

DOCUMENT 1

# CITY OF WINDHOEK

✉ 59, Windhoek

☎ +264 61 2902911

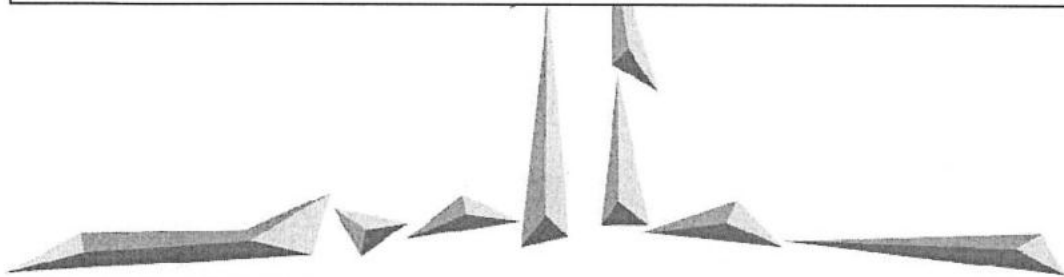


**NOTICE** is hereby given of the monthly meeting of the

## **MUNICIPAL COUNCIL OF WINDHOEK**

scheduled to be held on **Tuesday, 31 May 2022 at 17:30**, in the new Council Chambers, Windhoek.

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



**ENQUIRIES:** Ms M Garises /pek  
Ms T Edward

**REF:** 31-05-2022.ca

**TELEPHONE:** 2902557/2902597

**DATE:** 2022-05-23

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[Municipal Council Agenda: 2022-05-31]

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

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[Municipal Council Agenda: 2022-05-31]

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

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**3**  
**CONFIRMATION OF MINUTES**

[Municipal Council Agenda: 2022-05-31]

**3.1**  
**SPECIAL MUNICIPAL COUNCIL  
MEETING HELD ON 10 MAY 2022**  
(3/1/5/1)

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

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[Municipal Council Agenda: 2022-05-31]

**3.2**  
**MUNICIPAL COUNCIL MEETING  
HELD ON 16 MAY 2022**  
(3/1/5/1)

The minutes of the monthly meeting of the Municipal Council of Windhoek held on 16 May 2022 are submitted for confirmation.

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[Municipal Council Agenda: 2022-05-31]

**3.3**  
**SPECIAL MUNICIPAL COUNCIL  
MEETING HELD ON 23 MAY 2022**  
(3/1/5/1)

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

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[Municipal Council Agenda: 2022-05-31]

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

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[Municipal Council Agenda: 2022-05-31]

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

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[Municipal Council Agenda: 2022-05-31]

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

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[Municipal Council Agenda: 2022-05-31]

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

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[Municipal Council Agenda: 2022-05-31]

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

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**9 OUTSTANDING MATTER ARISING FROM  
THE MANAGEMENT COMMITTEE MEETING  
(MC 06/2022) HELD ON 6 APRIL 2022**

[Municipal Council Agenda: 2022-05-31]

**9.1 ITEM GOV.9 [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.*

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**10 OUTSTANDING MATTERS ARISING  
FROM THE COUNCIL MEETING  
HELD ON 16 MAY 2022**

[Municipal Council Agenda: 2022-05-31]

**10.1 ITEM 9.4.1 - GOV.2 [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.*

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[Municipal Council Agenda: 2022-05-31]

**10.2 ITEM 9.4.2 - GOV.3 [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.*

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## 11 MINUTES OF MANAGEMENT COMMITTEE

[Municipal Council Agenda: 2022-05-31]

### 11.1 APPROVAL OF MINUTES (MC 08/2022)

The minutes of the Management Committee meeting (MC 08/2022) held on 11 May 2022 was approved by the said Committee on 19 May 2022 and is submitted for notice with the exception of Items FNS.1, FNS.2, FNS.3 and IND .1, which follow immediately hereunder for consideration.

