sections be submitted to the Strategic Executive: Infrastructure, Water and Technical Services, for approval before commencement of any work.
- 4.3 That the sewer line designs be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services, for approval before starting construction works.

- 4.4 That after approval of the design the applicant/owner of Erf 1107, Cimbebasia Extension 3 at own cost appoint a contractor, to be supervised by a registered professional Engineer to do the construction of the sewer line.
- 4.5 That a 3 metre building line be maintained on the southwestern boundary of the consolidated erf due to an existing sewer line.
- 4.6 That no building plans be approved before the sewer line is relocated.
- 4.7 That the sale of the applied portion between the applicant and the Municipal Council of Windhoek only be concluded after the sewer line is relocated by the applicant with the approval of the Strategic Executive: Infrastructure, Water and Technical Services.
- 4.8 That any additional requirements with regard to sewer services and water services brought on as a consequence of the consolidation or subsequent activities, be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 4.9 That access may not be obtained over the 'public open space', i.e., the Remainder of Erf 878, Cimbebasia Extension 2.
- 5 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:
  - 5.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
    - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
    - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
  - 5.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 6 That the following be noted:
  - 6.1 That only one (1) electrical service connection will be allowed from the municipal network to the consolidated erf.
  - 6.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.

- 6.3 That should an upgrade of the electricity supply point be required, the applicant and or his representative contact the Strategic Executive: Electricity, well in advance, to determine whether the existing network can handle the additional loading and to determine the size and cost for the upgraded supply point.
- 6.4 That any additional cost with respect to electricity services be for the account of the applicant.
- 7 That the applicant/owner:
  - 7.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, not later than six (6) months from the date this Council Resolution is adopted, that the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.
  - 7.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a Surveyor has been appointed.
  - 7.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.
  - 7.4 Sign the Deed of Sale not later than ninety (90) days after having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.
- 8 That should the applicants/owners fail to comply with any of the conditions of this Council Resolution or fail to finalise the transaction in eighteen (18) months from the date of this Council Resolution, the application be subjected to price revision by the Strategic Executive: Housing, Property Management and Human Settlement.
- 9 That the sale/lease of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder Erf 878, Cimbebasia Extension 2 be advertised in terms of section 63(2)(a)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 10 That the sale/lease of Portion A ( $\pm 171 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2, be subject to Ministerial approval in terms of section 30(1)(t)(i) the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 11 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 12 That the resolution be implemented prior to confirmation of the minutes.

**Financial implications**

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

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 [Municipal Council Agenda: 2026-06-25]

**10.1.5**

**FNS.3 [HPH] APPLICATION TO PURCHASE A PORTION OF THE REMAINDER OF ERF 878, CIMBEBASIA EXTENSION 2, FOR CONSOLIDATION WITH ERF 762, CIMBEBASIA EXTENSION 2 (L/762/878/CIM/EXT 2)**

**Introduction**

In accordance with the Municipal Council of Windhoek's Public Open Spaces Policy, property owners are provided the opportunity to submit an application for a once off 10 metre portion of land that is adjacent to their property for the purpose of consolidation. The property owner benefits from such an acquisition in various ways, including the fact that it increases the value of the property and enhances its appeal. This application represents one such instance.

**Purpose**

The purpose of this item is to submit the application from the owner of Erf 762, Cimbebasia, Extension 2 for the purchase of a portion of the Remainder of Erf 878, Cimbebasia Extension 2, for consolidation with Erf 762, Cimbebasia Extension 2.

**Application and discussion**

\*\*\* An application dated 29 September 2011, **attached as pages 201 - 202 to the agenda**, was received from the owners of Erf 762, Cimbebasia Extension 2, Mr Julian D Van Wyk and Ms Remona N Van Wyk as per Deed of Transfer No. T4030/2004, **attached as pages 203 -205 to the agenda**, to purchase a portion of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation with Erf 762, Cimbebasia Extension consolidation purposes.

\*\*\* Copies of the Identity Documents of Mr and Ms Van Wyk are **attached as pages 206 - 207 to the agenda**.

\*\*\* It was suggested by the Parks Division that a portion of the Remainder of Erf 878, Cimbebasia Extension 2 also be offered to the owner of Erf 754, Cimbebasia Extension 2 as per Plan No. CIM 754-1 **attached as page 208 to the agenda**.

The additional 5 metre portions are both  $\pm 125 \text{ m}^2$  in extent. The space between the portions will serve as access to the Remainder of Erf 878, Cimbebasia, Extension 2, which is earmarked for recreational activities.

The application involves the following:

- The subdivision of the Remainder of Erf 878, Cimbebasia Extension 2 into Portion A ( $\pm 125 \text{ m}^2$  in extent), Portion B ( $\pm 125 \text{ m}^2$  in extent), and the Remainder.
- The permanent closure of Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 as 'public open space' in accordance with section 50(1)(c) of the Local Authorities Act 1992, (Act 23 of 1992) (as amended).
- The consolidation of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 with Erf 754, Cimbebasia Extension 2.
- The consolidation of Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 with Erf 762, Cimbebasia Extension 2.
- The sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 to the owner of Erf 754, Cimbebasia Extension 2 for consolidation purposes.
- The sale of Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 to the owner of Erf 762, Cimbebasia Extension 2 for consolidation purposes.

#### **Property description and locality**

Erf 762, Cimbebasia Extension 2 is  $\pm 429 \text{ m}^2$  in extent, zoned 'residential' with a density of one (1) dwelling/250  $\text{m}^2$  and situated in Kharu-Gaiseb Street.

Erf 754, Cimbebasia Extension 2 is  $\pm 327 \text{ m}^2$  in extent, zoned 'residential' with a density of one (1) dwelling/250  $\text{m}^2$  and situated in Kharu-Gaiseb Street.

The Remainder of Erf 878, Cimbebasia Extension 2 is  $\pm 118\,099 \text{ m}^2$  in extent, zoned 'public open space' and situated along Arimas Street.

\*\*\*

The location of the properties is depicted on a map **attached as page 208 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 will be allowed per erf.
- That only one (1) additional meter point will be allowed for an approved flat on erven that is zoned 'single residential'. For more meter points, the erf must be rezoned to 'general residential'.
- 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 Strategic Executive: Economic Development and Community Services**

- **Environmental Management**

There is no objection to the application. It should however be noted that the Remainder of Erf 878, Cimbebasia Extension 2 is zoned 'public open space' and requires Environmental Clearance as per the Environmental Management Act, 2007 (Act 7 of 2007). The applicants/owners should therefore obtain Environmental Clearance Certificate from the Strategic Executive: Economic Development and Community Services once Council has approved the application.

- **Parks**

The division proposes that Erven 762 and 754, Cimbebasia Extension 2, each be granted the option to consolidate 5 metre portion only, i.e., south of Erf 762 and north of Erf, 754, Cimbebasia Extension 2. The in-between portion must be left open for access to the open space.

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

**Erf 762, Cimbebasia Extension 2**

- **Water**

A 90 mm diameter water connection is available. Any further water requirements and the cost thereof as a result of this application shall be for the applicants'/owners' accounts.

- **Sewer**

There are no objections to purchase a 5 metre portion ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2, which is situated southeast of Erf 762, Cimbebasia Extension 2, as no municipal sewer services are affected.

Any further sewer requirements and the cost thereof as a result of this application shall be for the applicants'/owners' accounts.

**Erf 754, Cimbebasia Extension 2**

- **Water**

A 90 mm diameter water connection is available. Any further water requirements and the cost thereof as a result of this application shall be for the applicants'/owners' accounts.

- **Sewer**

There are no objections to the sale of a 5 metre portion, ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation with Erf 754, Cimbebasia Extension 2 as no municipal sewer services are affected.

Any further sewer requirements and the cost thereof as a result of this application shall be for the applicants'/owners' accounts.

**Comments from the Strategic Executive: Urban and Transport Planning**

- **Traffic Flow**

There are no objections to the allocation of a suitable portion of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation with Erf 762, Cimbebasia Extension 2 and Erf 754, Cimbebasia Extension 2, respectively, for consolidation purposes.

An Urban Arterial Account (UAA) contribution of N\$27 935.70 is applicable for Portion B ( $\pm 125 \text{ m}^2$  in extent) to be consolidated with Erf 762, Cimbebasia Extension 2.

No Urban Arterial Account (UAA) contribution is applicable for Portion A ( $\pm 125 \text{ m}^2$  in extent) to be consolidated with Erf 754, Cimbebasia Extension 2.

Access may not be obtained over the 'public open space', i.e., the Remainder of Erf 878, Cimbebasia Extension 2.

### **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

#### **Erf 754, Cimbebasia Extension 2**

- Erf 754, Cimbebasia Extension 2 has a general downward slope from the southeast towards the northwest.
- The proposed Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 has a general downward slope from the northeast towards the southwest.
- There is no stormwater system crossing either Erf 754, Cimbebasia Extension 2, or the proposed Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2, except for surface stormwater run-off.

#### **Erf 762, Cimbebasia Extension 2**

- Both Erf 762, Cimbebasia Extension 2, and the proposed Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 have a general downward slope from the northeast towards the southwest.
- There is no stormwater system crossing either Erf 762, Cimbebasia Extension 2, or the proposed Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2, except for surface stormwater run-off.

The division has no objection to the proposed sale of Portion A and Portion B of the Remainder of Erf 878, Cimbebasia Extension 2, and consolidation with Erven 754 and 762, Cimbebasia Extension 2, respectively: Provided:

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

### **Urban Policy**

The Remainder of Erf 878, Cimbebasia Extension 2 is zoned 'public open space'.

Erf 754, Cimbebasia Extension 2 and is zoned 'residential' with a density of 1:250  $\text{m}^2$  and is  $\pm 327 \text{ m}^2$  in extent.

Erf 762, Cimbebasia Extension 2 and is zoned 'residential' with a density of 1:250  $\text{m}^2$  and is  $\pm 429 \text{ m}^2$  in extent.

The proposed Portion A ( $\pm 125 \text{ m}^2$  in extent) should be subdivided from the Remainder of Erf 878, Cimbebasia, Extension 2 and consolidated with Erf 754, Cimbebasia Extension 2, resulting in a consolidated erf of  $\pm 452 \text{ m}^2$  in extent. The development potential of the consolidated erf is not enhanced. The cost of the town planning procedures should be for the account of the applicant.

The proposed Portion B ( $\pm 125 \text{ m}^2$  in extent) should be subdivided from the Remainder of Erf 878, Cimbebasia, Extension 2 and consolidated with Erf 762, ( $\pm 429 \text{ m}^2$  in extent) Cimbebasia Extension 2. The consolidation will result in a residential erf of  $\pm 554 \text{ m}^2$  in extent, which at the current density will allow two (2) 'residential' dwelling units on the consolidated erf.

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

The application is supported: Provided:

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- That the Remainder of Erf 878, Cimbebasia Extension 2 be subdivided into the proposed Portion A ( $\pm 125 \text{ m}^2$  in extent); and Portion B ( $\pm 125 \text{ m}^2$  in extent) and the Remainder as indicated on the Plan No. CIM 754-1 **attached as page 208 to the agenda**. The same plan must be submitted to the Ministry of Urban and Rural Development.
- That the applicant be required to 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 neighbours' consultation.
- That it be noted 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 the applicant applies to the Municipal Council of Windhoek for approval of the permanent closure of the proposed Portion A ( $\pm 125 \text{ m}^2$  in extent); and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 as 'public open space' in accordance with the provisions of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), subject to the following conditions:
  - That the applicant promulgate the intended permanent closure in the Government Gazette and advertise it 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 the site, as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.

- That upon closure of proposed Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 as 'public open space', Portion A and Portion B of the Remainder of Erf 878, Cimbebasia Extension 2 assume the same zoning and density as Erven 754 and 762, Cimbebasia Extension 2 respectively in terms of the Windhoek Zoning Scheme.
- That the land and buildings comply with the provisions of the Windhoek Zoning Scheme.
- That the current conditions registered against Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be replaced with the usual short standard conditions of the Municipal Council of Windhoek, including a minimum building value as stipulated in clause 39 of the Windhoek Zoning 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.
- That the subdivision and consolidation application (inclusive of the automatic conversion/rezoning of the portion of 'public open space' to 'residential' zoning) be submitted by a registered Town and Regional Planner, because the proposed zoning of the proposed additional portion ('residential') will not remain identical to that of the parent property ('public open space') and thus involves the works reserved for a registered Town and Regional Planner.

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

##### **- Valuation Services**

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Erf 762, Cimbebasia is  $\pm 429 \text{ m}^2$  in extent and after consolidation with Portion B of the Remainder of Erf 878, Cimbebasia ( $\pm 125 \text{ m}^2$  in extent), the size would be  $\pm 554 \text{ m}^2$  in extent. The development potential is enhanced in terms of the density being one (1) dwelling per  $250 \text{ m}^2$ . The value payable for Portion B of the Remainder of Erf 878, Cimbebasia is therefore N\$1 386.00/m<sup>2</sup> or N\$173 300.00 in total (rounded-off), in terms of Council Resolution 276/08/2004, **attached as page 174 to the agenda**. An Urban Arterial Account (UAA) contribution of N\$27 935.70 is applicable. The Valuation Certificate dated 8 January 2026 is **attached as page 209 to the agenda**.

\*\*\* Erf 754, Cimbebasia is  $\pm 327 \text{ m}^2$  in extent and after consolidation with Portion A of the Remainder of Erf 878, Cimbebasia ( $\pm 125 \text{ m}^2$  in extent), the size would be  $\pm 452 \text{ m}^2$  in extent. The development potential is not enhanced in terms of the density being one (1) dwelling per  $250 \text{ m}^2$ . The value payable for Portion A of the Remainder of Erf 878, Cimbebasia is therefore 50 % of N\$1 386.00/ $\text{m}^2$ , being N\$693.00 or N\$86 625.00 in total in terms of Council Resolution 276/08/2004, **attached as page 174 to the agenda.**

\*\*\* The Valuation Certificate dated 8 January 2026 is **attached as page 209 to the agenda.**

\*\*\* All funds generated from the sale of the subdivision of 'public open spaces' be used exclusively (unless with consent of Council), for the development of 'public open spaces' into attractive public spaces, e.g., family parks, walking trails, etc., as per Council Resolution 183/08/2021, **attached as pages 184 - 186 to the agenda.**

#### - **Property Management**

\*\*\* The application is in line with the conditions of the Public Open Spaces Policy as per Council Resolution 251/07/2001, **attached as pages 176 - 179 to the agenda.**

The comment of Parks Division stating that the remaining area between Portions A and B of the Remainder of Erf 878, Cimbebasia Extension 2, is sufficient for access to the Remainder of Erf 878, Cimbebasia Extension 2 is observed.

Noting the comments above, the Strategic Executive: Housing, Property Management and Human Settlement has no objection against the sale of Portion A and Portion B of the Remainder of Erf 878, Cimbebasia Extension 2 for consolidation with Erven 754 and 762, Cimbebasia Extension 2 respectively.

#### **Neighbors consent**

No neighbour is directly affected by the application.

#### **Site visit**

A site visit was conducted on 7 May 2026. No encroachment or other illegal activities were detected.

#### **Conclusion**

Having considered the application together with the technical comments obtained, the Strategic Executive: Housing, Property Management and Human Settlement, submit the application to Council for its deliberations and consideration.

Management Committee, having considered the application,

**RECOMMENDED**

- 1 That the application received from the owner of Erf 762, Cimbebasia Extension 2 to purchase a portion of the Remainder of Erf 878, Cimbebasia Extension 2, be noted and supported.
- \*\*\*
- 2 That the Remainder of Erf 878, Cimbebasia Extension 2 be subdivided into Portion A ( $\pm 125 \text{ m}^2$  in extent), Portion B ( $\pm 125 \text{ m}^2$  in extent) and the Remainder as indicated on Plan No. CIM 754-1, **attached as page 208 to the agenda.**
    - 2.1 That the portion between Portion A and Portion B of the Remainder of Erf 878, Cimbebasia Extension 2 serves as access to the Remainder of Erf 878, Cimbebasia Extension 2.
  - 3 That Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be closed as 'public open space' in accordance with the provisions of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
    - 3.1 That the applicants/owners promulgate the intended permanent closure in the Government Gazette and advertise it 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 the site, as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.
    - 3.2 That the Municipal Council of Windhoek prepares the closure notice and that the applicants/owners of Erven 762 and 754, Cimbebasia Extension 2 be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours and that proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before a Sales Agreement is signed.
    - 3.3 That the applicants/owners be required to 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 neighbours' consultation.]
    - 3.4 That it be noted 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).

- 3.5 That upon closure of proposed Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 as 'public open space', Portions A and B assume the same zoning and density as Erven 754 and 762, Cimbebasia Extension 2 respectively in terms of the Windhoek Zoning Scheme.
- 3.6 That the applicants/owners of Erven 762 and 754, Cimbebasia Extension 2 be responsible for the town planning and cadastral procedures, i.e., subdivision into Portions A and B; consolidation; survey and registration of the newly consolidated erven; and the costs involved.
- 3.7 That the applicants/owners of Erven 762 and 754, Cimbebasia Extension 2 obtain Environmental Clearance Certificates from the Strategic Executive: Economic Development and Community Services upon approval of the application by Council.
- 3.8 That the existing conditions registered against Portions A and B ( $\pm 125 \text{ m}^2$  in extent each) of the Remainder of Erf 878, Cimbebasia Extension 2, be replaced by the standard conditions of the title, including a minimum building value of four (4) times the municipal valuation be registered against the consolidated erven.
- 4 That subject to the successful closure and implementation of all town planning and cadastral procedures and obtaining of an Environmental Clearance Certificate Portions A and B of the Remainder of Erf 878, Cimbebasia Extension 2 be sold as follows:
- \*\*\* 4.1 Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be sold to the applicant/owner of Erf 754, Cimbebasia Extension 2 at an upset price of 50 % of N\$1 386.00/m<sup>2</sup>, being N\$693.00 or N\$86 625.00 in total in terms of Council Resolution 276/08/2004, **attached as page 174 to the agenda.** [The Valuation Certificate dated 8 January 2026 is **attached as page 209 to the agenda.**]
- \*\*\* 4.2 Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be sold to the applicant/owner of Erf 762, Cimbebasia Extension 2 at an upset price of N\$1 386.00/m<sup>2</sup>, or N\$173 300.00 (rounded-off) in total as per Valuation Certificate dated 8 January 2026, **attached as page 209 to the agenda.** Urban Arterial Account (UAA) of N\$27 935.70 is applicable to be transferred to Item 5010/05/2/05/1032.
- \*\*\* 4.3 That all funds generated from the sale resulting from the subdivision of 'public open spaces' be used exclusively (unless with consent of Council) for the development of 'public open spaces' into attractive public spaces, e.g., family parks, walking trails, etc., as directed by Council Resolution 183/08/2021, **attached as pages 184 - 186 to the agenda.**
- 5 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:
- 5.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
  - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
- 5.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 5.3 That all stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.
- 6 That the following be noted:
- 6.1 That only one (1) electrical service connection will be allowed from the municipal network to the consolidated erf.
- 6.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.
- 6.3 That should an upgrade of the electricity supply point be required, the applicant and or his representative contact the Strategic Executive: Electricity, well in advance, to determine whether the existing network can handle the additional loading and to determine the size and cost for the upgraded supply point.
- 7 That the applicant:
- 7.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement not later than six (6) months from the date this Council Resolution is adopted, that the proposed closure, subdivision, and consolidation have been submitted to the Urban and Regional Planning Board for consideration.
- 7.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a Surveyor has been appointed.
- 7.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.
- 7.4 Sign the Deed of Sale not later than ninety (90) days after having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.

- 8 That should the applicants/owners fail to comply with any of the conditions of this resolution or fail to finalise the purchase within eighteen (18) months from the date of this Council Resolution, that the allocation of Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be subject to a price revision by the Strategic Executive: Housing, Property Management and Human Settlement.
- 9 That the sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 be advertised in terms of section 63(2)(a)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 10 That the sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) and Portion B ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 878, Cimbebasia Extension 2 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).
- 11 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 12 That the resolution be implemented prior to confirmation of the minutes.

#### **Financial implications**

<b>Service rendered</b>	<b>Funds required (NS)</b>	<b>Funds available</b>
Advertisement cost: Portion A	4 000.00	Item 4000/20/1/10/0025
Advertisement cost: Portion B	4 000.00	Item 4000/20/1/10/0025
Urban Arterial Account (UAA) (Portion B)	27 935.70	Item 5010/05/2/05/1032

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 [Municipal Council Agenda: 2026-06-25]

#### **10.1.6**

#### **FNS.4 [HPH] APPLICATION TO PURCHASE A 10 METRE PORTION OF THE REMAINDER OF ERF 1349, ROCKY CREST EXTENSION 2 FOR CONSOLIDATION WITH ERF 1147, ROCKY CREST EXTENSION 2 (L/1147/R/1349/RC/EXT 2)**

#### **Introduction**

The Council's Public Open Spaces Policy offers property owners the chance to apply for one-time land allocation measuring a maximum of 10 metre in length, located adjacent to their properties for the purpose of consolidation purposes. Such an acquisition provides multiple benefits to the property owners, notably increasing the property's value and enhancing its market appeal. This specific application serves as an example of this policy in action.

### **Purpose**

The purpose of this item is to submit to Council an application from the owner of Erf 1147, Rocky Crest Extension 2 for the purchase of a portion of the Remainder of Erf 1349, Rocky Crest Extension 2 for consolidation purposes.

### **Application and discussion**

\*\*\* An undated application, **attached as page 210 to the agenda**, from the owner of Erf 1147, Rocky Crest Extension 2, Mr Kapulwa Linus, as per Title Deed No. T6187/2020, **attached as pages 211 - 217 to the agenda** for the acquisition of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder Erf 1349, Rocky Crest Extension 2 for consolidation purposes received on 20 November 2020.

\*\*\* A copy of Mr Kapulwa's Identity Document is **attached as page 218 to the agenda**.

\*\*\* The application is in line with Council Resolution 251/07/2001, **attached as pages 176 - 179 to the agenda** and involves the following:

- \*\*\*
- Subdivision of the Remainder of Erf 1349, Rocky Crest Extension 2 into Portion A ( $\pm 81 \text{ m}^2$  in extent) and the Remainder as per Plan RC 1147-1, **attached as page 219 to the agenda**.
  - Permanent closure of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest, Extension 2 as 'public open space' in line with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
  - Consolidation of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 3 with Erf 1147, Rocky Crest, Extension 2.
  - Sale of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest, Extension 2 for consolidation with adjacent Erf 1147, Rocky Crest, Extension 2.

### **Property description and locality**

Erf 1147, Rocky Crest, Extension 2 is  $\pm 300 \text{ m}^2$  in extent, is zoned 'residential' with a density of one (1) dwelling/250  $\text{m}^2$  and is situated along Cat Island Road.

The Remainder of Erf 1349, Rocky Crest, Extension 2 is  $\pm 12\,357 \text{ m}^2$  in extent, is zoned 'public open space' and is situated along Sando Road.

\*\*\* The locality of the properties is depicted by Enlighten map **attached as page 220 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 principle no objection to the application submitted to purchase Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder Erf 1349, Rocky Crest Extension 2 for consolidation with adjacent Erf 1147, Rocky Crest Extension 2: Provided:

- That should any municipal electrical infrastructure need to be relocated, dismantled, or replaced as per request received from the applicant, all cost related thereto will be for the applicant's account.
- That only one (1) service connection from the municipal electrical network will be allowed per erf.
- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation, 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 shall be used in residential areas with payment levels lower than 80 % and all informal settlements.
- That 'general residential' developments without high rise buildings i.e., individual apartments, a split prepayment meter for each unit shall be used with a metering box located on the street/development erf boundary provided that it's technically possible otherwise a bulk meter shall be used.

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

#### - Water

No water services affected. Any further water requirements and costs as a result of this application shall be for the applicant's account.

#### - Sewer

A sewer manhole is situated near the northeastern boundary of the new consolidated erf.

A 3 metre building line should be maintained near the northeastern boundary of the new erf.

Any further sewer requirements and costs as a result of this application shall be for the applicant's/owner's account.

### Comments from the Strategic Executive: Urban and Transport Planning

#### - Urban Policy

The Remainder of Erf 1349, Rocky Crest Extension 2 is zoned 'public open space' and is  $\pm 12\,357\text{ m}^2$  in extent.

Erf 1147, Rocky Crest Extension 2 is zoned 'residential' with a density of one (1) dwelling/250  $\text{m}^2$  and is 300  $\text{m}^2$  in extent.

The proposed Portion A is  $\pm 81\text{ m}^2$  in extent should be subdivided from the Remainder of Erf 1349, Rocky Crest Extension 2 and consolidated with Erf 1147, Rocky Crest Extension 2, resulting in a consolidated erf of  $\pm 381\text{ m}^2$  in extent. The development potential of the consolidated erf is not enhanced. The cost of the town planning procedures should be for the account of the applicant.

The application is supported: Provided:

\*\*\*

- That the Remainder of Erf 1349, Rocky Crest Extension 2 be subdivided into the proposed Portion A ( $\pm 81\text{ m}^2$  in extent) and the Remainder as indicated on the Plan No. RC 1147-1 **attached as page 219 to the agenda**. The same plan must be submitted to the Ministry of Urban and Rural Development.
- 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 neighbours' consultation.

- That it be noted 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 the applicant applies to the Municipal Council for approval for the permanent closure of the proposed Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 as 'public open space' in accordance with the provisions of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), subject to the following conditions:
  - That the applicant promulgate the intended permanent closure in the Government Gazette and advertise it 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 the site, as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.
  - That upon closure of proposed Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 as 'public open space', Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 assume the same zoning and density as Erf 1147, Rocky Crest Extension 2 in terms of the Windhoek Zoning Scheme.
- That the land and buildings comply with the provisions of the Windhoek Zoning Scheme.
- That the current conditions registered against Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 be replaced with the usual short standard conditions of the Municipal Council of Windhoek, including a minimum building value as stipulated in clause 39 of the Windhoek Zoning 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.
- That the subdivision and consolidation application (inclusive of the automatic conversion/rezoning of the portion of 'public open space' to 'residential' zoning) be submitted by a registered Town and Regional Planner, because the proposed zoning of the proposed additional portion ('residential') will not remain identical to that of the parent property ('public open space') and thus involves the works reserved for Registered Town and Regional Planner.

- **Traffic Flow**

This division has no objection to the sale of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest, for consolidation with Erf 1147, Rocky Crest Extension 2: Provided:

- That no access from a 'public open space', i.e., the Remainder of Erf 1349, Rocky Crest Extension 2.
- That no Urban Arterial Account (UAA) contribution is applicable.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Both Erf 1147, Rocky Crest Extension 2, and the proposed Portion A of the Remainder of Erf 1349, Rocky Crest Extension 2 have a general downward slope from the southwest towards the northeast.
- There is no stormwater system crossing Erf 1147, Rocky Crest Extension 2, except for surface stormwater run-off.
- There is a major stormwater course flowing along the Remainder of Erf 1349, Rocky Crest Extension 2, flowing approximately between 11 to 12.5 metre away from the northeastern boundary of Erf 1147, Rocky Crest Extension 2, continuing into a northwesterly direction.
- There is a stormwater system collecting stormwater from catchpits along Cat Island Road, that is connected to a stormwater system that flows along Erf 1148, Rocky Crest Extension 2 flowing approximately 1.5 metre away and parallel to the northwestern boundary of Erf 1147, Rocky Crest Extension 2, discharging stormwater onto the Remainder of Erf 1349, Rocky Crest through a stormwater outlet structure, situated approximately 2.5 metre away from the northwestern corner of Erf 1147, Rocky Crest Extension 2 from where the stormwater flows into the major stormwater course as mentioned in paragraph 3 above.

The division therefore does not support the sale of the proposed 10 metre wide portion of the Remainder of Erf 1349, Rocky Crest Extension 2 to be consolidated with Erf 1147, Rocky Crest Extension 2.

\*\*\*

However, the division suggests that Portion A of the Remainder of Erf 1349, Rocky Crest Extension 2 be measured as indicated on the Plan No. RC 1147-1, **attached as page 219 to the agenda**, which results in an area of  $\pm 81 \text{ m}^2$  in extent: Provided:

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

- That no development be considered over or onto any stormwater system or structure.
- That the applicant appoints a registered professional Engineer at his/her own cost and risk, to determine if the northeastern and northwestern boundaries of the proposed Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 requires protection against any potential flood damage.
- 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.]

#### **Comments from the Strategic Executive: Economic Development and Community Services**

##### **- Environmental Management**

No objection to the sale of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder Erf 1349, Rocky Crest Extension 2 as per policy. It should however, be noted that the Remainder of Erf 1349, Rocky Crest Extension 2, is zoned 'public open space'.

The automatic conversion of a 'public open space' to any other land use is a listed activity in the Environmental Management Act, 2007 (Act 7 of 2007) and requires Environmental Clearance. The applicant should apply for environmental clearance from the Strategic Executive: Economic Development and Community Services upon approval of the application by the Municipal Council of Windhoek.

##### **- Parks**

The Parks Division has no objection to the sale of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 to the owner of adjacent Erf 1147, Rocky Crest Extension 2 as per Public Open Spaces Policy and the subsequent consolidation with Erf 1147, Rocky Crest Extension 2.

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

##### **- Valuations**

\*\*\*

Portion A of the Remainder of Erf 1349, Rocky Crest, Extension 2 is  $\pm 81 \text{ m}^2$  in extent, and after consolidation with Erf 1147, Rocky Crest, Extension 2 ( $\pm 300 \text{ m}^2$  in extent) the size of the newly consolidated erf will be  $\pm 381 \text{ m}^2$ . The development potential will not be enhanced in terms of the density being one (1) dwelling/250  $\text{m}^2$ . Hence, the value payable is 50 % of N\$1 139/ $\text{m}^2$  being N\$569.50/ $\text{m}^2$  or N\$46 130.00 (rounded-off) in total as per Council Resolution 276/08/2004, **attached as page 174 to the agenda**. The Valuation Certificate dated 20 January 2026 is **attached as page 221 to the agenda**.

\*\*\* All funds generated from the sale of resulting from the subdivision of 'public open spaces' are to be used exclusively (unless with consent of Council), for the development of 'public open spaces' into attractive public spaces, e.g., family parks, walking trails, etc., as directed by Council Resolution 183/08/2021, **attached as pages 184 - 186 to the agenda.**

- **Property Management**

\*\*\* Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 have no direct access except through the adjacent erf. Remainder Erf 1349, Rocky Crest Extension 2 is zoned 'public open space'. Council Resolution 251/07/2001, **attached as pages 176 - 179 to the agenda**, supports the sale of portions of 'public open spaces' with adjacent erven.

The Strategic Executive: Housing, Property Management and Human Settlement supports the sale of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 to adjacent erf owners for consolidation purposes

**Neighbors' consent**

\*\*\* The consent from the owners of Erf 1445 and 1148, Rocky Crest Extension 2 is **attached as page 222 to the agenda.**

**Site visit**

\*\*\* A site visit was conducted on 20 January 2026 and no encroachment or illegal activities were detected. The photos depicting the site are **attached as page 223 to the agenda.**

**Conclusion**

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

Management Committee, having considered the application,

**RECOMMENDED**

- 1 That the application to purchase a 10 metre portion of the Remainder of Erf 1349, Rocky Crest Extension 2 for consolidation with Erf 1147, Rocky Crest Extension 2, be noted and supported.
- \*\*\* 2 That the Remainder of Erf 1349, Rocky Crest Extension 2 be subdivided into Portion A ( $\pm 81 \text{ m}^2$  in extent) and the Remainder as indicated on Plan No. RC 1147-1, **attached as page 219 to the agenda.**
- 3 That Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 be closed as 'public open space in accordance with the provisions of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- 3.1 That the applicant promulgate the intended permanent closure in the Government Gazette and advertise it 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 the site, as well as on the Municipal Council of Windhoek's Customer Care Centre (CCC) notice board.
- 3.2 That the Municipal Council of Windhoek prepares the closure notice and that the applicants/owners of Erf 1147, Rocky Crest Extension 2 be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours and that proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before a Sales Agreement is signed.
- 3.3 That the applicants/owners 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 neighbours' consultation.]
- 3.4 That it be noted 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).
- 3.5 That upon closure of proposed Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1147, Rocky Crest Extension 2 as 'public open space', Portion A assume the same zoning and density as Erf 1147, Rocky Crest Extension 2 in accordance with the Windhoek Zoning Scheme.
- 3.6 That the applicants/owners of Erf 1147, Rocky Crest Extension 2 be responsible for the town planning and cadastral procedures, i.e., subdivision, consolidation, survey and registration of the new erven; and the costs involved.
- 3.7 That the applicants/owners of Erf 1147, Rocky Crest Extension 2 obtain an Environmental Clearance Certificate from the Strategic Executive: Economic Development and Community Services upon approval of the application by Council.
- 3.8 That the existing conditions registered against Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 be replaced by the standard conditions of the title including a minimum building value as per provisions of the Windhoek Zoning Scheme to be registered against the newly consolidated erven.

3.9 That the subdivision and consolidation application (inclusive of the automatic conversion/rezoning of the portion of 'public open space' to 'residential' zoning) be submitted by a registered Town and Regional Planner, because the proposed zoning of the proposed additional portion ('residential') will not remain identical to that of the parent property ('public open space') and thus involves the works reserved for a registered Town and Regional Planner.

4 That subject to the successful closure of the 'public open space', implementation of all town planning and cadastral procedures and obtaining of an Environmental Clearance Certificate, Portion A of the Remainder of Erf 1349, Rocky Crest Extension 2 be sold as follows:

\*\*\* 4.1 Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 be sold to the applicant/owner of Erf 1147, Rocky Crest Extension 2 at an upset price of 50 % of N\$1 139.00/m<sup>2</sup>, being N\$569.50 or N\$46 130.00 (rounded-off) in total in terms of Council Resolution 276/08/2004, **attached as page 174 to the agenda.** [The Valuation Certificate dated 20 January 2026 is **attached as page 221 to the agenda.**]

\*\*\* 4.2 That all funds generated from the sale of the subdivision of 'public open spaces' be used exclusively (unless with consent of Council), for the development of 'public open spaces' into attractive public spaces, e.g., family parks, walking trails, etc., as per Council Resolution 183/08/2021, **attached as pages 184 - 186 to the agenda.**

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

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

- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
- The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.

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

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

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

- 5.5 That the applicant appoint a registered professional Engineer at his/her own cost and risk, to determine if the northeastern and northwestern boundaries of the proposed Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 requires protection against any potential flood damage.
- 5.6 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 6 That the following be noted:
  - 6.1 That only one (1) electrical service connection will be allowed from the municipal network to the consolidated erf.
  - 6.2 That one (1) additional electrical meter can be applied for an approved flat, should it be required.
  - 6.3 That should an upgrade of the electricity supply point be required, the applicant and or his representative contact the Strategic Executive: Electricity, well in advance, to determine whether the existing network can handle the additional loading and to determine the size and cost for the upgraded supply point.
- 7 That the applicant:
  - 7.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, not later than six (6) months from the date this Council Resolution is adopted, that the proposed closure, subdivision, and consolidation have been submitted to the Urban and Regional Planning Board for consideration.
  - 7.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a Surveyor has been appointed.
  - 7.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.
  - 7.4 Sign the Deed of Sale not later than ninety (90) days after having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.
- 8 That should the applicants/owners fail to comply with any of the conditions of this resolution or fail to finalise the purchase within eighteen (18) months of the date of this Council Resolution, that the allocation of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 be subject to a price revision by the Strategic Executive: Housing, Property Management and Human Settlement.

- 9 That the intended sale of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 be advertised in terms of section 63(2)(a)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 10 That the intended sale of Portion A ( $\pm 81 \text{ m}^2$  in extent) of the Remainder of Erf 1349, Rocky Crest Extension 2 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).
- 11 That the Office of the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 12 That the resolution be implemented prior to confirmation of the minutes.

#### Financial implications

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

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[Municipal Council Agenda: 2026-06-25]

#### 10.1.7

#### **FNS.5 [HPH] APPLICATION TO PURCHASE A PORTION OF THE REMAINDER OF ERF 7075, KATUTURA EXTENSION 16 FOR CONSOLIDATION WITH ERF 6718, KATUTURA EXTENSION 16 (L/6718/R/7075/KAT)**

##### **Introduction**

The purpose of this item is to submit to Council the application received from Mr Simon Kakwambi, the registered owner of Erf 6718, Katutura Extension 16. The application proposes the purchase of a portion of the Remainder of Erf 7075, Katutura Extension 16 for consolidation with Erf 6718, Katutura Extension 16. Council's approval is requested, as the proposal align with Urban Development goals and provides an opportunity to optimise land use in the City.

##### **Application**

\*\*\*

An application dated 28 July 2023, **attached as page 224 to the agenda**, was received from the registered owner of Erf 6718, Katutura Extension 16, Mr Simon Kakwambi, to purchase a portion of the Remainder of Erf 7075, Katutura Extension 16 for consolidation with Erf 6718, Katutura Extension 16. Mr Kakwambi is a Namibian citizen and also the owner of Erf 6718, Katutura Extension 16 as evidenced by the Identity Documents and the Title Deed No. T/4186/2005, **attached as pages 225 and 226 - 233 respectively to the agenda.**

The application involves the following elements:

- The subdivision of the Remainder of Erf 7075, Katutura Extension 16 into Portion A ( $\pm 125 \text{ m}^2$  in extent) and the Remainder.
- The permanent closure of Portion A ( $\pm 125 \text{ m}^2$  in extent) (a portion of the Remainder of Erf 7075, Katutura Extension 16) as 'public open space', in compliance with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- The consolidation of Portion A ( $\pm 125 \text{ m}^2$  in extent) (a portion of the Remainder of Erf 7075, Katutura Extension 16) with Erf 6718, Katutura Extension 16 to create a new erf.

#### **Property description and locality**

Erf 6718, Katutura Extension 16 is zoned 'residential' with a density of 1:250  $\text{m}^2$ , measures  $\pm 396 \text{ m}^2$  in extent and is situated in Magdala Street.

The Remainder of Erf 7075, Katutura Extension 16 is zoned 'public open space', measures  $\pm 50\,940 \text{ m}^2$  in extent and is situated at Abraham Mashego Street.

\*\*\*

The locality map depicting the erven is **attached as page 234 to the agenda.**

#### **Technical comments**

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

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

##### **- Bulk Water and Waste Water**

The division commented that the applicant should take note that the sale of the applied 10 metre portion of the Remainder of Erf 7075, Katutura Extension 16 for consolidation with Erf 6718, Katutura Extension 16 is not supported, because both municipal water and sewer lines are affected.

The application can only be approved under the following conditions:

- That the applicant appoints a registered professional Engineer to do the designs for the relocation of the water and sewer lines outside the boundaries of the new consolidated erf.
- That the water and sewer line designs be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with construction works.
- That after approval of the water and sewer line designs, the applicant appoints a contractor to do the relocation of the aforementioned lines.

- That the supervision of the construction works be done by a registered professional Engineer.
- That all costs involved, due to the relocation of the water and sewer lines be for the applicant's account.
- That the sale of the applied portion between the applicant and Council only be concluded after the water and sewer line is relocated by the applicant to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- That no building plans be approved before the water and sewer lines are relocated.
- 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 cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

- **Solid Waste Management**

The division has no objections on this application as there are no waste management related issues.

**Comments from the Strategic Executive: Electricity**

- **Technical Support**

There is in principle 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 will be for the applicant's account.
- That only one (1) service connection from the municipal electrical network will be allowed to the consolidated erf.

**Comments from the Strategic Executive: Economic Development and Community Services**

- **Environmental Management**

The division has no objection to the application submitted. It should however be noted that the Remainder of Erf 7075, Katutura Extension 16 is zoned 'public open space' and the rezoning of a 'public open space' to any other land use is a listed activity in the Environmental Management Act, 2007 (Act 7 of 2007) and thus requires Environmental Clearance. The applicant should therefore obtain such clearance from the Environmental Management Division once Council has approved the application.

- **Parks**

The division commented that the application to purchase a 10 metre portion is supported, the application is in line with Public Open Space Policy.

**Comments from the Strategic Executive: Urban and Transport Planning**

- **Urban Planning**

The Urban Policy Division has no objections to the proposed sale subject to compliance with the following conditions prior to the finalisation of the sale of the land:

- That the applicant obtains the Municipal Council's support and the Minister of Urban and Rural Development's approval for the subdivision of the Remainder of Erf 7075, Katutura Extension 16 into Portion A and Remainder, in accordance with the Urban and Regional Planning Act, 2018 (Act 5 of 2018).
- That the applicant obtains the Municipal Council of Windhoek's support and the Minister of Urban and Rural Development's approval for the consolidation of Portion A, a portion of the Remainder of Erf 7075, Katutura Extension 16 with Erf 6718, Katutura Extension 16 into one (1) erf, in accordance with the Urban and Regional Planning Act, 2018 (Act 5 of 2018).
- That the applicant obtains an Environmental Clearance Certificate for the closure of Portion A, a portion of the Remainder of Erf 7075, Katutura Extension 16 as a 'public open space' from the Municipal Council of Windhoek in accordance with the Environmental Management Act, 2007 (Act 7 of 2007), prior to the submission of the subdivision and consolidation application to the Urban and Regional Planning Board.
- That the Municipal Council of Windhoek grants approval for the permanent closure of the proposed Portion A, a portion of the Remainder of Erf 7075, Katutura Extension 16 as 'public open space' in accordance with the provisions of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), subject to the following conditions:
  - That the Municipal Council of Windhoek prepares the closure notices for the applicant.
  - That the applicant advertises the intended permanent closure of Portion A of the Remainder of Erf 7075, Katutura Extension 16 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(3)(a) 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 the site.

- That upon closure of the 'public open space', Portion A of the Remainder of Erf 7075, Katutura Extension 16 assumes the same zoning and density as Erf 6718, Katutura Extension 16 in terms of clause 5(3) of the Windhoek Zoning Scheme.
- That the sale of the aforesaid portion of land further be subject to the following conditions:
  - That the usual short standard conditions of the Municipal Council of Windhoek, including a minimum building value as stipulated in clause 39 of the Windhoek Zoning Scheme be registered against the erf.
  - That any existing and future buildings comply with any building regulation in regards with safety distances from boundaries.
  - That the land and any buildings may only be used for purposes in line with the provisions of the Windhoek Zoning Scheme.

- **Sustainable Development**

The division commented that the Remainder of Erf 7075, Katutura Extension 16 is zoned 'public open space' and measures  $\pm 50\,940\text{ m}^2$  in extent, and is situated in Abraham Mashego Street. It is currently predominantly vacant. The application is in line with the Public Open Space Policy which endorses the sale of a 10 metre strip of adjacent land reserved as 'public open space'. Therefore, the division supports the application provided that technical comments from the Urban Policy Division and the Department of Infrastructure, Water and Technical Services also support the application. The division further recommends the following:

- That the Remainder of Erf 7075, Katutura Extension 16 be subdivided into Portion A and the Remainder.
- That Portion A of the Remainder of Erf 7075, Katutura Extension 16 be closed-off as 'public open space' in line with section 50 (1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and be consolidated with Erf 6718, Katutura.
- That the applicant be responsible for all cost and cadastral town planning applications to the Ministry of Urban and Rural Development.

- **Traffic Flow**

There is no objection to the sale of a portion of the Remainder of Erf 7075, Katutura Extension 16 for consolidation with Erf 6718, Katutura Extension 16: Provided:

- That no access be allowed from a 'public open space'.
- That a minimum of one (1) parking bay per equal or less than a three (3) bedroom dwelling or minimum two (2) parking bays per equal or more than a four (4) bedroom dwelling be provided on-site.
- That it be noted that the Urban Arterial Account (UAA) contribution applicable will be N\$11 244.00 to be paid into Vote No. 5010/05/2/05/1032.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Both Erf 6718, Katutura Extension 16 and the proposed Portion A of the Remainder of Erf 7075, Katutura Extension 16 have a general downward slope from the southeast towards the northwest.
- There is no stormwater system crossing either Erf 6718, Katutura Extension 16 or the proposed portion A of the Remainder of Erf 7075, Katutura Extension 16 except for surface stormwater run-off.

The division has no objection to the proposed purchase of a portion of the Remainder of Erf 7075, Katutura Extension 16 and consolidation with Erf 6718, Magdala Street Katutura Extension 16: Provided:

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

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

- **Valuations**

\*\*\*

Portion A of the Remainder of Erf 7075, Katutura Extension 16 measures  $\pm 125 \text{ m}^2$  in extent and after consolidation with Erf 6718, Katutura Extension 16 the size of the consolidated Erf would be  $\pm 521 \text{ m}^2$  in total. The development potential is enhanced in terms of the density being 1:250  $\text{m}^2$ . Hence, the value payable is full purchase price of N\$420/ $\text{m}^2$  being the current vacant land going price per/ $\text{m}^2$  and N\$53 000.00) in total as determined by the Strategic Executive: Housing, Property Management and Human Settlement (Manager: Valuation Services) as per Valuation Certificate dated 23 April 2026, **attached as page 235 to the agenda.**

Should the owners of Erf 6718, Katutura Extension 16 wish to take occupation of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 prior to the conclusion of the sale it could be leased to the applicants once the preliminary consolidation diagram is available, pending the finalising of the sale, at a monthly rental of N\$441.66.

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

- **Property Management**

The Property Management Division have no objection for the subdivision of the Remainder of Erf 7075, Katutura Extension 16 into Portion A ( $\pm 125 \text{ m}^2$  in extent) and the Remainder of Erf 7075, Katutura Extension 16 and the sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) to the owner of Erf 6718, Katutura Extension 16 for consolidation purposes.

**Site inspection**

\*\*\* A site visit was conducted on 22 April 2026 by the Strategic Executive: Housing, Property Management and Human Settlement (Property Management Division) and it was discovered that the applied portion is free from illegal encroachments and invasions. A picture of the site is **attached as page 236 to the agenda**.

**Neighbours consent**

\*\*\* The favorable consent of the adjacent owners of Erven 6713, 6717 and 6719, Katutura Extension 16 is **attached as pages 237 - 239 to the agenda**.

**Conclusion**

This matter is submitted for Council's consideration and deliberations. It is proposed that the application for the sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16, to the owner of Erf 6718, Katutura Extension 16, for consolidation purposes be approved, subject to the technical conditions obtained.

Management Committee, having considered the application,

**RECOMMENDED**

- \*\*\* 1 That the application dated 28 July 2023, **attached as page 224 to the agenda**, received from the owner of Erf 6718, Katutura Extension 16 to purchase a portion of the Remainder 7075, Katutura Extension 16 for consolidation purposes, be noted.
- \*\*\* 2 That the Remainder of Erf 7075, Katutura Extension 16 be subdivided into Portion A ( $\pm 125 \text{ m}^2$  in extent) and the Remainder as indicated on Plan No. KAT 6718-1 **attached as page 234 to the agenda**.
- 3 That approval be granted to sell Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 to the owner of Erf 6718, Katutura Extension 16 for consolidation purposes.
- 4 That the sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be subject to the following conditions:

- 4.1 That it be noted that after the subdivision and consolidation application is submitted to the Municipal Council of Windhoek, the applicant will be required to consult with the adjacent neighbors and the general public 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 will further be required to furnish the Municipal Council of Windhoek with proof of such consultation.]
- 4.2 That the applicant obtains an Environmental Clearance Certificate for the closure of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 as a 'public open space' from the Municipal Council of Windhoek in accordance with the Environmental Management Act, 2007 (Act 7 of 2007), prior to the submission of the subdivision and consolidation application to the Urban and Regional Planning Board.
- 4.3 That Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be closed as a 'public open space' in accordance with the provisions of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), subject to the following conditions:
- 4.3.1 That the Municipal Council of Windhoek prepare the closure notice.
- 4.3.2 That the applicant/owner advertises the intended permanent closure of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be responsible to insert the notice 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(3)(a) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended); send out letters to affected and interested persons (including neighbors); and place notice of the intended closure on the site.
- 4.4 That upon closure of the 'public open space', Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 assumes the same zoning and density as Erf 6718, Katutura Extension 6 in terms of clause 5(3) of the Windhoek Town Planning Scheme.
- 4.5 That the land and any buildings may only be used for purposes in line with the provisions of the Windhoek Town Planning Scheme.
- \*\*\*
- 5 That after obtaining the Environmental Clearance Certificate and successful completion of the town planning and cadastral procedures, Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be sold to the owner of Erf 6718, Katutura Extension 16 for consolidation purposes at full market price of N\$420/m<sup>2</sup> being N\$53 000.00 as per the Valuation Certificate dated 23 April 2026 **attached as page 235 to the agenda.**
- 6 That the sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be further subjected to the following conditions:

- 6.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:
- 6.1.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
  - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
- 6.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 6.2 That should any municipal electrical infrastructure be relocated, dismantled or replaced as per request received from the applicant, all costs related thereto be for the applicant's account.
- 6.3 That only one (1) service connection from the municipal electrical network will be allowed per erf.
- 6.4 That no access will be allowed from a 'public open space'.
- 6.5 That a minimum of one (1) parking bay per equal or less than a three (3) bedroom dwelling or minimum of two (2) parking bays per equal or more than a four (4) bedroom dwelling be provided on-site.
- 6.6 That it be noted that both the sewer and water lines are affected by the sale of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 for consolidation with Erf 6718, Katutura Extension 16, and that they be relocated outside the boundaries of the applied portion to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 6.7 That the applicant appoints a registered professional Engineer to do the designs for the relocation of the water and sewer lines outside the boundaries of the new consolidated erf.
- 6.8 That the water and sewer line designs be submitted by the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with construction works.
- 6.9 That after approval of the water and sewer line designs, the applicant appoints a contractor to do the relocation of the water and sewer lines.
- 6.10 That the supervision of the construction works be done by a registered professional Engineer.
- 6.11 That all costs involved, due to the relocation of the water and sewer lines, be for the applicant's account.

- 6.12 That the sale of the applied portion between the applicant and Council only be concluded after the water and sewer lines are relocated by the applicant to the satisfaction of the Strategic Executive: Infrastructure, Water and Technical Services.
- 6.13 That no building plans be approved before the water and sewer lines are relocated.
- 6.14 That any additional requirements with regard to water or sewer services, brought on as a direct consequence of the consolidation or subsequent activities, be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 7 That the applicant/owner of Erf 6718, Katutura Extension 16:
  - 7.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, not later than six (6) months from the date of this Council Resolution, that the Environmental Clearance Certificate has been obtained and the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board, for consideration.
  - 7.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement, within sixty (60) days after the issuing of the Closure, Subdivision and Consolidation Certificate that a Surveyor has been appointed.
  - 7.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General, for approval.
  - 7.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General; and having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement, pay the purchase price.
  - 7.5 That should the applicant fail to comply with any of the conditions in this Council Resolution or fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, that the allocation of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 to the owner of Erf 6718, Katutura Extension 16 beyond the eighteen (18) months, be subject to the price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 8 That should the applicant wish to take occupation of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 prior to the conclusion of the sale thereof, Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$441.66, further subject to the annual escalation in line with the Namibia Inflation Rate.
- 9 That the lease of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be limited to eighteen (18) months.

- 10 That the sale/lease of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be advertised in terms of section 63(2)(a)(b) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 11 That the sale/lease of Portion A ( $\pm 125 \text{ m}^2$  in extent) of the Remainder of Erf 7075, Katutura Extension 16 be subject to Ministerial approval being obtained in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 12 That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 13 That the resolution be implemented prior to confirmation of the minutes.

#### Financial implications

Service rendered	Funds required (NS)	Funds available
Advertisement cost	4 000.00	Item 4000/20/1/10/0025
Urban Arterial Account (UAA)	11 244.00	Item 5010/05/2/05/1032

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 [Municipal Council Agenda: 2026-06-25]

#### 10.1.8 FNS.6 [EDC] APPLICATION TO LEASE A PORTION OF ERF 1346, CHASIE STREET, KLEINE KUPPE (AMPHITHEATRE ADJACENT TO GARDEN CENTRE) (L/1346/KK)

##### Introduction

\*\*\* The Parks Division, under the Department of Economic Development and Community Services, received an application from Pupkewitz Megabuild Lifestyle, dated 25 August 2025, **attached as pages 240 - 241 to the agenda**, to lease a portion of Erf 1346, Kleine Kuppe, more specifically the amphitheatre adjacent to their Garden Centre, located on Chasie Street, Kleine Kuppe.

\*\*\* In accordance with the Policy for the Distribution and Future Usage of Public Open Spaces in Windhoek, section 11, **attached as pages 242 - 262 to the agenda**, 'public open spaces' can be allocated for local community development or community facilities, either with or without a community center. However, the application is subject to public advertising for comments and objections. Section 11 (a - e) of the Policy for the Distribution and Future Usage of Public Open Spaces in Windhoek outlines the criteria to be considered when evaluating such requests.

The purpose of this item is to submit the application for Council's consideration.

### Background/discussion

\*\*\*

Erf 1346, located on Chasie Street, Kleine Kuppe, is zoned for business, as per diagram **attached as page 263 to the agenda**, while the amphitheatre area adjacent to it is designated as a park servitude. The portion of the amphitheatre applied for is **attached as page 264 to the agenda**.

The applicant has applied to fence of the amphitheatre located adjacent to the Pupkewitz Megabuild Lifestyle Garden Centre. The amphitheatre forms part of the 'public open space' that includes an open-air gym park. Given the fact that the amphitheatre is underutilised, the site has become a security risk to the applicant, as it is frequently occupied overnight by (homeless) residents resulting in persistent littering and loitering.

The applicant further indicates that they have been taking the initiative to maintain the 'public open space', covering the cost of landscaping and watering the park's trees and plant. The fenced portion the applicant has applied is intended to be utilised for:

- Displaying additional plant materials from the Garden Centre; and
- Hosting public gardening talks and small community-focused events on Saturdays.

The open amphitheatre is equipped with water and electricity services and includes a pedestrian pathway. Given the business district's high pedestrian traffic, the area sees significant footfall, especially from 05:00 to 20:00 daily, with the outdoor gym equipment being heavily used. The Parks Division conducts occasional horticultural maintenance in the area, though no dedicated contractor is assigned.

The applicant is only applying to fence-off the portion containing the amphitheatre and the public outdoor gym is excluded, hence it will remain accessible to the public. Additionally, they will install an access gate should public use be required. The applicant will be required to complete the fencing within three (3) months following Council approval. The proposed fence design must be approved by the Building Control Division.

In terms of Council Resolution 55/02/93 of 24 February 1993, Council resolved that it would approve in principle the allocation of portions of 'public open spaces' for local community development of community facilities with or without a community center subject to the following:

- Applications shall be advertised for comments and objections by the public;
- Where the facilities are open to access by the general public, such as for instance when play equipment is provided, the allocation shall be free of charges or rental;
- When portion of the area is to be closed-off by fencing or erection of a building, the portion shall be closed as 'public open space', be rezoned to 'municipal' and a nominal lease shall be charged;
- The local community concerned shall be responsible for costs involved in closures, advertising, extensions and alterations of services, and connections unless otherwise agreed;

- Every application shall be handled on its own merits and shall be subject to whatever conditions Council thinks fit;
- Each application for use of a portion of 'public open space' shall specify the boundaries of the community which the facilities are to serve and shall show proof that the proposed development has been adequately advertised to that community and that there are no reasonable objections;
- The intended facilities and activities shall be described and a development plan and program shall accompany the application; and
- Provision shall be made for the physically disabled and the erf and buildings shall be accessible to them.

### Financial implications

The application has no direct financial cost implications for Council. The recommended lease arrangement will generate revenue for Council, which will be allocated to the Master Plan vote and will be utilised for facilities and 'public open spaces' upgrade, while ensuring the effective utilisation and maintenance of the area.

