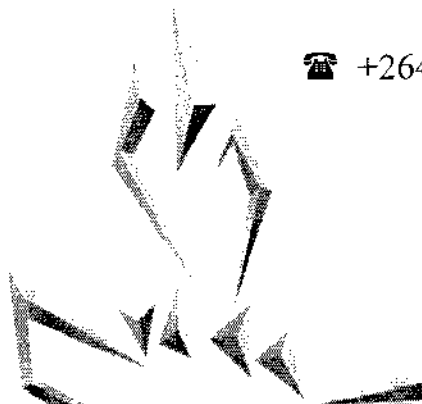


DOCUMENT 1

CITY OF WINDHOEK

✉ 59, Windhoek

☎ +264 61 2902911



NOTICE is hereby given of the monthly meeting of the

MUNICIPAL COUNCIL OF WINDHOEK

to be held on **Wednesday, 31 August 2022 at 17:30**, in the new Council Chambers, Windhoek.

.....
ACTING CHIEF EXECUTIVE OFFICER

ENQUIRIES: Ms T Edward/mgo
Ms M Garises

REF: 31-08-2022.ca

TELEPHONE: 2902597/2902557

DATE: 2022-08-22

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[Municipal Council Agenda: 2022-08-31]

1 OPENING BY PRAYER
(3/2/1)

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[Municipal Council Agenda: 2022-08-31]

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

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[Municipal Council Agenda: 2022-08-31]

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

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[Municipal Council Agenda: 2022-08-31]

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

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5 CONFIRMATION OF MINUTES

[Municipal Council Agenda: 2022-08-31]

**5.1 MUNICIPAL COUNCIL MEETING
HELD ON 10 AUGUST 2022**
(3/2/1)

The minutes of the monthly meeting of the Municipal Council of Windhoek held on 10 August 2022 are submitted for confirmation.

[Municipal Council Agenda: 2022-08-31]

**5.2 SPECIAL MUNICIPAL COUNCIL
MEETING HELD ON 12 AUGUST 2022**
(3/2/1)

The minutes of the special meeting of the Municipal Council of Windhoek held on 12 August 2022 are submitted for confirmation.

[Municipal Council Agenda: 2022-08-31]

**5.3 SPECIAL MUNICIPAL COUNCIL
MEETING HELD ON 22 AUGUST 2022
(3/2/1)**

The minutes of the special meeting of the Municipal Council of Windhoek held on 22 August 2022 are submitted for confirmation.

[Municipal Council Agenda: 2022-08-31]

**5.4 SPECIAL MUNICIPAL COUNCIL
MEETING HELD ON 23 AUGUST 2022
(3/2/1)**

The minutes of the special meeting of the Municipal Council of Windhoek held on 23 August 2022 are submitted for confirmation.

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[Municipal Council Agenda: 2022-08-31]

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

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7 MOTIONS

[Municipal Council Agenda: 2022-08-31]

**7.1 [CEO] MOTION ON THE STATUS
OF THE INFORMAL TRADING
MARKETS IN WINDHOEK
(3/2/1)**

*** A motion, **attached as pages 140 - 144 to the agenda**, was received from Councillor Ms QO Kamati on 22 August 2022 for discussion at the Council meeting scheduled for 31 August 2022.

*** Acknowledgement of the motion by the Chief Executive Officer is **attached as page 145 to the agenda**.

FOR DISCUSSION

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[Municipal Council Agenda: 2022-08-31]

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

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[Municipal Council Agenda: 2022-08-31]

**9 REPORTS AND RECOMMENDATIONS
OF COMMITTEES IN TERMS OF RULE 23
OF THE STANDING RULES OF ORDER
(5/12/3/2)**

Councillor SS Nujoma, Chairperson of the Councillors Advisory Committee on Financial Sustainability, Performance Management and Policy submitted a Progress Report on the Optic Fibre Monetisation Project, **attached as pages 124 - 132 to the agenda.**

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**10 OUTSTANDING MATTERS ARISING
FROM THE COUNCIL MEETING
HELD ON 10 AUGUST 2022**

[Municipal Council Agenda: 2022-08-31]

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

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

10.2 ITEM 10.1.6 - GOV.13 [CEO] CONFIDENTIAL MATTER
(1/3)

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

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

Council at its meeting held on 10 August 2022 per Resolution 208/08/2022 *inter alia* resolved as follows:

That this matter be referred back in order for the Strategic Executive: Infrastructure, Water and Technical Services to include the list of the northern suburbs residential streets that have been upgraded to bitumen standards from Phases 1 to 7, whereafter it be resubmitted to serve at the Special Council meeting to be held on Friday, 12 August 2022, for consideration.

*** The list of the northern suburbs residential streets, i.e. Phases 1 to 7 that have been upgraded to bitumen standards, is **attached as pages 133 - 137 to the agenda.**

The matter is herewith resubmitted.

Introduction

*** This submission serves to inform Council on the progress made in the implementation of the upgrading of streets to bitumen standards in the northern suburbs of Windhoek, since the Management Committee meeting held on 4 April 2017 (refer to Item REP.3, **attached as pages 138 - 139 to the agenda**).

The submission further affords Council the opportunity to make certain decisions pertaining to additional streets which are to be upgraded to bitumen standards and which will be discussed further below.

Background

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

Phases 8 to 10 of the northern suburbs residential streets are still to commence as well as the completion of Phase 2 of the northern suburbs collector roads, with either design and/or construction, detailed as follows:

Phase 8 consists of the following streets:

Road/Street	Constituency	Conventional construction
Contract: Northern suburbs (Phase 8)		
Wanaheda Extension 2		
Sabi	Samora Machel	Update - design and construct
Juba	Samora Machel	
Volta	Samora Machel	
Zaire	Samora Machel	
Maputo	Samora Machel	
Pongola	Samora Machel	
Swakop	Samora Machel	
Molopo	Samora Machel	
Kwanza	Samora Machel	
Gambia	Samora Machel	
Senegal	Samora Machel	
Benu	Samora Machel	
Niger	Samora Machel	
Kei	Samora Machel	
Nile	Samora Machel	
Wanaheda Extension 3		
Kampala	Samora Machel	Update - design and construct
Mbabane	Samora Machel	
Nairobi	Samora Machel	
Kinshasa	Samora Machel	
Luanda	Samora Machel	
Wanaheda Extension 4		
HG Vcili Street	Samora Machel	Update - design and construct
Rev Gottlob Mungunda Street	Samora Machel	
GBS Kanguuchi Street	Samora Machel	
R Ruzo Street	Samora Machel	

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

Phase 9 consists of the following streets:

Road/Street	Constituency	Conventional construction
Contract: Northern suburbs (Phase 9)		
Otjomuise Extension 1		
Bangalore	Khomasdal North	Design and construct
Konya	Khomasdal North	
Havana	Khomasdal North	
Mersin	Khomasdal North	
Huambo	Khomasdal North	
Lobito	Khomasdal North	
Dimbokro		
Otjomuise Extension 2		
Akureyri	Khomasdal North	Design and construct
Osaka (San Paulo)	Khomasdal North	
Santa Clara	Khomasdal North	
Linz (San Mames)	Khomasdal North	
San Diego	Khomasdal North	
Nagasaki	Khomasdal North	
Trossingen	Khomasdal North	
Okuryangava		
Gaddafi	Tobias Hainyeko	Design and construct
Patrick I Lunganda	Tobias Hainyeko	
King Kauluma	Tobias Hainyeko	

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

Phase 10 consists of the following streets:

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

- The total length for Phase 10 is 3.90 kilometre;

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

Northern suburbs collectors (Phase 2A) consists of the following streets:

Road/Street	Constituency	Conventional construction
Contract: Northern suburbs collectors (Phase 2A)		
Goreangab Extension 3		
Tolla Street	Moses Garoëb	Update - design and construct
Lucia Street	Moses Garoëb	
Havana		
Walvis Bay	Samora Machel	Update - design and construct
Outapi Street	Samora Machel	
Bethanie Street	Samora Machel	

- The northern suburbs collectors (Phase 2, Phase 2A - sections 1 and 2 only) is a replacement contract for the terminated Contract No. TRA 149/2012 with a total length of 7.27 kilometre;
- The Department of Infrastructure, Water and Technical Services budgeted for the completion of Phase 2A in the 2020/2021 Financial Year, which unfortunately was not approved;
- The Department of Infrastructure, Water and Technical Services received reduced budgeted for the 2021/2022 Financial Year which is being used for the updating of the design and Bidding Documents, due to time constraints the Construction Bid could not be implemented the 2021/2022 Financial Year; and
- The Department of Infrastructure, Water and Technical Services has budgeted for the 2022/2023 Financial Year for the Construction to commence.

Discussion

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

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

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

Phase 11 consists of the following proposed streets:

Road/Street	Constituency	Conventional construction
Contract: Northern suburbs (Phase 11)		
Otjomuise		
Kitchener	Khomasdal	Design and construct
Akureyri	Khomasdal	

Road/Street	Constituency	Conventional construction
Contract: Northern suburbs (Phase 11)		
Trossingcn	Khomasdal	
Santa Clara	Khomasdal	
Manheim	Khomasdal	
Liverpool	Khomasdal	
München	Khomasdal	
Philadelphia	Khomasdal	
Alexandria	Khomasdal	

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

Phase 12 consists of the following proposed streets:

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

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

Phase 13 consists of the following proposed streets:

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

- The total length for Phase 13 is 5.311 kilometre; and
- The roads are still to be designed and constructed.

Management Committee,

RECOMMENDED

1 That the following be noted:

- 1.1 That Phases 1 to 7 of the upgrading to bitumen standards of the northern suburb residential streets have been completed, with the Phase 7 streets of the tarring programme completed in June 2020. [The list of the northern suburbs residential streets, i.e. Phases 1 to 7 that have been upgraded to bitumen standards, is **attached as pages 133 - 137 to the agenda.**]
- 1.2 That the budget for the completion of Phase 2 for the upgrading of the northern suburbs collectors and arterial streets, the remaining work as well as the required amendments to the tender documentation and drawings, has been approved by Council under the 2022/2023 Financial Year.
- 1.3 That budget approval was requested by the department for Phase 8 of the northern suburb residential streets for the updating of the design and construction for the 2022/2023 and 2023/2024 Financial Years respectively, but not yet approved by Council.
- 1.4 That the Strategic Executive: Infrastructure, Water and Technical Services is hopeful that through savings on other projects, it might be possible to finance the design and re-procurement of Phase 8 of the northern suburbs residential streets in the 2022/2023 Financial Year, so that construction may commence during the 2023/2024 Financial Year.
- 2 That the Phase 9 design and construction be budgeted for during the 2023/2024 and 2024/2025 Financial Years, respectively.
- 3 That the Phase 10 design and construction be budgeted for during the 2024/2025 and 2025/2026 Financial Years, respectively.
- 4 That the following list of streets be approved for the design and construction as Phase 11 of the tarring programme, for design in the 2025/2026 Financial Year and construction during the 2026/2027 Financial Year at a project cost of ± N\$65 million:

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

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

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

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

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

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

Financial implications

Funds required

The anticipated financial implications are estimated to be as follows:

Financial Year	Description	Amount (N\$)
2022/2023 Budget	Completion of Phase 2A (collectors)	35 million budget requested
	Surfacing residential streets of the northern suburbs (Phase 8) – updating of design and Bidding Documents	1.5 million to be budgeted
2023/2024 Budget	Surfacing residential streets of the northern suburbs (Phase 8) – Construction	45.5 million to be budgeted
	Surfacing residential streets of the northern suburbs (Phase 9) – Design and Bidding Documents	1.9 million to be budgeted
2024/2025 Budget	Surfacing residential streets of the northern suburbs (Phase 9) – Construction	80.1 million to be budgeted
	Surfacing residential streets of the northern suburbs (Phase 10) – Design and Bidding Documents	1.957 million to be budgeted
2025/2026 Budget	Surfacing residential streets of the northern suburbs (Phase 10) – Construction	50.98 million to be budgeted
	Surfacing residential streets of the northern suburbs (Phase 11) – Design and Bidding Documents	4.89 million to be budgeted
2026/2027 Budget	Surfacing residential streets of the northern suburbs (Phase 11) – Construction	60.13 million to be budgeted
	Surfacing residential streets of the northern suburbs (Phase 12) – Design and Bidding Documents	4.69 million to be budgeted
2027/2028 Budget	Surfacing residential streets of the northern suburbs (Phase 12) – Construction	57.83 million to be budgeted
	Surfacing residential streets of the northern suburbs (Phase 13) – Design and Bidding Documents	5.07 million to be budgeted
2028/2029 Budget	Surfacing residential streets of the northern suburbs (Phase 13) – Construction	62.54 million to be budgeted

[Municipal Council Agenda: 2022-08-31]

10.4

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

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

10.5 ITEM 10.2.3 - GOV.5 [CEO] CONFIDENTIAL MATTER
(1/3)

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

10.6 ITEM 10.2.4 - GOV.6 [CEO] LEGAL MATTER
(3/1/P)

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

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

- (iii) *the institution of any legal proceedings by, or opposition of any legal proceedings instituted against, a local authority council,*

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

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11 MINUTES OF MANAGEMENT COMMITTEE

[Municipal Council Agenda: 2022-08-31]

11.1 APPROVAL OF MINUTES (MC 14/2022)

The minutes of the Management Committee meeting (MC 14/2022) held on 2 August 2022 was approved by the said Committee on 16 August 2022 and is submitted for notice with the exception of Items GOV.1, GOV.4, GOV.5, IND.1 and IND.2, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 14/2022) held on 2 August 2022, be noted by its members, with the exception of Items GOV.1, GOV.4, GOV.5, IND.1 and IND.2.

[Municipal Council Agenda: 2022-08-31]

11.1.1

GOV.1 [CEO] APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MoU) BETWEEN THE MUNICIPAL COUNCIL OF WINDHOEK AND THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) NAMIBIA (2/4/3)

Introduction

Council at its special meeting held on 2 April 2022 per Resolution 92/04/2022 *inter alia* resolved as follows:

- 1 *That this matter be referred back due to a concern with the wording of clause 8.2 of the Memorandum of Agreement (MoA), in order for the Acting Chief Executive Officer (Corporate Legal Adviser) to seek a legal opinion from the Attorney General in terms of the provision of the Settlement of Dispute of the said Memorandum of Agreement (MoA), whereafter it be resubmitted to Management Committee/Council, for consideration.*
 - 1.1 *That in addition, referencing to the laws of the Republic of Namibia, be included in the Memorandum of Agreement (MoA) with reference to clause 8.2.*
 - 1.2 *That it clearly be stipulated in the Memorandum of Agreement (MoA), that any other party contracted/brought by the United Nations Development Programme (UNDP), should adhere to provisions of the said Memorandum of Agreement (MoA).*
 - 1.3 *That the Memorandum of Agreement (MoA) also be submitted for vetting to the Office of the Attorney General, whereafter if be resubmitted to Management Committee/Council, for approval, and thereafter to the line Ministry, for information.*
- 2 *That the resolution be implemented prior to confirmation of the minutes.*

In pursuance of Council Resolution 92/04/2022, the Agreement was submitted to the Office of the Attorney General per letter dated 11 May 2022, **attached as pages 1 - 7 to the agenda**, for legal scrutiny.

Attorney General's comments

In summary, the Attorney General per letter dated 7 July 2022, **attached as pages 8 - 19 to the agenda**, in his general comments amongst others advised that:

- 3.1 *In light of the intention of the Parties to conclude an MoU, We have noted that the MoU provided contains legally binding clauses, that ordinarily feature in legally binding legal instruments such as agreements. In this regard, kindly be reminded that the difference between an MoU and an Agreement is that, unlike an agreement, an MoU is not legally binding and cannot be therefore enforced in a court of law, as it does not create legally binding rights and obligations.*
- 3.2 *As such, we have deleted legally binding/mandatory words such as 'shall', 'agree', wherever they appear in the MoU and replaced them with non-legally binding language ordinarily utilised in MoUs, such as 'will' and 'undertake', unless the context requires otherwise.*
- 3.3 ...
- 3.4 *It is our considered legal opinion that the content of ARTICLE X-SETTLEMENTS OF DISPUTES is adequate.*

This advice addresses concerns raised in paragraphs 1 and 1.1 of Council Resolution 92/04/2022.

In addition to the above advice by the Attorney General, an insertion has been made in its recommendations to align with paragraph 1.2 of Council Resolution 92/04/2022.

Purpose of the submission

The purpose of this resubmission is to seek Council approval for the Memorandum of Understanding (MoU), **attached as pages 20 - 25 to the agenda**, between the Municipal Council of Windhoek and the United Nations Development Programme Namibia (UNDP) following inputs and advice communicated by the Office of the Attorney General.

Management Committee,

RECOMMENDED

- 1 That the legal input by the Attorney General as per their letter dated 7 July 2022, **attached as pages 8 - 19 to the agenda**, on the proposed Memorandum of Understanding (MoU) between the Municipal Council of Windhoek and the United Nations Development Programme (UNDP) Namibia, be noted.

- 2 That the Memorandum of Understanding (MoU) between the Municipal Council of Windhoek and the United Nations Development Programme (UNDP) Namibia, **attached as pages 20 - 25 to the agenda**, be approved.

- 3 That the Chief Executive Officer (Manager: External Relations and Networking) co-ordinate the signing ceremony on the date and at a venue to be mutually agreed upon between the Parties.
- 4 That for ease of co-ordination and implementation, an Action Plan outlining specific projects and activities within the identified broader areas of co-operation, be developed.
- 5 That a Joint Working Group or a Project Steering Committee comprising of technical experts in the identified areas of co-operation be established for the actual implementation of specific projects, on the Action Plan.
- 6 That the assigned persons to the Joint Working Group work directly with their United Nations Development Programme (UNDP) counterparts at project level, while the External Relations and Networking Division provide co-ordination and liaison at Organisational level.
- 7 That any other party contracted/brought by the United Nations Development Programme (UNDP) adhere to provisions of this Memorandum of Understanding (MoU).
- ***
- 8 That the Corporate Legal Adviser ensure that all Agreements/Memorandums of Understanding (MoUs) entered into between the Municipal Council of Windhoek and any other agencies, be submitted to the Office of the Attorney General for record purposes in line with Cabinet Decision No. 9th/21.07.05/011, **attached as pages 8 - 19 to the agenda.**
- 9 That the resolution be implemented prior to confirmation of the minutes.

[Municipal Council Agenda: 2022-08-31]

11.1.2 **GOV.4 [HCC] STAFF MATTER** (4/6/2/5/18)

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

11.1.3 GOV.5 [HCC] STAFF MATTER
(4/4)

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

**11.1.4 IND.1 [UTP] APPLICATION FOR
BUILDING LINE RELAXATION ON
ERF 2531, 19 DR KUAIMA RIRUAKO
STREET, WINDHOEK**
(L/2531/W)

Application

An application with Building Permit No. 639/2020 was submitted by the owners of Erf 2531, Windhoek (Mineworkers Properties) requesting for:

- Relaxation of the 3 metre building line for Erf 2531, Windhoek to accommodate the proposed covered parking.

The proposed building work on Erf 2531, Windhoek encroaches the 3 metre common lateral boundary line with Erf 467, Windhoek. The owner of Erf 467, Windhoek, Mr M Mihaylov (referred to as Objector) objects to the relaxation of the 3 metre building line.

Existing situation

Erf 2531, Windhoek belongs to Mineworkers Properties. The erf is 1 178 m² in extent and is zoned 'office' with a bulk of 0.4. The subject property is located in Dr Kuaima Riruako Street, Windhoek, as indicated on the plan, **attached as page 26 to the agenda**. The erf would allow for an office building with a total floor area of 471.6 m² in extent. A site inspection conducted on 23 May 2022 confirmed that there is an existing two (2) storey main building, an outbuilding that is encroaching on the 3 metre building line of Erf 2532, Windhoek and covered parking that is encroaching on the 3 metre building lines of Erf 467, Windhoek.

Development proposal

The owners want to renovate and formalise the already existing building and under roof parking on Erf 2531, Windhoek in accordance to the new zoning. It should be noted that all these structures are already existing, and they are encroaching on the 3 metre building lines of Erven 467 and 2532, Windhoek.

Town Planning Scheme provision for relaxation of building lines

Clause 20 of the Windhoek Town Planning Scheme *inter alia* provide as follows:

20 Side spaces of buildings

- 1) *Except with the consent of Council or as otherwise provided for in this Scheme, no building or structure or any portion thereof shall be erected nearer than three (3) metres to any lateral or rear boundary common to an adjoining erf. A lateral boundary is defined as a boundary with at least one end on a street boundary, a street boundary is any boundary common to a street, and a rear boundary is any boundary other than a street or lateral boundary. In the case of a dwelling unit or residential building the three (3) metre requirements shall apply to single storey units and shall increase by two (2) metres for each additional storey. The minimum requirement shall be measured from the external walls of the building under consideration.*
- 2) *The Council may, subject to any conditions it deems necessary, relax the provisions of clause 20(1).*

Paragraph 4 of Council Resolution 233/09/2019, **attached page 27 to the agenda**, *inter alia* reads as follows:

- 4 *That it be noted that paragraph 3 of Council Resolution 287/08/2007 is herewith amended to read as follows:*
- 3 *That any building permit application for the relaxation of building lines where objections have been received be presented to Council for a final determination in the matter.'*

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

Objection

The applicant is required to obtain comments from the neighbours (owners of Erven 467 and 2532, Windhoek) for the relaxation of the 3 metre building line onto the common boundary line. A copy of the building plan was sent via e-mail to the owner of Erf 467, Windhoek for comments and the owner of Erf 467, Windhoek (referred to as the Objector) objected to the building line relaxation. A twenty one (21) day notice letter was also sent to the owner of Erf 2532, Windhoek but he did not respond to the notice.

The letter for the relaxation of building lines with objections as well as proof that the twenty one (21) day notice letter was sent, is **attached as pages 28, 29 – 30 and 31 respectively to the agenda**.

The owner of Erf 467, Windhoek (Objector) *inter alia* indicated the following:

- *That he is objecting because he built the boundary wall between the two (2) erven with the promise from the previous owner of Erf 2531, Windhoek that they will share the cost but did not contribute. The Objector states that he will only give his consent for the relaxation once the new owners of Erf 2531, Windhoek pay what was promised by the previous owner of Erf 2531, Windhoek for the construction of the boundary wall.*

Urban Planning insight on the objection and response

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

- The decision to construct the boundary wall was the decision of the owner and despite any agreements with previous owners regarding cost, it is not deemed a valid reason for the objection to the development of the property by the new owners; and
- Given that there are no technical reasons identified preventing the approval of the buildings on Erf 2531, Windhoek the Urban Policy Division recommends that the proposed building plan and relaxation of building line of Erf 2531, Windhoek, be supported.

Conclusion

Following on the information provided, the proposed building plan and relaxation of the 3 metre building line on Erf 2531, Windhoek is supported.

Management Committee,

RECOMMENDED

- 1 That the application with Building Permit No. 639/2020 requesting for the relaxation of the 3 metre building line on Erf 2531, Windhoek, adjacent to Erven 467 and 2532, Windhoek, be approved.
 - 2 That both the applicant and Objector be informed of this Council Resolution and be given the opportunity to appeal against Council's decision to the Ministry of Urban and Rural Development within twenty eight (28) days from the date of notification thereof.
 - 3 That any Notice of intention to appeal the Council decision be submitted to Council within twenty eight (28) days from the date of notification of the Council Resolution.
 - 4 That the resolution be implemented prior to confirmation of the minutes to allow for prompt feedback to the applicant.
-

[Municipal Council Agenda: 2022-08-31]

**11.1.5 IND.2 [UTP] APPLICATION FOR CONSENT
IN TERMS OF TABLE B OF THE WINDHOEK
ZONING SCHEME TO OPERATE SPORTING
ACTIVITIES ON ERF 8350, WINDHOEK
(1/8350/W)**

Application

An application dated 1 March 2022 was received from Stubenrauch Planning Consultants Town Regional Planners on behalf of the owner of the erf, Namibia Jukskei Board for:

- Consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

The full application, including relevant correspondence/documentation is **attached as pages 32 - 55 to the agenda.**

Erf information

Erf 8350 is located in the neighbourhood of Olympia, along Jason Hamutenya Ndadi Street, is 9 474 m² in extent and is zoned 'undetermined'.

The erf currently accommodates the Jukskei Club, Cross Fit Wellness Centre as well as the Vintage Bar and Grill as confirmed by a site visit on 5 July 2022.

Development intention

The Namibia Jukskei Board seeks consent to operate sporting activities on Erf 8350, Windhoek; which is merely a formalisation of an already existing situation for the Jukskei Club and the Cross Fit Wellness Centre. This formalisation will enable Cross Fit Wellness Centre to renew their Fitness Certificate.

Although mentioned in the application as an activity on the erf, no formal application is however made for the Vintage Pub and Grill. The Vintage Pub and Grill is also not mentioned in the advertisement or neighbour notices during the public participation process.

Further, the applicant in the address of the objections states clearly that the application is only for the Cross Fit Wellness Centre activity.

The pub and grill is therefore an illegal activity and should be addressed as such.

A letter dated 17 May 2022, **attached as pages 56 - 82 to the agenda**, was received from Stubenrauch Planning Consultants Town Regional Planners to comply with all requirements.

Advertisement

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

- *** - The proposed consent use for sporting activities was advertised in The Namibian and New Era newspapers on 25 March 2022 and 1 April 2022, as per the advertisements, **attached as pages 60 - 63 to the agenda;**
- *** - The proposed consent use for sporting activities was advertised in Government Gazette No. 7776 of 1 April 2022, **attached as page 64 to the agenda;**
- *** - The Notice of the proposed consent, **attached as pages 65 - 66 to the agenda**, was placed on the Notice Board of the Municipal Council of Windhoek's Customer Care Centre (CCC) as well as on-site; and
- *** - Neighbour consultation letters/forms, **attached as pages 69 - 76 to the agenda**, were sent to the direct neighbours of Erven 6861, 6352, 5062, 7530, 6351, 5063 and 7185, Windhoek. Proof of the list of registered items posted is **attached as pages 67 - 68 to the agenda.**

The closing date for any comments was 29 April 2022.

The objections to the consent use were received from the owners of Erven 5062, 6599, 5063 and 6861 *inter alia* as follows:

- *Constant noise before 06:00 in the mornings till late at night, even on public holidays;*
- *Drinking parties and motorbike noise until 04:00 in the morning;*
- *Screaming people and specially children crying for their mothers, high alcohol consumption and loud music. Sport is secondary, parties have first priority and then comes only the sport;*
- *We are a residential area and expect discipline accordingly; and*
- *Our properties are losing value due to misbehaviour coming from Erf 8350, Windhoek.*

Consultants response on the objections

The Consultant submitted the following response to the objections received:

Objection	Evaluation/responses
Constant noise, before 06:00 in the morning till late at night, even on public holidays.	<ul style="list-style-type: none"> - The Cross Fit Wellness Centre can exercise measures to help curb and contain the noise in the early morning hours to the most acceptable level; and - The Municipal Council of Windhoek may also impose restrictions on the time during which loud music can be tolerated, e.g. from 07:00 to 19:00 and also keeping their doors closed to contain the sound of the music.

Objection	Evaluation/responses
Drinking parties and motorbike noise until 04:00 in the morning.	<ul style="list-style-type: none"> - It should be noted that there are two (2) different types of land use activities being operated on Erf 8350, Windhoek, i.e. the Vintage Pub and Grill as well as the Cross Fit Wellness Centre; - Further note that the drinking parties and motorbike noise referred to are as a result of the activities happening at the Vintage Pub and Grill which is not in any way related to the Cross Fit Wellness Centre; and - Our office hereby clarifies that this application is ONLY for consent to operate the Cross Fit Wellness Centre on Erf 8350, Windhoek.
Screaming people and specifically children crying for their mothers, high alcohol consumption and loud music. Sport is secondary, parties have first priority and then come only the sport.	<ul style="list-style-type: none"> - The activities causing nuisances to the neighbourhood as stated are happening at the Vintage Pub and Grill which has no affiliation to the activities of the Cross Fit Wellness Centre. Thus, these nuisance factors/activities should not be linked to the activities of Cross Fit Namibia nor should they affect their application for consent to operate on Erf 8350, Windhoek.
This is a residential area and discipline is expected accordingly.	<ul style="list-style-type: none"> - Erf 8350, Windhoek is located on the edge of the sports precinct where noise from sport recreational activities as a result of the cheering from the spectators is unfortunately inevitable. However, Cross Fit Wellness Centre will exercise necessary measures to curb the noise from their Wellness Centre.
The properties are losing value due to misbehaviour coming from Erf 8350, Windhoek.	<ul style="list-style-type: none"> - The noise generated from the activities can be mitigated through regulations to be imposed by the Municipal Council of Windhoek on the activities being operated on Erf 8350, Windhoek.

Technical comments

The application was circulated for comments and the following comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- Sustainable Development

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

- Roads Planning and Traffic Flow

Erf 8350, Windhoek is located along Jason Hamutenya Ndadi Street, is zoned 'undetermined' and is $\pm 9\,491\text{ m}^2$ in extent. Jason Hamutenya Ndadi Street is a collector road with low traffic volume and no traffic flow problems are currently experienced during peak hours.

The proposed consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities will be generating fourty four (44) additional trips to the current road network.

There is no objection to the proposed consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek: Provided:

- That the applicant move the boundary fence to the erf boundary;
- That the applicant construct the extension and end of the cul-de-sac within the road reserve.
- That the applicant sign a Development Agreement to design and construct such extension of the road to municipal standard, where an Engineer or engineering firm must be employed to design and supervise such work.
- That the above conditions be met within twelve (12) months from the date of the consent approval, and failure of such will mean that the Fitness Certificate for the uses will not be approved.
- That parking be provided as per the approved parking layout, **attached as page 82 to the agenda.**

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Erf 8350 is situated on a low lying area with a general downward slope from the east into a westerly direction;
- Erf 8350 is situated approximately between 6 to 30 metres away from a major river along its south western boundary; and
- It is indicated on the application that access to the proposed Erf 8350 is obtained from Jason Hamutenya Ndadi Street.

There is no objection to the proposed consent to operate sporting activities on Erf 8350, Jason Hamutenya Ndadi Street, Windhoek: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme).
- That no development be considered over or onto any stormwater system or structure.

Comments from the Strategic Executive: Electricity

- **Technical Support**

There is no objection to the application submitted for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek: Provided:

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

- That only one (1) service connection from the municipal electrical network be allowed per erf.
- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.
- That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.

Comments from the Strategic Executive: Infrastructure Water and Technical Services

- Engineering Services

There is no objection to the application submitted for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek: Provided:

- That it be noted that any additional requirements with regard to water or sewer services be for the cost of the Applicant, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

Comments from the Strategic Executive: Economic Development and Community Services

- Environmental Management

There is no objection to the application to utilise Erf 8350, Olympia as a fitness centre.

Urban Policy evaluation

Erf 8350 is located in the neighbourhood of Olympia, along Jason Hamutenya Ndadi Street, is $\pm 9\,474\text{ m}^2$ in extent and is zoned 'undetermined'.

The erf is being used for private open space purposes for the Namibia Jukskei Board. There is also a restaurant and gym on the erf. The owners intend to formalise an already existing situation in order to renew their Fitness Certificate.

According to Table B of the Windhoek Zoning Scheme, there are no specific land use activities prescribed for erven zoned 'undetermined'. However, consent is required from the Municipal Council of Windhoek in order to operate any form of land use activities on erven zoned for 'undetermined' purposes.

There is however no consent for sporting activities in the Windhoek Zoning Scheme as applied for. The correct consent that need to be granted is for a private open space to accommodate the Jukskei Club and the Cross Fit Wellness Centre.

The existing restaurant, Vintage Pub and Grill, also requires a consent but this was not at all addressed in the application and also not in the public consultation process and therefore cannot be considered, hence will remain an illegal activity.

The owners fenced an area that extends beyond their erf boundary. The Traffic Flow Division also pointed out that the public road is fenced in and includes the cul-de-sac supposed to give access to this and neighbouring erven. The fence will have to be relocated to the correct boundary and the owners will have to either lease or purchase the portions of Erf R/6755, Windhoek they are using.

The objections with regards to noise and disturbances are valid in the fact that the restaurant does not have the required consent use. The owners of the erf must take responsibility for any nuisances their lessees are causing to the neighbouring erven and as such the granting of the Cross Fit Wellness Centre consent should be subject to either the removal of the Vintage Pub and Grill or the successful application and approval thereof.

Conclusion

The proposed consent use for the cross fit activities will not have any negative impact on the surrounding area as it fits in with the sporting activities in the Olympia area around the national rugby and athletic stadia.

The consent for private open space which allows sporting activities can be granted.

Management Committee,

RECOMMENDED

- 1 That consent in terms of Table B of the Windhoek Zoning Scheme for private open space be granted for Erf 8350, Windhoek specifically for practicing the sport of Jukskei and Cross Fit Wellness Centre activities, subject to the following conditions:
 - 1.1 That the Jukskei Board address the illegal restaurant by closing it down.
 - 1.2 That the Jukskei Board take note that the restaurant may only operate on the erf after submitting a successful consent use application including public participation for a business building for restaurant purposes on Erf 8350, Windhoek.
 - 1.3 That the Jukskei Board submit a lease/purchase application to the Municipal Council of Windhoek for the areas of Erf R/6755, Windhoek which they are using/occupying.

- 1.4 That the condition as per paragraph 1.3 above, be met within six (6) months from the date of the consent approval, and it be noted that failure to do so will result in that no future Fitness Certificate for the uses will be approved.
- 1.5 That the applicant move the boundary fence to the erf boundary.
- 1.6 That the applicant construct the extension and end of the cul-de-sac within the road reserve.
- 1.6.1 That the applicant sign a Development Agreement to design and construct such extension of the road to municipal standard, where an Engineer or engineering firm must be employed to design and supervise such work.
- 1.7 That the conditions as per paragraphs 1.5 and 1.6 above, be met within twelve (12) months from the date of the consent approval, and it be noted that failure to do so will result in that no future Fitness Certificate for the uses will be approved.
- *** 1.8 That parking be provided as per the approved parking layout, **attached as page 82 to the agenda.**
- 1.9 That it be noted that failure to comply with the conditions as per paragraphs 1.1 to 1.8 above, will result that the consent granted in terms of paragraph 1, be withdrawn by the City.
- 2 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:
 - 2.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
 - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
 - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
 - 2.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
 - 2.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.

- 2.4 That engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.
- 2.5 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.
- 2.6 That no building plans be approved until the stormwater conditions are met.
- 2.7 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]
- 3 That no development be considered over or onto any stormwater system or structure.
- 4 That the applicant appoint a registered professional Engineer at his/her own cost and risk, to determine if the south western boundary of Erf 8350 require to be protected against any potential flood damage.
- 5 That any additional requirements with regard to water or sewer services be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 6 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.
- 7 That only one (1) service connection from the municipal electrical network be allowed per erf.
- 8 That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation.
- 9 That it be noted that a connection charge will be payable at the cost of the applicant and the applicant be advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Strategic Executive: Electricity for information on connection charges.
- 10 That the applicant accept the conditions of the Council Resolution in writing within twenty eight (28) days from receipt of the Notice.

- 11 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.
- 11.1 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.
- 12 That the resolution be implemented prior to confirmation of the minutes.

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[Municipal Council Agenda: 2022-08-31]

11.2 APPROVAL OF MINUTES (MC 15/2022)

The minutes of the Management Committee meeting (MC 15/2022) held on 16 August 2022 is submitted to Management Committee members for approval.