It is

#### RECOMMENDED

That the minutes of the Management Committee meeting (MC 08/2022) held on 11 May 2022, be noted with the exception of Items FNS.1, FNS.2, FNS.3 and IND .1.

-----  
[Municipal Council Agenda: 2022-05-31]

#### 11.1.1 FNS.1 [HPH] REQUEST TO SELL ERF 426, GOREANGAB EXTENSION 1 TO MS HERTHA SHILONGO (L/426/GG)

##### Introduction

The purpose of this submission is to seek Council's approval to sell Erf 426, Goreangab Extension 1 to Ms Hertha Shilongo. The submission further seeks Council's approval thereof.

##### Background

\*\*\*

Council per Resolution 97/05/2019, **attached as page 1 to the agenda**, approved the sale of Erf 20, Goreangab to Ms Hertha Shilongo on private treaty merits. The Ministerial approval to sell the aforesaid erf was obtained from the line Ministry as per the letter dated 20 April 2020, **attached as page 2 to the agenda**. While waiting for the approval letter, the Property Management Division conducted a site inspection and discovered that the erf is illegally occupied. Due to financial implications involved in obtaining Court Order and the lengthy process involved, an alternative erf was identified for allocation to Ms Hertha Shilongo. It is worth noting that the alternative erf was sought partly because the client was constantly persisting on getting a solution to the problem reiterated above.

### **Allocation of an alternative erf**

\*\*\* Erf 426, Goreangab Extension 1 ( $\pm 200 \text{ m}^2$  in extent) is vacant and available. It is therefore recommended that the said erf be sold to Ms Hertha Shilongo at the purchase price of N\$61 000.00 as determined by the Manager: Valuation Services, as indicated on the Valuation Certificate dated 28 May 2021, **attached as page 3 to the agenda**, in line of Erf 20, Goreangab that has approved for allocation to her in terms of Council Resolution 97/05/2019, **attached as page 1 to the agenda**.

\*\*\* Furthermore, it is worth noting that as per the affordability appraisal conducted on the purchase price, **attached as page 4 to the agenda**, and the pay slip of Ms Hertha Shilongo, **attached as page 5 to the agenda**, indicates that the latter only qualifies to purchase an erf worth N\$46 114.00. However, paragraph 5 of Council Resolution 97/05/2019 inter alia states that Ms Hertha Shilongo paid arrears of N\$31 605.23 and that this amount will be deducted from the purchase price of Erf 20, Goreangab hence the same amount will be deducted from the purchase price of N\$61 000.00 which will be paid towards Erf 426, Goreangab Extension 1. After the said amount is deducted the remaining amount which is N\$29 394.80 will then be what Ms Hertha Shilongo should pay for Erf 426, Goreangab Extension 1. This means that she will not be required to pay a top-up deposit.

### **Matter emanating from the Strategic Executives Forum meeting held on 20 January 2022**

#### **Occupation on a lease basis**

It should be noted that should the applicant wish to take occupation of Erf 426, Goreangab Extension 1 ( $\pm 200 \text{ m}^2$  in extent) prior to the conclusion of the sale thereof that Erf 426, Goreangab Extension 1 ( $\pm 200 \text{ m}^2$  in extent) be leased to the applicant at a monthly rental of N\$245.00 which is 10 % of the purchase price of N\$29 394.80 subject to an annual escalation in line with the Namibia Inflation Rate and that the rental not be set off against the purchase price.

#### **Illegal occupation of land**

The Department of Housing, Property Management and Human Settlement is currently in the process of submitting an item to Council reflecting on ways how to get a solution on the issue of illegal occupation of Council serviced land. Erf 20, Goreangab is forming part of the submission.

#### **Payment of occupational rent**

Occupational rent only apply once the applicant occupies the property which is not currently the case. Occupation rent will be charged as indicated above once the applicant occupies the property before the sale is concluded.