### High level risk assessment matrix

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

Risk No.	Risk description (and possible cause(s) and effect(s))	Risk type (Strategic/operational/ financial/legal/ reputational/ regulatory compliance/labour relations/security/ leadership/political)	Risk rating	Score	Risk mitigation
Low	Portion underutilised, misuse and littering	Regulatory compliance, Security	1	1	Partnership with private sector

### Technical comments

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

#### Comments from the Strategic Executive: Electricity

The Department of Electricity has no objection to the application submitted, while complying to the conditions in the recommendations.

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

#### **- Roads and Stormwater**

It should be noted that reference is made to an applicant's letter dated 27 August 2025.

A stormwater investigation was done and the following is reported:

- The proposed amphitheatre portion of Erf 1346, Kleine Kuppe is located on a 'park servitude' on Erf 1346 and has a general downward slope from the southeast into a northwesterly direction.
- There is no stormwater system crossing the proposed amphitheatre portion of Erf 1346, Kleine Kuppe, except for surface stormwater run-off.

The division has no objection to the proposed the fencing-off the amphitheatre portion of Erf 1346, Kleine Kuppe.

#### **- Solid Waste Management**

No input to be made.

#### **- Water**

The applicant must take note that a 300 mm diameter semi-purified water line passes through Erf 1346 and equally the portion identified to be fenced off. The application to fence off the amphitheatre adjacent to the garden centre on Erf 1346, Chasie Street, Kleine Kuppe can only be approved under the following conditions:

#### **- Sewer**

The division has no objection to the application to fence-off the amphitheatre adjacent to the garden centre on Erf 1346, Chasie Street, Kleine Kuppe as no municipal sewer services are affected. Any additional requirements with regards to sewer services, brought on as a direct consequence of the consent or subsequent activities, will be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

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

#### **- Valuations**

\*\*\*

The Valuation Certificate is **attached as page 265 to the agenda.**

### **Comments from the Strategic Executive: Urban and Transport Planning**

#### **- Urban Policy**

The Urban Policy Division has no objection to the proposed fencing of the amphitheatre area.

### Conclusion

An application has been submitted by Pupkewitz Megabuild Lifestyle to fence-off the amphitheatre adjacent to their Garden Centre on Chasie Street, Kleine Kuppe. The fenced portion the applicant has applied for will be used for:

- Displaying additional plant materials from the Garden Centre; and
- Hosting public gardening talks and small community-focused events on Saturdays.

The application to lease the designated portion for this purpose is supported as, currently, the portion is underutilised, and it will contribute to the enhancement of area and prevent the misuse of the property by the hawkers and persistent littering and loitering. In addition, it will complement revenue collection towards the upgrade and maintenance of 'public open spaces'.

Management Committee, having considered the application,

### RECOMMENDED

- \*\*\*
- 1 That the application submitted by Pupkewitz Megabuild Lifestyle for the fencing of the amphitheatre adjacent to the garden centre on Erf 1346, Chasie Street, Kleine Kuppe **attached as pages 240 - 241 to the agenda**, be approved.
- \*\*\*
- 2 That the occupation of the amphitheatre portion be subject to a lease of N\$4 100.00 (VAT excluded) per month as per the Valuation Certificate **attached as page 265 to the agenda**.
  - 3 That the anticipated fencing be completed within a period of three (3) months and should completion not occur within this timeframe, Council's resolution, be revoked.
  - 4 That no excavations or permanent structures be permitted within the designated area.
  - 5 That the applicant be required to design the temporary development layout and submit it to the Strategic Executive: Urban and Transport Planning, for approval.
  - 6 That temporary installations, items, or equipment must not obstruct access to underground utilities.
  - 7 That if municipal electrical infrastructure needs to be relocated, dismantled, or replaced as requested by the applicant, all associated costs be borne by the applicant.
  - 8 That the two (2) existing municipal underground cables must be safeguarded from damage during the fence erection.
  - 9 That the applicant must contact the electricity department well in advance to assist in locating the cables prior to any excavation.

- 10 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:
  - 10.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
    - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
    - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
  - 10.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 11 That no permanent development be permitted on the amphitheatre portion of Erf 1346, Kleine Kuppe.
- 12 That the applicant be responsible for the maintenance of the proposed fence.
- 13 That upon termination of the Lease Agreement, the applicant shall remove the temporary structure, with all associated costs borne by the applicant.
- 14 That access to the amphitheatre portion of Erf 1346, Kleine Kuppe must remain open to the general public and for emergency or routine maintenance work as required.
- 15 That no fencing be erected within the servitude area registered over the municipal water line.
- 16 That the fence must be constructed in such a manner that it does not obstruct access to or maintenance of the municipal water line.
- 17 That any additional water service requirements arising directly from the consent or related activities shall be the applicant's responsibility, subject to approval by the Strategic Executive: Infrastructure, Water, and Technical Services.
- 18 That no stormwater drainage pipe, canal, structure, or obstruction (except those authorised by the local authority or constructed under legal provisions) be built or located in a way that:
  - 18.1 Impedes the flow of stormwater from higher to lower lying properties, potentially endangering any property; or
  - 18.2 Alters, canalises, or obstructs the flow of a natural watercourse used by the local authority for floodwater discharge or canalisation.

19 That the maintenance of any stormwater pipe, channel, or structure remain the responsibility of the property owner where it is located.

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

=====

[Municipal Council Agenda: 2026-06-25]

**10.2 APPROVAL OF MINUTES (MC 12/2026)**

The minutes of the Management Committee meeting (MC 12/2026) held on 16 June 2026 is submitted to Management Committee members for approval.

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[Municipal Council Agenda: 2026-06-25]

**10.3 MINUTES (MC 12/2026)**

The minutes of the Management Committee meeting (MC 12/2026) held on 16 June 2026 as approved by its members at this Council meeting, is submitted for notice with recommendations being submitted to the Municipal Council of Windhoek per Items GOV.2, GOV.4, GOV.6, GOV.7, GOV.8, GOV.13, FNS.2, FNS.4 and SOP.1, which follow immediately hereunder for consideration.

It is

**RECOMMENDED**

That the minutes of the Management Committee meeting (MC 12/2026) held on 16 June 2026, be noted by its members, with recommendations submitted to the Municipal Council of Windhoek as per Items GOV.2, GOV.4, GOV.6, GOV.7, GOV.8, GOV.13, FNS.2, FNS.4 and SOP.1.

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[Municipal Council Agenda: 2026-06-25]

**10.3.1 GOV.2 [CIT] LEGAL MATTER  
(13/1/2/3/2)**

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 -*

- (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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[Municipal Council Agenda: 2026-06-25]

**10.3.2 GOV.4 [EDC] REQUEST FOR APPROVAL TO  
ACCEPT DONATIONS FOR KATUTURA  
OLD AGE HOME 2026/2027  
(14/5/3/1)**

**Introduction and purpose**

\*\*\* The purpose of this item is to report and seek Council's approval for the receipt of donations from stakeholders and individuals over a period of one (1) year, in accordance with established procedures for the receipt and utilisation of such contributions as per approved Council Resolution 125/07/2024 **attached as pages 266 - 267 to the agenda.**

**Background and discussion**

\*\*\* Since July 2024 to 30 April 2026, the Katutura Old Age Home has continued to receive valuable support from various donors (corporate entities and individuals) who wish to donate goods and services to Katutura Old Age Home. These donations, as outlined in the attached record, **attached as pages 268 - 304 to the agenda**, include items such as household appliances, bedding, foodstuff and other necessities that contribute to the welfare and comfort of its residents. To ensure effective management of these donations, it is necessary for the Department of Economic Development and Community Services to receive formal approval to:

- Accept donations from multiple stakeholders and individuals;
- Record, manage, and utilise these donations for the benefit of the residents at Katutura Old Age Home; and
- Ensure that donations are appropriately acknowledged, tracked, and reported.

In light of the ongoing nature of these contributions, a formal approval to condone the receipt of the donations in the aforementioned reporting period is hereby being submitted for Council approval to streamline the administrative process, ensuring transparency and accountability without the need for individual approvals for each donation attached as per the summary of donations.

Council at its meeting held on 2 July (27-06) 2024 per Resolution 125/07/2024 *inter alia* resolved as follows:

1 ...

5 *That it be noted that the Katutura Old Age Home is the recipient of a variety of ad-hoc donations from private or corporate citizens on a monthly basis, ranging from food items (including perishables) to medical equipment which is of immediate benefit to the residents of the Katutura Old Age Home.*

5.1 *That the receipt of these donations be approved on an ad-hoc basis on condition that the Strategic Executive: Economic Development and Community Services provide the Municipal Council of Windhoek with a quarterly report of such donations received.*

- 5.4 *The Strategic Executive: Economic Development and Community Services would then on a quarterly basis report the donations, quantity and value of received donations to the Municipal Council of Windhoek and on an annual basis to the line Ministry.*

#### **The impact of the donation on the institution and the elderly residents**

- Improved living standards: Enhanced comfort and quality of life for pensioners residing at the Katutura Old Age Home.
- Operational support: Provision of essential goods and services required to meet the daily needs of residents.
- Increased community engagement: Strengthened ties between the Municipal Council of Windhoek and the broader community through active participation in supporting elderly care.
- Transparency and accountability: Accurate record-keeping and annual reporting to Council on the quantity and value of donations received.

#### **Strategic implications/significance**

The approval to condone receipt of the donations aligns with the strategic pillar of Social Progression and key Strategic Objectives:

- Support for Vulnerable Groups: By facilitating the provision of donations to the Katutura Old Age Home, the Municipal Council of Windhoek demonstrates a commitment to enhancing the well-being of elderly residents, who are among the most vulnerable members of society.
- Strengthening Social Welfare Programs: The initiative directly supports the Municipal Council of Windhoek's broader social welfare mandate by ensuring that elderly residents receive the care and attention they deserve.

#### **Financial implications**

The receipt and management of donations have minimal direct financial implications for the Council. The following points outline the key financial considerations:

- No Direct Cost to the Municipality: Since the donations are voluntary and provided by external stakeholders, there will be no direct expenditure from the municipal budget to acquire these items.
- Operational and Administrative Costs: The Department of Economic Development and Community Services may incur minimal administrative costs related to the recording, management, and reporting of donations. These costs will be absorbed within the existing departmental budget.
- Potential Cost Savings: Donations such as food, bedding, and household appliances may reduce operational costs by providing essential items that would otherwise need to be purchased with public funds.

- Monitoring and Reporting Costs: Annual reporting to the Council on the donations received may involve some costs for documentation and reporting, but these are not expected to be significant.

\*\*\*

During the reporting period, the Katutura Old Age Home recorded donations, **attached as pages 269 - 304(b) to the agenda**, of a total monetary value of N\$269 617.00 from various public, private and individual Samaritans.

**Possible/perceived risk and mitigation**

Risk No.	Risk type	Risk description (cause and effect)	Prob.	Impact	Score	Risk containment plan
1	Inappropriate or low-quality donations. expired goods	Expired goods	Medium	Major	4	<ul style="list-style-type: none"> <li>- Establish clear guidelines for the types of donations accepted.</li> <li>- Implement a donation screening process to ensure quality and appropriateness.</li> <li>- Collaborate with donors to ensure compliance with quality standards.</li> </ul>
2	Lack of Transparency in Donation Management (e.g., not properly tracking donations)	Lack of record keeping	High	Major	4	<ul style="list-style-type: none"> <li>- Maintain accurate and up-to-date records of all donations.</li> <li>- Establish a standard operating procedure for donation receipt, management, and reporting.</li> </ul>
3	Unclear donor intentions or conflicts in donation use (e.g., donors specifying usage in ways not aligned with the home's needs)	Lack of expression of interest	High	Major	4	<ul style="list-style-type: none"> <li>- Establish clear guidelines with donors on how donations can be used.</li> <li>- Develop a formal Donor Agreement that outlines terms of use.</li> </ul>

**Compliance check/legal implications**

\*\*\*

The Department of Economic Development and Community Services must adhere to all applicable legal frameworks, including municipal, national, health, safety, and data protection regulations, to ensure that donations for Katutura Old Age Home are received and managed in full compliance with the law. By implementing the appropriate controls, clear policies, and written agreements, potential legal risks can be minimised, ensuring transparency and ethical handling of all contributions as per the approved Council Resolution 125/07/2024, **attached as pages 266 - 267 to the agenda**.

In addition to the abovementioned recommendations in the earlier part of the item, Council Resolution 125/07/2024 as per the below listed paragraphs also recommended that Ministerial approval be obtained as per an erroneous legal opinion provided at the time, as follows:

- 4 ***That Ministerial approval be sought in terms of section 30(z)(i)(ii) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) for the donations by NamPower (Pty) Ltd Foundation, TRUSTCO Mixed Marketing and Mr Milton Hochobeb.***
- 5.2 *That given the significant increase in donations to the Katutura Old Age Home and for ease of logistical and administrative arrangements around receipt, acknowledgment and utilisation of donations, that the Municipal Council of Windhoek obtain approval from the **Ministry of Urban and Rural Development to firstly condone the receipt of these donations over the period February to April 2024.***
- 5.3 *Obtain approval to receive these donations prior to the submission of Council items and requests for approval from the Line Ministry.*
- 6 ***That Ministerial exemption be obtained in terms of section 30(z)(i)(ii) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) to receive donations to the social programmes of the Municipal Council of Windhoek (Katutura Old Age Home, Libraries, Early Childhood Development Centers etc.) for the 2024/2025 Financial Year, subject to the submission of an annual report of all donations received at the end of the period.***

The Local Authorities, 1992 (Act 23 of 1992) (as amended) as per section 30(1)(z)(i) delegated authority to the Municipal Council of Windhoek to accept donations made or to receive money offered to it by any person within Namibia, accordingly this item will also seek to rescind paragraphs 4, 5.2, 5.3 and 5.

Management Committee

#### **RECOMMENDED**

- 1 That Council Resolution 125/07/2024, be rescinded and replaced to read as follows, with specific reference to paragraphs 4, 5, 5.2, 5.3 and 5.4:
- 1 *That the Municipal Council of Windhoek accept with appreciation the donation of groceries and toiletries from the Namibian Revenue Agency (NAMRA) on behalf of De Beers Marine to the Katutura Old Age Home as per the letter attached as page 1 to the agenda.*
- 2 *That the Municipal Council of Windhoek accept with appreciation the donation of blankets from the NamPower (Pty) Ltd Foundation to the Katutura Old Age Home as per the letter attached as page 1 to the agenda.*
- 3 *That the Municipal Council of Windhoek accept with appreciation the donation of a refrigerator and washing machine by TRUSTCO Mixed Marketing on behalf of Mr Milton Hochobeb to the Katutura Old Age Home as per the letter attached as pages 3 - 4 to the agenda.*

- 4 *That the receipt of these donations be approved on an ad-hoc basis on condition that the Strategic Executive: Economic Development and Community Services provide the Municipal Council of Windhoek with a quarterly report of such donations received.*
- 5 *The Strategic Executive: Economic Development and Community Services would then, on a bi-annual basis, report the donations, quantity and value of received donations to the Municipal Council of Windhoek.*
- 5 *That Ministerial exemption be obtained in terms of section 30(z)(i)(ii) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) to receive donations to the social programmes of the Municipal Council of Windhoek (Katutura Old Age Home, Libraries, Early Childhood Development Centers etc.) for the 2024/2025 Financial Year, subject to the submission of an annual report of all donations received at the end of the period.*
- 6 *That the Chief Executive Officer (Corporate Legal Adviser) draft Regulations for Donations in terms of section 30(z)(i)(ii) of the Local Authority Act, 1992 (Act 23 of 1992) (as amended) with different categories, whereafter it be submitted to Management Committee/Council, for consideration, prior to submitting it to the line Ministry.*

\*\*\*

- 2 That the donations made to the Katutura Old Age Home for the period July 2024 to 30 April 2026, **attached as pages 269 - 304(b) to the agenda**, as per Council Resolution 125/07/2024, be noted.
- 3 That Council approve the receipt of the donations **attached as pages 269 - 304(b) to the agenda** in accordance with Council Resolution 125/07/2024.
- 4 That the resolution be implemented prior to confirmation of the minutes.

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 [Municipal Council Agenda: 2026-06-25]

### 10.3.3

#### **GOV.6 [FCS] CONFIDENTIAL MATTER** (3/11/1)

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.*

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[Municipal Council Agenda: 2026-06-25]

**10.3.4 GOV.7 [ICT] REQUEST FOR APPROVAL OF THE INFORMATION AND COMMUNICATION TECHNOLOGY ADMINISTRATION POLICY (6/P)**

**Introduction**

\*\*\* A workshop with Council Members was conducted on 16 April 2026 in line with the Strategic Executives' Forum resolution of 5 February 2026. The Attendance Register is **attached as pages 305 - 306 to the agenda**, and the item is herewith submitted, for consideration.

\*\*\* The Information and Communication Technology Administration Policy, **attached as pages 307 - 318 to the agenda** has been developed and reviewed to establish a comprehensive framework for safeguarding information assets and promoting standardised information and communication technology administration.

**Purpose**

The purpose of this item is to seek endorsement of the Information and Communication Technology Administration Policy to facilitate progression to the next platform of approval in accordance with Council procedures.

**Background**

As organisations become increasingly dependent on information and communication technology for their daily operations, there is a growing need to manage information and communication technology resources in a structured, secure and efficient manner. Computers, networks, software applications, databases, internet services and digital records are critical assets that support service delivery, communication, decision-making, and business continuity.

**Discussion**

The policy collectively provides the following:

- Clear definition of roles and responsibilities of users, administrators and management;
- Governance and accountability of information and communication technology resources;
- Information security and data protection; and
- Standardised information and communication technology procedures.

The approval of the policy will significantly reduce exposure to risks, thereby reducing data breaches, non-compliance and administrative inefficiencies, while reinforcing institutional accountability and information; and communication technology governance maturity.

### **Strategic implications/significance**

Approval of the policy will enhance information and communication technology governance, strengthen risk management and ensure compliance with the Municipal Council of Windhoek's governance framework. Furthermore, it will reinforce internal controls, improve accountability for information and communication technology resources, promote information security and support the effective and secure use of technology in achieving Council's strategic and service delivery objectives.

### **Financial implications**

There are no direct financial implications associated with the approval of these policies. Any implementation costs will be managed within the existing Operational Budget of the Department of Information and Communication Technology.

### **Possible/perceived risks and mitigation matrix**

<b>No.</b>	<b>Risk description</b>	<b>Risk rating</b>	<b>Mitigation</b>	<b>Responsible division</b>
1	Continued gaps in Information and Communication Technology governance if policies are not approved	High	Secure SE: Forum approval and escalate to final approval structures.	Information and Communication Technology
2	Increased exposure to data breaches and non-compliance	High	Implementation of the Information and Communication Technology Administration Policy.	Information and Communication Technology
3	Weak internal controls over Information and Communication Technology processes	Medium	Standardisation of Information and Communication Technology administrative procedures and enforcement of compliance standards.	Information and Communication Technology

### **Compliance check/legal implications**

The policy is aligned with the Municipal Council of Windhoek's governance framework; the Communications Act, 2009 (Act 8 of 2009); the National Spatial Data Infrastructure Policy; the Statistics Act, 2011 (Act 9 of 2011); and compliance obligations raised during the Information and Communication Technology Audit.

### **Consultation with Stakeholder departments and other interested parties**

A workshop was held with Council to familiarise themselves with the said policy before approval is sought. The workshop was held on 16 April 2026.

Internal consultations were also conducted with all Information and Communication Technology Divisions, namely:

- Information and Communication Technology Core Technologies;
- Business Systems and Information Management;
- Service Management; and
- Governance, Security and Risk.

As for the other departments, the item was introduced to Strategic Executives' Forum on 5 February 2026 and no input or comments were received thus far.

### **Conclusion**

The Information and Communication Technology Administration Policy addresses governance gaps and compliance requirements. The adoption thereof will strengthen the Municipal Council of Windhoek's information and communication technology governance framework, reduce operational risks and promote effective information and communication technology resource management.

Management Committee

### **RECOMMENDED**

- \*\*\*
- 1 That the Information and Communication Technology Administration Policy **attached as pages 307 - 318 to the agenda**, be noted.
  - 2 That the Information and Communication Technology Administration Policy, be approved.

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[Municipal Council Agenda: 2026-06-25]

### **10.3.5 GOV.8 [CIT] DOG CONTROL AND MANAGEMENT REGULATIONS FOR THE WINDHOEK MUNICIPAL POLICE SERVICE (3/1/1/6/1)**

Council per Resolution 19/01/2025 at its meeting held on 30 January 2025 *inter alia* resolved as follows:

- 1 *That this matter be referred back in order for the Chief Executive Officer (Acting Manager: Mayoral and Council Affairs), in consultation with the Head: City Police, to arrange an urgent workshop for Council Members on the Dog Control and Management Regulations for the Windhoek Municipal Police Service for further consultations, input and a better understanding, whereafter it be resubmitted to Management Committee/Council for consideration.*

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

\*\*\*

In line with the above resolution, a workshop was held with Council Members and the Attendance Registers are **attached as pages 319 - 324 to the agenda.**

The following should be noted:

\*\*\*

- That that the statistical record relating to dogs within the City for a period of five (5) years in order to identify the trends were inserted under **Background** and are attached as **attached as pages 325 - 327 to the agenda.**
- That the following regulations were amended as per the comments emanating from the Council Members' Workshop on the Dog Control Regulations held on 14 April 2026:
  - **Definition: 'Recognised Animal Welfare Organisation'**  
Revised to read: 'Recognised Animal Welfare Organisation' means an animal welfare Organisation recognised by Council."
  - **Regulation 21(1)(d) - Keeping of Dangerous or Vicious Dogs**  
Amended from reference to registration with a specific Organisation to:  
  
'An owner whose dog is declared dangerous must register the dog with the designated registration authority or any authority authorised by Council within fourteen (14) days of the declaration.'
  - **Regulation 24(1)(a)(i) - Emergency Services after hours**  
  
Amended the wording relating to sick or injured dogs to remove reference to a specific Organisation and provide for referral to an appropriate recognised authority or service provider.

The item is herewith resubmitted.

### **Introduction**

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

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

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

## **Purpose**

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

## **Background**

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

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

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

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

## **Discussion**

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

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

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

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

### **Strategic implications/significance**

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

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

### **Financial implications**

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

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

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

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

### Possible risks

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

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

This included risks in the following:

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

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

### Compliance check and legal implications

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

### Consultation with Stakeholders

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

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

### Options

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

#### - Option 1

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

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

- **Option 2**

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

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

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

**Conclusion**

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

Management Committee

**RECOMMENDED**

- 1 That the gaps identified in the existing legal framework dealing with dog management within the jurisdiction of the Municipal Council of Windhoek, be noted.
- 2 That the draft Dog Control and Management Regulations aimed at closing the legislative gaps in the management of dogs within the jurisdiction of the Municipal Council of Windhoek, be noted.
- 3 That the Dog Control and Management Regulations, **attached as pages 328 - 349 to the agenda**, be approved.

\*\*\*

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

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

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

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[Municipal Council Agenda: 2026-06-25]

### 10.3.6

#### **GOV.13 [CEO] CONFIDENTIAL MATTER** (9/4/4)

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.*

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[Municipal Council Agenda: 2026-06-25]

**10.3.7**

**FNS.2 [UTP] APPLICATION FOR THE REZONING OF ERF 2998, WINDHOEK EXTENSION 2 FROM 'RESIDENTIAL' WITH A DENSITY OF 1:900 m<sup>2</sup> TO 'INSTITUTIONAL' AND CONSENT FOR DWELLING UNITS (L/2998/W)**

**Application**

An application was received from Afrishine Investment CC, on behalf of the owners of Erf 2998, Windhoek, Mr Donat Karegeya and Ms Kortilde K Karegeya and for the:

- Rezoning of Erf 2998, Windhoek Extension 2 from 'residential' with a density of 1:900 m<sup>2</sup> to 'institutional' and;
- Consent to have dwelling units and
- Consent to commence with the development while the rezoning is in process.

\*\*\*

The full application is **attached as pages 350 - 414 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 2998, Windhoek Extension 2 is zoned 'residential' with a density of 1:900 m<sup>2</sup> and is ±821 m<sup>2</sup> in extent. It is located in Johann Albrecht Street. There is a dwelling unit with outbuildings on the erf.

The erf comprises of a training institution (of which approval under the Resident Occupation Policy has lapsed) and an administrative office (of which approval under Resident Occupation Policy will expire on 22 August 2026).

**Development intention**

The intention of the owner is to rezone Erf 2998, Windhoek Extension 2, so that they can formalise the use of the entire property for 'institutional' purposes. The 'institution' is for higher education and will comprise of thirty (30) students. The intention of the consent for dwelling units is for the owners to continue residing on the property.

### Public consultation

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

- \*\*\* - Notices were advertised in the New Era and Confidante newspapers on 6 and 13 June 2025 respectively, **attached as pages 399 - 402 to the agenda;**
- \*\*\* - Notices of the proposed consent were placed on the notice board of the Municipal Council of Windhoek Customer Care Centre (CCC) as well as on the site, **attached as pages 403 - 405 to the agenda;**
- \*\*\* - Neighbour consultation letters or forms were sent to the direct neighbours on erven, 3026, 3027, 2995, 2996, 2997 and 2999 Windhoek, **attached as pages 406 - 410 to the agenda;** and
- \*\*\* - A notice was published in the Government Gazette of 13 June 2025, Notice No. 379, **attached as pages 411 - 414 to the agenda.**

No objections were received.

### Technical comments

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

#### Comments from the Strategic Executive: Urban and Transport Planning

##### - Sustainable Development

There is no objection to the proposed rezoning and consent use for 'institutional' purposes application provided that the applicant meets all Council's requirements.

##### - Roads Planning and Traffic Flow

Erf 2998, Windhoek Extension 2 is located along Johan Albrecht Street from which access is gained. Johann Albrecht Street is a short 'residential' street with low traffic volumes. The rezoning will generate approximately eleven (11) additional trips to the current road network; which is considered insignificant.

The division has no objection to the rezoning of Erf 2998, Windhoek Extension 2 from 'residential' to 'institutional': Provided:

- \*\*\* ● That parking be provided as per parking layout dated FEB 2026, **attached as page 382 to the agenda.**
- That it be noted that parking requirement for institutional is:
  - Universities: One (1) bay per class room and or office plus one (1) bay per five (5) students; 25 % of student parking allocated to taxis.

- All other uses: Minimum one (1) bay per 66 m<sup>2</sup> floor area or as determined by the Department of Urban and Transport Planning.
- That parking on the sidewalk be subject to a Lease Agreement with Council. A parking lease application must be submitted to the Property Management Division, subject to the following conditions:
  - No parking or access to be 15 metre from any intersection or directly opposite an intersection.
  - Sidewalk parking remains public parking and cannot be reserved for exclusive use.
  - Minimum 2 metre must be reserved strictly for pedestrian movement on the sidewalk.
  - That Council not be held liable to reinstate any parking or compensate the owner for any improvements should the lease/ parking be terminated.
  - That the owner remains responsible to provide any shortfall of parking on-site or any other area approved by Council should the lease be cancelled/terminated.
  - Such parking lease application must be submitted to the Property Management Division before submission to the Ministry of Urban and Rural Development.
  - Council reserves the right to cancel the lease should such land be needed for municipal services.

There is no objection to the proposed consent to have a dwelling unit:  
Provided:

\*\*\*

- That parking be provided as per parking layout dated FEB 2026, **attached as page 382 to the agenda.**
- That it be noted that parking requirement for 'institutional' is:
  - Residential: One (1) bay per dwelling unit with three (3) bedrooms or less (make sure parking bay for minimum one (1) vehicle is provided for all dwelling units having no garage or carports)
- Consent use will only come into effect after meeting parking requirements to the satisfaction of the Strategic Executive: Urban and Transport Planning.

- **Building Control**

There is no objection to the application, on condition that building plans shall be submitted for approval in line with the proposed activities.

- **Roads and Stormwater**

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

- The proposed Erf 2998, Windhoek Extension 2, has a general downward slope from the northeast into a southeast direction.
- There is no visible sign of any stormwater course or system flowing across the proposed Erf 2998, Windhoek Extension 2, except for surface stormwater run-off.

There is no objection to the proposed, rezoning of Erf 2998, Windhoek Extension 2, from 'residential' with a density of 1:900 m<sup>2</sup> to 'institutional', consent, to have dwelling units and consent to commence with the development while the rezoning is in process: 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 property does not have access to a direct municipal sewer connection as it is connected to a private combined sewer system. In order to approve the application, the erf will no longer be permitted to utilise the private combined sewer system and must instead connect directly to the nearest available municipal sewer system.

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

- That the applicant appoints a registered professional Engineer to design a municipal sewer connection for Erf 2998, Windhoek Extension 2.
- That the appointed Engineer submits the sewer design to the Strategic Executive: Infrastructure, Water and Technical Services, for approval prior to commencing any construction works.
- That after obtaining approval of the sewer design, the applicant appoints a contractor to construct the sewer line.
- That the construction works be supervised by a registered professional Engineer.

- That all costs associated with the municipal sewer connection be borne by the applicant.
- That the applicant submit a sewer design to the Strategic Executive: Infrastructure, Water and Technical Services for approval, before submitting to the Urban and Regional Planning Board.
- That a Fitness Certificate will only be issued after the applicant has provided a municipal sewer connection to Erf 2998, Windhoek Extension 2.
- That no building plans will be approved until a municipal sewer connection for Erf 2998, Windhoek Extension 2 is installed by the applicant and taken over by the Municipal Council of Windhoek as per approved designs.
- That the total number of 'residential' units not exceed two (2) units.
- That any additional requirements for water or sewer services be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

#### **Comments from the Strategic Executive: Electricity**

##### **- Technical Support**

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

- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all 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 service connections may not be routed through any subdivided portion or remainder.
- 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.

### Comments from the Strategic Executive: Economic Development and Community Services

#### - Environmental Management

The division supports the application. The rezoning from 'residential' to 'institutional' is not subjected to an environmental assessment because the environmental impacts are deemed insignificant.

#### Urban Policy evaluation

#### - Proposed land uses

Erf 2998, Windhoek Extension 2 is zoned 'residential' with a density of 1:900 m<sup>2</sup>. The intention is to rezone to 'institutional' to entrench permanent land use rights for 'institutional' purposes.

#### - Zoning Scheme provisions

The 'institutional' zoning has the following primary and consent uses allowed under the Windhoek Zoning Scheme.

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

The Windhoek Zoning Scheme defines a dwelling unit as follows:

*Place of instruction means a building designed and/or used for educational and cultural purposes, administrative activities related therewith, and board and lodging.*

*Dwelling unit means a dwelling consisting of one primary unit with or without an outbuilding or an entertainment area, where the primary unit consists of mutually adjacent rooms with a kitchen and with at least a bathroom with toilet facilities and where the said primary unit is designed for occupation by a single household, and may, subject to the provisions of this Scheme or any law or regulation, be with or without a supplementary dwelling unit*

The rezoning to 'institutional' with consent for dwelling units can be supported as it is in line with the provisions of the Windhoek Zoning Scheme.

The erf is surrounded predominantly by 'residential' zoned erven and is situated in close proximity to 'business' and 'institutional' zoned erven. In this regard, the proposed 'institutional' zoning is considered compatible with, and complementary to, the surrounding land use pattern.

The erf measures  $\pm 821 \text{ m}^2$  and is currently developed with an existing dwelling and a supplementary dwelling. The primary dwelling is proposed to be utilised for the intended 'institutional' use. Furthermore, in accordance with the approved parking layout date stamped 31 March 2026, the erf is capable of accommodating sufficient on-site parking to adequately serve the proposed land use.

The dwelling units will however be restricted to a maximum of two (2) dwelling units as per the recommendation of Engineering Services Division.

According to the Engineering Services Division, the property does not have access to a direct municipal sewer connection as it is connected to a private combined sewer system. In order to approve the application, the erf will no longer be permitted to utilise the private combined sewer system and must instead connect directly to the nearest available municipal sewer system. A design for sewer provision as stipulated by the Department of Infrastructure, Water and Technical Services, prior to the submission of the application to the Urban and Regional Planning Board will be required.

- **Title Deed conditions**

Title Deed No. 6098/2009 lists no restrictive conditions that prevent the proposed rezoning.

- **Compensation**

No betterment fee is payable for rezoning to 'institutional'.

**Conclusion**

The rezoning of Erf 2998, Windhoek Extension 2 from 'residential' with a density of 1:900  $\text{m}^2$  to 'institutional' is recommended.

The consent for dwelling units restricted to maximum of two (2) dwelling units is recommended.

The consent to commence with the development while the rezoning is in process cannot be not supported as the rezoning first has to be promulgated by the Minister of Urban and Rural Development.

## Management Committee

**RECOMMENDED**

- 1 That the application for the rezoning of Erf 2998, Windhoek Extension 2 from 'residential' with a density of 1:900 m<sup>2</sup> to 'institutional' 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 consent for dwelling units is granted, limited to a maximum of two (2) dwellings and shall only come into effect after the rezoning of Erf 2998, Windhoek Extension 2 has been promulgated in the Government Gazette by the Minister of Urban and Rural Development and after meeting parking requirements being to the satisfaction of the Strategic Executive: Urban and Transport Planning.
- 3 That the consent granted for dwelling units on the institutional zoned erf be withdrawn by the Strategic Executive: Urban and Transport Planning or successor if the conditions stated in this notice are not complied with.
- 4 That the consent to commence with the development, while the rezoning is in process, is not approved as the rezoning first has to be promulgated by the Minister of Urban and Rural Development.
- \*\*\*
- 5 That parking for the existing improvements be provided for, as per the parking layout date stamped 31 March 2026 **attached as page 382 to the agenda.**
- 6 That parking requirement for institutional be provided as follows:
  - Universities: One (1) bay per class room and or office plus one (1) bay per five (5) students; 25 % of student parking shall be allocated to taxis.
  - All other uses: Minimum of one (1) bay per 66 m<sup>2</sup> floor area or as determined by the Department of Urban and Transport Planning.
  - Residential: One (1) exclusive bay per dwelling unit (minimum of one (1) parking bay is to be provided for all dwelling units having no garage or carport).
- 7 That parking on the sidewalk be subject to a Lease Agreement with Council. A corresponding lease application must be submitted to the Department of Housing, Property Management and Human Settlement (Property Management Division), subject to the following conditions:
  - 7.1 That no parking or access is to be located 15 metre from any intersection or directly opposite an intersection.
  - 7.2 That sidewalk parking remains public parking and cannot be reserved for exclusive use.

- 7.3 That a minimum of 2 metre must be reserved strictly for pedestrian movement on the sidewalk.
- 7.4 That Council not be held liable to reinstate any parking or compensate the owner for any improvements should the lease/parking be terminated.
- 7.5 That the owner remains responsible to provide any shortfall of parking on-site or any other area approved by Council should the lease be cancelled/terminated.
- 7.6 That the lease application be submitted to the Property Management Division before submission of the application to the Urban and Regional Planning Board (Ministry of Urban and Rural Development).
- 7.7 That Council reserves the right to cancel the lease should such land be needed for municipal services.
- 8 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Zoning Scheme, *inter alia* stating as follows:
- 8.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
  - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
- 8.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 8.3 That prior approval must be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 9 That it be noted that the property does not have access to a direct municipal sewer connection as it is connected to a private combined sewer system. [Properties being rezoned to 'institutional' are not permitted to utilise the private combined sewer system and must instead connect directly to the nearest available municipal sewer system.]
- 10 That the applicant appoint a registered professional Engineer to design a municipal sewer connection for Erf 2998, Windhoek Extension 2.

- 11 That the appointed Engineer submit the sewer design to the Strategic Executive: Infrastructure, Water and Technical Services for approval, prior to the submission of the application to the application to the Urban and Regional Planning Board and prior to commencing any construction works.
- 12 That after the rezoning is promulgated, the applicant appoint a contractor to construct the sewer line.
- 13 That the construction works be supervised by a registered professional Engineer.
- 14 That all costs associated with the municipal sewer connection be borne by the applicant.
- 15 That a Fitness Certificate only be issued after the applicant has provided a municipal sewer connection to Erf 2998, Windhoek Extension 2.
- 16 That no building plans will be approved until a municipal sewer connection for Erf 2998, Windhoek Extension 2 is installed by the applicant and taken over by the Municipal Council of Windhoek as per approved designs.
- 17 That any additional requirements for water or sewer services be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 18 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.
- 19 That only one (1) service connection from the municipal electrical network be allowed per erf.
- 20 That service connections may not be routed through any subdivided portion or remainder.
- 21 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.
- 22 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.

- 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 applicant accept the conditions of the Council Resolution in writing, within twenty eight (28) days of receipt of this letter, by completing and returning the Acknowledgment and Acceptance of Council Conditions Form to the Municipal of Windhoek, prior to the submission of the application to the Urban and Regional Planning Board.
- 25 That the resolution be implemented prior to confirmation of the minutes.

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 [Municipal Council Agenda: 2026-06-25]

### 10.3.8

**FNS.4 [UTP] APPLICATION FOR THE REZONING OF  
 ERF 5152, OTJOMUISE EXTENSION 8 FROM  
 'BUSINESS' WITH A BULK OF 1.0 TO 'GENERAL  
 RESIDENTIAL' WITH A DENSITY OF 1:50 m<sup>2</sup>  
 (L/5152/OTJ)**

**Application**

An application was received from Urban Dynamics, as appointed by Otjomuise Gardens Body Corporate (55075/2015) for:

- The rezoning of Erf 5152, Otjomuise Extension 8 from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:50 m<sup>2</sup>.

\*\*\*

The full application is **attached as pages 415 - 500 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 5152, Otjomuise Extension 8 is zoned 'business' with a bulk of 1.0 and is ± 4 788 m<sup>2</sup> in extent. The erf is situated in Zanzibar Street and there are blocks of flats on it comprising of eighty eight (88) units.

**Development intention**

The intention of the owner is to rezone from 'business' to 'general residential' so as to bring the property in a density category that will be in line with the existing number of units constructed under the bulk factor of 1.0 and avoid consideration as 'business' in terms of rates and taxes.

### Public consultation

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

- \*\*\* - The proposed rezoning on Erf 5152, Otjomuise Extension 8 was advertised in the New Era and The Namibian newspapers on 23 and 30 January 2026 respectively, **attached as pages 480 - 483 to the agenda;**
- \*\*\* - A Notice of the proposed consent was placed on the notice board of the Municipal Council of Windhoek's Customer Care Centre (CCC) as well as on the site **attached as pages 484 - 485 to the agenda;**
- \*\*\* - Neighbour consultation letters or forms were sent to the direct neighbours on Erven 3083, the Remainder of Erf 3082, 3081, 5151 and 5150 Otjomuise **attached as pages 486 - 499 to the agenda;**
- \*\*\* - A notice was published in the Government Gazette of 30 January 2026, Notice No. 50 **attached as page 500 to the agenda.**

No objections were received.

### Technical comments

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

#### Comments from the Strategic Executive: Urban and Transport Planning

##### - Sustainable Development

Erf 5152, Otjomuise Extension 8 is situated along Zanzibar Street, host over eighty (80) sectional title units. There is no objection to the application, provided that all necessary town planning and engineering policies, processes and procedures are complied with by all relevant stakeholders.

##### - Roads Planning and Traffic Flow

Erf 5152 is located along a short cul-de-sac from Dar Es Salaam Street in Otjomuise Extension 8. No traffic flow problems are currently experienced in the street. The rezoning will not generate additional vehicular trips to the current road network.

There is no objection to the proposed rezoning of Erf 5152, Otjomuise Extension 8 from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:50 m<sup>2</sup>, to align the existing residential development to the density: Provided:

- That a minimum of one (1) parking bay per equal or less than a three (3) bedroom unit, or two (2) parking bays per equal or greater than a four (4) bedroom unit, plus one (1) bay per three (3) units or part thereof explicitly for visitors parking be provided on-site.
- That the parking and access be maintained as per approved building plans.

- That no access will be allowed from Dusseldorf Street and Moses Garoëb Road.

- **Building Control**

There is no objection to the application, on condition that any building plans shall be submitted for approval in line with the proposed activities.

- **Roads and Stormwater**

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

- The proposed Erf 5152, Otjomuise Extension 8, has a general downward slope from the northwest into a southeasterly direction.
- There is no visible sign of any stormwater course or system flowing across the proposed Erf 5152, Otjomuise Extension 8, except for surface stormwater run-off.

There is no objection to the proposed rezoning of Erf 5152, Otjomuise Extension 8, from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:50 m<sup>2</sup>: 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**

There is no objection to the application: Provided:

- That the applicant is advised that, in terms of the regulations applicable to a 'general residential' erf, provision must be made for a water meter battery system that allows for the installation of individual water meters for each dwelling unit.
- That the maximum number of units shall not exceed the existing eighty eight (88) units.
- That any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities will be for the cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

**Comments from the Strategic Executive: Electricity****- Technical Support**

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

- That should an electrical substation be required, a servitude or subdivided erf must be allocated where the substation will be constructed, but it is possible to supply the development from the substation in the area, depending on capacity requirements.
- 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 it be noted that the Municipal Council of Windhoek does not take any responsibility for any future relocations required by the applicant as a result of this application.
- That no electrical substations shall be installed on the sidewalk.
- That medium and low voltage cables, streetlights and low voltage distribution units may be installed on sidewalk spaces.
- That all electrical services design drawings and internal reticulations must be submitted to the Strategic Executive: Electricity for approval before any construction works are commenced.
- That during project implementation, the applicant's electrical representative should at all times engage the quality monitoring official from the Department of Electricity for all inspections and testing required.
- 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.

### Comments from the Strategic Executive: Economic Development and Community Services

#### - Environmental Management

There is no objection from the division, a rezoning from 'business' to 'general residential' is not a listed activity.

#### Urban Policy evaluation

#### - Proposed land uses

Erf 5152, Otjomuise Extension 8 is zoned 'business' with a bulk of 1.0 and the intention is to rezone to 'general residential' with a density 1:50 m<sup>2</sup>, so that the erf to be charged 'general residential' as opposed to the 'business' rates and taxes.

#### - Zoning Scheme Provisions and Council Policy Direction

The 'general residential' zoning has the following primary and consent uses:

Use zone (1)	Primary uses (2)	Consent uses (3)	Prohibited uses (4)
II General Residential	Dwelling units, residential buildings	Places of public worship, places of instruction, institutions, special buildings, hotels, resident occupations, and heritage buildings	Other uses not under columns 2 and 3

The Windhoek Zoning Scheme defines a dwelling unit as follows:

*Dwelling unit means a dwelling consisting of one primary unit with or without an outbuilding or an entertainment area, where the primary unit consists of mutually adjacent rooms with a kitchen and with at least a bathroom with toilet facilities and where the said primary unit is designed for occupation by a single household, and may, subject to the provisions of this Scheme or any law or regulation, be with or without a supplementary dwelling unit:*

It is worth noting that according to the Windhoek Draft Structure Plan, the erf is located in an area earmarked for a density of 1:300 m<sup>2</sup>, but this is an existing development legally executed under the current 'business' zoning.

The erf currently accommodates eighty eight (88) units. A rezoning of 1:50 m<sup>2</sup> would mean the erf can accommodate a total of ninety five (95) residential units. The owners want to rezone so that can pay 'residential' rates and taxes instead of 'business'. Since the units already exist as per the approved building plans and the land use is 'residential', the rezoning is recommended.

The Division of Engineering Services is restricting the number of residential units to eighty eight (88) units. This will not be an issue as only the eighty eight (88) units exist.

- **Title Deed conditions**

Deed of Transfer No. T1102/2014 lists no restrictive conditions that are against the rezoning.

- **Compensation**

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

**Conclusion**

The rezoning of Erf 5152, Otjomuise Extension 8 from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:50 m<sup>2</sup> is recommended. The number of units will however be restricted to eighty eight (88) units.

Management Committee having considered the application,

**RECOMMENDED**

- 1 That the application for the rezoning of Erf 5152, Otjomuise Extension 8 from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:50 m<sup>2</sup> with a maximum of eighty eight (88) dwelling units 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 it be noted that compensation is payable in terms of section 59 of the Urban and Regional Planning Act, 2018 (Act 5 of 2018).
- 3 That the applicant obtain an invoice for the betterment fee (compensation) from the Department Urban and Transport Planning, Urban Policy Division, see inquiries.
- 4 That a minimum of one (1) parking bay per equal or less than a three (3) bedroom unit, or two (2) parking bays per equal or greater than a four (4) bedroom unit, plus one (1) bay per three (3) units or part thereof explicitly for visitors parking must be provided on-site.
- 5 That the parking and access be maintained as per approved building plans.
- 6 That no access will be allowed from Dusseldorf Street and Moses Garoëb Road.
- 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 applicant is advised that, in terms of the regulations applicable to a 'general residential' erf, provision must be made for a water meter battery system that allows for the installation of individual water meters for each dwelling unit.
- 9 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 cost of the applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 10 That should an electrical substation be required a servitude or subdivided erf must be allocated where the substation will be constructed, but it is possible to supply the development from the substation in the area, depending on capacity requirements.
- 11 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per the request received from the applicant, all costs related thereto will be for the applicant's account
- 12 That it that the Municipal Council of Windhoek does not take any responsibility for any future relocations required by the applicant as a result of this application.
- 13 That no electrical substations shall be installed on the sidewalk.
- 14 That medium and low voltage cables, streetlights and low voltage distribution units may be installed on sidewalk spaces.
- 15 That all electrical services design drawings, and internal reticulations must be submitted to the Strategic Executive: Electricity for approval before any construction works are commenced
- 16 That during project implementation, the applicant's electrical representative should at all times engage the quality monitoring official from the Department of Electricity for all inspections and testing required.

- 17 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.
- 18 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.
- 19 That the applicant takes all necessary measures to ensure that no public health nuisance emanates from the premises which may have an impact on the surrounding residents.
- 20 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.
- 20.1 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.
- 21 That the applicant accept the conditions of the Council Resolution in writing, within twenty eight (28) days of receipt of this letter, by completing and returning the Acknowledgment and Acceptance of Council Conditions Form to the Municipal of Windhoek, prior to the submission of the application to the Urban and Regional Planning Board.
- 22 That the resolution be implemented prior to confirmation of the minutes.

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**SOP.1 [EDC/HPH] CONFIDENTIAL MATTER**  
(14/5/3/1)

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.*

=====

Ann

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DEPARTMENT OF FINANCE  
AND CUSTOMER SERVICES

☒ 59

80 Independence Avenue  
WINDHOEK, NAMIBIA



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e-mail: [FCS@windhoekcc.org.na](mailto:FCS@windhoekcc.org.na)

[www.cityofwindhoek.org.na](http://www.cityofwindhoek.org.na)

ENQ: SAMUEL MUTONGA  
DATE: 25/02/2025

TEL: 061 290 2008  
REF: Kupferberg landfill

Mr. Gideon Vos  
Head: Investment Banking  
Bank Windhoek  
2<sup>nd</sup> Capricorn House  
119 Independence Avenue  
Windhoek  
Namibia

Dear Mr. Vos

**RE: REQUEST FOR FINANCING FACILITY PROPOSAL**

The Municipal Council of Windhoek "Council" has completed the feasibility of extending Kupferberg engineered dumpsite. Your institution is hereby invited to propose a financing facility for the project. We are seeking a financing facility to the value of N\$308,000,000 excluding VAT.

The proposed facility will be evaluated on the following indicative terms:

1. Interest rates and transactional costs over the term of the facility – accounting for maximum 70% of the 100% score.
2. Repayment period of 15 years including a grace period of 2 years - accounting for 10% of the 100% score.

We would propose that the repayments period align with the extension period of Kupferberg.

3. Security required - accounting for maximum 20% of the 100% score:

Council is willing put forward fixed property or cash security in a form of equity of not more than 30% of the cost of the project.

4. Covenants:

Specific covenants will be evaluated based on attainability.

*All official correspondence must be addressed to the Chief Executive Officer*

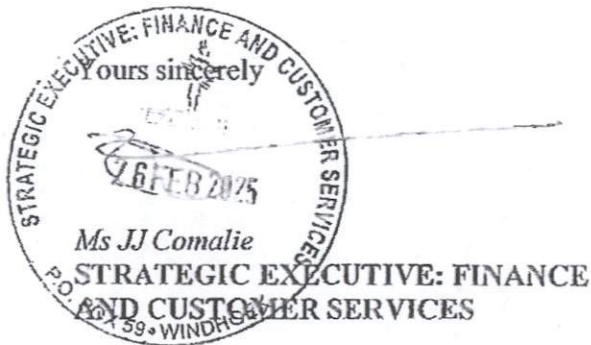
Council reserves the right to negotiate final terms with successful financier or cancel the process if:

- (a) all the offers are non-responsive;
- (b) the favorable evaluated offer is substantially above the allowable financing cost estimate;
- (c) the project is no longer required;
- (d) an irregularity that warrants the cancelation of the process occurred;
- (e) it is not economically viable to proceed with the process; or
- (f) does not create or achieve the expected outcome.

Due date: 26 March 2025

Should you require further information, do not hesitate to contact us.

We look forward to your proposal and trust that we establish a mutually beneficial relationship with your bank.



Anna - 3 - C

**Mutonga (S.M)**

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**From:** Hellmut v Ludwiger <hellmut@ludwiger.com>  
**Sent:** Wednesday, August 26, 2020 19:30  
**To:** Mutonga (S.M); Ludwig Kapingana; van Rensburg (P)  
**Cc:** Urda & Bert Laaser; Mahoto (E); Hekandjo (OA); Max Meyer; Chris Stock; Windhoek Rate Payers Ass; von Blotnitz Sven; Ernst Simon; halenke@iway.na  
**Subject:** Re: CoW Working Group - 2015 Valuation Roll Study

Dear Mr Mutonga,

If I may come in here, my recollection of our last discussions is slightly different.

We have not agreed "that linking of rates and taxes to service levels was an error..."

Yes, you have made the argument that "every resident of Windhoek is entitled to such treatment", but that is not the end of the discussion.

The fact remains that our circumstances are substantially different, and that includes the historical background. An estate in a municipal area in South Africa was developed knowing full well that it falls within that municipal area. The developments in the extended boundary areas of Windhoek were developed with consents obtained from the Khomas Regional Council.

Another fact is that estate homeowners pay substantial levies (in my case exceeding N\$3000 per month), of which a significant portion covers services normally rendered by a municipality and funded by rates and taxes. Examples are security and maintenance of infrastructure. If the City were to accept full responsibility and finance all infrastructure services on the Estates, full rates & taxes would probably be justified.

The link to services is thus not all that far-fetched.

Valuations are an issue where the rules are not applied appropriately. The Brakwater representatives pointed out examples where that seems to have been the case.

I think that needs to be addressed separately from the rates & taxes discussion. And that includes rectifying errors made in the past as well as ensuring appropriate valuations going forward.

I believe the focus of the Working Group should be on the rates and taxes tariff.

We might not be able to agree on a "scientific" method of calculating an appropriate tariff for rates & taxes, but then I doubt there is an exact scientific method behind each of the tariffs listed below.

At the end of the day, I hope we can agree on a reasonable tariff. It might be a number that would appear arbitrary to some, but that would not be the end of the world.

Let's create separate tariffs for the relevant zonings in the extended boundary areas (which could be regarded to include Brakwater).

While the Estates arrived at a tariff below 20% (or 0.20), based on feedback on the interim tariff (while everybody obviously wants to pay as little as possible), I believe a factor of 0.20 would be generally acceptable going forward as well.

See you tomorrow afternoon!

Regards  
Hellmut

**From:** Samuel Mutonga  
**Date:** Monday, 24 August 2020 at 15:31  
**To:** Ludwig Kapingana , Pierre van Rensburg  
**Cc:** Urda & Bert Laaser , "Mahoto (E)" , "Hekandjo (OA)" , Hellmut von Ludwiger , Max Meyer , Christian

Annex 4 ~~B7~~ C1

DEPARTMENT OF FINANCE  
AND CUSTOMER SERVICES

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WINDHOEK, NAMIBIA



*"The City - a place to Endless Joy" 0-201*

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[www.cityofwindhoek.org.na](http://www.cityofwindhoek.org.na)

ENQ: Samuel Mutonga  
DATE: 25/02/2025

TEL: 061 290 2008  
REF: Kupferberg landfill

Head: Public Sector  
Bank BIC  
Windhoek  
Namibia

Dear Sir/Madam

**RE: REQUEST FOR FINANCING FACILITY PROPOSAL**

The Municipal Council of Windhoek "Council" has completed the feasibility of extending Kupferberg engineered dumpsite. Your institution is hereby invited to propose a financing facility for the project. We are seeking a financing facility to the value of N\$308,000,000 excluding VAT.

The proposed facility will be evaluated on the following indicative terms:

1. Interest rates and transactional costs over the term of the facility – accounting for maximum 70% of the 100% score.
2. Repayment period of 15 years including a grace period of 2 years - accounting for 10% of the 100% score.

We would propose that the repayments period align with the extension period of Kupferberg.

3. Security required - accounting for maximum 20% of the 100% score.

Council is willing put forward fixed property or cash security in a form of equity of not more than 30% of the cost of the project.

*All official correspondence must be addressed to the Chief Executive Officer*

## 4. Covenants:

Specific covenants will be evaluated based on attainability.

Council reserves the right to negotiate final terms with successful financier or cancel the process if:

- (a) all the offers are non-responsive;
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- (c) the project is no longer required;
- (d) an irregularity that warrants the cancelation of the process occurred;
- (e) it is not economically viable to proceed with the process; or
- (f) does not create or achieve the expected outcome.

Due date: 26 March 2025

Should you require further information, do not hesitate to contact us.

We look forward to your proposal and trust that we establish a mutually beneficial relationship with your bank.

Yours sincerely,

*Ms JJ Comalie*

STRATEGIC EXECUTIVE: FINANCE  
AND CUSTOMER SERVICES

26 FEB 2025

P.O. BOX 59 • WINDHOEK

**Mutonga (S.M)**

---

**From:** Urda & Bert Laaser <urdabert@afol.com.na>  
**Sent:** Wednesday, September 23, 2020 14:31  
**To:** Chris Stock; 'Ernst Simon'; 'Freya Lund'; 'Hellmut von Ludwiger'; 'Helmut Halenke'; 'Ludwig Kapingana'; 'Max Meyer'; Hekandjo (OA); Mutonga (S.M); 'Sven von Blottnitz'; Windhoek Rate Payers Ass; van Rensburg (P)  
**Subject:** Working Group  
**Attachments:** Brakwater Categories and Ratios signed.pdf

Good Day All,

In preparation of tomorrow's meeting, please find:

Attached the Brakwater proposal for categories and ratios and below the Brakwater Rep's understanding of where we currently stand.

Any direct comments or corrections are most welcome.

Regards,  
 Bert

**WORKING GROUP****OBJECTIVES****PRIMARY:**

to establish a process to determine "fair" municipal fees specifically for 'Brakwater and the 2011 Extended Boundary Areas' (referred to as the study area)

**SECONDARY:**

to investigate and pursue solutions to the other concerns within the study area as submitted to COW on 12 March 2020.

The differences between properties in the study area and those within immediate Windhoek Urban are numerous.

These include the following:

- lack of certain basic municipal services,
- lack of municipal bulk services,
- lack of local authority infrastructure, e.g. pavements, street lighting, public transport, etc.,
- lack of sufficient and convenient waste removal services,
- lack of policing and emergency services within the immediate study area
- distance from bulk services (to B1, national water supply, Nampower),
- the rural nature of these properties,
- the zoning and development restrictions,

to mention but a few.