[Municipal Council Agenda: 2022-08-31]

11.3 MINUTES (MC 15/2022)

The minutes of the Management Committee meeting (MC 15/2022) held on 16 August 2022 as approved by its members at this Council meeting, is submitted for notice with the exception of Items GOV.3, GOV.4, GOV.7, IND.1 and IND.3, which follow immediately hereunder for consideration.

It is

RECOMMENDED

That the minutes of the Management Committee meeting (MC 15/2022) held on 16 August 2022, be noted by its members, with the exception of Items GOV.3, GOV.4, GOV.7, IND.1 and IND.3.

[Municipal Council Agenda: 2022-08-31]

**11.3.1 GOV.3 [CEO] EMPLOYER REPRESENTATIVE
TRUSTEE ELECTION FOR THE RETIREMENT
FUND FOR LOCAL AUTHORITIES AND
UTILITY SERVICES (RFLAUN) FOR THE
TERM SEPTEMBER 2022 TO AUGUST 2026
(3/1/3/2)**

Introduction

The Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) was established in March 1992. The Fund is registered in terms of both the Pension Funds Act, 1956 (Act 24 of 1956) and the Income Tax Act. The Fund is an umbrella fund established for the Employees of Local Authorities and Utility Services distributors in Namibia. The object of the Fund is to provide retirement and other benefits for employees and former employees of participating employers in the event of death or disablement.

The Municipal Council of Windhoek is currently represented by on the Board of Trustees of Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) by Councillors J Uapingene and Ms I Keister, alternated by Councillors J Hecht and Ms M Pienaar-Lombardt, respectively.

Expiry of the Term of Office of the current Municipal Council of Windhoek Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) Trustees

Trustees on the Board of the Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) serve for four (4) years. The Term of Office of the current Municipal Council of Windhoek Representative Trustees serving on the Board of the Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) will come to an end on 31 August 2022.

Against this background, the Principal Officer of the Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) in a letter dated 8 June 2022, **attached as pages 83 - 99 to the agenda**, addressed to the Chief Executive Officer, notifying Council about the expiry of the term of office of the aforementioned current Municipal Council of Windhoek representative Trustees.

In this regard, Council is requested to nominate four (4) Council Representatives (two (2) main Trustees and two (2) alternate Trustees) who have the time and commitment to attend to members in terms of their benefits, the period from September 2022 to August 2026. The letter specifically advises that Trustees should be financially qualified to enable them to understand accounts and other transactions of the Fund.

Purpose

The purpose of this submission is to inform Council about the expiry of the term of office of its Representative Trustees who are currently serving on the Board of the Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) on 31 August 2022. The submission thus requests Council to nominate four (4) Employer Representative Trustees (two (2) main Trustees and two (2) alternate Trustees) to serve on the Board of the Retirement Fund for Local Authorities and Utility Services in Namibia (RFLAUN) for the period from September 2022 to August 2026.

Management Committee,

RECOMMENDED

- 1 That the letter dated 8 June 2022 from the Principal Officer of the Retirement Fund of Local Authorities and Utilities in Namibia (RFLAUN), **attached as pages 83 - 99 to the agenda**, be noted.
- 2 That four (4) Councillors (two (2) main Trustees and two (2) alternate Trustees) be nominated to serve as Employer Representative Trustees on the Board of Trustees of the Retirement Fund of Local Authorities and Utilities in Namibia (RFLAUN) for the period September 2022 to August 2026.
- 3 That the Principal Officer of the Retirement Fund of Local Authorities in Namibia (RFLAUN) be informed of the nominees, upon nomination by Council.

[Municipal Council Agenda: 2022-08-31]

11.3.2 GOV.4 [CEO] STAFF MATTER (1/3)

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

11.3.3 GOV.7 [CEO] STAFF MATTER
(4/4)

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

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

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

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

[Municipal Council Agenda: 2022-08-31]

11.3.4 IND.1 [UTP] BUILDING PERMIT
APPLICATION FOR ERF 677,
149 BLACK ROCK STREET,
ROCKY CREST
(L/677/RC)

Application

The owner, Ms Ndeshipanda Rachel Amoomo (applicant), applied to the Municipal Council of Windhoek for Building Permit No. 854/2021 for Erf 677, Rocky Crest. The application entails the following, for consideration:

- Relaxation of the 3 metre building line bordering Erf 676, Rocky Crest to accommodate the proposed residential dwelling on Erf 677, Rocky Crest.

The proposed residential dwelling on Erf 677, Rocky Crest surpasses the prescribed lateral building lines on both sides facing Erven 676 and 678, Rocky Crest. The owner of Erf 676, Rocky Crest, Ms Mcnesia Kuhanga (referred to as the Objector), shares the boundary with Erf 677, Rocky Crest and raised an objection to the relaxation of the 3 and 5 metre building line between the two (2) properties. Reasons hereto are addressed in the subsequent paragraphs. The objections are herewith submitted to Council, for consideration.

Event sequence

Ms NR Amoomo purchased Erf 677, Rocky Crest from the Municipal Council of Windhoek and subsequently appointed an Architect to design a new residential dwelling on the property.

As part of the building permit submission process Ms NR Amoomo had to consult and obtain consent for exceeding the 3 and 5 metre building line from the neighbouring owners on Erven 676 and 678, Rocky Crest.

The owner of Erf 678, Rocky Crest signed off on the proposed design and provided a comment that she agrees to the building plan however, she does not agree to the property being turned into a guesthouse, as there is in her opinion a lack of parking on the premises.

Ms M Kuhanga, owner of Erf 676, Rocky Crest, objected to the relaxation of the 3 and 5 metre building line to accommodate the new proposed two (2) storey residential dwelling.

The reason for objection by Ms M Kuhanga was that the proposed structure has too many bedrooms with in-suite bathrooms for a normal household and chances of turning the property into a guesthouse are very high.

On 9 May 2022, Ms NR Amoomo and Mr A Kuhanga met with the Municipal Council of Windhoek's Town Planning Division officials in order to discuss the issues raised by Ms M Kuhanga.

Ms N\$ Amoomo assured Ms M Kuhanga that there are no intentions of turning the proposed residential dwelling into a guesthouse, but Ms M Kuhanga maintained her objection to the relaxation of the 3 metre building line, hence the matter is submitted to Council for consideration.

Existing situation

Erf 677, Rocky Crest is currently vacant and situated at 149 Black Rock Street, the erf is 360 m² in extent and is zoned 'residential' with a density of 1:250 m². The erf allows for one (1) dwelling unit and the current proposed building permit application indicates one (1) residential dwelling unit.

A site inspection conducted on 9 May 2022 revealed that Erf 677, Rocky Crest is currently vacant while Erf 676, Rocky Crest as well as Erf 678, Rocky Crest are developed with residential dwellings. The owner of Erf 677, Rocky Crest intends to develop a double storey residential dwelling and thus requires a building permit to commence with the construction of the residential dwelling. The locality of Erf 677, Rocky Crest is indicated on the plans, **attached as pages 100 - 101 to the agenda.**

Development proposal

The owner of Erf 677, Rocky Crest intends to construct a two (2) storey residential dwelling that contain six (6) bedrooms with in-suite bathrooms, a swimming pool and 2 metre high boundary wall around the property. The residential dwelling is situated within the 3 and 5 metre building line that is bordering Erven 676 and 678, Rocky Crest. The first floor of the dwelling has two (2) balconies of which one (1) balcony is facing the neighbour of Erf 676, Rocky Crest while the other balcony facing Black Rock Street. With the encroachment of the residential dwelling and swimming pool into the 3 and 5 metre building line, the owner of Erf 677, Rocky Crest is required to obtain neighbours' comments on both neighbouring properties of Erven 676 and 678, Rocky Crest before submitting to the Municipal Council of Windhoek.

Town Planning Scheme provision for the relaxation of building lines

In terms of clause 20 of the Windhoek Town Planning Scheme

20 Side spaces of buildings

- 1) *Except with the consent of Council or as otherwise provided for in this Scheme, no building or structure or any portion thereof shall be erected nearer than three (3) metres to any lateral or rear boundary common to an adjoining Erf. A lateral boundary is defined as a boundary with at least one end on a street boundary, a street boundary is any boundary common to a street, and a rear boundary is any boundary other than a street or lateral boundary. In the case of a dwelling unit or residential building the three (3) metre requirements shall apply to single storey units and shall increase by two (2) metres for each additional storey. The minimum requirement shall be measured from the external walls of the building under consideration.*
- 2) *The Council may, subject to any conditions it deems necessary, relax the provisions of clause 20(1).*

Council per paragraph 4 of Resolution 233/09/2019, **attached as page 102 to the agenda**, *inter alia* resolved as follows:

- 4 *That it be noted that paragraph 3 of Council Resolution 287/08/2007 is herewith amended to read as follows:*
 - 3 *That any building permit application for the relaxation of building lines where objections have been received be presented to Council for a final determination in the matter.*

Objection

The owner of the neighbouring Erf 676, Rocky Crest objected to the relaxation of the 3 metre building line on Erf 677, Rocky Crest. The formal objection letter for the relaxation of building lines is **attached as page 103 to the agenda**.

The Objector *inter alia* indicated the following in the objection letter:

- *The proposed structure has too many bedrooms for a normal household;*
- *Every bedroom with its in-suite bathroom;*
- *Chances of turning into guesthouse is possible which will result into noise pollution and shortage of parking; and*
- *Swimming pool too close to Erf 676, Rocky Crest and can damage existing structure.*

Owner's response to the objections

In a letter dated 2 March 2022, **attached as page 104 to the agenda**, the owner of Erf 677, Rocky Crest provided her response to the objections raised by the neighbouring owner on Erf 677, Rocky Crest for the approval of the relaxation of the 3 metre building line and swimming pool. (Relevant documentation is **attached as pages 105 - 109 to the agenda**).

Urban Policy Division's response to the objection

The proposed residential dwelling and swimming pool on Erf 677, Rocky Crest is within the 3 and 5 metre lateral building line, hence the owner of Erf 677, Rocky Crest is obliged to obtain comments from the owners of Erven 676 and 678, Rocky Crest. Given the objections received from the owner of Erf 676, Rocky Crest, a meeting was held between the two (2) parties but an agreement could not be concluded despite assurance of not turning the proposed residential dwelling into a guesthouse. The applicant also assured the Objector that the swimming pool will be constructed according to Council's building regulations and will be under the supervision of a professional Engineer. The Objector remained unwilling to accept the assurance and any other possible solution in order to grant the relaxation of the 3 and 5 metre building line.

An assessment in relation to the objections and the situation revealed the following:

- *The proposed structure has too many bedrooms and in-suite bathrooms for a normal household*

The proposed dwelling consist of a primary unit with mutually adjacent rooms on the ground and first floor with a kitchen, dining and lounge. The Town Planning Scheme does not limit the number of bedrooms or bathrooms a dwelling may contain, thus this objection is therefore not considered valid.

- *Chances of turning into guesthouse is possible which will result into noise pollution and shortage of parking*

The proposed building meets the definition of a dwelling unit as described in the Town Planning Scheme. In addition parking requirements are also met as per the Municipal Council of Windhoek parking regulations. Any future intention of establishing any type of accommodation will either require a rezoning or consent use application and to which the Objector can then object. The objection against the propose building is based on a perceived land use and it is not considered valid.

- *Swimming pool too close to Erf 676, Rocky Crest and can damage existing structure*

The owner of Erf 677, Rocky Crest proposed to construct a boundary wall that is 2 metre high and the wall act as a shield to prevent any potential negative effect that may arise. The owner of Erf 677, Rocky Crest has also appointed a professional Engineer (Blueprint Consulting Engineers CC) who has approved and designed the structural integrity of the dwelling, swimming pool and boundary wall. The Engineer's approval letter is **attached as pages 110 - 112 to the agenda**. Accordingly the Urban Planning Division believes that the proposed

residential dwelling and swimming pool will not negatively affect the neighbour on Erf 676, Rocky Crest.

Even though privacy is not mentioned in the objections of the Objector, due consideration is applied due to the fact that the proposed dwelling is a two (2) storey and might have privacy implications. The following is revealed:

- There is an existing garage with a firewall on Erf 676, Rocky Crest that is situated exactly on the boundary wall with Erf 677, Rocky Crest;
- There are only two (2) existing windows on Erf 676, Rocky Crest that are facing Erf 677, Rocky Crest and they are situated within the 3 metre building line with Erf 677, Rocky Crest;
- There are three (3) bathroom windows, two (2) small guest lounge windows and two (2) balconies on the first floor and situated within the 5 metre building line of Erf 676, Rocky Crest;
- The view from the proposed bathroom windows and the two (2) balconies on the first floor is facing directly onto the rooftop of the neighbouring Erf 676, Rocky Crest. Furthermore, there is only about 1.5 metre walkway between the boundary wall and dwelling on Erf 676, Rocky Crest and there is very little to no outdoor or indoor activities that can qualify as potential activities that will need privacy; and
- Given the above, it is deemed that there is no potential indoor or outdoor privacy implications that might arise from the proposed two storey dwelling on Erf 677, Rocky Crest.

The owner of Erf 677, Rocky Crest wishes to make optimal use of the space on the erf and the only way to achieve this is to encroach into the 3 and 5 metre lateral building line on both sides of the property. The Urban Policy Division does not foresee any negative impact by approving the building plan as submitted and thus recommends that the proposed building permit application for Erf 677, Rocky Crest, be supported.

Management Committee,

RECOMMENDED

- 1 That the relaxation of the 3 metre lateral boundary lines on Erf 677, Rocky Crest towards Erven 676 and 678, Rocky Crest as per the application with Building Permit No. 854/2021, be approved.
- 2 That the applicant and Objector be informed of Council's decision and be given the opportunity to appeal against Council's decision to the Ministry of Urban and Rural Development within twenty one (21) days from the date of notification thereof.
- 2.1 That any Notice of the intention to appeal the Council decision be submitted to Council within twenty one (21) days from the date of notification of the Council Resolution.

- 3 That the resolution be implemented prior to confirmation of the minutes to allow for prompt feedback to the applicant.

[Municipal Council Agenda: 2022-08-31]

11.3.5

IND.3 [EDC] UPGRADING OF THE ONGHENDAMBALA MARKET BY THE VENDORS INITIATIVE FOR SOCIAL AND ECONOMIC TRANSFORMATION (VISET NAMIBIA) AT ERF 3222, EVELINE STREET, GOREANGAB 35 (L/3222/GG)

Introduction

Council received a request from the Vendors Initiative for Social and Economic Transformation (VISET Namibia) to upgrade the Onghendambala Market as per their letter dated 22 April 2022, **attached as pages 113 – 114 to the agenda**. The Vendors Initiative for Social and Economic Transformation (VISET Namibia) is a legally registered Non-Governmental Organisation (NGO) representing vendors in the informal sector. The Vendors Initiative for Social and Economic Transformation (VISET Namibia) obtained funding from the Alumni Engagement Innovation Fund (AEIF) via the American Embassy in Namibia, and they subsequently would like to use the funds towards the upgrading of the Onghendambala Market.

This item thus seeks Council approval for the upgrading of the Onghendambala Market as proposed by the Vendors Initiative for Social and Economic Transformation (VISET Namibia), and the donation of improvements to be made to the existing and new facilities to be provided at the Onghendambala Market.

Background

The Municipal Council of Windhoek has constructed the Onghendambala Market at Erf 3222, along Eveline Street in Goreangab in 1999. The market was built at a total cost of N\$147 140.26 during 1999. The market makes provision for a total of twenty six (26) stands used by traders mainly selling meat, fruits and vegetables to the residents within the area and the public in general.

At the market, provision has been made for water and ablution facilities (one (1) toilet for men and one (1) toilet for women) within an enclosed space. Unfortunately, the rest of the market has not been fenced-in and no provision for electricity was made. The financial constraints on Council's budget has unfortunately resulted in the delay in addressing some of the critical upgrading needs such as the provision of services that is water, ablution facilities, electricity and other infrastructure to traders at various sites within the City. However, Council plans to address the shortcomings at the markets and trading sites through the yearly budget allocations to be made for markets upgrading, while alternative sources of funding will also be explored.

Current challenges at the Onghendambala Market

The Onghendambala Market faces the following constraints:

- There is a lack of adequate infrastructure at the trading sites such as sufficient shading, storage of trading goods, and no provision of electricity at the market, which could not be considered because the market is open (not fenced-in). However, some of these concerns can now be addressed through the proposal submitted by the Vendors Initiative for Social and Economic Transformation (VISET Namibia).

The Vendors Initiative for Social and Economic Transformation (VISET Namibia) would thus like to carry out the improvements at the Onghendambala Market and donate the improvements made at the market to the Municipal Council of Windhoek, as indicated in their proposal, **attached as pages 115 - 117 to the agenda**. The Vendors Initiative for Social and Economic Transformation (VISET Namibia) has appointed Kamau Architects to prepare drawings for the proposed upgradings at the market. Kamau Architects has established the following facts regarding the existing structures at the market:

- A portion of the existing market structure was built in the road reserve according to the municipal drawings; and
- Part of the land belonging to Council, which forms part of the market, is occupied by two (2) businesses providing auto mechanic, panel beating and spray-painting services. The two (2) businesses have set up containers and established some temporary structures. It is therefore necessary that the two (2) businesses be incorporated as part of the market with proper designs and that provision of the required facilities be made, i.e. oil traps or drums for the collection of used oil and waste. It is also important that a concrete slab be provided and that the fixing of cars not be done on the ground in order to avoid pollution of underground water, but strictly on the concrete slab. The number of cars to be kept on-site should also be limited to only one (1) car at a time and that completed cars be removed from the site, on a daily basis. The panel beating and spray-painting activities, which appear to form a small part of their operations, can unfortunately not be incorporated as part of the market due to the associated health risks and the residential nature of the area. Appropriate lease agreements will be formulated and rental rates will also be determined and implemented upon approval.

The proposed renovations at the market will include the following:

- To ensure that Erf 3222, Eveline Street where the Onghendambala Market is located and which forms part of the market is entirely fenced-off as per the drawings prepared by Kamau Architects, **attached as pages 118 - 119 to the agenda**, in order to protect the site from any further encroachment and illegal occupation, to make way for future development support of the trading activities currently taking place at the market.

- There are openings on the eastern wall of the market made for ventilation. However, the openings do not provide sufficient cross ventilation to the covered area. The Vendors Initiative for Social and Economic Transformation (VISET Namibia) is proposing to put in additional openings and to provide a shaded seating area for the customers at the market as per the drawing, **attached as page 120 to the agenda.**
- To paint the market in order to give it a fresh look.

The Vendors Initiative for Social and Economic Transformation (VISET Namibia) is considering further upgrading at the Onghendambala Market in the future depending on the availability of funds and following the completion of Phase 1 (as indicated above), and estimated at the value of N\$643 266.30 (VAT inclusive) to Council. The cost breakdown is **attached as page 121 to the agenda.** The bulk of the cost implications for the upgrading (69 %) relates to the installation of sliding doors, shade nets, etc. (34 %) and erection of fencing (35 %).

Trader consultation

The Vendors Initiative for Social and Economic Transformation (VISET Namibia), in conjunction with the Economic Development Division, held a consultative meeting with the traders on 20 May 2022 where the proposed upgrading under Phase 1 was discussed. The traders at the market are in support of the proposed upgrading at the market. This was also confirmed by the Vendors Initiative for Social and Economic Transformation (VISET Namibia) per letter dated 27 May 2022, **attached as page 122 to the agenda.**

Technical comments

The following comments were received:

Comments from the Strategic Executive: Urban and Transport Planning

- Traffic Flow

Eveline Street is a busy street currently experiencing traffic flow problems due to sidewalk encroachment, illegal parking, car washes and vendors, leaving limited pedestrian space, particularly opposite the market. The market is located on Erf 3222, Goreangab. The sidewalk in front of Erf 3222, Goreangab varies from 10 metres up to about 6 metres wide where the market building encroaches onto the road reserve. According to the proposal, an additional 2 metres will be needed to fence-off the open market, leaving a 4 metre wide sidewalk.

Currently there are no defined parking spaces or sidewalk areas and motorists parking, pedestrians and traders all compete for the same space.

From a planning perspective, indication is that a proper sidewalk needs to be defined, possibly with bollards, for improving non-motorised facilities and safety, prohibiting trading in such Non-Motorised Transport (NMT) zone, and to accommodate parking considerations while the surrounding erven are all small and the entire area along Eveline Street has already transformed from residential to a business corridor.

Reference is made to the Non-Motorised Transport (NMT) Strategy as well as the United Nations (UN) Design Guideline on streets for walking, with reference to the photograph, **attached as page 123 to the agenda**. The ideal situation would be to rectify the encroachment and correctly place it within the erf boundaries, however this seems unlikely due to financial implications.

The initiative is supported. However, the following additional supportive measures are recommended:

- Parking space is properly defined and preferably constructed with the upgrading of the market; and
- Pedestrian movement is clearly separated from the parking and trading areas, preferably with bollards.

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

- Architecture

There is no reservations on the proposed plans submitted for comments. We are sure the Architect catered to the client's needs as well as the minimum requirement as per the Building Regulations.

With regard to the portion of the current market structure built in the road reserve according to the Municipal Council of Windhoek's drawings:

- A suggestion to break down the portion protruding into the road reserve will be a waste of resources if it does not interfere with the plans for the road.

Comments from the Strategic Executive: Electricity

- Technical Support

There is in principle no objection to the application submitted for the upgrading of the Onghendambala Market by the Vendors Initiative for Social and Economic Transformation (VISET Namibia) at Erf 3222, Eveline Street, Goreangab.

Power is available and the market can be electrified from the existing nearby electrical network.

It should be noted that any cost related to the electrification of the market should also be included as budgeted from the funds that are being donated by the Vendors Initiative for Social and Economic Transformation (VISET Namibia).

The Electrical Consultant or Contractor should obtain approval for all related electrical drawings for electrification indicating connection to the grid of the Municipal Council of Windhoek.

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

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

No input to make.

Financial implications

Cost implications	N\$643 266.30 to be contributed by the Vendors Initiative for Social and Economic Transformation (VISET Namibia)
Revenue implications	N\$20 160.00 (rental collected per annum) from the current twenty five (25) traders at the open stands

Management Committee,

RECOMMENDED

- 1 That the implementation of the upgrading of the Onghendambala Market, Erf 3222, Eveline Street, Goreangab, be approved.
- 2 That the donation through the upgrading of the Onghendambala Market by the Vendors Initiative for Social and Economic Transformation (VISET Namibia) to the value of N\$643 266.30 (VAT inclusive), be accepted.
- 3 That the donation as per paragraph 2 above, be approved and accepted by the Municipal Council of Windhoek, subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 4 That the portion of the existing market structure built into the road reserve according to the municipal drawings be incorporated to become part of the market as the breakdown of that portion protruding into the road reserve will be a waste of resources as it is not interfering with the plans for the road.
- 5 That the entire portion which form part of the market be fenced-off in order to reserve land for future expansion of the market.
- 6 That the two (2) auto mechanic businesses which have set up containers and establish temporary structures on municipal land be incorporated as part of the market with proper designs.
- 7 That the two (2) businesses only be allowed to conduct auto mechanic and related services and that no panel beating and spray-painting activities be allowed due to the associated health risks and the residential nature of the area.
- 8 That a concrete slab be provided for the fixing of cars and that no cars be fixed on the ground in order to avoid pollution of underground water but strictly on the concrete slab.

- 9 That provision be made for required facilities such as oil traps or drums to collect used oil and waste.
- 10 That appropriate Lease Agreements be formulated and rental rates be determined and implemented upon approval.
- 11 That parking space be properly defined and constructed with the upgrading of the market.
- 12 That the pedestrian movement be clearly separated from the parking and trading areas with bollards.
- 13 That the electrification of the market be considered during the second phase of the upgrading of the market.
- 14 That an Electrical Consultant or Contractor be appointed at that stage for the electrification of the market and that approval be obtained for all electrical drawings for the electrification indicating connection to the municipal grid.
- 15 That the Strategic Executive: Economic Development and Community Services ensure monitoring the Action Plan in place for the implementation of Phases 1 and 2.
- 16 That the resolution be implemented prior to confirmation of the minutes.

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OFFICE OF THE CHIEF EXECUTIVE OFFICER

☒ 59

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Enq: C. Eita
Email: Christopher.Eita@windhoekcc.org.na
Tel Nr: 2902285Date: 11 May 2022
Ref: MoU-1Mr. Nghidinua Daniel
Executive Director
Ministry of Urban and Rural Development
Private Bag 13289
WINDHOEK

Dear Mr. Daniel,

**REQUEST FOR LEGAL SCRUTINY FOR THE CITY OF WINDHOEK-UNDP
MEMORANDUM OF UNDERSTANDING (MOU)**

The above subject matter bears reference reference.

For past few years the City of Windhoek and the United Nations Development Programme (UNDP) have been enjoying collaborative relations through various funded development project within the City. Recognizing, the importance of this partnership further discussions were held with the aim to formalize the relationships through a Memorandum of Understanding (MOU); which would serve as a broader framework for future cooperation between the two parties.

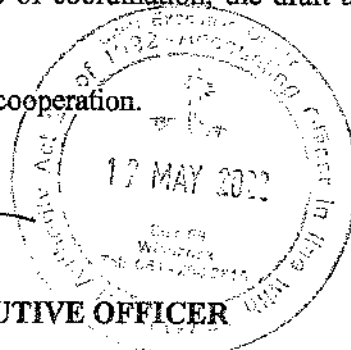
Based on the above, the Municipal Council of Windhoek at its meeting held on 12 April 2022, considered the content of proposed agreement and generally agreed with the principle. However, due to a concern raised over the wording of Clause 8.2, specifically on the applicable law on Dispute Settlement the matter could not be concluded.

Council therefore resolved that the Agreement be submitted to the Office of the Attorney General for legal scrutiny and advise. In this context, I am writing to kindly request your good office to facilitate with obtaining legal advice on the content of the agreement from the Office of the Attorney General to enable Council to conclude on the matter, as soon as possible. For ease of coordination, the draft agreement is enclosed for your onward communication.

I count on our continuous cooperation.

Yours faithfully,

Jennifer Comalie

ACTING CHIEF EXECUTIVE OFFICERcc: Cllr. Sade Gawanas, Mayor
Mr. Chris Nghaamwa, Chief Legal Advisor



**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED NATIONS DEVELOPMENT PROGRAMME
AND
MUNICIPAL COUNCIL OF WINDHOEK**

This Memorandum of Understanding ("MOU") is entered into by the United Nations Development Programme (hereinafter UNDP) a subsidiary organ of the United Nations, an intergovernmental organization established by its Member States with its headquarters in New York, USA, and the Municipal Council of Windhoek (hereinafter COW), headquartered in Windhoek, Namibia. UNDP and COW are hereinafter jointly referred to as the "Parties".

WHEREAS UNDP serves in many respects as the operational arm of the United Nations at the country level and works with partners in numerous countries to promote sustainable development, poverty eradication, advancement of women, good governance, and the rule of law.

WHEREAS UNDP represented by UNDP Namibia is interested in enhancing its development activities, focusing on using digital and local technologies and solutions to improve our partnership experiences with local government in solving development challenges, aiming for innovation in sustainable service delivery, co-creation, collaboration, and advocacy.

WHEREAS, the municipal Council of Windhoek recognized under the laws of Namibia and committed to both national development objectives and plans, Smart Cities initiatives and the 2015 United Nations Sustainable Development Goals (2015 UN SDGs).

WHEREAS, the Parties share similar objectives and wish to cooperate in areas of mutual interest to enhance the effectiveness of their development efforts;

NOW, THEREFORE, the Parties agree to cooperate as follows:

**Article I
Purpose and Scope**

1.1 The purpose of this MOU is to provide a framework of cooperation and facilitate collaboration between the Parties, on a non-exclusive basis, in areas of common interest.

1.2 Hence, the overall purpose is to establish a long-term cooperation between UNDP and COW, Namibia, which focuses on socio-economic progression through innovation and service delivery transformation.

Article II Areas of Cooperation

- 2.1 The Parties agree to cooperate in the following areas:
1. Collaboration on the Implementation of the UN Agenda 2030-UN's 17 Sustainable Development Goals (SDGs) and Namibia's Development Goals; - Vision 2030 and National Development Plans,
 2. Urban Agriculture and other Local Social Progression Community Projects
 3. Digital and Inclusive Citizen Centered Smart Cities Initiatives
 4. Economic and Transformational Development Cooperation
 5. Solid Waste and Environmental Management
 6. Renewable Energy
 7. Capacity Building, Lessons and Experience Sharing on Accelerator Lab initiatives, and
 8. Any other form of cooperation mutually agreed upon by the Parties

Article III Consultation and Exchange of Information

- 3.1 The parties shall jointly develop an Action Plan for the implementation activities of projects under this MOU.
- 3.2 The Parties shall assign contact persons, a Steering Committee and at intervals as deemed appropriate, convene meetings to review the progress of activities being carried out under this MOU and to plan future activities
- 3.3 The Parties shall, on a regular basis, keep each other informed of and consult on matters of common interest, which in their opinion are likely to lead to mutual collaboration.
- 3.4 The Parties shall, at such intervals as deemed appropriate, convene meetings to review the progress of activities being carried out under the present MOU and to plan future activities.

3.5 The Parties may invite each other to send observers to meetings or conferences convened by them or under their auspices in which, in the opinion of either party, the other may have an interest. Invitations shall be subject to the procedures applicable to such meetings or conferences.

Article IV Implementation of the MOU

- 4.1 In order to implement the specific activities envisioned hereunder, the Parties shall conclude cost-sharing agreements in accordance with the applicable UNDP regulations, rules and procedures, which shall specify the costs or expenses relating to the activity and how they are to be borne by the Parties. The cost-sharing agreements shall also include a provision incorporating by reference the MOU, which is applicable to the cost-sharing agreements and the projects/programmes financed there from.
- 4.2 It is understood that all activities will be carried out on the basis of project documents agreed between UNDP and the concerned governments, and in accordance with the applicable UNDP regulations, rules, policies and procedures.
- 4.3 The costs of public relations activities relating to the partnership, that are not otherwise addressed by a specific cost-sharing agreement concluded hereunder, will be the responsibility of the COW.
- 4.4 Neither Party shall be an agent, representative or joint partner of the other Party. Neither Party shall enter into any contract or commitment on behalf of the other Party and shall be solely responsible for making all payments to and on behalf of its own account, as provided under this MOU and under cost-sharing agreements concluded hereunder.
- 4.5 Each Party shall be responsible for its acts and omissions in connection with this MOU and its implementation.

Article V Use of Name and Emblem

- 5.1 Neither Party shall use the name, emblem or trademarks of the other party, or any of its subsidiaries, and/or affiliates, or any abbreviation thereof, without the express prior written approval of the other Party in each case. In no event will authorization to use the UNDP or COW name or emblem, or any abbreviation thereof, be granted for commercial purposes, or for use in any manner that suggests an endorsement by COW, UNDP or Partner services.

- 5.2 Partner acknowledges that it is familiar with UNDP's ideals and objectives and recognizes that its name and emblem may not be associated with any political or sectarian cause or otherwise used in a manner inconsistent with the status, reputation and neutrality of UNDP.
- 5.3 Nothing in this MOU grants to either party the right to create a hyperlink website. Such link may be created only with both parties written authorization.
- 5.4 The Parties agree to recognize and acknowledge this partnership, as appropriate. To this end, the Parties shall consult with each other concerning the manner and form of such recognition and acknowledgement.

Article VI **Terms, Amendments, Termination**

- 6.1 The proposed cooperation under this MOU is non-exclusive and shall have an initial term of two [2] years from the Effective Date, as defined in Article XII, unless terminated earlier by either party upon two months notice in writing to the other party. The Parties may agree to extend this MOU in writing for subsequent periods of four [4] years.
- 6.2 In the event of termination of the MOU, any cost-sharing or project cooperation agreements, and any project documents concluded pursuant to this MOU, may also be terminated in accordance with the termination provision contained in such agreements. In such case, the Parties shall take the necessary steps to ensure that the activities carried out under the MOU, the cost-sharing agreements, and project documents are brought to a prompt and orderly conclusion.
- 6.3 This MOU may be amended only by mutual written agreement of the Parties.

Article VII **Notices and Addresses**

- 7.1 Any notice or request required or permitted to be given or made under this MOU shall be in writing. Such notice or request shall be deemed to have been duly given or made when it shall have been delivered by hand, certified mail, overnight courier, telex, or cable to the party to which it is required to be given or made at the address specified below or such other address as shall be hereafter notified.

For UNDP:

Ms Alka Bhatia
Resident Representative
UNDP Namibia
UN HOUSE, 1st Floor,
38 Stein Street, Klein Windhoek
Windhoek

For COW:

Cllr. Ndesihafela Larandja
Chairperson of the Management Committee
Municipal Council of Windhoek
80 Independence Avenue Windhoek

Article VIII Representations

8.1 CoW represents that it is an organization in good standing duly organized under the laws of Namibia. CoW shall promptly notify UNDP of any legal investigation or fiscal audit that it may be subject to from time to time. Any other organ of the United Nation contracted/brought by the United Nations Development Programme (UNDP), should adhere to the provisions of this Memorandum of Agreement (MoA).

Article IX Settlement of Disputes

9.1 The Parties shall use good faith efforts to settle amicably any dispute, controversy or claim arising out of this MOU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules then obtaining, or according to such other procedure as may be agreed between the Parties.

9.2 Any dispute, controversy or claim between the Parties arising out of this MOU which is not settled amicably in accordance with the foregoing paragraph shall be referred to arbitration under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules then in force. The arbitral tribunal shall have no authority to award punitive damages. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

Article X Privileges and Immunities

10.1 Nothing in or relating to this MOU shall be deemed a waiver, express, or implied, of any of the privileges and immunities of the United Nations and COW, including its subsidiary organs.

Article XI Miscellaneous

This MOU and any related co-financing agreements and project document comprise the complete understanding of the Parties in respect of the subject matter in this MOU and

supersede all prior agreements relating to the same subject matter. Failure by either Party to enforce a provision of this MOU shall not constitute a waiver of that or any other provision of this MOU. The invalidity or unenforceability of any provision of this MOU shall not affect the validity or enforceability of any other provision of the MOU.

Article XII Entry into Force

This MOU may be signed in counterparts, each of which shall be deemed an original and both of which duly executed shall constitute one entire document, and shall enter into force and effect on the date ("Effective Date") in which it is duly signed by both Parties.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties affix their signatures below.

FOR UNDP:

FOR COW:

Alka Bhatia
Resident Representative

Ndeshihafela Larandja
Chairperson: Management
Committee

Date:

Date:

Witnessed by:

Witnessed by:

1. _____
Anne Madzara
Deputy Resident Representative a.i.