#### **Property description**

Erf 426, Goreangab Extension 1 ( $\pm 200 \text{ m}^2$  in extent) is zoned 'residential' and is situated in Hilda Street.

### Site inspection

A site inspection was conducted on 8 April 2022. It was discovered that Erf 426, Goreangab Extension 1 is vacant.

### Deeds Office search and credit check

\*\*\* A credit check and Deeds Office search, **attached as pages 6 - 7 to the agenda**, were conducted and they both revealed that Ms Hertha Shilongo does not have any property registered in her name and has a sound credit rating with the City.

### Conclusion

\*\*\* Given the above scenario, the alternative erf should be allocated to Ms Hertha Shilongo because Erf 20, Goreangab that was supposed to be allocated to her through Council Resolution 97/05/2019, **attached as page 1 to the agenda**, has been occupied illegally. The purchase price should be N\$29 394.80 which is the remaining amount after the N\$31 605.23 have been deducted from the said purchase price. It is also proposed that given the risk of illegal invasion of the properties, that approval be given to Ms Hertha Shilongo to take occupation of Erf 426, Goreangab Extension 1 pending the finalisation of the sale and that Ms Hertha Shilongo pays monthly occupational rent of N\$245.00 which is 10 % of the purchase price of N\$29 394.80, subject to an annual escalation in line with the Namibia Inflation Rate and that the rental not be set off against the purchase price.

Management Committee, having considered the application

### RECOMMENDED

- \*\*\*
- 1 That the allocation of Erf 20, Goreangab to Ms Hertha Shilongo per Council Resolution 97/05/2019, attached as page 1 to the agenda, and subsequent Ministerial approval, be noted.
  - 2 That it further be noted that Erf 20, Goreangab is illegally occupied, and given the situation coupled with a lengthy eviction process, Erf 426, Goreangab Extension 1 was identified as suitable replacement.
  - 3 That Erf 426, Goreangab Extension 1 be sold to Ms Hertha Shilongo for an amount of N\$29 394.80, which is the amount after N\$31 605.23 paid by Ms Hertha Shilongo as arrears to the Municipal Council of Windhoek has been deducted from the purchase price of N\$61 000.00.
  - 4 That a pre-emptive right of seven (7) years in favour of the City be registered against the Deed of Sale for Erf 426, Goreangab Extension 1.
  - 5 That should Ms Hertha Shilongo fail to pay the first deposit required within three (3) months, prior to the signing of the Deed of Sale, the sale be cancelled.
  - 6 That given the risk of illegal invasion of the properties, approval be granted to Ms Hertha Shilongo to take occupation of Erf 426, Goreangab Extension 1, pending the finalisation of the sale.

- 7 That should the applicant take occupation of Erf 426 ( $\pm 200 \text{ m}^2$  in extent), Goreangab Extension 1, prior to the conclusion of the sale thereof that Erf 426 ( $\pm 200 \text{ m}^2$  in extent), Goreangab Extension 1 be leased to the applicant, pending the sale, at 10 % of the purchase price which is N\$29 394.80, thus at a monthly rental of N\$245.00, further subject to the annual escalation in line with the Namibia Inflation Rate and that the rental not set off against the purchase price.
- 8 That the sale of Erf 426 ( $\pm 200 \text{ m}^2$  in extent), Goreangab Extension 1 be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 9 That the sale of Erf 426 ( $\pm 200 \text{ m}^2$  in extent), Goreangab Extension 1 be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 10 That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 11 That the resolution be implemented prior to confirmation of the minutes.

#### Financial implications

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

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[Municipal Council Agenda: 2022-05-31]

#### 11.1.2

#### **FNS.2 [HPH] APPLICATION TO PURCHASE A PORTION OF ERF 2619, WANAHEDE EXTENSION 4 FOR CONSOLIDATION WITH ERF 2727, WANAHEDE EXTENSION 4 (L/R/2619/Wan) (L/2727/Wan)**

##### **Introduction**

The purpose of this item is to submit to Council an application received from Mr Gottlob Katjirua, the owner of Erf 2727, Wanaheda Extension 4 to purchase a portion of Erf R/2619, Wanaheda Extension 4 for consolidation with Erf 2727, Wanaheda Extension 4 and to seek Council's approval thereof.