It would be impossible to implement a process for the reduction of municipal fees that be equal for ALL the properties within the current municipal area as proposed by Mr. Hekandjo without including the farms. The process would have to be SPECIFIC to the study area.

Possible factors that can be considered to decrease the municipal fees in the study area:

Level of services:

The approval of the service level rebate system that was proposed by a reputable consultant, approved by Council and the Brakwater property owners in 2012 was unfortunately not implemented by the CoW. This rebate system would however require an annual revision by the CoW in direct consultation with the property owners themselves. This would cause major inconvenience on an annual basis, and might result in the same problems currently experienced.

Before the disputed Windhoek rates were implemented in Brakwater in August 2018, Brakwater rate payers were being charged only 8% of the Windhoek tariffs, i.e. 92% reduction.

The evaluation of the current CoW services in the Greater Brakwater Area by the Brakwater Representatives indicates that a 75% reduction would be fair and affordable. This would result in a 300% increase from the previous 8% tariff.

Two-thirds of the municipal representatives on the working group do not support the motivation for reduced municipal fees to be linked to the CoW services in the study area and have deemed this process as an 'error' by previous Councils and Management.

Property and improvement values:

The possibility of exclusively utilising the site and improvement values for the determination of reduced municipal fees in Brakwater was investigated.

A study of the 2015 valuation roll for this purpose was undertaken by the Brakwater Representatives which revealed many irregularities and omissions by those that were responsible for this exercise. This study containing a number of queries was submitted to the CoW. The CoW has yet to respond to most of these queries.

The Brakwater Representatives as well as the CoW officials to this working group all agreed that the site values in Brakwater are much too high and should be reduced by approximately 50%.

The study however showed clearly that the information contained within the valuation roll is in dire need of an update and would require a radical revision before any reduction in rates and taxes could be linked exclusively to this.

Categories and Ratios:

The establishment of different categories within the study area, coupled with the implementation of just and affordable ratios might well be the ideal solution for determining reduced municipal fees.

These ratios however cannot be adopted from the examples from RSA as the circumstances in Windhoek differ considerably from those in JHB, DBN and CPT.

The only way to determine just and affordable ratios in our proposal would have to be based on the differences in "character" between the affected rural area and urban Windhoek as already discussed above.

Annexure

8

-D1

DEPARTMENT OF FINANCE  
AND CUSTOMER SERVICES

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The Gate to Endless Opportunity

ENQ: Samuel Mutonga  
DATE: 25/02/2025

TEL: 061 290 2008  
REF: Kupferberg landfill

Ms. Mahevo Kadhepa  
Manager: Investments  
PO Box 235  
Windhoek  
Namibia

Dear Ms. Kadhepa

**RE: REQUEST FOR FINANCING FACILITY PROPOSAL**

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Due date: 26 March 2025

Should you require further information, do not hesitate to contact us.

We look forward to your proposal and trust that we establish a mutually beneficial relationship with your bank.

Yours sincerely,



Mutonga (S.M)

---

**From:** Urda & Bert Laaser <urdabert@afol.com.na>  
**Sent:** Monday, October 12, 2020 14:38  
**To:** Comalie (J.J); Hekandjo (OA); van Rensburg (P)  
**Cc:** Windhoek Rate Payers Ass; halenke@iway.na; 'Max Meyer'; Chris Stock; ernst@udanam.com; 'Ludwig Kapingana'; 'von Blottnitz Sven'; Mutonga (S.M); Araes (L); Schumann (E.W); Smith (A); 'Hellmut von Ludwiger'  
**Subject:** RE: POSTPONEMENT OF MEETING - WORKING GROUP REBATE SYSTEM - RATES AND TAXES - 15 OCTOBER @ 14h30-16H30

Dear All,

On behalf of the Brakwater representatives I fully support the proposal that the interim measures as stipulated in the Government Gazette 7259 dated 1 July 2020 be extended at least up to end June 2021.

This should be motivated not only due to cancelled and postponed meetings by the CoW, but also that considerable time was lost due to COVID Lock-down regulations.

According to our records, the implementation of the interim measure by the CoW Finance Department has NOT yet been completed and has been unnecessarily complicated and delayed by questionable reversals of credits that were done on numerous properties for which the City's systems seem to reflect incorrect zonings. The full and correct implementation of the approved interim measures should receive urgent attention from and finalisation by the CoW Department of Finance.

#### **INTERIM MEASURE NOT IMPLEMENTED AS PER GOVERNMENT GAZETTE**

1. Many properties have not been credited with the interim measure in accordance with the Government Gazette
2. Numerous properties have had their credits incorrectly reversed due to disputes on the zoning of the properties
3. Numerous industrial properties have had their credits reversed without relevant authorisation and in direct contradiction to the CR145/05/2020 and Government Gazette 7259 dated 1 July 2020.
4. **NB:** The Government Gazette makes no provision for the exclusion of ANY properties in Brakwater and the Extended Boundary Areas from the interim measure.
5. Industrial properties in Brakwater, as in Windhoek, have never been rated differently to the residential properties.
6. All delays experienced by the working group have been caused by the CoW, and 2 meetings were cancelled due to COVID.
7. There is enough cause to apply to Council for a further extension of the 6 month period and not simply return to charging of Windhoek rates, which was never approved by Council.
8. The Brakwater rate payers seriously question the non-payment of the credits on their accounts and the authorisation for this decision.

Due to the above it would be totally unjust and unacceptable to NOT extend the 20% allocation and have the Windhoek rate tariffs re-implemented due to these circumstances beyond our control.

Kind Regards,  
Bert Laaser

**From:** Hellmut von Ludwiger [mailto:hellmut@ludwiger.com]  
**Sent:** 12 October 2020 13:16  
**To:** Comalie (J.J); Hekandjo (OA); van Rensburg (P)  
**Cc:** WRRRA-Info; halenke@iway.na; Max Meyer; Chris Stock; ernst@udanam.com; Ludwig Kapingana; von Blottnitz Sven; Urda & Bert Laaser; Mutonga (S.M); Araes (L); Schumann (E.W); Smith (A)  
**Subject:** Re: POSTPONEMENT OF MEETING - WORKING GROUP REBATE SYSTEM - RATES AND TAXES - 15 OCTOBER @ 14h30-16H30

Dear Strategic Executives,

The postponement/cancellation of Thursday's meeting is noted.  
 I spoke to Alwera, and the earliest date to meet would be Friday, 23 October, which is less than a week before 29 October. Hence, we suggest meeting again on 29 October 2020 at 14:30.

The timelines as outlined by Mrs Lund indicate that the Working Group will not be able to take a proposal to Council before the interim arrangement expires in December 2020.

This is a pity, but understandable - we thought 6 months is enough time, but due to the last 2 months falling away and a number of meetings being postponed or cancelled, the time was not enough to agree and present a proposal.

I therefore support Ms Lund's proposal that the interim tariff for rates and taxes be extended until June 2021. This will give us 4 months (February to May) to reach agreement.

Could this please be tabled for approval at the council meeting on 29 October 2020, i.e. to MC this week?

My understanding is that the waste management fee will no longer be charged to the extended boundary areas. Since this is not in dispute, can it be approved and gazetted, please?

Kind regards  
Hellmut

On 12 Oct 2020, at 12:43, WRRRA-Info <[wrra.info@gmail.com](mailto:wrra.info@gmail.com)> wrote:

Dear all

WRRRA has indicated already long time ago that WRRRA will not be able to attend on 15th.

I would like to bring it under your attention that:

1. the last scheduled council meeting will be held on 29 October
2. our proposals for new r+t for EAG/Brakwater, or outcome of the discussions, will have to be submitted to management committee 14 days before
3. to go to council by 29th

4. I'm of the opinion that due to several postponements of scheduled EAG/Brakwater meetings by CoW we will not be able to make that date
5. I suggest that an extension of another 6 months should be requested (till end June 2021)
6. the scheduled council meeting on 26 November will have no agenda points as new councillors are coming in on 25th (election date)  
or possibly that scheduled council meeting will be postponed as election results will most probably not yet be known (counting of ballot papers)
7. the new council will most probably be sworn in on 1st December (scheduled)
8. thereafter recess till end January 2021 with a totally new council

Regards

Windhoek Residents and Ratepayers Association  
 Freya Lund  
 Committee Member  
 P.O.Box 9364  
 Eros / Windhoek  
 Cell: 081-261-8801

**From:** Smith (A)  
**Sent:** Monday, October 12, 2020 12:20 PM  
**To:** [halenke@iway.na](mailto:halenke@iway.na); Max Meyer; Chris Stock; Hellmut von Ludwiger; Windhoek Rate Payers Ass; 'ernst@udanam.com'; Ludwig Kapingana; von Blottnitz Sven; Urda & Bert Laaser; Mutonga (S.M); Hekandjo (OA); van Rensburg (P); Comalie (J.J)  
**Cc:** Araes (L); Schumann (E.W)  
**Subject:** POSTPONEMENT OF MEETING - WORKING GROUP REBATE SYSTEM - RATES AND TAXES - 15 OCTOBER @ 14h30-16H30

Dear All,

Kindly take note that the meeting scheduled for 15 October 2020 @ 14H30 needs to be **POSTPONED** for the following reasons;

1. That there are two (2) CoW colleagues not available (on leave) for week.
2. That a Special Council meeting has been scheduled for same day (15 October 2020) from 11H00 to 16H30, which the other 2 colleagues needs to be in attendance.

Trust upon your understanding,

**Note:** I will call Mr Ludwiger to propose another date, if possible, or else the group can just indicate whether the next meeting which is already scheduled for 29 October 2020 at 14H30 will be acceptable.

Best regards,

*Alwera Smith*

*Executive Secretary: Finance and Customer Service  
Department of Finance & Customer Services*

Office: +264 61 290 2246

Fax: +264 61 290 2615

Mobile: +26481 145 0536

E-mail: [wmailto:Alwera.Smith@windhoekcc.org.na](mailto:Alwera.Smith@windhoekcc.org.na) [www.cityofwindhoek.org.na](http://www.cityofwindhoek.org.na)

Box 59, Windhoek

Enquiries: +264 61 290 2911

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**Mutonga (S.M)**

---

**From:** Urda & Bert Laaser <urdabert@afol.com.na>  
**Sent:** Wednesday, August 5, 2020 09:33  
**To:** 'Hellmut v Ludwiger'; 'Ludwig Kapingana'; 'Max Meyer'; Mutonga (S.M); 'von Blottnitz Sven'; Chris Stock; 'Ernst Simon'; Hekandjo (OA); van Rensburg (P); Windhoek Rate Payers Ass; halenke@iway.na  
**Cc:** Smith (A)  
**Subject:** RE: Working Group minutes

Good Morning All,

I have just spoken to Mr. Hendjala, who confirmed that he was requested to prepare a presentation on the evaluation process, but was NOT aware that this presentation is scheduled for this afternoon.

He continued by informing me that Mr. Mutonga is the responsible person for this.

Mr. Mutonga, can you please clarify the situation for us all.

Many thanks.

Bert Laaser

**From:** Hellmut v Ludwiger [mailto:hellmut@ludwiger.com]  
**Sent:** 04 August 2020 21:32  
**To:** Ludwig Kapingana; Max Meyer; Mutonga (S.M); von Blottnitz Sven; Chris Stock; Ernst Simon; Urda & Bert Laaser; Hekandjo (OA); van Rensburg (P); WRRRA-Info; halenke@iway.na  
**Cc:** Alwera Smith  
**Subject:** Working Group minutes

Dear Working Group,

I have been requested to effect some changes to the minutes/summary – please find attached, tracking the changes. Where are we meeting tomorrow? If it is New Council Chambers again, the meeting invitation should be amended, please.

Regards  
Hellmut

Annex 15 E1

DEPARTMENT OF FINANCE  
AND CUSTOMER SERVICES

☒ 59

80 Independence Avenue  
WINDHOEK, NAMIBIA



*The City of Windhoek*

Tel: (+264) 61 290 2246

e-mail: [FCS@windhoekcc.org.na](mailto:FCS@windhoekcc.org.na)

[www.cityofwindhoek.org.na](http://www.cityofwindhoek.org.na)

ENQ: Samuel Mutonga  
DATE: 25/02/2025

TEL: 061 290 2008  
REF: Kupferberg landfill

Mr. Leslie Puriza  
Head: Public Sector Banking  
First National Bank of Namibia  
Windhoek  
Namibia

Dear Mr. Puriza

**RE: REQUEST FOR FINANCING FACILITY PROPOSAL**

The Municipal Council of Windhoek "Council" has completed the feasibility of extending Kupferberg engineered dumpsite. Your institution is hereby invited to propose a financing facility for the project. We are seeking a financing facility to the value of N\$308,000,000 excluding VAT.

The proposed facility will be evaluated on the following indicative terms:

1. Interest rates and transactional costs over the term of the facility – accounting for maximum 70% of the 100% score.
2. Repayment period of 15 years including a grace period of 2 years - accounting for 10% of the 100% score.

We would propose that the repayments period align with the extension period of Kupferberg.

3. Security required - accounting for maximum 20% of the 100% score.

Council is willing put forward fixed property or cash security in a form of equity of not more that 30% of the cost of the project.

4. Covenants:

Specific covenants will be evaluated based on attainability.

*All official correspondence must be addressed to the Chief Executive Officer*

Council reserves the right to negotiate final terms with successful financier or cancel the process if:

- (a) all the offers are non-responsive;
- (b) the favorable evaluated offer is substantially above the allowable financing cost estimate;
- (c) the project is no longer required;
- (d) an irregularity that warrants the cancelation of the process occurred;
- (e) it is not economically viable to proceed with the process; or
- (f) does not create or achieve the expected outcome.

Due date: 26 March 2025

Should you require any further information, do not hesitate to contact us.

We look forward to your proposal and trust that we establish a mutually beneficial relationship with your bank.



Mutonga (S.M)

---

**From:** WRRRA-Info <wrra.info@gmail.com>  
**Sent:** Monday, October 12, 2020 12:43  
**To:** Smith (A); halenke@iway.na; Max Meyer; Chris Stock; Hellmut von Ludwig; ernst@udanam.com; Ludwig Kapingana; von Blottnitz Sven; Urda & Bert Laaser; Mutonga (S.M); Hekandjo (OA); van Rensburg (P); Comalie (J.J)  
**Cc:** Araes (L); Schumann (E.W)  
**Subject:** Re: POSTPONEMENT OF MEETING - WORKING GROUP REBATE SYSTEM - RATES AND TAXES - 15 OCTOBER @ 14h30-16H30

Dear all

WRRRA has indicated already long time ago that WRRRA will not be able to attend on 15th.

I would like to bring it under your attention that:

1. the last scheduled council meeting will be held on 29 October
2. our proposals for new r+t for EAG/Brakwater, or outcome of the discussions, will have to be submitted to management committee 14 days before
3. to go to council by 29th
4. I'm of the opinion that due to several postponements of scheduled EAG/Brakwater meetings by CoW we will not be able to make that date
5. I suggest that an extension of another 6 months should be requested (till end June 2021)
6. the scheduled council meeting on 26 November will have no agenda points as new councillors are coming in on 25th (election date)  
or possibly that scheduled council meeting will be postponed as election results will most probably not yet be known (counting of ballot papers)
7. the new council will most probably be sworn in on 1st December (scheduled)
8. thereafter recess till end January 2021 with a **totally new council**

Regards

Windhoek Residents and Ratepayers Association  
 Freya Lund  
 Committee Member  
 P.O.Box 9364  
 Eros / Windhoek  
 Cell: 081-261-8801

**From:** Smith (A)  
**Sent:** Monday, October 12, 2020 12:20 PM

**To:** halenke@iway.na ; Max Meyer ; Chris Stock ; Hellmut von Ludwiger ; Windhoek Rate Payers Ass ; 'ernst@udanam.com' ; Ludwig Kapingana ; von Blottnitz Sven ; Urda & Bert Laaser ; Mutonga (S.M) ; Hekandjo (OA) ; van Rensburg (P) ; Comalie (J.J)  
**Cc:** Araes (L) ; Schumann (E.W)  
**Subject:** POSTPONEMENT OF MEETING - WORKING GROUP REBATE SYSTEM - RATES AND TAXES - 15 OCTOBER @ 14h30-16H30

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Trust upon your understanding,

**Note:** I will call Mr Ludwiger to propose another date, if possible, or else the group can just indicate whether the next meeting which is already scheduled for 29 October 2020 at 14H30 will be acceptable.

Best regards,



Alwera Smith

*Executive Secretary: Finance and Customer Service*

Department of Finance and Customer Service

The City of Windhoek

Office: +264 61 290 2246

Fax: +264 61 290 2615

Mobile: +26481 145 0536

E-mail: [wmailto:Alwera.Smith@windhoekcc.org.na](mailto:wmailto:Alwera.Smith@windhoekcc.org.na)

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DEPARTMENT OF FINANCE  
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www.cityofwindhoek.org.na

ENQ: Samuel Mutonga  
DATE: 25/02/2025

TEL: 061 290 2008  
REF: Kupferberg landfill

Mr. Adri Spangenberg  
Relationship Manager: Corporate & Investment Banking  
PO Box 1  
Windhoek  
Namibia

Dear Mr. Spangenberg

**RE: REQUEST FOR FINANCING FACILITY PROPOSAL**

The Municipal Council of Windhoek "Council" has completed the feasibility of extending Kupferberg engineered dumpsite. Your institution is hereby invited to propose a financing facility for the project. We are seeking a financing facility to the value of N\$308,000,000 excluding VAT.

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Due date: 26 March 2025

Should you require further information, do not hesitate to contact us.

We look forward to your proposal and trust that we establish a mutually beneficial relationship with your bank.

Yours sincerely



# The Estates Action Group

## Minutes of Meeting

<b>Date</b>	12 March 2020
<b>Time</b>	2:30 - 4 pm
<b>Location</b>	City of Windhoek, 6 <sup>th</sup> Floor Boardroom, Old Building

## Present

<b>Name</b>	<b>Representing</b>
Samuel Mutonga	CoW
Pierre van Rensburg	CoW
Obrien Hekandjo	CoW
Hellmut von Ludwiger	EAG and WRRRA
Sven von Blottnitz	WRRRA
Freya Lund	WRRRA
Ludwig Kapingana	Brakwater
Max Meyer	EAG
Ernst Simon	EAG
Christian Stöck	Windhoek Farmers Association

## Points Discussed

- Mr van Rensburg welcomed all and chaired the meeting on behalf of Mr Mutonga for the first part of the meeting.
- The attendees acknowledged that the meeting was being recorded and introduced themselves.
- Mr van Rensburg summarised the resolutions of the previous meeting to ensure that all are on the same page.
- Mr Mutonga agreed to submit the Interim Proposal (20% of gazetted tariff backdated to 1 August 2018) to the Management Committee for recommendation to the Municipal Council asap. Feedback is expected in the next two weeks.
- Mr van Rensburg outlined the strategy going forward
  - Step 1 – Mr Mutonga will submit the Interim Proposal to MC and Council
  - Step 2 – The CoW will re-contact the Chamber of Mines and the Hospitality Association of Namibia to get their input. In the meantime the Working Group proceeds with the members present as being sufficiently representative.
  - Step 3 – The Working Group will put together a list of issues and agree on possible solutions. The focus of the Working Group is rates & taxes and issues directly related thereto. Other matters affecting the extended boundary areas will be captured and referred to a relevant forum.
  - Step 4 – The CoW will host a Public Consultation Meeting to get more extensive stakeholder input on the proposal prepared by the Working Group.

## The Estates <sup>22</sup>Action Group

- Step 5 – The Working Group will incorporate the feedback received from the Public Consultation and make a final proposal to the Municipal Council.
- The Working Group committed to completing this process in less than 6 months.
- Furthermore, the Group agreed to keep the information confidential and not to give any press statements before the negotiations are concluded.
- The issues raised by the Group were as follows:
  - Rates and Taxes tariff
  - Waste Management Fees
  - The basis of property valuations
  - Non-Rateable Properties
  - Endowment and Betterment Fees
  - Structure/Development Plans for Extended Areas
  - Illegal Land Usage (enforcement of zoning)
  - City Police Presence
  - Brakwater Advisory Committee
  - Jurisdictional Shifts
  - Application of Bylaws in Extended Areas
  - Possible Future Transfer of Infrastructure
  - Unpacking of CoW Rates and Taxes Calculations as per Alwyn Laubscher & Associates study
- The CoW will re-invite the Windhoek Farmers Association, Chamber of Mines as well as the Hospitality Association of Namibia to join the group and give their feedback at the next meeting
- The next Working Group meeting will be held on Thursday, 02 April 2020 at 14:30. The CoW will update its records and send out meeting invitations to the Working Group Members.

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DEPARTMENT OF FINANCE  
AND CUSTOMER SERVICES

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c-mail: FCS@windhockcc.org.na

  
www.cityofwindhoek.org.na

ENQ: Samuel Mutonga

TEL: 061 290 2008

DATE: 25/02/2025

REF: Kupferberg landfill

Ms. Oshoveli Munashimue  
Manager: Public Sector, Telecoms, Media and Technology  
Standard Bank Namibia  
Kleine Kuppe, Windhoek  
Namibia

Dear Ms. Munashimue

**RE: REQUEST FOR FINANCING FACILITY PROPOSAL**

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Due date: 26 March 2025

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Yours sincerely,



# The CoW Working Group

## Summary of Meeting:

Date	29 July 2020
Time	14:30 – 17:00
Location	CoW New Council Chambers

## Working Group Members Present:

Name	Representing
Samuel Mutonga	CoW
Obrien Hekandjo	CoW
Petrus Johannes	CoW
Gerhard de Klerk	CoW
Pierre van Rensburg	CoW
Freya Lund	WRRRA
Ludwig Kapingana	Brakwater
Hellmut von Ludwiger	EAG / WRRRA
Max Meyer	EAG

## Apologies:

Name	Representing
Chris Stöck	Farmers
Helmut Halenke	Farmers
Ernst Simon	EAG
Sven von Blottnitz	WRRRA
Bert Laaser	Brakwater

## Points Discussed:

- Mr Mutonga welcomed all and chaired the meeting. The apologies were noted.
- Mr Mutonga inquired whether anyone is available to take minutes. Ms Lund said that all meetings are recorded and transcribed. Mr Meyer volunteered to take minutes for this meeting. The CoW will provide a resource for subsequent meetings.
- Mr Mutonga summarised the previous meeting held on 28 May 2020. Mr van Rensburg subsequently shared the table with the elements making up the CoW rates and taxes calculation. Working Group members were to work through the table and prepare recommended weightings for this meeting.
- Mr von Ludwiger asked for clarification on the CoW rates and taxes period for invoices. It seems that the Interim Tariff was incorrectly calculated for a Finkenstein resident that received their first statement the previous day, with the backlog (that should be 23 months) charged at 23.8 times the monthly tariff for all three lines. Mr Mutonga said that the CoW works on full calendar months, and that he would investigate the difference.
- Mr von Ludwiger mentioned that Finkenstein Estate had submitted their members' contact details two weeks ago. Most members have not yet received their statements from the CoW. Members would prefer to receive their statements via email.

## The CoW Working Group

- Mr von Ludwiger asked if concerned parties would be given a grace period to settle their outstanding accounts with the CoW until the end of the year. Mr Hekandjo explained that invoices are due 30 days from invoice date. People who cannot settle their accounts need to approach the CoW individually for a payment plan.
- Mr Kapingana queried what would happen to accounts that were paid on the “old” (higher) tariff. Mr Mutonga explained that accounts would reflect payments made as credits, against which the current and future charges would be off-set. Once a final solution has been agreed, affected parties can approach the CoW for a pay-out of any remaining credit balance.
- Mr Mutonga mentioned the report compiled by Mr van Rensburg on similar scenarios in South Africa. The information could assist the Working Group in finding a workable solution.
- Mr von Ludwiger suggested that the Working Group uses this meeting to discuss the Brakwater report/presentation and the EAG presentation and table.
- Mr Kapingana presented the Brakwater report to the Working Group with the calculation adding up to a contribution of 23.75%.
- Mr Mutonga pointed out that rates and taxes are based on the valuation of the properties in the CoW. Mr Kapingana said that residents are not happy with the 2015 valuation and that Brakwater, EAG and WRRRA would be keeping an eye on the 2020 valuations. The groups will make their members aware of the process and possible remedies. Ms Lund pointed out that the valuation date is 01 February 2020. The provisional roll will be made available at the CoW. Residents have the right to object the valuations by the CoW once it is available for inspection.
- Mr von Ludwiger presented the EAG presentation and table with the calculation adding up to a contribution of 16.65%.
- As rates and taxes are calculated according to the formula “Property Valuation x Gazetted Tariff = Rates and Taxes amount”, Mr Mutonga proposed two possible solutions to reduce the Rates and Taxes:
  - Solution 1 – Calculate the level of overall service delivery using the table provided. However, the percentages applied per line sometimes seem to be subjective.
  - Solution 2 – Investigate the valuation of the properties in the city’s outlying areas, which might be a more objective approach.
- Mr Hekandjo suggested that the Working Group agrees on the following principles:
  - The solution to be proposed by the Working Group to Council needs to be fair, easily applicable and defensible.
  - The solution found should be as objective as possible.
  - Rates and taxes are a statutory requirement.
  - Waste Management is a service, like water and electricity.
- Ms Lund reminded the Group that Waste Management is a service that should not be linked to rates and taxes (with reference to the court case). R+T is a statutory charge based on valuation of property. Waste Management is a service by CoW like refuse removal service, etc. We have to agree on what level of service CoW provides to the outlying areas.
- The Working Group agreed that both solutions would be considered before a final proposal is submitted to council.

## The CoW Working Group<sup>27</sup>

- Mr von Ludwiger added that Local Authorities Act provides for different rates that may be charged based on different areas or zonings. [S.73(2)] This was the basis for Brakwater being charged a different tariff for many years until August 2018. The City's extended boundary areas differ substantially from Windhoek proper, by their nature and their location. This was the reason for establishing the Working Group in the first place.
- It was agreed that the CoW will present the principles and method of valuation of properties of the City's outlying areas at the next meeting.
- The meeting was concluded at 17:00
- Next meeting scheduled for 05/08/2020 at 14:30.

# The CoW Working Group<sup>28</sup>

## Summary of Meeting:

<b>Date</b>	05 August 2020
<b>Time</b>	14:30 – 16:30
<b>Location</b>	Immanuel Ngatjizeko Boardroom

## Working Group Members Present:

<b>Name</b>	<b>Representing</b>
Samuel Mutonga	CoW
Obrien Hekandjo	CoW
Maria Ndura	CoW Solid Waste
Elvis Mahoto	CoW Valuation Department
Ludwig Kapingana	Brakwater
Bert Laaser	Brakwater
Urda Laaser	Brakwater
Max Meyer	EAG
Hellmut von Ludwiger	EAG / WRRRA
Freya Lund	WRRRA
Chris Stöck	Farmers

## Apologies:

<b>Name</b>	<b>Representing</b>
Pierre van Rensburg	CoW
Helmut Halenke	Farmers
Ernst Simon	EAG
Sven von Blottnitz	WRRRA

## Points Discussed:

- Mr Mutonga welcomed all and chaired the meeting. The apologies were noted.
- All attendees introduced themselves.
- Mr von Ludwiger suggested that the parties approve the Minutes of the last meeting as circulated. All parties present agreed and the minutes were approved.
- Mr Mutonga summarised the meeting from 29/07/2020. The purpose of today's meeting is to discuss the CoW's Valuation Process.
- Mr Mahoto explained the CoW's valuation process. The CoW is governed by the Local Authorities Act of 1992 and LA Amendment Act 3/2018, Sections 66 to 72 (Part XIV).
  - Process of valuation
    - Council resolution every 5 years, gazetted
    - Appointment of Principal Valuator and oath
    - Public is informed of valuation in the newspapers
    - Commencement of inspections for data collection
    - Provisional valuation roll is compiled

## The CoW Working Group

- Provisional roll is advertised in newspaper and made available for review at the CoW
- Queries/objections are reviewed by the Valuation Court
- If approved, the valuations become official thereafter
- How properties are valued: S.67(5)
  - Land – willing buyer willing seller/market valuation
    - Looking at recent sales
  - Improvements – estimated cost of construction (replacement cost) at time of valuation less depreciation
    - Dwelling
    - Garage
    - Stoep
    - Swimming pool, etc.
    - Excluding boundary wall, paving, etc
  - Mass valuations use average prices
  - Quantity surveyors are consulted where necessary
  - Each suburb has different rates and houses are graded (Grade A-D) with its own costs based on the type and quality of construction method used
- Mr Laaser enquired whether the CoW considers aspects like location, size, topography, access to services, economic potential, zoning, etc when valuing land values
  - Mr Elvis Mahoto explained that market valuations are based on similar markets. For example, how many 5ha portions with the same zoning have sold in Brakwater in the last 6 months and what their average price was
- Mr Laaser pointed out that the 2015 Valuation Roll seems to have 5ha plots in several areas (Brakwater, Aris, Kapps) that are priced exactly the same, N\$1,298,000
  - Mr Mutonga pointed out that the community needs to be educated on the Valuation Process and the effects thereof so that CoW valuations can be appropriately challenged in 2020.
- Mr Hekandjo enquired whether municipal valuations would be adjusted due to the economic downturn in Namibia. Mr Mutonga explained that the CoW is yet to decide what would happen if current market values fall below the 2015 Valuation Roll
- Mrs Lund explained that the valuation date is the 1<sup>st</sup> of February 2020. All data collected must reflect that date. There is however a +- 2-year delay between the date of valuation and Final Valuation Roll
- Mr von Ludwig suggested that Mr Laaser emails his questions to CoW so that feedback can be provided to the Working Group at the next meeting. Mr Laaser went through the questions from the Brakwater community and agreed to email them to the CoW. Mr Mutonga suggested that Mr Laaser has a meeting with Mr van Rensburg and Mr Hekandjo to discuss the zoning, subdivision, etc issues in Brakwater.
- Mr Kapingana enquired if there are other factors (aside from the market value) that affect the CoW's valuations of a specific property
  - Mr Elvis explained that there are 2 methods to determine a property's value

## The CoW <sup>30</sup> Working Group

- Method 1 – Value Affecting Method. This considers several factors such as location, access to services, etc. The CoW does not use this method
- Method 2 – Replacement Cost Value Method. This seems to be the preferred method by the CoW
- Mr Hekandjo enquired whether zoning is considered in the CoW's valuation process. Mr Elvis Mahoto confirmed that zoning is considered when calculating average market values
- Mr Elvis Mahoto explained that graduates (ex-students) were employed to collect data for the 2015 Valuation Roll. They were given a map and valuation card for each property. Improvements are noted on the card. The data is then processed by the CoW's officials to come up with the Provisional Valuation Roll
- Mrs Lund pointed out that a ~~Valuation~~ Valuators Council has been established but that it is currently not operational/functional
- Mr Stöck enquired whether the Municipal Valuation (land and improvements) is significantly lower than the average market prices in Windhoek
  - Mr Elvis Mahoto explained that the land is valued at Market Value for virgin land. Improvements are valued at Replacement Value. This does not take into account factors like boundary walls, paving, car ports, braai areas, etc
- Mr Laaser enquired what zoning the CoW uses for the extended boundary areas
  - Mr Elvis Mahoto explained that the properties are zoned correctly. E.g. Farms are zoned as farms
- Mr von Ludwig explained the situation at Finkenstein. Zoning, values and levies. It seems that all 2015 CoW valuations at Finkenstein use the same m<sup>2</sup> price. The community does not agree with this method of valuation. Mr Elvis Mahoto acknowledged the concern and suggested that it is discussed at a later stage.
- Mr Stöck pointed out that farms in CoW's surrounding areas need to be valued differently based on use. The farming community is happy to pay rates and taxes similar to the proposed Land Tax values. The Group agreed that farms need to be treated differently from the other stakeholders in the CoW's surrounding areas.
- Mr Elvis Mahoto suggested that the Working Group members familiarise themselves with the LA Act for the next meeting. This should be used as a legal framework for all discussions.
- Mrs Lund pointed out that the CoW has 18 zoning categories that each use a different rate for valuations. The definition of the zoning categories is unknown ~~categories do not seem to be defined anywhere. This is causing confusion.~~ The suggestion was made that Estates should get a separate zoning category.
- Mrs Maria Ndura explained CoW's Waste Management charge. The CoW uses the valuations to calculate the applicable charge. The funds are used for street cleaning, open spaces cleaning, etc.
  - Mr Laaser enquired who is responsible for street cleaning in Brakwater. Mrs Ndura will follow up and provide a contact person.
  - Mr Meyer enquired what the rationale is behind charging the Estates the Waste Management fee. Mr Hekandjo explained that the residents pay for the privilege of having a clean city. Thus, Waste Management is charged

## The CoW Working Group<sup>31</sup>

across the board. Refuse Removal is only charged to households with a dustbin.

- Mrs Lund emphasised that Waste Management is a service charge. Thus, it should be de-linked from property valuations. There was a court case in South Africa which can be used as precedent by the Working Group. The proposal is to rather charge a fixed amount per account, irrespective of the valuation of the property. If you do not get that service, there should be no charge e.g. Finkenstein
- Mr von Ludwig emphasised that the purpose of the Working Group is to find a solution for the CoW's outlying areas. These areas are fundamentally different from properties in the City. If this principle is not agreed on, there is no use for the Group's existence. Mr Hekandjo responded that he has an issue with using the availability or level of services to determine a separate tariff, as that argument could then also be used in Windhoek proper. It was noted that availability of services was the basis used by the consultant Alwyn Laubscher in 2012 and everybody had agreed to it at the time. On this basis Mr van Rensburg had shared the budget spreadsheet, which the EAG and Brakwater completed and presented at the previous meeting. The Working Group might have to find a different basis for a separate tariff.
- The meeting was concluded at 17:00
- Next meeting scheduled for 19/08/2020 at 14:30. The date might have to be changed to a date on which Mr van Rensburg can attend. The purpose of the meeting will be to agree on the basis to determine a separate rates and taxes tariff for the extended boundary areas, incl. Brakwater.

ANNEX  
extract of 32<sup>nd</sup> Verbatim Minutes

MEETING OF  
THE WORKING GROUP  
ON RATES & TAXES

27 August 2020

Audio Recording

(Duration 02:44:41)

10

IN ATTENDANCE:

(WRRRA)

MR HELLMUTT VON LUDWIGER

MS FREYA LUND

(WHK FARMER VEREIN)

MR CHRIS STÖCK

(CoW)

MR SAMUEL MUTONGA (CHAIR)

MR O'BRIEN HEKANDJO

MR PIERRE VAN RENSBURG

(BAC)

MR BERT LAASER

MR LUDWIG KAPINGANA

20

ON RESUMPTION ON 2020.08.27

MR S MUTONGA: Good afternoon.

MR S MUTONGA: struggling to follow sequencing. if we need to agree on the agenda before you approve the min,

MS F LUND: Can we please introduce each other?  
clockwise

MR L KAPINGANA: Ludwig Kapingana, Brakwater.

MR O HEKANDJO: O'Brien Hekandjo, City of Windhoek.

MR S MUTONGA: Samuel Mutonga, City of Windhoek.

10 MR B LAASER: Bert Laaser, Brakwater.

MR P VAN RENSBURG: Pierre van Rensburg, City of Windhoek.

MR H VON LUDWIGER: Hellmuth von Ludwiger, Estates Action Group (EAG) and Windhoek Residents and Ratepayers Association (WRRRA).

MS F LUND: Freya Lund, Windhoek Residents and Ratepayers Association (WRRRA).

MR C STÖCK: Christiaan Stöck, Windhoek Farmer Verein.

20 MS F LUND: don't two or three people speak at the same time.

MR S MUTONGA: we can agree on the agenda, then approve the minutes

MS F LUND: correction?

MS F LUND: Council for the valuers, is still not constituted officially,

MR H VON LUDWIGER: a matter arising or a amendment to the minutes?

MS F LUND: a matter arising ...

MR O HEKANDJO: propose we just use the minutes as an annotated agenda.

MR H VON LUDWIGER: That the minutes ...

10 MR H VON LUDWIGER: become the agenda?

MR O HEKANDJO: an annotated agenda, we just work on that document, or always a new agenda every time?

MR H VON LUDWIGER: That depends. The meeting last time was focused on valuations ...

but I think they shouldn't be the focus of this working group.

should be addressed in a separate forum, between Brakwater and Valuations?

MR B LAASER: copy of the final roll, we're expected to  
20 pay for it. fix up their mess on their own. six hundred (600) properties, that amount irregularities, what's going on in Windhoek on farms in the evaluation roll? the whole roll has to be sorted out if we're going to

determine the extended boundary areas' rates and taxes on that basis,

MR B LAASER: No, no, the 2015 final roll.

MR B LAASER: the Working Group should be looking at that document should be readily available to us. I'm not spend a thousand three hundred bucks (N\$1, 300-00) we've been working on the provisional.

MR S MUTONGA: there is nothing you can do about the valuation roll was approved by the Court by that time.

10 MR S MUTONGA: They are busy with the valuation. they are preparing, that's the only thing you be able to fix, other time there was a court and opportunity to everyone to fix, but they never came, once it's gazetted nothing you can do about it.

MR L KAPINGANA: their opinion we were granted an opportunity and we didn't take up that opportunity.

MR L KAPINGANA: on this forum there are opinions we can't look at the services, we need to look at the valuations, Bert's point is those valuations are flawed.

20 if they started with the new process they will use the previous valuations as a starting point

MR L KAPINGANA: how can we use that information if we say we've got issues with that?

[Special Municipal Council Minutes: 2018-07-12]

8.7.2

**GOV.2 [FCS] POLICY FOR THE CHARGING  
OF MUNICIPAL FEES TO THE EXTENDED  
BOUNDARY AREAS OF THE CITY  
OF WINDHOEK  
(16/15/3/1/1)**

On proposal by Councillor Ms BE Cornelius, seconded by Councillor Ms M Ukeva, it was

**RESOLVED**

- 1 That the need to charge municipal fees to the extended boundary areas of Windhoek, be noted.
- 2 That the charging of municipal fees to the estates of Finkenstein, Sungate, Regenstein, Omeya, Herboth's Blick, Brakwater Industrial Estate, Nubuamis Industrial Park, Kempinski and all other townships within the extended boundaries of Windhoek, be noted and approved.
- 3 That the tariff promulgated for and applicable to the charging of rates to all extended boundary areas of Windhoek apply equally to Brakwater.
- 4 That the municipal fees chargeable to the extended boundary areas of Windhoek be limited only to rates and waste management fees, at the appropriate tariffs.
- 5 That the Strategic Executive: Finance and Customer Services be authorised to apply the same tariff factor for Windhoek to Finkenstein, Sungate, Regenstein, Omeya, Herboth's Blick, Brakwater Industrial Estate, Nubuamis Industrial Park, Kempinski and all other townships within the extended boundaries of Windhoek with effect from 1 August 2018.
- 6 That the Strategic Executive: Finance and Customer Services, jointly with the Chief Executive Officer (Corporate Legal Adviser), be authorised to take the necessary actions for the promulgation of the above tariffs.
- 7 That the Strategic Executive: Information and Communication Technology ensure that all information of property owners in the extended boundaries be captured on the system to be able to create the necessary accounts.
- 8 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 196/07/2018**

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[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**

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[Municipal Council Minutes: 2008-11-26]

**8.3.31 IEC.1 [PLA] REACTIVATION OF THE  
BRAKWATER ADVISORY COMMITTEE  
(L/Brakwater/W)**

On proposal by Councillor Ms E Trepper, it was

**RESOLVED**

- 1 That the Brakwater Advisory Committee established by virtue of Council Resolution 375/11/2000, attached as page 403 to the agenda, in terms of section 26(1) of the Local Authorities Act, 1992 (Act 23 of 1992) as an advisory body to advise Management Committee, be reactivated.
- 2 That the Terms of Reference for the Brakwater Advisory Committee be as follows:
  - 2.1 To serve as the official Communication Forum between the City of Windhoek and the greater Brakwater area residents for all matters related to the greater Brakwater area, including development, environmental protection, service provision, health and safety issues and any other matters pertaining to the area.
- 3 That for the purpose of this committee and communication between the City of Windhoek and the Brakwater residents, development refers to:
  - 3.1 Notification of all town planning applications pertaining to the area, with particular discussion of:
    - 3.1.1 Rezoning and consent uses outside the provisions of the Brakwater Policy Guideline Document;
    - 3.1.2 Subdivisions outside the provisions of the Brakwater Policy Guideline Document;
    - 3.1.3 Township establishments; and
    - 3.1.4 Enforcement of violations of the rules governing development.
  - 3.2 Planning for and development of bulk infrastructure:
    - 3.2.1 Arterials and roads;
    - 3.2.2 Sewer;
    - 3.2.3 Water;
    - 3.2.4 Electricity;
    - 3.2.5 Waste removal; and
    - 3.2.6 As well as internal reticulation network
- 4 That environmental issues include strategies to address issues such as litter, pollution and wood-chopping, as well as overall environmental protection and information on environmental impact assessments and feasibility studies of projects which will have an impact on the greater Brakwater area.

- 5 That service provision include issues pertaining to the City Police, fire brigade, road maintenance and any other services provided by the City of Windhoek and to the rate structure for the greater Brakwater area.
- 6 That health and safety issues include issues relating to crime, security, relationships between the greater Brakwater area and surrounding communities and development in adjacent areas that could have an impact on the greater Brakwater area.
- 7 That all current and future decisions by the City of Windhoek for the greater Brakwater area pertaining to any of the above as well as any other service delivery by the City of Windhoek be in terms of the Local Authorities Act, 1992 (Act 23 of 1992).
- 8 The Brakwater Advisory Committee comprise of the following members:
  - 1 x Councillor, i.e. Councillor GH Kamatuka (with nominated substitute);
  - 2 x Department of Planning, Urbanisation and Environment;
  - 2 x Brakwater north;
  - 2 x Brakwater south;
  - 2 x Emmarentia;
  - 2 x Nubuamis Hills east;
  - 2 x Nubuamis Hills west;
  - 2 x Nubuamis Hills; and
  - Additional members will be appointed as and when the need arises.
- 9 That the Strategic Executives from the other Departments note that from time to time it would be necessary that officials from those departments attend the Brakwater Advisory Committee meetings to provide information, advice or feedback for the Brakwater Advisory Committee's discussions and decisions.
- 10 That the City of Windhoek evaluate and approve all development proposals in terms of the development guideline document.
- 11 That the Brakwater Advisory Committee not give comments on applications that fall within the provisions of the policy guideline document.
- 12 That the normal process of appeal to the Minister of Regional and Local Government, Housing and Rural Development, apply for the Brakwater Advisory Committee or an individual applicant.
- 13 That Councillor Ms MH Veico serve as an alternate member for Councillor GH Kamatuka on the Brakwater Advisory Committee.

**RESOLUTION 433/11/2008**

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[Municipal Council Minutes: 2020-05-28]

**1.1.10 FNS.6 [FCS] RATES AND TAXES AND SOLID WASTE MANAGEMENT FEE FOR THE EXTENDED BOUNDARIES – INTERIM ARRANGEMENT (5/2/2)**

On proposal by Councillor M Shiikwa, it was

**RESOLVED**

- 1 That the events leading to proposal of an **interim** tariff for rates and taxes and waste management for Brakwater and extended boundaries residents, be noted.
- 2 That interim rates and taxes tariff and solid waste management factors for properties in Brakwater and the extended boundaries, be approved as follows:

Tariff	Proposed interim tariff (extended boundaries)	
	Monthly (N\$)	Annual (N\$)
Land	0.000184	0.0002208
Site (improvements)	0.000109	0.0013080
Solid Waste Management	0.0000448	0.0005376

- 2.1 That the tariff be valid for a period of no more than six (6) months from the date of the Government Gazette.
- 2.2 That the tariff be backdated to 1 August 2018.
- 3 That all penalty tariffs (interest and other charges) be reversed for the period from 1 August 2018 until the implementation date of the tariff in paragraph 2 above.
- 4 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 145/05/2020**

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[Municipal Council Minutes: 2020-11-12(19)]

2.20

**FNS.9 [FCS] RATES AND TAXES AND  
SOLID WASTE MANAGEMENT FEE FOR  
EXTENDED BOUNDARIES, INTERIM  
ARRANGEMENT – REQUEST  
FOR EXTENSION  
(5/2/2)**

On proposal by Councillor M Shiikwa, it was

**RESOLVED**

- 1 That the approved interim rates and taxes and waste management fee for Brakwater and extended boundary property owners as per Council Resolution 145/05/2020, be noted. [This does not amount to further increase.]
- 2 That progress in the consultation to date, be noted.
- 3 That an extension of the interim tariff for rates and taxes and waste management for Brakwater and extended boundary property owners until 30 June 2021, be approved.
- 4 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 404/11/2020**

[Municipal Council Minutes: 2021-06-24]

1.3.6

**FNS.2 [FCS] RATES AND TAXES AND  
SOLID WASTE MANAGEMENT  
FEE FOR EXTENDED BOUNDARIES,  
INTERIM ARRANGEMENT –  
REQUEST FOR EXTENSION  
(5/2/2)**

On proposal by Councillor FN Hambuda, it was

**RESOLVED**

- 1 That the approved interim rates and taxes and waste management fee for Brakwater and the extended boundary property owners as per Council Resolutions 145/05/2020 and 404/11/2020, be noted.
- 2 That progress in the consultation to date, be noted.
- 3 That an extension of the interim tariff for rates and taxes and waste management for Brakwater and extended boundary property owners until 31 October 2021 or as soon as the process can be concluded, whichever come first, be approved.
- 4 That the Brakwater properties zoned as 'business' be specifically excluded from this interim arrangement and that the normal rates and taxes be applied to these properties.
- 5 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 140/06/2021**

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[Municipal Council Minutes: 2021-11-30(18)]

9.2.29

**FNS.22 [FCS] RATES AND TAXES AND  
SOLID WASTE MANAGEMENT FEE  
FOR EXTENDED BOUNDARIES, FINAL  
TARIFFS TO BE GAZETTED  
(1/3/2)**

On proposal by Councillor Ms N Larandja, it was

**RESOLVED**

- 1 That it be noted that a final proposal will be made as follows to the working group:
  - 1.1 That all small holdings and other properties being used for commercial purposes (excluding for agricultural purposes) be specifically excluded from this special arrangement and that the **normal** rates and taxes and waste management charges be applied to these properties.
  - 1.2 That farm and small holdings used for mainly agriculture purposes be charged 25 % of the normal rates and taxes tariff on site value and improvement values, and that this also apply to waste management charges tariff.
  - 1.3 That these farmers and owners of small holdings mainly used for agriculture purposes be required to apply and provide proof that they are using these properties for that purposes.
    - 1.3.1 That inspections be performed by Council to verify the information provided.
    - 1.3.2 That a formal definition of a small holding be determined and communicated as part of the communication of the final rates as proposed.
  - 1.4 That all other small holdings and other properties (excluding those in paragraphs 1.1 and 1.2 above), in the extended boundaries be charged at 100 % of the normal rates and taxes and waste management charges tariffs on site and improvement values and that it be implemented as follows:
 

Current interim rate until 31 October 2021 and until final rates are gazetted	20 %
Increase after approval and gazette	75 %
Increase 1 July 2022	100 %
  - 1.4.1 That the definition of other small holdings be linked to the definition referred to in paragraphs 1.3 to 1.3.2 above.
  - 1.5 That the interim tariff apply until the abovementioned tariffs are gazetted.
- 2 That condonation be granted to extend the current interim rate from 1 November 2021 until Council's approval.

- 3 That the interim tariff continue to be charged until the above tariffs are gazetted.
- 4 That it be noted that in terms of the previous Council Resolution, the working group who represents all interest groups have been consulted but that a deadlock was reached in the discussion.
  - 4.1 That final presentations be made to the working group who represent their interest groups to communicate the final decision of Council and the implementation thereof.
- 5 That after the final working group meeting the Strategic Executive: Finance and Customer Services submit the rates to Council for formal approval.
- 6 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 264/11/2021**

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THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

JUDGMENT

Reportable

Case No: 20634/2014

In the matter between:

**BLAIR ATHOLL HOMEOWNERS ASSOCIATION  
WRAYPEX (PTY) LIMITED  
ROBERT SEAN WRAY**

**FIRST APPELLANT  
SECOND APPELLANT  
THIRD APPELLANT**

and

**THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

**RESPONDENT**

**Neutral Citation:** *Blair Atholl Homeowners Association v The City of Tshwane Metropolitan Municipality* (20634/2014) [2015] ZASCA 195 (1 December 2015)

**Coram:** Lewis, Cachalia, Tshiqi, Pillay and Dambuza JJA

**Heard:** 13 November 2015

**Delivered:** 1 December 2015

**Summary:** Review – Section 3(3)(a) of Local Government: Municipal Property Rates Act 6 of 2004 – council resolution not to exempt ratepayers, who provide their own services, from paying rates – whether equitable.

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**ORDER**

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**On appeal from:** Gauteng Division of the High Court, Pretoria (Murphy J sitting as court of first instance):

The appeal is dismissed with costs, including the costs of two counsel.

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**JUDGMENT**

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**Cachalia JA (Lewis, Tshiqi, Pillay and Dambuza JJA concurring)**

[1] This is an appeal against a judgment of the Gauteng Division of the High Court (Murphy J) dismissing an application to review and set aside a rates policy of the City of Tshwane Municipality (the City) for a private residential complex known as the Blair Atholl Estate. The policy was adopted by way of a council resolution on 4 May 2011.

[2] The three applicants in the high court were the Blair Atholl Homeowners Association, of which all the individual property owners are members, Wrapex (Pty) Ltd, the developer and 'township owner' of the estate as well as a member of the Homeowners Association, and Mr Robert Wray, who was a member of the Homeowners Association (but no longer is) and is a director of the developer. They were granted leave to appeal to this court against the dismissal of their application. On the day before the appeal was heard, the Homeowners Association delivered a notice withdrawing its appeal. Senior and junior counsel, who had been briefed in the matter and had prepared written submissions, had to withdraw.

[3] Mr Theron and Ms Freese were then instructed to argue the appeal. They were placed in an invidious position having had virtually no time to prepare, but adopted their predecessors' main submission and soldiered on for the two remaining appellants. When the hearing commenced Mr Theron explained that Mr Wray, the third appellant, was no longer a member of the Homeowners Association and did not own any property on the Estate. He thus had no standing to continue with the appeal in his personal capacity. The developer, however, persists in the appeal as the sole remaining appellant. As it is no longer a member of the Homeowners Association, the only basis upon which it now claims to have standing is as the township owner, an issue to which I shall later return. It is convenient to refer to the appellants collectively.

[4] The appellants' complaint is that the City's rates policy is inequitable, and thus unlawful, because it imposes the same liability for rates on property owners of the estate as for other differently situated ratepayers. They believe that they are entitled to be treated differently from other property owners in the City's jurisdiction because they provide and maintain their own services and thus qualify for an exemption, a reduction, or a rebate in rates. Section 3(3) of the Local Government: Municipal Property Rates Act 6 of 2004 (the Rates Act), which calls for rates policies to be equitable, and envisages a rates differentiation for different categories of properties (determined under s 8), is the focus of this dispute.

[5] The facts, which were fully set out in the judgment of the high court, are briefly these: The Blair Atholl Estate is an upmarket residential development with a golf course, located 50 kilometres west of Pretoria. It is some 600 hectares in size and has 329 stands. The estate's recreational facilities include a restaurant, swimming pool, tennis courts and a wellness centre.

[6] The development was approved as a township, subject to specific conditions, under the Town-Planning and Townships Ordinance 15 of 1986. This was because the relevant area fell outside the City's priority areas for the establishment of new

townships, and had no water and sewerage services. So, approval was given on condition that the developer installed these services.

[7] To this end, in 2006, the developer and the City concluded an 'Engineering Services Agreement' (ESA), so styled because the developer undertook to install all engineering services for which municipalities are usually responsible. The services included water, electricity, sewerage networks, storm water drainage systems, and road infrastructure. The Homeowners Association, whose establishment was one of the conditions in the ESA, became responsible for the maintenance of the services inside the estate. The residents, who are obliged to be members of the association, pay a monthly levy to it to cover these costs. The City maintains the services outside the estate, including the supply of water, for which the residents pay, but it does not raise sewerage charges.

[8] It is of some significance that the ESA specifically provided for rates to be levied according to the City's policies once the township was proclaimed. It made no provision for, nor did it expressly envisage, the township to be treated as a different category of rateable property. In fact on any fair reading of the relevant clauses of the ESA, the contrary was envisaged – rates would be levied as usual, as with other residential property. I shall return to this question.

[9] In April 2011 the City published a draft rates policy inviting the public to comment on it. The appellants made written representations in response to the City's invitation running into some thirty pages. In summary, they made the following argument:

(a) The rates policy recognises only one category of residential property and one category of vacant land. In regard to residential property this means that all properties in this category attract the same rates. But, this does not take into account Blair Atholl's unique position of being located a distance from the urban area and not having to rely on the City for its internal services. Its property owners pay levies to

the Homeowners Association for the maintenance of essential services. So, the additional rates the City demands for the same services are inequitable because the property owners pay, but do not benefit from, these rates in the same way that other property owners located close to the City's amenities do. The rates therefore constitute an improperly imposed double tax.

(b) In regard to vacant land inside the estate, ie land the developer has not yet transferred to a first time recipient, there should also be a separate category for which the developer is exempt from paying rates, and first time recipients should likewise not have to pay rates for the first two years, while they are developing it. This is to give recognition to the important role of developers in township development.

(c) Section 3 of the Rates Act compels a municipality to adopt a rates policy that is equitable, meaning that geographic locality and the provision of engineering services must be taken into account. The City is obliged to create a specific category for 'privately owned towns serviced by the owner' such as Blair Atholl as provided for in s 8(2)(j) of the Rates Act.<sup>1</sup> It should have a capped property tax of R570.50 per erf, escalated annually at the municipal cost index.

[10] On 4 May 2011 the City's Council, an elected body, met to approve the draft rates policy and draft by-laws, and after considering the appellants' oral and written submissions resolved to reject the appellants' demand for a separate category of rateable property in its rates policy. The city's documentation, placed before council, noted that the Rates Act did not define the category of 'privately owned towns serviced by the owner'. It stated, however, that the conventional understanding of this concept is a township with a single owner that provides all developmental, social, functional and infrastructural services, including approving building plans. It also attends to its own town-planning as mining residential townships do. Importantly, it has full jurisdictional powers over the township as an 'own-municipality'. The basis of how Blair Atholl came to be developed, underpinned by

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<sup>1</sup> In 2011, s 8(2)(j) of the Rates Act provided for a category of 'privately owned towns serviced by the owner'. Section 8 was repealed and substituted by s 6 of Act 29 of 2014. The section no longer provides specifically for this category of rateable property.

the ESA, which explicitly recognised that the City would levy assessment rates in accordance with its policies, therefore precluded this estate from being understood as falling within this concept.

[11] As to the appellants' main complaint, that it was inequitable to have to pay the same rates as other property owners who rely on the municipality for services, the documents before council explained the policy rationale for rejecting the linkage between rates and services: rates, it stated, are a property tax. They are imposed on all rateable property in a municipality and are not linked to services, such as water, waste removal and electricity that property owners pay in respect of the property. Unlike the costs for services, there are no measurable benefits from the payment of property taxes. There may be indirect benefits such as the use of parks, libraries, public health and law enforcement services, which may be referred to as collective goods and services. For these services everyone pays, whether or not they are used. Rates policy is also based on affordability and the principle of a progressive sliding scale; the higher the value of the property the more the owner pays.