1. _____
Jennifer Comalie
Acting Chief Executive Officer

2. _____
Yrika Maritz
Head of Experimentation

2. _____
Benedictus Ngairorue
Corporate Legal Advisor



REPUBLIC OF NAMIBIA

OFFICE OF THE ATTORNEY-GENERAL

Tel: +264 - 61 281 2243

Fax: +264 - 61 247 886

Enquiries: T.T. Nuule

Our Ref: TN/300/22/URD/June

Your Ref: 11/2/W3 MoU-1

Private Bag 13345

Windhoek

Namibia

07 July 2022

Hon. Erastus Uutoni, MP

Minister

Ministry of Urban and Rural Development

Private Bag 13289

WINDHOEK**STRICTLY CONFIDENTIAL****ATTENTION: Mr Nghidinua Daniel, Executive Directive**

(Enquiries: E.Swartz)

Dear Honourable Minister;

**RE: REQUEST FOR LEGAL SCRUTINY FOR THE CITY OF
WINDHOEK -UNDP MEMORANDUM OF UNDERSTANDING
(MoU)**

1. We refer to the above matter and further to your letter dated 18 May 2022.

2. BACKGROUND

2.1. The United Nations Development Programme (UNDP) and City of Windhoek (CoW) have for the past few years, collaborative relations through a number of funded development projects within the City of Windhoek. Recognizing the

importance of the partnership, discussions were held between the two Parties with the aim to formalize the relationship through a Memorandum of Understanding (MoU). The said MoU would serve as a broader framework for future cooperation between the two Parties.

2.2. During a meeting that took place on the 12 April 2022, CoW considered the content of the draft MoU and agreed with it in principle. However, concern was raised about the wording of Article 8.2 specifically about applicable law on dispute resolution. As a result of the aforementioned concern, the matter could not be concluded and the matter has been referred to our Office for legal advice.

2.3. We have perused and scrutinised the draft MoU provided. We wish to provide our comments and amendments/adjustments to the text where we felt it necessary. The amended draft MoU is herewith attached with our proposed changes underlined for your ease of reference and consideration. The electronic version of the amended MoU shall be e-mailed on request. We wish to advise as follows:

3. GENERAL COMMENTS

3.1. In light of the intention of the Parties to conclude an MoU, We have noted that the MoU provided contains legally binding clauses, that ordinarily feature in legally binding legal instruments such as agreements. In this regard, kindly be reminded that the difference between an MoU and an Agreement is that, unlike an agreement, an MoU is not legally binding and cannot therefore be enforced in a court of law, as it does not create legally binding rights and obligations¹.

3.2. As such, we have deleted legally binding/mandatory words such as "shall"², "agree"³, wherever they appear in the MoU and we replaced them with non-

¹ Anthony Aust. (2013). Modern Treaty Law and Practice. Cambridge University Press: United Kingdom at page 28-29.

² To be replaced with "will".

³ To be replaced with "undertake" wherever the terms appear in the draft.

legally binding language ordinarily utilised in MoUs, such as “will” and “undertake”, unless the context requires otherwise⁴.

3.3. We have introduced a new **ARTICLE 7 - CONFIDENTIALITY**, for conformity with our drafting standards. This has led to the re-numbering of the existing articles.

3.4. It is our considered legal opinion that the contents of **ARTICLE X- SETTLEMENTS OF DISPUTES** is adequate.

4. AD COVER PAGE

We have re-drafted the cover page for conformity.

5. AD PREAMBLE

We have replaced the sentence that follows the Preamble, in light of our comment in paragraph 3.1 above, with the following sentence:

“NOW, THEREFORE, the Parties have reached the following understanding.”

6. AD ARTICLE III – CONSULTATION AND EXCHANGE OF INFORMATION

6.1. We have made inserted the wording/phrase “establish a joint” in to article 3.2 as a matter of semantics.

6.2. We have deleted article 3.4 as it is a repetition of what is contained in article 3.2.

⁴ For instance, the word “agree”, in sub-article 9.1, has been retained due to the context in which it is used in that provision.

7. ARTICLE IV – IMPLEMENTATION OF THE MOU

We have removed and replaced the wording/phrase “concerned governments” with “COW” for the sake of relevance and clarity.

8. ARTICLE V - USE OF NAME AND EMBLEM

We have inserted the wording/phrase “CoW and Partner Services” for the sake of clarity.

9. AD OLD ARTICLE VII, NEW ARTICLE VIII – NOTICES AND ADDRESSES

We have changed the title of this Article to “DOMICILIUM CITANDI ET EXECUTANDI AND NOTICES” for conformity to our drafting standards.

10. AD TESTIMONIUM

Due to the fact that an MoU is not legally binding and enforceable, it does not require any attestation. As such, we have deleted the references to witnesses in the testimonium.

11. GENERAL RECOMMENDATION

11.1. Kindly be reminded that, in compliance with Cabinet Decision No. 7th /21.07.05/011, all agreements, regardless of their nature entered into by the respective Government Offices, Ministries and Agencies, are required to be submitted to the Office of the Attorney- General for record purposes. Kindly send both physical and soft copies of the signed Agreement to Mrs Njandee Kakujaha at the following address: 11th Floor, Sanlam Building, and Independence Avenue, Windhoek. Email address is: Njandee.Kakujaha@aw.gov.na.

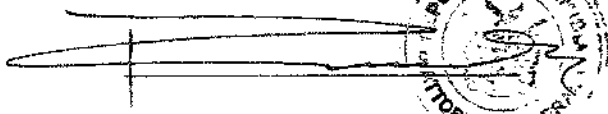
11.2. Furthermore, in terms of Section 3 (1) (f) of the National Planning Commission Act, (Act 15 of 1994), the National Planning Commission is responsible for the management and co-ordination of international aid resources, including for non-governmental activities. Thus, we wish to advise the Ministry that this Agreement

being a technical assistance agreement should be submitted to the National Planning Commission.

We trust that we have been of assistance. However, should you have any further queries, please do not hesitate to revert to us.

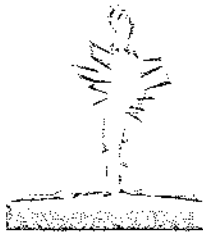
Kindly accept, Honourable Minister, the assurance of my highest consideration.

Yours sincerely,



MR. FESTUS K. MBANDEKA
ATTORNEY-GENERAL

cc: Mr O'Brien Hekandjo
Acting Chief Executive Officer
City of Windhoek



The Gateway to Endless Opportunities



MEMORANDUM OF UNDERSTANDING

entered into between

UNITED NATIONS DEVELOPMENT PROGRAMME

and

MUNICIPAL COUNCIL OF WINDHOEK

on

COOPERATION IN AREAS OF COMMON INTEREST

This Memorandum of Understanding (“MOU”) is entered into by the United Nations Development Programme (hereinafter UNDP) a subsidiary organ of the United Nations, an intergovernmental organization established by its Member States with its headquarters in New York, USA, and the Municipal Council of Windhoek (hereinafter COW), headquartered in Windhoek, Namibia. UNDP and COW are hereinafter jointly referred to as the “Parties “and individually as the “Party””.

WHEREAS UNDP serves in many respects as the operational arm of the United Nations at the country level and works with partners in numerous countries to promote sustainable development, poverty eradication, advancement of women, good governance, and the rule of law.

WHEREAS UNDP represented by UNDP Namibia is interested in enhancing its development activities, focusing on using digital and local technologies and solutions to improve our partnership experiences with local government in solving development challenges, aiming for innovation in sustainable service delivery, co-creation, collaboration, and advocacy.

WHEREAS, the municipal Council of Windhoek recognized under the laws of Namibia and committed to both national development objectives and plans, Smart Cities initiatives and the 2015 United Nations Sustainable Development Goals (2015 UN SDGs).

WHEREAS, the Parties share similar objectives and wish to cooperate in areas of mutual interest to enhance the effectiveness of their development efforts;

NOWTHEREFORE, the Parties have reached the following understanding:

Article I

Purpose and Scope

1.1 The purpose of this MOU is to provide a framework of cooperation and facilitate collaboration between the Parties, on a non-exclusive basis, in areas of common interest.

1.2 Hence, the overall purpose is to establish a long-term cooperation between UNDP and COW, Namibia, which focuses on socio-economic progression through innovation and service delivery transformation.

Article II Areas of Cooperation

The Parties have reached the understanding to cooperate in the following areas:

1. Collaboration on the Implementation of the UN Agenda 2030-UN's 17 Sustainable Development Goals (SDGs) and Namibia's Development Goals: - Vision 2030 and National Development Plans,
2. Urban Agriculture and other Local Social Progression Community Projects
3. Digital and Inclusive Citizen Centered Smart Cities Initiatives
4. Economic and Transformational Development Cooperation
5. Solid Waste and Environmental Management
6. Renewable Energy
7. Capacity Building, Lessons and Experience Sharing on Accelerator Lab initiatives, and
8. Any other form of cooperation mutually agreed upon by the Parties

Article III Consultation and Exchange of Information

3.1 The parties will jointly develop an Action Plan for the implementation activities of projects under this MOU.

3.2 The Parties will assign contact persons, establish a joint Steering Committee and at intervals as deemed appropriate, convene meetings to review the progress of activities being carried out under this MOU and to plan future activities.

3.3 Parties will, on a regular basis, keep each other informed of and consult on matters of common interest, which in their opinion are likely to lead to mutual collaboration.

3.4 The Parties may invite each other to send observers to meetings or conferences convened by them or under their auspices in which, in the opinion of either Party, the other may have an interest. Invitations will be subject to the procedures applicable to such meetings or conferences.

Article IV

Implementation of the MOU

- 4.1 In order to implement the specific activities envisioned hereunder, the Parties will conclude cost-sharing agreements in accordance with the applicable UNDP regulations, rules and procedures, which will specify the costs or expenses relating to the activity and how they are to be borne by the Parties. The cost-sharing agreements shall also include a provision incorporating by reference this MOU, which is applicable to the cost-sharing agreements and the projects/programmes financed there from.
- 4.2 It is understood that all activities will be carried out on the basis of project documents agreed between UNDP and the concerned governments, and in accordance with the applicable UNDP regulations, rules, policies and procedures.
- 4.3 The costs of public relations activities relating to the partnership, that are not otherwise addressed by a specific cost-sharing agreement concluded hereunder, will be the responsibility of the COW.
- 4.4 Neither Party will be an agent, representative or joint partner of the other Party. Neither Party will enter into any contract or commitment on behalf of the other Party and will be solely responsible for making all payments to and on behalf of its own account, as provided under this MOU and under cost-sharing agreements concluded hereunder.
- 4.5 Each Party will be responsible for its acts and omissions in connection with this MOU and its implementation.

Article V

Use of Name and Emblem

- 5.1 Neither Party will use the name, emblem or trademarks of the other party, or any of its subsidiaries, and/or affiliates, or any abbreviation thereof, without the express prior written approval of the other Party in each case. In no event will authorization to use the UNDP or COW name or emblem, or any abbreviation thereof, be granted for commercial purposes, or for use in any manner that suggests an endorsement by COW, UNDP or Partner services.
- 5.2 CoW and Partner services acknowledge that they are familiar with UNDP's ideals and objectives and recognizes that its name and emblem may not be associated with any political or sectarian cause or otherwise used in a manner inconsistent with the status, reputation and neutrality of UNDP.
- 5.3 Nothing in this MOU grants to either Party the right to create a hyperlink website. Such link may be created only with both Parties' written authorization.

- 5.4 The Parties agree to recognize and acknowledge this partnership, as appropriate. To this end, the Parties will consult with each other concerning the manner and form of such recognition and acknowledgement.

Article VI Confidentiality

The Parties undertake to keep confidential any documents, information exchanged, or data obtained or exchanged between the Parties in the course of negotiation and/or implementation of this MOU, and shall not disclose in whole or in part any classified information which is not in the public domain without mutual written consent of the Parties, except as may be required by law.

Article VII Terms, Amendments, Termination

- 7.1 The proposed cooperation under this MOU is non-exclusive and will have an initial term of two [2] years from the Effective Date, as defined in Article XII, unless terminated earlier by either Party upon two months notice in writing to the other Party. The Parties may agree to extend this MOU in writing for subsequent periods of four [4] years.
- 7.2 In the event of termination of this MOU, any cost-sharing or project cooperation agreements, and any project documents concluded pursuant to this MOU, may also be terminated in accordance with the termination provision contained in such agreements. In such case, the Parties will take the necessary steps to ensure that the activities carried out under the MOU, the cost-sharing agreements, and project documents are brought to a prompt and orderly conclusion.
- 7.3 This MOU may be amended only by mutual written agreement of the Parties.

Article VIII DOMICILIUM CITANDI ET EXECUTANDI AND NOTICES

- 8.1 Any notice or request required or permitted to be given or made under this MOU shall be in writing. Such notice or request will be deemed to have been duly given or made when it will have been delivered by hand, certified mail, overnight courier, telex, or cable to the party to which it is required to be given or made at the address specified below or such other address as will be hereafter notified.

For UNDP:

Ms Alka Bhatia
Resident Representative
UNDP Namibia
UN HOUSE, 1st Floor,
38 Stein Street, Klein Windhoek

Windhoek

For COW:

Cllr. Ndesihafela Larandja
Chairperson of the Management Committee
Municipal Council of Windhoek
80 Independence Avenue Windhoek

Article IX Representations

9.1 COW represents that it is an organization in good standing duly organized under the laws of Namibia. COW will promptly notify UNDP of any legal investigation or fiscal audit that it may be subject to from time to time. Any other organ of the United Nation contracted/bought by the United Nations Development Programme (UNDP), should adhere to the provisions of this MoU.

Article X Settlement of Disputes

10.1 The Parties will use good faith efforts to settle amicably any dispute, controversy or claim arising out of this MOU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation will take place in accordance with the UNCITRAL Conciliation Rules then obtaining, or according to such other procedure as may be agreed between the Parties.

10.2 Any dispute, controversy or claim between the Parties arising out of this MOU which is not settled amicably in accordance with the foregoing paragraph will be referred to arbitration under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules then in force. The arbitral tribunal shall have no authority to award punitive damages. The Parties will be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

Article XI Privileges and Immunities

11.1 Nothing in or relating to this MOU will be deemed a waiver, express, or implied, of any of the privileges and immunities of the United Nations and COW, including its subsidiary organs.

Article XII
Miscellaneous

This MOU and any related co-financing agreements and project document comprise the complete understanding of the Parties in respect of the subject matter in this MOU and supersede all prior agreements relating to the same subject matter. Failure by either Party to enforce a provision of this MOU will not constitute a waiver of that or any other provision of this MOU. The invalidity or unenforceability of any provision of this MOU will not affect the validity or enforceability of any other provision of the MOU.

Article XIII
Entry into Force

This MOU may be signed in counterparts, each of which will be deemed an original and both of which duly executed will constitute one entire document, and will enter into force and effect on the date ("Effective Date") in which it is duly signed by both Parties.

SIGNED at WINDHOEK on this day of 20.....

FOR UNDP:

FOR COW:

Alka Bhatia
Resident Representative

Ndeshihafela Larandja
Chairperson: Management
Committee



**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED NATIONS DEVELOPMENT PROGRAMME
AND
MUNICIPAL COUNCIL OF WINDHOEK**

This Memorandum of Understanding ("MOU") is entered into by the United Nations Development Programme (hereinafter UNDP) a subsidiary organ of the United Nations, an intergovernmental organization established by its Member States with its headquarters in New York, USA, and the Municipal Council of Windhoek (hereinafter COW), headquartered in Windhoek, Namibia. UNDP and COW are hereinafter jointly referred to as the "Parties".

WHEREAS UNDP serves in many respects as the operational arm of the United Nations at the country level and works with partners in numerous countries to promote sustainable development, poverty eradication, advancement of women, good governance, and the rule of law.

WHEREAS UNDP represented by UNDP Namibia is interested in enhancing its development activities, focusing on using digital technologies to improve our partnership experiences with local government in solving development challenges, aiming for innovation in sustainable service delivery, co-creation, collaboration, and advocacy.

WHEREAS, the municipal Council of Windhoek recognized under the laws of Namibia and committed to both national development objectives and plans, Smart Cities initiatives and the 2015 United Nations Sustainable Development Goals (2015 UN SDGs).

WHEREAS, the Parties share similar objectives and wish to cooperate in areas of mutual interest to enhance the effectiveness of their development efforts;

NOW, THEREFORE, the Parties agree to cooperate as follows:

**Article I
Purpose**

The purpose of this MOU is to provide a framework of cooperation and facilitate collaboration between the Parties, on a non-exclusive basis, in areas of common interest.

Hence, the overall purpose is to establish a long-term cooperation between UNDP and COW, Namibia, which focuses on socio-economic progression through innovation and service delivery transformation.

Article II Areas of Cooperation

The Parties agree to cooperate in the following areas:

1. Collaboration on the Implementation of the UN Agenda 2030-UN's 17 Sustainable Development Goals (SDGs) and Namibia's Development Goals: - Vision 2030 and National Development Plans,
2. Urban Agriculture and other Local Social Progression Community Projects
3. Digital and Inclusive Citizen Centered Smart Cities Initiatives
4. Economic and Transformational Development Cooperation
5. Solid Waste and Environmental Management
6. Renewable Energy
7. Capacity Building, Lessons and Experience Sharing on Accelerator Lab initiatives, and
8. Any other form of cooperation mutually agreed upon by the Parties

Article III Action Plan for the Implementation

- 3.1 The parties shall jointly develop an Action Plan for the implementation activities of projects under this MOU.
- 3.2 The Parties shall assign contact persons, a Steering Committee and at intervals as deemed appropriate, convene meetings to review the progress of activities being carried out under this MOU and to plan future activities
- 3.3 The Parties shall, on a regular basis, keep each other informed of and consult on matters of common interest, which in their opinion are likely to lead to mutual collaboration.
- 3.4 Consultation and exchange of information and documents under this Article shall be without prejudice to arrangements, which may be required to safeguard the confidential and restricted character of certain information and documents. Such arrangements will survive the termination of this MOU and of any agreements signed by the Parties within the scope of this collaboration.

3.4 The Parties may invite each other to send observers to meetings or conferences convened by them or under their auspices in which, in the opinion of either party, the other may have an interest. Invitations shall be subject to the procedures applicable to such meetings or conferences.

Article IV Use of Name and Emblem

- 4.1 Neither Party shall use the name, emblem or trademarks of the other party, or any of its subsidiaries, and/or affiliates, or any abbreviation thereof, without the express prior written approval of the other Party in each case. In no event will authorization to use the UNDP or COW name or emblem, or any abbreviation thereof, be granted for commercial purposes, or for use in any manner that suggests an endorsement by COW, UNDP or Partner services.
- 4.2 Partner acknowledges that it is familiar with UNDP's ideals and objectives and recognizes that its name and emblem may not be associated with any political or sectarian cause or otherwise used in a manner inconsistent with the status, reputation and neutrality of UNDP.
- 4.3 Nothing in this MOU grants parties the right to create a hyperlink website. Such link may be created only with both parties' written authorization.
- 4.4 The Parties agree to recognize and acknowledge this partnership, as appropriate. To this end, the Parties shall consult with each other concerning the manner and form of such recognition and acknowledgement.

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- 5.2 In the event of termination of the MOU, any cost-sharing or project cooperation agreements, and any project documents concluded pursuant to this MOU, may also be terminated in accordance with the termination provision contained in such agreements. In such case, the Parties shall take the necessary steps to ensure that the activities carried out under the MOU, the cost-sharing agreements, and project documents are brought to a prompt and orderly conclusion.
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Any notice or request required or permitted to be given or made under this MOU shall be in writing. Such notice or request shall be deemed to have been duly given or made when it shall have been delivered by hand, certified mail, overnight courier, telex, or cable to the party to which it is required to be given or made at the address specified below or such other address as shall be hereafter notified.

For UNDP:	Ms Alka Bhatia Resident Representative UNDP Namibia UN HOUSE, 1st Floor, 38 Stein Street, Klein Windhoek Windhoek
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For COW:	Clk. Ndesihafela Larandja Chairperson of the Management Committee Municipal Council of Windhoek 80 Independence Avenue Windhoek
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Article VII Representations

COW represents that it is an organization in good standing duly organized under the laws of Namibia. COW shall promptly notify UNDP of any legal investigation or fiscal audit that it may be subject to from time to time.

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8.1 The Parties shall use good faith efforts to settle amicably any dispute, controversy or claim arising out of this MOU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules then obtaining, or according to such other procedure as may be agreed between the Parties.

8.2 Any dispute, controversy or claim between the Parties arising out of this MOU which is not settled amicably in accordance with the foregoing paragraph shall be referred to arbitration under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules then in force. The arbitral tribunal shall have no authority to award punitive damages. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

Article IX
Privileges and Immunities

Nothing in or relating to this MOU shall be deemed a waiver, express, or implied, of any of the privileges and immunities of the United Nations and COW, including its subsidiary organs.

Article X
Miscellaneous

This MOU and any related co-financing agreements and project document comprise the complete understanding of the Parties in respect of the subject matter in this MOU and supersede all prior agreements relating to the same subject matter. Failure by either Party to enforce a provision of this MOU shall not constitute a waiver of that or any other provision of this MOU. The invalidity or unenforceability of any provision of this MOU shall not affect the validity or enforceability of any other provision of the MOU.

Article XI
Entry into Force

This MOU may be signed in counterparts, each of which shall be deemed an original and both of which duly executed shall constitute one entire document, and shall enter into force and effect on the date ("Effective Date") in which it is duly signed by both Parties.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties affix their signatures below.

FOR UNDP:

Alka Bhatia
Resident Representative

Date:

Witnessed by:

1. _____
Armstrong Alexis
Deputy Resident Representative

2. _____
Yrika Maritz
Head of Experimentation

FOR COW:

Ndeshihafela Larandja
Chairperson: Management
Committee

Date:

Witnessed by:

1. _____
Jennifer Comalie
Acting Chief Executive Officer

2. _____
Benedictus Ngairorue
Corporate Legal Advisor

[Municipal Council Minutes: 2019-09-26]

10.3.4

**FNS.3 [UTP] BUILDING LINE RELAXATION
DISPUTE ON ERF 3274, WINDHOEK –
OBJECTION FROM ADJACENT
NEIGHBOUR ERF 3275, WINDHOEK
(L/3274/W)**

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That the Building Permit application for Building Plan 3884/2015 requesting for the relaxation of the rear 3 and 5 metre building lines on Erf 3274, Windhoek be granted.
- 2 That the applicant and Objectors be informed of Council's decision, in writing, and be given the opportunity to appeal against Council's decision to the Ministry of Urban and Rural Development within twenty eight (28) days from the date of notification thereof.
- 3 That any notice of an intention to appeal this Council Resolution be submitted to Council within twenty eight (28) days from the date of notification thereof, in terms of clause 51(3) of the Windhoek Town Panning Scheme.
- 4 That it be noted that paragraph 3 of Council Resolution 287/08/2007 is herewith amended to read as follows:
 - 3 *That any building permit application for the relaxation of building lines where objections have been received be presented to Council for a final determination in the matter.*
- 5 That the resolution be implemented prior to confirmation of the minutes to allow for prompt feedback to the applicant.

RESOLUTION 233/09/2019

NAMIBIAN MINEWORKERS
PROPERTIES(PTY) LTD
Windhoek
Namibia

14 May 2020

To Whom It May Concern

Dear Sir/Madam

NEIGHBORS SUGNATURE FOR BUILDING ON ERF 2531 WINDHOEK

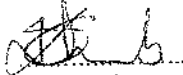
The Town Planning Scheme of the City of Windhoek requires the neighbor's comment in the case where a building on an erf exceeds the three-meter and/or lateral building lines(s).

Please take note that only the rightful owner of erf 2532 WINDHOEK Being the adjacent neighbour to Erf 2531 WINDHOEK can sign for comments.

Please furnish your comments on the encroachment as indicated on the attached copy of the building plans at your earliest convenience. Please note that should you object to the erection of the proposed building, your written comment and reason(s) for your objection must be forward to me and to:

**The Urben Plaimer (Town House, Fifth Floor, Room514)
City of Windhoek
P O Box 59
Windhoek
Namibia**

Regards



Mr. E. Nailenge
Property Manager

cjmk@iway.na

From: mmihaylov <mmihaylov@ymail.com>
Sent: Tuesday, 12 January 2021 18:51
To: cjmk@iway.na
Subject: RE: Request for Neighbor signature

Dear Cecil,

Welcome to the neighborhood. I am not intending to demand the destruction of all structures in the zone of 3 meters from the boundaries, but there is one old problem, which has to be solved before i give my consent.

The wall between the two plots was built by me with the promise that half of the expenses will be covered by my neighbor then Mr. Moises. Unfortunately he and all owners after him never contributed. The amount then was 34500 nd of which half is 17250. If that amount is to be calculated today with the inflation rate it will not be sufficient only for the bricks.

It is only fair between neighbors equally benefiting from the wall to share equally the expenses.

As a prove of good neighbor I will not include inflation rate to the 17250 nd due to, which Unfortunately you inherited.

I will give my consent as soon as you hand your due contribution to the erecting of the wall.

I honestly wish you happy new year.

M. Mihaylov

Sent from my Galaxy

----- Original message -----

From: cjmk@iway.na
Date: 1/12/21 11:55 (GMT+02:00)
To: mmihaylov@ymail.com
Subject: Request for Neighbor signature

Good day

Trust this finds you well and Compliments for the New Year.

I received your email address from Mr.Assen (0813998137). I am writing in connection with Building plans that I draw for Mine Workers Union that bought the property next to yours in Windhoek. The previous owner build the building at the back and the parking infront without approved drawings. I was task to draw the building plans to be approved and comply with municipal regulations. The drawings are attached for your perusal.

With that being said, I require your signature on the bu 30 plans and the neighbors letter attached in order for the drawings to be approved by the municipality. However, since you are not in Namibia, could you kindly peruse the attached drawings and give Mr. Assen permission to sign off on your behalf.

Do contact me on 0853344388 should you need any further information and clarity.

Warm regards

Cecil /Khoeseb



RR 013 751 688 NA

NADPOST

Unit Reg No: 6024651013

Branch: Klein Windhoek

Time: 11:09:35

Postmark:

STOCKHOLM

Unit

Price VAT

Letter

55.10

Registered Mail

134.80

(Registered Item No: RR013751688NA)

(PT 165 Form No)

(Recipient Name: R H INLET)

(Address Line 1: BOX 1661)

(Address Line 2: WINHOLM)

(Address Line 3: NORDSTAD)

(Address Line 4)

-505.80

Net:

-54.54

Tax Code

Amount

Total Tax

VAT 10%

539.26

54.54

Total

50.00

Remark:

Address:

Document No: 1007 3 260692-6

Thank you for using the Post Office

Service Day 10. Postmark: 10.09.2010

10.09.2010 10:09:35

FORM 2:

W/21064: CONSENT IN TERMS OF TABLE B OF THE
WINDHOEK ZONING SCHEME TO OPERATE SPORTING
ACTIVITIES ON ERF 8350, WINDHOEK SPC)

CHECKLIST FOR TOWN PLANNING APPLICATIONS

1. Please submit the application and supporting documents in the sequence indicated below.

1.	Application by <u>Consultant</u> or Owner of the Erf / Portion/ Farm including the prescribed URP Board Form(s).
2.	<p>A) Locality and Detailed Sketch Plan (Illustrating the whole boundary of the Local Authority area under which the application is made)</p> <p>B) Portion Number (s) or Erf number (s) from Surveyor General's Office</p> <p>C) Existing Zoning Plan</p> <p>D) Intended Zoning Plan</p> <p>E) Parking Layout</p>
3.	Special Power of Attorney including Revenue Stamps with relevant initials
4.	<p>A) Copy of Founding Statement (CC 1/2) (if registered in the name of Close Corporation)</p> <p>B) <u>Copy of Company Resolution</u> (if registered in the name of a Company)</p>
5.	Copy of <u>Title Deed</u> or Certificate of Registered Title
6.	Copy of Approved Erf diagram at time of application
7.	Zoning Certificate
8.	Fencing Agreement between CoW and Jukskei Board
9.	Proof of Payment of City of Windhoek Submission Fee
10.	Request for addresses
11.	Credit Clearance Certificate
12.	Example of Instruction to Notify

Note: Any required additional documents that are not listed on the checklist should be attached after No. 12

Our Ref: W/21064

Enquiries: G. Stubenrauch/ D. Amupolo

01 March 2022

The Acting Chief Executive Officer
City of Windhoek
PO Box 59
Windhoek

Dear Ms J. Comalie

CROSSFIT WINDHOEK

**CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO
OPERATE SPORTING ACTIVITIES ON ERF 8350, WINDHOEK**

1. THE APPLICATION

Stubenrauch Planning Consultants cc has been appointed by Mr Frederik Strauss on behalf of the Namibia Jukskei Board, to apply to the City of Windhoek for the following:

- Consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

The purpose of this application is to obtain a formal Council approval to operate sporting activities on Erf 8350, Windhoek, which will enable CrossFit WHK to renew their Fitness Certificate.

Kindly take note that a formal Council Resolution approving the subject application as set out above should only be taken once the procedures set out in Paragraph 6 of this application have been completed.

2. SITE INFORMATION

2.1. Erf Locality

Erf 8350 is located in the neighbourhood of Olympia, along Jason Hamutenya Ndadi Street in Windhoek.

2.2. Size and zoning

Erf 8350, Windhoek measures 9 474 square metres in extent, and is zoned for "Undetermined" purposes in terms of the Windhoek Zoning Scheme.

According to Table B of the Windhoek Zoning Scheme, there are no specific land use activities prescribed for erven zoned "Undetermined". However, consent is required from the Municipal Council of Windhoek in order to operate any form of land use activities on erven zoned for "Undetermined" purposes.

2.3. Ownership and conditions

As per Deeds of Transfer No. T4574/2007, ownership of Erf 8350, Windhoek vests with the Namibia Jukskei Board.

There are neither restrictions nor servitudes registered against the subject erf that may prohibit the proposed consent use as set out above.

2.4. Status Quo

The subject erf currently accommodate CrossFit Windhoek as well as the Vintage Bar and Grill as indicated in **Figure 1** below.

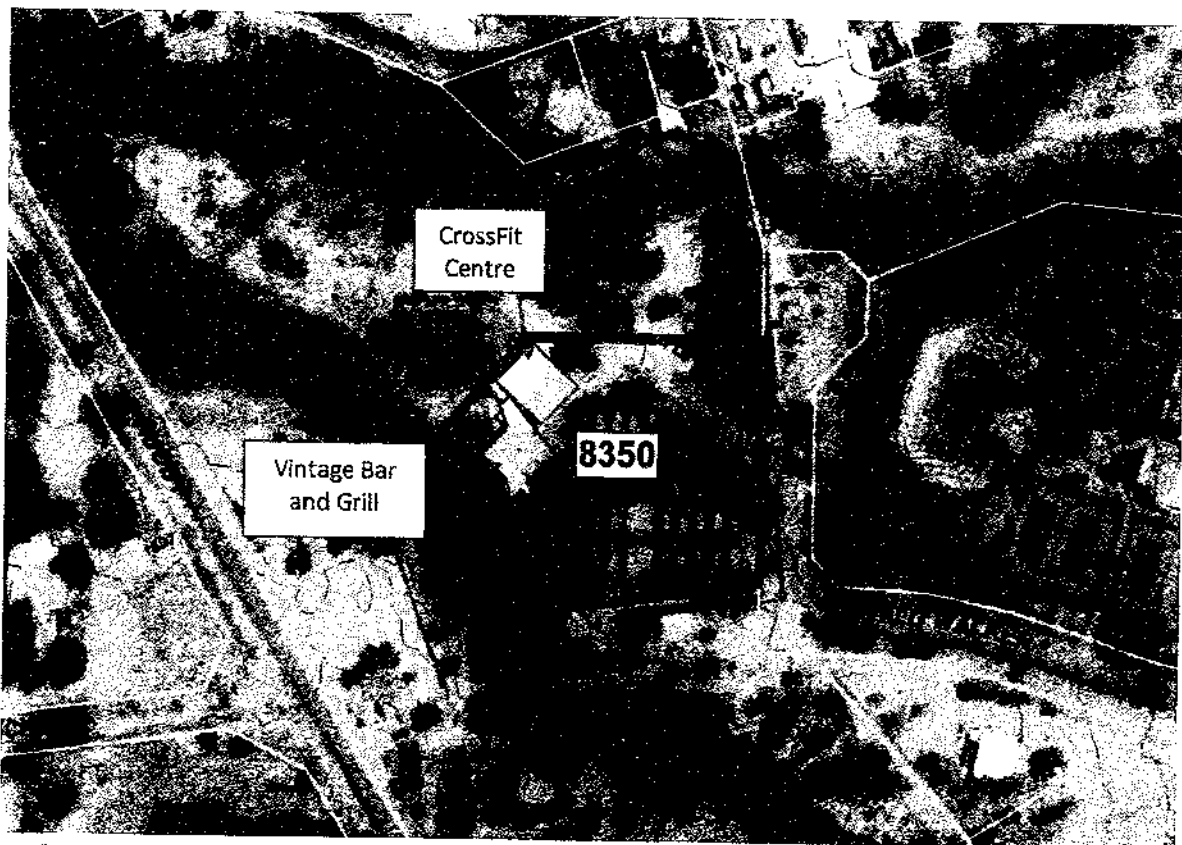


Figure 1: Aerial photo map

Image Source: Google Earth

3. PROPOSED CONSENT USE

Physical fitness and wellness are some of the aspects of life that are regarded to be of utmost importance to one's personal well-being and promote good health. Besides feeling better mentally, exercising can help protect one from heart diseases, stroke, obesity, diabetes, and high blood pressure; and can also make one look younger, increase and maintain bone density and can improve the quality of life.

CrossFit WHK opened its doors in August 2014 and has been operating on Erf 8350, Windhoek which is zoned for "Undetermined" purposes, under a lease agreement with the Jukskei Club. According to the founding members of CrossFit WHK, they did not just want a place to call their own, but a "home" for anyone willing to pull their weight in sweat.

CrossFit WHK needed to renew their Fitness Certificate in order to continue with the operation of their fitness centre, but were informed by the City of Windhoek that the owner of Erf 8350, Windhoek does not have Council's consent to operate sporting activities on the erf.

Thus, the Namibia Jukskei Board hereby seeks consent from the Municipal Council of Windhoek to operate sporting activities on Erf 8350, Windhoek; which is merely a formalization of an already existing situation. This formalization will enable CrossFit WHK to renew their fitness certificate and continue helping people maintain their physical fitness and wellbeing; and also enable the founding members of the club to continue earning a living from their fitness and wellness business.

3.1. Parking

Ninety-Five (95) on-site parking bays have been provided in accordance with the requirements of the City of Windhoek's Urban and Transport Planning Department on Erf 8350, Windhoek as indicated in the parking layout attached. The parking bays will cater to both the Vintage Bar & Grill and to the CrossFit Centre which are both accommodated and operating on Erf 8350, Windhoek. However, no specification has been made as to which parking bays are for which establishment.

The parking bays provided on Erf 8350, Windhoek have a width of 2.5m and a length of 5m. The driveway through the parking is one-way, with a minimum width of 5.4m and a maximum width of 7.50m which is accommodative of all types of vehicles.

The provision of parking bays on Erf 8350, Windhoek is summarised in Table 1 below.

Table 1: Parking provision

Parking Calculations		
Use	Calculation	Required Bays
Vintage Bar and Grill	1 bay / 3 customers	57 bays
CrossFit Centre	7 bays / 100m ² (total floor area 540m ²)	38 bays
Total Parking Bays Required		Total Parking Bays Provided
95 Parking Bays		95 Parking Bays

4. ENGINEERING SERVICES

(a) Water, sewer and electricity

Erf 8350 is connected to the municipal reticulation system of water, sewer and electricity for the City of Windhoek. These services are sufficient to cater for the proposed consent use.

(b) Roads and stormwater runoff

Access to Erf 8350, Windhoek is obtained from Jason Hamutenya Ndadi Street. Stormwater runoff is accommodated by the natural drainage pattern onsite and by the City of Windhoek stormwater drainage system.