##### **Application**

\*\*\*

An application dated 3 December 2014, **attached as pages 8 - 9 to the agenda**, was received from Mr Gottlob Katjirua, the owner of Erf 2727, Wanaheda Extension 4, to purchase a portion of Erf R/2619, Wanaheda Extension 4 for consolidation with Erf 2727, Wanaheda Extension 4. Mr Gottlob Katjirua is a Namibian Citizen as evidenced by his Identity Document, **attached as page 9 to the agenda**.

### **Delays in submitting the application before Council**

The cause of delay on finalising the item to Council are two-fold:

- Comments are being received on individual e-mail, which causes the next administrator to restart the circulation process all over again, because the previous comments provided cannot be traced; and
- There is no proper recording system for applications received before 2017. Some applications are only being traced once clients follow-up.

However, the Strategic Executive: Housing, Property Management and Human Settlement initiated a new application system to ease the current predicaments hindering the finalisation of all land applications.

Given the above, it is worth noting that this application was circulated on 20 August 2015. Last comments were received in 2019. A submission was prepared afterwards, but could not be finalised on time; hence, the item is only submitted to Council now.

### **Property descriptions and locality**

Erf R/2619, Wanaheda Extension 4 is zoned 'public open space', is  $\pm 6\,491\text{ m}^2$  in extent, and is situated in Omongo Street.

Erf 2727, Wanaheda Extension 4 is zoned 'residential' with a density of 1:500  $\text{m}^2$ , is  $\pm 1\,296\text{ m}^2$  in extent, and is situated in Ondondu Street.

\*\*\* The locality plan indicating the erven is **attached as page 10 to the agenda**.

### **Technical comments**

\*\*\* The application was received and circulated to the Strategic Executives for comments, **attached as pages 11 – 16 to the agenda**, and the following were received:

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

#### **- Technical Support**

There is no objection to the application: Provided:

- That should any electrical infrastructure on the sidewalk need to be relocated to accommodate a new access to the consolidated erf, all cost related thereto be for the applicant's account.
- That only one (1) service connection from the municipal electrical network be allowed to the consolidated erf, and further distribution be done from the main board.
- That only one (1) additional meter be allowed for an approved flat on erven zoned 'residential'.

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

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

No water and sewer services are affected for a 10 metre portion. Any further water requirements shall be for the applicant's account.

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

- **Environmental Management**

There is no objection to the purchase of a 10 metre portion. It should however be noted that Erf R/2619, Wanaheda Extension 4 is zoned 'public open space' and the rezoning of a 'public open space' to any other land use is a listed activity in the Environmental Management Act, 2007 (Act 7 of 2007) and thus requires environmental clearance. The applicant should therefore obtain such clearance from the Environmental Management Division of the City once the application has been approved by Council.

- **Parks**

The application is not supported. Erf R/2619, Wanaheda Extension 4 is reserved as a trail/path. The sale of a 10 metre portion will restrict the movement in the future trail/path.

Erf R/2619, Wanaheda Extension 4 is centrally located to a high density residential area. In addition, it has access from four (4) different streets: Omongo, Erindi, Osjikere and Ondundu Streets. It has a steep slope which limits park development but is still ideal for conservation as a green site for the immediate community to enjoy, particularly the widest portion to the west. In these rushed and stressful modern times, it is easy to under-estimate the importance of open spaces and greenery towards the wellness of our residents. This division would rather recommend that 5 metre portion be allocated to adjacent erven, but only where the access to the abovementioned streets is not hindered. 10 metre portions would be excessive a lead to splintered remainders and blocking of access.

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

- **Urban Planning**

Erf R/2619, Wanaheda Extension 4 is zoned 'public open space' and is  $\pm 6\,491\text{ m}^2$  in extent.