[12] The resolution concluded thus:

'[P]roperty tax is not payable upon receiving basic services. The taxpayers do not receive direct or measurable benefits from the payment of property tax and the value of the benefit, which an individual derives, cannot be quantified. It is the responsibility of an individual property owner to pay property tax irrespective of receiving a direct benefit from making use of collective services. The lesser the number of properties, subject to property rates, the smaller becomes the tax base of the municipality. The more exceptions and rebates granted, the greater the tax burden becomes to the property owners whose properties remain subject to non-discounted rates. Exceptions also create precedents and expectations that could not be afforded by the remaining tax payers . . . [T]he Blair Atholl Development is not entitled to any reduction on rates and taxes or any preferential treatment.'

[13] Aggrieved by this outcome the appellants instituted review proceedings against the City in the court below to set aside the resolution. They asserted that the

decision was reviewable under s 6 of Promotion of Administrative Justice Act 3 of 2000 (PAJA) as an administrative action because the council did not follow the proper procedure prescribed by the Rates Act and that: it failed to properly consider their representations; the decision not to create a separate category of rateable property was irrational because it failed to take into account the link between property rates and services; and it was inequitable because it levied the same rates against Blair Atholl's property owners as it did against other property owners, who also live in high income areas, despite the fact they do not provide their own services.

[14] The learned judge, however, correctly pointed out that a council resolution on rates policy was a legislative decision taken by an elected body. It was therefore reviewable, not as an administrative action under PAJA, but only under the principle of legality on the grounds of irrationality. He therefore approached the review application on this basis. And he also considered the appellants' new contention – not properly or clearly advanced on the papers – that the rates policy was inequitable and contravened s 3(3)(a) of the Rates Act. The procedural challenges, which failed before the court below, have now been abandoned and need not be further considered.

[15] The appellants also abandoned the specific relief they sought compelling the City to create a category of rateable property for 'privately owned towns serviced by the owner' and a category of 'vacant land' owned by developers that would be exempt from rates. In this regard they accepted that a municipality may determine a category of rateable property from the list of categories identified in s 8(2) of the Rates Act for the purposes of determining differential rates and the amount it wishes to levy.<sup>2</sup> And also, that in making this determination the council has a wide discretion. Put simply, it exercises a policy choice, which a court will be slow to second-guess.

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<sup>2</sup> *City of Tshwane v Marius Blom & G C Germishuizen Inc & another* [2013] ZASCA 88; 2014 (1) SA 341 (SCA) paras 16-18.

[16] So, while the appellants accept that courts may not impose their own preferences on a municipality regarding the choice of category of rateable property, its case now is that the rates policy adopted on 4 May 2011 did not meet the threshold requirement of equitability in s 3(3)(a) of the Rates Act. This is because it imposed a rates burden on the property owners of Blair Atholl that other differently situated ratepayers do not bear. The policy, they contend, therefore falls to be set aside on this basis.

[17] Furthermore, it is contended that the imposition of this additional burden is irrational because it is not rationally connected to the objectives of the Rates Act. The appellants' papers confusingly attempt to draw a distinction between their inequitably and irrationality challenges; they are effectively one and the same. And I shall deal with them as such.

[18] The power of municipalities to levy rates on property is an original power derived from s 229(1)(a) of the Constitution. Rates are levied on the value of property to cover the running costs of a municipality, and to achieve its objects.<sup>3</sup> The statute regulating the exercise of this power is the Rates Act.

[19] Section 3 regulates the adoption and content of rates policy. Section 3(1) imposes a duty on the council of a municipality to adopt a rates policy, and s 3(3)(a), which is at the centre of this dispute, requires the policy to be equitable; fair, in other words. The principle underlying an equitable rates policy is that similarly situated ratepayers are liable for the same rates; and, where a policy differentiates between ratepayers, it must do so fairly.

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<sup>3</sup> Section 152(1) of the Constitution says that the objects of local government are:

- (a) to provide democratic and accountable government for local communities;
- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organisations in the matters of local government.'

[20] To this end a rates policy must determine criteria if the council levies differential rates for categories of properties; exempts, reduces or grants a rebate to any category; or increases or decreases rates.<sup>4</sup> It must also provide criteria for determining categories of properties liable for different rates.<sup>5</sup> Fairness also entails any exemptions, rebates or reductions to be justified by reasons.<sup>6</sup> The importance of stated criteria and the obligation to provide reasons is that they are open to legal challenge – albeit on narrow grounds, because they involve policy questions. It must also be borne in mind that municipalities are not obliged to levy differential rates for different categories of rateable property or create different categories for this purpose.

[21] Another aspect of the equitability principle is that rates policy must take into account its effects: on the poor and include measures to alleviate them;<sup>7</sup> on organisations that conduct public benefit activities that are exempted from income tax;<sup>8</sup> and on public service infrastructure.<sup>9</sup> The policy must also allow the municipality to promote local social and economic development.<sup>10</sup> This necessarily implies that some ratepayers – those who have the means to own more valuable properties – must perforce shoulder a heavier burden for these taxes.

[22] Another injunction in the Rates Act is that a rates policy providing for exemptions, rebates or reductions must comply with a national framework as may be prescribed after consultation with organised local government.<sup>11</sup> This is to avoid the knock-on effect that a policy, which allows exemptions, reductions or rebates in one municipality, may have on other municipalities.

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<sup>4</sup> Section 3(b).

<sup>5</sup> Section 3(c).

<sup>6</sup> Section 3(e).

<sup>7</sup> Section 3(f).

<sup>8</sup> Section 3(g).

<sup>9</sup> Section 3(h).

<sup>10</sup> Section 3(i).

<sup>11</sup> Section 3(5).

[23] The adoption of a rates policy is therefore quintessentially a political decision that involves balancing the interests of various parties. It is underpinned by the principle of equitability in s 3(3)(a). And even though the adoption of a rates policy is subject to legal challenge for failure to adhere to this principle, the judicial branch of government will be circumspect before it interferes with a council's assessment of what is equitable.<sup>12</sup>

[24] I turn to consider the appellant's equitably complaint. As I have mentioned earlier, this case was not made out pertinently on the papers. The appellants' representations to the City were aimed at securing the creation of two categories of rateable property that would qualify for a rates reduction and exemption: a privately owned town serviced by the owner and vacant land. The impugned resolution rejected the submission for the reasons mentioned. That was the case they brought to court; hence the orders sought were to compel the City to establish a different category of rateable property for Blair Atholl. That relief has now been abandoned and what remains is only the prayer for the resolution to be set aside.

[25] The case now made out, as I understand it, is that Blair Atholl's property owners were treated inequitably since: their particular circumstances and peculiar context were not factored into the rates imposed; their geographic location was ignored; and their interests were not appropriately balanced with those of differently situated communities, who pay equivalent rates and enjoy access to municipal services that Blair Atholl residents do not.

[26] Stripped of the verbiage the essential complaint is that property owners in Blair Atholl should not be made to pay equivalent rates to other differently situated communities as they provide and pay for their own basic services, while not having access to other communal services because of its geographic location.

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<sup>12</sup> See generally N Steytler & J de Visser *Local Government in South Africa* (Issue 8, October 2014) Chapter 13, para 2.1.3.

[27] But this challenge fails at its first hurdle, for it assumes there is, or ought to be, a fair relationship between the services a municipality provides its ratepayers and the rates they are liable to pay. In this regard the court a quo observed correctly that s 229(1)(a)<sup>13</sup> of the Constitution distinguishes between rates and surcharges: the latter may be imposed for services the municipality provides, while the former bears no such constraint. In addition we were referred to no provision in the Rates Act that supports the appellants' contention. In fact, the contrary is true. Ratepayers who have the means are required to bear an additional burden to subsidise those who cannot afford to pay for their services. Rates also support local social and economic development, unrelated to the provision of services.

[28] The City's policy document, to which I have referred earlier, explicitly eschews any link between rates and services. That policy was not challenged. What is contested is the application of the policy to Blair Atholl. In this regard the reasons given in the council resolution for refusing to create a policy exception for Blair Atholl are persuasive.<sup>14</sup> It follows that the appellant's attempt to link services with rates must founder.

[29] In regard to the specific complaint that the resolution does not factor in the peculiar context and geographic location of the Blair Atholl development, the short answer is that it does. The court below – again correctly – observed that the City and the developer entered into the EAS on the premise that the development would provide its own services as it fell beyond the reach of municipal services. The City agreed to supply water at the normal rate, and not to levy a sewerage charge, but made no similar concessions for property rates. On the contrary, the agreement explicitly provided for rates to be levied from the date of the proclamation of the township.

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<sup>13</sup> Section 229(1)(a) of the Constitution provides as follows:

'(1) Subject to subsections (2), (3) and (4), a municipality may impose –

(a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; . . . .'

<sup>14</sup> See para 12 above.

[30] Murphy J was thus correct in concluding that:

'There is accordingly no basis for any supposition on the part of the applicants supporting an equitable claim to exemption from (or reduction of) rates in exchange for the provision of services by them. The municipality approved the township on the understanding that it would not be burdened by an increased demand for services while retaining its right to levy rates on the residents of the estate.'

[31] The appellants also sought to interdict the City from claiming property rates from property owners of Blair Atholl for the period before 1 July 2008, a matter entirely unrelated to the present dispute. The court below refused this relief on the grounds that neither the requirements for an interdict, nor their standing to claim this relief, had been established. Counsel for the appellants did not press this issue, for good reason.

[32] I mentioned at the outset that the sole basis upon which the developer asserted a legal interest in the relief claimed was as township owner. But this case is about an equitable claim by the property owners of Blair Atholl, who as ratepayers belong to the Homeowners Association, to be treated differently as a group. This is because they are required to pay the association for services for which they are liable and rates to the City in accordance with the City's rates policy. The developer, on the other hand, is no longer a member of the association, and has no claim as owner of the remaining extent of the township to be treated differently. It will be recalled that its claim for an exemption from rates as the owner of 'vacant land', made in the representations to the City, was not part of relief sought in this case.

[33] In regard to the claim that the property owners were entitled to a prohibitory interdict against the City regarding the rates for the period preceding July 2008, there is no case made out that the developer, as owner only of the remaining extent of the township, was entitled to claim this relief. So, in regard to both the main and additional relief the developer alone seeks, it does not appear to have any legal

interest. However, in view of the conclusion to which I have come on the merits of the dispute, it is not necessary to decide this issue.

[34] The Homeowners Association withdrew its appeal belatedly, on the day before the hearing. It cannot avoid liability for the costs of the appeal. In the result the following order is made:

'The appeal is dismissed with costs, including the costs of two counsel.'

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**A Cachalia**  
**Judge of Appeal**

## APPEARANCES

For Second and Third Appellant: E L Theron SC (with S Freese) (heads of argument prepared by LGF Putter SC and H Varney)

Instructed by:

Schwartz-North Incorporated c/o A L Maree Incorporated, Pretoria

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For Respondent:

T Strydom SC (with T Mkhwanazi)

Instructed by:

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[Municipal Council Agenda: 2012-08-30]

8.1.2

**PBS.2 [INF] BRAKWATER BULK SERVICES  
MASTER PLAN – PRESENTATION OF  
ENGINEERING AND FINANCING DOCUMENTS  
(L/Brakwater)**

**Introduction**

In 1988, by virtue of the Official Gazette No. 5543 of 10 May 1988, Proclamation AG 14, the Brakwater area, which includes the following subdivided farms (subdivided into plots and sold to others), namely Nubuamis, Brakwater, Emmerentia, Döbra and Elisenheim, was removed from the operation of the Peri-Urban Development Board Ordinance, 1970. The boundaries of the Municipality of Windhoek were extended to include the abovementioned area, which is now called the 'Greater Brakwater Area'. In 1992 the transfer decided upon in 1988 was ratified in the Government Gazette No. 368 of 3 March 1992, Proclamation No. 6.

The Brakwater area (from now on called the 'Greater Brakwater Area') was included in the City of Windhoek Town Planning Scheme in 1995.

The developable ground within the Windhoek basin will reach its limits in the not too distant future. Developments in the Greater Brakwater Area (which to a very large extent is privately owned) by private developers are already in progress. The rate of development appears to be accelerating.

The mountainous area to the east and west of Windhoek will make development very expensive. To the south of the City the Groundwater Protection Area has already curtailed further developments in that direction. It is foreseen that Windhoek will soon start expanding in a northerly direction towards Brakwater and in future continuing towards Okahandja according to the Structure Plan for the Northern Peri Urban Areas.

The internal services of the private developments in the Greater Brakwater Area have to be provided by the owners/developers. The City of Windhoek is responsible for the construction of bulk services (arterial and collector roads, potable water and irrigation water supply, and waste water disposal) for all township developments there. The electrical bulk services will be included once the electricity distribution has been taken over by the City from NamPower.

The area under investigation is approximately 77 km<sup>2</sup> in size. In comparison the developed area of Windhoek amounts to ± 106 km<sup>2</sup>. The Greater Brakwater Area is therefore 73 % of the size of the current Windhoek area.

Shortly after the appointment of local consulting engineers for the engineering part of the Brakwater Bulk Services Master Plan project, a local environmental consulting firm was appointed to conduct an Environmental Impact Assessment (EIA) of the impact of the bulk services proposed by the appointed consulting engineers. The Environmental Division of the City's Department of

Planning, Urbanisation and Environment called for tenders and the consultant was appointed by the Local Tender Board. The environmental investigation also included a water point survey and sampling of the ground water in the area. The recommendations made on the findings of the Environmental Impact Assessment (EIA) were incorporated in the Master Plan. A separate submission by the Environment Division on the findings of the Environmental Impact Assessment (EIA) will be submitted to Council for approval.

The Greater Brakwater Area consists of private plots, private meaning not belonging to the City of Windhoek. Some of the owners have already developed or are in the process of developing or are planning residential/industrial areas on their properties. These are then sold to others. At present developments with plots smaller than 5 hectare, are controlled by way of policies and guidelines. These developers must provide township establishment implying internal streets, water distribution, waste water collection and electricity. All subdivisions with plot sizes of 5 hectare and larger do not require township establishment.

The City only owns a few strips of road reserve, which were obtained following a number of subdivisions of plots, and one reservoir site.

**What is however important to realise, is that townships can be developed on private land and the City does not need to buy out such land. Private developers, like Elisenheim, can subdivide and develop their land, which falls within the municipal boundaries of the City, under such rules and conditions as the City may specify. Public spaces such as municipal office land, land for streets and community services, parks and playgrounds can be specified by the City. The developer then has to develop the land and hand over, free of charge, the streets and services provided. These could include bulk infrastructure such as pump stations, reservoirs and treatment plants. This will however only be applicable to large developments.**

**After the erven so created have been sold by the developer, the new owners of the erven become City clients for services, exactly the same as if the City had developed and sold the erven.**

The provision of bulk infrastructure needs to be properly planned and co-ordinated and the existing and new satellite developments mentioned above need to be connected. Since most of the land is privately owned, the City cannot recoup the cost of providing internal services through the sale of erven as is done in Windhoek. These services must therefore be provided by the developers. The funds required for the construction of the bulk services must be recouped from the developers by other means.

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**A Report on the Implementation of an Infrastructure Development Charge Policy and Tariffs for the Greater Brakwater Area is attached as pages 5 – 59 to the agenda. The report will also be tabled at the meeting.**

## Bulk Services Master Plan (Engineering)

### 1 Introduction

On 27 May 2008 the Local Tender Board resolved that the tender for the Brakwater Master Plan (it was later renamed to Brakwater Bulk Services Master Plan) be awarded to a Joint Venture of the two (2) local consulting firms, Lithon and Kwezi V3 Engineers Namibia.

All the bulk services required for the Greater Brakwater Area were investigated with regard to routes, positions and preliminary sizes. The bulk services included in this exercise were arterial and collector roads, potable water reservoirs, water pumpstations, pumping mains and gravity pipelines, sewer gravity lines and small localised sewer treatment works (called package plants), and irrigation (semi-purified waste water) water pipelines and reservoirs.

The investigations for the Master Plan and the preliminary sizing of the bulk services were based on the Greater Brakwater Area being fully developed (to its maximum potential) into a number of industrial, business and residential townships.

As development takes places in a northerly direction, and downhill, sewage has to be treated at small sewer package plants positioned at strategic positions as an interim measure. When development reaches the northern boundary of the Greater Brakwater Area, a large sewer treatment plant could be constructed to treat all the waste water from the Greater Brakwater Area. This plant is not included in the Master Plan.

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In 2002 Council already per Resolution 41/02/2002, **attached as page 60 to the agenda**, resolved that the respective service departments take note of the envisaged urban development and make recommendations for future bulk service provision.

### 2 Public participation

The Terms of Reference (ToR) for the consulting services stipulated that, due to the fact that most of the land is privately owned, the Brakwater Advisory Committee (BAC) and Brakwater community had to be closely involved to ensure the general acceptance of the final Master Plan. During the course of the project regular meetings with the Brakwater Advisory Committee (BAC) and public meetings with owners of plots and Brakwater residents took place. This process was more complicated and time consuming than expected and resulted in an extension of the contract period from five (5) to fifteen (15) months. As the Master Plan will assist the City of Windhoek for the next thirty (30) to fifty (50) years, the value of a good product accepted by all the parties for the present and future development of the Greater Brakwater Area by far outweighs the ten (10) months longer contract period!

For the successful implementation of the bulk services projects the Brakwater property owners, residents and developers (Brakwater community) must be accepted as stakeholders by the City of Windhoek. The Brakwater community's involvement is required as most of the land is in its hands. The Brakwater Advisory Committee (BAC) had been recognised by Council as the official counterpart between the City and residents living in that area. There was agreement with the Brakwater Advisory Committee (BAC), that it would give its inputs with regard to applications for development in the Greater Brakwater Area. According to the Brakwater Advisory Committee (BAC), this undertaking is not always honoured. A request for street names for a number of streets in Brakwater (for easier and quicker response by the City Police, Ambulances and the Fire Brigade, and for deliveries) has to date not been attended to from the side of the City.

As this exercise creates a policy framework within which the private owners in Brakwater can develop in a way that ensures that they pay their dues for bulk services, good co-operation and goodwill of a number of Brakwater Advisory Committee (BAC) members and other Brakwater residents, the Bulk Services Master Plan and the Financing Plan had most certainly prevented the exercise from ending in failure. If however the implementation of the development charges and the construction of bulk services should be successful, the landowners in Brakwater should be seen as full partners and their rights and wishes respected.

### 3 District roads

The majority of future planned arterial roads were existing district roads, which were under the jurisdiction of the Roads Authority. These district roads were located over privately owned land and were registered as servitudes by virtue of proclamation over such privately owned land. The proclamations served as building restriction servitudes. Until recently the Roads Authority did not allow the City of Windhoek and others to place services within its district road servitudes. It required that municipal services (a number of bulk water pipelines were constructed by the City some time ago) had to be constructed outside the proclaimed road reserves, within private properties. This required negotiations with and the goodwill of a number of property owners.

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Council on 26 February 2009 per Resolution 15/02/2009, **attached as page 61 to the agenda**, resolved that the Strategic Executives: Transportation, and Infrastructure, Water and Waste Management apply to the Roads Authority for the taking over of the Brakwater Services Road (District Road 1491) from the Monte Christo Road in the south up to the Döbra Interchange in the north, inclusive of the link with Truck Road 1/6. At the same time the Roads Authority would be approached to allow the placing of municipal services within the proclamations of roads not included in the application.

The Roads Authority responded positively to the applications. It even requested the City to take over all the district roads. Proclamation of these roads by the Strategic Executive: Planning, Urbanisation and Environment still need to be finalised.

#### 4 Bulk water supply by Nam Water

With regard to the bulk supply of potable water, NamWater was concerned that the initially planned takeoffs to supply new reservoirs from direct connections to its pumping main would affect the pressure in the Von Bach to Windhoek pipeline. NamWater will in stead provide an off-take reservoir at Booster No. 2. The City then has to construct a pumpstation and pumping mains to distribute water from that reservoir to all the new reservoirs in the Greater Brakwater Area. This arrangement unfortunately increases the total bulk services costs. These are estimated at N\$1.238 billion (based on the 2009 prices) for all the bulk services (arterial roads, water and waste water services) to be constructed over an estimated period of thirty (30) years.

#### 5 Development criteria

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Council on 31 March 2004 per Resolution 87/03/2004, **attached as page 62 to the agenda**, inter alia resolved as follows:

- *That the alignments of Roads A2, A3 and A7 serving Emmerentia and Brakwater North, be approved in principle for inclusion in Amendment Scheme No. 66.*
- *That the respective routes only be constructed once approximately 80 % of the affected area for the specific road have subdivided into 5 hectare plots; initially only earthworks together with a gravel road will be provided; these will be systematically upgraded into arterial roads as warranted.*

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Council on 31 March 2004 per Resolution 105/03/2004, **attached as pages 63 – 64 to the agenda**, inter alia resolved as follows:

- *That the following item numbers be used in future for contributions from development projects in the peri-urban area:*
  - Item 9045/01/50338 (Betterment Contribution Fund – Brakwater)*
  - Item 9045/01/50339 (Endowment Fund – Brakwater)*
- *That all developers and owners of land take note that the City is not in a position to provide any bulk services at this stage and that it only seriously consider providing bulk services once 80 % of the area is being developed at a density of 1:500 m<sup>2</sup> or some other developmental level agreed at between the developer and the City.*

As almost the whole Greater Brakwater Area is in private hands (private meaning not owned by the City of Windhoek, which could have dictated development) and development depends on the speed of development by the private developers, the '80 % of the area' criteria cannot be applied. The development of Brakwater cannot be compared with the planned and orderly development of a township in the City. At this stage the development of the industrial area appears to be accelerating. The provision of bulk services will depend on the demand created by the private developers. Each case will have to be evaluated on merit. It is recommended that the abovementioned '80 % of the area' Council Resolutions be rescinded and that the Strategic Executive: Transportation, Strategic Executive: Infrastructure, Water and Waste Management and Strategic Executive: Planning, Urbanisation and Environment, following consultations with the Brakwater Advisory Committee (BAC) agree on the provision of bulk services in the Greater Brakwater Area as the need arises.

During the detail design stage the then applicable Brakwater Structure Plan has to be used to finalise the bulk services then required. Each project then has to be accompanied by its own Environmental Impact Assessment (EIA).

The Department of Planning, Urbanisation and Environment started with a new Structure Plan to replace the outdated Brakwater Policy Guidelines. As a Structure Plan is an important integral part of the bulk services project, this Structure Plan must be completed as soon as possible as the new financing model together with the new Structure Plan should be presented to the Ministry of Regional and Local Government, Housing and Rural Development for approval. At the same time the Namibian Planning and Advisory Board (NAMPAB) must be convinced to not accept any applications for development in Brakwater, which are submitted directly to the Ministry to bypass Council, and instruct the applicants to submit their applications to Council for approval.

It was earlier mentioned that especially industrial development is accelerating in the Greater Brakwater Area, mainly along the Windhoek to Okahandja road, from Ujams up to the Namibian Police (NAMPOL) roadblock. Unfortunately some uncontrolled illegal development is also taking place. This should be stopped by obtaining court orders to prevent this problem from growing and development becoming chaotic. Noxious businesses not allowed in Windhoek find their way to Brakwater as well. These problems should receive priority attention from the side of the City.

To date property owners applying for subdivisions in the area have to reserve 2 hectare portions for future City of Windhoek developments. As these portions do not line up to form usable ground (i.e. for a road reserve for a planned road) it will be very difficult to utilise this ground in future. This issue must be investigated and solved by the Department of Planning, Urbanisation and Environment.

## Bulk Services Master Plan (Financing Proposal)

### 1 Introduction

On 9 March 2010 the Local Tender Board resolved that the tender for 'Brakwater Bulk Services: Financing Alternatives Investigations' be awarded to Kwezi V3 Engineers Namibia. This company brought an independent external financial expert as sub-consultant on board.

With private land, the City cannot dictate development and cannot recover costs through erf sales.

During the bulk services consultations with the Brakwater Advisory Committee (BAC) and the Brakwater community the question on how the City intends financing the bulk services was frequently asked. As the situation in Brakwater differs from the situation in Windhoek, where the City provides internal and bulk services before selling land, it was decided to call for tenders for the investigation of the different development scenarios. In Brakwater the private developer provides the internal services, the City the required bulk services. The Terms of Reference (ToR) were drafted by the Strategic Executive: Infrastructure, Water and Waste Management, with inputs from the Strategic Executive: Finance and Strategic Executive: Planning, Urbanisation and Environment.

The appointed consultant had to assess the current situations in Windhoek and the Greater Brakwater Area with regard to rates and taxes, tariffs and other fees or monies being charged, and the application of these funds for the financing of the different services supplied by the City of Windhoek.

The Consultant further had to conduct a survey to establish which Brakwater property owners would:

- Not be interested in developing their properties beyond the current (private use) status, and who are supplying their own services;
- Not be interested in further development but would connect to new bulk services if these would be made available by the City; and
- Be interested in developing their properties by subdividing these to sell off portions, or by developing townships.

Following the above investigations, the Consultant had to investigate and recommend to the City a financing system inclusive of new revised rates and taxes, tariffs and other fees for the planned bulk infrastructure and services (capital, operational and maintenance). The revised rates and taxes and tariffs would have to take the current level of service available to each property into consideration. The study is based on the principle that the funding for the Brakwater bulk services would come from that area and not from the Windhoek ratepayers. Bridging financing will be required until funding originating from the Greater Brakwater Area is received.

## 2 Summary of Draft Report

Following the investigation the Consultant proposes the introduction of a policy of raising development charges from developers for their newly acquired development rights. These development charges will be used to fund the construction of the required bulk services.

The Consultant's report addresses the principles of charging development charges, the methodology of determining development charges and calculation and tabling of the first development charges. To make provision for inflation, the development charges have to be increased annually with the then published inflation rate.

The report further tables a financial model to guide the ongoing operational budget as development takes place.

As properties in Brakwater are 'privately owned' and the City has to construct bulk services on private property, the different needs of the residents have to be taken into consideration. This essentially means that the property owners only pay for services they utilise. The roads are used by all and therefore need to be paid for by the road users. Tariffs would change when properties would be connected to newly supplied water and/or waste water and other services.

Development in Brakwater will increase the value of the other properties as well. This will have to be taken into account during the regular property valuations. The biggest share of the costs for providing bulk services will be financed by those owners subdividing their properties and by township developers.

The research conducted by the Consultant included the studying of the Local Authorities Act, 1992 (Act 23 of 1992), the Town Planning Ordinance 18 of 1954 and the Town and Division of the Land Ordinance 11 of 1963. The existing Operational and Capital Budgets of Windhoek, the proposed spatial plan for Brakwater and the Brakwater Bulk Services Master Plan were also part of the investigations.

Following the drafting of a model of the existing income and expenditure budget structure of Windhoek, this structure was extrapolated to cover the envisaged developments in Brakwater. With this information and a projection of development densities, population growth, phased developments and the chronological order of developments, the Consultant created a Growth Model. This model is based on the maximum development potential of the area under investigation. From this a Financial Model with recommended tariffs, tax rates and development charge fees was developed. The models were then discussed with various City of Windhoek managers.

The Consultant compiled a detailed questionnaire, which was sent to the Brakwater landowners. This document included the landowners' desire to develop in the short, medium and long term, and their dependence on municipal bulk services. The results were used to get a spatial picture of the potential for future development of Brakwater, and to judge the level of acceptance by the community.

As specified in the Terms of Reference (ToR), the Brakwater residents had to participate in the process. Three (3) meetings were held with the Brakwater Advisory Committee (BAC) and two (2) with the Brakwater community. Final meetings with the Brakwater Advisory Committee (BAC) and the community to convey the final recommendations to Council were held on 11 and 12 May 2012 respectively. Two (2) weeks were then allowed for questions and inputs by the Brakwater community.

The project aims at rendering the following four (4) deliverables:

- A fair, legally enforceable and administratively easy to apply methodology for collecting money from developers for the provision of the bulk infrastructure for such developments. Collection would be by means of development charges. A Council Policy must be drafted to dictate the process to be followed and the tariffs to be charged;
- A calculation of the first set of development charges. (These are based on 2009 construction costs and need to be escalated by the annual inflation rate up to the year when used);
- An analysis of the current City of Windhoek budgets and the development of an interactive financial model that shows the implications on the income and expenditure budgets as development of Brakwater takes place; and
- A recommendation for a legal, fair and simplistic administrative process to apply rebates to the rates payable by the residents of Brakwater. These rebates address the levels of each service supplied by the City and are therefore aimed at taking into account that a resident in Brakwater does not enjoy the same level of service as a resident living in Windhoek. The rebates will be phased out as and when the level of service is improved to the same standard as in Windhoek. The rebates have to be determined and thereafter adjusted annually following consultations with the Brakwater Advisory Committee (BAC) and the Brakwater community to make provision for improving levels of service. If this process is not attended to, the City will lose additional income.

### 3 Development process

The fact that the land within Brakwater is privately owned makes it difficult to predict how and where developments will take place. Development is at random and demand driven and no fixed implementation schedule can therefore be generated. The City of Windhoek must therefore develop a sufficiently flexible implementation plan to accommodate diversified demand for development. This will serve as guideline for development of bulk services to ensure orderly and harmonious development over an extended period of time.

The City cannot force landowners to develop, but should be geared to regulate and manage the type of development when it occurs. The City should however exercise its rights (with the co-operation of the line Ministry, which previously accommodated the bypassing of the City's authority by giving approval to developments without the City's consent and also approving the non-payment of betterment levies and endowment) to also refuse development in areas where no bulk services are or will be available in the foreseeable future. The provision of these normally has the effect that it stimulates development, and the City should use this tool to drive development at the pace and in the areas that the City wants development. The availability of potable water and waste water treatment could be the determining factors for the regulation of new developments. Current satellite developments must be managed to ensure the eventual full integration thereof into the infrastructure systems and the development pattern envisaged for the area. These developments shall comply with the development criteria contained in the Brakwater Bulk Services Master Plan.

The estimated construction costs for the bulk infrastructure (water, waste water and arterial roads), which are based on the 2009 market related construction costs in the Windhoek area, amount to N\$1.238 billion. These costs include professional fees for the detail design and construction project management, but exclude fees for procurement of land, Environmental Impact Assessments (EIAs) and administrative fees of the City.

### 4 Development charges

The Consultant proposes the implementation of a development charge, which would replace betterment levies and endowment payments. Development charges are designed to cover the developer's portion of the external (bulk) infrastructure costs to be supplied by the City. All revenues from development charges must be used exclusively for the capital investment purpose cited to justify the fees. These cannot be used to finance other parts of the local capital budget or to contribute to the operational budget.

When a developer approaches the City, the development charges will be calculated and explained to the developer. The landowner/developer must sign an Acknowledgement of Debt, before approval of the development will be considered.

Special accounts need to be created on the financial system for Brakwater, one for each service. The development charges need to be distributed amongst these special accounts, proportionately. The Engineers in charge of the different services have to determine the distribution criteria.

The item numbers created in 2004 for Brakwater were never applied for the booking of betterment levies and endowment payments received from that area. The levies and payments received from the Greater Brakwater Area need to be established and transferred to the new special accounts.

For the calculation of development charges, weighted consumption based on the comparative consumption in the Brakwater Bulk Services Master Plan, the average usage per unit and total usage per phase must be determined. This must be used to divide the estimated capital cost for each service amongst the developers.

As the costs in the Brakwater Bulk Services Master Plan are based on the 2009 costs, these must be escalated to the time when the development charges are calculated and applied for a specific development. The results must then be compared to the actual construction costs in Windhoek or Brakwater at that stage to obtain a fair cost.

As the development charges received from a developer will not be sufficient for the City to construct the required bulk services (which are designed according to the requirements of the full development of the said area), the City will have to plan for and provide bridging finance from time to time in order to stimulate growth and development. The developer must be made aware that the provision of the required bulk infrastructure will take time. A developer could provide this infrastructure, or part of it in lieu of paying his development charges.

The application of a Development Charge Policy depends on proper communication and a fair level of negotiations between the relevant officials and the developer. This is largely affected by the availability of services and by the magnitude of the development. Large developments with big development charges generally find it easier to fund the outstanding services.

To ensure that the developer has been fully informed, a Memorandum of Understanding (MoU) shall be completed. All documentation will be forwarded to the City's Department of Planning, Urbanisation and Environment for processing. Once the official application has been received back from the department, the owner/developer must sign an Acknowledgement of Debt. The complete application is then submitted for approval. Thereafter the City and the owner/developer enter into a Service Agreement.

All developments already completed, those under construction and those approved before the implementation of the development charges, have to contribute to the bulk services costs as well. The developers and owners of already developed properties will have to provide proof that betterment levies and endowment payments were paid to the City before bulk services are provided. Where these levies and payments were not paid, development charges will become due to the City. Developers developing after the introduction of development charges cannot pay for those already established.

## 5 Tariffs

As the situation regarding municipal services in Brakwater differs from the situation in Windhoek, the Consultant also had to investigate the charging of tariffs in Brakwater. Tariffs have to be adjusted as and when municipal services are supplied. The Brakwater residents will only pay for municipal bulk services they receive. Interest and redemption on internal water and waste water infrastructure, which is provided by the developers, will not be payable.

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Growth models for water, sewage (waste water) and solid waste services were developed by the Consultant. Brakwater rates and property rates growth models were also addressed. Tables to compare the operating of revenue and expenditure for Windhoek and Brakwater are included in the report, **attached as pages 5 – 59 to the agenda**, for comparison.

Brakwater does not currently, and will not in the foreseeable future, enjoy the same level of service as Windhoek. This will remain true while Brakwater is developing. It would therefore be unfair to apply the Windhoek rates without introducing a rebate system. These rebates need to be determined annually together with the Brakwater Advisory Committee (BAC) and the Brakwater community for each service in relation to the availability of full services, intermediate service level or no services at all. Such rebates will be phased out as the level of service is brought in line with that enjoyed by residents in Windhoek.

With regard to solid waste removal the Consultant found that the tariffs charged for this service in Windhoek currently do not fully recover cost. These tariffs need to be adjusted to break even.

## 6 Later developments

Subsequent to the above studies, the boundaries of the City of Windhoek have been extended. This includes land on the periphery of the current Greater Brakwater Area. It is obvious that the Brakwater Bulk Services Master Plan does not currently include this extended area. The development charge principles can equally be made applicable to these new areas. It however raises the importance of the City being enabled to, through the provision of bulk services start driving development in areas so serviced and

influencing development not to take place in unserved areas. It will not be possible for the City to follow private nodal developments in a disjointed manner, as services are obviously provided at much lower cost if it can be done flowing outward from existing bulk services.

## 7 Electricity

When internal discussions on the Brakwater Bulk Services Master Plan commenced, before the drafting of the Terms of Reference (ToR) for consulting services, the City's Department of Electricity was invited to take part. This department however declined as the electricity distribution in the Greater Brakwater Area had not been taken over from NamPower at that stage. It opted to do the master plan for its services at a later stage, based on the Bulk Services Master Plan for roads, water, irrigation water and sewerage. The Department of Electricity received a copy of the abovementioned Master Plan when the final version was received.

## 8 Training

The Consultant will give training to selected City of Windhoek officials of the involved departments on the different financial facets described in this submission. A one (1) day training session for interested developers and members of the Brakwater community is scheduled as well.

Management Committee, after due consideration of the matter,

### RECOMMENDED

- 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.
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[Municipal Council Minutes: 2013-06-27]

8.1.13

**UPG.1 [PLA] THE EXTENDED MUNICIPAL  
BOUNDARY AREA – FUNCTIONS AND  
SERVICES OF THE CITY OF WINDHOEK  
(16/15/3/1/1)**

On proposal by Councillor M Shiikwa, it was

**RESOLVED**

- 1 That the departmental proposals for the functions to be performed and services to be delivered in the extended boundary area as indicated in Annexure B, attached as pages 104 - 137 to the agenda, be recommended as the functions that will be performed by the City of Windhoek in the extended boundary area.
- 2 That the Chief Executive Officer and Strategic Executives be mandated to enter into discussions with the relevant external role players with regard to Co-operation Agreements for service delivery in the extended boundary area as indicated in Annexure B and C attached as pages 104 - 137 and 138 - 143 respectively to the agenda.
- 3 That the departmental recommendations and proposals with regard to functionality and service delivery in the extended boundary area as indicated in Annexure B, attached as pages 104 - 137 to the agenda, be noted and recommended for approval to be implemented by each department.
- 4 That Annexure D, attached as pages 90 - 103 to the agenda, indicating the City of Windhoek response to public questions be approved for distribution to the public and that public information sessions in regards with the functions to be performed and services to be delivered in the extended boundary area be organised.
- 5 That the City of Windhoek take over the management (lease and sale) of erven and land in Groot Aub from the Khomas Regional Council, but that the service provision and maintenance thereof remain with the relevant service providers until the City is in a position to take over the services and agreements be drafted to reflect this.
- 6 That the Strategic Executive: Finance create a general extended boundary area vote under the Department of Urban Planning and Property Management and allocate a total amount of N\$5 000 000.00 to it.
- 7 That this vote be used to finance priority investigations such as the Structure Plan and the expansion of the Windhoek Town Planning Scheme and also to verify property ownership and contact details for billing purposes of farms, private township erven and erven in Groot Aub in the first financial year as well as the economic and social studies required by the Economic Development and Community Development Divisions.

- 8 That provision be made that the general extended boundary area vote and budget to be extended into following financial years if necessary.
- 9 That the expenditure in the general extended boundary vote be recouped as an administrative tariff to be levied against all properties in the extended boundary area until such time that individual votes for service delivery is created and departments can budget for service delivery.
- 10 That the administrative tariff only become payable after the approval of the interim valuation roll.
- 11 That with regard to exemption from municipal rates and taxes, that section 75 of the Local Authorities Act, 1992 (Act 23 of 1992) apply and that land owners have to apply to the City of Windhoek for exemption of the administrative tariff.
- 12 That the results of the external role player discussions be presented to Council for consideration and that the Chief Executive Officer (Corporate Legal Adviser) in co-operation with the relevant Strategic Executives compile Co-operation Agreements with the external role players for Council's approval.
- 13 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 181/06/2013**

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## ANNEXURE A

## 1. EXTRACT OF WINDHOEK'S 3 TOWN PLANNING SCHEMES

## 1.1. Windhoek town planning scheme

USE ZONE	PRIMARY USES	CONSENT USES
(1)	(2)	(3)
<b>I</b> Residential	Dwelling units	Residential buildings, Places of public worship, Places of instruction, Social halls, Institutions, Special buildings, Bed-and-breakfasts, Resident occupations and Heritage buildings (For details refer to Table H)
<b>II</b> General Residential	Dwelling units, residential buildings	Places of public worship, Places of instruction, Institutions, Special buildings, Hotels, Resident occupations, and Heritage buildings (For details refer to Table H)
<b>III</b> 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.

<b>IV Business</b>	Shops, Business buildings, dwelling units, residential buildings and social halls	Other uses not under columns 2 and 4
<b>V Restricted Business</b>	Business buildings	Other uses not under columns 2 and 4
<b>VI Special</b>	For details see Table C	For details see Table C
<b>VII Garage</b>	Service stations	Special buildings, shops, business buildings and industrial buildings
<b>VIII Industrial</b>	Industrial buildings and business buildings	All other uses
<b>IX Institutional</b>	Places of instruction, social halls and places of public worship	Dwelling units, Residential buildings, institutions, special buildings, shops, industrial buildings and business buildings
<b>X Municipal</b>	Municipal purposes or Agricultural buildings	All uses not under column 4
<b>XI Undetermined</b>	None	All uses
<b>XII Office</b>	Offices	Dwelling units, Residential buildings, Institutions, Places of public worship, Business buildings, hotels, Restaurant

<b>XIII</b>  <b>Private Open Space</b>	Private open space, social hall, gymnasium, the provision of food and drink to club members and bona fide guests of club members (guests are taken to include visiting sports teams and sports players and bona fide spectators).	Other uses not under columns 2 and 4, as long as they remain secondary and subordinate to the primary uses.
<b>XIV</b>  <b>Zoning plus</b>  <b>(Star plus notation shown on Map)</b>	Uses given by "use zone" corresponding to notation shown on Map plus additional uses as indicated in Table C2.	Uses given by "use zone" corresponding to notation shown on Map plus additional uses as indicated in Table C2.

#### 1.1.1. Special uses

(1) DESCRIPTION OF PROPERTY	(2) PRIMARY USES	(3) CONSENT USES
Erf 5465 Windhoek	Places of amusement	Other uses not under columns 2 and 4
Erven 7519 and 5424 Re (Erven 6750, 1774, 5187, ptn 893, ptn 5424, and 903, 429, 1/A/430) Windhoek (consolidated 7726)	Hotel, caravan park, service station, drive-in cafe and places of amusement	Other uses not under columns 2 and 4
Erf 5969 Windhoek (AS 81)	See Table C2	

Erf 5979 W, and Erf 6572 Windhoek (AS 75)	Places of amusement Institutional and sport 18 000 m <sup>2</sup> Restaurant and social club 200 m <sup>2</sup> Agriculture (auctions) 7 000 m <sup>2</sup> Office 150 m <sup>2</sup> Agriculture (auctions) 4 651 m <sup>2</sup> Business with a bulk of 0.5 <u>16 191 m<sup>2</sup></u>  <b>Total</b> <u><b>46 192 m<sup>2</sup></b></u>	Other uses not under columns 2 and 4
Erf Re/235 Klein Windhoek	Hotel and places of amusement	Other uses not under columns 2 and 4
Erf 3090 Windhoek	Parking for use in conjunction with the use on erf 68/A Windhoek	None
Erf 1667 Windhoek	Dwelling units, residential buildings and 100 m <sup>2</sup> floor area which may be used for shops and purposes incidental thereto	Places of public worship, places of instruction, social halls, institutions, special buildings and hotels
Erven 1/B/351, Re/B/351, Re/352, Re/B/352, 4262, Windhoek	Residential buildings, offices and places of instruction	Shops and social halls
Erf 6166 Windhoek	Bible society purposes as approved by Council	Places of public worship, places of instruction, social halls, institutions and special buildings

Erven 3498 to 3503 Windhoek	Processing of meat	Other uses not under columns 2 and 4
Erf 2354 Windhoek	Parking	None
Erf 121/B Windhoek	Dwelling units and residential buildings	Places of public worship, social halls, institutions, special buildings, hotels, offices, resident occupation and places of instruction
Erf 238 Windhoek	Parking	None
Erf 875, Windhoek	Restaurant	Institutional
Erf 174 Pionierspark	Parking for use in conjunction with the use of erf 63 Pionierspark.	None
Erven 6594, 2314, 6101 to 6107 and 6150 to 6155 Windhoek (Cons. 6866)	Broadcasting and related purposes	Dwelling units, residential buildings, social halls, institutions, places of public worship, places of instruction, shops and special buildings
A Portion of Erf R/9 of Hillside as per land surveyors diagram.		Slaughterhouse with a minimum of 1000m <sup>2</sup> . Residential
Erf 5561, Windhoek	(i) Hotel (150 leasable bedrooms) total area of 15 000 m <sup>2</sup> including place of amusement (450 m <sup>2</sup> ), shops (150 m <sup>2</sup> ), restaurant (650 m <sup>2</sup> ). (ii) 40 Chalets (6 000 m <sup>2</sup> ).	Other uses not mentioned under columns 2 and 4.

## 1.2.Kapps farm town planning scheme

Zoning	Primary Use	Consent Uses
Agriculture	Agriculture Dwelling unit (at a gross density of 1 unit per 10 ha) Ancillary dwelling unit	More than one ancillary dwelling unit, occupational practice, home-based business, agricultural industry, farm stall, kiosk, intensive-feed farming, nursery, service trade, tourist establishment and holiday accommodation, a nature estate, public garage, light industry, workshop and butchery.
Rural Residence	Small scale agriculture Dwelling unit (at a gross density of 1 unit per 5 ha) Ancillary dwelling unit	More than one ancillary dwelling unit, occupational practice, home-based business, retirement village, agricultural industry, farm stall, kiosk, intensive-feed farming, nursery, service trade, tourist establishment, holiday accommodation, a nature estate, public garage, light industry, workshop and butchery.
Single Residential	Dwelling unit	Occupational practice, home-based business, house of worship, retirement village.
Business	Business premises, licensed hotel/motel, office, dwelling unit, town house, flats, residential building, service trade, home based business	Place of assembly, place of entertainment, place of instruction, institution, primary use with a floor space more than 1000m <sup>2</sup>
Service Station	Service station Public garage	Service trade, service station with a floor space more than 1000m <sup>2</sup> , public garage with a floor space more than 500m <sup>2</sup>
Light Industrial	Warehouse, distribution centre, dwelling unit, supplementary dwelling unit, builders workshops and stores, laboratories, cartage and transport services and offices ancillary to the main use	Industry, public garage, scrap yard, service station, workshop, kiosk, butchery, primary use with a floor area of more than 2000 m <sup>2</sup> .
Industrial	Industry, light industry, business premises	Noxious trade, mining, public garage, service station, scrap

		yard and primary use with a floor area of more than 2000 m <sup>2</sup>
Institutional	Place of instruction, house of worship, institution, place of assembly	Dwelling unit and primary use with a floor area of more than 2000m <sup>2</sup>
Tourist Establishment	Tourist establishment, holiday accommodation, licensed hotel/motel	Kiosk; primary use with a floor area exceeding 3000 m <sup>2</sup>
Nature Estate	Dwelling units for different Residential Developments as defined in clause 4.10	Occupational practice, home-based business, house of worship
Special	Special usage	None
Undetermined	None	All other uses indicated in tables A and B
Mining	Mining	Dwelling units, supplementary dwelling units, ancillary dwelling units, offices, stores and workshops related to mining

#### 1.2.1. Special cases

PROPERTY	PRIMARY USE	CONSENT USE
Portion 7 of Hoffnung 66	Agriculture	Light industry Scrapyard
Bellerode RE/67	Agriculture	Tourist establishment Holiday accommodation
Bellerode 8/67	Light Industry	Tourist establishment Holiday accommodation
Finkenstein 71	Agriculture	Tourist establishment Holiday accommodation
Ondekaremba RE/78	Agriculture	Tourist establishment Holiday accommodation
Portion 12 of Kappsfarm 65	Light Industry	Public garage
Portion 1/23 of Kappsfarm 65	Light Industry	Public garage
Oupembameva 79	Agriculture	Tourist establishment Holiday accommodation
Detmont 4/2/78	Agriculture	Tourist establishment, nursery, place of instruction Holiday accommodation
Neu Progress 506	Agriculture	Tourist establishment Holiday accommodation
Deutsch-Krone-Sud 437	Agriculture	Tourist establishment Holiday accommodation

Portion 20, Seeis 134	Agriculture	Agricultural industry
Portion 6, Voigtland 472	Agriculture	Agricultural industry
Portion 1/A of the farm Neudam 63	Agriculture	Light industry
Ongeama 61	Agriculture	Tourist establishment Holiday accommodation
Sonleiten Re/2/78	Agriculture	Tourist establishment Holiday accommodation Retirement village
Herboth's 523 (including Portions B & C of the farm Voigtland No. 472)	Rural Residence	Nature Estate Tourist establishment Holiday accommodation Place of instruction
Otjihaze 448	Agriculture	Workshop
Portion A, Neudam 63	Agriculture	Workshop
Portion 2 of Portion A, Neudam 63	Agriculture	Nursery
Portion A/23/ Seeis 134	Agriculture	Agricultural Industry

## 1.3.Aris Town Planning Scheme

ZONING	PRIMARY USE	CONSENT USES
<b>Agriculture</b>	<input type="checkbox"/> Agriculture Dwelling unit (at a gross density of 1 unit per 10 ha) <input type="checkbox"/> Ancillary dwelling unit	More than one ancillary dwelling unit, occupational practice, home-based business, agricultural industry, farm stall, kiosk, intensive-feed fanning, nursery, service trade, tourist establishment and holiday accommodation, a nature estate, public garage, light industry, workshop and butchery.
<b>Rural Residence</b>	<input type="checkbox"/> Small scale agriculture <input type="checkbox"/> Dwelling unit (at a gross density of 1 unit per 5 ha) <input type="checkbox"/> Ancillary dwelling unit	More than one ancillary dwelling unit, occupational practice, home-based business, retirement village, agricultural industry, farm stall, kiosk, intensive-feed farming, nursery, service trade, tourist establishment, holiday accommodation, a nature estate, public garage, light industry, workshop and butchery.
<b>Single residential</b>	<input type="checkbox"/> Dwelling unit	Occupational practice, home-based business, house of worship, retirement village.
<b>Business</b>	<input type="checkbox"/> Business premises, <input type="checkbox"/> licensed hotel/motel, <input type="checkbox"/> office, <input type="checkbox"/> dwelling unit, <input type="checkbox"/> town house, flats, residential building, <input type="checkbox"/> service trade, <input type="checkbox"/> home based business	Place of assembly, place of entertainment, place of instruction, institution, primary use with a floor space more than 1000m <sup>2</sup>
<b>Service station</b>	<input type="checkbox"/> Service station <input type="checkbox"/> Public garage	Service trade, service station with a floor space more than 1000m <sup>2</sup> , public garage with a floor space more than 500m <sup>2</sup>

<b>Light Industrial</b>	<input type="checkbox"/> Warehouse, distribution centre, <input type="checkbox"/> dwelling unit, supplementary dwelling unit, <input type="checkbox"/> builders workshops and stores, <input type="checkbox"/> laboratories, <input type="checkbox"/> cartage and transport services and <input type="checkbox"/> offices ancillary to the main use	Industry, public garage, scrap yard, service station, workshop, kiosk, butchery, primary use with a floor area of more than 2000 m <sup>2</sup> .
<b>Industry</b>	<input type="checkbox"/> Industry, <input type="checkbox"/> light industry, <input type="checkbox"/> business premises	Noxious trade, mining, public garage, service station, scrap yard and primary use with a floor area of more than 2000 m <sup>2</sup>
<b>Institutional</b>	<input type="checkbox"/> Place of instruction, <input type="checkbox"/> house of worship, <input type="checkbox"/> institution, <input type="checkbox"/> place of assembly	Dwelling unit and primary use with a floor area of more than 2000m <sup>2</sup>
<b>Tourist Establishment</b>	<input type="checkbox"/> Tourist establishment, <input type="checkbox"/> holiday accommodation, <input type="checkbox"/> licensed hotel/motel	Kiosk; primary use with a floor area exceeding 3000 m <sup>2</sup>
<b>Nature Estate</b>	<input type="checkbox"/> Dwelling units for different Residential Developments as defined in clause 4.10	Occupational practice, home-based business, house of worship
<b>Special</b>	<input type="checkbox"/> Special usage	None
<b>Undetermined</b>	<input type="checkbox"/> None	All other uses indicated in tables A and B
<b>Mining</b>	<input type="checkbox"/> Mining	Dwelling units, supplementary dwelling units, ancillary dwelling

		units, offices, stores and workshops related to mining
--	--	--

### 1.3.1 Special uses

PROPERTY	ZONING	APPROVED CONSENT USE
Krumhuk Re/A/30	Agriculture	Tourist establishment, holiday accommodation, agricultural industry
Portion 6, Krumhuk No. 30	Business	Place of Instruction
Farm 805	Agriculture	Tourist establishment, holiday accommodation, agricultural industry
Portion 9, Aris 9/29	Rural Residence	Tourist establishment, holiday accommodation
Portion 8, Aris 8/29	Rural Residence	Nature Estate Retirement Village
Goheganans Re/26	Agriculture	Agricultural industry Intensive feed farming
Gross Heigamas 447 (area between the main road T1/5 and the railway line)	Rural Residence	Nature Estate
Portion 1, Gross Heigamas 447	Rural Residence	Nature Estate
Portion 19, Aris	Rural Residence	Tourist establishment, holiday accommodation
Portion 3, Regenstein 32	Rural Residence	Workshop, Tourist Establishment, holiday accommodation
Kruin 491	Rural Residence	Tourist establishment Accommodation
Portion 7, Regenstein 32	Rural Residence	Tourist establishment Accommodation
Portion 5, Regenstein 32 (Little Valley)	Rural Residence	Kiosk

## ANNEXURE B: EXTRACT FROM CITY OF CAPETOWN RATES POLICY 2022/23



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

RATES POLICY 2022 & 2023

2022/23 Budget (Mi  
Ann

- Rates Ratios

CATEGORY	RATES RATIOS
Residential Properties	1:1
Industrial Properties	1:2
Business and Commercial Properties	1:2
Agricultural Properties	1:0.2
Mining Properties	1:2
Properties owned by an organ of state and used for public service purposes	1:2
Public Service Infrastructure (PSI)	1: 0.25
Properties owned by public benefit organisations (PBOs) and used for specified public benefit activities	1:0.25
Properties used for Multiple Purposes	Ratio will be determined per allocation
Vacant Land	1:2
Cemeteries and Crematoria	1:0
Properties owned by an organisation – not for profit and used for animal shelters	1:0
Properties owned by an organisation – not for profit and used as an early childhood development facility	1:0.25
Properties owned by an organisation – not for profit and used for youth development	1:0.25
Properties owned by an organisation – not for profit and used for accommodation for the vulnerable	1:0.25
Properties owned by an organisation – not for profit and used as a local community museum	1:0
Properties owned by an organisation – not for profit and used for an old age home	1:0.25
Properties owned by an organisation – not for profit and used exclusively for amateur sport	1:0.25
Properties owned by a SHRA-accredited Social Housing Institution and used for social housing	1:0.25
Properties owned by war veterans' associations and used for the welfare of war veterans	1:0.25
Nature Conservation land	1:0

# INTERNAL MEMORANDUM

**TO:** J. Comalie  
SE: Finance and Customer Service

**FROM:** N. Kandovazu  
Legal Advisor



**DATE:** 26/04/2021

**RE:** EXTENDED BOUNDARIES LEGAL NOTE

1. The Local Authorities Act, 23 of 1992 empowers the Minister of Urban and Rural Development to extend the boundaries of a local authority. The relevant portions read as follows:

Section 3(1)

Subject to the provisions of this section, the Minister may from time to time by notice in the *Gazette* establish any area specified in such notice as the area of a local authority, and declare such area to be a municipality, town or village under the name specified in such notice.

Section 4(1)

Subject to the provisions of this Act, the Minister may from time to time by way of the repeal, amendment or substitution of a notice issued under section 3, or of a proclamation issued under that section before its amendment by the Local Authorities Amendment Act, 2000-

- (a) alter a declaration made under subsection (1) of that section;
  - (b) alter the boundaries of any local authority area by excluding any portion from its area or by adding any area thereto;
2. The Minister when exercising his powers in terms of the Act is enjoined to adhere to the prescripts of Article 18 of the Constitution. The article reads as follows:

## Article 18 Administrative Justice

Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed upon such bodies and officials by common law and any relevant legislation, and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a competent Court or Tribunal.

3. The Minister equally when acting in terms of the aforesaid section exercises public power which is conferred on him by legislative enactment being the Local Authorities Act. In a constitutional democracy founded on the principles of the rule of law, a public functionary can only validly perform a function or exercise a power if authorised by law to do so.
4. The rule of law is one of the foundational principles of our State. "One of the incidents that follows logically and naturally from this principle is the doctrine of legality" in our Country, under a Constitution as its "Supreme Law", it demands that the exercise of any public power should be authorized by law-either by the Constitution itself or any other law recognized by or made under the Constitution. "The exercise of public power is only legitimate where lawful." If public functionaries purport to exercise powers or perform functions outside the parameters of their legal authority, they, in effect, usurp powers of State constitutionally entrusted to legislative authorities and other public functionaries. The doctrine as a means to determine the legality of administrative conduct, is therefore fundamental in controlling -and where necessary, in constraining-the exercise of public powers and functions in our constitutional democracy.<sup>1</sup>
5. It is worth noting that the Act does not impose an obligation on the Minister to consult with any affected persons before exercising his powers in terms of section 4(1).