5. ENVIRONMENTAL ASPECT

The proposed application will not have any negative environmental impacts on the area as it is merely a formalization of the already existing situation and no new buildings will be added onto the subject erf. As such no environmental clearance is necessary for the subject application.

6. THE NOTIFICATION PROCEDURE

Section 107 of the Urban and Regional Planning Act (Act 5 of 2018) requires that on receipt of a complete application in terms of Section 105 of the Urban and Regional Planning Act (Act 5 of 2018), the Chief Executive Officer of the Local Authority or the authorised planning authority must request the applicant to give notice of the application in the manner prescribed to -

- (a) Prescribed persons
- (b) General public

To comply with the Urban and Regional Planning Act and its Regulations of September 2020, **we hereby request the City of Windhoek to instruct our office in writing to give notice of the subject application** in the prescribed manner by notifying neighbouring land owners and the general public by placing a notice in two local newspapers for two consecutive weeks and placing a notice in the Government Gazette. An example of this written instruction is attached to this application.

Since the owners of the erven surrounding Erf 8350, Windhoek are to be notified, the **City of Windhoek is kindly requested to provide our office with the postal and/or contact details to which we can send the notifications.** A request for the contact details of the neighbours is attached to this application, for your easy reference.

7. IMPACT OF THE CONSENT USE

The proposed consent use will not have any negative impacts on the surrounding area or on the existing municipal services.

The consent use approval will merely serve to formalise existing activities on Erf 8350, Windhoek.

8. CONCLUSION

Stubenrauch Planning Consultants cc herewith applies to the City of Windhoek for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

Should Council support the above mentioned application, please provide our office with a formal Council Resolution approving the proposed consent use application.

9. ANNEXURES

Kindly find enclosed the following documents for your reviewing, in support of this application.

Annexure A: Relevant Maps

Locality Map
Consent Use Map
Aerial Map
Parking Layout

Annexure B: Power of Attorney

Annexure C: Board Resolution

Annexure D: Title Deed

Annexure E: Erf Diagram

Annexure F: Zoning Certificate

Annexure G: Fencing Agreement between CoW and Jukskei Board

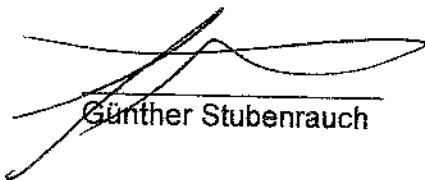
Annexure H: Proof of Payment

Annexure I: Request for addresses

Annexure J: Credit Check Clearance Certificate

Annexure K: Example of Instruction to Notify

Yours faithfully



Günther Stubenrauch

LOCALITY OF ERF 8350, WINDHOEK

PTN 66

RC4488

H4880

PTN 1049

RO2870

ERF 8350
WINDHOEK

Partially to Goshute

RE2870

RECORD 13 APPROVED
10/04/2004

Partially to Goshute

PTN 1049



INSET

6578
79

5065 86
5061 8554 8655
5063
5062
6698

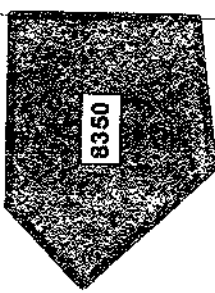
RE/6755

RE/7531

7530

7185

RE/6343

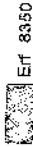


0 15 30 60 90 120
Meters
1:3,600

CITY OF WINDHOEK

WINDHOEK

Legend



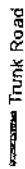
Erf 8350



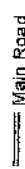
Cadastral Boundary



Extension Boundary



Trunk Road



Main Road

38



NOTE:

Measurements & sizes given are approximate.
Measurements of this plan shall be treated as final.

SIGNATURE

DATE

Stubenrauch
Planning Consultants

STUBENRAUCH
PLANNING CONSULTANTS
TOWN AND REGIONAL PLANNERS
PO BOX 61464
WINDHOEK
TEL: 06-2571380
FAX: 06-252480
E-MAIL: info@stubenrauch.com

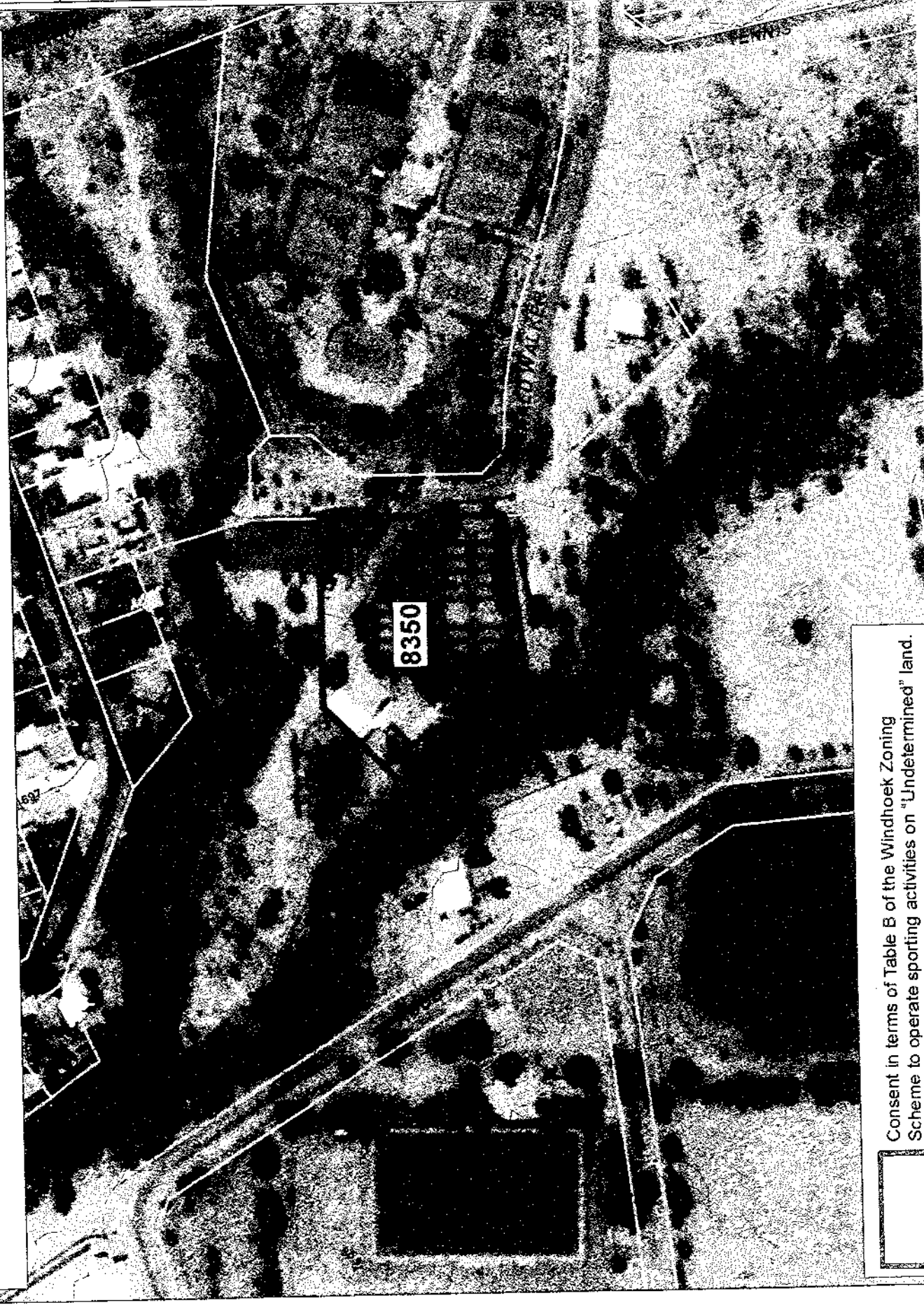
WINDHOEK

LOCALITY MAP

DATE	SCALE	BY	REVISED
October 2001	1:3,600	86	V2 1054-1
86	86	86	86

1:100,000

CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO OPERATE SPORTING ACTIVITIES ON "UNDETERMINED" LAND

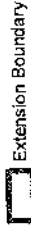


Consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on "Undetermined" land.

CITY OF WINDHOEK

WINDHOEK

Legend



1m Contours
(COW Aerial Survey 2011)

40



NOTE:
All measurements & sizes given are approximate.
No Residential or agricultural use shall be undertaken on this plot.

SIGNATURE

DATE



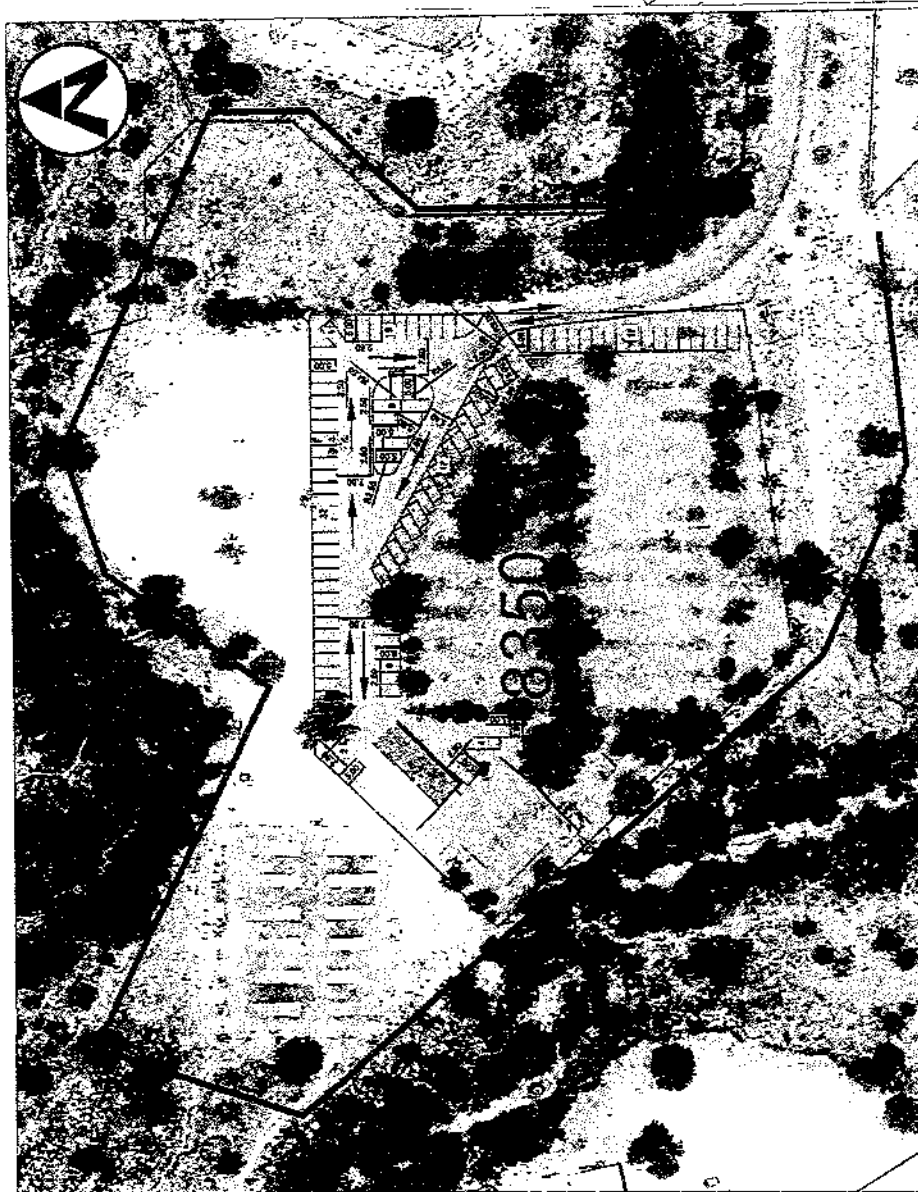
STUBENRAUCH
PLANNING CONSULTANTS
TOWN AND REGIONAL PLANNERS
PO BOX 4101
WINDHOEK
NAMIBIA
TEL: 061-252185
FAX: 061-252187
email: spo@stubenrauch.no

WINDHOEK

Sheet No.

DATE	BY	SCALE	PROJECT NO.
October 2021	SP	1:500	WOT/108-3

1:500



JUKESKEI CLUB - PARKING PROPOSAL

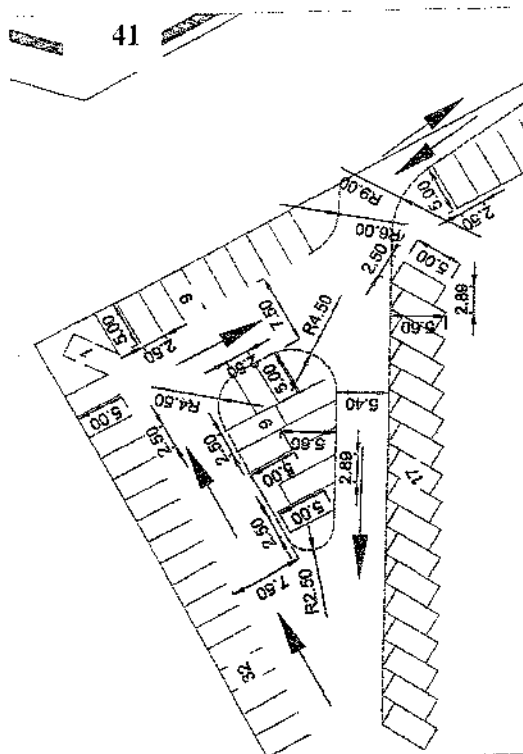
SCALE 1:1000

NOTES:

- 1.) The required parking for Village Restaurant is 57 (1 parking bay for every 3 customers).
The required parking for the Crossfit Centre is 38 (7 parking bays for every 100m², total floor area = 540m²).
- 2.) The combined total number of parking bays required = 95.
- 3.) Total number of parking bays with the proposed layout = 95.

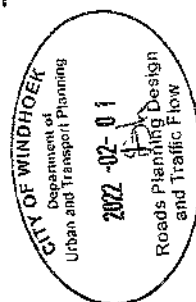
LEGEND:

- Existing fence boundary
- CoW Casualty layout
- Proposed parking layout
- Erf 8350
- Proposed road edge



PARKING LAYOUT DIMENSIONS

SCALE 1:500



POWER OF ATTORNEY

I, the undersigned..... Enk Strauss.....

In my capacity as the Chairperson of the **NAMIBIA JUKSKEI BOARD**

The owner of **Erf 8350, Windhoek**

Do hereby nominate, constitute and appoint

Stubenrauch Planning Consultants cc
P O Box 41404
Windhoek

With power of Substitution, to be my lawful Attorney and Agent in my name, place and stead, to make the necessary application to the City of Windhoek for the:

- **Consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek**

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

SIGNED at Windhoek this 17..... Day of February..... 2022 in

the presence of the undersigned witnesses.

WITNESSES:

1 [Signature].....

[Signature].....
Chairperson

2 [Signature].....



NAMIBIA JUKSKEI

President: Erik Strauss
Tel: +264 61 - 3222042 (w)
Box: 23800 Windhoek
Fax: +264 61 - 205 9022
E mail: pra@jukskei-nam.com
Cell: +264 81 122 2743

Director Administration: Estelle Viljoen
Tel: +264 61 237 740 (w)
Box 40957 Ausspannplatz
Fax: +264 61 237 741
Email: cancer@jway-na
Cell: +264 81 230 7800

Member of: Namibia Sport Commission
International Jukskei Federation
www.jukskei-nam.com

International code: +26461

Written Resolution

By the Members of Namibia Jukskei Board

IN ACCORDANCE WITH ARTICLE 67 OF THE COMPANY'S ARTICLES OF ASSOCIATION, WE THE UNDERSIGNED, BEING THE MEMBERS OF THE BOARD HEREBY RECORD AND RESOLVE AS FOLLOWS:

1. That Stubenrauch Planning Consultants cc is appointed to undertake the necessary steps on behalf of the Namibia Jukskei Board to obtain approval for the:
 - Consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek
2. That we (Members) are hereby appointing and authorizing Stubenrauch Planning Consultants cc to sign all acts necessary and incidental thereto.

MEMBER
MEMBER
MEMBER
MEMBER

16.02.2022
Date

16.02.2022
Date

16.02.2022
Date

17/02/2022
Date

EXECUTIVE COMMITTEE: EXECUTIVE COMMITTEE: President and Marketing: Erik Strauss; Vice President: Michael Duvenhage; Director Administration: Estelle Viljoen; Director Finance: Niekie van Staden / Christle Horn; Director Tournaments: Johan Viljoen; Director Development: Christle Horn

Prepared by me

Conveyancer

Van Den Berg L.T.



2000-12-18 MORTGAGED	NO. 7867 2019
for NS 700 000 - 00 (with preference for	
an additional amount not exceeding NS 140 000 - 00	
DEEDS OFFICE WINDHOEK	DEPUTY REGISTRAR OF DEEDS J.K. Molteni

FOR ENDORSEMENTS SEE PAGE - 4 -



DEED OF TRANSFER

T 4574 / 2007

BE IT HEREBY MADE KNOWN

THAT LIANA THERESA VAN DEN BERG

LINDA ERASMUS

JE

Appeared before ^{her} me Registrar of Deeds at Windhoek, she the said
 Apperarr being duly authorized thereto by a power of attorney
 granted to her by

MUNICIPAL COUNCIL OF WINDHOEK

Acting by virtue of a Special Power of Attorney signed at Windhoek
 at 8 June 2007

W.P.

E

And the said Appearer declares that his Principal truly and lawfully sold the within mentioned property on 7 FEBRUARY 2007

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

NAMIBIA JUKSKEI BOARD

Its Successors-in-Title or Assigns

CERTAIN Erf No. 8350 (PORTION OF REMAINDER OF
ERF 6755) WINDHOEK

SITUATE in the Municipality of WINDHOEK
Registration Division "K"
Khomas Region

MEASURING 9474 (Nine Four Seven and four) Square Metres

FIRST REGISTERED and still held by Certificate of Registered
Title T 4573 /2007 with diagram A 699/2005
annexed thereto

SUBJECT to the following conditions imposed by
Section 19(7) of the Townships and Division of
Land Ordinance 1963 (Ordinance 11 of 1963),
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 outbuildings to be erected on the erf shall be at least four times the municipal valuation of the erf.

14

12

ommB

12

WHEREFORE the Appearer renouncing all the right and title the said TRANSFEROR heretofore had to the premises, did, in consequence also acknowledge the said TRANSFEROR to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said TRANSFEREE its its Successor in title or Assigns, now are and henceforth shall be entitled thereto, conformable to local custom the State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$236 850.00

SIGNED at WINDHOEK, on **29 AUG 2007**, together with the Appearer, and confirmed with my seal of office.



[Signature]
Signature of Appearer

FOR INFORMATION ONLY

Transfer Duty Receipt No.103206960 issued by the Receiver of Revenue at Windhoek on 17/07/07 for the amount of N\$ 18948.00

(Checked) 1. *[Signature]* 2. *[Signature]*

I the undersigned, Liana Theresa Van Den Berg, Conveyancer hereby certify in terms of Section 78 of Act No 23 of 1992 that all rates leviable in respect of such immovable property in terms of this Act, 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 this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid up to and including the date of registration hereof.

[Signature]
CONVEYANCER

18.

[Signature]

[Signature]

23 APR 2012
 MORTGAGED (No. B 2195 2012)
 for N\$ 180 000.00 (with preference for
 an additional amount not exceeding N\$ 36 000.00)
 RAISE OFFICE
 W.T.S. EISEB
 REGISTRAR OF DEEDS

2010-12-16
 MORTGAGED (No. B 7693 2019)
 for N\$ 155 000.00 (with preference for
 an additional amount not exceeding N\$ 31 000.00)
 RAISE OFFICE
 W.T.S. EISEB
 REGISTRAR OF DEEDS

FOR INFORMATION ONLY

APPROVED

48

No. A638/2005

SURVEYOR-GENERAL

05 JAN 2006

SURVEYOR-GENERAL

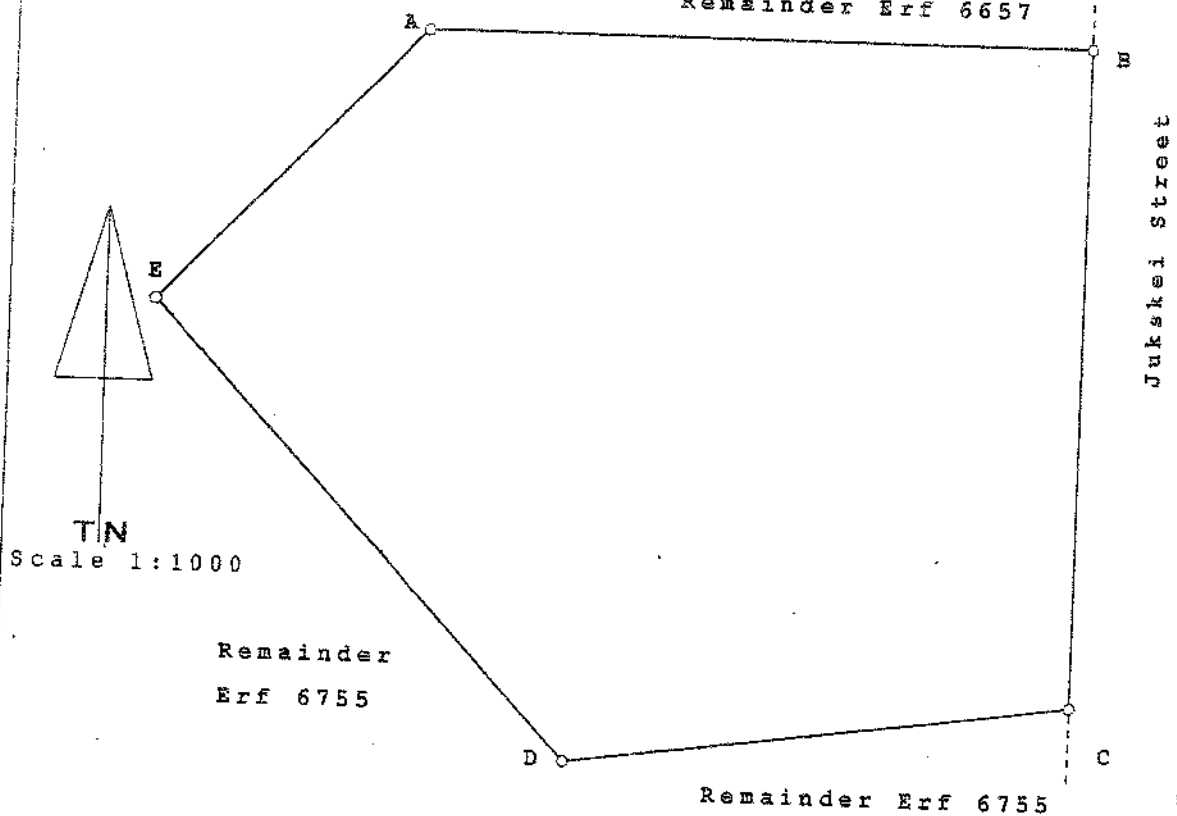
SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES System 22/17			DESIG.
		α	β	y	x		
AB	89,57	270	00 00	A	-9 360,73	+66 814,21	8350a
BC	87,99	0	00 00	B	-9 450,30	+66 814,21	8350b
CD	68,93	82	32 20	C	-9 450,30	+66 902,20	8350c
DE	82,93	136	33 10	D	-9 381,95	+66 911,15	8350d
EA	51,30	224	16 20	E	-9 324,92	+66 850,94	8350e
		No. T090			-2 802,63	+68 240,85	Kaiser
		No. T260			-9 728,58	+66 201,95	Olympia

DESCRIPTION OF BEACONS

DESCRIPTION OF BEACONS

A, B, C, D, E - 16mm iron peg.

Remainder Erf 6657



The figure A B C D E represents 9474 square metres of land, being Erf No. 8350 (a portion of Remainder of Erf 6755), Windhoek situate in the Municipal Area of Windhoek Registration Division K Khomas Region Republic of NAMIBIA

Surveyed in July 2005 by me

[Signature]
P.D. Swart
Land Surveyor

This diagram is annexed to

No. T-4573/2007

dated 24/08/2007

Registrar of Deeds

The original diagram is

No. annexed to

Transfer/Grant

No.

S.R. No. E.186/2005

Gen. Plan No.

Noting Plan : MG-SAC/V4/MG-SAC/YY

File No. VHK A/5

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

49

Ref : _____

Enq : _____

Tel : _____

Applicants Address _____

Telephone Number : _____

Sir / Madam

Erf No: 8350

Township : WINDHOEK/WINDHOEK BLOCKS

Street : RUGBY STR

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

- | | | |
|------------------|----------------------|-------------------|
| 1. Use Zone : | UNDETERMINED | Refer to Table B. |
| 2. Density : | _____ | Refer to Table E. |
| 3. Bulk Factor : | 0 00 | Refer to Table F. |
| 4. Coverage : | _____ | Refer to Table G. |
| 5. Erf Size : | 9 474 m ² | |
| 6. Parking : | _____ | |

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

- | | |
|----------------------------|-------------------------|
| 7. Street Build Lines | _____ |
| 8. Position Of Buildings : | _____ |
| 9. Street Address : | 0 RUGBY STR |
| 10. Flood Line : | _____ |
| 11. Height Restriction : | _____ |
| 12. Street Reservation : | _____ Refer to Table J. |
| 13. Other : | _____ |

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

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

**Department of Infrastructure, Water,
and Technical Services**

☒ 59

80 Independence Avenue

WINDHOEK, NAMIBIA

Tel: (+264) 61 290 2334 • Fax: (+264) 61 290 2114 • www.cityofwindhoek.org.na



Enq: DJ Reed
Tel: 061 290 2333

Ref: L/8350/W-Fencing
Date: 15/10/2019

Mr Gert Aggenbach
Namibia Jukskei
Box 40957
Ausspannplatz
WINDHOEK

Attention: Mr Aggenbach

Email: gert@aga.com.na

SECURITY FENCING

Your request dated 11/10/2019 has reference

You are hereby given approval for the construction of the fencing according to the plans submitted.

The approval is subject to the following conditions:

- 1 The fences are constructed and maintained by the Namibia Jukskei;
- 2 The Entrance Gate and gate for Benguela Club are installed as indicated;
- 3 Fences should be razor mesh, palisade or similar – no concrete walls or brickwork allowed – thus easily removable if needed.

Hope you find this in order.

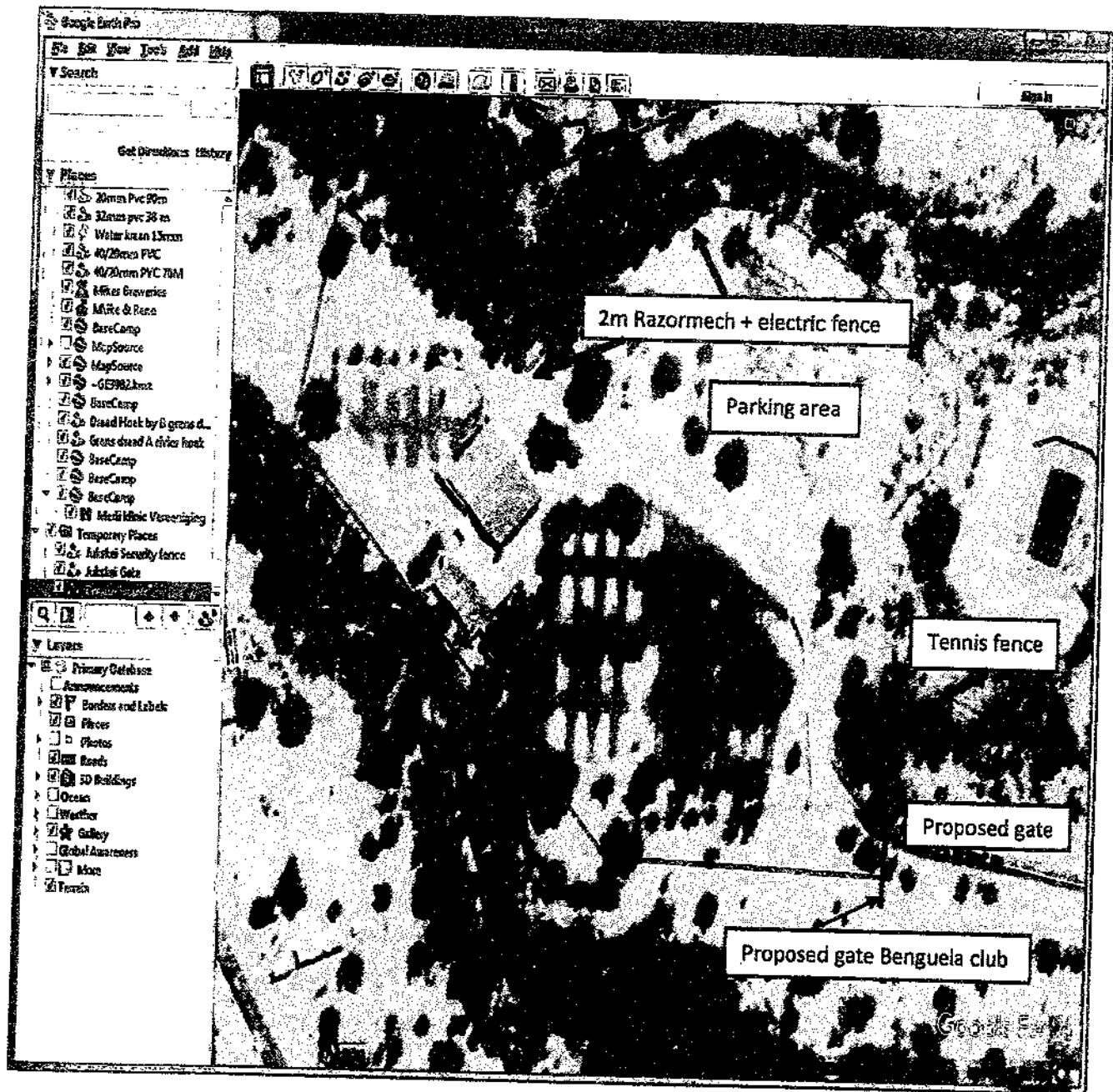
Yours faithfully

DJ REED
CHIEF ENGINEER: ROADS AND STORMWATER

cc: S Husselmann
RR Böhmer
H Lisako
KE Nomboga
HE Wilhelm

Chief Engineer: Bulk & Waste Water
Section Engineer: Roads & Stormwater Maintenance
Technician: Roads Maintenance – South
Constable: Public and Community Relations
Constable: COPS Section

Proposed security fence Namibia Jukskei





Payment Confirmation

Date : 01/03/2022 10:14:58

This is a notification from Nedbank Namibia Limited that the following payment has been made.

Transaction Details

Date of Payment : 01-03-2022
Transaction Reference Number : 571685235673872

Beneficiary Details

Beneficiary Name : City of Windhoek
Transfer Amount : 2,000.00 NAD
Beneficiary Reference : INV310970 SPC W21064
Beneficiary Bank : FIRST NATIONAL BANK
Beneficiary Bank Code : 281872
Beneficiary Account : 62012146115
Channel : Internet Payment

Payer Details

Paid By : STUBENRAUCH PLANNING CONSULTANTS CC

This notification of payment is sent to you by Nedbank Namibia Limited, Reg No 73/04561, Authorised Financial Services and Registered Credit Provider in The Republic of Namibia (NCRCP16), 12-20 Dr Frans Indongo Street, Windhoek, Namibia. ("Nedbank Namibia"). Our customer (the Payer) has requested Nedbank Namibia to send this notification of payment to you. Please therefore contact the payer for enquiries regarding the contents of this notification. Any other enquiries should be directed to the Nedbank Namibia Contact Centre at Tel: +264 61 2952372/+264 61 2952081..

Nedbank Namibia will not be held responsible for the accuracy of the information on this notification and we accept no liability whatsoever arising from the transmission and use of the information conveyed in this notification, or from any claims, losses, damage, expenses, whether direct, indirect or consequential, arising or resulting from the transmission of this notification. Payments may take up to three business days. Please check your account to verify the existence of the funds.

Note: Nedbank Namibia will never send you an e-mail requesting you to enter your personal details or private identification and/or authentication details.

Disclaimer

This e-mail and any accompanying attachments may contain confidential and/or proprietary information. This information is private and protected by law and, accordingly, if you are not the intended recipient, you are requested to delete this entire communication immediately and are notified that any disclosure, copying or distribution of or taking any action based on this information is prohibited. E-mails cannot be guaranteed to be secure or free of errors or viruses. The sender does not accept any liability or responsibility for any interception, corruption, destruction, loss, late arrival or incompleteness of or tampering or interference with any of the information contained in this e-mail or for its incorrect delivery or non-delivery for whatsoever reason or for its effect on any electronic device of the recipient. If verification of this e-mail or any attachment is required, please request a hard copy version. Nedbank Namibia reserves the right to monitor, intercept and/or block e-mails addressed to its customers, or to take any other action required in accordance with its e-mail policy.

Reg. No. 95/00909 Tel: +264 61 251189
 Feld Str. 45 +264 61 252490
 PO Box 41404 Fax: +264 61 252157
 Windhoek gunther@spc.com.na
 Namibia www.spc.com.na

Our Ref: W/21064

21 February 2022

Enquiries: G. Stubenrauch/ D. Amupolo

The Acting Chief Executive Officer
 City of Windhoek
 PO Box 59
 Windhoek

Dear Ms J. Comaile

CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO OPERATE SPORTING ACTIVITIES ON ERF 8350, WINDHOEK.

Our office is currently in the process of applying for consent use on Erf 8350, Windhoek. To enable our office to send out letters to the surrounding property owners regarding the proposed consent use, please provide our office with the addresses of the listed erven.

R/2112, Windhoek	Owners name	
	PO Box	
	Town	
	Tel. Nr.	
Erf 7530, Windhoek	Owners name	
	PO Box	
	Town	
	Tel. Nr.	
RE/7531, Windhoek	Owners name	
	PO Box	
	Town	
	Tel. Nr.	
Erf 7185, Windhoek	Owners name	
	PO Box	
	Town	
	Tel. Nr.	

Should you require any additional information in this regard please do not hesitate to contact our office.

Your prompt response will be highly appreciated.

Kind Regards;
 Demetile Amupolo

DEBT MANAGEMENT CREDIT CHECK FORM

Surname _____ First name(s) _____
 Erf/stand no 8350 Township Windhoek / Windhoek Block
 If company or registered under cc Namibia Jukskei Board
 Namibian I. D / Passport no. _____
 Postal/Private Bag address _____ Township of address _____
 Physical Residential or Business address _____
 Tel no 06\$ 251189 (H) _____ Cell _____

DEBT MANAGEMENT CREDIT CHECK

Service Accounts (MS)

Credit Control Officer Comments:

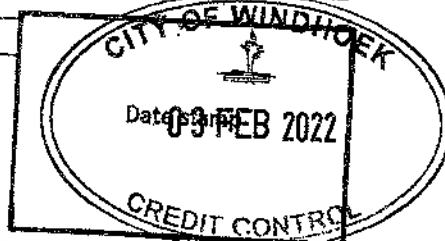
proceed

Acc. Technician Credit Control

Civ Hjaningun

Signature Acc. Tech Credit Control

[Signature]



LAND SALES

Comments:

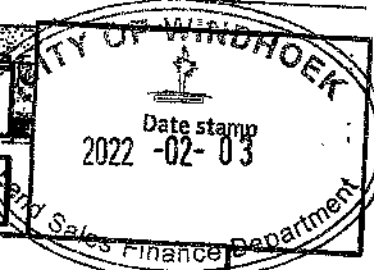
Proceed

Acc. Technician Land Sales

[Signature]

Signature Acc. Technician Land Sales

[Signature]



ACCOUNTANT LAND SALES:

CITY OF MANY FACES

(EXAMPLE)
REQUEST TO GIVE NOTICE OF APPLICATION

**Stubenrauch Planning Consultants
PO Box 41404
Windhoek**

Dear Mr. G. Stubenrauch

Subject: Consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

Reference is made to your application dated 21 February 2022.