Erf 2727, Wanaheda Extension 4 is zoned 'residential' with a density of 1:500  $\text{m}^2$  and is  $\pm 1\,296\text{ m}^2$  in extent.

The proposed portion is  $\pm 132 \text{ m}^2$  in extent and should be subdivided from Erf R/2619, Wanaheda Extension 4. The proposed portion should be consolidated with Erf 2727, Wanaheda Extension 4 and the consolidated erf will be  $\pm 1\,428 \text{ m}^2$  in extent.

There is no objection to the subdivision of a 5 metre portion of Erf R/2619, Wanaheda for consolidation purposes with Erf 2727, Wanaheda Extension 4, subject to the comments of the Strategic Executives: Infrastructure, Water and Technical Services; and Economic Development and Community Services: Provided:

- That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.
- That Erf R/2619, Wanaheda Extension 4 be subdivided into the proposed Portion A and the Remainder as indicated on Subdivision Plan PDT/2727WAN dated 2 November 2012, and the same plan be submitted to the Ministry of Urban and Rural Development.
- That the proposed Portion A be closed as public open space in line with section 50(1)(c) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- That the City prepare the closure notices for the applicant.
- That the applicant advertise the intended closure as per section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and follow all other requirements of section 50.
- That the applicant be responsible for all the cadastral town planning applications to the Ministry of Urban and Rural Development.
- That the applicant submit copies of the approved erf diagrams to the Strategic Executive: Urban and Transport Planning upon approval of the subdivision and consolidation.
- That in terms of clause 5(3) of the Windhoek Town Planning Scheme, the subdivided portion assume the same zoning of Erf 2727, Wanaheda Extension 4 upon consolidation.
- That the current conditions registered against Erf 2619, Wanaheda Extension 4 be replaced with the usual short standard conditions of the Municipality, including a minimum building value as stipulated in clause 39 of the Windhoek Town Planning Scheme.

- **Traffic Flow**

There is no objection to the proposed subdivision of Erf R/2619, Wanaheda Extension 4 into Portion A (5 metre wide,  $\pm 132 \text{ m}^2$  in extent) and the Remainder and the subsequent consolidation of Portion A with Erf 2727, Wanaheda Extension 4.

The Parks Division have indicated that only a 5 metre wide portion of Erf R/2619, Wanaheda Extension 4 is supported for consolidation with Erf 2727, Wanaheda Extension 4.

An Urban Arterial Account (UAA) contribution is not applicable.

- **Roads and Stormwater Design**

The site was investigated and the following can be reported:

- Erf 2727, Wanaheda Extension 4 has a downward slope from the north into a southerly direction;
- The proposed portion of Erf R/2619, Wanaheda Extension 4 has a downward slope from the north into a southerly and south westerly direction;
- The southern part of Erf R/2619, Wanaheda Extension 4 along the northern boundary of Erf 2727, Wanaheda Extension 4 is a high point; and
- There is no evidence of stormwater systems crossing the erf except for surface stormwater flow.

The Parks Division have indicated that only a 5 metre wide portion of Erf R/2619, Wanaheda Extension 4 is supported for consolidation with Erf 2727, Wanaheda Extension 4.

There is no objection to the subdivision of the proposed Portion A of Erf R/2619, Wanaheda Extension 4 into the proposed Portion A (5 metre wide) and the Remainder and the subsequent consolidation of the proposed Portion A of Erf R/2619 with Erf 2727, Wanaheda Extension 4: Provided:

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.
- That access is to the satisfaction of the Strategic Executive: Urban and Transport Planning.