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<sup>1</sup> Rally for Democracy and Progress & Others v Electoral Commission of Namibia & Others (SA-2010/6)[2010] NASC 8 (06 September 2010).

6. The Municipal Council of Windhoek is empowered in terms of the Act, to levy rates in respect of rateable property. <sup>2</sup> The decision by the Minister to extend the boundaries of the Municipal Council of Windhoek brought within reach the application of the Act on these boundaries.
7. It is without doubt that Council has the requisite legal powers to levy the rates, in the same vein the Minister is legally empowered to extend the boundaries of Windhoek. Part XV of the Local Authorities Act deals with Rates on Rateable Property. <sup>3</sup> The relevant portions may be summated as follows:

7.1 Section 73 (1) Subject to the provisions of this Part, there shall be levied and paid by the owners of any rateable property in a local authority area, for the benefit of the funds of the local authority council, in respect of each financial year a rate on the basis of the valuation, as shown on the main valuation roll, of-

- (a) the whole of such rateable property, to be known as a general rate;
- (b) the land of such rateable property only, to be known as a site value rate;
- (c) the improvements on such land only, to be known as an improvement rate; or
- (d) such land and such improvements only, to be known as a site and improvement rate ,

calculated at such rate, expressed in cent per rand of such valuation per annum, as may from time to time be determined by a local authority council by notice in the *Gazette* in respect of any financial year.

(2) Different rates may be determined under subsection (1) or different rates may be so determined on different basis in respect of rateable properties-

- (a) situated in different areas within a local authority area;

<sup>2</sup> Section 73 Local Authorities Act.

<sup>3</sup> Section 73 - 78 Local Authority Act.

- (4) Notwithstanding the provisions of subsection (1) –
- (a) any rate determined under that subsection-
- (i) shall, in the case of any building other than a dwelling of which the ownership vests in the Government of Namibia or a regional council and which is used or occupied for public purposes, including the land on which any such building is actually constructed and any other land actually occupied for purposes of such building, in addition to any other reductions provided for in this Act, be reduced by 20 per cent;
- (ii) may, in the case of rateable property situated within a local authority area, but outside the area of an approved township which is in the opinion of the local authority council used mainly for agricultural purposes, be reduced in respect of the site value, such percentage not exceeding 70 per cent, as may be determined by the local authority council.
- (iii) may, in the case of rateable property situated in an approved township within a local authority area with a zoning of "residential", and which accommodates a dwelling used for residential purposes only, be reduced in respect of the site value, by such percentage not exceeding 50 per cent, as may be determined by the local authority council.
- 7.2 Any rate or interest payable under section 73,74,76A or 79 shall, when it becomes due and payable, be deemed to be a debt due to the local authority council concerned and may be recovered by that local authority council in the manner provided for in this section.<sup>4</sup>

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<sup>4</sup> Section 79A Local Authority Act.

8. The purpose of Council's revenue-raising power is to enable it to perform its constitutional and statutory objects and duties as set out in both legislative enactments. These are integral in the task of constructing society in the functional areas of local government.
9. In *Pretoria City Council v Walker*<sup>5</sup> it was stated:
- "Local government is as important a tier of public administration as any. It has to continue functioning for the common good; it, however cannot do so efficiently and effectively if every person who has a grievance about the conduct of a public official or a governmental structure were to take the law into his or her own hands or resort to self-help by withholding payment for services rendered. That conduct carries with it the potential for chaos and anarchy and can therefore not be appropriate. The kind of society envisaged in the Constitution implies also the exercise of responsibility towards the systems and structures of society. A culture of self-help in which people refuse to pay for services they received is not acceptable. It is pre-eminently for the courts to grant appropriate relief against any public official, institution or government when there are grievances. It is not for the disgruntled individual to decide what appropriate relief should be and to combine with others or take it upon himself or herself to punish the government structure by withholding payment which is due."
10. Effective cooperation between citizens and government at local level is a foundational building block of our democracy. The State must of course uphold the rule of law and ensure its obligations are discharged. But, the culture of non-payment for municipal services has no place in a constitutional State in which the rights of all persons are guaranteed and all have access to the courts to protect their rights.<sup>6</sup>
11. In the final analysis two issues emerge as being crisp in this matter. Firstly the decision of the Minister to extend the boundaries of Windhoek. Secondly the manner in which Council should impose the respective rates. On the first point

<sup>5</sup> [1998] ZACC 1; 1998 (2) SA 363 (CC)

<sup>6</sup> Chief Lesapo v North West Agricultural Bank and Another [1999] ZACC 16; 2000(1) SA 409 (CC)

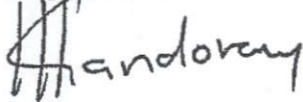
the decision by the Minister was made in 2012, the decision is administrative in nature and no challenge has been mounted against it. On the second aspect the process is regulated by the Local Authorities Act. Council when imposing the rate is enjoined to act in accordance with the prescripts of the Act. As a result it is without doubt that Council can impose the rates however same should be done in accordance with the Act.

12. Trust that the above is in order, I so advise.

Consider Signed

N Kandovazu

Legal Advisor

Handovazu

[Municipal Council Minutes: 2024-07-02(06-27)]

10.3.12

**FNS.5 [HPH] APPLICATION TO LEASE A PORTION OF SIDEWALK ALONG ERF 1, KLEINE KUPPE (ADJACENT TO ERF 1346, KLEINE KUPPE) FOR A TURNING CIRCLE FOR TRUCKS FOR A NEWLY PLANNED RETAIL DEVELOPMENT (L/1/KK)**

On proposal by Council Member Bernardus Araeb, it was

**RESOLVED**

- 1 That no right of way servitude be registered over the applied Portion A of Erf 1, Kleine Kuppe.
- 2 That Portion A of Erf 1, Kleine Kuppe ( $\pm 1\,456\text{ m}^2$  in extent), just be a straight forward lease.
- 3 That Portion A ( $\pm 1\,456\text{ m}^2$  in extent) of Erf 1, Kleine Kuppe (adjacent to Erf 1346, Kleine Kuppe), be leased to Pupkewitz Property (Windhoek) Proprietary Limited for a period of five (5) years at a monthly rental of N\$3 559.92: Provided 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, that the rental be revised prior to concluding the Lease Agreement.
- 5 That the property only be used for a turning circle for trucks and extra parking/loading zone for the new retail development.
- 6 That it be noted that the preservation of protected vegetation is highly regarded, thus no cutting or removal of protected vegetation is permitted to make space for the turning circle.
- 7 That the applicant liaise with the Parks Division for the identification of protected species before clearing the erf.
- 8 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account.
- 9 That only one (1) service connection from the municipal electrical network be allowed to the erf.
- 10 That it be noted that for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative, contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a

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

- 11 That it be noted that the Municipal Council of Windhoek under section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), stipulate that in the case of premises with an estimated load in terms of the Wiring Regulations, or a notified maximum demand, exceeding 66 kVA (3 x 100 ampere), the Municipal Council of Windhoek may, on such conditions as it deems fit, require from the owner to provide and maintain on the premises a chamber in conformity with the requirements to serve as a substation for the housing of switchgear, transformers, medium and low voltage cables and other equipment necessary for the supply.
- 12 That the owner ensure that free and unimpeded access to the substation chamber or miniature substation is available at all times.
- 13 That it be noted that the Municipal Council of Windhoek may supply its own low voltage networks from its own equipment installed in a substation chamber of a consumer.
- 14 That for a power supply up to 1 000 kVA, a site of 18 m<sup>2</sup> in extent, be provided on the applicant's erf to install a miniature substation.
- 15 That for a supply point larger than 1 000 kVA, a substation chamber to house the switchgear and transformer(s), to the specifications and approval of the Strategic Executive: Electricity, be constructed on the applicant's erf by the applicant at his/her cost.
- 16 That where the electrical engineering representative of the applicant anticipate that any future development will require a supply point greater than 1 000 kVA, it is advised that a substation building, with the correct type of switchgear, be provided during the initial phase of the development, to safe on cost.
- 17 That the supply and installation of any LV cables, inside the applicant's erf, be done by the Electrical Contractor appointed. [The Department of Electricity will do the termination of LV cables at the miniature substation or transformer.
- 18 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.
- 19 That it be noted that the applied portion is within a 100 metres buffer zone from a borehole.
- 20 That the applicant further note that a sewer line is passing through the majority of the applied portion.

- 21 That any additional requirements with regard to water and sewer services be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 22 That it be noted that the area envisaged for use is not encroaching the suspected position of the borehole.
- 23 That no access be allowed from Erf 1, Kleine Kuppe to access Portion A of Erf 1, Kleine Kuppe.
- 24 That the lease area be properly demarcated within a boundary fence.
- 25 That the Municipal Council of Windhoek reserve the right to cancel the Lease Agreement should such land be needed for the Municipal Council of Windhoek's services.
- 26 That the Municipal Council of Windhoek not be held liable to compensate the owner for any improvements should the lease be terminated.
- 27 That the owner remain responsible for making the truck turning movement practical on-site should the lease be cancelled/terminated.
- 28 That it be noted that Erf 1, Kleine Kuppe is not zoned 'street' as indicated in the application, but rather 'municipal' as per the municipal Enlighten system and is only accessible from across Erf 1346, Kleine Kuppe.
- 29 That access be confirmed with the Strategic Executive: Urban and Transport Planning.
- 30 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme), stating:
- 30.1 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.
- 30.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 30.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

- 30.4 That engineering drawings on how the stormwater would be accommodated with the approval of the Strategic Executive: Urban and Transport Planning, be submitted for approval simultaneously with the building plans.
- 30.5 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.
- 31 That no development be considered over or onto any stormwater system or structure.
- 32 That the stormwater course be fully accommodated along the length of the proposed Portion A of Erf 1, Kleine Kuppe.
- 33 That no building plan be approved until the above stormwater conditions are met.
- 34 That no access be considered over or onto any stormwater system or structure.
- 35 That the applicant's Engineer verify any stormwater related work upon completion thereof.
- 36 That the lease be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 37 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.
- 38 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 139/07/2024**

---

RE: Draft Lease Agreement - Erf R/1 Kleine Kuppe

From Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>  
 Date Wed 10/1/2025 9:37 AM  
 To Mosimane (G.O) <Gerwin.Mosimane@windhoekcc.org.na>  
 Cc Simpson (S) <Sheridan.Simpson@windhoekcc.org.na>; Mundonga (P) <Priscila.Mundonga@windhoekcc.org.na>; Negonga (DAN) <David.Negonga@windhoekcc.org.na>; Dausab (EP) <Elvis.Dausab@windhoekcc.org.na>

1 attachment (33 KB)  
 Resolution MPS - Martin may sign lease agreements.pdf;

Good morning Mr Mosimane, attached please find the resolution, which authorises Mr Marthinus Gerhardus Schoeman to sign lease agreements on behalf of M. Pupkewitz & Sons (Pty) Ltd.

Regards.



Chris Erb  
 ADMIN MANAGER: PROPERTIES

+264 61 427 018  
 admin.properties@pupkewitz.com

Pupkewitz Holdings (Pty) Ltd.  
 63-67 Julius K Nyerere Street,  
 Windhoek | www.pupkewitz.com



From: Mosimane (G.O) <Gerwin.Mosimane@windhoekcc.org.na>  
 Sent: 24 September 2025 11:53 am  
 To: Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>  
 Cc: Simpson (S) <Sheridan.Simpson@windhoekcc.org.na>; Mundonga (P) <Priscila.Mundonga@windhoekcc.org.na>; Negonga (DAN) <David.Negonga@windhoekcc.org.na>; Dausab (EP) <Elvis.Dausab@windhoekcc.org.na>  
 Subject: FW: Draft Lease Agreement - Erf R/1 Kleine Kuppe

Dear Mr Erb,

I have noticed some of the changes you have suggested on the drafted lease agreement I sent you. I should point it out to you that the applicant who has now to become the LESSEE is Pupkewitz Property (Windhoek) (Pty) Ltd as resolved per Resolution 139/07/2024. As such you cannot suggest it to be M. Pupkewitz & Sons (Pty) Ltd, whilst Council has approved as per your initial request.

We just finalized another item on Erf 3544-W, where you suggested name change from what Council initially approved and this is exhausting and we cannot afford such energy and time.

Regards,

Gerwin Mosimane

Senior Property Administrator: Leaseholds & Settlements  
 Department of Housing Property Management & Human Settlement

Office: +264 61 290 3307

Fax:

Box 59, Windhoek

Mobile:

Enquiries: +264 61 290 2911

E-mail: Gerwin.Mosimane@windhoekcc.org.na

www.cityofwindhoek.org.na

## RE: Company Documents Pupkewitz Motors (Pty) Ltd

From Geraldine Swart (Corporate Services WHK) <propadmin2@pupkewitz.com>

Date Wed 10/1/2025 10:26 AM

To Mosimane (G.O) <Gerwin.Mosimane@windhoekcc.org.na>; Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>

Cc Mundonga (P) <Priscila.Mundonga@windhoekcc.org.na>; Dausab (EP) <Elvis.Dausab@windhoekcc.org.na>; Negonga (DAN) <David.Negonga@windhoekcc.org.na>

Good day Mr Mosimane,

Trust you are well.

I would just like to enquire as to the progress iro the amendments to the lease agreement as per previous correspondence. We have a meeting tomorrow and we must provide feedback and if possible a timeline for completion.

Kindly advise.

Regards

**PUPKEWITZ**  
CUSTOMER SATISFACTION  
SERVICE EXCELLENCE

**Geraldine Swart**  
CHARGES AND ADMIN CLERK

+264 61 427 032  
propadmin2@pupkewitz.com

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From: Mosimane (G.O) <Gerwin.Mosimane@windhoekcc.org.na>

Sent: 16 September 2025 10:31 am

To: Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>; Geraldine Swart (Corporate Services WHK) <propadmin2@pupkewitz.com>

Cc: Mundonga (P) <Priscila.Mundonga@windhoekcc.org.na>; Dausab (EP) <Elvis.Dausab@windhoekcc.org.na>; Negonga (DAN) <David.Negonga@windhoekcc.org.na>

Subject: RE: Company Documents Pupkewitz Motors (Pty) Ltd

Dear Mr Erb,

I have noticed that your resolution appointed Mr Anton Westraadt to sign documents on behalf of the company and not Mr Rubinstein. Thus, the ID that is required is for Mr Anton.

Regards,

From: Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>

Sent: Tuesday, September 16, 2025 10:22 AM

To: Mosimane (G.O) <Gerwin.Mosimane@windhoekcc.org.na>; Geraldine Swart (Corporate Services WHK) <propadmin2@pupkewitz.com>

Cc: Mundonga (P) <Priscila.Mundonga@windhoekcc.org.na>; Dausab (EP) <Elvis.Dausab@windhoekcc.org.na>; Negonga (DAN) <David.Negonga@windhoekcc.org.na>

Subject: RE: Company Documents Pupkewitz Motors (Pty) Ltd

Good morning Mr Mosimane, thank you for your e-mail. As soon as we have received the copy of the valid new passport, we will forward it to you.

Regards.

**Chris Erb**  
ADMIN MANAGER: PROPERTIES

+264 61 427 018

admin.properties@pupkewitz.com

**PUPKEWITZ**  
CUSTOMER SATISFACTION  
SERVICE EXCELLENCE

**Chris Erb**  
ADMIN MANAGER: PROPERTIES

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From: Mosimane (G.O) <Gerwin.Mosimane@windhoekcc.org.na>

Sent: 16 September 2025 8:26 am

To: Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>; Geraldine Swart (Corporate Services WHK) <propadmin2@pupkewitz.com>

Cc: Mundonga (P) <Priscila.Mundonga@windhoekcc.org.na>; Dausab (EP) <Elvis.Dausab@windhoekcc.org.na>; Negonga (DAN) <David.Negonga@windhoekcc.org.na>

Subject: FW: Company Documents Pupkewitz Motors (Pty) Ltd

105

Good morning Mr Erb,

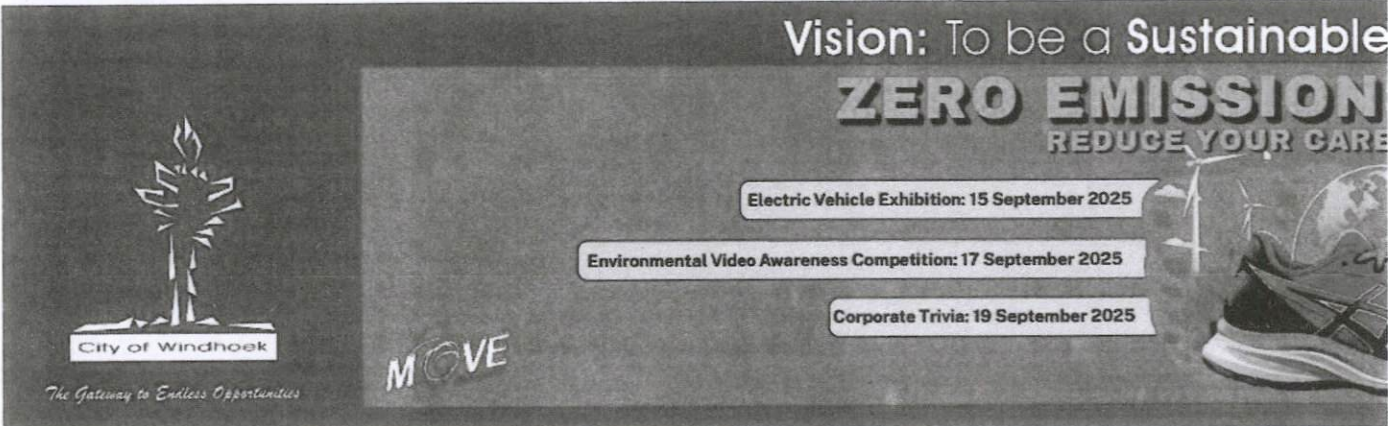
I have noticed that the passport you submitted has expired. Please secure a copy of the valid passport or alternatively submit the copy of the ID.

Regards,

 Gerwin Mosimane  
*Senior Property Administrator: Leaseholds & Settlements*  
Department of Housing Property Management & Human Settlement  
*The Gateway to Endless Opportunities*

Office: +264 61 290 3307  
Box 59, Windhoek  
Fax: Enquiries: +264 61 290 2911  
Mobile: [www.cityofwindhoek.org.na](mailto:Gerwin.Mosimane@windhoekcc.org.na)  
E-mail: [www.cityofwindhoek.org.na](mailto:Gerwin.Mosimane@windhoekcc.org.na)

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From: Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>

Sent: Monday, September 15, 2025 3:35 PM

To: Mosimane (G.O) [Gerwin.Mosimane@windhoekcc.org.na](mailto:Gerwin.Mosimane@windhoekcc.org.na)

Cc: Geraldine Swart (Corporate Services WHK) <propadmin2@pupkewitz.com>

Subject: FW: Company Documents Pupkewitz Motors (Pty) Ltd

Mr Mosimane, attached please find the company documents of Pupkewitz Motors (Pty) Ltd, as requested. Please ignore the previous e-mail with the incorrect company documents sent by Geraldine. Our apologies.

Regards.

Chris Erb  
ADMIN MANAGER: PROPERTIES

+264 61 427 018

[admin.properties@pupkewitz.com](mailto:admin.properties@pupkewitz.com)



From: Vanessa Black (Holdings WHK) <vanessa.black@pupkewitz.com>

Sent: 15 September 2025 3:27 pm

To: Chris Erb (Corporate Services WHK) <admin.properties@pupkewitz.com>

Subject: RE: Company Documents Pupkewitz Motors (Pty) Ltd

Good afternoon

Please find attached as requested.

Kind regards

106

**Vanessa Black**  
GROUP REPORTING OFFICER

+264 61 427 006

[vanessa.black@pupkewitz.com](mailto:vanessa.black@pupkewitz.com)



**From:** Chris Erb (Corporate Services WHK) <[admin\\_properties@pupkewitz.com](mailto:admin_properties@pupkewitz.com)>  
**Sent:** 15 September 2025 15:20  
**To:** Vanessa Black (Holdings WHK) [vanessa.black@pupkewitz.com](mailto:vanessa.black@pupkewitz.com)  
**Subject:** Company Documents Pupkewitz Motors (Pty) ltd

Good afternoon Vanessa, please send me the company documents of Pupkewitz Motors (Pty) Ltd. I need these documents for a lease agreement with City of Windhoek please.

Regards.

**Chris Erb**  
ADMIN MANAGER: PROPERTIES

+264 61 427 018

[admin\\_properties@pupkewitz.com](mailto:admin_properties@pupkewitz.com)



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From: Chris Erb (Corporate Services WHK) <[admin.properties@pupkewitz.com](mailto:admin.properties@pupkewitz.com)>  
Sent: Friday, September 19, 2025 11:18 AM  
To: Mosimane (G.O) <[Gerwin.Mosimane@windhoekcc.org.na](mailto:Gerwin.Mosimane@windhoekcc.org.na)>  
Subject: Draft Lease Agreement - Erf R/1 Kleine Kuppe

Good morning Mr Mosimane, attached please find the edited draft lease agreement. I am waiting for the resolution, which is to be provided by my colleague.

Regards.

Chris Erb  
ADMIN MANAGER: PROPERTIES

+264 61 427 018

[admin.properties@pupkewitz.com](mailto:admin.properties@pupkewitz.com)



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REGISTRATION AND INCORPORATION OF COMPANIES IN  
SOUTH WEST AFRICA PROCLAMATION, 1978  
(PROCLAMATION 234 OF 1978)

Certificate of registration and incorporation  
of a company having a share capital  
(Section 30(1)(b) and (c))

REGISTRATION NO. OF COMPANY

312

It is hereby certified that the memorandum and articles of  
M. PUPKEWITZ & SONS (PROPRIETARY) LIMITED  
was this day registered in terms of the provisions of para-  
graph (b) of section 30(1) of the Registration and Incorpora-  
tion of Companies in South West Africa Proclamation, 1978  
(Proclamation 234 of 1978), and the said company shall under  
the provisions of paragraph (c) of the said section 30(1)  
be deemed to be incorporated in South West Africa with effect  
from the first day of January one thousand nine hundred and  
seventy nine.

Signed and sealed at Windhoek on this thirtieth day  
of November one thousand nine hundred and seventy-  
eight.

Seal of Companies Registration  
Office

  
REGISTRAR OF COMPANIES

---

This certificate shall not be valid unless sealed by the seal  
of the Companies Registration Office

I, the undersigned,

ERNEST EDGAR BONE

of Windhoek

in the Territory of South West Africa

Notary Public by lawful authority duly admitted and sworn, do hereby certify and attest unto all whom it may concern that I have this day collated and compared with the original the copy hereto annexed marked "A"

being Memorandum and Articles of Association

of

M. PUPKEWITZ & SONS (PROPRIETARY) LIMITED

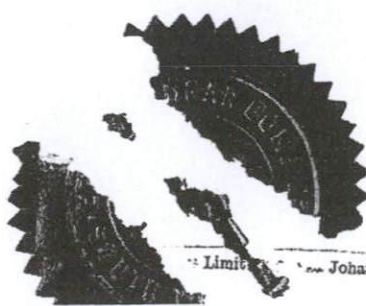
~~\_\_\_\_\_~~

And I, the said Notary, do further certify and attest that the same is a true and faithful copy of the said original, and agree therewith in every respect. An act whereof being required, I have granted these presents under my Notarial Form and Seal to serve and avail as occasion shall or may require.

Thus done and passed, at WINDHOEK

aforsaid, on this the 4th day of June in the year of Our Lord One Thousand Nine Hundred and Forty-six (1946)

E. E. Bone  
Notary Public.



Certificate of Collection dated  
# 19 June 1946

110

of £3.13.0

E. E. Bone

E. E. Bone

Notary Public

S.1403-1949-50-5,000-200. 8.

Revenue Inkomste 35.

UNIE VAN SUID-AFRIKA—UNION OF SOUTH AFRICA.

Departement van Binnelandse Inkomste—Department of Internal Revenue.

G912780

ANSIE VIR ALGEMENE INKOMSTE.—GENERAL REVENUE RECEIPT.

(Vir invorderings waarvoor geen spesiale kwitansie voorsien is nie.)—(For collections for which no special receipt is provided.)

Datumstempel—Date Stamp

M. Kupkewitz & Sons Ltd

Wendhoek

Bedrag	Pond	thirty one	Pounds	Amount
	shillings	five	shillings	
	pennies		pence	

£ 31 : 5 : -

Volle besonderhede van item, subhoof en of waaronder inkomste wat by hierdie kwitansie erken

Share Capital duty on  
increase of capital from  
£75,000 to £97,500  
Duty at 5% = £12,500  
£12,500.

Full particulars of item, Sub-head and Head under which revenue acknowledged in this receipt is classified.

G.P.-S.1403-1949-50-5,000-200. 8.

Revenue Inkomste 35.

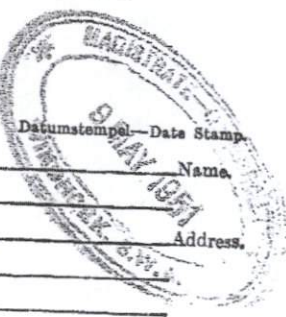
UNIE VAN SUID-AFRIKA—UNION OF SOUTH AFRICA.

Departement van Binnelandse Inkomste—Department of Internal Revenue.

G830643

KWITANSIE VIR ALGEMENE INKOMSTE.—GENERAL REVENUE RECEIPT.

(Vir invorderings waarvoor geen spesiale kwitansie voorsien is nie.)—(For collections for which no special receipt is provided.)



Naam M. Kupkewitz & Sons

Adres Wendhoek

Bedrag	Pond	thirty one	Pounds	Amount
	shillings	five	shillings	
	pennies		pence	

£ 31 : 5 : -

Volle besonderhede van item, subhoof en of waaronder inkomste wat by hierdie kwitansie erken word, geklassifiseer word.

Share Capital duty on  
increase of capital  
£75,000 - £100,000

Full particulars of item, Sub-head and Head under which revenue acknowledged in this receipt is classified.

Verwysingsno. Ref. No. Ontvang van die bedrag van inkomste hierbo vermeld, en dit hierby erken.

Datum Date. Receipt of the amount of revenue mentioned above.



G.P.-S.30890-1945-6-100.

2 No. 312.
---------------

## Certificate of Incorporation.

---

**I HEREBY CERTIFY THAT THE**

H. PUPKOWITZ & SONS (PROPRIETARY) LIMITED.

---

is this day Incorporated under the Companies Ordinance, 1928 (Ordinance No. 19 of 1928), and that the Company is Limited.

Given under my hand at WINDHOEK, South West Africa, this Fifteenth

day of June One thousand Nine hundred and Forty-six (1946).

*Registrar of Companies.*

Sections  
of Act.  
S.188 (1)

### INTERPRETATION

1. (1) In these articles, unless the context otherwise indicates:
- (a) "authorised representative" means a person authorised in terms of the Act by a company or other body corporate to act as its representative at any general meeting of the company;
  - (b) "capital" means the share capital of the company consisting of shares of par value or shares of no par value;
  - (c) "company" means this company as constituted by its memorandum of association;
  - (d) "foreign committee" means a committee appointed under article 78 of these articles;
  - (e) "memorandum" means the memorandum of association of the company in force for the time being;
  - (f) "person" includes any company incorporated or registered under any law and any body of persons corporate or incorporate;
  - (g) "share", in relation to the company, means a share in the share capital of the company, and includes stock;
  - (h) "the Act" means the Companies Act, 1973;
  - (i) "these articles" means the articles of association of the company;
  - (j) words and expressions defined in the Act, and which are not otherwise defined in these articles, shall have the meaning assigned thereto by the Act.
  - (k) *All references to the Republic of South Africa to be read as South West Africa.*
- RESTRICTIONS**
- S.172 2. The directors shall have regard to the restrictions on the commencement of business imposed by the Act.
- S.20 3. (1) The company is a private company and accordingly:

- S.101
- (a) the right to transfer its shares is restricted as hereafter provided;
  - (b) the number of members of the company (exclusive of persons who are in the employment of the company and of persons who having been formerly in the employment of the company were, while in such employment and have continued since the determination of such employment to be members of the company) is limited to fifty;
  - (c) any invitation to the public to subscribe for shares or debentures of the company is prohibited; and
  - (d) the company shall not have power to issue share warrants to bearer.

- (2) Where two or more persons hold one or more shares of the company jointly, they shall for the purposes of this article be treated as a single member.

- S.38
4. The company shall not give, whether directly or indirectly, or whether by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of or in connection with a purchase or subscription made or to be made by any person of or for any shares of the company, or where the company is a subsidiary company, of its holding company.

#### ISSUE OF SHARES AND DEBENTURES

- S.221
5. (1) Subject to the provisions of the Act and any applicable provisions of the memorandum and without prejudice to any special rights previously conferred on the holders of existing shares, a general meeting, or the directors with the prior approval of the company in general meeting, may –
- (a) issue any shares (including shares with such preferred, deferred or other special rights, or subject to such restric-

tions, whether in regard to dividend, voting, return of capital or otherwise) as the company may from time to time determine;

- S.116  
S.124    S.125  
S.98 (1) (d)
- (b) create, issue and re-issue secured or unsecured debentures;
- (c) with the sanction of a special resolution, issue preference shares which are, or at the option of the company are liable, to be redeemed on such terms and in such manner as the company before the issue of the shares may determine. The special resolution sanctioning any such issue shall also specify by way of an addition to these articles the terms on which and the manner in which any such preference shares shall be redeemed.

- S.79
6. If any shares of the company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthy period, the company may, with the prior approval of the Minister, pay interest at a rate not exceeding six per centum (6%) per annum or such lower rate as may, for the time being, be prescribed by the Minister, on the issued share capital for the period and subject to the conditions and restrictions specified in the Act, and may charge the same to capital as part of the cost of construction of the works or buildings or the provision of plant.

#### CERTIFICATES

- S.94
7. (a) Every person whose name is entered as a member in the register of members shall be entitled to one certificate for all the shares registered in his name, or to several certificates, each for a part of such shares. Every share certificate shall specify the number of shares in respect of which it is issued. Every original member shall be entitled to one share certificate free of charge but for

every subsequent certificate the directors may make such charge as from time to time they may think fit: Provided that if a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding twenty-five cents, and on such terms, if any, as to evidence and indemnity as the directors may think fit;

S.96 (b) The company shall within two months after the allotment of any of its shares, debentures or debenture stock, complete and have ready for delivery the certificates of the shares, the debentures or the certificates of all debenture stock allotted.

S.95 8. Share certificates shall be issued under the authority of the directors, or the foreign committee when authorized thereto by resolution of the directors, in such manner and form as the directors shall from time to time prescribe. If any shares are numbered, all such shares shall be numbered in numerical progression beginning with the number one, and each share shall be distinguished by its appropriate number; where shares are not distinguished by appropriate numbers, the certificates of such shares shall be so distinguished, and upon the registration of transfer of any such shares the certificate relating thereto shall, in addition to the distinguishing number, bear on the face such an endorsement, in the form of a reference number or otherwise, as will enable the immediately preceding holder of the shares to be identified.

#### JOINT HOLDERS OF SHARES

9. A certificate for a share registered in the names of two or more persons shall be delivered to the person first named in the register as a holder thereof, and delivery of a certificate for a share to that person shall be a sufficient delivery to all joint holders of that share.

10. (a) Notwithstanding anything to the contrary in these articles, on the death, sequestration, liquidation or legal disability of any one of such joint holders the other remaining joint holders may be recognised, at the discretion of the company, as the only persons having title to such share.
- (b) Any one of such joint holders may give effectual receipts for any dividends, bonuses or returns of capital or other accruals payable to such joint holders.
- (c) Only the joint holder whose name stands first in the register shall be entitled to receive notices from the company and any notice from the company and any notice given to such joint holder shall be deemed to be notice to all the joint holders.
- (d) Any one of the joint holders of any share conferring a right to vote may vote either personally or by proxy at any meeting in respect of such share as if he were solely entitled thereto, and if more than one of such joint holders be present at any meeting, either personally or by proxy, then only the joint holder who tenders the vote and whose name stands in the register before the other joint holders who are present in person or by proxy shall be entitled to vote in respect of that share.
- (e) The company shall be obliged to register up to five persons, and shall be entitled to register more than five persons, as joint holders of a share.

#### VARIATION OF RIGHTS

- S.102 11. Unless otherwise provided by the terms of issue of the shares of any class or by the terms under which such shares are held, the special rights or restrictions attached to all or any shares of that class may be amended, modified, varied or cancelled by a general meeting, provided that any such amendment, modification, variation or cancellation which directly or indirectly and adversely affects the

special rights or restrictions attached to all or any shares of that class may only be effected with –

- (a) the prior written consent of the holders of at least three-quarters of the shares in question; or
- (b) the prior sanction of a resolution passed at a separate general meeting of the holders of the shares in question in the same manner, *mutatis mutandis*, as a special resolution, and the provisions of these articles relating to general meetings shall apply to any such separate general meeting, except that a quorum at any such general meeting shall be two persons holding, or represented by proxy, at least one-third of the issued shares of the shares in question and if the company has only one member, that member in person or represented by proxy: Provided that if at any adjournment of such meeting a quorum is not so present then the provisions of these articles relating to adjourned general meetings shall apply.

#### REGISTER OF MEMBERS

- S.105
- 12. (a) The company shall maintain a register of members at its registered office, or at an office where the work of making it up is done.
  - (b) The register shall contain, in one of the official languages of the Republic the following particulars:
    - (i) the name and address of each member;
    - (ii) a statement of the shares issued to each member, distinguishing each share by its number, if any, and its class or kind;
    - (iii) the amount paid or agreed to be considered as paid on the share of each member; and

- (iv) in respect of each member –
  - (aa) the date on which his name was entered in the register as a member; and
  - (bb) the date on which he ceased to be a member.
- (c) Where the company has converted any of its shares into stock, the register shall show the amount of stock held by each member instead of the number of shares and the particulars relating to shares specified in sub-article (b).
- (d) The register of members may be kept either by making entries in bound books or by recording the particulars required in any other manner and, in the case of a person who has ceased to be a member also by microfilm or microcard or by miniature photographic or other process which accurately reproduces and forms a durable medium for recording and reproducing such particulars: Provided that where the register is not kept by making entries in bound books adequate precautions shall be taken for guarding against falsification and facilitating its discovery.
- S.113 (e) The register of members shall during business hours (subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to inspection by any member or his duly authorized agent free of charge.
- S.110 (f) The company may maintain a branch register, and the provisions of sub-articles (b) to (e) inclusive shall *mutatis mutandis* apply to such branch register.
- S.103 (3) 13. The company shall have power to enter in the register of members as a member, *nomine officii*, of the company, the name of any person who submits proof of his appointment as executor, administrator,

trustee, curator or guardian in respect of the estate of a deceased member of the company or of a member whose estate has been sequestrated or a member who is otherwise under a disability or as the liquidator of any body corporate in the course of being wound up which is a member of the company and any person whose name has been so entered in the register shall for the purposes of the Act, be deemed to be a member of the company.

#### TRANSFER AND TRANSMISSION OF SHARES

14. The directors may at any time in their absolute and uncontrolled discretion, without assigning any reason therefor, decline to register any transfer of shares and the directors shall be deemed to have so declined until they have resolved to register the transfer.
- S.133 (2) 15. Any member of the company may at any time subject to such restrictions as may be applicable, transfer all or any of his shares by means of a proper instrument of transfer which has been delivered to the company. The instrument of transfer shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain the holder of the share until the name of the transferee is entered in the register of members in respect thereof: Provided that nothing in this article contained shall prejudice any power of the company to register as a member any person to whom the right to any share has been transmitted by operation of law.
16. The directors may decline to recognize any instrument of transfer unless –
  - (a) a sum not exceeding twenty-five cents is paid to the company in respect thereof;
  - (b) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the

directors may reasonably require to show the right of the transferor to make the transfer; and

(c) the share transfer duty thereon has been paid.

17. Every instrument of transfer shall be left at the registered office or transfer office (if any), of the company, accompanied by a certificate of the shares to be transferred. Every power of attorney given by a shareholder authorising the transfer of shares, shall, when lodged, produced or exhibited to the company or any of its proper officers, be deemed as between the company and the grantor of the power to continue and remain in full force and effect, and the company may allow that power to be acted upon until such time as express notice in writing of its revocation has been lodged at such of the company's registered office or transfer office (if any) as the power was lodged, produced, or exhibited as aforesaid. The company shall not be bound to allow the exercise of any act or matter by an agent for a shareholder unless a notarially certified copy of that agent's authority be produced and lodged with the company.
18. The executor of the estate of a deceased sole holder of a share shall be the only person recognized by the company as having any title to the share. In the case of a share registered in the names of two or more holders, the survivor or survivors or the executor of the deceased shall be the only persons recognized by the company as having any title to the share.
19. Any person becoming entitled to a share in consequence of the death or insolvency of a member shall, upon such evidence being produced as may from time to time be required by the directors, have the right, either to be registered as a member in respect of the share or instead of being registered himself, to make such transfer of the share as the deceased or insolvent could have made, but the directors shall, in

either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by the deceased or insolvent before the death or insolvency.

20. The parent or guardian of a minor and the *curator bonis* of a lunatic member and any person becoming entitled to shares in consequence of the death or insolvency of any member or the marriage of any female member or by any lawful means other than by transfer in accordance with these articles, may, upon producing such evidence as sustains the character in which he proposes to act under this article, or of his title, as the directors think sufficient, transfer those shares to himself or any other person, subject to the articles as to transfer hereinbefore contained. This article is hereinafter referred to as the "transmission clause".
21. A person becoming entitled to a share by reason of the death or insolvency of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of a share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company.
22. If a member of the company desires to sell all or any of his shares of the company he shall give notice, in writing, of his intention to sell, to the directors of the company, and state the price he requires for the shares.
23. The directors shall within one month of the date of receipt of the notice referred to in article 22 advise every other member of the company of the contents thereof and each such member shall be entitled to acquire the shares so offered within one month after the

date of the receipt of such advice: Provided that if more than one member makes an offer for all of the shares so offered the shares shall be sold to each such member proportionately, and where fractional proportions of shares remain, such members shall become holders jointly of such fractional proportions of the shares.

24. If the members of the company are unable to agree upon the selling price of the shares, the auditor of the company may be requested to determine the true and fair value thereof and the members shall accept that value as the selling price of the shares.
25. If none of the members of the company offer to purchase the shares within the time referred to in article 23, or if members of the company offer to purchase a part of the shares so offered, the member who is offering the shares for sale may offer the shares or the remaining portion of the shares which have not been purchased by members of the company, for sale to any other person.

S.141

#### CONVERSION OF SHARES INTO STOCK

S.100

26. The company may by special resolution convert all or any of its paid-up shares into stock, and reconvert such stock into any number of paid-up shares: Provided that the company shall not have the power to issue warrants to bearer in respect of such stock.
27. The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same provisions as the shares from which the stock arose might, prior to conversion, have been transferred, or as near thereto as circumstances permit, but the directors may from time to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of such minimum, but the minimum shall not exceed the nominal amount, in the case of shares of par value, or the issue price in the case of shares of no par value, of the shares from which the stock arose.

28. The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges, and advantages as regards dividends, voting at meetings of the company and other matters as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage.
29. Such of the articles of the company as are applicable to shares shall apply to stock, and the word "share" and "shareholder" therein shall include "stock" and "stock-holder".

#### ALTERATION OF CAPITAL

S.56  
S.75  
S.199

30. Subject to the provisions of the Act, the company may by special resolution -
- (a) increase its share capital by new shares of such amount or increase the number of its shares having no par value, as it thinks expedient;
  - (b) increase its share capital constituted by shares of no par value by transferring reserves or profits to the stated capital; with or without a distribution of shares;
  - (c) consolidate and divide all or any part of its share capital into shares of larger amount than its existing shares or consolidate and reduce the number of the issued no par value shares;
  - (d) increase the number of its issued no par value shares without an increase of its stated capital;
  - (e) subdivide its shares, or any of them, into shares of smaller amount than is fixed by the memorandum;
  - (f) convert all of its ordinary or preference share capital consisting of shares having a par value into stated capital constituted by shares of no par value;

S.74

- S.74 (g) convert its stated capital constituted either by ordinary or preference shares of no par value into share capital consisting of shares having a par value;
- (h) cancel shares which at the time of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person and diminish the amount of its authorized share capital by the amount of the shares so cancelled or may cancel shares of no par value which have not so been taken or agreed to be taken;
- (i) convert any of its shares, whether issued or not, into shares of another class;
- S.76 (j) reduce its capital, any capital redemption reserve fund, or any  
S.83 share premium account.  
S.98 (1) (b)
31. Unless otherwise provided by the terms of issue, the special rights or conditions attached to all or any class of shares shall not be deemed to be directly or indirectly and adversely affected by the creation or issue of any other shares ranking *pari passu* with (but in no respect in priority to) any such shares already issued by the company.

#### GENERAL MEETINGS

- S.179 32. The company shall hold its first annual general meeting within a period of eighteen (18) months after the date of its incorporation and thereafter, hold an annual general meeting within six (6) months of the end of its financial year. The annual general meeting shall be held at such time and place as the directors may determine.
- S.180 (1) 33. All other meetings of the company shall be called "general meetings" and such meetings may be called by the directors whenever they think fit.
- S.180 (2) 34. Except where the company has only one member, any two or more members, holding not less than one tenth of the issued share capital, may call a general meeting of the company.

## NOTICE OF GENERAL MEETINGS

- S.186 (1)  
(2)
35. An annual general meeting and a meeting called for the passing of a special resolution shall be called by not less than twenty-one clear days' notice in writing, and any other general meeting may be called by not less than fourteen clear days' notice in writing. The notice shall be exclusive of the day on which it is served or deemed to be served and of the day for which it is given, and shall specify the place, the day and the hour of the meeting and shall be given in the manner hereinafter mentioned or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under these articles, entitled to receive such notices from the company: Provided that a meeting of the company shall, notwithstanding the fact that it is called by shorter notice than that specified in this article, be deemed to have been duly called if it is so agreed by a majority in number of members having a right to attend and vote at the meeting, being a majority holding not less than ninety-five per cent of the total voting rights of all the members.
- S.186 (3)
36. No resolution of which special notice is required to be given in terms of any provision of the Act shall have effect unless notice of the intention to move it has been given to the company not less than twenty-eight days before the meeting at which it is moved, and the company shall give its members notice of any such resolution at the same time and in the same manner as it gives notice of any such meeting not less than twenty-one days before the meeting: Provided that if a meeting of the company is called for a date twenty-eight days or less after notice of the intention to move such a resolution has been given to the company, the notice, though not given within the time required by this article, shall be deemed to have been properly given for the purposes hereof.

## PROCEEDINGS AT GENERAL MEETINGS

- S.179 (2) 37. The annual general meeting shall deal with and dispose of all matters prescribed by the Act, including the sanctioning of a dividend, the consideration of the annual financial statements, the election of directors and the appointment of an auditor, and may deal with any other business laid before it. All business laid before any other general meeting shall be considered special business.
- S.184  
S.190 38. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. Save as herein otherwise provided, two members present in person or by proxy, or if the company has one member, such member present in person or by proxy, or if the company is a wholly owned subsidiary, the authorised representative of the holding company in person or by proxy, shall be a quorum.
39. If within half an hour after the time appointed for the meeting a quorum is not present, the meeting, if convened by or at the request of members, shall be dissolved; in any other case it shall stand adjourned to a day not earlier than seven days and not later than twenty-one days after the date of the meeting and if at such adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting the members present in person or by proxy, shall be a quorum.
- S.192 (2) 40. Where a meeting has been adjourned as aforesaid, the company shall, upon a date not later than three days after the adjournment send a written notice to each member of the company stating –
- (a) the date, time and place to which the meeting has been adjourned;
  - (b) the matter before the meeting when it was adjourned; and
  - (c) the ground for the adjournment.

- S.191 41. The chairman of the board of directors shall be the chairman at each general meeting of the company: Provided that if there is no chairman, or the chairman is not willing to act, or is not present within fifteen minutes after the time appointed for holding the meeting, or is unwilling to act as chairman, the members present shall elect one of their number as chairman.
- S.192 42. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place. When a meeting is adjourned, the provisions of articles 40 and 41 shall *mutatis mutandis* apply to such adjournment.
43. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by the chairman, or
- (a) by not less than two members having the right to vote at such a meeting; or
- S.198 (1) (b) (b) by a member or members representing not less than one-tenth of the total voting rights to vote at the meeting; or
- (c) by a member or members entitled to vote at the meeting and holding in the aggregate not less than one-tenth of the issued share capital of the company,
- and, unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried or carried unanimously or by a particular majority or negatived, and an entry to that effect in the book containing the minutes of the proceedings of the company, shall be conclusive evidence of the fact, without proof

of the number or proportion of the votes recorded in favour of or against such resolution.

The demand for a poll may be withdrawn.

- S.198 (1) (a) 44. A poll demanded on the election of a chairman or on a question of adjournment, shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs. The demand for a poll shall not prevent the continuation of a meeting for the transaction of any business other than the question upon which the poll has been demanded.
45. If a poll is duly demanded it shall be taken in such a manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded. Scrutineers shall be elected to determine the result of the poll.
46. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place, or at which a poll is demanded shall be entitled to a second or casting vote.

#### VOTES OF MEMBERS

- S.193 (1)  
S.195 (2) 47. Subject to any rights, restrictions or special conditions for the time being attached to any share or class of shares –
- (a) on a show of hands every member present in person; and
  - (b) on a poll every member present in person or by proxy shall have a vote.
48. In the case of joint holders, the vote of the person whose name appears first in the register of members and who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders.

- S.197 49. Any person present and entitled to vote, on a show of hands as a member or as a proxy or as a representative of a body corporate at any meeting of the company shall on a show of hands have only one vote irrespective of the number of shares he holds or represents.
50. The parent or guardian of a minor, and the *curator bonis* of a lunatic member, and also any person entitled under the transmission clause to transfer any shares, may vote at any general meeting in respect thereof in the same manner as if he were the registered holder of those shares: Provided that forty-eight hours at least before the time of holding the meeting at which he proposes to vote he shall satisfy the directors that he is such parent, guardian or *curator* or that he is entitled under the transmission clause to transfer those shares, or that the directors have previously admitted his right to vote in respect of those shares. Co-executors of a deceased member in whose name shares stand in the register shall, for the purposes of this article, be deemed to be joint holders of those shares.

#### PROXIES

- S.189 51. The instrument appointing a proxy shall be in writing under the hand of the appointer or of his agent duly authorised in writing, or, if the appointer is a body corporate, under the hand of an officer or agent authorized by the body corporate. A proxy need not be a member of the company. The holder of a general or special power of attorney, whether he is himself a member or not, given by a shareholder shall be entitled to attend meetings and to vote, if duly authorized under that power to attend and take part in the meetings. A member may not appoint more than one proxy.
52. The instrument appointing a proxy shall be in the following form or as near thereto as circumstances permit:

“ \_\_\_\_\_ (Proprietary) Limited  
 I, \_\_\_\_\_ of \_\_\_\_\_  
 being a member of the \_\_\_\_\_  
 Proprietary Limited, hereby appoint \_\_\_\_\_ of \_\_\_\_\_  
 or failing him \_\_\_\_\_ of \_\_\_\_\_  
 or failing him \_\_\_\_\_ of \_\_\_\_\_  
 as my proxy to vote for me and on my behalf at the annual general meeting  
 (as the case may be) of the company to be held on the \_\_\_\_\_  
 day of \_\_\_\_\_ and at any adjournment thereof as follows:

	IN FAVOUR OF	AGAINST
Resolution to _____		
Resolution to _____		
Resolution to _____		

(Indicate instruction to proxy by way of a cross in space provided above.)

Unless otherwise instructed, my proxy may vote as he thinks fit.

Signed at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ Signature

(NOTE: A member entitled to attend and vote is entitled to appoint a proxy to attend, speak and on a poll vote in his stead, and such proxy need not also be a member of the company).”

53. (a) The instrument or other authority appointing a proxy to attend and vote at any general meeting or establishing the right of any person to transfer shares under the transmission clause shall be deposited at the registered office of the company not less than forty-eight (48) hours before the time for the holding of the meeting or adjourned meeting, as the case may be, at which such

proxy or person proposes to vote, and unless such instrument or authority is so deposited such a proxy or person shall not be entitled to attend and vote at the meeting.

No instrument of proxy shall be valid after the expiration of six (6) months from the date of its execution unless specifically so stated on the instrument itself, and no proxy shall be used at an adjourned meeting which could not have been used at the original meeting.

(b) In determining any period for the purposes of this article, Saturdays, Sundays and Public Holidays shall not be taken into account.

54. A vote given by a proxy in accordance with the terms of the instrument appointing him shall be valid notwithstanding the previous death, insanity or other legal disability of the appointer, or revocation of the authority or transfer of the share in respect of which the proxy is given, unless an intimation in writing of the death, insanity, legal disability, revocation or transfer shall have been received at the registered office of the company or by the chairman of the meeting at the place of the meeting if not held at the company's registered office, before the commencement of the meeting or adjourned meeting at which the vote was cast or the act was done or before the poll on which the vote was cast.

DIRECTORS

S.208

55. (a) The number of directors shall not be less than ONE nor more than FIVE

(b) The first directors shall be -  
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Special Resolution  
20.1.88*



- S.211 56. (a) Until the consent to act as a director has been acknowledged by the Registrar of Companies every subscriber to the memorandum of the company shall be deemed for all purposes to be a director of the company.
- S.173 (b) Until a certificate entitling the company to commence business has been issued, the directors and subscribers of the memorandum shall be jointly and severally liable for all debts and liabilities arising from any business conducted by the company.
57. A general meeting shall have the power, from time to time, to appoint anyone as a director, either to fill a casual vacancy or as an additional director.
- S.210 58. At any general meeting of a company a motion for the appointment of two or more persons as directors of the company by a single resolution shall not be moved, unless a resolution that it shall be so moved has first been agreed to by the meeting without any vote being given against it.
59. The continuing directors may act, notwithstanding any vacancy in their body but, if and for so long as their number is reduced below the minimum number of directors required to act as such for the time being, the continuing directors may act only to increase the number of directors to the required minimum, or to summon a general meeting for that purpose: Provided that if there is no director able or willing to act then any member may convene a general meeting for that purpose.
- S.182 60. Neither a director nor an alternate director shall be obliged to hold any qualification shares.
61. The remuneration of the directors shall from time to time be determined by the company in general meeting.

62. The directors shall be paid all travelling, subsistence, and other expenses properly incurred by them in the execution of their duties in or about the business of the company and which are authorised or approved by the directors.

#### ALTERNATE DIRECTORS

63. Each director shall have the power to nominate any person, whether a member of the company or not, possessing the necessary qualifications of a director, to act as alternate director in his place during his absence or inability to act as such director, provided that the appointment of an alternate director shall be approved by the board which approval shall not be unreasonably withheld and on such appointment being made, the alternate director shall, in all respects, be subject to the terms, qualifications, and conditions existing with reference to the other directors of the company.
64. The appointment of an alternate director shall be revoked if the directors reasonably withdraw their approval to his appointment; and the alternate director shall cease to hold office, whenever the director who appointed him ceases to be a director or gives notice to the company that the alternate director representing him has ceased to do so, and in the event of the disqualification or resignation of any alternate director during the absence or inability to act of the director whom he represents, the vacancy so arising shall be filled by the chairman of the directors who shall nominate a person to fill such a vacancy, subject to the approval of the board.
65. An alternate director shall –
- (a) only be entitled to attend or act or vote at any meeting of directors if the director to whom he is an alternate is not present, provided that he may attend a meeting of directors at which the

- director to whom he is an alternate is present if the other directors agree thereto;
- (b) only be entitled to sign a resolution which may be validly and effectively passed otherwise than at a meeting of directors in terms of the Act if the director to whom he is an alternate is then absent from the town in which the registered office is situate or is incapacitated;
  - (c) subject to the foregoing, generally exercise all the rights of the director to whom he is an alternate in the absence or incapacity of that director;
  - (d) in all respects be subject to the terms and conditions existing with reference to the appointment, rights and duties and the holding of office of the director to whom he is an alternate, but shall not have any claim of any nature whatever against the company for any remuneration of any nature whatever.

#### POWERS AND DUTIES OF DIRECTORS

66. The business of the company shall be controlled and managed by the directors who may pay all expenses incurred in promoting and incorporating the company, and may exercise all such powers of the company as are not by the Act, or by these articles required to be exercised by the company in general meeting, subject to these articles, and to the provisions of the Act, and to such regulations, not inconsistent with the aforesaid articles or provisions, as may be prescribed by the company in general meeting; but no regulation prescribed by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.
- S.234  
to  
S.241
67. Subject to compliance with the provisions of the Act, a director shall not be liable (in the absence of any agreement to the contrary) to

account to the company for any profit or other benefit arising out of any contract which directly or indirectly affects or relates to the company.

S.234  
S.235  
S.237

68. A director who has disclosed his interest in any contract or proposed contract in accordance with the Act may be counted in a quorum for the purpose of a meeting of directors to consider any matter; and shall be entitled to vote in regard to any matter relating to that contract.

#### BORROWING POWERS

69. The directors may exercise all the powers of the company to borrow money and to mortgage or bind its undertaking and property or any part thereof, and to issue debentures, debenture stock and other securities whether outright or as security for any debt, liability or obligation of the company or of any third party: Provided that the amount for the time being remaining undischarged in respect of moneys borrowed or secured by the directors as aforesaid (apart from temporary loans obtained from the company's bankers in the ordinary course of business) shall not at any time, without the prior sanction of the company in general meeting, exceed one-half of the amount of the issued share capital plus the amount of the share premium account (if any), or of the stated capital.

#### MANAGING DIRECTORS

70. The directors may from time to time appoint one or more of their number to be managing director or joint managing directors of the company or to be the holder of any other executive office in the company, including for the purposes of these articles the office of chairman and may, subject to any contract between him or them and the company, from time to time terminate his or their appointment and appoint another or others in his or their place or places.

71. A managing director may be appointed by contract for a maximum period of five (5) years at any one time and he shall not be subject to retirement by rotation and be taken into account in determining the rotation of retirement of directors, but his appointment shall determine if he ceases for any reason to be a director.
72. The directors may from time to time entrust to or confer upon a managing director or manager, for the time being, such of the powers and authorities vested in them as they may think fit, and may confer such powers and authorities for such time and to be exercised for such objects and purposes and upon such terms and conditions and with such restrictions as they may think expedient, and they may confer such powers and authorities either collaterally or to the exclusion of, or in substitution for, all or any of the powers and authorities of the directors and may from time to time revoke or vary all or any of such powers and authorities.

#### ROTATION OF DIRECTORS

73. The company in general meeting may from time to time determine the number of directors, their terms of office and the manner of their retirement.
74. If at any meeting at which an election of directors ought to take place the offices of the retiring directors are not filled, unless it is expressly resolved not to fill such vacancies, the meeting shall stand adjourned and the provisions of articles 40 and 41 shall apply *mutatis mutandis* to such adjournment, and if at such adjourned meeting the vacancies are not filled, the retiring directors or such of them as have not had their offices filled shall be deemed to have been re-elected at such adjourned meeting unless a resolution for the re-election of any such director shall have been put to the meeting and negatived.