In accordance with Section 107 of the Urban and Regional Planning Act, No. 5 of 2018, I Jennifer Comalie in my capacity as the Acting Chief Executive Officer of the City of Windhoek acknowledge receipt of the subject application dated 21 February 2022 and herewith request Stubenrauch Planning Consultants to give notification in terms of Section 10 of the regulations in the prescribed manner to prescribed persons.

Please take note that the prescribed manner in terms of this application notification is as follows:

- Notify the neighbouring land owners
- Put a notice onsite, in the Government Gazette and in 2 newspapers

Kindly note that this application notification is to allow the adjacent property owners the opportunity to view the subject application as submitted to Council and to comment or object against the proposed development for a period of 14 days.

Any person objecting to the application as set out above may lodge such objections together with valid grounds thereof, with the City of Windhoek and with SPC in writing no later than the specified date.

Should there be comments and/or objections, Council will use them in considering granting consent as applied for.

For more clarity, please do not hesitate to contact our office.

Yours Sincerely

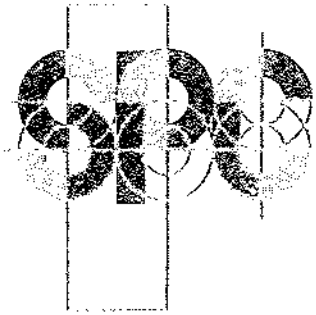
Jennifer Comalie
The Acting Chief Executive Officer

Stubenrauch

Planning Consultants cc TOWN AND REGIONAL PLANNERS

Reg. No. 95/00909
Feld Str. 45
PO Box 41404
Windhoek
Namibia

Tel: +264 61 251189
+264 61 252490
Fax: +264 61 252157
gunther@spc.com.na
www.spc.com.na



Our Ref: W/21064

17 May 2022

Enquiries: G. Stubenrauch/ D. Amupolo

The Acting Chief Executive Officer
City of Windhoek
PO Box 59
Windhoek

Dear Ms J. Comalie

CROSSFIT WINDHOEK

CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO OPERATE SPORTING ACTIVITIES ON ERF 8350, WINDHOEK

1. INTRODUCTION

In a submission dated 01 March 2022, Stubenrauch Planning Consultants cc applied to the City of Windhoek for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

In accordance with Sections 99 or 107 of the Urban and Regional Planning Act 5 of 2018 as well as the City of Windhoek Public Consultation Policy for Proposed Development, our office was formally instructed by the City of Windhoek to give notification of the subject consent application in a manner prescribed to the general public and to prescribed persons.

2. ADVERTISEMENT

The subject consent use was advertised in the following manner:

- Notices were placed in the Namibian and New Era newspapers of the 25th March 2022 and 01st April 2022;
- A notice was placed in the Government Gazette on 01st April 2022;
- Letters were sent to the surrounding property owners via registered mail;
- A notice was placed on site on Erf 8350, Windhoek as well as on the notice board of the City of Windhoek Head Office.

This application notification was to allow the general public the opportunity to view the subject application as submitted to Council and to comment or object against the proposed development for a period of 14 working days.

A summary of the responses received is outlined in Table 1 below.

Erf Number	Owner	Feedback
Erf 6861, Windhoek	R. P. Putter	Objection lodged
Erf 5062, Windhoek	ESH Properties cc	Objection lodged
Erf 7530, Windhoek	Namibia Tennis Association	No Response
Erf 6352, Windhoek	Joint Hockey and Cricket City	No Response
Erf 7185, Windhoek	Benguella Angling Club	No Response
Erf 6351, Windhoek	Joint Hockey and Cricket City	No Response
Erf 5063, Windhoek	W. Peter	Objection lodged

3. OBJECTIONS RECEIVED

In the letters dated 21 April 2022 and 26 April 2022, the owners Erf 5062, Windhoek and the owners of Erven 6599, 5063 and 6861, Windhoek lodged their objections against the application for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek as outlined in Table 2 below:

Table 2: Evaluation of the objections received

OBJECTION	EVALUATION / RESPONSES
1. Constant noise, before 06H00 in the morning till late at night, even on public holidays.	The CrossFit Wellness Centre can exercise measures to help curb and contain the noise in the early morning hours to the most acceptable level. The City of Windhoek may also impose restrictions on the time during which loud music can be tolerated. E.g from 7am to 7pm and also keeping their doors closed to contain the sound of the music.
2. Drinking parties and motorbike noise until 04H00 in the morning.	It should be noted that there are two different types of land use activities being operated on Erf 8350, Windhoek – the Vintage Bar and Restaurant as well as the CrossFit Wellness Centre. Further note that the drinking parties and motorbike noise referred to are as a result of the activities happening at the Vintage Bar and Restaurant which is not in any way related to the CrossFit Wellness Centre. Our office hereby clarifies that this application is ONLY for consent to operate the CrossFit Wellness Centre on Erf 8350, Windhoek.
3. Screaming people and specifically children crying for their mothers, high alcohol	The activities causing nuisances to the neighbourhood as stated are happening at the Vintage Bar and Restaurant which has no affiliations to the activities of the CrossFit Wellness

consume and loud music. Sport is secondary; parties have first priority and then come only the sport.	Centre. Thus, these nuisance factors/activities should not be linked to the activities of CrossFit Namibia nor should they affect their application for consent to operate on Erf 8350, Windhoek.
4. This is a residential area and discipline is expected accordingly.	Erf 8350, Windhoek is located on the edge of the sports precinct where noise from sports recreational activities as a result of the cheering from the spectators is unfortunately inevitable. However, CrossFit will exercise necessary measures to curb the noise from their Wellness Centre.
5. The properties are losing value due to misbehaviour coming from Erf 8350, Windhoek.	The noise generated from the activities can be mitigated through regulations to be imposed by the City of Windhoek on the activities being operated on Erf 8350, Windhoek.

Moreover, to ensure that the needs and concerns of all the affected parties are fairly addressed, the Municipal Council of Windhoek may impose conditions on the approval of the subject application for consent to use Erf 8350, Windhoek for sporting activities. The conditions should clearly outline the type and scope of activities permitted and the operating hours.

Taking into consideration the objections received, the Municipal Council of Windhoek should investigate the concerns raised by the neighbours and conduct a hearing with all the affected parties; then decide on the way forward.

4. RECOMMENDATION

The subject consent use was applied for and notification was given in line with the stipulations of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018) as well as the City of Windhoek Public Consultation Policy for Proposed Development; to which objections were received.

Stubenrauch Planning Consultants cc herewith recommends the Acting Chief Executive Officer of the City of Windhoek to schedule a hearing in terms of Section 108 of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), and give notification in writing, with reasonable time of notice to the applicant (Namibia Jukskei Board), and all person/s who lodged objections against the consent to operate sporting activities on Erf 8350, Windhoek.

This hearing is to be used as a platform at which the objector/s will state their case, which will be used by the Local Authority to make their decision on whether to grant consent or not.

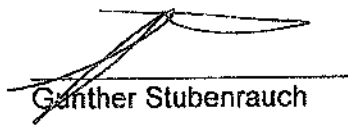
5. ANNEXURES

Kindly find attached the following documentation:

- Newspaper Notices
- Government Gazette Notice
- Images of the notices onsite and on the Municipal Notice Board
- Proof of Registered Mail
- Letters to surrounding neighbours
- Objections received

Should you need any assistance from our office in this regard, do not hesitate to contact us.

Yours Sincerely



Günther Stubenrauch

CLASSIFIEDS

Notices Notices Notices Notices Notices Notices

the Flexible Land Tenure Act of 2012 in Orangeburg Extension 8 to ensure access to affordable housing and land tenure security to the residents of Grovetown.

Please take note that the subject application, locality maps and the supporting documents lie open for inspection during normal office hours at the Grandfontaine Municipality (Town Planning Office) and SPC Office, 45 Field Street, Windhoek.

Further take note that any person objecting to the proposed rezoning and subsequent installation of the new zoning in the next Grootfontein Zoning Scheme as set out above may lodge such objection together with their grounds thereof, with the Chief Executive Officer of the Grootfontein Municipality and the applicant (SPC) in writing on or before Friday, 23 April 2022.

Applicant: Studeerzucht
Fishing Consultants
office1@spc.com.na
PO Box 41404, Windhoek
Tel.: (061) 251188
Or Fax: 0604001

Stuhrenrath SPC

NOTICE

Further take notice that the locality map has for inspection on the town planning notice board in the Customer Care Centre, Main Municipal Office, Independence Avenue, Windhoek and SPC Office, 45 Fed Street, Windhoek.

Further take notice that any person objecting to the proposed consent use as set out above may lodge such objection together with the grounds thereon, with the City of Windhoek and with the applicant / consultant (SPC) in writing on or before Friday, 25th April 2023.

Give your business the
best boost you can.
Advertise in our weekly
marketing supplement
WQEM!
Be it any accessories or
seaters for your vehicle.
Call us on 061 2080802
or
fax us on 220584
Put the **WQEM!**
back into your business!

ApexCoast
Student/Session Planning
Consultants
P.O. Box 41484
Windsor
651-251133
office@apexcoast.com
Clearance: W21264

Stuhlfisch GPC

[illegible][illegible]

• CHANGE OF SURNAME •
THE ALIEN ACT, PART
NOTICE OF INTENTION
OF CHANGE OF SURNAME

1. (1) YAMU TSE residing at MANGETT - GURU, TANGKOR CONSTITUENCY and carrying on business, employed a U NEMPLOYED inward applying to Minister of Home Affairs for admission under section 8 of the AKAAT Act, 1961 to assume the surname MANGETT for the reasons that (YAMU TSE) ALLEGED BORN CERTIFICATE (I) previously bore the name (YAMU TSE), instead of applying authority to change his surname of his wife and minor children (2) to his. Any persons who objects to his assumption of the said surname (YAMU TSE) shall be soon be brought before the court with a writ of Habeas Corpus together with a writ of Habeas Corpus ad subjungendum, with the object of

WIREBOOK
24 MARCH 1972

• CHANGE OF SURNAME •
THE ALBUCA AG, 1917
NOTICE OF INTENTION
OF CHANGE OF SURNAME

(1) **SILVIA MARINO NICOLAUSE** KREVENKOWITZ of NEWARK, N.J., and carrying on business 7 employees
(2) **EMPLOYED** intend to apply to the Attorney of Home Affairs Authority under section 9 of the Alien Act, 1937, to ensure the surname **MARINO** for the reason that
(3) **SILVIA** IS MY BIOLOGICAL FATHER'S FIRST NAME. I intend have the name (4) **SILVIA MARINO NICOLAUSE KREVEN**. I intend applying for authority to change the surname of my wife and my child (children) (5) **MAIA** to. Any person who objects to my name assumption the said surname of **MARINO** shall be as good as my wife (Judge) (Judge) objection, in writing, in a statement of his/her reasons therefore, with the magnitude of

WINDFORD
21 MARCH 1977

Portion 23 of the Farm Grootfontein Townlands No. 814 is located along the B8 (T0802) Road to Rundu, north-east of Grootfontein; adjacent to Farm Andorra No. 1148 to the north and Farm Hangover No. 773 to the south. According to the Grootfontein Zoning Scheme, Portion 23 of the Farm Grootfontein Townlands No. 814 is zoned "Undetermined", making it suitable for the proposed township development.

The purpose of the application is to enable the Grootfontein Municipality to provide upmarket residential erven to help meet the demand for upmarket residential properties which have become scarce in the town of Grootfontein.

Take notice that the application, locality map and its supporting documents lie open for inspection during normal office hours at the Grootfontein Municipality (Town Planning Office) and SPC Office, 45 Feld Street; Windhoek.

Further take notice that any person objecting to the proposed application as set out above may lodge such objection together with the grounds thereof, with the Chief Executive Officer of the Grootfontein Municipality and with the applicant (SPC) in writing on or before **Friday, 29 April 2022**.

Applicant: Stubenrauch Planning Consultants
office3@spc.com.na
P.O. Box 41404
Windhoek
Tel.: (061) 251189

The Chief Executive Officer
Grootfontein Municipality
P.O. Box 23
Grootfontein
Namibia

No. 131

2022

**CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME
TO OPERATE SPORTING ACTIVITIES ON ERF 8350, WINDHOEK**

Stubenrauch Planning Consultants cc has been appointed by the Namibia Jukskei Board, the registered owner of Erf 8350, Windhoek to apply on their behalf to the City of Windhoek for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

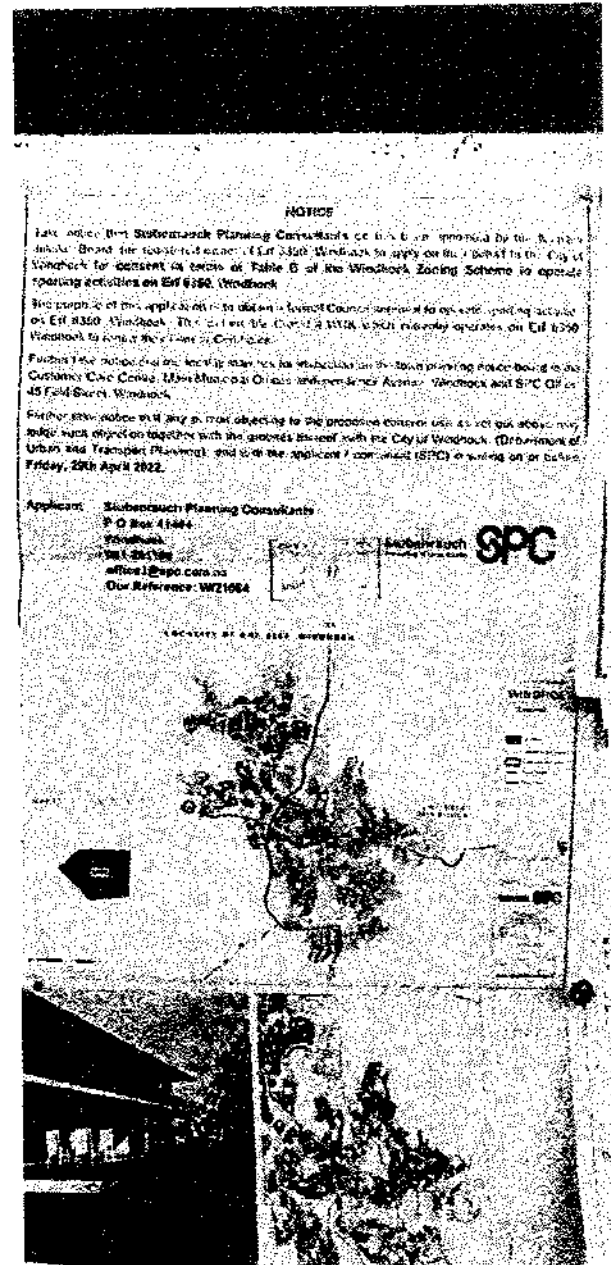
The purpose of this application is to obtain a formal Council approval to operate sporting activities on Erf 8350, Windhoek. This will enable CrossFit WHK which currently operates on Erf 8350, Windhoek to renew their Fitness Certificate.

Further take notice that the locality map lies for inspection on the town planning notice board in the Customer Care Centre, Main Municipal Offices, Independence Avenue, Windhoek and SPC Office, 45 Feld Street; Windhoek.

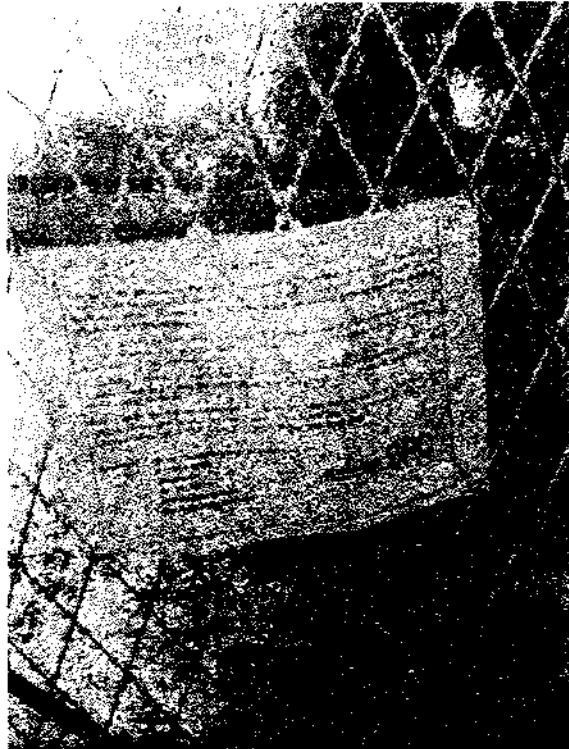
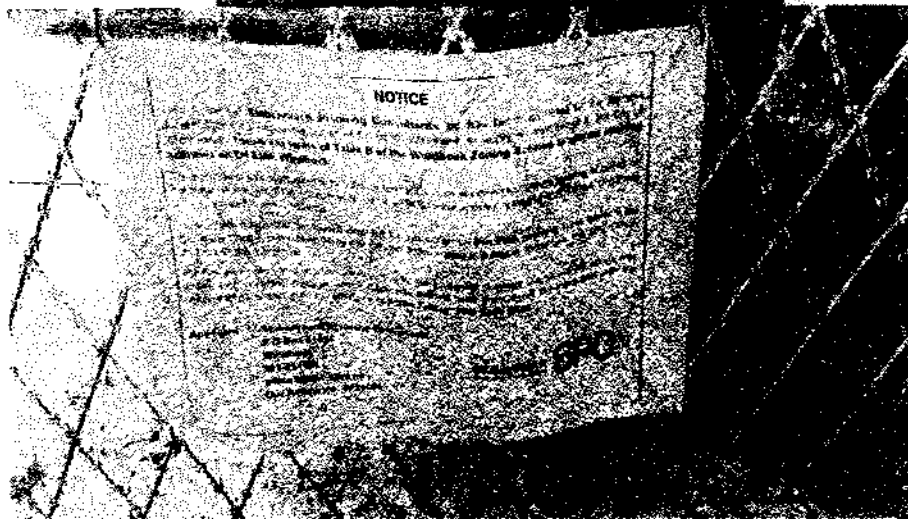
Further take notice that any person objecting to the proposed consent use as set out above may lodge such objection together with the grounds thereof, with the City of Windhoek and with the applicant / consultant (SPC) in writing on or before **Friday, 29 April 2022**.

Applicant: Stubenrauch Planning Consultants
P.O. Box 41404
Windhoek
061-251189
office3@spc.com.na

Notice Board



Site Notice



LIST OF REGISTERED ITEMS POSTED

by Stubenrauch Planning Consultants cc

Sender's reference no.	Addressee's name and address	Registration no.
W/21064	The owner of erf 6861 Windhoek R P Putter P.O. Box 2189 Windhoek	BA 001 222 765 NA
	The owner of erf 6352, Windhoek Joint Hockey and Cricket Club P.O. Box 487 Windhoek	BA 001 222 777 NA
	The owner of erf 5062, Windhoek Esth. Properties cc P.O. Box 1992 Windhoek	BA 001 222 763 NA
	The owner of erf 7530, Windhoek Namibla Tennis Association P.O. Box 479 Windhoek	BA 001 222 760 NA
	The owner of erf 6351, Windhoek Joint Hockey and Cricket Club P.O. Box 25799 City Kiosk	BA 001 222 746 NA
	The owner of erf 5063, Windhoek Wipeter P.O. Box 2545 Windhoek	BA 001 222 732 NA
	The owner of erf 7185 Windhoek Benguela Angling Club P.O. Box 5466 Ausspanplatz	

NAMPOST UNT Reg No: 0024451015		Branch: Ausspanplatz	
Date: 30/03/22	Time: 14:40:23	STOCKHOLM202	
Counter: 4	UUTENNEESTE		
Qty Product	Price VAT		
7 Letter Registered Mail	\$109.90		
(Registered Item No)	\$252.70		
(P1 185 Form No: 800012278510)			
(Recipient Name)			
(Address Line 1)			
(Address Line 2)			
(Address Line 3)			
(Address Line 4)			
Prepaid			
Net			
Tax Code	Amount	Total Tax	
VAT A (0%)			
VAT B (15%)	\$219.74	\$32.96	
Total		\$0.00	
Name:			
Address:			

Receipt No: 264-10002-4-2578560-2

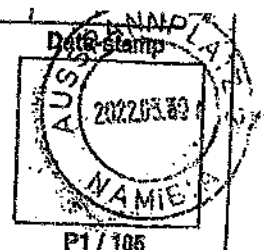
THANK YOU FOR USING YOUR POST OFFICE
DANKIE DAT U DIE POSKANTOR GEBRUIK
THANKS ESNI HOLINGIFA OPDOSH YOYE

Date paid 10547

Number of Items

Received by

No compensation will be considered unless enquiry regarding this postal article is made within one year after the date of posting.



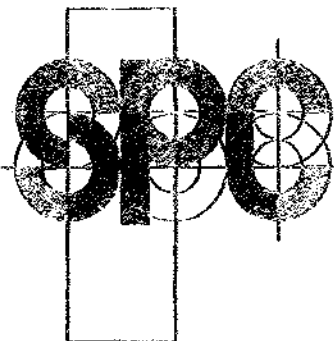
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Planning Consultants TOWN AND REGIONAL PLANNERS

Reg. No. 95/00909 Tel: +264 61 251189
 Feld Str. 45 +264 61 252490
 PO Box 41404 Fax: +264 61 252157
 Windhoek gunther@spc.com.na
 Namibia www.spc.com.na



Our Ref: W/21064

24 March 2022

Enquiries: G. Stubenrauch / D. Amupolo

The Owner of Erf 6861, Windhoek
 RP Putter
 P O Box 2189
 Windhoek

Dear Sir/Madam

CROSSFIT WINDHOEK

CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO OPERATE SPORTING ACTIVITIES ON ERF 8350, WINDHOEK

Stubenrauch Planning Consultants cc has been appointed by the Namibia Jukskei Board, to apply on their behalf to the City of Windhoek for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

Erf 8350 is located in the neighbourhood of Olympia, along Jason Hamutenya Ndadi Street in Windhoek. The erf measures 9 474m² in extent and is currently zoned for "Undetermined" purposes in terms of the Windhoek Zoning Scheme.

The purpose of this application is to obtain a formal Council approval to operate sporting activities on Erf 8350, Windhoek. This will enable CrossFit WHK which currently operates on Erf 8350, Windhoek to renew their Fitness Certificate.

As an immediate neighbour of Erf 8350, Windhoek, you are hereby notified of the proposed consent use application as set out above.

Please take note that the locality map of the subject erf lies open for inspection during normal office hours on the town planning notice board at the Customer Care Centre of the City of Windhoek (Town house, Independence Avenue) and SPC Office, 45 Feld Street, Windhoek.

Further take notice that any person objecting to the proposed consent use as set out above may lodge such objection together with the grounds thereof, with the City of Windhoek and with the applicant (SPC) in writing before Friday, 29th April 2022.

• Günther Stubenrauch - BA: M (TRP) (Stel)
 Main Member

• B Basson - GIS & Environmental
 Member

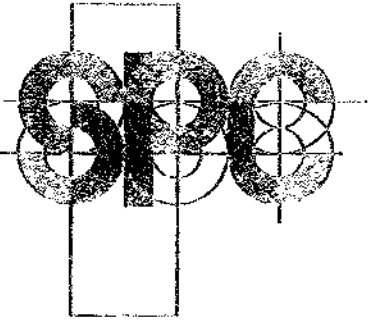
• P Lipumbu - Admin & Logistics
 Manager

• B Mutlila - M (TRP) (Stel)
 Senior Planner



Planning Consultants TOWN AND REGIONAL PLANNERS

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 Feld Str. 45 +264 61 252490
 PO Box 41404 Fax: +264 61 252157
 Windhoek gunthor@spc.com.na
 Namibia www.spc.com.na



Our Ref: W/21064

24 March 2022

Enquiries: G. Stubenrauch / D. Amupolo

The Owner of Erf 6352, Windhoek
 Joint Hockey and Cricket City
 P O Box 487
 City Kiosk

Dear Sir/Madam

CROSSFIT WINDHOEK

CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO OPERATE SPORTING ACTIVITIES ON ERF 8350, WINDHOEK

Stubenrauch Planning Consultants cc has been appointed by the Namibia Jukskei Board, to apply on their behalf to the City of Windhoek for consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

Erf 8350 is located in the neighbourhood of Olympia, along Jason Hamutenya Ndadi Street in Windhoek. The erf measures 9 474m² in extent and is currently zoned for "Undetermined" purposes in terms of the Windhoek Zoning Scheme.

The purpose of this application is to obtain a formal Council approval to operate sporting activities on Erf 8350, Windhoek. This will enable CrossFit WHK which currently operates on Erf 8350, Windhoek to renew their Fitness Certificate.

As an immediate neighbour of Erf 8350, Windhoek, you are hereby notified of the proposed consent use application as set out above.

Please take note that the locality map of the subject erf lies open for inspection during normal office hours on the town planning notice board at the Customer Care Centre of the City of Windhoek (Town house, Independence Avenue) and SPC Office, 45 Feld Street, Windhoek.

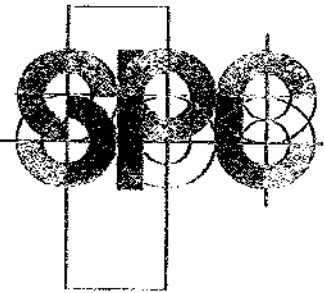
Further take notice that any person objecting to the proposed consent use as set out above may lodge such objection together with the grounds thereof, with the City of Windhoek and with the applicant (SPC) in writing before Friday, 29th April 2022.



Planning Consultants TOWN AND REGIONAL PLANNERS

Reg. No. 95/00805
Feld Str. 45
PO Box 41404
Windhoek
Namibia

Tel: +264 61 251163
: 264 61 252490
Fax: +264 61 252157
gunther@spc.com.na
www.spc.com.na



Our Ref: W/21064

24 March 2022

Enquiries: G. Stubenrauch / D. Amupolo

The Owner of Erf 5062, Windhoek
ESH Properties cc
P O Box 1992
Windhoek

Dear Sir/Madam

CROSSFIT WINDHOEK

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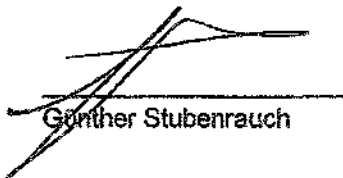
Please be so kind and complete the attached comment sheet and do return your sheet to our office on or before the Friday, 29th April 2022.

Please note that even if you do not have any objection or reservation against the intended application, you are requested to kindly return the completed consent form to our office, as the form is to be submitted to the City of Windhoek in support of the application as set out above.

Should the consent form not be returned to our office by Friday, 29th April 2022 we will assume there are no objections against above-mentioned consent use.

Should you require any additional information in this regard or would further like to discuss this matter with us please do not hesitate to contact our office.

Yours faithfully



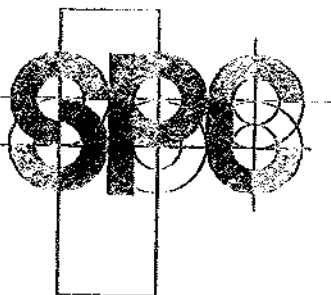
Günther Stubenrauch



Planning Consultants TOWN AND REGIONAL PLANNERS

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Namibia

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gunther@spc.com.na
www.spc.com.na



Our Ref: W/21064

24 March 2022

Enquiries: G. Stubenrauch / D. Amupolo

The Owner of Erf 7530, Windhoek
Namibia Tennis Association
P O Box 479
Windhoek

Dear Sir/Madam

CROSSFIT WINDHOEK

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• Günther Stubenrauch - BA: M (TRP) (Stel)
Main Member

• B Basson - GIS & Environmental
Member

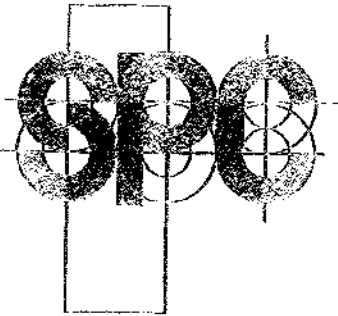
• P Lipunbu - Admin & Logistics
Manager

• B Mutlila - M (TRP) (Stel)
Senior Planner



Planning Consultants TOWN AND REGIONAL PLANNERS

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 Feld Str. 45 +264 61 252490
 PO Box 41404 Fax: +264 61 252157
 Windhoek gunther@spc.com.na
 Namibia www.spc.com.na



Our Ref: W/21064

24 March 2022

Enquiries: G. Stubenrauch / D. Amupolo

The Owner of Erf 6351, Windhoek
 Joint Hockey and Cricket City
 P O Box 25799
 City Kiosk

Dear Sir/Madam

CROSSFIT WINDHOEK

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Main Member

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Member

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Manager

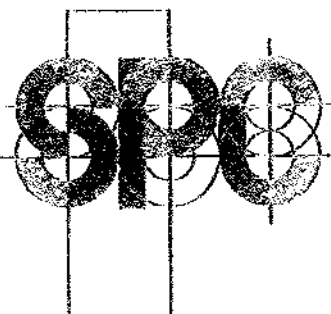
• B Mutrifa - M (TRP) (Stel)
Senior Planner



Planning Consultants TOWN AND REGIONAL PLANNERS

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Namibia

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+264 61 252190
Fax: +264 61 252157
gunthor@spc.com.na
www.spc.com.na



Our Ref: W/21064

24 March 2022

Enquiries: G. Stubenrauch / D. Amupolo

The Owner of Erf 5063, Windhoek
W. Peter
P O Box 2545
Windhoek

Dear Sir/Madam

CROSSFIT WINDHOEK

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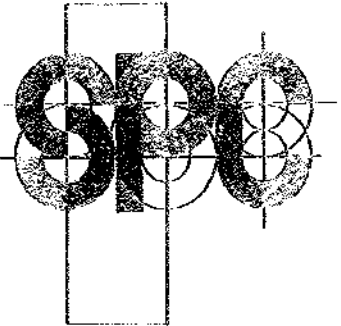
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Planning Consultants TOWN AND REGIONAL PLANNERS

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 Windhoek guntier@spc.com.na
 Namibia www.spc.com.na



Our Ref: W/21064

24 March 2022

Enquiries: G. Stubenrauch / D. Amupolo

The Owner of Erf 7185, Windhoek
 Benguella Angling Club
 P O Box 5466
 Ausspannplatz

Dear Sir/Madam

CROSSFIT WINDHOEK

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• Günther Stubenrauch - BA; M (TRP) (Stel)
 Main Member

• B Basson - GIS & Environmental
 Member

• P Igumbi - Admin & Logistics
 Manager

• B Mulrifa - M (TRP) (Stel)
 Senior Planner

Our Ref.: W/21064

Name: Baumann, Heike + Uwe
 Tell: 061-251562
 Cell: 0811 247611 or 0811 240254
 Fax: 061-253973
 Email: heike@kmworkshop.c
21 104 12022

Stubenrauch Planning Consultants cc
 PO Box 41404
 Windhoek
 Fax: 061 - 252157

(please fill in your personal details above)

Dear Sir / Madam

CROSSFIT WINDHOEK

**CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO OPERATE
 SPORTING ACTIVITIES ON ERF 8350, WINDHOEK**

Herewith do I / we (please print) Uwe + Heike Baumannthe owner/s of ERF 5062

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

☐ Do not object against the consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

☒ Do object against the consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

If objecting please indicate the reasons for doing so:

See attached Annexure

Should this form not be returned to our office by Friday, 29 April 2022, we will assume there are no objections against above-mentioned development.

Signed at: Windhoek on this 21st day of April 2022.

Uwe Baumann
 Signature of Property Owner

Uwe
 Witness

Objection for sporting activities on Erf 8350, Windhoek

We, the residents of Sable Street in Windhoek- Suiderhof, object to Cross Fit Windhoek's application with the following reasons:

1. Constant noise, before 6h00 in the mornings, till late at night, even on public holidays.
2. Drinking parties and motorbike noise until 4h00 in the morning.
3. Screaming people and specially children crying for their mothers, high alcohol consume and loud music. Sport is secondary, parties have first priority and then comes only the sport.
4. We are a residential area and expect discipline accordingly.
5. Our properties are losing value, due to the misbehavior and conduct coming from Erf 8350, Windhoek.

Signed at: Windhoek on this 21st day of April 2022, by owners of:

Erf 6599

Erf 5062 H. Daehsel-Saumann

Erf 5063

Erf 5065

Erf 6861

DELIVERY

Date 26 April 22

to Stubsbranch Planning Consultants
 45 Jeld St Windhoek

PLEASE RECEIVE from Wille Peter

In good order and condition the undermentioned Goods, viz.

Letter objection of sports activities
 of 8358 Windhoek

Signed [Signature]

26/4/22

Our Ref.: W/21064

Name: Willi Peter
 Tell: 061 252835
 Cell: 081 2483275
 Fax:
 Email: wpeter@erfichemline.com
22 / 4 / 2022 ma

Stubenrauch Planning Consultants cc
 PO Box 41404
 Windhoek
 Fax: 061 - 252157

(please fill in your personal details above)

Dear Sir / Madam

CROSSFIT WINDHOEK

**CONSENT IN TERMS OF TABLE B OF THE WINDHOEK ZONING SCHEME TO OPERATE
 SPORTING ACTIVITIES ON ERF 8350, WINDHOEK**

Herewith do I/we (please print) T. Schoemann, W. Peter and P. Peter
 the owner/s of Erf 6599, 5063 and 6861
 declare that I/we (please indicate an X in the appropriate box):

☐ Do not object against the consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

☒ Do object against the consent in terms of Table B of the Windhoek Zoning Scheme to operate sporting activities on Erf 8350, Windhoek.

If objecting please indicate the reasons for doing so:

see attachment

Should this form not be returned to our office by Friday, 29 April 2022, we will assume there are no objections against above-mentioned development.

Signed at: Windhoek on this 22nd day of April 2022.