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

### - Valuations

\*\*\*

Portion A of the Remainder of Erf 2619, Wanaheda Extension 4 is  $\pm 132 \text{ m}^2$  in extent and after consolidation with Erf 2727, Wanaheda Extension 4, the size of the consolidated erf would be  $\pm 1\,428 \text{ m}^2$  in total. The development potential of the consolidated erf would not be enhanced, hence, the value payable is half the market price of N\$335.00/m<sup>2</sup> or N\$44 220.00 being N\$167.50/m<sup>2</sup> or N\$22 110.00 in total, as indicated on the Valuation Certificate dated 31 March 2022, **attached as page 17 to the agenda**, in line with the provisions of Council Resolution 276/08/2004, **attached as page 18 to the agenda**, given that the development potential is not enhanced.

Should the owner of Erf 2727, Wanaheda Extension 4 wish to take occupation of Portion A ( $\pm 132 \text{ m}^2$  in extent) of the Remainder Erf 2619, Wanaheda Extension 4 prior to the conclusion of the sale, it could be leased to the applicant once the preliminary diagrams are available, pending the finalisation of the sale, at a monthly rental of N\$184.25.

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

### - Property Management

There is no objection to the subdivision of Erf R/2619, Wanaheda Extension 4 into Portion A ( $\pm 132 \text{ m}^2$ ) and the Remainder of Erf 2619, Wanaheda Extension 4 and the sale of Portion A ( $\pm 132 \text{ m}^2$ ) to the owner of Erf 2727, Wanaheda Extension 4 for consolidation purposes: Provided:

- That the sale be in according to the Public Open Space Policy.
- That it be noted that only a once off 10 metre portion may be acquired as per paragraph 8.10 of Council Resolution 251/07/2001, **attached as pages 19 - 22 to the agenda**.

\*\*\*

### Site inspection

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A site visit was conducted on 5 April 2022, and it was found that there are no encroachments or any activities on the applied Portion A, as indicated on the photographs, **attached as pages 23 - 24 to the agenda**.

### Neighbours' consent

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The favourable consent, **attached as pages 25 - 27 to the agenda**, was received from the owner of Erf 2564, Wanaheda Extension 4 who is adjacent to Erf 2727, Wanaheda Extension 4.

## Conclusion

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Given the above technical comments together with the application submitted, the item is hereby submitted to Council for consideration. It is further proposed that the application be approved and that Erf R/2619, Wanaheda Extension 4 be subdivided into Portion A ( $\pm 132 \text{ m}^2$  in extent) and the Remainder as indicated on Subdivision Plan PTD/2727/WAN, **attached as page 28 to the agenda.**

Management Committee, having considered the application

## RECOMMENDED

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- 1 That Erf R/2619, Wanaheda Extension 4 be subdivided into Portion A ( $\pm 132 \text{ m}^2$  in extent) and the Remainder as indicated on Subdivision Plan PTD/2727/WAN, **attached as page 28 to the agenda.**
- 2 That the proposed Portion A ( $\pm 132 \text{ m}^2$  in extent) of Erf R/2619, Wanaheda Extension 4 be sold to the owner of Erf 2727, Wanaheda Extension 4 for consolidation purposes.
- 3 That Portion A ( $\pm 132 \text{ m}^2$  in extent) of Erf R/2619, Wanaheda Extension 4 be closed as a public open space in terms of section 50(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
  - 3.1 That the City prepare the closure notice and that the applicant/owner of Erf 2727, Wanaheda Extension 4, at own cost, be responsible for inserting the notice in the media, placing a copy on-site and for distribution to affected neighbours.
  - 3.2 That proof of successful advertising be provided to the Strategic Executive: Urban and Transport Planning before the transfer process.
- 4 That Portion A ( $\pm 132 \text{ m}^2$  in extent) of Erf R/2619, Wanaheda Extension 4 be consolidated with Erf 2727, Wanaheda Extension 4 into one (1) erf, simultaneously with transfer.
- 5 That the standard conditions registered against Erf 2727, Wanaheda Extension 4 be retained against the consolidated erf.
- 6 That upon consolidation, Portion A ( $\pm 132 \text{ m}^2$  in extent) of Erf R/2619, Wanaheda Extension 4 assume the same zoning as Erf 2727, Wanaheda Extension 4, being 'residential' with a density of  $1:500 \text{ m}^2$ , in terms of clause 5(3) of the Windhoek Zoning Scheme.
- 7 That the applicant/owner of Erf 2727, Wanaheda Extension 4 obtain an Environmental Management Clearance Certificate from the Acting Strategic Executive: Economic Development and Community Services in terms of the Environmental Management Act, 2007 (Act 7 of 2007).
- 8 That the applicant/owner of Erf 2727, Wanaheda Extension 4 be responsible for the town planning and cadastral procedures, i.e. closure, subdivision, consolidation, survey and registration of the newly consolidated erf and all costs involved.