75. Unless the company in general meeting otherwise determines any casual vacancy occurring on the board of directors may be filled by the directors, but the director so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose stead he is appointed was last elected a director.
76. The directors shall have power at any time, and from time to time, to appoint a person as an additional director but so that the total number of directors shall not at any time exceed the number fixed according to these articles, and such director shall retire from office at the next following annual general meeting and shall then be eligible for re-election, but shall not be taken into account in determining which directors are to retire by rotation at such meeting.

#### FOREIGN COMMITTEES

77. The directors may from time to time appoint persons resident in a foreign country to be a foreign committee for the company in that country with such powers and duties as the directors may from time to time determine. The directors may from time to time establish branch registers of members and transfer offices in foreign countries, close them at any time and may appoint and remove agents for any purposes in any foreign country.

#### DISQUALIFICATION OF DIRECTORS

- S.218 78. (1) Any of the following persons shall be disqualified from being appointed or acting as a director of the company –
- (a) A body corporate;
  - (b) a minor or any other person under legal disability, save a married woman subject to the marital power of her husband whose written consent to her appointment as a director has been lodged with the Registrar;

- (c) any person who is the subject of any order under the Act or the Companies Act 1926, disqualifying him from being a director;
  - (d) save under authority of the Court –
    - (i) an unrehabilitated insolvent;
    - (ii) any person removed from an office of trust on account of misconduct;
    - (iii) any person who has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), or any offence involving dishonesty or in connection with the promotion, formation or management of a company, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding one hundred rand.
- (2) The office of director shall *ipso facto* be terminated if the director –
- (a) gives notice to the company of his resignation as a director with effect from the date of, or such later date as is provided for in, such notice;
  - (b) absents himself from meetings of directors for six consecutive months without special leave of absence from the other directors who resolve that his office shall be vacated, provided that this provision shall not apply to a director who is represented by an alternate who does not so absent himself;
  - (c) is disqualified in terms of sub-article (1);
  - (d) is disqualified by an order of Court.

- (3) Subject to the provisions of the Act, the company, may by ordinary resolution remove any director before the expiration of his period of office and by an ordinary resolution elect another person in his stead. The person so elected shall hold office until the next following ordinary meeting of the company and shall then retire and be eligible for re-election.

#### INTERESTS OF DIRECTORS IN CONTRACTS

- S.234 79. (1) A director of the company who is in any way, whether directly or indirectly, materially interested in a contract or proposed contract referred to in sub-article (2), which has been or is to be entered into by the company or who so becomes interested in any such contract after it has been entered into, shall declare his interest and full particulars thereof as provided in the Act.
- (2) The provisions of sub-article (1) shall apply to any contract or proposed contract which is of significance in relation to the company's business and which is entered into or to be entered into -
- (a) in pursuance of a resolution taken or to be taken at a meeting of directors of the company; or
- (b) by a director or officer of the company who either alone or together with others has been authorized by the directors of the company to enter into such contract or any contract of a similar nature.
- (3) (a) For the purposes of sub-article (1) a general notice in writing given to the directors of the company by a director thereof to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of notice and before the date of its expiry be made with that company or firm, shall

be deemed to be a sufficient declaration of interest in relation to any contract or proposed contract so made or to be made, if –

(i) the nature and extent of the interest of the said director in such company or firm is indicated in the said notice; and

(ii) at the time the question of confirming or entering into the contract in question is first considered or at the time such director becomes interested in a contract after it has been entered into, the extent of his interest in such company or firm is not greater than is stated in the notice.

(b) A general notice under (a) may from time to time be amended and shall not be effective beyond the end of the financial year of the company but may from time to time be renewed.

(4) Nothing in this article shall be taken to prejudice the operation of any rule of law restricting directors of a company from having any interest in contracts with the company.

S.235 80. (1) No declaration of interest by a director under article 79 shall be of any effect unless it is made at or before the meeting of directors at which the question of confirming or entering into the contract is first taken into consideration and, if in writing, is read out to the meeting or each director present states in writing that he has read such declaration.

(2) If for any reason it is not possible for a director to make any such declaration at or before a particular meeting of directors, he may make it at the first meeting of directors held thereafter at which it is possible for him to do so and shall in that event state the

reason why it was not possible to make it at such particular meeting.

- S.236 81. Subject to the provisions of section 36 of the Act no resolution which concerns contracts or proposed contracts referred to in article 79 shall be valid unless the provisions of that article and article 80 are complied with.
- S.237 82. (1) A director or officer referred to in article 79(2)(b) who is in any way, whether directly or indirectly, materially interested in any proposed contract to be entered into by him on behalf of the company, shall, before entering into such contract, declare his interest and the full particulars thereof at a meeting of directors as prescribed by article 80 and shall not enter into such contract unless and until a resolution has been passed by the directors approving thereof.
- (2) Any such officer who becomes materially interested in any contract entered into by him on behalf of the company after it was entered into, shall forthwith declare his interest and the full particulars thereof by a written notice given to the directors.
- (3) A notice referred to in sub-article (2) may be delivered to the secretary of the company, if the company has a secretary, and the secretary shall forthwith transmit it to the directors for whom it is intended.
- (4) Nothing in this article shall be taken to prejudice the operation of any rule of law restricting an officer of the company from having an interest in contracts with the company.
- S.238 83. If a director of a company is in any way, whether directly or indirectly, materially interested in a contract or proposed contract which is placed before the company at any meeting thereof for

confirmation or authorization, the notice convening any such meeting shall state the full particulars of the interest in such a contract of the director concerned.

- S.239
84. (1) Every declaration of interest made under article 79, 80 or 82(1) shall be recorded in the minutes of the meeting of directors at which the declaration is made, and any declaration of interest by an officer under article 82(2) shall be recorded in the minutes of the first meeting of directors held after the date of that declaration.
- (2) Where any such declaration is made in writing, the company shall, unless copies of the minutes are circulated to the directors, cause the minute recording the declaration to be read out at the first meeting of directors held after the meeting in the minutes of which the declaration was recorded.
85. (1) The company shall keep at its registered office or at the office where it is made up a register of interests in contracts in one of the official languages of the Republic, and shall enter therein the particulars of any declarations of interest made under article 79, 80 or 82, including any amendments under article 79(3) (b).
- (2) The provisions of article 101 relating to the inspection of minutes shall *mutatis mutandis* apply to an inspection of the register of interests in contracts of directors and officers.
86. A director may be employed by or hold any office of profit under the company in conjunction with the office of director, other than that of auditor of the company, and upon such terms as to appointment, remuneration and otherwise as the directors may determine, and any remuneration so paid may be in addition to the remuneration payable in terms of article 61 of these articles: Provided that the appointment

of a director in any other capacity in the company and his remuneration must be determined by a disinterested quorum of directors, if there are more than three (3) directors of the company.

#### PROCEEDING OF DIRECTORS

87. The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In the event of an equality of votes, the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time convene a meeting of the directors.
88. The quorum necessary for the transaction of the business of the directors, unless there is only one director, may be fixed by the directors, and unless so fixed shall, when the number of directors exceeds three, be three and when the number of directors does not exceed three, shall be two.
- S.242 (2) 89. Any resolution of directors (or alternate directors, if applicable) of the company in the form of a written resolution signed by the directors shall be deemed to be a minute book of a meeting and shall be entered in the book or books provided for in article 96 and be noted by the following meeting of directors.
90. The directors may elect a chairman and a deputy chairman of the directors for their meetings and determine the period for which each is to hold office. If at any meeting of directors neither the chairman nor deputy chairman, if any, is present within ten minutes after the appointed time for the meeting, the directors present may elect one of their number to be chairman of the meeting.
91. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit.

Any committee so formed shall, in the exercise of the powers so delegated, conform to any rules that may be imposed on it by the directors.

92. A committee may elect a chairman of its meetings. If no such chairman is elected, or if at any meeting the chairman is not present within ten minutes after the time appointed for holding the same, the members present may elect one of their number to be chairman of the meeting.

93. A committee may meet and adjourn as it thinks fit. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in the event of an equality of votes the chairman shall have a second or casting vote.

S.214 94. The acts of a director shall be valid notwithstanding any defect that may afterwards be discovered to his appointment or qualification.

#### MINUTES AND MINUTE BOOKS

S.204 (1) 95. The directors of the company shall cause minutes of the proceedings at any meeting of the company to be entered in one of the official languages of the Republic, in one or more minute books kept for the purpose, within one month after the date on which the meeting was held.

S.242 (1) 96. The directors of the company shall cause minutes in one of the official languages of the Republic of all proceedings of directors or managers to be entered in one or more bound books to be kept for that purpose.

S.245 (1) 97. Every director of the company present at any meeting of directors, and every manager thereof present at any meeting of managers, shall at the meeting sign his name under the date of the meeting in a book

complying with the provisions of article 99 to be kept for that purpose.

- S.204 (1) (b) 98. Any such minutes or minute books and attendance register referred  
S.242 (1)  
S.245 (2) to in article 97 shall be kept at the registered office or at the office  
where such minutes or minute books are made up.
- S.204 (2) 99. For the purpose of articles 95 to 97 inclusive, loose leaves of paper  
S.242 (3) shall not be deemed to constitute a minute book unless they are  
bound together permanently, without means provided for the  
withdrawal or insertion of leaves and the pages are consecutively  
numbered.
- S.204 (3) 100. The minutes of any meeting of the company, directors or managers  
S.242 (4) purporting to be signed by the chairman of that meeting or by the  
chairman of the next succeeding meeting shall be evidence of the  
proceedings at that meeting.

#### INSPECTION OF MINUTES

- S.204 101. (a) The minutes of every general meeting and annual general  
S.113 meeting shall during business hours (subject to such reasonable  
restrictions as the company in general meeting may impose, so  
that not less than two hours in each day be allowed for  
inspection) be open to inspection to any member or his duly  
authorised agent free of charge and by any other person upon  
payment for each inspection of an amount of twenty-five cents  
or such lesser amount as the company may determine.
- (b) Any person may apply to the company for a copy of or extract  
from the minutes of any general meeting or annual general  
meeting and the company shall either furnish such copy or  
extract on payment by the applicant of an amount of twenty-five  
cents or such lesser amount as the company may determine for

every hundred words or fraction thereof of the required copy or extract or offer such person adequate facilities for making such copy or extract.

#### DIVIDENDS AND RESERVE

102. The company in annual general meeting may declare dividends but no dividend shall exceed the amount recommended by the directors.
103. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company, and no dividend shall be paid otherwise than out of profits or bear interest against the company.
104. Notice of any dividend that may have been declared shall be given in the manner hereinafter provided to the persons entitled to share therein. Every dividend or other money payable in cash in respect of shares may be paid by cheque, or otherwise as the directors may from time to time determine, and shall either be sent by post to the registered address of the member entitled thereto or be given to him personally, and the receipt or endorsement on the cheque of the person whose name appears in the register as the shareholder, or his duly authorized agent, shall be a good discharge to the company in respect thereof. Any one of two or more joint holders may give effectual receipts for any dividends or other moneys payable in respect of the shares held by them as joint holders.
105. The company shall not be responsible for the loss in transmission of any cheque or any other document sent through the post to the registered address of any member, whether or not it was so sent at his request.

#### CAPITALISATION

106. The company in general meeting or the directors may at any time and from time to time pass a resolution that it is expedient to capitalise

any sum forming part of the undivided profits standing to the credit of the company's revenue fund, or any sum in the hand of the company and available for dividend, or any sum carried to reserve as the result of a sale or revaluation of the assets of the company or part thereof, or any sum received by way of premium on the issue of any shares, debentures or debenture stock of the company, and that any such sum or sums be set free for distribution and be appropriated to and amongst the members, according to their rights and shareholdings in such manner as the resolution may direct: Provided that no such distribution shall be made by the company unless recommended by the directors, and the directors shall, in accordance with such resolution, apply such sum or sums in paying up shares, debentures or debenture stock of the company and appropriate such shares, debentures or debenture stock to or distribute the same amongst the holders of such shares according to their shareholding thereof respectively as aforesaid, or otherwise deal with such sum or sums as provided for in such resolution.

107. Where any difficulty arises in respect of such distribution the directors may settle the same as they think expedient and in particular they may issue fractional certificates, fix the value for distribution of any fully paid shares, debentures or debenture stock, make cash payments to any holders of shares on the footing of the value so fixed in order to adjust rights, and vest any shares or assets in trustees upon such trusts for the persons entitled in the appropriation or distribution as may seem just and expedient to the directors. When deemed requisite a contract shall be entered into and filed in accordance with the Act, and the directors may appoint any person to sign such contract on behalf of the persons entitled in the appropriation or distribution, and such appointments shall be

effective and the contract may provide for the acceptance by the holders of the shares to be allotted to them respectively in satisfaction of their claims in respect of the sum so capitalised.

#### RESERVE FUND

108. The directors may, before declaring or recommending any dividends set aside out of the amount available for dividends, such sum as they think proper as a reserve fund, or an addition to such reserve fund. The directors may divide the reserve fund into such special funds as they think fit, with full power to employ the assets constituting such fund or funds in the business of the company, or may invest the same upon such investments (other than shares of the company) as they may select without being liable for any depreciation of or loss in consequence of such investments whether the same be usual or authorised investments for trust funds or not.
109. The reserve fund shall, at the discretion of the directors, be applicable for the equalisation of dividends or for making provision for exceptional losses, expenses or contingencies, or for the extension or development of the company's business, or for writing down the value of any of the assets of the company, or for repairing, improving and maintaining any buildings, plant, machinery or works connected with the business of the company, or to cover the loss in wear and tear or other depreciation in value of any property of the company or for any of the objects of the company, or for any other purpose to which the profits of the company may be properly applied, and the directors may at any time divide among the members by way of bonus or special dividends any part of the reserve fund which they in their discretion may determine not to be required for the purposes aforesaid.

## ACCOUNTING RECORDS

- S.284 (1) 110. (1) The directors shall keep or cause to be kept in one of the official languages of the Republic such accounting records as are necessary fairly to present the state of affairs and business of the company and to explain the transactions and financial position of the trade or business of the company including –
- (a) records showing the assets and liabilities of the company;
  - (b) a register of fixed assets showing the respective dates of acquisition and cost thereof, depreciation, if any, the respective dates of any disposals and the consideration received in respect thereof: Provided that for the purposes of this paragraph the expression “fixed assets” shall not include any assets acquired or used solely for the purposes of carrying on mining operations;
  - (c) records containing entries from day to day in sufficient detail of all cash received and paid out and of the matters in respect of which receipts and payments take place;
  - (d) where the trade or business of the company has involved dealings in goods, records of all goods sold and purchased and (except in the case of ordinary retail trade) records showing the goods and the buyers and the sellers thereof in sufficient detail to enable the nature of those goods and those buyers and sellers to be identified; and
  - (e) statements of annual stocktaking.
- S.284 (2) (2) The accounting records referred to in subarticle (1) may be kept either by making entries in bound books or by recording the matters in question in any other manner, and where such records are not kept by making entries in bound books adequate precautions shall be taken for guarding against falsification and facilitating its discovery.

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- S.284 (3) 111. The accounting records shall be kept at the registered office of the company or at such other place or places as the directors think fit, and shall always be open to inspection by the directors.
112. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounting records of the company or any of them shall be open to inspection by members not being directors, and no member (not being a director) shall have any right of inspecting any accounting records or document of the company except as conferred by the Act or authorized by the directors or by the company in general meeting.

#### ANNUAL FINANCIAL STATEMENTS

- S.286  
S.288 S.299  
S.301 113. The directors shall, pursuant to the provisions of the Act, from time to time, cause to be prepared and to be laid before the company in general meeting such annual financial statements, and group annual financial statements, if any, and other reports as are required by the Act. There shall be attached to every such annual financial statements the report of the auditors and a report of the directors as to the state of the company's affairs, business and the profit or loss of the company and its subsidiaries, if any, and as to the amount, if any, which has been paid or declared or which they recommend to be paid out of the profits by way of dividend to the members, and the amount, if any, which they have carried or propose to carry to the reserve fund, and the annual financial statements and directors report shall be signed by two (2) directors, or if the company has one director, that director.
114. A copy of the financial statements and group annual financial statements, if any, including every document required by the Act to be

S.286

attached thereto as referred to in article 113, which is to be laid before the company in general meeting, shall, pursuant to the provisions of the Act, be delivered or sent by post to the registered address of every member and holder of debentures or other person entitled to receive notices of general meetings of the company (including the auditor of the company) not less than twenty-one days before the date of the annual general meeting: Provided that this article shall not require a copy of those documents to be sent to any person of whose address the company is not aware or to more than one of the joint holders of any shares or debentures.

#### AUDIT

Chapter X 115. An auditor shall be appointed and his duties shall be regulated in accordance with the provisions of the Act.

#### NOTICES

116. A notice may be given by the company to any member either personally, or by sending it by post in a prepaid letter addressed to such member at his registered address or (if he has no registered address in the Republic) at the address, if any, within the Republic supplied by him to the company for the giving of notices to him.

117. Whenever a notice is to be given in terms of article 116 the notice may be given by the company to –

(a) the joint holders of a share by giving the notice to the joint holder whose name is first entered in the register in respect of the share; or

(b) the persons entitled to a share in consequence of the death or insolvency of a member, or by sending it through the post in a prepaid letter addressed to him by name, or by the title of the representative of the deceased, or trustees of the insolvent or by

any like description, at the address, if any, in the Republic supplied for the purpose by the person claiming to be so entitled, or (until such address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or insolvency had not occurred.

118. Notice of every general meeting shall be given in any manner authorized -

(a) to every member or holder of debentures of the company except, in the case of notices to be given personally or sent by post to those members or holders of debentures who (having no registered address within the Republic) have not supplied the company an address within the Republic for the giving of notices to them;

(b) to every person entitled to a share in consequence of the death or insolvency of a member or holder of debentures, who but for his death or insolvency, would have been entitled to receive notice of the meeting;

and

(c) to the auditor of the company.

No other person shall be entitled to receive notice of general meetings.

119. Any notice by post shall be deemed to have been served at the time when the letter containing the same was posted, and in proving the giving of the notice by post, it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

120. Every person who by operation of the law, transfer or other means whatsoever shall become entitled to any share or debenture shall be bound by every notice in respect of such share or debenture which

previously to his name and address being entered on the register shall have been given to the person from whom he derives his title to such share.

121. The signature to any notice given by the company may be affixed to the notice by autographic or mechanical means.
122. When a given number of days notice or notice extending over any other period is required to be given, the day of service and the day of the meeting shall not be counted in such number of days or period.
123. If the company has a seal, it shall not be affixed to any instrument except by the authority of a resolution of the directors, and shall be affixed in the manner and subject to such safeguards as the directors may from time to time determine.

#### INDEMNITY

- S.247 (2) 124. Every director, alternate director, manager, secretary and other officer of the company and any person employed by the company and its auditor shall be indemnified out of the company's funds against all liability incurred by him as a director, alternate director, secretary or other officer of the company in defending any proceedings (whether civil or criminal) in which judgment is given in his favour or in which he is acquitted or in connection with any matter in which relief is granted to him by the Court in terms of the Act.

#### PREACQUISITION PROFITS

125. At the discretion of the directors and so far as it is lawful:
  - (a) where any asset, business or property is bought by the company as from a past date (whether such date is before or after the incorporation of the company) upon the terms that the company

shall as from that date take the profits and bear the losses thereof, then such profits or losses may be credited or debited, as the case may be, wholly or in part to revenue account, and any amount so credited or debited shall be treated for all purposes as a profit or loss of the company;

- (b) if any shares or securities are purchased by the company cum dividend or interest, that dividend or interest may be treated as revenue and it shall not be obligatory to capitalize it or any part of it.

#### WINDING-UP

126. If the company shall be wound up, whether voluntarily or otherwise the assets remaining after payment of the debts and liabilities of the company and the costs of the liquidation shall be applied as follows:
- (a) to repay to the members the amounts paid upon the shares respectively held by each of them; and
  - (b) the balance (if any) shall be distributed among the members in proportion to the number of shares respectively held by each of them;

Provided that the provisions of this article shall be subject to the rights of the holders of shares (if any) issued upon special conditions.

127. In winding-up, any part of the assets of the company, including any shares or securities of other companies may, with the sanction of a special resolution of the company, be paid to the members of the company *in specie*, or may, with the same sanction, be vested in trustees for the benefit of such members, and the liquidation of the company may be closed and the company dissolved.

Signatories to articles of association

Particulars of subscribers	Date and signature	Particulars of witnesses	Date and signature
1. Full names _____		Full names _____	
Occupation _____		Occupation _____	
Residential address _____		Residential address _____	
Business address _____		Business address _____	
Postal address _____		Postal address _____	
2. Full names _____		Full names _____	
Occupation _____		Occupation _____	
Residential address _____		Residential address _____	
Business address _____		Business address _____	
Postal address _____		Postal address _____	
3. Full names _____		Full names _____	
Occupation _____		Occupation _____	
Residential address _____		Residential address _____	
Business address _____		Business address _____	
Postal address _____		Postal address _____	
4. Full names _____		Full names _____	
Occupation _____		Occupation _____	
Residential address _____		Residential address _____	
Business address _____		Business address _____	
Postal address _____		Postal address _____	

**BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY - BIPA**

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



CM29

**CONTENTS OF REGISTER OF DIRECTORS, AUDITORS AND OFFICERS**

Registration Number of Company  
**312 SWA**

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

bipa: 2024-04-00  
PO Box 185, Windhoek, Namibia  
Tel: +264 61 2994400  
Email: info@bipa.na

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

Name and postal address of Company M. PUPKEWITZ & SONS (PTY) LTD  
PO BOX 140, WINDHOEK, NAMIBIA

Return of particulars as at ...25 MARH 2024.....

I, JOHN EUGENE SHEPHERD  
(name of director of officer)

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

Signed 

Date 25 MARCH 2024

**A. Directors**

KEY TO PERSONAL PARTICULARS REQUIRED

PERSONAL PARTICULARS

1. Surname	SHEPHERD										
2. Full forenames	JOHN EUGENE										
3. Former surname and forenames	N/A										
4. Identity number or, if not, available, date of birth and Passport number	Year	Month	Day								
	6	5	0	9	1	8	0	0	3	9	5
5. (a) Date of appointment	1 MAY 2012										
(b) Designation	GROUP FINANCE DIRECTOR										
6. Residential address	21 B OSPREY ROAD, WINDHOEK										
7. Business address	63 - 67 JULIUS K. NYERERE STREET, WINDHOEK										
8. Postal address	PO BOX 140, WINDHOEK										
9. Email address	<a href="mailto:groupfd@pupkewitz.com">groupfd@pupkewitz.com</a>										
10. Contact number	061 - 427 000										
11. Nationality (If not Namibian)	NAMIBIAN										
12. Occupation	GROUP FINANCE DIRECTOR										
13. Resident in Namibia (Yes or No)	YES										
14. Nature of change in 1 to 5 above and date	NO CHANGE										

1. DU TOIT																																		
2. DANIEL BAREND JOHANNES																																		
3. N/A																																		
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7. C/O MANDUME NDEMUFAYO AVENUE & EDISON STR, WHK																																		
8. PO BOX 3340, WINDHOEK																																		
9. <a href="mailto:fd@mps-pupkewitz.com">fd@mps-pupkewitz.com</a>																																		
10. 061 291 6784																																		
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12. FINANCIAL DIRECTOR: MEGABUILD																																		
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2. BRIAN ROBERT																																		
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9. <a href="mailto:brian.rubinstein@pupkewitz.com">brian.rubinstein@pupkewitz.com</a>																																		
10. +27768227798																																		
11. IRISH																																		
12. DIRECTOR																																		
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2. MARTHINUS GERHARDUS																																		
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8. PO BOX 5087, WINDHOEK																																		
9. <a href="mailto:martin.schoerman@mps-pupkewitz.com">martin.schoerman@mps-pupkewitz.com</a>																																		
10. 061 291 6701																																		
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11. SOUTH AFRICAN																																		
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5.(a)																				
(b)																				
6.																				
7.																				
8.																				
9.																				
10.																				
11.																				
12.																				
13.																				
14.																				

**B. AUDITOR**

160

1. Name DELOITTE & TOUCHE

2. Date of appointment 22 FEBRUARY 2017

3. Nature of change in 1 and 2 above and date.

NO CHANGE

**Perforated**

*(To be completed by company)*

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

Dated 25 MARCH 2024

Name of company M. PUPKEWITZ & SONS (PTY) LTD

Postal address PO BOX 140, WINDHOEK, NAMIBIA

Email address groupfd@pupkewitz.com

CM29 PAGE 3

CM29

Date received

Date stamp of Business

Registration Office

2024-04-03

PO Box 140, Windhoek, Namibia  
Tel: +264 61 269 8111  
Fax: +264 61 401 1111  
Email: info@bipa.gov.na Web: www.bipa.gov.na  
Registration Office

**C. Officers and Local Managers**

KEY TO PERSONAL PARTICULARS REQUIRED

PERSONAL PARTICULARS

Registration Number of Company  
312 SWA

1. Surname	SHEPHERD												
2. Full forenames	JOHN EUGENE												
3. Former surname and forenames	N/A												
4. Identity number or, if not, available, date of birth and Passport number	Year			Month			Day						
	6	5	0	9	1	8	0	0	3	9	5		
5. (a) Date of appointment	1 MAY 2012												
(b) Designation	COMPANY SECRETARY												
6. Address of registered office, and registration number if officer is a corporate body	N/A												
7. Residential address	21 B OSPREY ROAD, WINDHOEK												
8. Business address	63 – 67 JULIUS K. NYERERE STREET, WINDHOEK												
9. Postal address	PO BOX 140, WINDHOEK												
10. Email address	groupfd@pupkewitz.com												
11. Contact number	061 427 000												
12. Nationality (If not Namibian)	NAMIBIAN												
13. Occupation	GROUP FINANCE DIRECTOR												
14. Resident in Namibia (Yes or No)	YES												
15. Nature of change in 1 to 6 above and date	NO CHANGE												

FOR KEY TO PARTICULARS, SEE ABOVE

1. SHEPHERD													
2. JOHN EUGENE													
3. N/A													
4	Year	Month	Day										
	6	5	0	9	1	8	0	0	3	9	5		
5.(a) 1 MAY 2012													
(b) PUBLIC OFFICER													
6.: N/A													
7. 21 B OSPREY ROAD, WINDHOEK													
8. 63 – 67 JULIUS K. NYERERE STREET, WINDHOEK													
9. PO BOX 140, WINDHOEK													
10. NAMIBIAN													
11. GROUP FINANCE DIRECTOR													
12. YES													
13. NO CHANGE													

1.													
2.													
3.													
4	Year	Month	Day										
5.(a)													
(b)													
6.													
7.													
8.													
9.													
10.													
11.													
12.													
13.													



REPUBLIC OF NAMIBIA

**BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY - BIPA**COMPANIES ACT 2004  
(Section 219) (Regulation 45(1))

Registration Number of Company 312/SWA
---

**CONSENT TO ACT AS DIRECTOR OR OFFICER  
AND OTHER DIRECTORSHIPS**Name of company M. PUPKEWITZ & SONS (PROPRIETARY) LIMITED**A. Consent**

I hereby consent to my appointment as \* director / officer of the above-named company.

I certify that I am not disqualified in terms of sections 225 or 226 of the Companies Act from being a director/officer\*.

Signed:  \_\_\_\_\_Date: 20 March 2024

(To be signed by: Director or officer personally; or the authorised agent on behalf of a director of an external company not resident in Namibia; or the authorised agent of a corporate body.)

\*Delete where not applicable.

**B. Personal particulars**

1. Surname	Lourens																							
2. Full forenames	Christie																							
3. Former surname and forenames	-																							
4. Identity number or, if not, available, date of birth	<table border="1"> <thead> <tr> <th>Year</th> <th>Month</th> <th>Day</th> <th colspan="7"></th> </tr> </thead> <tbody> <tr> <td>6</td> <td>0</td> <td>0</td> <td>9</td> <td>2</td> <td>6</td> <td>5</td> <td>0</td> <td>0</td> <td>4</td> <td>0</td> <td>8</td> <td>0</td> </tr> </tbody> </table>	Year	Month	Day								6	0	0	9	2	6	5	0	0	4	0	8	0
Year	Month	Day																						
6	0	0	9	2	6	5	0	0	4	0	8	0												
5. Date of appointment	01 November 2023																							
6. Residential address	6 Moolman Road, Blue Waters 402, Blouberg Stand, Cape Town																							
7. Business address	Same as above																							
8. Postal address	n/a																							
9. Email address	clouren@yebo.co.za																							
10. Contact Number	0027 82 557 6093																							
11. Nationality (If not Namibian)	South African																							
12. Occupation	Retired																							
13. Resident in Namibia (Yes or No)	No																							
14. Address of registered office, and registration number, if officer is a corporate body	n/a																							

**C. Other Directorships**



# BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY

*Protecting Entrepreneurship and Innovation*

Tel: +264 61 299 4400

Registrar of Companies and Close Corporation

P O Box 185

Fax:

WINDHOEK

9000

Enquiries :

Our Ref :

Your Ref :

## RECEIPT

Receipt No: 516187

Application No:

Cashier: ERNSTINE

Email Address :

Till No: TL04

Session No: 19166

Date: 08/04/2024 15:41

REF NO	FILE NO	ITEM DESCRIPTION	AMOUNT PAID			TOTAL
			FEE	EXAM FEE	FINE	
24045516/1	CY/1946/0312 M. PUPKEWITZ & SONS (PROPRIETARY)LIMITED	REGISTER OF DIRECTORS, OFFICERS, AUDITORS AND SECRETARIES (SECTION 223, 224(2), 284(2)(4), 288(3), 238(1), 331 AND 333 OF THE ACT AND REGULATIONS 46)	20.00	0.00	300.00	320.00

GROSS AMOUNT (N\$):

320.00

Received From :

M. PUPKEWITZ & SONS (PROPRIETARY)LIMITED

EFT Amount (N\$):

320.00



**M. PUPKEWITZ & SONS (PTY) LTD**

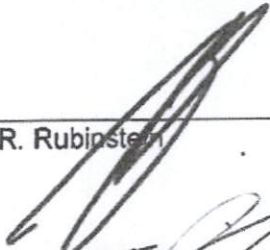
Reg Nr (1946) 312 SWA


**ROUND ROBIN RESOLUTION PASSED BY THE BOARD OF DIRECTORS  
ON FRIDAY, 19 SEPTEMBER 2025**

---

**RESOLVED THAT:**

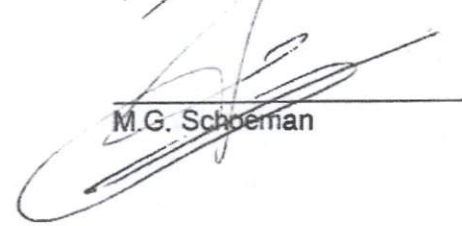
In line with the Delegation of Authority, the Managing Director of M. Pupkewitz & Sons (Pty) Ltd, Mr Marthinus Gerhardus Schoeman, ID no. 7111035235082 is authorised to sign lease agreements on behalf of the company.

  
\_\_\_\_\_  
B.R. Rubinsteyn

  
\_\_\_\_\_  
C. Lourens

  
\_\_\_\_\_  
D.B.J. du Toit

  
\_\_\_\_\_  
J.E. Shepherd

  
\_\_\_\_\_  
M.G. Schoeman





Dear Sir /Madam

Ref: Application to purchase 10m free space behind erf 757 Academia ext1.

I am the owner of plot number 757 in Academia extension 1, in Dimo Hamaambo str.

There is an open/free space behind my plot and our would like to buy 10 meters of the free space and add to our current plot.

My ID 85121210027.

I hope all is in accord,

Kind regards,

Austin Sinvula Maswahu

Contact: 0812171803/ 0851410628/ 0853003256

Email address: ustinsm@gmail.com

Prepared by me  
CONVEYANCER  
YSSEL EH

By Notarist Deed No. K137 18/03/2020 21st March 2020  
 the within-mentioned property is subject to Landibonds  
 in favour of Municipal Council of Windhoek  
 2020-16-27  
 2020-16-27  
 YSSEL EH

2020-16-27  
 MORTGAGED IN R/531/2020  
 No. 848 00000  
 YSSEL EH

DR. WEDER, KAUTA & HOVEKA INCORPORATED  
 Legal Practitioners, Notaries and Conveyancer  
 P.O. Box 864  
 WINDHOEK 9000

DEED OF TRANSFER NO

T 1937 2020

BE IT HEREBY MADE KNOWN  
 LIANA THERESA VANDEN BERG

THAT ETIENNE-HENNING-YSSEL  
 appeared before me, Registrar of Deeds at WINDHOEK, he, the said Appearer,  
 being duly authorized thereto by a Power of Attorney granted to him by the

MUNICIPAL COUNCIL OF WINDHOEK

dated the 18<sup>TH</sup> MARCH 2020  
 signed at WINDHOEK

u  
y  
80

AND THE SAID APPEARER declared that the Municipal Council of Windhoek did on the 2<sup>ND</sup> day of MARCH 2020 truly and legally sell and that he

THE SAID APPEARER in his capacity as aforesaid did by these presents, cede and transfer in full and free property, to and on behalf of

**AUSTIN SINVULA MASWAHU**

Identity Number 851212 1002 7

and

**MELISSA KABUBA MASWAHU**

Identity Number 940423 0004 9

Married in community of property to each other

Their Heirs, Executors, Administrators or Assigns:-

<b>CERTAIN</b>	ERF NO 757 ACADEMIA (Extension no 1)
<b>SITUATE</b>	in the Municipality of Windhoek
	Registration Division "K" KHOMAS Region
<b>MEASURING</b>	648 (Six Hundred and Forty Eight) Square Metres,
	as indicated on General Plan S.G. no A.359/2014
<b>AND HELD</b>	under Certificate of Registered Title No. T.5417/2009

- A. **SUBJECT** to the following conditions imposed in terms of Government Notice no 203/2014 namely:

**IN FAVOUR OF THE LOCAL AUTHORITY**

- (a) The erf must only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance 1954 (Ordinance 18 of 1954).
- (b) The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the prevailing valuation of the erf.
- B. **FURTHER SUBJECT** to the reservation by the Municipal Council of Windhoek of the right of access and use without compensation of the area 3 metres parallel with any boundary for the construction and maintenance of Municipal Services in respect of water, sewerage, drainage, electricity and gas, which right includes the right to place on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

WHEREFORE the Appearer, renouncing all the Right and title the

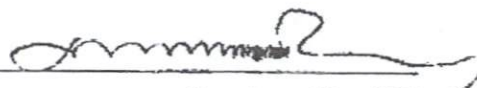
TRANSFEROR

heretofore had to the Premises, did, in consequence also acknowledge it to be entirely dispossessed of, and disentitled to, the same, and that by virtue of these presents the said Transferee Their Heirs. Executors, Administrators or Assigns now is and henceforth shall be entitled thereto, conformably to local custom; State, however, reserving its rights, and finally acknowledging the purchase price to be N\$711 111, 14

Signed at Windhoek on  
of office.

2020-04-22

together with the appearer, and confirmed with my seal




Signature of Appearer

In my presence



REGISTRAR OF DEEDS


REPUBLIC OF NAMIBIA  
NATIONAL IDENTITY CARD



NO 851212 1002 7

SURNAME  
**MASWAHU**

FIRST NAME  
**AUSTIN SINVULA**



*M. Sinvula*

DATE OF BIRTH  
**1985-12-12**

CITIZENSHIP  
**CITIZEN**

PLACE/COUNTRY OF BIRTH  
**KATIMA MULILO**

GENDER HEIGHT  
**MALE 1,72**

EYE COLOUR  
**BROWN**

DATE OF ISSUE  
**2009-01-23**



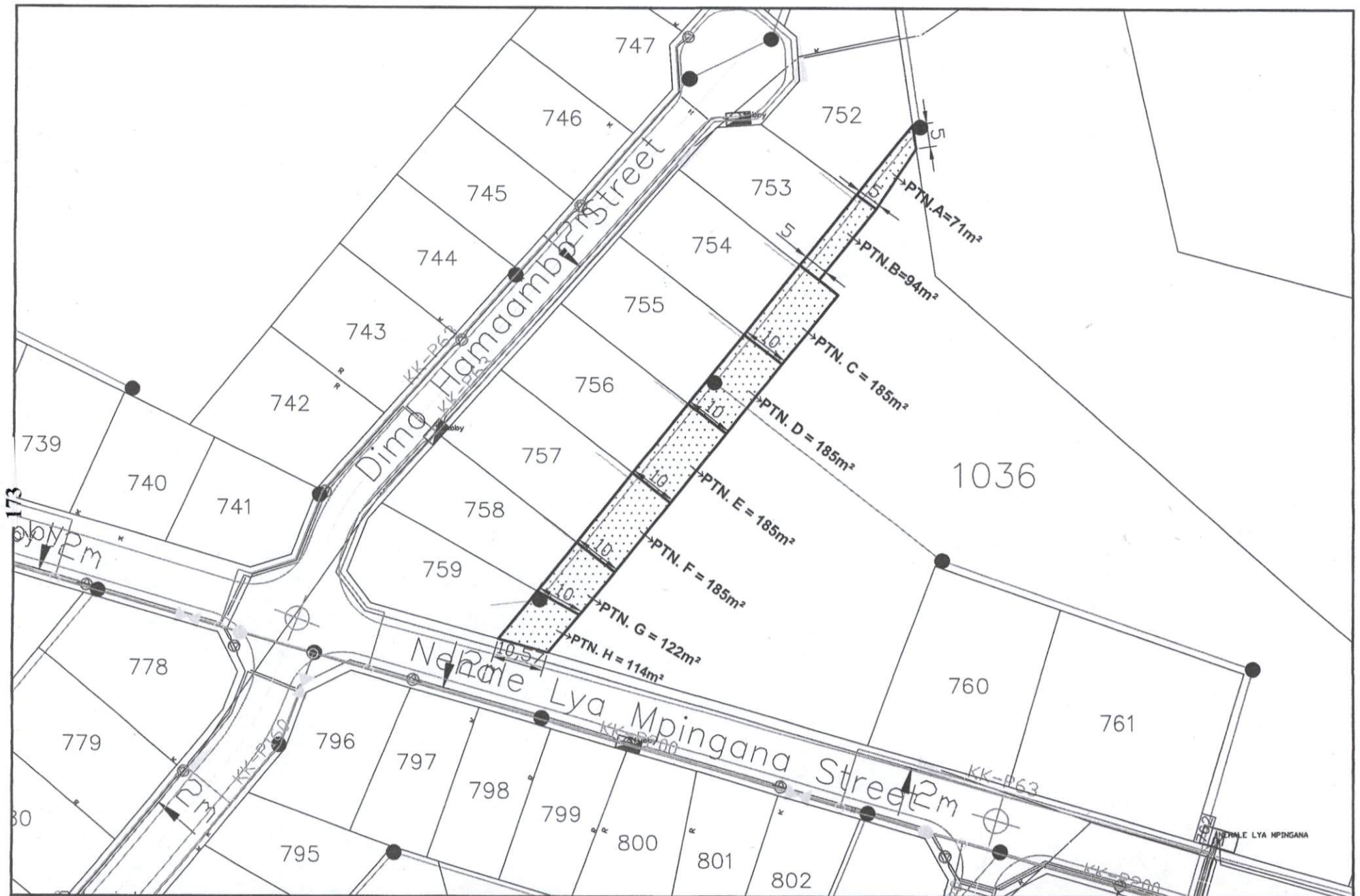
APPL-NO  
**P58009**



85121210027

~~2009-01-23~~  
~~APPL-NO~~  
KATIMBANE



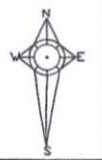


**SUBDIVISION OF PORTIONS A-H OF ERF 1036, ACADEMIA  
FOR CONSOLIDATION WITH ERVEN NO'S 752-759, ACADEMIA**

PATH: o:\cad data\groups\geomatics\1036AC PLAN NO: 1036 AC-1

11 AUGUST 2022

SCALE 1:1000



[Municipal Council Minutes: 2004-08-25]

8.3.4

**BRB.2 [PLA] CALCULATION OF PURCHASE  
PRICE – ADDITIONAL LAND SALES  
(16/15/2/2/1)**

On proposal by Councillor Dr B von Finckenstein, it was

**RESOLVED**

That Council Resolution 405/08/95 be rescinded and replaced by the following:

- 1 That portions of open spaces, which are big enough to enhance the potential of the property with which the portion is to be consolidated, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 2 That portions of open spaces which can be used as separate erven, with separate access and which are fully serviced, be valued at the full market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 3 That portions of open spaces which are too small to enhance the potential of the erf with which the portion is to be consolidated, be valued at 50 % of the market value as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 4 That, where fully market-related prices is payable, the costs incurred for the closure, town planning and cadastral procedures (as calculated by the Strategic Executive: Planning, Urbanisation and Environment) be deducted from the eventual purchase price: Provided that the eventual purchase price not be less than 50 % of the market-related price as determined by the Strategic Executive: Planning, Urbanisation and Environment.
- 5 That additional land being sold at a subsidised price for consolidation with the adjacent 'institutional' zoned properties not be allowed to deduct the costs mentioned in paragraph 4.
- 6 That the policy on the deduction of costs where full market-related purchase prices are payable also be made applicable to all outstanding sales subject to the conditions of the original resolution.

**RESOLUTION 276/08/2004 [POLICY]**

**VALUATION CERTIFICATE**  
**DIVISION: VALUATION SERVICES**  
**DATE OF VALUATION: 27/11/2025**



**Erf No.:** 1036      **Suburb:** Academia      **Street name:** Arimas

**Erf size:** 10,395 m<sup>2</sup>      **Zoning:** Public Open Space      **Density:** N/A

**Required portion size:** PTN A to H = ±1141m<sup>2</sup>

**Current use of the portion under consideration:** Vacant

**Acquisition purpose:** To be sold for consolidation

Size of the portion Required	Current vacant land going price/ m <sup>2</sup>	Estimated market Value
PTN A =71m <sup>2</sup>	N\$1340	N\$ 95,100.00
PTN B =94m <sup>2</sup>	N\$1340	N\$ 126,000.00
PTN C =185m <sup>2</sup>	N\$1340	N\$ 247,900.00
PTN D =185m <sup>2</sup>	N\$1340	N\$ 247,900.00
PTN E =185m <sup>2</sup>	N\$1340	N\$ 247,900.00
PTN F =185m <sup>2</sup>	N\$1340	N\$ 247,900.00
PTN G =122m <sup>2</sup>	N\$1340	N\$ 163,500.00
PTN H =114m <sup>2</sup>	N\$1340	N\$ 152,800.00

Comparable portions of land were sold in 2024 by the Council at a rate of N\$ 1,294.00 per square meter. To align the price per square meter attained in 2024 with the current market-related pricing, the aforementioned price was adjusted for a one-year period. Following adjustment, a price of N\$1,340.00 per square meter was established.

Therefore, the required portion should be valued at N\$1,340.00 per square meter.

**Valued by:**

*Kaulikufwa Hendjala*  
 Kaulikufwa Hendjala

**Date:**

27/11/2025

[Municipal Council Minutes: 2001-07-25]

8.3.28

**UPG.1 [PLA] POLICY FOR THE DISTRIBUTION  
AND FUTURE USAGE OF PUBLIC OPEN  
SPACE IN WINDHOEK**  
(3/1/P) (16/15/1)

On proposal by Councillor Dr B von Finckenstein, it was

**RESOLVED**

- 1 That the 'Policy for the Distribution and Future Usage of Public Open Space in Windhoek', its appendices and the plan 'Parks in Windhoek 2000' be adopted as policy documents.
- 2 That urban development within Windhoek, by the public or private sector, be guided, inter alia, by the general principles contained in the Policy.
- 3 That the usage of open spaces as set out in the appendices be approved and that the recommended facilities accompanying the designation and as set out in chapter 5 of this policy be adopted as minimum targets for parks and recreational development.
- 4 That the approved usage and designated facilities be used to assist annual budgeting for further development commensurate with the designated role of the open space.
- 5 That based on the principle that people should not have to walk for longer than ten minutes to get to a local facility such as a park, the size and distance criteria set out in chapter 6 be adopted as design guidelines for new townships.
- 6 That the City recognise its heritage of fragile eco-systems identified in the report comprising river courses, dams, mountains, hilltops and steep valleys, and other natural features and is determined that they be subject to environmental conservation measures and that opportunities be pursued for sensitive recreational development and eco-tourism so as to maintain a balance between conservation and recreational open spaces.
- 7 That special protection be provided for drainage areas by way of a buffer 'infiltration area' extending to a recognised distance from the riverbeds so that absorptive soil sponge next to the riverbank can be retained to facilitate seepage of water into the groundwater reserves, for maintaining riverine ecological systems, and also to act as a bio-filter, cleaning water before it is deposited into the riverbed.
- 8 That the following guidelines be used for assessing applications for portions of public open space:
  - 8.1 A watercourse including an 'infiltration area' not be permanently closed, other than with a servitude to prevent building within the infiltration area, or be used other than as park, a garden or a recreational area.

- 8.2 The 'infiltration area' be assessed preferably by a hydrogeological study to be carried out as part of an environmental impact study to assess groundwater vulnerability and to fix the boundaries for subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability, or where this is not feasible then by the following criteria:
- Adoption of the 1:100 year flood line where this is available, or
  - Imposition of a 5 metre wide infiltration area between the seasonally active bed of a watercourse which is further than 500 metre or more from its bounding watershed, and the nearest structures.
- 8.3 The physical occurrence of a watercourse be defined as being the outer edge of the seasonally active (gravel) bed or the identifiable banks of a watercourse.
- 8.4 The protection afforded by an infiltration area be applicable for a watercourse should it be 500 metre or more from its bounding watershed or should special topographical or flow conditions warrant earlier recognition.
- 8.5 No area within a 1 in 50 year flood line be built upon or used for any purpose other than as park, a garden or a recreational area.
- 8.6 Minor watercourses (drainage channels) be consolidated with adjacent properties provided that any 'infiltration area' of the watercourse is reserved by a servitude free of structures or impermeable surfacing.
- 8.7 That no land designated for a City, suburban or neighbourhood park be diminished in any way unless a park development plan exist which indicate clearly that some portion of the land not be used by the community and represent waste land.
- 8.8 That in all cases where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse for non residential activities which pose a threat of polluting the watercourse, and in all cases where such a development lie within 10 metre of a watercourse, a hydrogeological study be carried out:
- To assess groundwater vulnerability,
  - To recommend conditions for the development and
  - To fix the boundaries for any subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability.
- 8.9 That where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse full details of the proposed activities be supplied so as to enable the City to assess the groundwater vulnerability.

- 8.10 That in other cases not involving watercourses or designated parks, 10 metre wide portions of land be acquired for consolidation with adjacent erven provided that:
- The extent of land taken would not undermine the value of the open space to the community;
  - Extraction of a portion will not damage or inhibit access of the public to the open space;
  - Only one 10 metre wide portion may be acquired with no subsequent extraction (small variations from the 10 metre may be permitted to accommodate local features);
  - Neighbours and other affected parties have no valid objection;
  - The new usage would not damage any scenic views of the hillside or any valuable natural features, and
  - Services are not adversely affected.
- 9 That, as opportunity arises, every remaining open space be considered in respect of its full extent for closure, partial closure or retention and that no recommendations be made on the basis of a partial investigation only.
- 10 That the criteria set out above and in the Policy be used in the design of new settlements and that specially attractive or sensitive natural features and areas of scenic beauty be incorporated for their protection into future open spaces as far as is reasonably possible.
- 11 That for all townships proclaimed since 1980, except for additional strips of land along the edges of steep hillsides (approximately 10 metre wide), where application is supported by affected adjacent erf owners, no further small scale diminution of open spaces be supported.
- 12 That for townships proclaimed before 1980, namely Katutura and Extensions 1 to 13, Khomasdal and Extensions 1 to 3, Windhoek residential townships, Klein Windhoek and Extensions 1 to 3, Erospark, Academia, Olympia and Pionierspark, except for approximately 10 metre wide strips along the edges of steep hillsides, where application is supported by affected adjacent erf owners, applications be handled in terms of paragraphs 8 and 9 and further small scale diminution only be allowed where such diminution has already commenced.
- 13 That the above rules not be interpreted to bar the City from totally closing an open space which serve only as a drainage channel and by piping the stormwater flow, to make the land available for urban use or where the area is to be physically closed or fenced off for security purposes at the request of adjacent erf owners.
- 14 That in all new township development a hydrogeological study be carried out as part of any environmental impact analysis or feasibility study to assess groundwater vulnerability and to fix the boundaries for subdivision of

developable erven along watercourses and other identified areas of groundwater vulnerability.

- 15 That the public be reminded that in terms of Council Resolution 55/02/93 of 24 February 1993 which has been incorporated into this Policy, it consider the allocation of portions of public open spaces for local community development of community facilities with or without a community centre as part of Citizen-City partnership initiatives.
- 16 That the City see the establishment of common goals in the conservation and utilisation of open spaces in the City as a critical factors in promoting social upliftment and improving the living conditions of its citizens.

**RESOLUTION 251/07/2001 [POLICY]**

---

NEIGHBOURS' CONSENT

SALE OF ERF A PORTION OF ERF 1036 ACADEMIA EXTENSION FOR CONSOLIDATION WITH ERF 757, ACADEMIA EXTENSION 2

NAME/S: Ms. Nanghonda Maya EN

IDENTITY NUMBER/S: 90100900477

PHYSICAL ADDRESS: 756 Dimo Hamaambo

POSTAL ADDRESS: P.O.Box 884 Oshakati

I/We the owners of Erf 756, Academia Extension 1


Indicate [x]

Do not object

Object

If objecting, state reasons for objection

.....  
.....  
.....  
.....

  
.....

Signature

19/10/2025

Date

N/A  
.....

N/A  
.....

Signature

Date

NEIGHBOURS' CONSENT

SALE OF ERF A PORTION OF ERF 1036, ACADEMIA EXTENSION FOR CONSOLIDATION WITH ERF 757, ACADEMIA EXTENSION 1

NAME/S\ : MUNICIPAL COUNCIL OF WINDHOEK

IDENTITY NUMBER/S:.....

PHYSICAL ADDRESS:.....

POSTAL ADDRESS:.....

I/We the owners of Erf 758, Academia Extension 1

Indicate [x]

Do not object

Object

If objecting, state reasons for objection

.....  
.....  
.....  
.....


  
Signature

.....  
Signature

CITY OF WINDHOEK  
ARCHITECTURE SECTION

6

APPROVED  
NEIGHBOURS' CONSENT ONLY  
Subject to approval/adherence  
by /to other Departments/Divisions comments

Signed: 

13/05/2026  
Date

.....  
Date



182



183

[Municipal Council Minutes: 2021-08-31(25)]

1.1.3

**FNS.1 [HPH] APPLICATION TO PURCHASE  
A PORTION OF ERF 878, CIMBEBASIA  
FOR CONSOLIDATION WITH ERF 792,  
CIMBEBASIA EXTENSION 2  
(13/2/1/1)**

On proposal by Councillor Ms N Larandja, it was

**RESOLVED**

- 1 That Erf 878, Cimbebasia Extension 2, be subdivided into Portion A ( $\pm 94 \text{ m}^2$  in extent) and the Remainder, as indicated on Plan CIM 792-1, attached as page 138 to the agenda.
- 2 That Portion A of Erf 878, Cimbebasia Extension 2, be closed as public open space in terms of section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 2.1 That the City prepare the closure notice and that the owner of Erf 792, Cimbebasia Extension 2, be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours and that proof of successful advertising be provided to the Strategic Executive: Housing, Property Management and Human Settlement before a Sales Agreement is signed.
- 3 That the applicant be responsible for the town planning and cadastral procedures, being subdivision into Portion A of Erf 878, Cimbebasia Extension 2, consolidation of Portion A of Erf 878, Cimbebasia with Erf 792, Cimbebasia Extension 2, survey and registration of the new consolidated erf, and the costs involved.
- 4 That, subject to the successful closure and implementation of all town planning and cadastral procedures and obtaining of an Environmental Management Clearance Certificate, Portion A of Erf 878, Cimbebasia ( $\pm 94 \text{ m}^2$  in extent) be sold to the owner of Erf 792, Cimbebasia Extension 2, at an upset price of N\$645.00/m<sup>2</sup> being 50 % of N\$1 290.00 or N\$61 000.00 in total, as indicated on the Valuation Certificate dated 23 June 2021, attached as page 139 to the agenda, as determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 4.1 That henceforth, all funds generated from the sale of resulting from the subdivision of public open spaces be used exclusively (unless with consent of Council), for the development of public open spaces into attractive public spaces, e.g., family parks, walking trails, etc.
- 4.2 That the Strategic Executive: Finance and Customer Services create a dedicated account where proceeds of land sales resulting from the subdivision of public open spaces will be deposited.
- 4.3 That a report on the utilisation of these funds (how it was dispensed), be provided at the next Management Committee/Council meeting.
- 5 That the applicant appoint a registered professional Engineer at its own cost to determine whether the western and south western boundaries of the proposed Portion A of Erf 878, Cimbebasia Extension 2 require protection against any potential flood damage.

- 6 That the sale of Portion A of Erf 878, Cimbebasia be subject to the following conditions:
  - 6.1 That Portion A of Erf 878, Cimbebasia Extension 2 be consolidated with Erf 792, Cimbebasia Extension 2, simultaneously with transfer.
  - 6.2 That Portion A of Erf 878, Cimbebasia assume the same zoning as the abutting Erf 792, Cimbebasia Extension 2, being 'residential' with a density of 1:250 m<sup>2</sup>, in terms of clause 5(3) of the Windhoek Town Planning Scheme.
  - 6.3 That the existing conditions registered against Portion A of Erf 878, Cimbebasia Extension 2 be replaced by the standard conditions of the title including a minimum building value equal to four (4) times the municipal valuation be registered against the consolidated erven.
  - 6.4 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme stating:
    - 6.4.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
      - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
      - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
    - 6.4.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
  - 6.5 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the City of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 7 That only one (1) electrical service connection be allowed from the municipal network to the consolidated erf.
- 8 That it be noted that one (1) additional electrical meter can be applied for an approved flat, should it be required.
- 9 That should an upgrade of the electricity supply point be required, the applicant and/or his representative contact the Strategic Executive: Electricity, well in advance, to determine whether the existing network can handle the additional loading and to determine the size and cost for the upgraded supply point.
- 10 That the applicant:
  - 10.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement not later than six (6) months from the date of this Council Resolution that the

Environmental Management Clearance Certificate has been obtained and the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.

- 10.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement within sixty (60) days after the issuing of the Subdivision and Consolidation Certificate that a Surveyor has been appointed.
- 10.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.
- 10.4 Sign the Deed of Sale not later than sixty (60) days after having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.
- 11 That should the applicant fail to comply with any of the conditions stipulated in this Council Resolution, or fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, that the allocation of Portion A of Erf 878, Cimbebasia Extension 2 to the owner of Erf 792, Cimbebasia Extension 2, beyond the eighteen (18) months be subject to a price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 12 That should the applicant/owner wish to take occupation of Portion A of Erf 878, Cimbebasia Extension 2 prior to the sale of Portion A of Erf 878, Cimbebasia Extension 2, same be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$508.33, further subject to annual escalation in line with the Namibia Inflation Rate.
- 13 That the sale and lease of Portion A of Erf 878, Cimbebasia Extension 2 are subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 14 That the intended sale and lease of Portion A of Erf 878, Cimbebasia Extension 2 ( $\pm 94 \text{ m}^2$  in extent), be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 15 That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 16 That the resolution be implemented prior to confirmation of the minutes.