W. Peter
 Signature of Property Owner

W. Peter
 Witness

Willi Peter
 P O Box 2545
 Windhoek

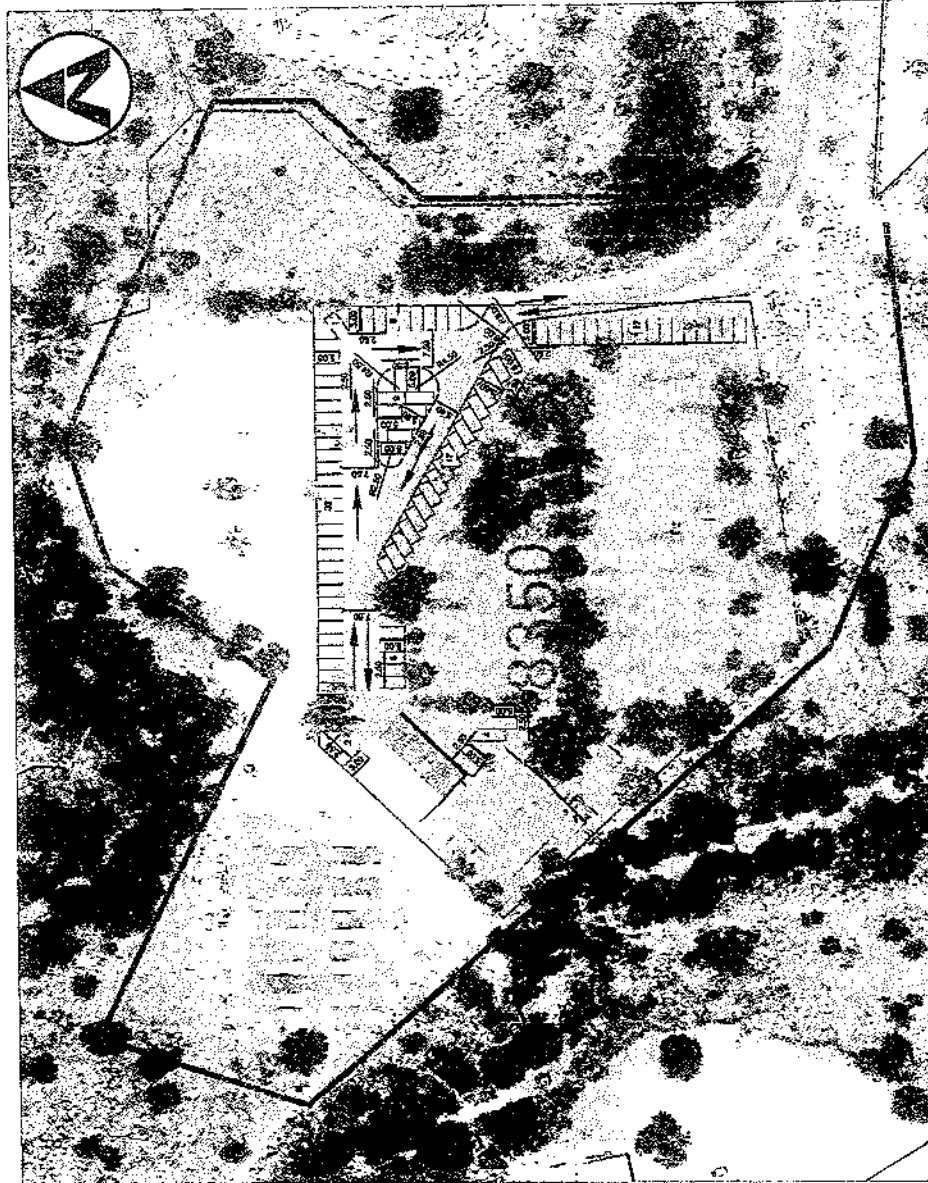
Objection for sporting activities on Erf 8350, Windhoek

We object to Cross Fit, Windhoek with the following reasons:

1. Constant noise, before 6h00 in the mornings till late at night, even on public holidays.
2. Drinking parties and motorbike noise until 04h00 in the morning.
3. Screaming people and specially children crying for their mothers, high alcohol consume and loud music. Sport is secondary, parties have first priority and then comes only the sport.
4. We are a residential area and expect discipline accordingly.
5. Our properties are losing value, due to the misbehavior, coming from Erf 8350, Windhoek.

Signed at: Windhoek on this 22nd day of April 2022 by owner of:

Erf 6599 Mrs. T. Schoeman, P.O. Box 282 Windhoek T. Schoeman
 Erf 5063, Mr. W. Peter, P.O. Box 2545 Windhoek W. Peter
 Erf 6861, Mr. F. Putter, P.O. Box 2189 Windhoek F. Putter



JUKSKEI CLUB - PARKING PROPOSAL

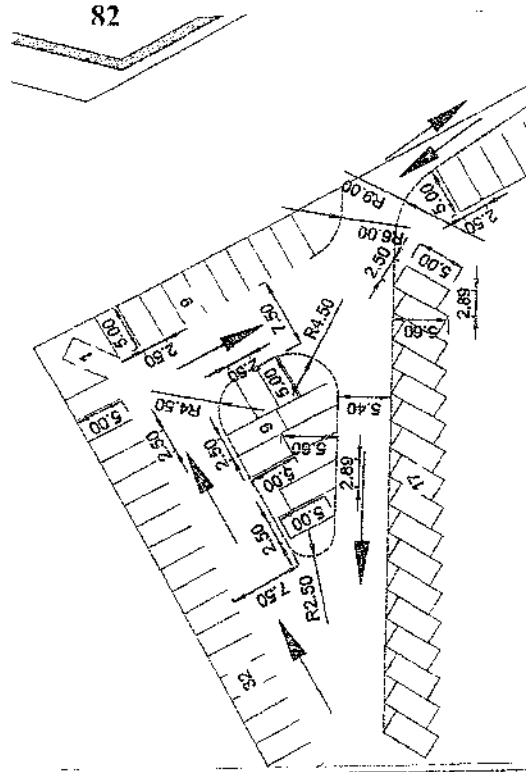
SCALE 1:1000

NOTES:

- 1.) The required parking for Vintages Restaurant is 57 (1 parking bay for every 3 customers).
The required parking for the Crossfit Centre is 33 (7 parking bays for every 100m², total floor area = 540m²).
- 2.) The combined total number of parking bays required = 95.
- 3.) Total number of parking bays with the proposed layout = 95.

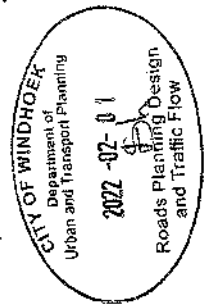
LEGEND:

- Existing fence boundary
- City Cadastral layout
- Proposed parking layout
- Erf 6350
- Proposed road edge



PARKING LAYOUT DIMENSIONS

SCALE 1:500





RFLAUN
Retirement Fund for Local Authorities
and Utility Services in Namibia

061-423 700 |

061-423 701 |

info@rflaun.com.na | P.O. Box 29001, Mail Centre, Windhoek | 1 Delius Street, Windhoek

08 June 2022

Enquiries: Marina Ishidhimbwa

The Acting Chief Executive Officer
City of Windhoek
P O Box 59
WINDHOEK

Dear Mr Hekandjo

**EMPLOYEE REPRESENTATIVE TRUSTEE ELECTIONS FOR THE TERM
SEPTEMBER 2022 TO AUGUST 2026**

You are hereby advised that the term for the Trustees who serve on the Board of the Retirement Fund for Local Authority and Utility Services in Namibia (RFLAUN) will come to an end on 31 August 2022. Consequently, the Fund is in the process of commencing to carry out new elections at all the Participating employers of local authorities for employees who would constitute the new Board.

In Khomas Region the first 8 nominated candidates with the highest secondments as per page 6 of the election manual for member elected Trustees will contest for the election.

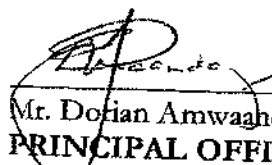
The election process would commence with the nomination of candidates where after it would be followed by voting. The RFLAUN officials in conjunctions with the office of the CEO and the Human Resources department will facilitate the election process. Please acquaint yourself with the rules and procedures necessary to conduct the election as detailed in the election manual for member elected trustees.

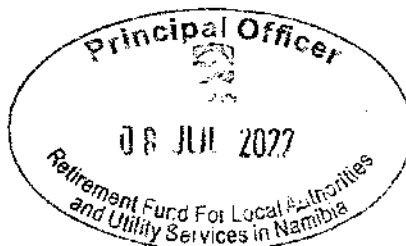
The Pension Fund require 4 members representatives (*2 main Trustees and 2 alternate Trustees*) who have the time and commitment to attend to members in terms of their benefits. Ideally, a Trustee should be financially qualified in order to understand the accounts and other transactions of the Fund. It should be noted that the person in the position of alternate only assumes the role of full trusteeship when the main Trustee has for any reason vacated his or her position before the end of the term.

Enclosed is a copy of the Election Manual for member elected Trustees, Nomination form and copy of the Acceptance of Nomination form. Kindly forward the nomination forms to the Principal Officer so that ballots can be printed. Also attached to this letter is a copy of the Election Schedules which indicates the election dates for the member elected Trustees and member elected alternates Trustees.

We believe that the above will meet your good understanding and highest consideration as we seek the appointments urgently.

Yours sincerely,


Mr. Dorian Amwaghdangi
PRINCIPAL OFFICER





ELECTION MANUAL FOR MEMBER TRUSTEES

INDEX

- 1. INFORMATION DOCUMENT FOR CEO AND HUMAN RESOURCES MANAGERS**
- 2. NOMINATION OF CANDIDATES**
 - a) Rules of Nomination
 - b) Nomination Form
 - c) Acceptance of Nomination
- 3. ELECTION OF TRUSTEES**
 - a) List of Candidates
 - b) Voting Form
 - c) Rules of Election Process
- 4. GENERAL**
 - a) Code of Conduct
 - b) Duties & Responsibilities of Trustees



ELECTION OF MEMBER TRUSTEES

INFORMATION DOCUMENT FOR CEO AND HUMAN RESOURCES MANAGERS

Introduction

Currently the Fund is managed by a Board of Trustees appointed on September 2014 and September 2016 respectively. The Rules of the Fund make provision for each Region to be represented on the Board by an Employer appointed and a member elected Trustee. In the Khomas region, the rules make provision for **2 Employer appointed and 2 Member elected** Trustees on the Board.

The employer pays all contributions into the Fund on behalf of the employees, and while the employee may enter and leave the Fund, the employer remains the main sponsor with the employee being responsible for any shortfall, which may arise. Therefore, the employer also has the opportunity to appoint Trustees and their alternates.

Principal Officer

Mr. Dorian J Amwaandangi



What are the Trustees' responsibilities?

The Trustees' responsibilities are to ensure that the Fund operates in accordance with the registered rules. This means that:

- Contributions must be paid in accordance with the rules;
- Benefits must be paid in accordance with the rules, the Pension Funds Act and the Income Tax Act.

In addition, the Trustees have very important financial responsibilities, namely:

- To invest the monies of the Fund on behalf of the members with registered financial institutions;
- To ensure the Fund's records is kept up to date and in excellent order;
- To have the Fund audited every year by independent auditors and have the results submitted to the Registrar within six months of the financial year;
- To have the Fund valued by an Actuary every year, even though the law requires such valuation at least once every three years.

In addition, the Trustees are required to arrange the necessary life and disability insurance and ensure that the premiums and insurance are maintained, in accordance with the conditions of the rule and the insurance policies.

The Trustees also have certain day to day duties, such as:

Attending meetings;

- Ensuring that death and disability benefits are correctly paid in accordance with the Income Tax Act and the Pension Funds Act;
- Dealing with day to day documentation, e.g. housing loans, withdrawals etc.

Whilst the Trustees are assisted in their duties by professional consultants, and other specialist investment managers and administrators in the retirement fund field, they cannot delegate responsibilities to any of these persons and always remain accountable for their actions and decisions.

Trustees are always expected to act lawfully, in good faith and with proper diligence, care and honesty, and to protect and serve impartially the equitable interest of members and of the participating employers.

Above all, Trustees must be capable of understanding and appreciating these responsibilities.



The Trustees are very proud of the way that the Retirement Fund for Local Authorities and Utility Services had been built up.

- It provides well-designed benefits for staff, in line with the best funds in the market;
- The Fund has achieved good returns for its members;
- The Trustees closely monitor all aspects of the administration, investments and payments of benefits.

In line with the democratization of management functions, the Fund feels that the members should also be entitled to elect one half of the Trustees to the Board, so that the members and employers are equally represented.

Who will be eligible as a Trustee?

To be eligible as a Trustee, you must:

Be a member of the Fund;

- Mentally and physically capable of acting as a Trustee;
- Not be an rehabilitated insolvent or have had your estate sequestrated, surrendered or assigned in favour of your creditors;
- Not have been discharged by a competent court from any office of trust on account of misconduct;
- Not have been convicted by any competent court of theft, fraud, forgery or any similar offence, or any other charge and sentenced to a prison term without the option of a fine.

May a current Trustee be re-elected?

Yes, a current Trustee may be re-elected, provided he/she complies with all the conditions of a Trustee.

Must a Trustee have specific qualifications?

Ideally, a Trustee should be financially qualified in order to understand the accounts and other transactions of the Fund. Training will be provided in Pension Fund law, Income Tax aspects and other technical aspects regarding the running of the Fund. Ideally, the person should be able to understand the issues that need to be decided on by a fund of this size.



Consultants will also provide assistance, guidance and advice to the Trustees on complicated matters.

How will Trustees be elected?

Firstly, members must nominate candidates for Trusteeship. Thereafter the members must elect them.

How will a Trustee be nominated?

To be nominated, a person must have a minimum of 5% signatures of total employees in support his candidacy and who are members of the Retirement Fund for Local Authorities and Utility Services in Namibia at the Participating Employer. Once the nominations are received, then a Voting Form will be drawn up.

When will the elections be held?

The elections will be held over one day or two depending on the number of staff at the workplace. The Fund officials will issue the Voting Forms to the member of the Fund. The member will then vote for his/her preferred candidate.

Can a candidate vote for himself?

Yes

How often are Trustees' meetings held?

Board of Trustees

Trustees' meetings are held in Windhoek, at least four (4) times a year or as often as is required to conduct the business of the Fund.

Executive Committee

The Board of Trustees has the power to delegate any of its functions to the Executive Committee. This committee shall comprise of four (4) members of the Board, of whom two shall be Employer representatives and the other two Member representatives.

The Executive Committee shall meet at the Fund's office at least 6 times per calendar year.



Investment Committee

The Board of Trustees has the power to delegate any of its functions to the Investment Committee. This committee shall comprise of any four (4) Trustees who have fair knowledge of institutional investments.

The Investment Committee shall meet at least 10 times per calendar year.

Death Benefit Claims Committee

The Board of Trustees has the power to delegate any of its functions to the Death Benefit Claims Committee. This committee shall comprise of any four (4) Trustees whom the Board deem fit to serve. The committee meets when suitable to discuss death claims.

Will I be required to sign undertakings, should I be elected as a Trustee?

Yes, you would be required to sign an acknowledgement of confidentiality, appointment form and other relevant forms. This is because Trustees become party to information regarding members' salaries, medical conditions and other business transactions that are not yet public knowledge.

A Trustee shall have to agree to treat such issues as confidential.

What if I have questions about the elections, or a Trustee?

If you have any questions, please contact the following officials of the Fund at via telephone at +264 61 423 700.

Mr Dorian J. Amwaandangi (Principal Officer)

Ms. Marina Ishidhimbwa (Senior officer for Pensions)

Ms. Emilia Iipumbu (Assistant Administration Officer for Pensions)

Yours sincerely,

Dorian J Amwaandangi
PRINCIPAL OFFICER



ELECTIONS OF EMPLOYEE REPRESENTATIVES

RULES FOR NOMINATIONS

1. Anyone choosing to propose a candidate may propose only two (2) persons.
2. One may not nominate or second the same person twice.
3. One may not nominate or second oneself.
4. One may nominate anyone as long as they are an employee and also a member of the Retirement Fund for Local Authorities and Utility Services in Namibia.
5. Nominees must be fully aware of the duties and responsibilities of Trustees and be willing and able to accept these responsibilities.
6. A Region with one Participating Employer except Khomas Region shall nominate four (4) candidates who will stand for election while a region with more than one employer must nominate two (2) candidates per employer who will stand for election. [REDACTED]
7. Each nominee must have a minimum 5% of total employees as seconders at each participating employer provided that:
 - a. In a region with one participating employer except Khomas Region, only the first four (4) candidates with the highest secondment will contest for election. [REDACTED]
8. An official voting form with all nominated candidates will be provided to the Participating Employers to make members aware of the contestants.
9. Candidates can be assisted by their coordinators in putting together a written profile for the election campaign.
10. Nominations and ballot papers and results should be submitted to the Principal Officer, after completion of the entire process to the following address.

**The Retirement fund for Local Authorities and Utility Services in Namibia 1
Delius Street, Windhoek, Namibia**

**NOMINATION FORM****PROPOSAL OF A CANDIDATE FOR ELECTIONS AS EMPLOYEE REPRESENTATIVE**

You may not propose or second yourself. No person may propose or second the same person twice. A member may propose or second two (2) different candidates

Name of Person Proposed				
Name of Participating Employer				
Employee Number				
		Name	Employee No.	Name of Participating Employer
Proposed by:	1.			
Seconded by:	2.			
	3.			
	4.			
	5.			
	6.			
	7.			
	8.			
	9.			
	10.			
	11.			
	12.			
	13.			
	14.			
	15.			
	16.			
	17.			
	18.			
	19.			
	20.			

Should you have more seconders for this proposal, please attach another proposal form thereto.



RFLAUN
Retirement Fund for Local Authorities
and Utility Services in Namibia

Tel: 061-423 700 | Fax: 061-423 701 | Email: info@rflaun.com.na | P.O. Box 29001 Windhoek, Namibia | 1 Delius Street, Windhoek

**ACCEPTANCE OF NOMINATION AS CANDIDATE FOR ELECTION AS
EMPLOYEE REPRESENTATIVE**

I, _____ hereby accept my proposal as candidate for the election
to

The RETIREMENT FUND FOR LOCAL AUTHORITIES AND UTILITY SERVICES IN
NAMIBIA as a member representative and, if elected, I am prepared to serve as a Trustee of
the Fund.

Signed

Date

**ELECTIONS OF EMPLOYEE REPRESENTATIVES****OFFICIAL VOTING FORM**

You may vote for Two of the candidates listed below, by placing a CROSS (X) in the block opposite the name of your choice. Any other marks or comments will return the form invalid.

IF FOR ANY REASON YOU DO NOT WISH TO VOTE PLEASE DESTROY THIS FORM.

CANDIDATES NAMES	CANDIDATE PHOTO	VOTE HERE (X)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Place this voting paper in the ballot box.

RF-3

RULES FOR THE ELECTION PROCESS

1. Each employee may vote for two (2) candidates using the official Voting Form provided by the Fund official, by placing a cross in the block opposite the name of his or her choice. You may not vote for more than two candidates.
2. Every voter in this election is entitled to confidentiality with respect to his or her vote. Therefore, nobody may force another person to vote for a particular candidate, nor may they demand to see anyone else's Voting Form.
3. The two candidates with the highest number of voters among the persons who contested the election to represent the Members shall be elected as the representative for the Members in Khomas Region.
4. The two candidates with the next highest number of votes shall be elected as the alternate to the representative for the Members in Khomas Region.
5. In the event that the elected representative should resign or be unable to fulfil his/her role, then the alternate would automatically be nominated as his /her replacement.



REF-4

CODE OF CONDUCT

FOR

MEMBERS OF THE BOARD OF TRUSTEES

I, the undersigned _____ hereby accept the following duties and responsibilities as a member of the Board of Trustees.

1. To observe at all times the high standard of integrity, care, diligence, impartiality and independence prescribed in the Pension Funds Act 1956 (Act 24 of 1956)
2. To apply to common law principles of, and those that stem from the duty to act with care and the duty to act in good faith.
3. To acknowledge the confidentiality of any information that may be acquired in my position as a member of the Board of Trustees.
4. To acquire the knowledge that is needed to carry out the duties of my Trusteeship.

Singed on this _____ day of _____ 2022.

Trustee

**REF-5****THE DUTIES AND RESPONSIBILITIES OF TRUSTEES****“TO SERVE THE MEMBERS, RETIREES AND DEPENDANTS OF THE FUND”**

The Fund is a financially independent legal entity separate from the employer whose employees comprise of the members and retirees of the Fund. The Fund is managed in line with its stated objectives and within the relevant laws of the country.

The members of the Board of Trustee who must be able to fulfil their duties efficiently and totally independently of their normal work duties undertake the management of the Fund.

The duties of the Trustees are:

- To exercise the element of good faith and proper care that can reasonably be expected of persons who manage the affairs of others;
- To ensure that they are never placed in a position where their interest, even indirectly, conflict with their duties as Trustees.
- To exercise their discretion in a bona fide manner when dealing with the assets of the Fund and not expose the investments to undo risk;
- To invest the assets of the Fund in a manner which will enable the Fund to meet its current and future liabilities by obtaining the best possible overall real return at an acceptable level of risk;
- To seek advice where they consider they do not have adequate knowledge on particular issues, but remembering at all times that they remain ultimately responsible for the results achieved;
- To understand and conversant with the rules of the Fund, and to understand the framework within which they operate and the limitations of their decision-making powers;
- To understand the applicable laws pertaining to the Fund particularly relevant sections of such legislation in the Pension Funds Act and the Income Tax Act;
- To ensure that:
 - i. the Fund is run in accordance with the rules,
 - ii. contributions due are paid to the Fund timeously,
 - iii. the assets are held safely for the benefit of the members,
 - iv. all statutory requirements are met,
 - v. the administration is conducted effectively,
 - vi. benefits are paid to appropriate beneficiaries;
- To study and understand any reports from the Fund's investment managers, actuary, auditors, principal officer and consultants;



- To ensure that the members and retirees are kept properly informed of the benefits provided by the Fund.

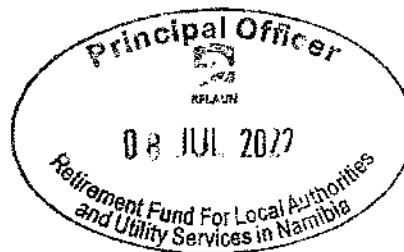
Sound and active management of the Fund is essential and this requires Trustees to be fully informed of the nature of their duties. They must be able and willing to act in a truly impartial fashion and be motivated to perform well on behalf of the members of the Fund.

Funds jointly managed by employers and employees are capable of making a critical contribution to the improvement of our social security infrastructure. They should not, however, be used as a forum for pursuing other agendas. Trustees meetings are not an extension of the traditional employer/employee bargaining forum and if this approach is pursued, it may severely prejudice the Fund's ability to achieve its defined objectives.

The Trustees must always remember that at the end of the day, they are responsible to individual staff members, pensioners, spouses and children, all of whom are dependent upon good Trustee management for their protection and well-being.

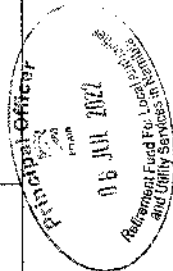
**Trustee nomination schedule // City of Windhoek July 2022**

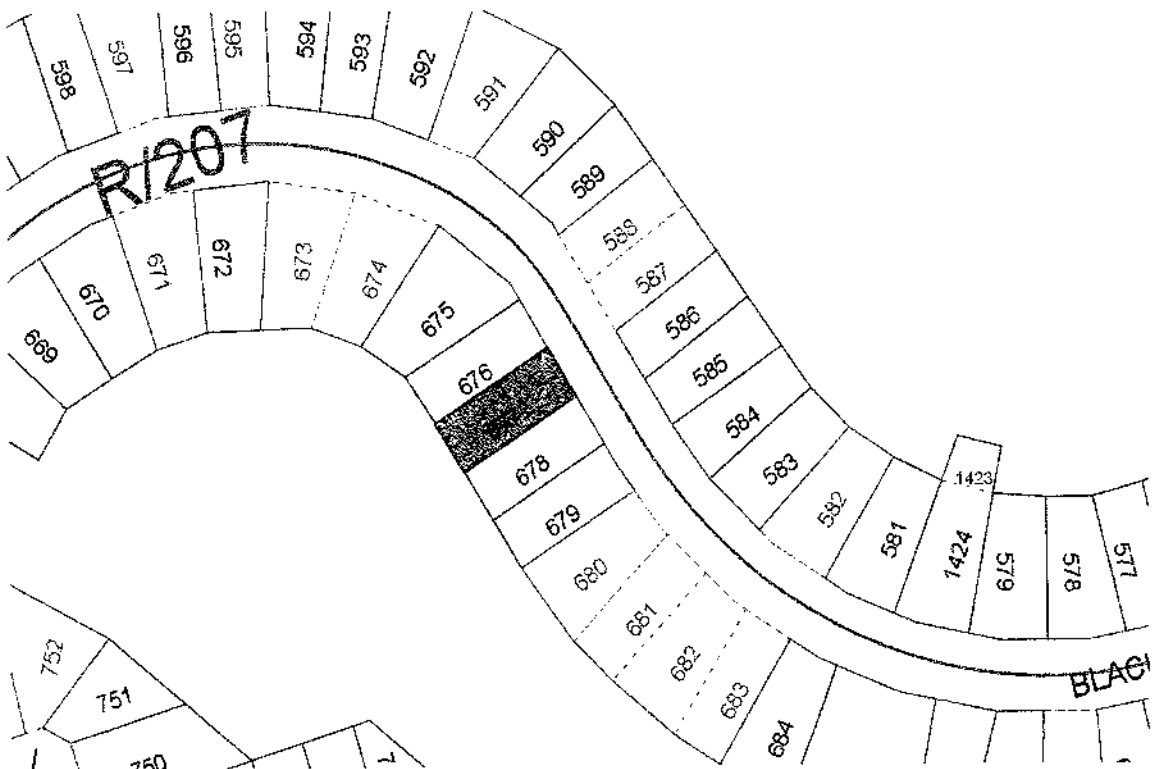
Participating Employer	Activity	Due Date
City of Windhoek	Trustee nominations	11 - 22 July 2022
	Submission of the details of 8 qualified candidates	26 July 2022

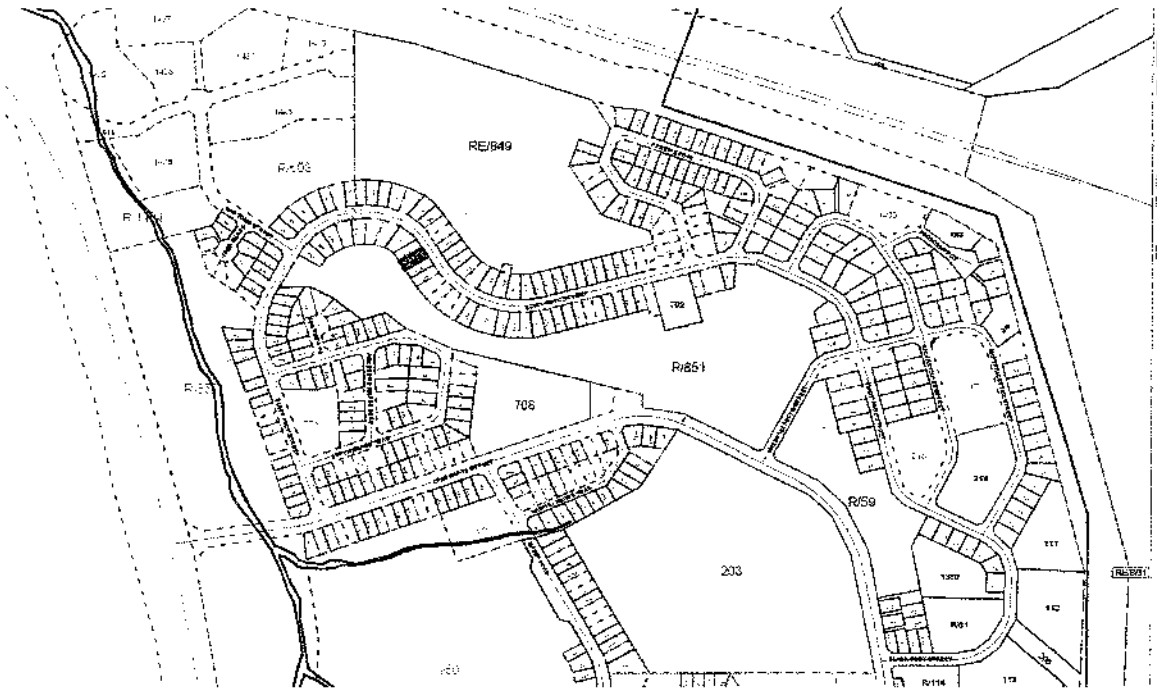


RFLAUN: City of Windhoek Trustees election schedule August 2022

Region	Date	Time	Participating employer	Election centres	Department / Division	Responsible person (RFLAUN)	Responsible person (Employer / Employee)
Khomas Region	15-Aug-22	07H30 - 12H00	City of Windhoek	HR Training Room	Town House: Health Services, Economic Development, Revenue Management, Financial Reporting, Debt & Risk Management, Cash Management, Customer Services, OD & HR, Staffing & Remuneration, Labour Relations, Occupational Health Safety & Wellness, Corporate Services, Governance & Business Support, Technical Support, Business System & Information Management, Housing & Land Delivery, Valuations, Property Management, Geomatics, Human Settlement, Roads Planning Design & Traffic Flow, Urban Planning, Sustainable Development, Roads & Storm Water, Social & Youth Development, Environment, Built Environment	Fund	CEO & HR
		14H30 - 16H00	City of Windhoek	Roads South Boardroom	Procurement, Roads & Storm Water, Municipal Fleet, Building Maintenance, Road South, Public Transport	Fund	CEO & HR
	16-Aug-22	07H30 - 10H00	City of Windhoek	PA De Wet Hall City Police	City Police: Crime Prevention, Traffic Management, Information Management, Human Resources & Finance, Legal Services & Policy Development	Fund	CEO & HR
		10H30 - 12H30	City of Windhoek	Parks Boardroom	Parks	Fund	CEO & HR
		14H30 - 16H00	City of Windhoek	Roads North Board room	Roads North, Wanahtenda, Okuryangava, Katutura Central, Soweto, Khomasdal	Fund	CEO & HR
	17-Aug-22	07H30 - 10H00	City of Windhoek	SWM Boardroom	Solid Waste Management	Fund	CEO & HR
		11H30 - 12H30	City of Windhoek	Scientific Services Room	Scientific Services, Engineering Services, Gammas, Technical Support, Distribution, Protection & System, Commercial Services	Fund	CEO & HR
	18-Aug-22	07H30 - 10H00	City of Windhoek	Electricity Training Room		Fund	CEO & HR
		10H30 - 12H30	City of Windhoek	Emergency Services Hall	Emergency Services, Disaster Management,	Fund	CEO & HR
		14H30 - 16H00	City of Windhoek	BW Boardroom	Bulk Water & Waste management	Fund	CEO & HR







[Municipal Council Minutes: 2019-09-26]

**10.3.4 FNS.3 [UTP] BUILDING LINE RELAXATION
DISPUTE ON ERF 3274, WINDHOEK –
OBJECTION FROM ADJACENT
NEIGHBOUR ERF 3275, WINDHOEK
(L/3274/W)**

On proposal by Councillor M Shiikwa, it was

RESOLVED

- 1 That the Building Permit application for Building Plan 3884/2015 requesting for the relaxation of the rear 3 and 5 metre building lines on Erf 3274, Windhoek be granted.
- 2 That the applicant and Objectors be informed of Council's decision, in writing, and be given the opportunity to appeal against Council's decision to the Ministry of Urban and Rural Development within twenty eight (28) days from the date of notification thereof.
- 3 That any notice of an intention to appeal this Council Resolution be submitted to Council within twenty eight (28) days from the date of notification thereof, in terms of clause 51(3) of the Windhoek Town Panning Scheme.
- 4 That it be noted that paragraph 3 of Council Resolution 287/08/2007 is herewith amended to read as follows:
 - 3 *That any building permit application for the relaxation of building lines where objections have been received be presented to Council for a final determination in the matter.*
- 5 That the resolution be implemented prior to confirmation of the minutes to allow for prompt feedback to the applicant.

RESOLUTION 233/09/2019

City of Windhoek

Department of Urban Planning & Property Management
Building Control Division

Applicant: NR KAKOLWAErf No.: 677Tel. No.: 0813531366

RELAXATION OF BUILDING LINES (LATERAL & REAR)

COMMENTS REQUIRED FOR:

- A: Exceeding of Lateral & Rear prescribed building lines
B: Drainage of Stormwater discussed with neighbour and clarified

Please mark where applicable:

(1) ADJACENT ERF OWNER'S COMMENTS:

I, R. N. Kaloma the Owner of Erf 678, which is adjacent to Erf 677, have seen the drawing showing the structure to be erected thereon, and I

Ground Floor (within 3 meters from boundary line)	AGREE ☒	OBJECT ☐
1st Floor (within 5 meters from boundary line)	AGREE ☒	OBJECT ☐
2nd Floor (within 7 meters from boundary line)	AGREE ☒	OBJECT ☐

to the proposed building work. Site plan **MUST** be signed off on the duresster by the **EFFECTED** adjacent neighbours and it is suggested that a copy of the building plan is kept by the neighbour for reference purposes.

Reason for objection, if any: Preferably do not turn it to a guest house due to a lack of parking

Signed: [Signature] Tel: 0812770918 Date: 05/02/2022

(2) ADJACENT ERF OWNER'S COMMENTS:

I, Makosa Katanga the Owner of Erf 676, which is adjacent to Erf 677, have seen the drawing showing the structure to be erected thereon, and I

Ground Floor (within 3 meters from boundary line)	AGREE ☐	OBJECT ☒
1st Floor (within 5 meters from boundary line)	AGREE ☐	OBJECT ☒
2nd Floor (within 7 meters from boundary line)	AGREE ☐	OBJECT ☐

to the proposed building work. Site plan **MUST** be signed off on the duresster by the **EFFECTED** adjacent neighbours and it is suggested that a copy of the building plan is kept by the neighbour for reference purposes.

Reason for objection, if any: Proposed structure has too many bedrooms for a normal household house, every bedroom with its own bathroom/Toilet. Chances of turning into a guest house & possible which will turn into a guest house & chances of parking & 2 swimming pools for 10 people & 10 cars

Signed: [Signature] Tel: 081405671 Date: 04/02/21

(3) ADJACENT ERF OWNER'S COMMENTS:

I, R/851 the Owner of Erf 677, which is adjacent to Erf 677, have seen the drawing showing the structure to be erected thereon, and I

Ground Floor (within 3 meters from boundary line)	AGREE ☐	OBJECT ☐
1st Floor (within 5 meters from boundary line)	AGREE ☐	OBJECT ☐
2nd Floor (within 7 meters from boundary line)	AGREE ☐	OBJECT ☐

to the proposed building work. Site plan **MUST** be signed off on the duresster by the **EFFECTED** adjacent neighbours and it is suggested that a copy of the building plan is kept by the neighbour for reference purposes.

Reason for objection, if any: _____

Signed: _____ Tel: _____ Date: _____

existing structures

P.O.Box 7463
Katutura
Windhoek
9000

02 March 2022

City of Windhoek
Department of Urban Planning - Property Management
P.O.Box 59
80 Independence Avenue
Windhoek
Namibia

Dear Sir/Madam

SUBJECT: ERF 677 RC Neighbour's Concerns as Stated on Relaxation of Building Line Form

The building plans approval request for ERF 677 RC bears reference. I am aware of the objections brought forward by both neighbours on adjacent Erven 678 and 676 as respectively stated below:

"Preferably do not turn it to a guest house due to a lack of parkings" – **Ms Katoma of Erf 678**

"Proposed structure has too many bedrooms for a normal household house, every bedroom with its insuite bathroom/toilet, chances of turning into a guesthouse is possible, which will result into a noise pollution and shortage of parking." - **Mrs Menesia Kahanga of Erf 676**

This letter serves to inform your office that there are no intentions to convert the said residential erf into a guesthouse.

Warm Regards,
Ndeshipanda Rachel Amoomo

Signature:  _____

Date: 02/03/2022

2021/04/06 08:46:46

01 Invoice Number: INV0021136385

01 Rpt: INV273300

Receipt No.: 377716

General Payment

Note No.: 5000202050105

Name: R AMONGO

C.Card Amount Pd M*****2062.15

Orig. Aut Tend M*****2062.15

Change M*****0.50

Processed by: 001000-Cecilia Marlon

Comment :



106



INV

5

CITY OF WINDHOEK

P O Box 59, WINDHOEK NAMIBIA

Telephone No: (061) 290 2911

TAX INVOICE

VAT Reg. Number 2646057-01-5



Invoice Number : INV2021136385	Date Issued : 2021/01/25
Account Number : N/A	Vote Number : 5000202050105
Name : R AMOOMO	Reference Number : ERF 677 RC
Address : N/A	System Reference : INV273388
	Issued By : 15990 - HAUER (H)
	Contact Details : +264 61 290 2386/ 3673
Description : SUBMISSION	

PAYMENT DUE

Total Amount Excluding VAT	: N\$ 1793.21
Total VAT Amount	: N\$ 268.98
Total Amount Payable	: N\$ 2062.15

INVOICE DETAILS

Department : 5000 - URBAN & TRANSPORT PLANNING

Tariff Code	:	N/A
Tariff Description	:	N/A
Quantity Provided	:	1
Unit Price	:	N\$ 1793.21
Tariff Amount Excluding VAT	:	N\$ 1793.21
Tariff VAT Amount	:	N\$ 268.98
Tariff Total Amount	:	N\$ 2062.15
Service Code	:	N/A

RECEIPT NUMBER : 377636

RECEIPT CASHIER : CASH08

RECEIPT DATE : 2021/04/06 08:47 AM

RECEIPT AMOUNT : 2062.15

BUILDING PLAN CHECKLIST NB: NO MIRRORRED IMAGES OF PLANS ALLOWED / NO TIPPEX ON DURESTER COLOUR PLAN: RED (NEW), YELLOW (DEMOLISH), GREEN (FOUNDATION), BROWN (ROOF), BLUE (POOL + WATERPIPER)			
GENERAL (APPLICATION FORM)		MINIMUM PLAN SIZES : 4/A3 = A1	
Erif Number	✓	Size of arches/openings	✓
Suburb Name	✓	Roof support @ demolished walls	✓
Description of Plan	✓	Selfclosing firedoors between house + garage	✓
Street Name	✓	100mm step between house + garage	✓
Area of building - existing	✓	Sliding door size	✓
Owner -- Full detail	✓	Windows no's / codes / details	✓
Architect -- Full detail	✓	Windows 10% of floor area (5% to open)	✓
EXTRA	✓	Boundary wall plan	✓
Engineer's letter	✓	Position of section	✓
Engineer's plans	✓	Storeroom maximum 15m²	✓
Neighbour letter of consent	✓	Pool backwash to internal sewer	✓
Service stamps	✓	Engineering letter for pool closer than 1500mm to existing wall or building	✓
PLAN LAYOUT (1: 100 min)	✓	ELEVATIONS (1:100 min)	✓
Area of new and scale	✓	Headings - north, south etc. FFL on elevations, slope of ground on elevation	✓
Scale of drawings	✓	SECTION (1:100)	✓
Use and areas of new rooms	✓	Headings & scales	✓
Full details of first adjacent rooms	✓	Section to be thru new building	✓
Demolishing - dotted lines - yellow	✓	Roof covering - specify	✓
Cross ventilation in rooms	✓	Roof slope	✓
Dimensions of additions	✓	Roof painted - certain areas	✓
Firewalls for buildings closer than 1500 mm	✓	Purlins - sizes & spacing	✓
Distance to boundaries	✓	Trusses - sizes & spacing	✓
Firewalls exceed buildings by 1500 mm	✓	Rafters - sizes & spacing	✓
Firewalls between house & garage	✓	Wallplates - sizes	✓
Hatch new walls + Colour	✓	Branding - sizes	✓
Mechanical vents & roof vents	✓	Ceiling material - specify	✓
Min. size of inhabitable rooms - 7m²	✓	Roof supports - indicated	✓
Min. internal dimensions of inhabitable rooms = 210	✓	Ramp Details	✓
Altered rooms - total new area	✓	Walls - hatch new	✓
Coverage legend	✓	Height - FFL to NGL min 150mm	✓
		Depth foundation - ngl to top of foundation min 200mm	✓
		Foundation sizes, show with dimension line, show DPC in walls	✓
		Stormwater openings in boundary walls	✓
		Stormwater flow	✓
		Stormwater line & mun. waterline + manholes	✓
		Waterline (new houses)	✓
		Street name	✓
		North point	✓
		Gates, sliding swing within property boundary	✓
		Contour levels	✓
		Contour lines	✓
		Building lines (3m & 5 m)	✓
		Adjacent erf no's (all)	✓
		Erf measurements, show from beacon to beacon	✓
		Erf datagram (Surveyor-general)	✓
		Top of foundation on streetside to be 600mm below street level	✓
		Indicate erf boundary on section	✓
		Boundary wall plan	✓
		PAVEMENT (1: 100)	✓
		Section thru pavement with levels	✓
		Ramp 1:50 fall towards street	✓
		Pavement section for relaxation of 5m building line	✓
		PLAN SCRUTINIZER:	✓
		ARCHITECT/DISIGNER:	✓
		DATE:	✓
		SIGNATURE:	✓
		KINDLY NOTE: SUBMIT THE ORIGINAL WITH THE BUILDING PLANS	✓

DEBT MANAGEMENT CREDIT CHECK FORM

Surname KAKOLLO First name(s) NDESHIPANDA RACHELErf/stand no 677 Township ROCK CRESTIf company or registered under cc N/ANamibian I.D / Passport no. 91031000828Postal/Private Bag address P.O. 600746 Township of address _____Physical Residential or Business address 67, CEPILAR STREET, CATUTURATel no _____ (H) _____ Cell no 0813531366

DEBT MANAGEMENT CREDIT CHECK

Service Accounts (MS)

Credit Control Officer Comments:

Proceed

Acc. Technician Credit Control

N. Hornumoro

Signature Acc. Tech Credit Control

[Signature]

CITY OF WINDHOEK

2021-04-06
Date stamp

CREDIT CONTROL

LAND SALES

Comments:

proceed

Acc. Technician Land Sales

BERNARD

Signature Acc. Technician Land Sales

[Signature]

CITY OF WINDHOEK

Date stamp 2021-04-06

Land Sales Finance Department

ACCOUNTANT LAND SALES:

CITY OF MANY FACES

The Strategic Executive
 Department of Planning, Urbanization and Environment
 City of Windhoek
 P O Box 59
 WINDHOEK

**APPOINTMENT OF PROFFESIONAL ENGINEER OR CORPORATE ENGINEER
 REGISTERED IN TERMS OF THE ENGINEERING PROFESSIONS ACT 1986 (ACT 18 OF
 1986)**

I, RACHEL NDSIMPANE MUCHE being the owner of erf / farm no. 677,
 have appointed **Blueprint Consulting Engineers Cc, Registration No. 2016/06124** to
 undertake the design of the:
CIVIL/STRUCTURAL & GEOTECHNICAL ELEMENTS.
 and the inspection of this work during the construction in order to check compliance with the
 approved design, such appointment being effective from the 24 day of FEBRUARY 2022.

The engineer has accepted the appointment and has undertaken to accept responsibility for
 providing the Strategic Executive, simultaneous with the submission of the building plans,
 with such drawings, details and particulars as he / she may require in terms of the Local
 Authorities Act 1992 (Act 23 of 1992). In so far as such drawings, details, and particulars
 may refer to work of a structural nature, the engineer has further undertaken to immediately
 inform the Strategic Executive if it appears that any structural work is being carried out in a
 manner which may endanger the strength, stability, or serviceability of the building or any
 adjoining structure.

Should the above appointment be terminated before construction of the building is
 completed, I undertake to inform the Strategic Executive accordingly and provide the name,
 registration number, and acceptance of the substitute engineer.

Signed



OWNER

BLUEPRINT CONSULTING ENGINEERS CC
 P.O.Box 97992, Maerua Mall
 Address: 05 Adler Street, Windhoek West
 Nam - Mic House, Suite No.6

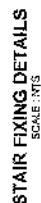
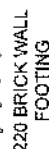
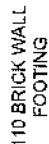
2022-03-02

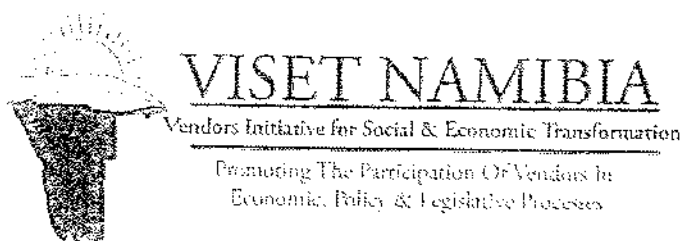
DATE


 ENGINEER (PE 2016-03)

2022-02-22

DATE

[illegible]



Friday, 22 April 2022

Attention: Mr. Claudius Kaverua
 Manager: Economic Development
 City of Windhoek
 80 Independence Avenue,
 Windhoek

RE: UPGRADING ONGENDAMBHALA OPEN MARKET

Dear Sir,

Now is the time to build a future for Namibia's informal workers. Like all major African cities, the streets of Namibia provide full evidence of the immense contribution street vendors make towards the vibrancy of Namibia's economic life. Street trade also adds vibrancy to urban life and in many places is considered a cornerstone of historical and cultural heritage.

After several consultations with informal traders regarding their needs, wants, opportunities and challenges, VISET Namibia identified Ongendambhala Open Market on Eveline Street as needing an intervention to energize the informal trade activities and stimulate the informal economy within the area in an organized manner. Renovation works are needed to bring the open market to its full potential and provide traders with a safe and profitable operating environment.

This donation to the City of Windhoek in the interest of our members proposes the below:

Phase 1: will use the minor grant funds available to surgically address some of the shortfalls of the market by:

- Ensuring the Erf where the market sits is entirely fenced off as per the drawings provided, to protect the site from any and further encroachment, to make way for future development which supports informal trade already occurring at the site. This will be a

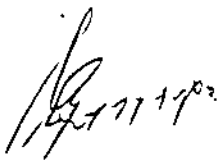
show of intent to attract informal traders to the market and interest investors to provide capital for Phase 2;

- There are openings on the eastern wall of the market however, these are small and do not provide sufficient cross ventilation to the covered area. We therefore plan to put in two openings for ventilation as per the drawings;
- Repaint the market to give it a fresh new look.

The above proposed renovations will accommodate other possible initiatives - granted approval by City of Windhoek, to further raise funds for the development of phase 2 by hosting monthly flea markets behind the current structure where it will be fenced off to additionally attract customers to the market and support the vendors in increasing their profit margins which will incentivize vendors to timely pay their rent to the City of Windhoek.

We hope the above proposal is in order and look forward to your approval to commence the much-needed renovation works.

Best Regards,



Luise Mwanyangapo

Regional Director

Vendors Initiative for Social and Economic Transformation, (VISET Namibia)

Tel: 081 212 6890

Website: www.visetnamibia.org

Po Box 24259 Windhoek

Cc: Ms. Zurilea Steenkamp – Manager: Economic Development, City of Windhoek



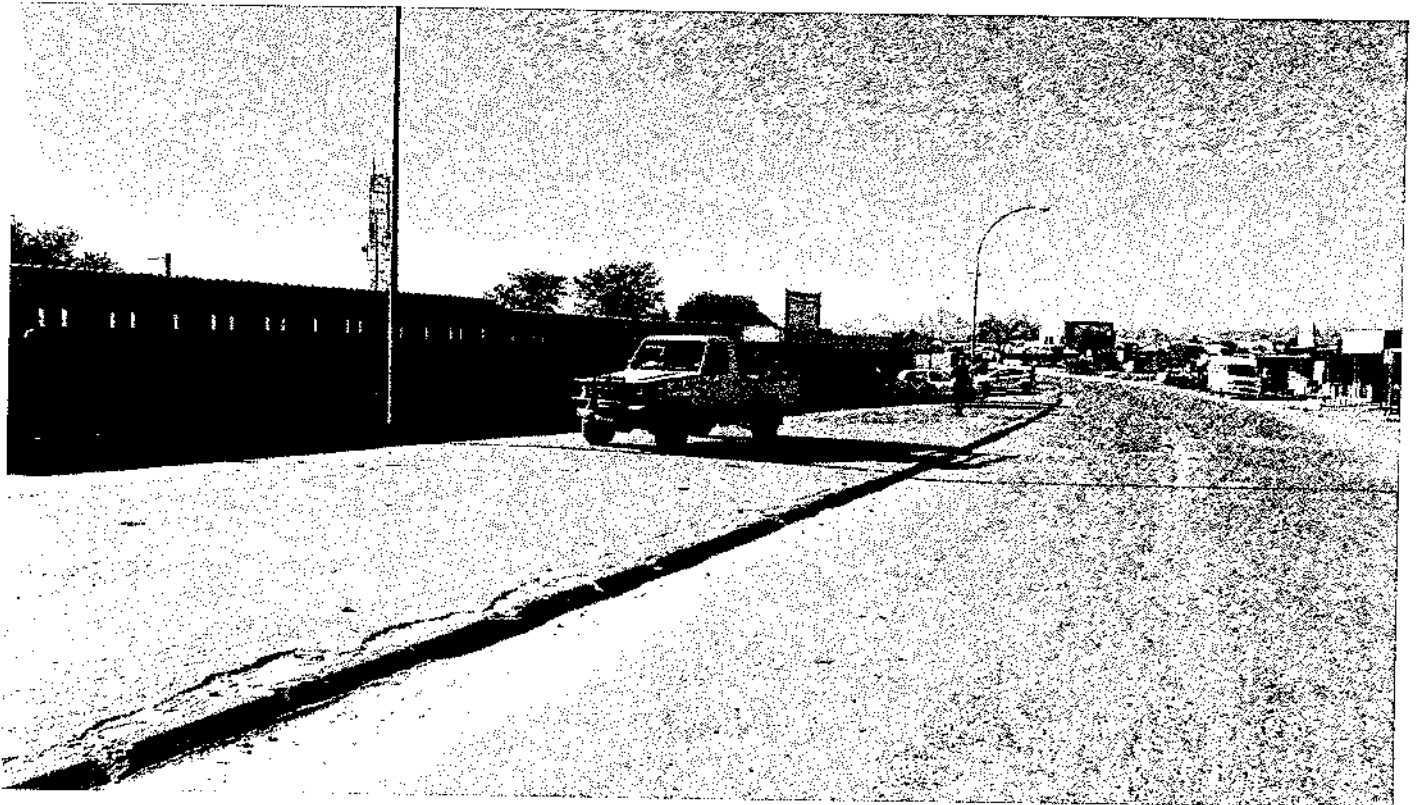
VISET NAMIBIA

Vendors Initiative for Social & Economic Transformation

Promoting The Participation Of Vendors In
Economic, Policy & Legislative Processes

FEASIBILITY STUDY FOR THE UPGRADING TO ONGHENDAMBALA OPEN MARKET

Proposed Project Brief



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Introduction

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VISET Namibia have acquired a minor injection of funding and have identified the Onghendambala Market as needing an intervention to energize the informal trade activities and stimulate the informal economy within the area. The objective of the intervention is to first secure the Erf where the market sits, protecting the site from any and further encroachment, to make way for a future development which supports the informal trade already occurring the site and creating new possibilities and opportunities for informal trade to grow.

Background & Preliminary Findings

Ongendambala Market is located in Katutura on Eveline Street, ERF 3222. The market encroaches out of its erf into the street due to the waterway running in the of the erf.

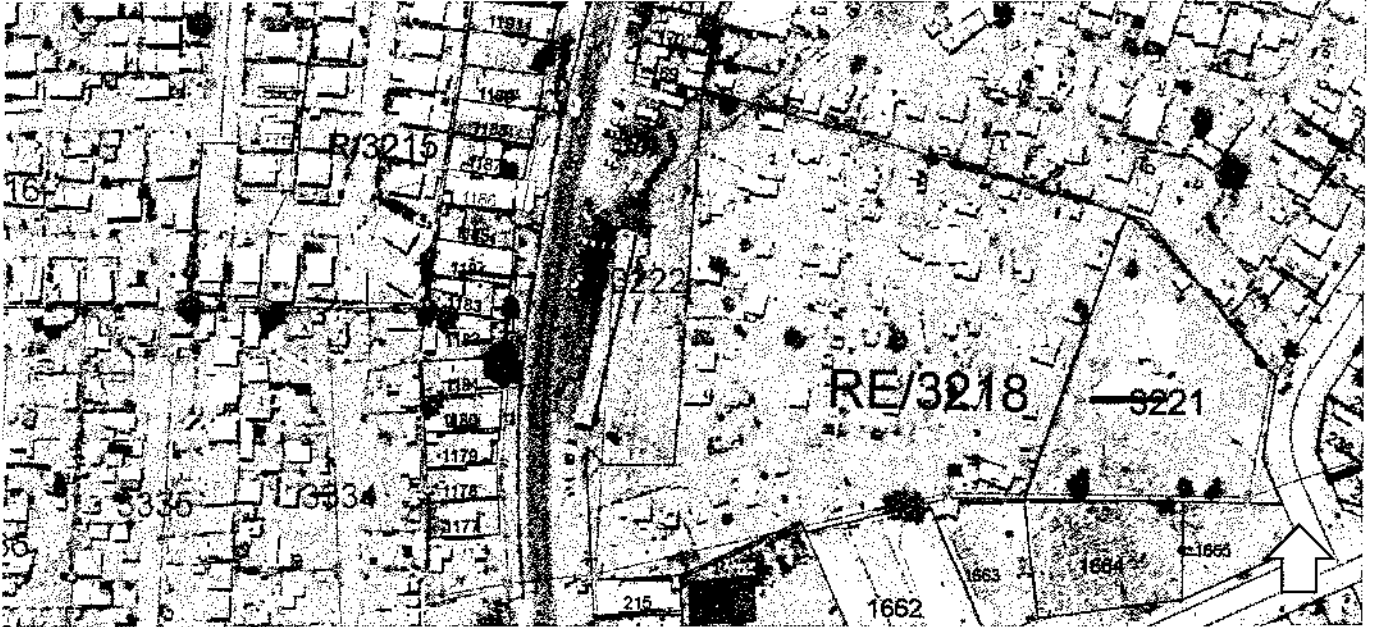


Fig 1: Site Plan

There are two auto-repair shops and a barber and salon built on the erf's premises. These are not part of the market however they would be incorporated in the master plan as they form part of the informal economy in the area.



Fig 2: Barber, Salon & Auto-Repair shops on the North end of the Erf.

The Market itself consists of a covered trading area and a toilet block. The building is open on the west where there is a steel colonnade to carry the roof and entirely bricked up on the east where the waterway runs. There are openings on the eastern wall however these are small and do not provide sufficient cross ventilation to the covered area. The floor is paved with painted demarcations to separate the areas taken up by one informal trader to the next.



Fig 3: Market space.

The market usually has 4 traders for the 26 bays marked out on the floor in the covered area and two kapana traders in the threshold space between the parking and the building. This is a sign that the market is not attractive for traders and a design intervention is required.

Proposal

The project will be broken down into two main phases,

Phase 1: will be a proposal to use the minor funds in hand to surgically address some of the shortfalls of the market and fence of the erf making way for the next phase of the development. What happens in phase one will also be used as a show of intent to attract informal traders to the market and interest investors to provide capital for the Phase 2.

Phase 2: will require a complete overhaul of the site, first beginning with the demolition of the existing market structure which encroaches on municipal land as this would prevent any new proposal from being approved at City of Windhoek. This would be in favor of a master plan which makes use of the entire site and incorporates the waterway in the design. This plan will provide facilities for the auto-repair shops to rent space as well as space for a greater variety of informal trade and service provision.

Action plan

The feasibility study will consist of a design for immediate implementation taking 30% of the time allowed, followed with a master plan and design for phase 2 which will take 70% of the time allowed.

Addendum

Design Proposal for Phase 1

GENERAL NOTES

1. All dimensions and materials are to be supplied with relevant details and specifications as per the relevant standards and specifications.
2. All construction materials and products are to be of the highest quality and must be approved by the relevant authorities.
3. All construction work must be carried out in accordance with the relevant standards and specifications.
4. All construction work must be carried out in accordance with the relevant standards and specifications.
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MUNICIPAL SUBMISSIONS

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Ministry of Water and Irrigation
Water Resources Development
and Management

CONSULTANTS

NAME

ADDRESS

TELEPHONE

FAX

E-MAIL

DATE

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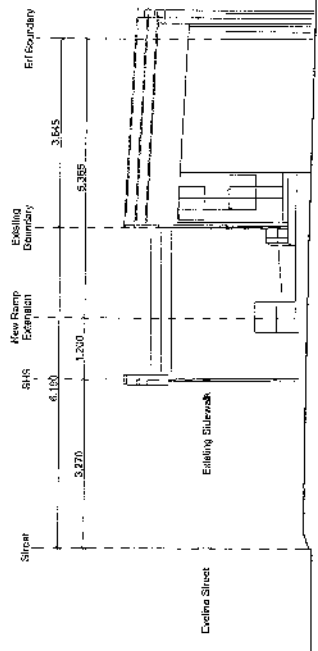
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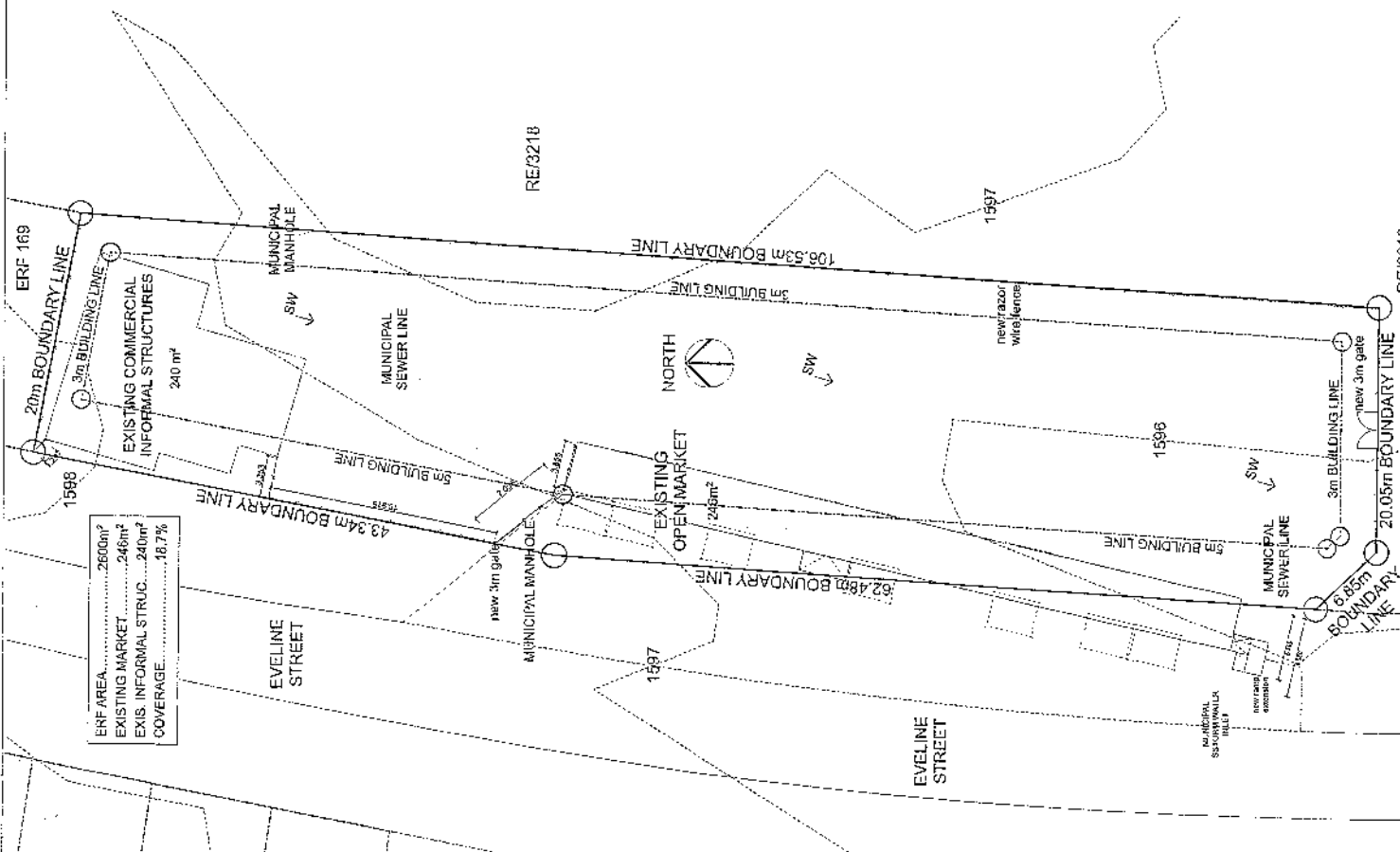
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PAVEMENT SECTION - 1:50



Item No.	Description	Unit	Quantity	Rate	Amount	Remarks
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NEW DOOR SCHEDULE - 1:100



ERF AREA	2600m ²
EXISTING MARKET	246m ²
EXIS. INFORMAL STRUC.	240m ²
COVERAGE	18.7%

Site Plan, Door Schedule

New Fencing to Ongelwambasa Market

ERF 3222

Consent Number

Drawn by

Checked by

Approved by

Date

Scale

Sheet

Page

Project

Client

Location

Drawn by

Checked by

Approved by

Date

GENERAL NOTES

NOTE:

1. The fence shall be constructed in accordance with the details shown on this drawing and the specifications.
2. The fence shall be constructed in accordance with the details shown on this drawing and the specifications.
3. The fence shall be constructed in accordance with the details shown on this drawing and the specifications.
4. The fence shall be constructed in accordance with the details shown on this drawing and the specifications.
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6. The fence shall be constructed in accordance with the details shown on this drawing and the specifications.
7. The fence shall be constructed in accordance with the details shown on this drawing and the specifications.

MUNICIPAL SUBMISSION

119



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Email: info@kamouritzie.org

CONSULTANTS
PROJECT



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Project: 2020-2021
Phase: 1/2021

Project: 2020-2021
Phase: 1/2021

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Phase: 1/2021

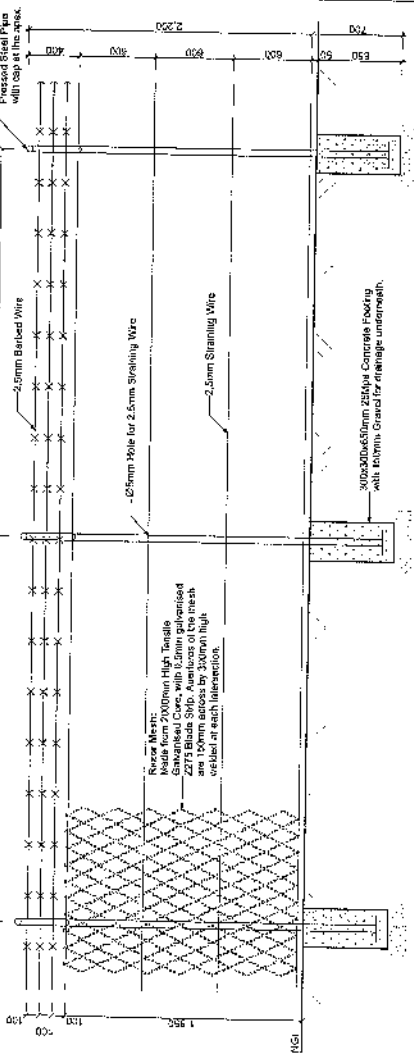
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Phase: 1/2021

Project: 2020-2021
Phase: 1/2021

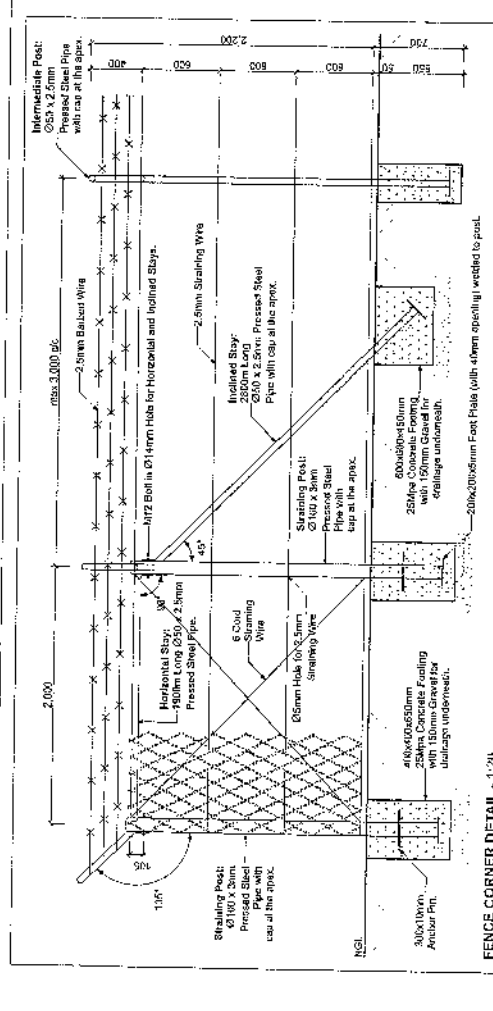
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Phase: 1/2021

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Phase: 1/2021

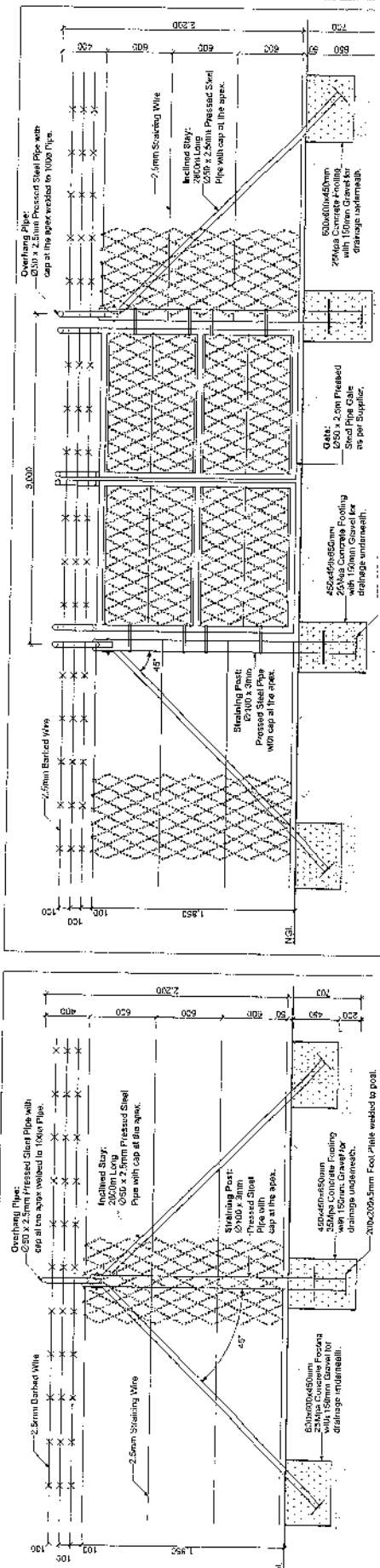
Project: 2020-2021
Phase: 1/2021



TYPICAL FENCE DETAIL - 1/20



FENCE CORNER DETAIL - 1/20



TYPICAL FENCE DETAIL - 1/20

GENERAL NOTES

1. All work shall be in accordance with the latest edition of the Hawaii Building Code, unless otherwise specified.
2. The owner shall provide all necessary permits and approvals for this project.
3. The contractor shall be responsible for obtaining all necessary permits and approvals for this project.
4. The contractor shall be responsible for obtaining all necessary permits and approvals for this project.
5. The contractor shall be responsible for obtaining all necessary permits and approvals for this project.
6. The contractor shall be responsible for obtaining all necessary permits and approvals for this project.