#### Financial implications

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

#### RESOLUTION 183/08/2021

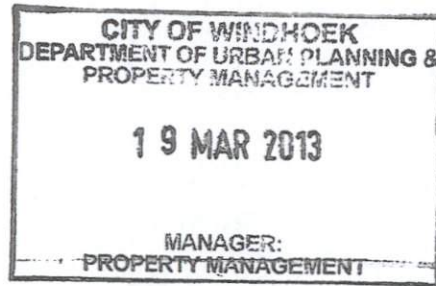
Lettie Shakhira  
Erf. 1107 Mudorib Street,  
Cimbebasia, Windhoek

187

Contact: 0811248962

1107 Mudorib Street  
WT+T no. 31  
28-13/3

The Manager: Properties  
P.O. Box 59  
Windhoek City Council



Date: 12 March 2013

**Subdivision of Open Space for Consolidation with Erf 1107 Cimbebasia**

Dear Sir or Madam

This is an application for the purchase of the portion of open space adjacent to my property, along the northern boundary of Erf 1107 as per the open space policy.

My erf has access from a panhandle on Mudorib Street with access from a 7m wide walkway along the northern boundary of erf 1107 between my erf and erf 1106 Cimbebasia. The open space access also serves as a stormwater chute. It appears however that the stormwater chute is not functional as no stormwater flow was ever observed in that chute.

The open space behind my property is not accessed by anyone from the Mudorib street side. Most people going past the open space normally are on the way to the shop and use the road. The detour to the open space would be less than 150m if the access adjacent to my property were to be closed.

I hereby propose to consolidate the entire 7m width of the open space with my erf 1107 taking into consideration possible stormwater drainage requirements.

Thank you for your due consideration and equally appreciating a hasty response.

In anticipation,

Yours sincerely

Lettie Shakhira

143  
Dhlangana STREET  
PTW 284 143858 W+T.  
undetermined

25 JUN 2008

188

MC/am/S08188

DEED OF TRANSFER

NO.

T-3484 / 2008

LETTIE BAITUMELO SHAKIHIRA

Born on 29 December 1976

Unmarried

ERF NO. 1107 CIMBEBASIA,  
EXTENSION NO. 3

**VAN DER MERWE COLEMAN**

LEGAL PRACTITIONERS, NOTARIES PUBLIC AND

CONVEYANCERS

P.O. Box 325

WINDHOEK

Prepared by me:

*[Signature]*  
CONVEYANCER  
COLEMAN, M

By Notarist Deed No. K325 dated 20 June 2008  
 the within-mentioned property is subject to Conditions  
 in favour of Municipal Council of Windhoek as will more fully  
 appear on reference to the said Notarial Deed, a copy whereof is hereunto annexed.  
 2008-07-02  
 DEPT'S OFFICE  
 WINDHOEK  
 REGISTRAR OF DEEDS.

2008-07-02  
 MORTGAGED (No. 64033 R. 1981...)  
 for NS 420 000.00  
 DEPT'S OFFICE  
 WINDHOEK  
 REGISTRAR OF DEEDS

Van der Merwe Coleman  
 Attorneys, Notaries & Conveyancers  
 7<sup>th</sup> Floor, Frans Indongo Gardens  
 Dr Frans Indongo Street  
 P O Box 325, Windhoek

**DEED OF TRANSFER** 3484 2008

BE IT HEREBY MADE KNOWN:

THAT

**MARINDA COLEMAN**

appeared before me the Registrar of Deeds, at Windhoek, she the said Appearer, being duly authorised thereto by a Power of Attorney granted to her by

**MUNICIPAL COUNCIL OF WINDHOEK**

(hereinafter styled the **TRANSFEROR**)

dated the 18th day of April 2008 and signed at Windhoek.

*[Handwritten marks]*  
 M  
 +  
 M

AND THAT APPEARER DECLARED THAT her said principal had on the 5th day of December 2007 sold, and that she, in her capacity aforesaid, did by these presents, cede and transfer, in full and free property to and on behalf of

**LETTIE BAITUMELO SHAKIHIRA**  
Born on 29 December 1976  
Unmarried

(hereinafter styled the **TRANSFeree**)

Her Heirs, Executors, Administrators or Assigns,

**CERTAIN** Erf No. 1107 Cimbebasia,  
Extension No. 3

**SITUATE** in the Municipality of WINDHOEK  
Registration Division "K"  
Khomas Region

**EXTENT** 422 (Four Hundred and Twenty Two) Square metres, as will  
more fully appear from General Plan SG No. 138/2001

**HELD BY** Certificate of Registered Title No. T 6007/2001

A. **SUBJECT** to the following conditions imposed in terms of the Town Planning Ordinance, Ordinance 18 of 1954 , as amended, namely : -

**IN FAVOUR OF THE LOCAL AUTHORITY :**

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

wp

B. **AND FURTHER SUBJECT** to the reservation by the Municipal Council of Windhoek of the right of access and use without compensation of the area three metres parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas, which right includes the right to place on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

up

WHEREFORE the Appearer, renouncing all the Right and Title the TRANSFEROR heretofore had to the premises, did, in consequence, also acknowledge the TRANSFEROR to be entirely dispossessed of and disentitled to, the same, and that, by virtue of these Presents, the said TRANSFEREE, Her Heirs, Executors, Administrators, or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its Rights; and finally acknowledging the purchase price amounting to the sum of N\$100 000,00.

SIGNED AT WINDHOEK on 2008-07-02

together with the Appearer, and confirmed with my Seal of Office



SIGNATURE OF APPEARER



REPUBLIC OF NAMIBIA  
DEPARTMENT OF LAND REVENUE  
193 INCOME TAX  
TRANSACTION FORM B  
DECLARATION BY PURCHASER

TRANSFEROR (Seller)  
MUNICIPAL COUNCIL OF WINDHOEK

TRANSFeree (Purchaser)  
LETTIE BOITUMELO SHAKIHIRA

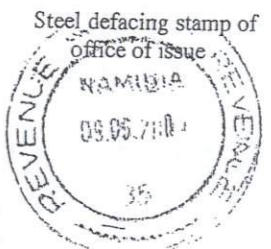
DESCRIPTION OF PROPERTY  
CERTAIN Erf No. 1107 Cimbebasia,  
Extension No. 3  
SITUATE In the Municipality of WINDHOEK  
Registration Division "K"  
Khomas Region  
MEASURING 422 (Four Hundred and Twenty Two)  
Square Metres  
PURCHASE PRICE OF N\$100 000,00 : ACCEPTED FOR TRANSFER DUTY PURPOSES

Date of transaction: 5 December 2007  
Consideration: N\$100 000,00

TRANSFER DUTY PAID BY VAN DER MERWE COLEMAN : MC/am/S08188  
Postal address: P O Box 325, Windhoek

FOR OFFICIAL USE

Transfer duty paid on R. 100.000 - 00  
Act under which duty charged  
Being




Receiver of Revenue  
339136

CASH REGISTER RECEIPT

11/6/8  
110608 103226344 000000000.00  
mmh


REPUBLIC OF NAMIBIA  
NATIONAL IDENTITY CARD



NO. 761229 0020 6

SURNAME SHAKIHIRA

FIRST NAME(S) LETTIE BOITUMELO



*Shakihira*

NAMIBIAN POLICE  
WINDHOEK

2026-01-26

WPK... VERIFYING

This document is a true reproduction of the original which was examined by me. From my observations, the original has no open or closed marks on it.

*[Signature]*

DATE OF BIRTH 1976-12-29

CITIZENSHIP CITIZEN

PLACE / COUNTRY OF BIRTH ARANOS

SEX / GENDER FEMALE

HEIGHT/m 1,65

EYE COLOUR BROWN

DATE OF ISSUE 2019-05-20

APIC NO. N13328

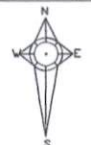


76122900206



SUBDIVISION OF A PORTION OF ERF 878, CIMBEBASIA,  
 FOR CONSOLIDATION WITH ERF NO.1107, CIMBEBASIA  
 PATH: cad data/groups/geomatics/1107-CIM PLAN NO: CIM 1107-1

13 MARCH 2025



**VALUATION CERTIFICATE**  
**DIVISION: VALUATION SERVICES**  
**DATE OF VALUATION: 29/01/2026**



**Erf No.:** R/878      **Suburb:** Cimbebasia      **Street name:** Arimas  
**Erf size:** 117,897 m<sup>2</sup>      **Zoning** Public Open Space      **Density:** N/A

**Required portion size:** ±171 m<sup>2</sup>

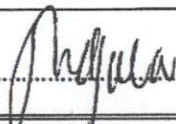
**Current use of the portion under consideration:** Vacant

**Acquisition purpose:** To be sold for consolidation with Erf 1107 Cimbebasia

<b>Current vacant land going price/ m<sup>2</sup></b>	N\$ 1386.00
<b>Size of the portion Required</b>	171 m <sup>2</sup>
<b>Estimated market Value</b>	N\$ 237,000.00

Comparable portions of land were sold in 2025 by the Council at a rate of N\$ 1339 per square meter. To align the price per square meter attained in 2025 with the current market-related pricing, the aforementioned price was adjusted for a one-year period. Following adjustment, a price of N\$1386 per square meter was established.

Therefore, the required portion should be valued at N\$ 1386 per square meter.

.....  


**Valued by:** Kaulikufwa Hendjala      **Date:** 29/01/2026

NEIGHBOURS' CONSENT

SALE OF A PORTION OF THE REMAINDER OF ERF 878, CIMBEBASIA FOR CONSOLIDATION WITH ERF 1107, CIMBEBASIA

NAME/S: Pendapala Shigwedha  
IDENTITY NUMBER/S: 76092900246  
PHYSICAL ADDRESS: Erf 1106 Mudonib street  
POSTAL ADDRESS: Box 96419 whk

I/We the owners of Erf 1106, Cimbebasia

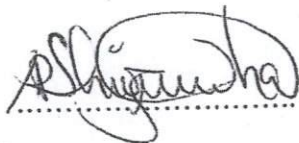
Indicate [x]

Do not object

Object

If objecting, state reasons for objection

.....  
.....  
.....



Signature

08/05/2026

Date

.....

Signature

.....

Date

NEIGHBOURS' CONSENT

SALE OF A PORTION OF THE REMAINDER OF ERF 878, CIMBEBASIA FOR CONSOLIDATION WITH ERF 1107, CIMBEBASIA

NAME/S: Ruben Mokhatu

IDENTITY NUMBER/S: 76080500329

PHYSICAL ADDRESS: 1109 Cimbebasia Mudo rib str.

POSTAL ADDRESS: Box 97621 Maerua Mall

I/We the owners of Erf 1109, Cimbebasia

Indicate [x]

Do not object

Object

If objecting, state reasons for objection

.....  
.....  
.....

 .....

Signature

07/05/2026

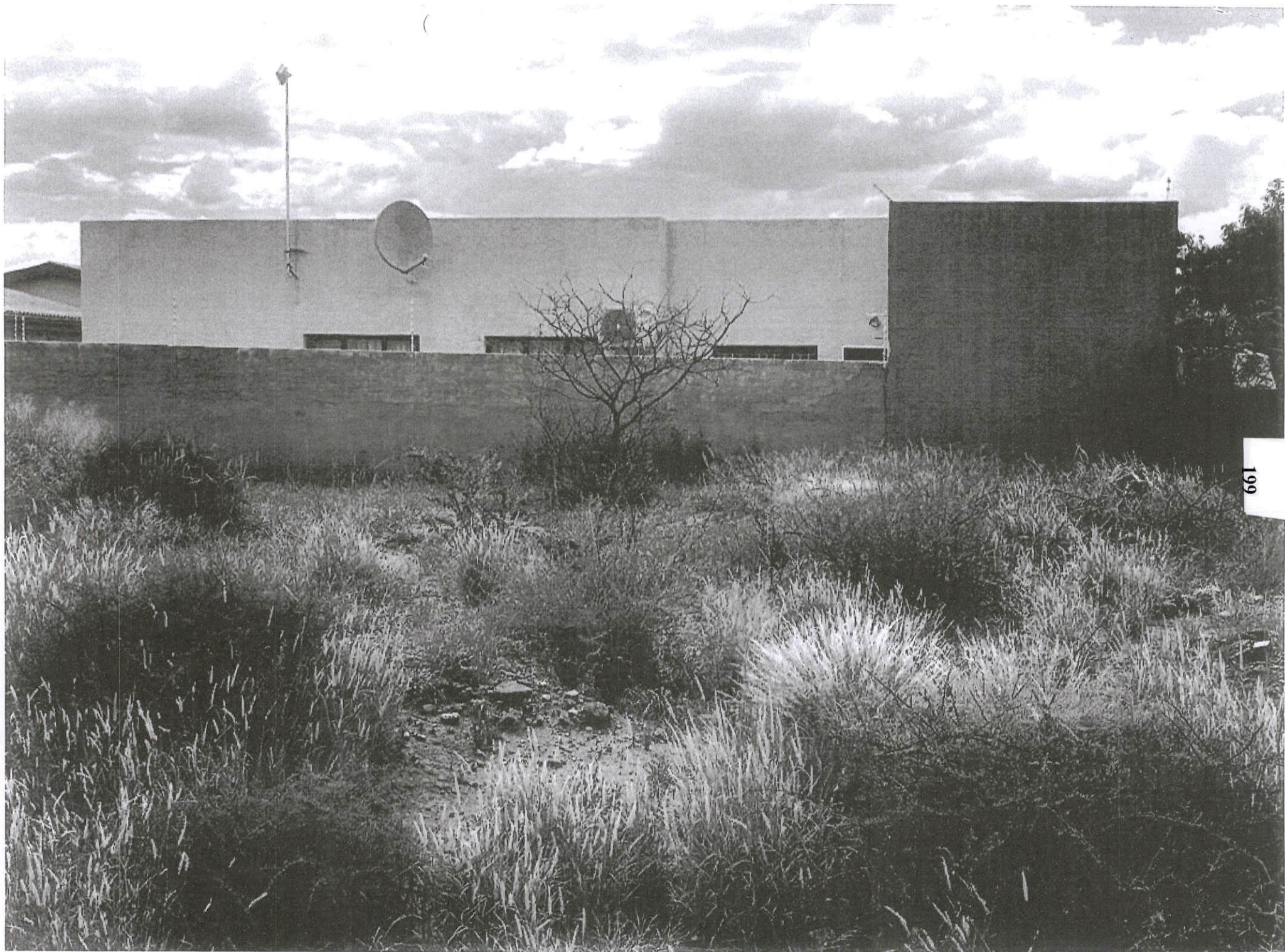
Date

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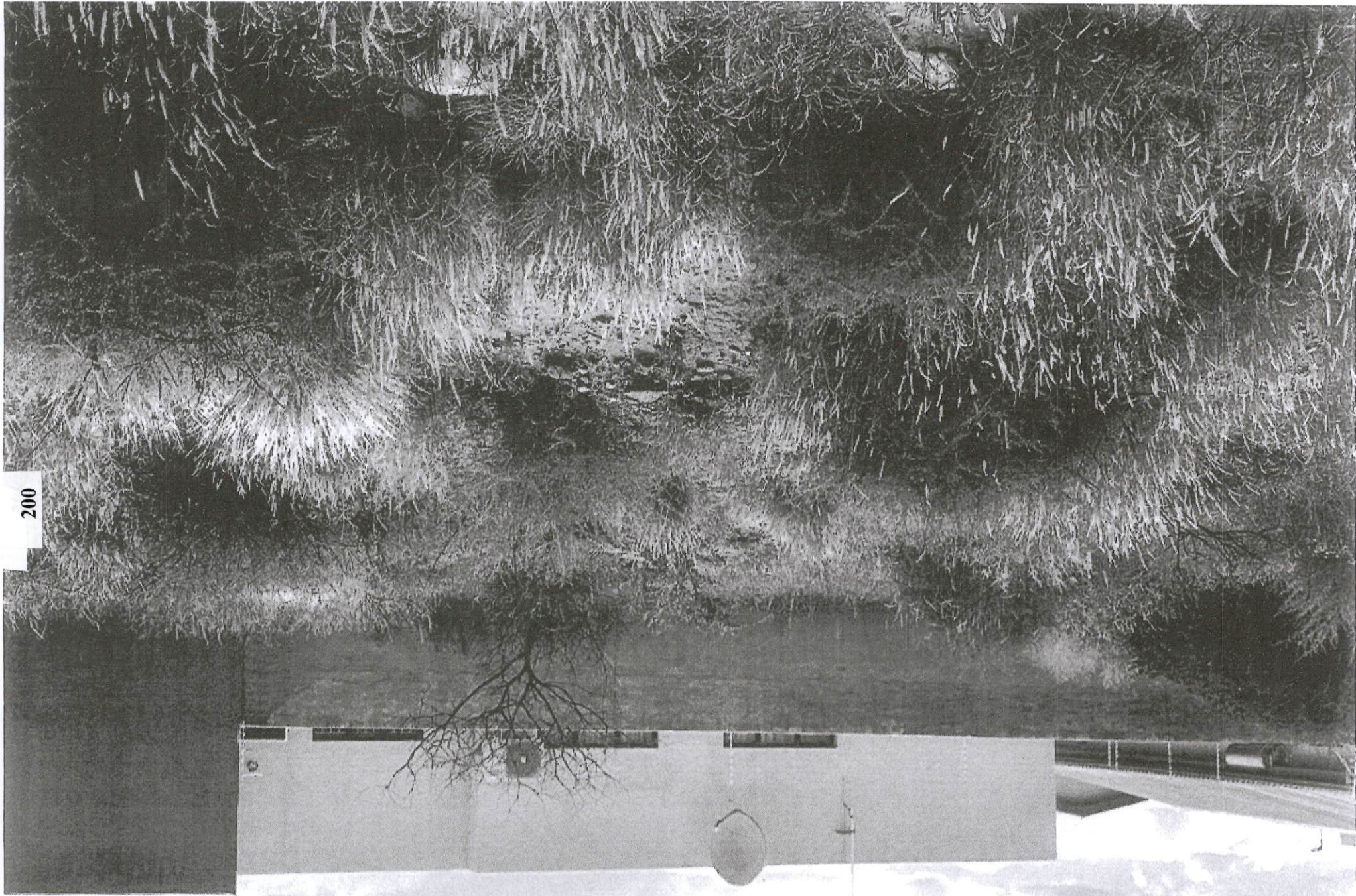
Signature

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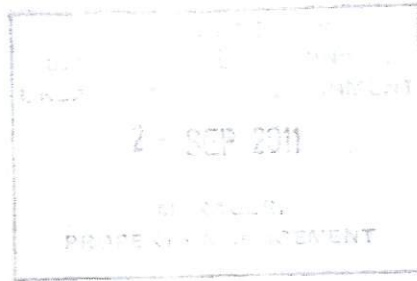
Date



199



200



Julian D Van Wyk  
P.O. Box 9422  
Eros

29 September 2011

CELL: 0812513983

The CEO  
City of Windhoek  
P.O. Box 59  
Windhoek

The Property manager: Mr Elly Shipiki

Dear Sir

**APPLICATION TO:**

1. PURCHASE A PORTION OF ERF 878, CIMBEBASIA
2. TO CONSOLIDATE THE PORTION WITH ERF 762

After thorough consideration and consultation with private town planners, application is herewith made in terms of your public space policy to purchase a 10 meter portion around my Erf 762 for consolidation purposes.

The reason for this is to create more outside living area for my family. The acquisition would not be for the purpose of buildings. This would enable me to move around the buildings comfortably without obstructions. It would anyhow, not be possible to construct another dwelling, due to the current one.

The location and position of my erf lends itself for a 10 meter portion on the west and south sides. The portion to the west would not interfere with the storm water because it's still far away; neither would the portion to the south, as enough space would still be left for pedestrians, as well as the owner of erf 754, should he wish to do the same.

Includes please find a sketch of the proposed subdivision.

I trust that you consider my application favourably.

J Van Wyk

PO BOX 81482

OLYMPIA

WINDHOEK

601

TO: CITY OF WINDHOEK  
PROPERTY MANAGEMENT DIVISION

ATT.: Ms. SJM Davids



**APPLICATION TO PURCHASE A PORTION OF ERF 878 TO CONSOLIDATE WITH ERF 762,  
CIMBEBASIA**

Herewith my application to purchase a 6 meter portion of erf 878 to consolidate with my erf, erf 762, Cimbebasia. Please see attached drawing showing the applied portion.

Yours faithfully

JD van Wyk

081 2513983

*[Signature]*  
CONVEYANCER  
COLEMAN, M.



ORIGINAL  
STAMPED.  
DUTY N\$ 3 390-00

08 JUL 2004 B 4085 2004  
N\$ 219 000 -00 with preference for  
N\$ 54 750 -00  
Deputy  
REGISTRAR OF DEEDS  
WINDHOEK

08 JUL 2004 B 4086 2004  
N\$ 221 000 -00 with preference for  
N\$ 55 250 -00  
Deputy  
REGISTRAR OF DEEDS  
WINDHOEK

LORENTZ & BONE  
Attorneys, Notaries & Conveyancers  
Frans Indongo Building, Bülow Street  
P O Box 85, WINDHOEK

FOR INFORMATION ONLY

# DEED OF TRANSFER

4030 2/001

BE IT HEREBY MADE KNOWN:

THAT ~~MARINDA COLEMAN~~

CAREL JACOBUS WICHARD  
VAN DER MERWE

appeared before me the <sup>Deputy</sup> Registrar of Deeds, at Windhoek, he/she, the said  
Appearer, being duly authorised thereto by a Power of Attorney granted to him/her  
by

IAN PATRICK ISAACS  
Born on 13 MAY 1976  
And  
LYTTESIA JULIANA ISAACS  
Born on 29 DECEMBER 1972  
Married in Community of Property to each other

(hereinafter styled the **TRANSFERORS**)

dated the 10<sup>th</sup> day of MAY 2004 and signed at WINDHOEK

*[Handwritten marks]*

204  
AND THE SAID APPEARER DECLARED THAT his said principal on the 19<sup>th</sup> APRIL 2004 had truly and legally sold, and that he/she, in his/her capacity aforesaid, did, by these presents, cede and transfer, in full and free property, to and on behalf of

REMONA NATHALIE CELESTINE VAN WYK  
Born on 26 NOVEMBER 1972  
And  
JULIAN DOUGLAS VAN WYK  
Born on 15 DECEMBER 1972  
Married in Community of Property to each other

(hereinafter styled the TRANSFEREES)

Their Heirs, Executors, Administrators or Assigns,

CERTAIN ERF No. 762, CIMBEBABIA, EXTENSION No. 2

SITUATE In the Municipality of WINDHOEK  
Registration Division "K"  
KHOMAS REGION

EXTENT 429 (Four Hundred and Twenty Nine) Square metres

FIRST TRANSFERRED by Deed of Transfer No. T. 403/2002 with General Plan SG No. A. 679/1995 relating thereto and held by Deed of Transfer No. T. 404/2002

SUBJECT to the following conditions imposed in terms of Government Notice No. T. 48/2000 and crated in the said Deed of Transfer No. T. 403/2002, namely :-

**IN FAVOUR OF THE MUNICIPAL COUNCIL OF WINDHOEK**


1. The erf is subject to the reservation for the Municipal Council of Windhoek of the right of access and use without compensation, of the area three metres parallel with any boundary of such erf for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas, which right includes the right to place on such erf temporarily any material that may be excavated during such operation on the erf or any adjacent erf.
2. The building value of the main building, excluding the outbuildings, shall be at least two times the prevailing municipal valuation of the erf by the Municipal Council of Windhoek.

| 

WHEREFORE the Apper <sup>205</sup> announcing all the Rights and Title the TRANSFERORS heretofore to the premises, did, in consequence, also acknowledge the TRANSFERORS to be entirely dispossessed of and disentitled to, the same, and that, by virtue of these Presents, the said TRANSFEREES, Their Heirs, Executors, Administrators, or Assigns, now and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its Rights; and finally acknowledging the purchase price amounting to the sum of N\$348 216,00.

SIGNED at WINDHOEK on 08 JUL 2004

together with the appearer, and confirmed with my seal of office.

  
SIGNATURE OF APPEARER


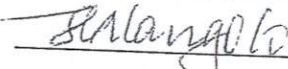
FOR INFORMATION ONLY

In my presence

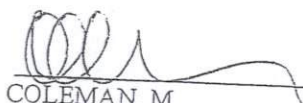
  
Registrar of Deeds

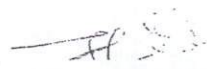
REGISTRAR OF DEEDS

1. Transfer Duty Receipt No. 102118862  
Issued at WINDHOEK  
On 28 JUNE 2004  
For N\$8410,80


Checked :  
1.   
2. 

2. I, the undersigned, MARINDA COLEMAN, hereby certify in terms of Section 78(a) of Act 23/1992 ("The Act") that all rates, leviable in respect of the immovable property contained in this Deed, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of the Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) of the Act, have been paid up to an including the date of registration thereof.

  
COLEMAN, M.  
CONVEYANCER

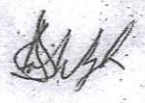



REPUBLIC OF NAMIBIA  
NATIONAL IDENTITY CARD



NO. 721215-0021-9

SURNAME  
VAN WYK  
FIRST NAME(S)  
JULIAN DOUGLAS



DATE OF BIRTH  
1972-12-15


CITIZENSHIP  
CITIZEN

PLACE / COUNTRY OF BIRTH  
REHOBOTH

SEX  
MALE


HEIGHT  
1,85

EYE COLOUR  
BROWN



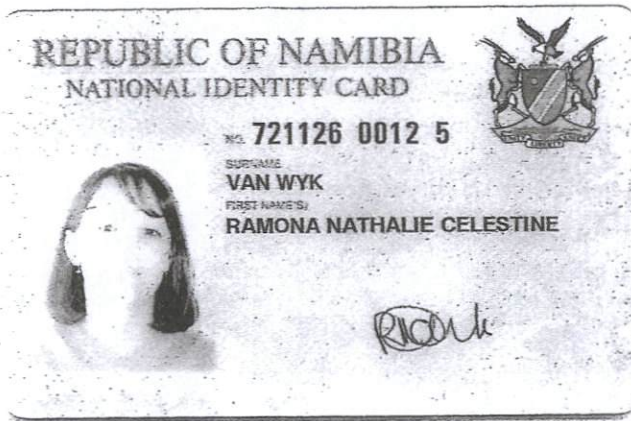
DATE OF ISSUE  
2009-08-17

APPL. NO.  
K90716




72121500219


**REPUBLIC OF NAMIBIA**  
**NATIONAL IDENTITY CARD**



NO. **721126 0012 5**



SURNAME  
**VAN WYK**  
FIRST NAME(S)  
**RAMONA NATHALIE CELESTINE**



*Ricouli*

DATE OF BIRTH  
**1972-11-26**

CITIZENSHIP  
**CITIZEN**

PLACE/COUNTRY OF BIRTH  
**REHOBOTH**

SEX  
**FEMALE**

HEIGHT  
**1,64**

EYE COLOUR  
**BROWN**

DATE OF ISSUE  
**2009-08-17**

APPL. NO.  
**K52283**



  
72112600125

208



SUBDIVISION OF PORTIONS A & B OF ERF 878, CIMBEBASIA,  
 FOR CONSOLIDATION WITH ERVEN NO'S 754 & 762, CIMBEBASIA  
 PATH: cad data/groups/geomatics/754-CIM PLAN NO: CIM 754-1

23 NOVEMBER 2022

SCALE 1:1000



**VALUATION CERTIFICATE**  
**DIVISION: VALUATION SERVICES**  
**DATE OF VALUATION: 08/01/2026**



**Erf No.:** 878      **Suburb:** Cimbebasia      **Street name:** Arimas  
**Erf size:** 117,897 m<sup>2</sup>      **Zoning** Public Open Space      **Density:** N/A

**Required portion size:** ±125 m<sup>2</sup>

**Current use of the portion under consideration:** Vacant

**Acquisition purpose:** To be sold for consolidation with Erf 762 Cimbebasia

<b>Current vacant land going price/ m<sup>2</sup></b>	N\$ 1386.00	
<b>Size of the portion Required</b>	125 m <sup>2</sup>	
<b>Estimated market Value</b>	N\$ 173,300.00	

Comparable portions of land were sold in 2025 by the Council at a rate of N\$ 1339 per square meter. To align the price per square meter attained in 2025 with the current market-related pricing, the aforementioned price was adjusted for a one-year period. Following adjustment, a price of N\$1386 per square meter was established.

Therefore, the required portion should be valued at N\$ 1386 per square meter.

pp. *M. Hendjala*

**Valued by:** Kaulikufwa Hendjala      **Date:** 08/01/2026

Linus Kapulwa  
27 Cat Island Road  
Erf 1147  
P. O. Box 21545  
Windhoek

City of Windhoek  
Property Department

Dear Sir/Madam

RE: Application for backyard land (open space)

I Linus Kapulwa ID 88051400100 owner of Erf 1147 (300 m<sup>2</sup> in size), Cat Island road in Rocky Crest would like to apply for an additional (open space) land which measures 72 m<sup>2</sup> (6 x 12 m) and is situated on the northern side of the above mentioned erven. The additional (open space) space will still be used for residential purpose.

I hope your good office will consider this favourably. Thank you

Yours Sincerely,



Kapulwa Linus



1201

**DEED OF TRANSFER NO.**

**6187** 2020

**LINUS TUUTALENI TUVANGAPI KAPULWA**  
Identity Number 88051400100  
Unmarried

**ERF 1147 ROCKY CREST (EXTENSION NO. 2)**



**ANNE SHILENGUDWA**  
ATTORNEYS

Attorneys | Conveyancers | Notaries  
P.O. Box 86021, Eros, Windhoek, Namibia  
Tel: +264 61 445 300, Fax: +264 61 445 301

Prepared by me:

*[Signature]*  
CONVEYANCER  
SHILENGUDWA, RA

I hereby certify that Stamp Duty  
of R 7 000-00  
has been paid on this instrument.  
Receipt No: 0200050654  
Dated: 30-09-2020  
*[Signature]*  
COLLECTOR OF REVENUE

2020-10-05	4955	2020
1	335 000-00	333 750,00
DEEDS OFFICE		

*[Signature]*

**ANNE SHILENGUDWA**  
Attorneys, Notaries and Conveyancers  
Office F- Mezzanine Floor  
1990 South, Freedom Plaza  
Independence Avenue  
Windhoek

**Deed of Transfer No. T 6187-2020**

BE IT HEREBY MADE KNOWN:

THAT REBECCA ANNE SHILENGUDWA

appeared before me, the Registrar of Deeds, at Windhoek, her the said Appearer, being duly authorised thereto by a Power of Attorney granted to her by

**JOHANNES NICROUS VATILENI**  
Identity Number 770410 0021 4  
Unmarried

dated the 28<sup>th</sup> day of AUGUST 2020 and signed at WINDHOEK

**AND THE SAID APPEARER** declared that her said principals on the 17<sup>th</sup> day of **JULY 2020** had truly and legally sold to the undermentioned transferee the hereinafter mentioned property;

**AND** that she in her capacity aforesaid, did by these presents, cede and transfer in full and free property, to and on behalf

**LINUS TUUTALENI TUVANGAPI KAPULWA**  
Identity Number 88051400100  
Unmarried

His Heirs, Executors, Administrators or Assigns

<b>CERTAIN</b>	ERF 1147 ROCKY CREST (EXTENSION NO. 2)
<b>SITUATE</b>	In the Municipality of WINDHOEK Registration Division "K" KHOMAS Region
<b>MEASURING</b>	300 (THREE HUNDRED) SQUARE METRES
<b>FIRST TRANSFERRED</b>	by Deed of Transfer No. T1525/2005 and with General Plan S.G No. A244/95 relating thereto and
<b>HELD BY</b>	Deed of Transfer No T2423/2009
<b>SUBJECT</b>	to the following conditions imposed in terms of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended and created in Deed of Transfer No. T2423/2009, namely:-

  
 \_\_\_\_\_

IN FAVOUR OF THE LOCAL AUTHORITY

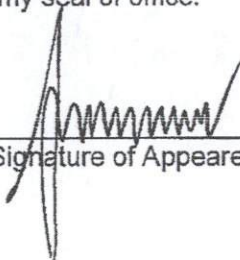
1. The erf shall be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Windhoek Town Planning Scheme, prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.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



WHEREFORE the Appearer, renouncing all the Right and Title the TRANSFEROR heretofore had to the premises, did, in consequence, also acknowledge the TRANSFEROR to be entirely dispossessed of, and disentitled to, the same, and that, by the virtue of these presents, the said TRANSFEREE, his Heirs, Executors, Administrators, or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its Rights; and finally acknowledging the purchase price to be the sum of N\$1 300 000.00.

SIGNED AT WINDHOEK on 2020 -10- 05

together with the appearer, and confirmed with my seal of office.

  
\_\_\_\_\_  
Signature of Appearer



TRANSFER DUTY - FORM B  
DECLARATION BY PURCHASER


TRANSFEROR (Seller) <b>JOHANNES NICROUS VATILENI</b>
---

TRANSFeree (Purchaser) <b>LINUS TUUTALENI TUVANGAPI KAPULWA</b>
--

DESCRIPTION OF PROPERTY	
CERTAIN:	ERF NO. 1147 ROCKEY CREST (EXTENSION NO.2) IN THE MUNICIPALITY OF WINDHOEK
SITUATE:	REGISTRATION DIVISION "K" KHOMAS REGION
MEASURING:	300 (THREE HUNDRED) SQUARE METRES
PURCHASE PRICE OF N\$1 300 000.00 <span style="float: right;">Accepted for Stamp Duty purposes</span>	

Date of Transaction: <b>17 July 2020</b>	Consideration: <b>N\$1 300 000.00</b>
TRANSFER DUTY PAID BY: <b>ANNE SHILENGUDWA ATTORNEYS</b>	
Postal Address: <b>PO BOX 86021 EROS</b>	

FOR OFFICIAL USE	
Transfer duty paid on N\$.....	Being: <b>PURCHASED PRICE</b>
Law under which duty charged	

Steel defacing stamp of office of issue 	<b>Mada 23/09/2020</b> RECEIVER OF REVENUE	CASH REGISTER RECEIPT
--	---	-----------------------



REPUBLIC OF NAMIBIA

**MINISTRY OF FINANCE**  
 INLAND REVENUE DEPARTMENT
**PAYMENT RECEIPT**

Receipt Number: 0200050307

Office Code	TIN	Taxpayer Name	Postal Address	Received by
02	07199968	Linus Tuutaleni Tuvangapi Kapulwa	P O Box 21545; Windhoek; Namibia;	Dina, Hengari (Kahuure)

**Transfer Duty Details:**


<b>Transferor Name(Seller)</b>	Johannes Nicrous Vatileni		
<b>Transferee Name (Purchaser)</b>	Linus Tuutaleni Tuvangapi Kapulwa		
<b>Conveyancer Name</b>	Rebecca Anna Shilengudwa		
<b>Physical Address of Property</b>	Erf No. 1147 Rockey Crest (Extension No. 2)		
<b>Town</b>	Windhoek	<b>Region</b>	Khomas
<b>Size of Property</b>	300	<b>Date of Transaction</b>	17-07-2020
<b>Consideration (Purchase Price)(N\$)</b>	1,300,000.00	<b>Transfer Duty paid on (N\$)</b>	1,300,000.00

Tax Type	Year	Period	Payment Date	Liability Type	Payment Mode	Received Amount (N\$)
Transfer Duty	2021	-	28-09-2020	Duties & Levies	Direct Deposit	19,000.00
<b>Total Amount(N\$)</b>						<b>19,000.00</b>


This is the original receipt

Handwritten signature and initials.

REPUBLIC OF NAMIBIA  
NATIONAL IDENTITY CARD



880514 0010 0



SURNAME  
KAPULWA  
FIRST NAME(S)  
LINUS TUUTALENI TUVANGAPI

*L. Tuutaleni Tuvangapi*

DATE OF BIRTH  
1988-05-14

PLACE / COUNTRY OF BIRTH  
ONANDJOKWE

GENDER  
MALE


HEIGHT  
1,74

DATE OF ISSUE  
2006-02-13

APPL-NO  
Q25875


CITIZENSHIP  
CITIZEN

EYE COLOUR  
BROWN



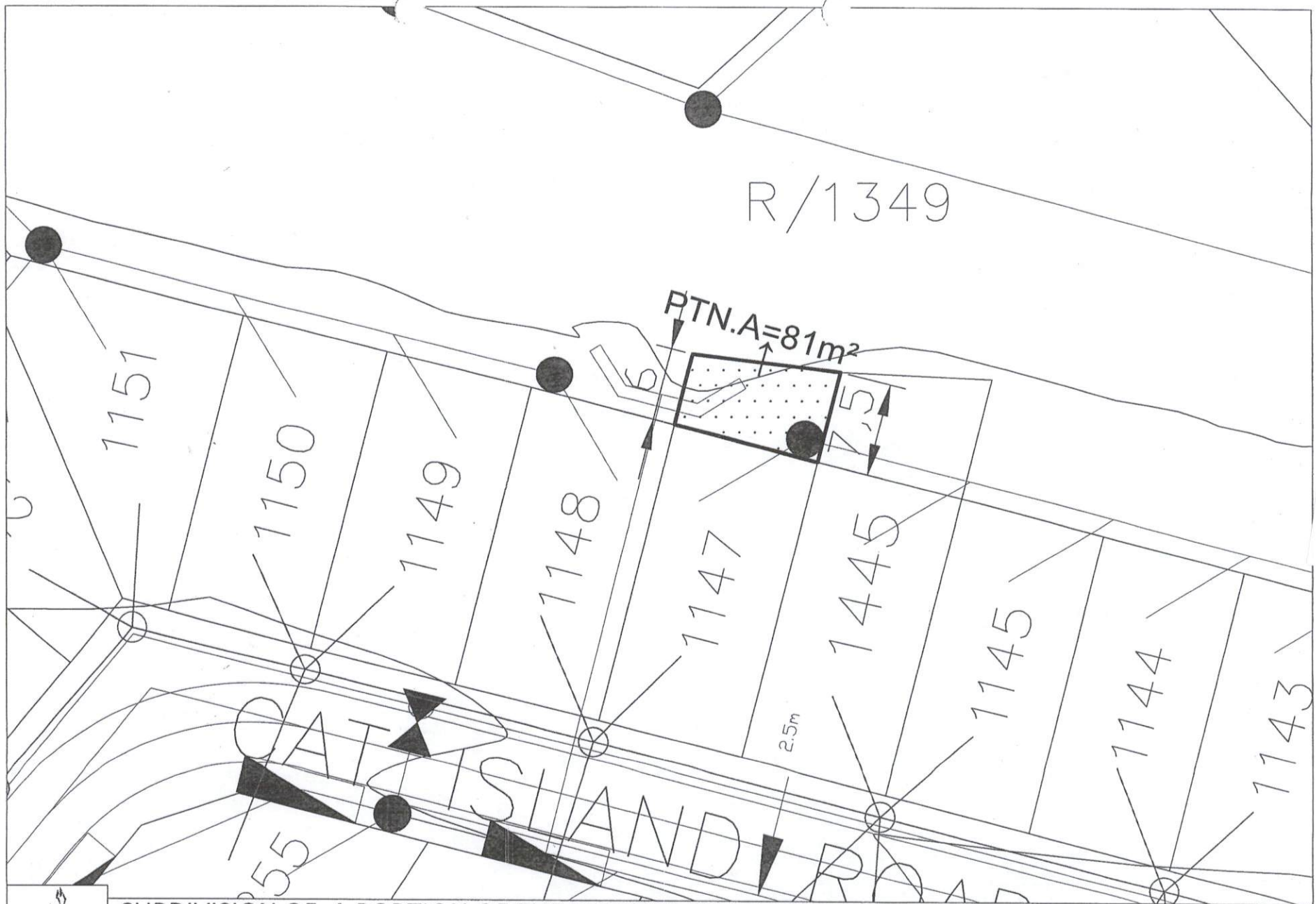
16 APR 2021

POST OFFICE



88051400100

*[Handwritten signature]*



219

R/1349

PTN.A=81m<sup>2</sup>

SUBDIVISION OF A PORTION OF THE REMAINDER OF ERF 1349, ROCKY CREST,  
 FOR CONSOLIDATION WITH ERF 1147, ROCKY CREST

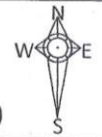


PATH: Cad/groups/geomatics/1147-RC

PLAN NO: RC 1147-1

02 JUNE 2022

SCALE 1:1 000





**VALUATION CERTIFICATE**  
**DIVISION: VALUATION SERVICES**  
**DATE OF VALUATION: 20/01/2026**



**Erf No.:** R/1349      **Suburb:** Rocky Crest      **Street name:** Sando  
**Erf size:** 12,357 m<sup>2</sup>      **Zoning** Public Open Space      **Density:** N/A

**Required portion size:** ±81 m<sup>2</sup>

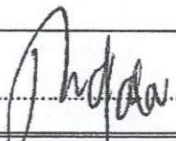
**Current use of the portion under consideration:** Vacant

**Acquisition purpose:** To be sold for consolidation with Erf 1147 Rocky Crest

<b>Current vacant land going price/ m<sup>2</sup></b>	N\$ 1139.00
<b>Size of the portion Required</b>	81 m <sup>2</sup>
<b>Estimated market Value</b>	N\$ 92,300.00

Comparable portions of land were sold in 2025 by the Council at a rate of N\$ 1100.00 per square meter. To align the price per square meter attained in 2025 with the current market-related pricing, the aforementioned price was adjusted for a one-year period. Following adjustment, a price of N\$1,139.00 per square meter was established.

Therefore, the required portion should be valued at N\$ 1,139.00 per square meter.

.....  
  
 .....

**Valued by:** Kaulikufwa Hendjala      **Date:** 20/01/2026

The City of Windhoek

Manager: Property Management

Date: 25/01/2023

Dear Sir/Madam

NEIGHBOURS' CONSENT

SALE OF A PORTION OF ERF 1349, ROCKY CREST EXTENSION 2 TO THE OWNER OF ERF 1147, ROCKY CREST EXTENSION 2 FOR CONSOLIDATION PURPOSES

I/WE, GIDEON NUYOMA AND WILKA NUYOMA;

IDENTIFICATION NUMBER(S) 79101300172, 80061910198, THE OWNER(S) OF ERF 1148, ROCKY CREST EXTENSION 2, OBJECT/DOES NOT OBJECT TO THE INTENDED SALE. (Delete what does not apply).

*Gideon Nuyoma*

(SIGN)

*Wilka Nuyoma*

(SIGN)

DATE: 25/01/23

I/WE, Florida Kuze Muyandulwa;

IDENTIFICATION NUMBER(S) 761206 000 27, THE OWNER(S) OF ERF 1445, ROCKY CREST EXTENSION 2, OBJECT/DOES NOT OBJECT TO THE INTENDED SALE. (Delete what does not apply).

*Florida Kuze Muyandulwa*

(SIGN)

(SIGN)

DATE: 25/01/2023



Simon Kakwambi  
Erf 6718, Magdala Street  
Windhoek  
0811275300  
[skakwambi@yahoo.com](mailto:skakwambi@yahoo.com)

The Property Manager  
City Of Windhoek  
PO Box 59  
Windhoek, Namibia



July 28, 2023

**Application to buy 10m extension**

Sir/Madam,

I, the owner of ERF 6718, situated in Magdala Street, Katutura Windhoek would like to purchase a 10m extension of the afore mentioned erven.

My Municipal account number is **10823123**. The reason for purchasing the extension is for domestic use.

I've attached my ID and copy of Title Deed.

Best Regards,

Simon Kakwambi  
0811275300

REPUBLIC OF NAMIBIA  
NATIONAL IDENTITY CARD



760713 0022 3



SURNAME  
**KAKWAMBI**  
FIRST NAME(S)  
**SIMON HASHONDILI**

DATE OF BIRTH  
**1976-07-13**

PLACE / COUNTRY OF BIRTH  
**ZAMBIA**

GENDER HEIGHT/m  
**MALE 1,75**

DATE OF ISSUE  
**2008-05-07**

APPL.-NO  
**M99253**

CITIZENSHIP  
**CITIZEN**

EYE COLOUR  
**BROWN**



76071300223

27 JUL 2003

T 4186 /2003

DEED OF TRANSFER NO.

N J KWAKUGU

TO

S KAKWAMBI

ERF 6718 KATUTURA (EXTENSION 16)

P F KOEP & CO  
CONVEYANCERS  
P O BOX 3516  
WINDHOEK  
TEL: 224 591  
REF: WCK / 44331

FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD.  
A TRUE COPY/ORIGINAL EXHIBITED



\* 3 0 2 8 7 3 3 - 0 1 - 1 2 \*  
DEED OF TRANSFER

Prepared by me:

CONVEYANCER  
KOTZE W C

04 AUG 2005  
MORTGAGE No B 5266 / 2005  
for N\$ 208 000 - 00

DEEDS OFFICE  
WINDHOEK Deputy REGISTRAR OF DEEDS.

11 NOV 2007  
MORTGAGE No B 7179 (cont...)  
for N\$ 66 000 - 00

DEEDS OFFICE  
WINDHOEK Deputy REGISTRAR OF DEEDS.

T 4186 / 2005

# DEED OF TRANSFER

Be it hereby made known:

THAT WILLEM CAREL KOTZE

*Deputy*

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

NDEMUTALA JANETH KWAKUGU

(Born on: 24 MARCH 1971)

UNMARRIED

dated the 21ST day of JULY 2005, and signed at WINDHOEK

FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD.  
A TRUE COPY/ORIGINAL EXHIBITED

*[Signature]*

*W*

23 JUL 2008  
MORTGAGED  
for N\$ 100 000 - 00

(No. 33775, 9004)

DEEDS OFFICE,  
WINDHOEK.

REGISTER OF DEEDS.  
Deputy

FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD.  
A TRUE COPY/ORIGINAL EXHIBITED

*[Signature]*

And the said Appearer declared that his Principal had truly and legally sold on the 17TH day of MAY 2005

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

**SIMON HASHONDILI KAKWAMBI**

(Born on: 13 JULY 1976)

UNMARRIED

His Heirs, Executors, Administrators or Assigns,

**CERTAIN:** ERF NO 6718 KATUTURA (EXTENSION 16)

**SITUATE:** IN THE MUNICIPALITY OF WINDHOEK  
REGISTRATION DIVISION "K"  
KHOMAS REGION

**MEASURING:** 396 (THREE HUNDRED AND NINETY SIX) SQUARE METRES

**FIRST** transferred by Deed of Transfer No T 1489/1985 with General Plan No A.358/82 relating thereto and held by Deed of Transfer No T 2411/2002

**SUBJECT** to the following conditions imposed in terms of Proclamation No. AG 27/1982 and created in the said Deed of Transfer No T 1489/1985, namely:

**IN FAVOUR OF THE LOCAL AUTHORITY:**

1. This erf shall be used or occupied only for purposes which are in accordance with the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954).
2. No tree known as Prosopis SSP shall be planted or permitted to grow on the erf.

FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD.  
A TRUE COPY/ORIGINAL EXHIBITED

*[Handwritten Signature]*

*[Handwritten Mark]*

REPUBLIC OF NAMIBIA  
MINISTRY OF FINANCE  
DECLARATION BY PURCHASER

PART I

TRANSFEROR (Seller):

NDEMUTALA JANETH KWAKUGU

TRANSFeree (Purchaser):

SIMON HASHONDILI KAKWAMBI

DESCRIPTION OF PROPERTY:

**CERTAIN:** ERF NO 6718 KATUTURA (EXTENSION 16)  
**SITUATE:** IN THE MUNICIPALITY OF WINDHOEK  
REGISTRATION DIVISION "K"  
KHOMAS REGION  
**MEASURING:** 396 SQUARE METRES

Date of transaction: 17TH MAY 2005

Consideration: N\$146 000.00

TRANSFER DUTY PAID BY: P F KOEP & CO  
Postal address: P O Box 3516, WINDHOEK

FOR OFFICIAL USE

Transfer duty paid on N\$ 146 000

Being

Law under which duty charged

Steel defacing stamp of office of issue



30954

CASH REGISTER RECEIPT

RECEIVED OF REVENUE  
WINDHOEK  
Receiver of Revenue

17 MAY 2005

220705 106076005 000000460.00

FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD.  
A TRUE COPY/ORIGINAL EXHIBITED

*[Signature]*

the Appearer, renouncing all the right and title which the said TRANSFEROR  
the premises, did, in consequence also acknowledge the said TRANSFEROR to  
possessed of, and disentitled to, the same, and that, by virtue of these presents, the  
FREE His Heirs, Executors, Administrators or Assigns, now is and henceforth shall be  
conformably to local custom, the State, however, reserving its rights, and finally  
the purchase price to be the sum of N\$146 000.00.

dated at WINDHOEK on 04 AUG 2005

together with the appearer, and confirmed with my seal of office.

In my presence,



Registrar of Deeds

Signature of Appearer

1. Transfer Duty Receipt No.  
OR Exemption Certificate: 106076005  
Issued at Windhoek  
On 22 JULY 2005  
for N\$460.00

Checked: 1. \_\_\_\_\_

2. \_\_\_\_\_

2. I, the undersigned, WILLEM CAREL KOTZE hereby certify in terms of Section 78(a) of Act 23/1992 ("the Act") that all rates leviable in respect of the immovable property contained in this Deed, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of the Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) of the Act, have been paid up to and including the date of registration thereof.

\_\_\_\_\_  
CONVEYANCER

FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD  
A TRUE COPY/ORIGINAL EXHIBITED

REPUBLIC OF NAMIBIA  
MINISTRY OF FINANCE  
DECLARATION BY PURCHASER

PART I

TRANSFEROR (Seller):

NDEMUTALA JANETH KWAKUGU

TRANSFeree (Purchaser):

SIMON HASHONDILI KAKWAMBI

DESCRIPTION OF PROPERTY:

**CERTAIN:** ERF NO 6718 KATUTURA (EXTENSION 16)  
**SITUATE:** IN THE MUNICIPALITY OF WINDHOEK  
REGISTRATION DIVISION "K"  
KHOMAS REGION  
**MEASURING:** 396 SQUARE METRES

Date of transaction: 17TH MAY 2005

Consideration: N\$146 000.00

TRANSFER DUTY PAID BY: P F KOEP & CO  
Postal address: P O Box 3516, WINDHOEK

FOR OFFICIAL USE

Transfer duty paid on N\$ 146 000

Being

Law under which duty charged

Steel defacing stamp of office of issue



30954

CASH REGISTER RECEIPT

RECEIVED OF REVENUE

Receiver of Revenue

17 MAY 2005

220705 106076005 000000460.00

FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD.  
A TRUE COPY/ORIGINAL EXHIBITED

*[Handwritten signature]*

the Appearer, renouncing all the right and title which the said TRANSFEROR  
the premises, did, in consequence also acknowledge the said TRANSFEROR to  
possessed of, and disentitled to, the same, and that, by virtue of these presents, the  
FREE, His Heirs, Executors, Administrators or Assigns, now is and henceforth shall be  
conformably to local custom, the State, however, reserving its rights, and finally  
the purchase price to be the sum of N\$146 000.00.

at WINDHOEK on 04 AUG 2005

together with the appearer, and confirmed with my seal of office.

In my presence,



Registrar of Deeds

Signature of Appearer

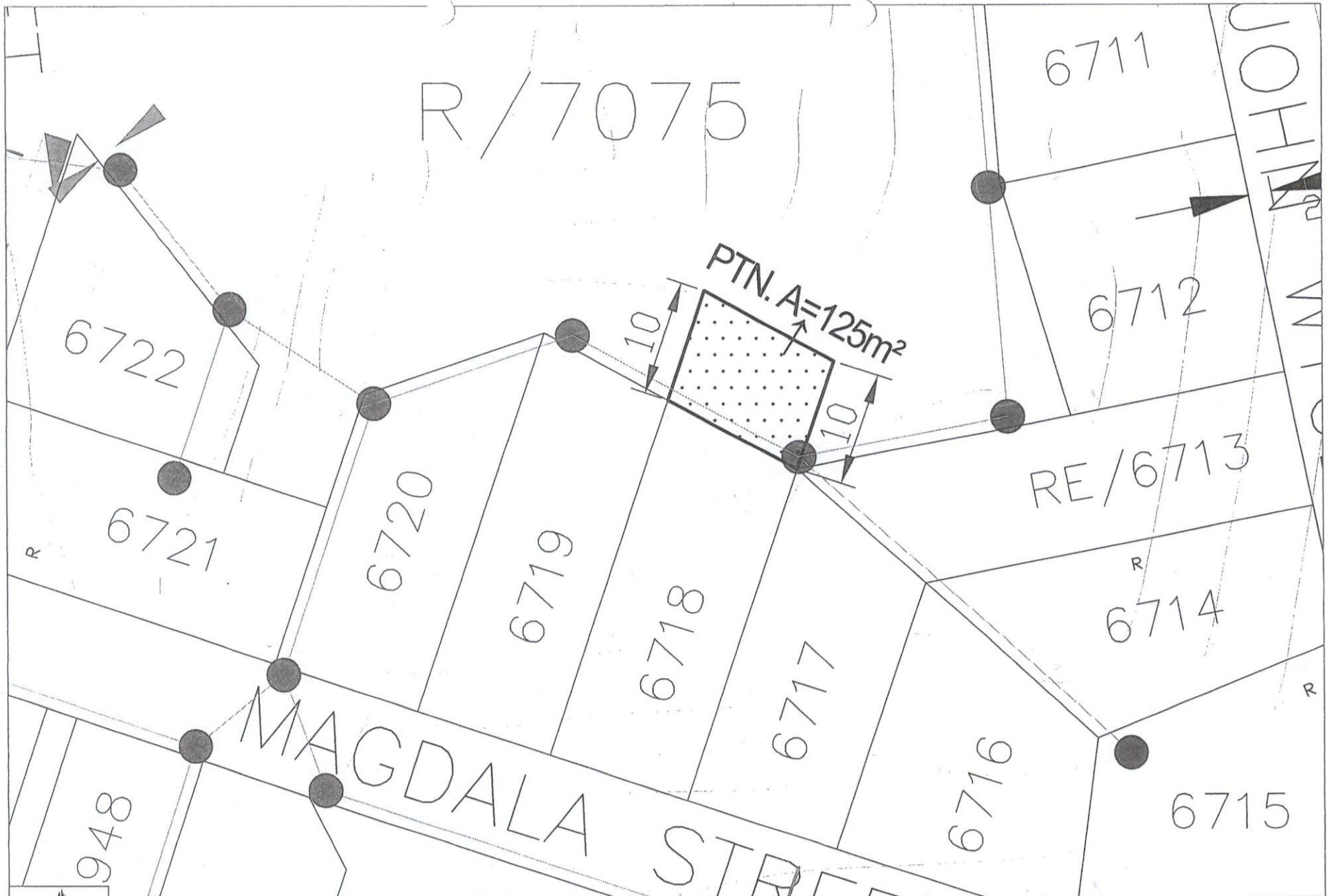
- 1. Transfer Duty Receipt No.  
OR Exemption Certificate: 106076005  
Issued at Windhoek  
On 22 JULY 2005  
for N\$460.00

Checked: 1. \_\_\_\_\_  
2. \_\_\_\_\_

- 2. I, the undersigned, WILLEM CAREL KOTZE hereby certify in terms of Section 78(a) of Act 23/1992 ("the Act") that all rates leviable in respect of the immovable property contained in this Deed, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of the Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) of the Act, have been paid up to and including the date of registration thereof.