MUNICIPAL SUBMISSION

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Honolulu, HI 96813
Email: info@venders.org

CONSULTANTS

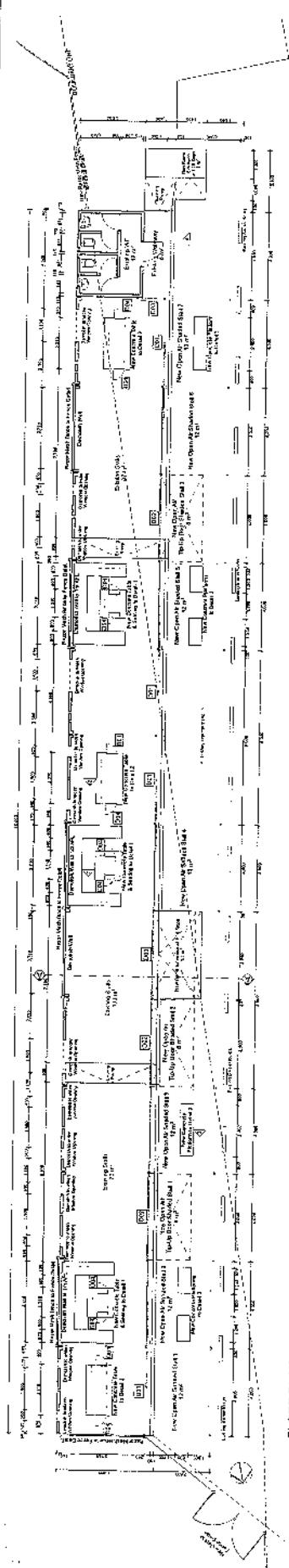
ARCHITECT: **KAMAUI**
111-100 11th Ave
Honolulu, HI 96813
Email: info@kamaui.com

DESIGN TEAM

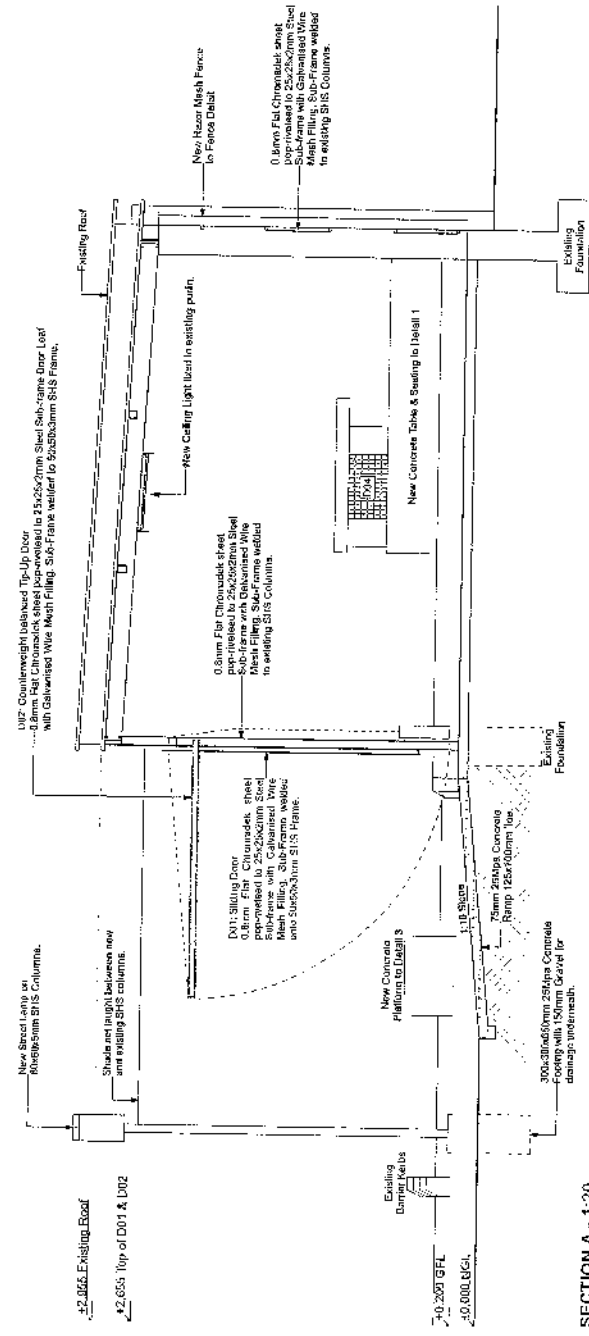
DR: [Name]
P.D. [Name]
S.D. [Name]
T.D. [Name]
T.S. [Name]
T.E. [Name]

PROJECT INFORMATION

Project Name: [Name]
Location: [Name]
Owner: [Name]
Date: [Date]



FLOOR PLAN - 1:100

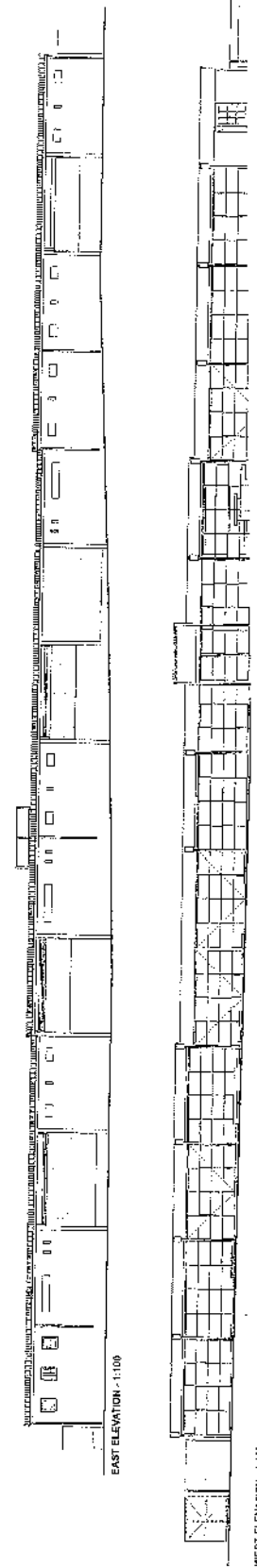


SECTION A - 1:20



NORTH ELEVATION - 1:100

SOUTH ELEVATION - 1:100



EAST ELEVATION - 1:100

PRELIMINARY COST ESTIMATE

UPGRADE/RENOVATION OF ONGHENDAMBALA MARKET IN EVELINE STREET

Date: 14-Feb-22

Item	Description	Amount
	<u>COST ESTIMATE SUMMARY</u>	
1	Preliminaries	N\$ 35,800.00
2	Earthworks	N\$ 2,250.00
3	Concrete, formwork & Reinforcement	N\$ 87,700.00
4	Provisionals(Sliding Doors, shade net ect..)	N\$ 190,730.00
5	Plastering	N\$ 10,530.00
6	Painting	N\$ 36,050.00
7	Fencing	N\$ 196,302.00
Sub Total		N\$ 559,362.00
VAT		N\$ 83,904.30
Total Amount		N\$ 643,266.30



VISET NAMIBIA

Vendors Initiative for Social & Economic Transformation

Promoting The Participation Of Vendors In
Economic, Policy & Legislative Processes

Friday, 27 May 2022

Attention: Mr. Claudius Kaverua
Manager: Economic Development
City of Windhoek
80 Independence Avenue,
Windhoek

**RE: CONSULTATION WITH VENDORS REGARDING THE UPGRADING OF ONGENDAMBHALA
OPEN MARKET**

Dear Sir,

This letter serves to confirm that VISET Namibia has consulted some the vendors at Ongendambhala Open Market, which informed the development of the proposed renovation plans for phase one.

On 20 May 2022 The drawings for phase one were presented and delivered to the market leader Ms. Priscilla (081 226 6491), who assisted VISET Namibia to communicate the proposed renovations to other vendors who we could not reach or access on the day.

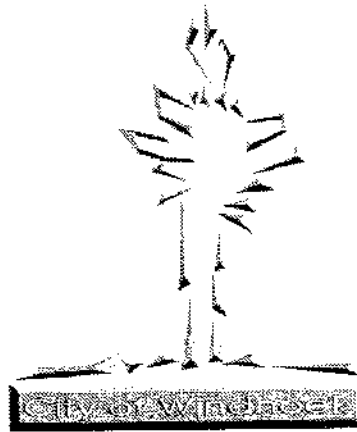
The proposed drawings were welcomed by the consulted traders and no objections were presented to date.

Best Regards,

Luise Mwanyangapo
Regional Director
Vendors Initiative for Social and Economic Transformation (VISET) Namibia



Footpaths should be designed such that there is sufficient space for vending outside of the pedestrian zone.



The Gateway to Endless Opportunities

PROGRESS REPORT

OPTIC FIBRE MONETISATION PROJECT

JUNE 17, 2022

Councillor Sam Nujoma Chairperson: Financial Sustainability Committee

1. INTRODUCTION

Optic fibre is the technology used to transmit information as pulses of light through strands of fibre made of glass or plastic over long distances. Optic fibre is already the foundation of the connected world. But in the near future, every single device and every single user will depend on fibre to stay connected. This presents a unique opportunity for the Municipal Council of Windhoek to improve its effectiveness and effectiveness of services to its citizens. That means if building a fibre network it needs long-term thinking. A network that meets the requirements of today but can efficiently evolve with growing customer demand. The technology transmits more data, faster and over longer distances than other mediums. The Municipal Council of Windhoek through its Department of Electricity has laid down an optic fibre cable network infrastructure across the city with the main objective of servicing and monitoring its electricity load and distribution stations. But now would like to derive more value from the already existing asset. The current installation extends to over 120 kilometres throughout the city.

The Municipal Council of Windhoek approved its Strategic Plan, i.e. the Transformational Strategic Plan (2017 to 2022) in 2017. One of the key focus areas identified was the Monetisation of Optic Fibre by way of a project. The key deliverables of the project were as follows:

Provide Smart ICT Services

Wi-Fi Access

Business Systems

Paperless Business Environment

Business Continuity

One of the critical success factors of the project was the award of Class Comprehensive Electronic Communications Network Services/Electronic Communications Services (ECNS/ECS) Spectrum Licenses by the Communication Regulatory Authority of Namibia (CRAN), which is an enabler of this project.

The following report serves as a progress update on the Optic Fibre Monetisation Project and the proposed way forward.

2. BACKGROUND

Council at its meeting held on 2 March 2022 as per Resolution 57/03/2022 *inter alia* resolved as follows:

- 1 *That this matter be referred back and that the Financial Sustainability Committee be mandated to arrange a workshop for Councillors, in consultation with the Acting Strategic Executive: Information and Communication Technology and Acting Chief Executive Officer (Acting Manager: Mayoral and Council Affairs), prior to 15 April 2022, to address the following, amongst others, whereafter it be resubmitted to Management Committee/Council, for consideration:*
 - 1.1 *Discuss/clarify the difference between 5G and License; and*
 - 1.2 *All relevant documentation to be provided, i.e. Internal Audit Investigation Report, etc.*

Following the above Council Resolution, the Financial Sustainability Committee met on 22 March 2022 to discuss the Optic Fibre Monetisation Project and provide the necessary clarification. Subsequently, a workshop for all Councillors was arranged on 13 May 2022 at Gross Barman, for a detailed presentation (hereto attached) and discussion on the matter. It was noted that 5G technology it is a new global wireless standard after 1G, 2G, 3G, and 4G networks. 5G technology increases accessibility for all people via connected appliances, autonomous vehicles, and other remote applications. Autonomous vehicles are expected to communicate with each other and read live map and traffic data over 5G, for example. Remote surgery will be possible over 5G, with the availability of nearly instantaneous data and analysis. In addition, 5G brings the potential to remotely operate robots, thereby enabling users to feel and touch through a machine thousands of kilometers away. Furthermore, with a 5G network, transportation systems could evaluate traffic and crowd flow as well determine where to situate public safety personnel during high-density events. 5G also allows for minute-by-minute map updates in line with constantly changing cities. New construction consistently changes the layout of a city, and these live updates over 5G can ease navigation through changing cityscapes. Therefore, 5G is important given its broad capabilities and impact on the smart cities concept.

In addition, section 30(1)(ab) of the Local Authority Act, 1992 (Act 23 of 1992) (as amended), *inter alia* provides that a local authority Council may commercialise, subject to any regulation which may be made relating thereto, any service rendered by it or any function or duty exercised or carried out by it. Section 30(1)(ae) further provides that a local authority Council may exercise any power conferred upon or assigned to a local authority Council in terms of any other provision of this Act, or by or in terms of any other law.

3. PROGRESS UPDATE

With the above as context, the Department of Information and Communication Technology (ICT) investigated the possibility of introducing such a network for the Municipal Council of Windhoek but found it unfeasible due to the cost implications and significant barrier-to-entry, for most citizens who would not derive any real benefits from such a network, at this stage.

As such, the Municipal Council of Windhoek did not approve a 5G project, nor did it enter into a Memorandum of Understanding (MoU) at any other platform. In addition, Council is not procuring any 5G equipment. In the event that Council decides to procure 5G equipment, the relevant provisions of the Public Procurement Act, 2015 (Act 15 of 2015) will guide on the appropriate procurement procedures. It must also be noted that to date, CRAN has not awarded any Spectrum Licenses for the deployment of 5G to any of the operators in Namibia. Therefore, there are no 5G sites in Namibia. The licensed operators in Namibia only provide 2G, 3G and 4G services.

During the workshop on 13 May 2022, Councillors were apprised on the status of the Review Application filed by Paratus Telecommunications (Pty) Ltd was made. At the time, it was indicated that the matter was set to be heard in the High Court on 6 June 2022. The hearing could not proceed but was rather postponed to 15 September 2022.

It must be noted that the Municipal Council of Windhoek's Internal Audit Division investigated the Optic Fibre Commercialisation Project and a report was shared at the Management Committee level. The Optic Fibre Commercialisation Project was temporarily stopped pending the finalisation of the investigation. The internal investigation was concluded with recommendations to implement disciplinary proceedings, which are currently ongoing. It is worth noting that the outcomes of the disciplinary and the restart of

the optic fibre project are not co-dependent. As per the Internal Audit Report, the implementation of the project was unprocedural and corrective measures are taken.

Owing to the length of time taken to revive the project, it is important that the business model/feasibility study be revised. Furthermore, given the drastic changes in the business environment due to the reactions from various business entities concerning Council's smart city ambitions.

3.1 Strategic Importance of the Optic Fibre Monetisation Project

The Municipal Council of Windhoek faces numerous challenges, two of which pose significant risk to the long-term sustainability of the organisation and efficient service offerings to customers. It is widely known that the Municipal Council of Windhoek's financial standing is unsustainably burdened. This constraint has bearing on the institution's organisational capabilities, processes, systems, financial management and reporting and ultimately, customer satisfaction.

The Optic Fibre Commercialisation Project is a way to enable Council to operate more efficiently whilst simultaneously improving service offerings to citizens, businesses, and investors through ease of online transactions and access to real-time, reliable data for example. The project also serves as an additional revenue stream in response to the current financial situation. This project will undoubtedly contribute towards the City's long-term financial sustainability. Currently, Council relies on land sales, rates and taxes, and water and electricity for income to sustain itself. However, the cost of municipal services far exceeds the average income levels of most households and increasing these rates is unsustainable. Couple to this the ongoing economic challenges and COVID-19 Pandemic which exacerbated an already dire situation for both Council and residents. Therefore, it is imperative that Council explores alternative revenue streams.

The Optic Fibre Monetisation Project seeks to introduce additional economic developmental opportunities for the City's inhabitants and commit to empowering the youth to participate in the City's eco-system whereby small and medium enterprises are accommodated on the City's technology platforms/data centre. Furthermore, this project will in narrowing the digital divide by increasing access to affordable internet connectivity, thereby assisting entrepreneurs and school-going youths with homework, research, and so forth.

3.2 How will citizens benefit from the project?

Table 1: Benefit Description

NO	AREA	BENEFIT DESCRIPTION
1	 Public Transport	The project seeks to improve the value proposition of our public transportation service. The commuter will have access to wi-fi while utilising the service. This option further seeks to offer wi-fi at bus terminals and track and receive information on bus arrival times and routes.
2	 Water Management	The project will allow the City to monitor its water network and identify leakages on the main arterial lines. The City will be able to detect leakages on customer premises and alert the customer of such to prevent unidentified leakages and water losses. This will promote proactive water management.
3	 Waste Management	This project will introduce a smart-wheelie bin system, to detect when a rubbish bin needs to be picked up. It will further combine the capacity for a neighborhood's bins to allow for efficient fleet management at the City. Where capacity is not reached, smaller vehicles can be utilised.
4	 Electricity Grid Monitoring	This project builds on the existing monitoring of our electricity network on the main grid and up to residential levels. This will promote energy efficiency and regulation. This will allow for efficient grid management. The City will be able to detect electricity losses on customer premises and alert the customer of such to prevent unidentified leakages and losses. This will promote proactive power management and place control in the customer's hands.
5	 Police Services	This project seeks to reduce crime through the use of a safety app aimed at providing smart panic button-based crime management solutions. This will ensure that City Police is provided with accurate location information. This will introduce efficient service and crime prevention. Accident reporting becomes efficient and no telephone calls will be required to the call centre.

NO	AREA	BENEFIT DESCRIPTION
6	 Ambulance	This project seeks to improve emergency response times through the usage of a safety app aimed at providing smart panic button-based incident management solutions. This will ensure that the ambulance service providers are provided with accurate location and incident information. Accident/illness reporting becomes efficient and no telephone calls will be required to the call centre.
7	 Fire & Rescue	This project seeks to improve emergency response times through the usage of a safety app aimed at providing smart panic button-based incident management solutions. This will ensure that the ambulance service providers are provided with accurate location and incident information. Incident reporting becomes efficient and no telephone calls will be required to the call centre.
8	 Public Wi-Fi	This project seeks to provide access to the internet at designated points in the city e.g. public libraries, schools, universities, informal settlements, main routes, business districts, airports and other entry points into the city.
9	 CCTV Surveillance	This project seeks to provide CCTV surveillance for crime prevention in the different areas of Windhoek.
10	 Traffic Management & Monitoring	This project seeks to monitor the flow of traffic through smart technologies and where possible alerting road users about possible congestions and accidents. This will introduce efficient road user management.
11	 Data Science	The entire project will attract a vast amount of data, thus allowing the creation of multiple data sets. This data can be used in the decision-making for the benefit of the city and its residents. This will promote the use of data in decision-making.

NO	AREA	BENEFIT DESCRIPTION
	 Geo Data Management	<p>This project seeks to create a geo-data centre of excellence. This centre will provide support to multiple departments while creating GIS location-based data. The data can be used to create a robust information source for the city's monitoring and decision-making e.g. location of new water points, schools and hospitals.</p>

3.3 Current Status

- The Municipal Council of Windhoek approved N\$2,623,456.00 to revise the Project Feasibility & Business Plan. The Department of Finance and Customer Services will avail more funds from its contingency if needed.
- The initial operational due date for the license to be granted was 23 July 2021. An extension was requested by the Municipal Council of Windhoek whereby the City's license award was upheld by CRAN until **22 July 2023**. Therefore, it is imperative that the project gains traction and meets the objectives on or before the said extended due date. CRAN requires regular reporting to monitor the progress of the implementation as per the license conditions. One such report is due 30 June 2022.

4. CONCLUSION

The commercialisation of ± 120 kilometres of under-utilised Council fibre is a business opportunity that could possibly generate the much-needed cash stream. It also presents benefits to rate payers through effective and efficient service offerings through the use of existing infrastructure.

Council intends to launch the next Strategic Plan for 2022 to 2027 and one of the focus areas is to implement Smart City Standards. The Optic Fibre Monetisation Project is one of Council's responses to bridging the digital divide and augmenting the customer service value proposition.

5. RECOMMENDATIONS

Therefore, it is recommended:

1. That a communication strategy for public awareness on this project, be crafted and implemented.
2. That a roadmap that reflects the priorities and objectives in line with Council's Strategic Plan, be crafted and implemented.
3. That the Optic Fibre Commercialisation Steering Committee provide monthly progress reports to the Financial Sustainability Committee.
4. That Council reaffirms its support for the project.
5. That the resolution be implemented prior to the approval of the minutes.

Phase 1 consists of the following Streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 1		
A Conradie	Katutura Central	Constructed
A Kahuati	Katutura Central	
A Mugatli	Katutura Central	
A Tjaapo	Katutura Central	
Attie Potgieter	Katutura Central	
Augeikas	Katutura Central	
Charlie Sande	Katutura Central	
D Bohitile	Katutura Central	
E amgabab	Katutura Central	
Epifanie	Katutura Central	
F Hamshendje	Katutura Central	
F Hoesemab	Katutura Central	
F Kasuto	Katutura Central	
Herman Kaundje	Katutura Central	
I Kazonari	Katutura Central	
J Gawannab	Katutura Central	
J Hamajueo	Katutura Central	
J Karamata	Katutura Central	
J Mpongoshe	Katutura Central	
J Rooihoed	Katutura Central	
J Tjomainja	Katutura Central	
J Tuejijama	Katutura Central	
Judea	Katutura Central	
Kantate	Katutura Central	
Koriaxab	Katutura Central	
Lazarus	Katutura Central	
Lemeon	Katutura Central	
M Eicheb	Katutura Central	
Makalanie	Katutura Central	
Michelangelo	Katutura Central	
N Shikuambi	Katutura Central	
Namutoni	Katutura Central	
Okombahe	Katutura Central	
Okuli	Katutura Central	
Otto Gaseb	Katutura Central	
P Turimei	Katutura Central	
Papaja	Katutura Central	
Perske	Katutura Central	
Pison	Katutura Central	
R Hahiko	Katutura Central	
Renaissance	Katutura Central	
Rogate	Katutura Central	
S Kavandje	Katutura Central	
S Shikomba	Katutura Central	
S Tjitemesa	Katutura Central	
Sadduseer	Katutura Central	
Samaria	Katutura Central	
Sanhedrin	Katutura Central	
Sigar	Katutura Central	

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 1		
Sigem	Katutura Central	
Silo	Katutura Central	
Sinagoge	Katutura Central	
Sinai	Katutura Central	
Sion	Katutura Central	
Social Avenue	Katutura Central	
T Handura (Hebron)	Katutura Central	
Tabernakel	Katutura Central	
Tekoa	Katutura Central	
Tempel	Katutura Central	
Testament	Katutura Central	
Thomas Morgan	Katutura Central	
Volk	Katutura Central	
Z Mbaha	Katutura Central	
Zeus	Katutura Central	
Bethlehem	Katutura Central	
Damaskus	Katutura Central	
Exodus	Katutura Central	
F Menjengua	Katutura Central	
Handelinge	Katutura Central	
Hooglied	Katutura Central	
Jerigo	Katutura Central	
Kapernaum	Katutura Central	
Karmel	Katutura Central	
Klaagliedere	Katutura Central	
Kronieke	Katutura Central	
Levetikus	Katutura Central	
Libanon	Katutura Central	
Nasaret	Katutura Central	
Numeri	Katutura Central	
Psalm	Katutura Central	
Spreuke	Katutura Central	
Teberias	Katutura Central	
Tom Tobie	Katutura Central	

Phase 2 consists of the following Streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 2		
Charlie Saande & Salem	Katutura Central	Constructed
Sigfried Thitemisa	Katutura Central	
Rabbi	Katutura Central	
Rama	Katutura Central	
Spreuke	Katutura Central	
Galasiens and Korinthiers	Katutura Central	
Romenie	Katutura Central	
Effesiens	Katutura Central	
Fillippense and Numeri	Katutura Central	
Asem, More and Vrolik	Katutura Central	
Grens	Katutura Central	

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 2		
Warm	John Pandeni	
Aand and Veto	John Pandeni	
Afdraai and Arbeid	John Pandeni	
Makkabeer	John Pandeni	
Magpela and Low-Ammi	John Pandeni	
Lo-Rugama	John Pandeni	
Legioen and Lucifer	John Pandeni	
Kanaan	John Pandeni	
Isebel	John Pandeni	
Jetro and Jisreel	John Pandeni	
Jupiter	John Pandeni	
Nebo	John Pandeni	
Nivenc	John Pandeni	
Olyfberg and Orion	John Pandeni	
Nasarener	John Pandeni	
Mirre	John Pandeni	
Mammon	John Pandeni	
H. Tjongonjoro	John Pandeni	
Mara	John Pandeni	
Manna	John Pandeni	

Phase 3 consists of the following Streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 3		
Addis Abbaba	John Pandeni	Constructed
Tripoli	John Pandeni	
Monrovia	John Pandeni	
Accra	John Pandeni	
Rhone	John Pandeni	
Omuzemc	John Pandeni	
Swan	John Pandeni	
Omungongo	John Pandeni	
Omuryangava	John Pandeni	
Omue	John Pandeni	
Ongurukwena	John Pandeni	
Ombwindja	John Pandeni	

Phase 4 consists of the following Streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 4		
Ondjou Street	Moses Garoeb	Constructed
Ombungu	Moses Garoeb	
Omuze	Moses Garoeb	
Ondje	Moses Garoeb	
Omuryangava	Moses Garoeb	
Omurunga	Moses Garoeb	
Onyati	Moses Garoeb	
Ombanje/Ongwe	Moses Garoeb	
Ombandje 1	Moses Garoeb	
Ohwa	Moses Garoeb	
Ongandu	Moses Garoeb	
Otjitotongwe	Moses Garoeb	
Ohima	Moses Garoeb	
Katutura, Erf 4970 Street	Moses Garoeb	
Katutura, Erf 2117 Street 1	Moses Garoeb	
Katutura, Erf 2117 Street 2	Moses Garoeb	

Phase 5 consists of the following Streets:

Road/Street	Constituency	Conventional construction
Contract: Northern Suburbs Phase 5		
Hwang Ho Street,	Moses Garoeb	Constructed
Potomac Street	Moses Garoeb	
Ohio Street,	Moses Garoeb	
Otjindombo Street	Moses Garoeb	
Okaseni Street,	Moses Garoeb	
Omenje Street,	Moses Garoeb	
Orukwenyaere Street,	Moses Garoeb	
Ongeyama Street	Moses Garoeb	

Phase 6 consists of the following Streets:

Roads/Streets	Constituency	Conventional construction
Contract: Northern Suburbs Phase 6		
Okuryangava		Constructed
Etanga	John Pandeni	
Orusu	John Pandeni	
Omungondo	John Pandeni	
Omukaru	John Pandeni	
Wanaheda Extension 6		
Darling	Samora Machel	
Tigris	Samora Machel	
Ganges	Samora Machel	
Indus	Samora Machel	
Thames	Samora Machel	

Phase 7 consists of the following Streets:

Roads/Streets	Constituency	Conventional construction
Contract: Northern Suburbs Phase 7		
Wanaheda Extension 7		Constructed
Yukon	Samora Machel	
Saskatchewan	Samora Machel	
Missouri	Samora Machel	
Uruguay	Samora Machel	
Amazon	Samora Machel	
Orinoco	Samora Machel	
Parana	Samora Machel	
Wanaheda Extension 8		
Maseru	Samora Machel	
Kigali	Samora Machel	
Gaberone	Samora Machel	
Pretoria	Samora Machel	
Lusaka	Samora Machel	
Lilongwe	Samora Machel	
Harare	Samora Machel	

[Management Committee Minutes: 2017-04-04]

REP.3

**[INF] REPORT ON NORTHERN SUBURBS
TARRING PROGRAMME
(8/1/2/5/20)**

It was

RESOLVED

- 1 That the following resolutions be noted:
 - 1.1 Management Committee Item REP.2 dated 2 August 2010 (Report on Northern Suburbs Tarring Programme for 2010/2011 - Phase 6);
 - 1.2 Council Resolution 428/11/2014 dated 25 November 2014 (Report on Northern Suburbs Tarring Programme for 2014/2015 - Phases 7, 8 and 9); and
 - 1.3 Management Committee Item REP.2 dated 1 February 2017 (Report on reasons for delay on commencement - Phase 8).
- 2 That the Departmental Report of the Strategic Executive: Infrastructure, Water and Technical Services, attached as pages 198 - 210 to the agenda, with regard to the tarring programme in the Northern Suburbs of Windhoek, be noted.
- 3 That it be noted that the additional funds for completion of the omitted work on Section 3 of the Northern Suburb Collectors (Phase 2) project for the 2017/2018 Financial Year is estimated at ± N\$26 million.
- 4 That it be noted that the additional funds for completion of outstanding work on the Phase 7 contract with a replacement Contractor is estimated at ± N\$18 million.
- 5 That the streets previously approved for Phase 8 of the tarring programme be noted and rolled over to commence with construction in the 2017/2018 Financial Year, at an estimated project cost of ± N\$35 million.
- 6 That the streets previously approved for Phase 9 of the tarring programme be reapproved for design during the 2017/2018 Financial Year and construction during the 2018/2019 Financial Year (construction to commence in September 2019) at an estimated project cost of ± N\$65 million.
- 7 That it be noted that Kitchener (1.69 kilometre) and Beijing (0.45 kilometre) Streets have been added to Phase 9 as 'arterial and collector' streets, and that it be approved as such.
- 8 That it be noted that the intention in future would be that all 'arterial and collector' streets should be bituminous surfaced with the development of any new township(s).

- 9 That the following list of streets be approved for design and construction as Phase 10 of the tarring programme, for design in the 2018/2019 Financial Year and construction during the 2019/2020 Financial Year (construction to commence in September 2019) at an estimated project cost of ± N\$45 million:

Road/Street	Constituency	Conventional construction
2019/2020		
Contract: Northern Suburbs Phase 10		
Construction estimate: N\$45 million		
Goreangab Extension 3		
Barlett	Samora Machel	Design and construct
Kenney Dam	Samora Machel	
Hoover	Samora Machel	
Dalleo	Samora Machel	
Coffee Dam	Samora Machel	
Guddu	Samora Machel	
Dokan	Samora Machel	
Daan Viljoen	Samora Machel	
Mica	Samora Machel	
Hardap	Samora Machel	
Jinja Dam	Samora Machel	
Von Bach	Samora Machel	
Midmar	Samora Machel	
Kainji	Samora Machel	
Itaipu	Samora Machel	
Omaheke	Samora Machel	
Omusati	Samora Machel	
Ohangwena	Samora Machel	
Otjozondjupa	Samora Machel	
Fort Peck	Samora Machel	

- 10 That the Strategic Executive: Infrastructure, Water and Technical Services provide Councillors with the projection for consulting and design fees, as well as a breakdown of the design and construction costs under the various phases, for information.
- 11 That a 'rolling budget' be implemented by means of which some continuity in the planning and scheduling of these construction projects in the northern suburbs can be facilitated.

Financial implications

Funds required

Financial year	Description	Amount
2017/2018 Budget	Completion of Section 3 (collector roads) and outstanding work: Northern Suburbs (Phase 7) (residential streets)	N\$44 million to be budgeted
2018/2019 Budget	Surfacing residential streets: Northern Suburbs (Phase 8)	N\$35 million to be budgeted
2019/2020 Budget	Surfacing both collector and residential streets: Northern Suburbs (Phase 9)	N\$65 million to be budgeted
2020/2021 Budget	Surfacing residential streets: Northern Suburbs (Phase 10)	N\$45 million to be budgeted

17 August 2022



MOTION ON THE STATUS OF INFORMAL TRADING MARKETS IN WINDHOEK

I am fully cognizant of the fact that I serve as a standing member of the council's advisory committee on Economic Development, Public Safety and Citizens Welfare. However, I find it hard to ignore the woeful trading status and compromised hygiene levels of the existing informal trading markets in Windhoek. I find this to be an appalling and inhumane to say the least. In fact, the precarious situation also means that, as a City, we are not in compliance with the United Nation's Agenda 2030 Sustainable Development Goals, specifically goal number 11 which implores us to make cities and human settlements more inclusive, safe, resilient and sustainable. Furthermore, this goal also calls for cities to be transformed into hubs for commerce, human and economic development activities. Thus, the purpose of this motion is therefore to advocate for Council to revisit the plan of action for the trading markets, including the hygiene status of the existing Markets, in order for us to fully comply with the provisions of this very important goal.

Having reflected on our mandate over the past years, we promised our people that we will improve the delivery of municipal services as well as develop adequate infrastructure and subsequently boost economic growth and help create much needed jobs through. We committed to building sustainable communities with clean, healthy, safe and conducive environments for our residents to trade in order to make ends meet. By so doing, our people will create a safety net of social services while at the same time restoring their dignity. I acknowledge the fact that council, like any other organization, lacks adequate funds to execute implementation of the activities as contained in the strategic plan. However, it's my strong believe that with the minimum funds at our disposal, with better and grassroot planning amongst others, addressing these informal trading must remain an area that deserve much of our attention.

Honorable Councilors, respected officials

The reality on the ground is that there are simply no adequate informal trading areas in Windhoek. The few that are there are simply not enough and some are located away from the target market, bus terminals, taxi ranks and other economic hubs to cater for our residents economically. Hence,

our people are scattered all around town trading at areas which are not designated as trading spaces and in the process, this often leads to confrontation between traders and law enforcement agencies who are simply doing their job through enforcing the laws and by-laws as per their existential mandate.

As a critical example of many others, Tukondjeni Market at Stop and Shop in Ondoto street, Okuryangava. I acknowledge the day-to-day economic activities taking place there, however, traders are selling their goods in an order less manner at the expense of shop owners.

While conducting my research on this motion two months ago, I visited the market where I had the chance to engage with traders to hear their challenges. The outcome of this one on one interview indicated as follows:

- The majority of the regulated and paid-up traders who were accorded trading space in Tukondjeni Market feels unfairly treated because illegal traders who trade the same product (vegetables and fruits) to the same consumers as them are allowed to trade within the vicinity of the Ondoto Street which is adjacent to Tukondjeni market. This situation often results into the consumers not reaching the regulated traders in the market, which forces those in the markets to move out to compete for clients in Ondoto Street. This unbearable situation results in both legal and illegal traders transgressing laws and by-laws related to traffic flow, unhygienic conditions and general lawlessness.
- On their side, the illegal traders most especially those trading in second hand clothing, cosmetics and other products are arguing that due to lack open markets space within a confined market related and economic hubs, they are forced to trade on the sidewalks, parking lots and in front of the shops to “ambush” the potential customers who are coming for shopping, be it in the open Market, Shoprite, Namica, Pep store and furniture retails just to mention a few. Classical example are two students from NUST and UNAM who are venturing in second hand clothing explains that they are normally trading between 05h30 and 13h00 targeting morning customers. Furthermore, they informed me that they have been paying their tuition fees for the past three years from selling second hand clothes in Ondoto street. They don’t want to moved anywhere else because they have established their cliental contacts and have been managing to live off this business in that given illegal trading area.

- **Shop Owners:** during the interview, the shop owners complained about the illegal traders blocking entries to their shops, thereby making it difficult for potential customers to access their shops. The sidewalks through which potential customers were supposed to walk and access their shops are blocked by illegal traders

Informal Trading Space in the Central Business District (CBD)

With regard to the informal trading in the CBD, the question for determination is why do residents choose to trade on spaces not designated for that purpose. However, what is true is that these illegal trading are degrading the face value of the CBD. These unregulated activities contribute to the unhygienic conditions in the whole city, particularly in the CBD.

Clearly, these illegal trading activities are happening because of the lack of appropriate and adequate open markets in the CBD. Therefore, as Council, we need to think about creating state of the art informal/open markets in the CBD.

The situation of the lack of appropriate and adequate open markets prompts residents to occupy sidewalks, thereby forcing pedestrians to walk on the roads. Similarly, these illegal traders, many a time, set up their trading spaces in front of the formal shops, which shops also sell the same or similar products as these shops in the end, these shop owners/ business owners are obligated to pay to Council and NAMRA rates and taxes such as business registration fees, water consumption, electricity consumption, etc.

Honourable Councillors, Ladies and Gentlemen

The status of the majority of the existing trading markets leaves a lot to be desired, particularly when it comes to hygiene and their locations.

Open/Informal Markets Development Master Plan

Ever since we joined Council, we have been hearing about the Open/Informal Markets Development Master Plan being drafted for preparation to Council by the custodian department. However, to date, such Master Plan has not yet been presented to us. This is just another

demonstration that we attach less importance to the development of trading markets for our residents. One wonders whether this Master Plan will ever become a reality.

Planning Process in the City

It is my strong conviction that our planning processes in the city does not give due attention or priority to open/informal trading areas, bus terminal and taxi ranks. We approve shopping malls/hubs to be built in the City, however we do not make provision for open/informal trading areas, bus terminal and taxi ranks.

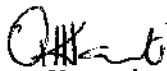
As are all aware, these economic activities are intertwined and it has been proven that they can be mutually-beneficial under the right conditions. For example, a mode of transport for residents who work in a particular mall is either busses or taxis, a resident who visits a mall to buy shoes would also want to buy some onions or tomatoes near the same mall so that he/she only use one-way transport back home.

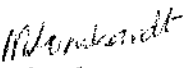
The City of Windhoek and Oshakati Town Council renewed the cooperation agreement July 2022, one the area of cooperation is *Local Economic Development and Tourism Promotion*. The City of Windhoek needs to send Council for benchmarking at Oshakati Town Council. The City (Economic Development and others relevant divisions) needs to look at the location of the open market, the shopping hubs around it and the bus terminals and taxi ranks that are located around it. Part of the benchmarking should also look at the income generated by the vendors.

I therefore recommend the following:

1. That Council should consider reserving the piece of land north of Wernhill Shopping Mall for development of the state-of-the-art Informal market, Bus Terminal and Taxi Rank.
2. That Council should consider the development of a modern informal Market and Taxi rank on the land west of Shoprite (Shoprite Parking/Taxi rank)
3. That Council should consider making the development of trading Markets, bus terminals and taxi ranks requirements before approving future applications for shopping malls.

4. That a benchmark visit should be undertaken to Oshakati Town Council to view the layout and the demarcation of the Oshakati Open Market.
5. That Council takes deliberate action to impose hygiene standards on business owners to ensure that the trading areas are kept clean.
6. That given the unhygienic conditions, the chaos and disorganization at the Tukondjeni open Market and its surroundings, Council should intervene to find lasting solutions and subsequently invoke targeted interventions aimed at improving the setup, because this place has become an eyesore.
7. ACEO to submit to council without delay the Informal Markets Developmental Master Plan for Council to provide direction.

Proposed By: 
Queen Omagano Kamati
City of Windhoek Councillor

Seconded By: 
Magdalena Lombardt
City of Windhoek Councillor

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23 August 2022

Honourable Councillor Ms QO Kamati
CITY OF WINDHOEK

Dear Honourable Kamati,

RE: MOTION ON THE STATUS OF INFORMAL TRADING MARKETS IN WINDHOEK

Your Motion dated 17 August 2022 but received on 22 August 2022 of which the content has been noted, is herewith being acknowledged.

As per the relevant provisions of the Standing Rules of Order, the Motion will be placed on the agenda of the ordinary Council meeting scheduled to be held on 31 August 2022.

Trust that you find this in order.

Yours sincerely,

Mr O'brien Hekandjo
ACTING CHIEF EXECUTIVE OFFICER



cc *Chairperson of Council*
 Deputy Chairperson of Council
 All Honourable Councillors