CONVEYANCER

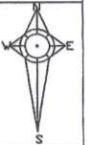
FIRST NATIONAL BANK NAMIBIA HOLDINGS LTD  
A TRUE COPY/ORIGINAL EXHIBITED



SUBDIVISION OF A PORTION OF THE REMAINDER OF ERF 7075 KATUTURA,  
FOR CONSOLIDATION WITH ERF 6718 KATUTURA

PATH: cad data/groups/geomatics/6718-KAT PLAN NO: KAT 6718-1

11 JUNE 2024



**VALUATION CERTIFICATE**  
**DIVISION: VALUATION SERVICES**  
**DATE OF VALUATION: 23/04/2026**



**Erf No.:** R/7075      **Suburb:** Katutura      **Street name:** Abraham Mashego

**Erf size:** 50,940m<sup>2</sup>      **Zoning** Public Open Space      **Density:** N/A

**Required portion size:** ±125 m<sup>2</sup>

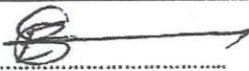
**Current use of the portion under consideration:** Vacant

**Acquisition purpose:** To be sold for consolidation with Erf 6718 Katutura

<b>Current vacant land going price/ m<sup>2</sup></b>	N\$ 420.00	
<b>Size of the portion Required</b>	125 m <sup>2</sup>	
<b>Estimated market Value</b>	N\$ 53,000.00	Rounded off

Comparable portions of land were sold in 2025 by the Council at a rate of N\$ 380 per square meter. To align the price per square meter attained in 2025 with the current market-related pricing, the aforementioned price was adjusted for a one-year period. Following adjustment, a price of N\$420.00 per square meter was established.

Therefore, the required portion should be valued at N\$ 420.00 per square meter.

PP 

**Valued by:** Kaulikufwa Hendjala      **Date:** 23/04/2026



Galaxy A32

(Owner) Name: Simon KAKWAMBI  
P. O. Box: 12005 Ausspannplatz  
Windhoek

City of Windhoek  
Property Management

Dear Sir/ Madam

Request for a 10 metre portion inclusion of Erf 7075, Location: MAROELA into my Erf 6718, Location: MAROELA

(Neighbour) Name: Hilka Kakukwena  
I hereby do/ we with ID number: 80032000022  
P. O. Box: P.O. Box 61616 Katutura  
Cell: 0816314030  
Erf no: 6713, John Wycliff STREET

<input checked="" type="checkbox"/>	Do not object with the inclusion of a 10 metre portion of Erf 7075, MAROELA
<input type="checkbox"/>	Do object with the inclusion of a 10 metre portion of Erf 7075, MAROELA

For the following reasons:

- .....  
.....  
.....  
.....  
.....

Signed at Windhoek on this 31 day of January 2025

*Hilka Kakukwena*  
Signature of property owner

(Owner) Name: Simon KAKWAMBI  
P. O. Box: 12005 Ausspannplate  
Windhoek

City of Windhoek  
Property Management

Dear Sir/ Madam

Request for a 10 metre portion inclusion of Erf 7075, Location: **MAROELA** into my Erf 6718, Location: **MAROELA**

(Neighbour) Name: TRIEENA YVONNE THAMUNGA  
I hereby do/ we with ID number: 79 08 06 00032  
P. O Box: 155 Okahandja  
Cell: 0812952733  
Erf no: 6717 Magdala street

<input checked="" type="checkbox"/>	Do not object with the inclusion of a 10 metre portion of Erf 7075, MAROELA
<input type="checkbox"/>	Do object with the inclusion of a 10 metre portion of Erf 7075, MAROELA

For the following reasons:

1.  
.....  
.....  
.....  
.....  
.....

Signed at Windhoek on this 31 day of January 2025

[Signature]  
Signature of property owner

(Owner) Name: Simon KAKWAMBI  
P. O. Box: 12005 Ausspannplatz  
Windhoek

City of Windhoek  
Property Management

Dear Sir/ Madam

Request for a 10 metre portion inclusion of Erf 7075, Location: **MAROELA** into my Erf 6718, Location: **MAROELA**

(Neighbour) Name: SHE. TULIKA SHANILWA  
I hereby do/ we with ID number: 46081000435  
P. O. Box: 135 Windhoek  
Cell: 0812344137  
Erf no: 6719 Margakala Street

<input checked="" type="checkbox"/>	Do not object with the inclusion of a 10 metre portion of Erf 7075, MAROELA
<input type="checkbox"/>	Do object with the inclusion of a 10 metre portion of Erf 7075, MAROELA

For the following reasons:

1. ~~.....~~  
~~.....~~  
~~.....~~  
~~.....~~  
~~.....~~

Signed at Windhoek on this 01 day of February 2025

S. Shanika  
Signature of property owner

**PUPKEWITZ MEGABUILD LIFESTYLE**

Chasie street

Kleine Kuppe

Windhoek

Tel. 2040700 27 August 2025

To:

Me Zurelia Steenkamp The Strategic Executive Department of Parks and Recreation City of Windhoek Windhoek, Namibia

Subject: Application for Permission to Fence Off Amphitheatre Adjacent to Garden Centre – Chasie Street, Kleine Kuppe

Dear Madam,

We write to formally request approval from the City of Windhoek for the fencing off of the amphitheatre (270m<sup>2</sup>) located adjacent to the Pupkewitz Megabuild Lifestyle Garden Centre, situated on Chasie Street in Kleine Kuppe.

This amphitheatre (270m<sup>2</sup>) is part of the public open space which also includes an open-air gym park. Unfortunately, the amphitheatre is currently underutilised and has become a security concern for our business. It is frequently occupied overnight by hawkers, and the area suffers from persistent littering and loitering, directly impacting the security and upkeep of the adjacent Garden Centre.

To mitigate this, Pupkewitz Megabuild Lifestyle proposes to install a neat, clear-view security fence around the amphitheatre area. The design will be visually non-intrusive and in harmony with the surrounding park aesthetic. An access gate will be included to allow for controlled entry, should public use be required in future.

Our intention is to utilise the amphitheatre in a way that adds value to the park and surrounding community. The fenced area will be used for:

- Displaying additional plant materials from the Garden Centre,
- Hosting public gardening talks and small community-focused events on Saturdays.

---

M Pupkewitz & Sons (Pty) Ltd trading as Pupkewitz MegaBuild and trading as Builders Warehouse  
Reg. 312  
P O Box 140 P O Box 5087, Windhoek, Namibia  
Windhoek, Namibian Cnr/o Mandume Ndemufayo Avenue & Edison Street, Windhoek, Namibia  
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**PUPKEWITZ**  
**MEGABUILD**  
BUILDING ON TRUST  
**Builders Warehouse**  
BUILDING SUPPLY CENTRE

Directors: J.E. Shepherd, M.G. Schoeman (South African), D.B.J. Du Toit, B.R. Rubinstein (Irish), C. Lourens (South African), A.E. Barry



These activities will not only enhance the aesthetics and utility of the park but also encourage environmentally conscious public engagement.

It is important to note that although there is currently no formal agreement in place, Pupkewitz Megabuild Lifestyle has taken initiative in maintaining the public open space along Chasie Street. We are covering the cost of monthly landscaping services and have been watering the park's trees and plants using our own water resources. Our aim is to contribute positively to the maintenance and appearance of the area for the benefit of all residents and visitors.

We trust that the City of Windhoek will support this initiative as a step toward responsible corporate citizenship, improved urban aesthetics, and enhanced public safety.

We would be grateful for your consideration and look forward to your favourable response. Should any further information or site inspections be required, we remain at your disposal.

Yours sincerely, Eugene le Roux Horticulturist Pupkewitz Megabuild Lifestyle Cell: 081 124 6965

Tel. 2040 710

E-mail: [buydmn2@mps-pupkewitz.com](mailto:buydmn2@mps-pupkewitz.com)



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# POLICY FOR THE DISTRIBUTION & FUTURE USAGE OF PUBLIC OPEN SPACES IN WINDHOEK

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## 1. INTRODUCTION

*Open spaces* are those areas specifically left free of any intensive development. They can serve many functions, including preservation of fragile ecosystems, natural area, scenic vista, aesthetic quality, wildlife habitats, cultural, historical and archeological areas, outdoor recreation areas of all forms, pedestrian linkages, walkways and trails, aquifer recharge areas, etc.

*It* has always been difficult to quantify the importance of public open spaces in township layouts. Developers will always try to minimise the open spaces and maximise profits by utilising as much land as possible for commercial purposes. Provision of land for public purposes will, in most cases, be seen as a financial cost and be accommodated on marginally developable land. The benefits of open spaces cannot be found in financial balance sheets although they are of great importance to humanity. Deep within the human mind is a deep-rooted need for contact with nature. It has been proven that the moving of people from a natural environment into an overcrowded built-up environment, lacking in recreational facilities, has promoted changes in social behaviour that have induced serious levels of negative stress.

*Windhoek* is a relatively Young City with a long way to go. Population will grow and more and more pressure will be put on the Local Authority to use open spaces for urban development. Developers will always argue that the existing need is for houses or offices and that the open areas will not provide shelter for the people. This might be

true in the short term, but the value of an open space is something that accumulates over the long term. It must be understood that conserving our environment is not about preventing development. It is just that the value of an open space cannot be easily measured in economical terms. All ecological disasters are economic disasters and all governments at all levels should realise that bad economic policies lead to bad development in the end. Sustainable development improves the quality of life by integration with the environment. Sustainable development is not of the nature that brings wealth to a few at the expense of the many.

*Natural parks*, and not only those on the periphery of Windhoek, will encourage biodiversity and the survival of species more than formal parks do. Natural Parks are cheaper to maintain and develop. It is also estimated that the cost per hectare of maintaining natural open spaces is one third of that for maintaining formal parks.

*However*, the development and conservation of natural areas should not ignore the opportunities for commercial exploitation. Such opportunities may include agricultural uses such as gardening, nurseries; education centres, informal markets and perhaps even game farming. Other opportunities exist for sporting events such as mini football and golf, horse riding, hiking trails, trim parks, cross-country running etc. Facilities such as lodges, environmental educational centres, bush camps and recreation resorts can also be considered. The Green Belt on the outskirts of Windhoek can easily accommodate uses such as horse riding, fitness tracks, etc whereas the Commonage Farms could easily be developed as Game Lodges.

## 2. OBJECTIVES OF THE PLAN

The main aim of this report is to contribute towards enhancing the quality of life of Windhoek residents and visitors. Environmental conservation and sustainable land use are parallel related goals.

Specifically this report contributes by identifying the public open spaces within the urban area in the year 2000, and defining their roles. The purpose of this exercise will be to:

- Ensure adequacy of the provision;
- Designate which open spaces are to serve abutting neighbourhoods and which have a city-wide function;
- Recommend on appropriate development and usage commensurate with the designated role of the open space;
- Provide a guide for budgeting;
- Ensure that fragile ecosystems, like the river courses, hilltops and other natural features are identified for conservation efforts;
- Ensure that there is a balanced distribution of conservation and recreational open spaces;
- Raise awareness of special interest groups and the public of opportunities inherent in the City's open spaces for improvement of their environment and individual life styles; and
- Raise awareness of opportunities for City-private sector partnerships involving open spaces as elements in promoting social upliftment, recreational development and conservation.

### 3. THE NATURAL & URBAN CONTEXT.

Other reports are available on the location, urban development, climate and topography of the City of Windhoek. A brief summary of the essentials necessary for understanding this study are repeated here.

Windhoek is centrally located in the Khomas Hochland of central Namibia. It lies in an approximately 10 kilometre wide valley. The valley is hedged in by mountainous terrain on the East and West and is closed in the South by the Auas Mountains. Although the valley runs for a full 70 kilometres, the City lies within the first 20 kilometres. It is partially confined in the North by an island of mountainous ground. The confined area is known as the Windhoek Basin. The Basin floor falls from 1800 metres above sea level in the South to 1600 metres in the North. The most prominent mountain, Moltkeblick in the Auas range in the South, rises to 2479 metres. The City owns almost all the non-urbanised developable land and a considerable amount of the mountainous area extending beyond 10 kilometres in most directions.

Rainfall is highly variable and unreliable. Windhoek has an average rainfall of between 300 and 400 mm of rain per annum. Topsoil is generally very thin and less than 1 metre. Outcrop is common and soils are stony. The underlying rock consists of various categories of marbles, schists and quartzites. Geological faults are common. In some cases they are associated with thermal underground water and even springs reached the surface about 100 years ago. Ephemeral rivers often have incised steep sided valleys. Alluvial deposits of sand, gravel and cobbles are found. The countryside is semi-arid, with acacia bushveld, which has a low human and animal carrying capacity. Due to the geological faulting, rainwater does percolate through the upper layers to form underground reservoirs that are tapped by the City as part of its precious water resources. Watercourses and fault lines are the major water seepage points.

A most important fact is that most open spaces in Windhoek are part of the natural riverine systems. The three major Eco-corridors, which run through the city, are the Klein Windhoek, Arebbusch, Gammams and Aretaregas rivers. Special protection is needed for drainage areas by way of a buffer zone extending to an agreed distance from the riverbeds. In this way, absorptive soil sponge next to the riverbank can be retained to facilitate seepage of water into the groundwater reserves and for maintaining riverine ecological systems. A buffer zone would also act as a bio-filter, cleaning water before it is deposited into the riverbed. Future widening of open spaces along riverbeds will aid the protection of the natural bio-diversity.

Windhoek plays an important role as the Capital City of Namibia being the host for prestigious buildings and functions (University, Main Hospital, foreign embassies, etc.). It is the centre of a well-developed transport network of road, air and rail that covers Namibia.

The urban area has grown from a central point once served by hot springs. It now encompasses two thirds of the land available and suitable for urban use in the Windhoek Basin. Its population in the year 2000 is estimated at 240 000. The growth rate measured in 1995 was 5.44% per annum. At this growth rate, the Basin should be

nearing capacity by about the year 2010. At which stage substantial redevelopment and intensification of settlement would take place placing increased demands on open space.

There are four important conclusions that can be drawn from this description. They are:

- There is no shortage of mountainous open space;
- There are plenty of ephemeral rivers that add to available open space but whose channels have to be protected from urban use and from pollution that would threaten underground water resources;
- Flat developable open spaces will become critically important as settlement densities rise;
- Flat developable open spaces will be threatened with redevelopment for private use.

#### 4. CATEGORIES OF OPEN SPACES

The City of Windhoek has four categories of open spaces. They are:

- a. Non-urbanised developable land;
- b. Proclaimed public open spaces;
- c. Mountainous areas and dams;
- d. Other unproclaimed urban open spaces.

Over the years, various options have been followed developing parks with recreational facilities and plantings. Occasionally land has merely been reserved for future uses. Of the four categories above, the first (a), namely non-urbanised developable land, comprises land that will in the main be settled and converted to urban use. The provision of future public open spaces will follow the same pattern as the existing urban area and as set out in this report. Categories (b) and (c) are examined below and definite proposals are made regarding future role and usage. In many cases, boundaries of the open spaces are well defined, usually erf numbers exist, and comments can be precise. In other cases and particularly when dealing with the mountainous areas, areas are not absolutely defined and await future demarcation as settlement approaches them or when portions are leased from the City.

Category (d) land has zoning or reservation other than public open space. This is an indication that it is intended for uses other than open space. In some cases in this report such land is appropriated for future public open space (parks).

A few of the ephemeral rivers have been zoned "undetermined" rather than "public open space". This zoning should not imply that they are to be used in any way other than as open undeveloped watercourses. It does however allow some flexibility in amending boundaries so as to develop fringe areas.

Under category (b), the City is blessed with 565 public open spaces. They comprise watercourses, areas of scenic beauty, playgrounds and other formal parks. They represent both an opportunity for Windhoek to improve its attractiveness as a place to

stay, as well as a maintenance drain on its manpower and resources.

They are distributed as follows:

<b>TOWNSHIP</b>	<b><u>APPROXIMATE NUMBER OF OPEN SPACES</u></b>
Auasblick	18
Academia	10
Cimbebasia	6
Dorado Park	22
Eros Park	5
Goreangab	11
Hakahana	6
Hochland Park	20
Katutura	92
Khomasdal	67
Kleine Kuppe	16
Klein Windhoek	32
KW T&TL Ptn B*	2
Lafrenz	3
Okuryangava	37
Olympia	6
Otjomuise	12
Pionierspark	38
Prosperita	3
Rocky Crest	7
Windhoek	118
Wanaheda	31
WTTL Ptn.B*	3
<b>Total</b>	<b>565</b>

- Klein Windhoek Town & Townlands Remainder of Portion B
- Windhoek Town & Townlands Remainder of Portion B

##### **5. DEFINING USAGE OF OPEN SPACES.**

In the urban context, people make use of open spaces for the following reasons:

- Relaxation
- Recreation
- Meeting and socialising
- Exercising
- Appreciation of nature and beauty

One might find people in open spaces engaged in any of the following activities: sitting, chatting, enjoying the scenery, strolling, eating, sleeping, playing, exercising,

contemplating, listening to the sounds of nature, or engaging in sport. The appreciation of an open space may also occur when passing an open space or when admiring a view or a setting for a particular urban building or activity.

Typically a town will enhance the opportunities offered by open spaces by the provision and maintenance of facilities such as playgrounds, pathways and hiking trails, plants, seating, view points, community centres and café's, toilets, water points, and facilities for picnicking or barbecuing. Hard surfaces and barriers may have to be introduced both to facilitate the activities and to keep intensive activities from destroying the natural features.

Different activities will be associated with different open spaces and different levels of facilities will be provided. The following tables provide definitions of open spaces that relate to the most significant activity that they may be used for and the type of facilities that may be provided to support the activity. The provisions are somewhat ideal and it may take time before a particular type of park is provided with the designated facilities for that type of park.

<b>A. CITY PARK</b>
<p>Place for the following:</p> <ul style="list-style-type: none"> <li>• City wide functions, for instance, church meetings, bands, dance groups, official public meetings, special public action campaigns;</li> <li>• Public exhibitions for instance art work, zoological gardens, and botanical gardens;</li> <li>• Theatre style stage and seating such as an outdoor amphitheatre;</li> <li>• Water and electricity services (for use by organisers of events);</li> <li>• Parking space;</li> <li>• Lots of open space for recreational purposes;</li> <li>• Restaurant or tea garden;</li> <li>• Lawn;</li> <li>• Multipurpose field;</li> <li>• Sports equipment</li> <li>• Facilities of a Suburban Park. <ul style="list-style-type: none"> <li>• Public Toilets;</li> <li>• Suburban community centre;</li> <li>• Picnic facilities (includes barbecue facilities);</li> <li>• Decorative garden;</li> <li>• Children's playground;</li> <li>• Facilities of a Neighbourhood Park <ul style="list-style-type: none"> <li>• Trees</li> <li>• Benches</li> <li>• Litter bins</li> <li>• Pathways.</li> </ul> </li> </ul> </li> </ul> <p>Examples are: Zoo Park, UN Plaza</p>

**B. SUBURBAN PARK**

Place for the following:

- Toilets;
- Suburban community centre;
- Picnic facilities (includes barbecue facilities);
- Decorative garden;
- Children's playground;
- Facilities of a Neighbourhood Park
  - Trees
  - Benches
  - Litter bins
  - Pathways.

**C. NEIGHBOURHOOD & WORKERS' PARKS**

Place for the following:

- Trees
- Benches
- Litter bins
- Pathways.

Neighbourhood parks are situated in predominantly residential areas. Workers' parks are situated in non-residential or "work" areas.

**D. INFORMAL PLAYING FIELDS**

- Large open area, levelled with possibly goal posts, or hoops.
- Facilities of a Neighbourhood Park:
  - Trees
  - Benches
  - Litter bins
  - Pathways.

**E. TRAIL**

- Access points with parking area;
- Trail markers and sign posts;
- Steps for sensitive slopes;
- Surfacing where path is intensively used;
- Cleared pathway of intrusive bush;
- Complemented indigenous flora (eg add aloes);
- Stopping and view points with shade under trees;
- End point with shade structure.
- Facilities of a Neighbourhood Park:
  - Trees
  - Benches
  - Litter bins
  - Pathways.

**F. DOG-WALK**

- Relatively level;
- Fairly open & broad stretch of land.

**G. SHORT PATH**

- Cleared pathway;
- Route through attractive natural area or to a view point;
- Short-cut to some nearby destination.

**H. NATURAL PARK**

Place for:

- Indigenous vegetation;
- Animals and birds;
- Attractive natural features such as rivers and rocky outcrops;
- Possibly elevated viewpoints.

## 6. SIZE AND DISTANCE CRITERIA.

It is the City's goal to have an adequate provision of open space within reasonable distance of all residents. The most critical provision in terms of distance and size are local parks (referred to elsewhere and in the tables as suburban and neighbourhood parks). These are the prime sites to which people may walk and where particularly local children may be expected to gather. A general guide is that people should not have to walk for longer than ten minutes to get to a local facility such as a park, elementary school or shop. This may be taken at about 800 to 1000 metres.

As a guideline, the type of facilities that may be provided and their possible spatial requirements are:

- Play apparatus 2 000 m<sup>2</sup>
- Paved multi-purpose courts 2 000m<sup>2</sup>
- Recreational centre building 1 000m<sup>2</sup>
- Senior citizens area 2 000m<sup>2</sup>
- Quiet passive area 4 000m<sup>2</sup>
- Free play active area 4 000m<sup>2</sup>

**Total for a Suburban Park 15 000m<sup>2</sup>**

A neighbourhood park comprising only play apparatus and a free play area might be between 6 000m<sup>2</sup> and 10 000m<sup>2</sup> in extent. City parks and trails are larger, whereas a special view point or a shady spot on a pedestrian route may be smaller.

In practise, open spaces vary considerably in size and the provision of facilities is adjusted according to the extent of land available.

A United States recommended provision for local parks is 4 000 m<sup>2</sup> per 1000 persons (Chapin FS, Urban Land Use Planning; p449). It was noted that this guideline varied considerably depending on local circumstances. A previous Namibian guideline was 5 000 m<sup>2</sup> per 1000 persons.

Making use of the higher 5 000 /m<sup>2</sup> guide, 125 hectares would be required for a population of 250 000 people such as the City of Windhoek in the year 2000.

The provisions made for Windhoek are indicated in the following table derived from the appendices.

Type of Park	Area provided in hectare
Suburban & neighbourhood parks	181 hectare (1809884m <sup>2</sup> )
City Parks	120 hectare (1201204m <sup>2</sup> )
Workers parks	3.6 hectare (35992m <sup>2</sup> )
Regional parks excluding the green belt	1000 hectares

Distribution is good though uneven, as may be seen from the plan "Parks in Windhoek 2000" and by inspection of the appendices.

## 7. APPLICATION OF DEFINITIONS TO OPEN SPACES IN WINDHOEK.

The adequacy of the distribution of parks is shown visually on the plan "Parks in Windhoek 2000". Circles with a 1 kilometre radius have been drawn around every designated City, Suburban and Neighbourhood park. Almost all the City is covered. In addition, the distribution is reinforced by other open spaces designated for trails, informal playing fields, and watercourses, etc. Fringe areas may still have to have sites designated for parks.

The different types of parks are distinguished on the Plan.

The appendices provide a full listing of parks with erf number and suburb for the year 2000. A short description is included with each entry indicating opportunities and recommendations. Major proposals are the City Parks and the Regional Parks and Conservation Areas.

The natural features of the City provide a natural structure that helps integrate the urban area. The opportunities present for walking trails, bicycle routes and viewpoints have barely been touched. The Klein Kuppe Mountains, the Eros Hills and the Mountains between Auasblick and Klein Windhoek can be used mainly for walking and passive recreation but at certain areas, opportunities exist for more intensive recreational development. The major recreational opportunities are listed. They include the Goreangab and Avis Dams and the Van Rhijn Dam. Up until now recreation at the three dams has been relatively passive in nature. Only the Goreangab Dam has been provided with barbecue places and sun shelters. The Van Rhijn Dam has been given formal boundaries and has been incorporated as a "public open space" within the urban area. Eventually all three will have this same status.

A band of open space virtually encircles the City. This band lies along the anticipated mountainous extremities of urban development and includes the Commonage Farms. A narrower portion of this space is accessible to the public, while the farms leased out to farmers are used for grazing, tourist lodges, a dairy, and for youth camps. The objective is to use the land resources so as to develop sustainable economic opportunities and to conserve the natural heritage. Hiking trails, one with overnight stops, are being developed within this green belt.

There are some other sensitive areas outside the urban area that require particularly careful treatment. They are the narrow valleys that give entrance to the city, hilltops and steep slopes. Attention will be paid when urban development reaches to these sites. The City has no definite policy preserving all hilltops and entrance valleys. It favors making selected vintage points available for private development. Nevertheless, it has established a tradition of selecting representative hilltops and steep slopes for preservation as open spaces. In the case of privately owned land, sensitive areas will be preserved through the zoning scheme. Reservations will be introduced when owners wish to develop their land for non-residential use.

## 8. PROBLEMS ENCOUNTERED.

The City experiences a variety of problems with open spaces. A brief summary is given to aid the reader in grasping the maintenance problem they pose for the City.

*Pollution* is a plague and despite the efforts by the City to tackle this problem, illegal dumping of refuse and building rubble and littering in general is still a matter of great concern for the City.

The occurrence of *alien species*, such as the Prosopis Tree growing mainly in the river beds, gradually leads to the degradation of indigenous vegetation.

*Erosion* and *deforestation* caused by land being uncovered in all areas where the plants and soil are being removed. During activities for either development of new suburbs or roads and sidewalk maintenance, very large areas can be stripped of topsoil, and no rehabilitation is done. Examples of large scale stripping of topsoil have taken place in Kleine Kuppe, Cimbebasia, Pionierspark Extension 1, and the new extensions of Khomasdal.

In the North-western areas, the incidence of *lung diseases* are much higher than in any other part of the City, because of the dust blown in. The large areas stripped of topsoil and a vegetation cover, is the source of this dust. Without the ameliorating effect of the land cover, the increase in temperature also becomes more unbearable.

*Vagrants, drinkers* as well as plain *hooligans* frequent open spaces. This can lead to insecurity amongst other potential users. Regrettably a high percentage of violence and in particular rapes occur in open spaces often a consequence of irresponsible behaviour induced by the consumption of alcohol.

Public Open Spaces that serve as *thoroughfares* and *walkways* for the community, serves a better service to burglars and hooligans than to the public. Muggings occur quite frequently and these open spaces are used as escape ways and as crime highways.

A large number of Public Open Space erven are also used as *informal markets*. Some have been demarcated by Council, others not and are illegally used for the purpose. Conditions at some can be very unhygienic and businesses at times are run in the most haphazard manner.

*Squatting* has intruded on to open spaces. In some cases, squatting has been accepted and portions of affected open spaces have been incorporated into the informal settlement area. Usually only part of an open space is occupied. The unoccupied portion may still be adequate for its designated purpose. Of particular concern is to ensure that watercourses and the underground water resources are not polluted. Proper management of the occupied land may achieve this. The task for the City is to convince the occupants that it is their interests too. The following table lists affected erven.

Type of Park	Township	Erf Number
Trails & paths	Okuryangava	1168, 2299, 3050, 792, 2341, 2344
Other open spaces	Okuryangava	2297, 2301, 2345, 3314, 789
Natural scenic area	Goreangab	2354
Suburban & neighbourhood parks	Okuryangava	2347, 1740

## 9. URBAN ENCROACHMENT ON OPEN SPACES

### 9.1 Possibilities.

Urban development is steadily spreading to new land. An understanding of the pressure that is brought to bear on open spaces within the developed urban area and the dangers involved can be used to guide the provision of open spaces in new settlements.

The City frequently receives applications from private persons to purchase and develop portions of open spaces. Open spaces within the urban area are limited and the danger exists that successively closing and developing small portions will reduce the value of the remainder until an open space may cease to exist. In some cases the City may accede to these applications. Three possibilities are considered. They are:

- Applications involving watercourses;
- Applications involving steep slopes; &
- Applications involving level land.

### 9.2 Watercourses.

Watercourses are difficult to deal with because there is no accepted definition of what comprises the boundaries of a water-course. Nevertheless watercourses are extremely important to the City because they "often follow the outcrop of fault zones, thereby promoting indirect recharge" of the aquifer from run-off (SCC, Groundwater Vulnerability of the Windhoek Aquifer"; p17). In addition to facilitating aquifer recharge watercourses are also potential sources of aquifer pollution. "During rainfall pollutants are discharged to streams. The river alluvium has in general a high infiltration capacity due to the coarse grain size distribution. Rainfall is often of short duration but intensive. This causes pollutants to be discharged rapidly and in high concentrations. Since streams often follow fracture zones, the possibilities for infiltration of pollutants along stream courses is therefore assumed to be relatively high." (SCC, Groundwater Vulnerability of the Windhoek Aquifer"; p53). Material such as petroleum products, fertilisers, pesticides and human waste should not be disposed of near water-courses unless special facilities are being used which prevent any infiltration into the groundwater. "Once pollution of groundwater has taken place, it is virtually impossible to implement any remedial action" (Comments; Carr RG; Carr Barbour & Associates, 20 Nov.2000).

Use of flood-lines to define water-courses prompts the question of which reoccurrence

period to use. Section 90 of the Local Authorities Act No. 23 of 1992 requires that a local authority council shall at all times keep the natural channel and the banks of every public watercourse into which it discharges water from a waterworks or watermain or stormwater drain, within the lines indicating the maximum level likely to be reached on an average every 50 years by floodwater. Review of the City's groundwater situation has prompted consulting engineers to advise that the City "make allowance for possible pollution from a 100-year flood or greater" (Comments; Carr RG; Carr Barbour & Associates, 20 Nov.2000). There is also the question of what flow (quantity & velocity) constitutes a watercourse or possibly at what distance from a watershed should a watercourse be recognised as such. It seems impractical to investigate every watercourse to identify fracture zones and their particular vulnerability. Clear and unambiguous limits must be set.

It is suggested that an open "infiltration area" be kept free of development up to a predetermined distance from the physical occurrence of a watercourse. The physical occurrence being the outer edge of the seasonally active (gravel) bed or the identifiable banks of a watercourse. The wider the zone, the less chance of pollution entering the watercourse. No activities and accompanying buildings should be allowed which may pose problems of pollution within the "infiltration area". Residential activities are permissible outside of the flood area. In addition such areas may be developed as park or gardens by the City or used by private persons for similar usage. Minor watercourses (drainage channels) may be consolidated with adjacent properties provided that the "infiltration area" is reserved as a servitude free of structures or impermeable surfacing. The width of an open infiltration area should best be defined in each case by detailed hydrogeological studies. The following is recommended for practical implementation:

- Adoption of the 1:100 year flood line where this is available, and
- Requirement of a hydrogeological study before non-residential activities which can pose a threat of polluting a watercourse where such development is proposed within 10 metres of the outer banks of a watercourse.
- Imposition of a 5 metre wide infiltration area between a watercourse and the nearest buildings.
- Servitudes can be registered to keep the infiltration area free of buildings.

To be recognised, a watercourse must have some significant affect on the topography. It is suggested that for a watercourse be recognised should it be 500 metres or more from its bounding watershed. The 500 metre distance could mean that the watercourse serves an area up to 37.5 hectare. Special topographical or flow conditions may occur which point to an earlier recognition and imposition of the infiltration area. Such cases will have to be handled on own merits.

### 9.3 Steep slopes.

Being in a mountainous area, Windhoek has plenty of steep land with slopes exceeding 1 in 4 within the urban area. These slopes may form part of discrete hills or ridges that have been reserved as public open spaces. Often they are large sites. Erosion is always a danger with steep slopes and intensive rainfall. It can be bad practise to allow structures to be erected on steep land. In many cases however, all that is requested is additional garden space. It has been policy to allow sales of steep

land up to a distance of 10 metres from existing rear or lateral boundaries, provided that

- the extent of land taken would not undermine the value of the open space its community purposes;
- extraction of a portion will not damage or inhibit access of the public to the open space;
- neighbours had no objection; &
- the new usage would not damage any aesthetically valuable views of the hillside, any natural features or the open space.

The 10 metre rule was established as 10 metres represented an acceptable distance for most applications and it usually does not involve extraction of a large portion of the open space. It has then be maintained so as to ensure conformity of boundary lines should neighbours follow each other in acquiring additional land. It has only been varied in cases where corners or specific natural features are involved. The grant of extra land should normally be made only once.

#### **9.4 Level land.**

Level land has always proved particularly tempting to developers. It is also the type of land in shortest supply in the urbanised area for recreational use. It is strongly recommended that no land designated for a City, Suburban or Neighbourhood park should be diminished in any way unless a park development plan exists which indicates clearly that some portion of the land will not be used by the community and represents waste land. In other cases where land has been given a designated use, portions of 10 metres width may be extracted in line with the guidelines given above for steep land.

#### **9.5 General guidelines.**

The following are guidelines for assessing applications for portions of public open space.

- a. Watercourse including an "infiltration area" up to a distance of 10 metres from the physical occurrence of a watercourse in the case on non-residential use, and 5 metres in the case of residential use, may not be permanently closed, other than with a servitude to prevent building within the infiltration area, or built upon other than as park, a garden or a recreational area.
- b. The physical occurrence of a watercourse is defined as being the outer edge of the seasonally active (gravel) bed or the identifiable banks of a watercourse.
- c. For watercourses for which a 1 in a 100 year flood line has been determined, the area within that flood line may not be permanently closed or built upon other than as park, a garden or a recreational area.
- d. Minor watercourses (drainage channels) may be consolidated with adjacent properties provided that the "infiltration area" of the watercourse is reserved by a

servitude free of structures or impermeable surfacing.

- e. The protection afforded by an infiltration area shall be applicable for a watercourse should it be 500 metres or more from its bounding watershed or should special topographical or flow conditions warrant earlier recognition.
- f. No land designated for a City, Suburban or Neighbourhood park shall be diminished in any way unless a park development plan exists which indicates clearly that some portion of the land will not be used by the community and represents waste land.
- g. In other cases ten metre wide portions of land maybe acquired for consolidation with adjacent erven provided that:
  - the extent of land taken would not undermine the value of the open space to the community;
  - extraction of a portion will not damage or inhibit access of the public to the open space;
  - neighbours and other affected parties have no valid objection;
  - the new usage would not damage any scenic views of the hillside, any valuable natural features, &
  - services are not adversely affected.

These same criteria can be used in the design of new settlements.

## 10. COMMUNITY INVOLVEMENT.

Community Participation is accepted to be an important component of successful development projects and programmes as well as enhanced democracy. Participatory approaches are intended to facilitate the integration of residents into debates regarding their own lives and to bring out the needs and priorities of all those living in a specific neighbourhood, township or settlement. Hence, the City per Council Resolution 137/04/99 promulgated a "Public Participation Policy and Strategy for the City of Windhoek". It is important to the City that its residents identify for themselves opportunities and issues of importance in each neighbourhood. Open spaces can be an important part of this neighbourhood development.

A number of organisations have developed in response to City initiatives and public concerns. They are:

- The Windhoek Environmental Liaison Association (WELA) was created as part of the Windhoek community's fulfilment of the United Nations Local Agenda 21 program. It is a place for identification of issues, discussion, and decision making on matters of environmental concern and for the promotion of a partnership in this respect with the Windhoek City Council.
- The *Goreangab Action Committee (GAC)* is an environmental sub-committee of the City Council. The *GAC* forms a link between the Municipality, central Government and the Windhoek Community. It is tasked to focus on the sustainable and sensitive

development needs of the immediate Goreangab area. However, some of its efforts address issues and problems facing the City as a whole.

In addition there are non-governmental associations of concerned citizens such as Earth-Life Namibia and the Friends of Avis. In a few areas, neighbourhood associations have formed to address common problems. They are particularly active in informal settlement areas where the provision of water, waste removal and housing are pressing issues. One such association, namely the Brakwater Smallholders' Association has a strong environmental arm.

The City welcomes and continually seeks opportunities to co-operate with its citizens in environmentally friendly practises. It cannot however force every individual to respond and co-operate for the general community benefit when that individual exerts established rights in a destructive fashion. One practical way in which citizens may become directly involved is through the adoption of an open space.

## 11. ADOPTION OF OPEN SPACES.

City policy supports in principle the allocation of portions of public open spaces for local community development of community facilities with or without a community centre subject to suitable advertising for comments and objections. Facilities could mean a better-equipped park or garden, a playground, or a recreational area (tennis, soccer, skateboarding, etc). A community centre would have meeting rooms where gatherings may be held and service work performed. When the facilities are open to access by the general public the allocation shall be free of charges or rental. When portion of the area is to be closed by, for instance, the erection of a building or fencing, the portion would be legally closed as "public open space" and rezoned to "municipal" and a lease would be charged. The local community concerned would be responsible for any costs involved in closures, advertising, alterations of services, and connections unless agreed otherwise.

The City believes it is desirable to support private initiative if the City is to obtain a wide distribution of community centres. The City wishes to establish the principle whereby it makes ground available to recognised groups willing and able to manage open spaces and undertake the responsibilities of erecting community facilities. The City may also be a partner in joint developments.

Community Centres and facilities should be fairly accessible if not central to the community they serve. In many established residential areas only public open spaces remain undeveloped and available for community facilities. Some, but not all of these public open spaces, may be connected to services such as water and sewerage. Some have difficult access conditions. Some are very steep. Many serve as storm water channels. Hence not all are suitable for community facilities. Nevertheless, they represent the most widely available sites.

Should the Municipality receive any applications for management of open spaces with or without erection of any buildings, it would want to be assured that the proposal met with the approval of the local community affected by the proposals. There should be no valid objections to the proposed location and activities. Where a public open space is to be

closed, the legal procedure requires that the general public should be informed by appropriate advertising and given opportunity to comment and object.

Community facilities should not be privatised to the extent that a private person takes over all or part of the land or premises and uses them for profit making ventures. To control this aspect the sites will not be sold.

In terms of Council Resolution No. 55/02/93 of 24 February 1993, the City Council resolved that it would approve in principle the allocation of portions of public open spaces for local community development of community facilities with or without a community centre subject to the following:

- a. applications shall be advertised for comments and objections by the public;
- b. where the facilities are open to access by the general public, such as for instance when play equipment is provided, the allocation shall be free of charges or rental;
- c. when portion of the area is to be closed off by fencing or erection of a building, the portion shall be closed as "public open space", be rezoned to "municipal" and a nominal lease shall be charged;
- d. the local community concerned shall be responsible for costs involved in closures, advertising, extensions and alterations of services, and connections unless otherwise agreed;
- e. every application shall be handled on its own merits and shall be subject to whatever conditions Council thinks fit;
- f. each application for use of a portion of public open space shall specify the boundaries of the community which the facilities are to serve and shall show proof that the proposed development has been adequately advertised to that community and that there are no reasonable objections;
- g. the intended facilities and activities shall be described and a development plan and programme shall accompany the application; and
- h. provision shall be made for the physically disabled and the erf and buildings shall be accessible to them.

## 12. RECOMMENDATIONS

At its meeting of July 2001, the Windhoek Municipal Council took the following resolution.

### RESOLVED

- 1 That the 'Policy for the Distribution and Future Usage of Public Open Space in Windhoek', its appendices and the plan 'Parks in Windhoek 2000' be adopted as policy documents.
- 2 That urban development within Windhoek, by the public or private sector, be guided, inter alia, by the general principles contained in the Policy.
- 3 That the usage of open spaces as set out in the appendices be

approved and that the recommended facilities accompanying the designation and as set out in chapter 5 of this policy be adopted as minimum targets for parks and recreational development.

- 4 That the approved usage and designated facilities be used to assist annual budgeting for further development commensurate with the designated role of the open space.
- 5 That based on the principle that people should not have to walk for longer than ten minutes to get to a local facility such as a park, the size and distance criteria set out in chapter 6 be adopted as design guidelines for new townships.
- 6 That the City recognise its heritage of fragile eco-systems identified in the report comprising river courses, dams, mountains, hilltops and steep valleys, and other natural features and is determined that they be subject to environmental conservation measures and that opportunities be pursued for sensitive recreational development and eco-tourism so as to maintain a balance between conservation and recreational open spaces.
- 7 That special protection be provided for drainage areas by way of a buffer 'infiltration area' extending to a recognised distance from the riverbeds so that absorptive soil sponge next to the riverbank can be retained to facilitate seepage of water into the groundwater reserves, for maintaining riverine ecological systems, and also to act as a bio-filter, cleaning water before it is deposited into the riverbed.
- 8 That the following guidelines be used for assessing applications for portions of public open space:
  - 8.1A watercourse including an 'infiltration area' not be permanently closed, other than with a servitude to prevent building within the infiltration area, or be used other than as park, a garden or a recreational area.
  - 8.2 The 'infiltration area' be assessed preferably by a hydrogeological study to be carried out as part of an environmental impact study to assess groundwater vulnerability and to fix the boundaries for subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability, or where this is not feasible then by the following criteria:
    - Adoption of the 1:100 year flood line where this is available, or

- Imposition of a 5 metre wide infiltration area between the seasonally active bed of a watercourse which is further than 500 metre or more from its bounding watershed, and the nearest structures.
- 8.3 The physical occurrence of a watercourse be defined as being the outer edge of the seasonally active (gravel) bed or the identifiable banks of a watercourse.
- 8.4 The protection afforded by an infiltration area be applicable for a watercourse should it be 500 metre or more from its bounding watershed or should special topographical or flow conditions warrant earlier recognition.
- 8.5 No area within a 1 in 50 year flood line be built upon or used for any purpose other than as park, a garden or a recreational area.
- 8.6 Minor watercourses (drainage channels) be consolidated with adjacent properties provided that any 'infiltration area' of the watercourse is reserved by a servitude free of structures or impermeable surfacing.
- 8.7 That no land designated for a City, suburban or neighbourhood park be diminished in any way unless a park development plan exist which indicate clearly that some portion of the land not be used by the community and represent waste land.
- 8.8 That in all cases where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse for non residential activities which pose a threat of polluting the watercourse, and in all cases where such a development lie within 10 metre of a watercourse, a hydrogeological study be carried out:
- To assess groundwater vulnerability,
  - To recommend conditions for the development and
  - To fix the boundaries for any subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability.
- 8.9 That where application is made for rezoning, consent use, or subdivision in the vicinity of a watercourse full details of the proposed activities be supplied so as to enable the City to assess the groundwater vulnerability.
- 8.10 That in other cases not involving watercourses or designated parks, 10 metre wide portions of land be acquired for consolidation with adjacent erven provided that:

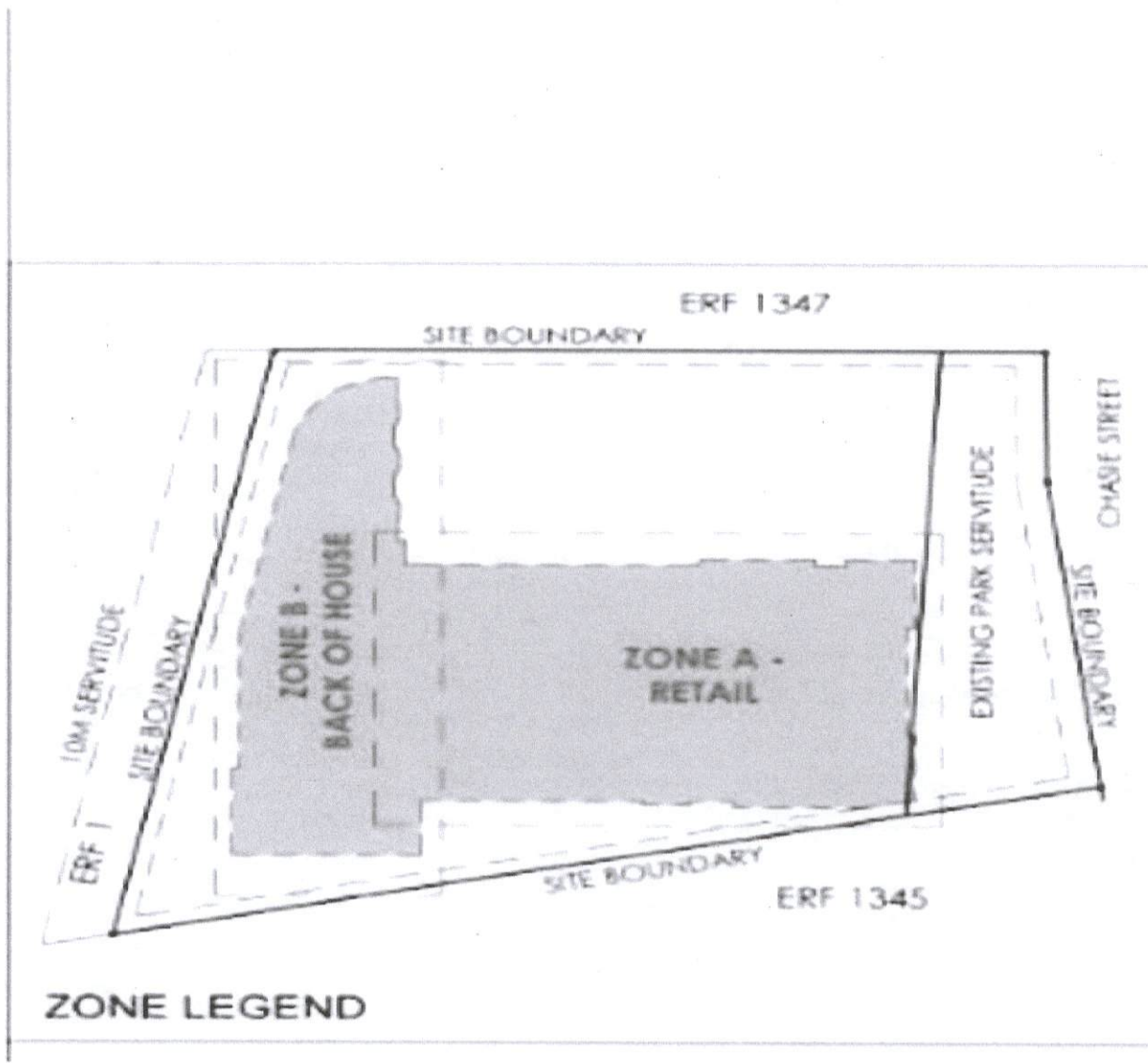
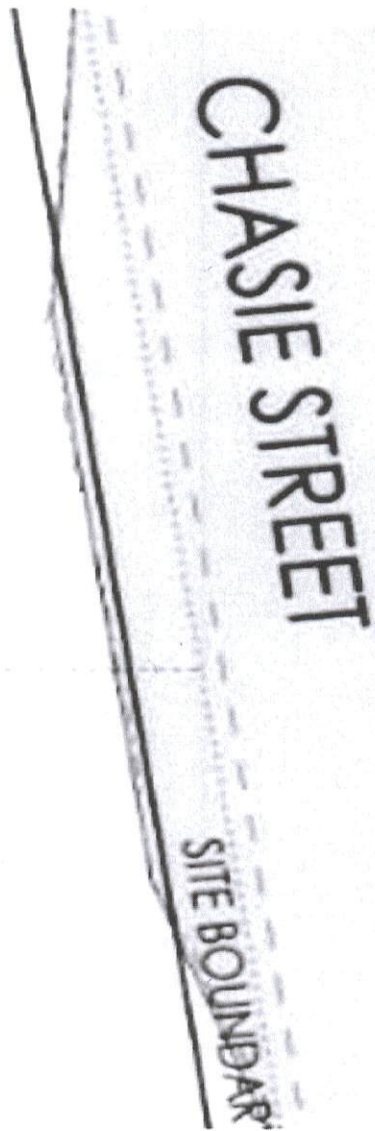
- The extent of land taken would not undermine the value of the open space to the community;
  - Extraction of a portion will not damage or inhibit access of the public to the open space;
  - Only one 10 metre wide portion may be acquired with no subsequent extraction (small variations from the 10 metre may be permitted to accommodate local features);
  - Neighbours and other affected parties have no valid objection;
  - The new usage would not damage any scenic views of the hillside or any valuable natural features, and
  - Services are not adversely affected.
- 9 That, as opportunity arises, every remaining open space be considered in respect of its full extent for closure, partial closure or retention and that no recommendations be made on the basis of a partial investigation only.
- 10 That the criteria set out above and in the Policy be used in the design of new settlements and that specially attractive or sensitive natural features and areas of scenic beauty be incorporated for their protection into future open spaces as far as is reasonably possible.
- 11 That for all townships proclaimed since 1980, except for additional strips of land along the edges of steep hillsides (approximately 10 metre wide), where application is supported by affected adjacent erf owners, no further small-scale diminution of open spaces be supported.
- 12 That for townships proclaimed before 1980, namely Katutura and Extensions 1 to 13, Khomasdal and Extensions 1 to 3, Windhoek residential townships, Klein Windhoek and Extensions 1 to 3, Erosspark, Academia, Olympia and Pionierspark, except for approximately 10 metre wide strips along the edges of steep hillsides, where application is supported by affected adjacent erf owners, applications be handled in terms of paragraphs 8 and 9 and further small scale diminution only be allowed where such diminution has already commenced.
- 13 That the above rules are not interpreted to bar the City from totally closing an open space which serve only as a drainage channel and by piping the stormwater flow, to make the land available for urban use or where the area is to be physically closed or fenced off for security

purposes at the request of adjacent erf owners.

- 14 That in all new township development a hydrogeological study be carried out as part of any environmental impact analysis or feasibility study to assess groundwater vulnerability and to fix the boundaries for subdivision of developable erven along watercourses and other identified areas of groundwater vulnerability.
- 15 That the public be reminded that in terms of Council Resolution 55/02/93 of 24 February 1993 which has been incorporated into this Policy, it consider the allocation of portions of public open spaces for local community development of community facilities with or without a community centre as part of Citizen-City partnership initiatives.
- 16 That the City see the establishment of common goals in the conservation and utilisation of open spaces in the City as a critical factors in promoting social upliftment and improving the living conditions of its citizens.

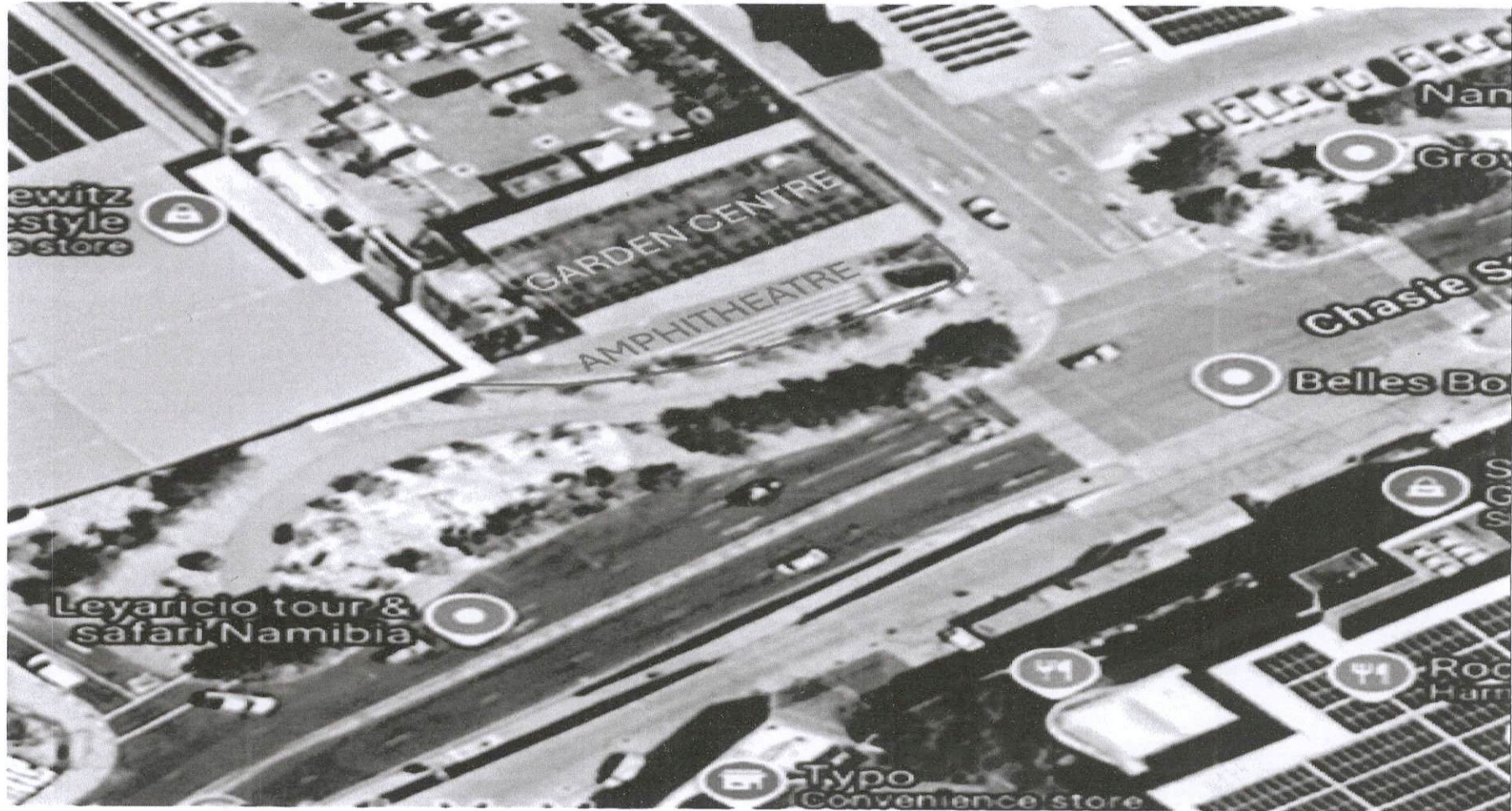
**RESOLUTION 251/07/2001 [POLICY]**


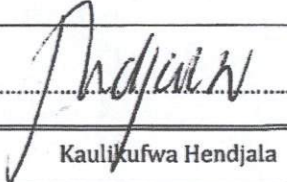
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ZONE LEGEND

Picture: 1 AERIAL PHOTO OF THE AMPHITHEATER AREA (red line)



VALUATION CERTIFICATE			DIVISION: VALUATION SERVICES			DATE OF VALUATION: 06/05/2026		
								
<b>Erf No.:</b>	Amphitheatre adjacent to Garden Centre on Erf 1346	<b>Suburb:</b>	Kleine Kuppe	<b>Street name:</b>	Chasie			
<b>Erf size:</b>	16,088 m <sup>2</sup>	<b>Zoning</b>	Business	<b>Density:</b>	N/A			
<b>Required portion size:</b>	±160 m <sup>2</sup>							
<b>Current use of the portion under consideration:</b>	Amphitheatre							
<b>Acquisition purpose:</b>	To be leased out to Pupkewitz Megabuild Lifestyle for displaying additional plant materials							
<b>Current vacant land going price/ m<sup>2</sup></b>	N\$ 3,100.00							
<b>Size of the portion Required</b>	160 m <sup>2</sup>							
<b>Estimated market value</b>	N\$ 496,000.00							
<b>Rental cap @ 10% per annum</b>	N\$ 49,600.00							
<b>Estimated monthly rental</b>	N\$ 4,100.00		Rounded off					
<b>Current vacant land going rental rate/ m<sup>2</sup></b>	N\$25.62							
<p>Comparable portions of land were sold in 2025 by the Council at a rate of N\$ 3010 per square meter. To align the price per square meter attained in 2025 with the current market-related pricing, the aforementioned price was adjusted for a one-year period. Following adjustment, a price of N\$3,100.00 per square meter was established.</p> <p>Therefore, the required portion should be valued at N\$ 3,100.00 per square meter.</p>								
								
<b>Valued by:</b>	Kaulikufwa Hendjala		<b>Date:</b>	06/05/2026				