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- 9 That, after obtaining the Environmental Management Clearance Certificate and successful completion of the closure, town planning and cadastral procedures, Portion A ( $\pm 132 \text{ m}^2$  in extent) of Erf R/2619, Wanaheda Extension 4 be sold to the owner of Erf 2727, Wanaheda Extension 4 for consolidation purposes at half of the market price of N\$160.00/m<sup>2</sup> or N\$21 120.00 in total in terms of Council Resolution 276/08/2004, **attached as page 18 to the agenda**, and as per the signed Valuation Certificate, **attached as page 17 to the agenda**, given that the development potential is not enhanced.
- 10 That in terms of Council Resolutions 183/08/2021 and 184/08/2021, all funds generated from the sale resulting from the subdivision of public open spaces be used exclusively (unless with consent of Council), for the development of public open spaces.
- 11 That the sale of Portion A of Erf R/2619, Wanaheda Extension 4 be subject to the following conditions:
  - 11.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
    - 11.1.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
      - The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
      - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
    - 11.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
  - 11.2 That access be to the satisfaction of Strategic Executive: Urban and Transport Planning.
  - 11.3 That should any municipal electrical infrastructure on the sidewalk need to be relocated to accommodate a new access to the erf, all costs involved be for the applicant's own account.
  - 11.4 That only one (1) service connection and one (1) meter point be allowed from the municipal electrical network.
  - 11.5 That only one (1) additional meter point be allowed for an approved flat on erven zoned 'residential'.
  - 11.6 That the use of the land and building (s) comply with the provisions of the Windhoek Town Planning Scheme.

- 11.7 That only one (1) 5 metre portion be acquired by the adjacent owner of Erf 2727, Wanaheda.
- 12 That no access be acquired over the public open space.
- 13 That the applicant/owner of Erf 2727, Wanaheda Extension 4:
  - 13.1 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement not later than six (6) months from the date of this Council Resolution that the Environmental Management Clearance Certificate has been obtained and the proposed closure, subdivision and consolidation have been submitted to the Urban and Regional Planning Board for consideration.
  - 13.2 Submit proof to the Strategic Executive: Housing, Property Management and Human Settlement within sixty (60) days after the issuing of the Closure, Subdivision and Consolidation Certificate that a Surveyor has been appointed.
  - 13.3 Submit draft erf diagrams to the Strategic Executive: Housing, Property Management and Human Settlement within three (3) months after appointment of the Surveyor, indicating that the survey has been completed and that the diagrams have been submitted to the Surveyor General for approval.
  - 13.4 Sign the Deed of Sale not later than sixty (60) days after the approval of the diagrams by the Surveyor General and having been requested to do so by the Strategic Executive: Housing, Property Management and Human Settlement and pay the purchase price.
- 14 That should the applicants fail to comply with any of the conditions stipulated in this resolution or fail to finalise the sale within eighteen (18) months from the date of this Council Resolution, that the allocation of Portion A of the Remainder of Erf 2619, Wanaheda Extension 4 to the owner of Erf 2727, Wanaheda Extension 4 beyond the eighteen (18) months be subject to the price escalation to be determined by the Strategic Executive: Housing, Property Management and Human Settlement.
- 15 That should the applicant wish to take occupation of Portion A of Erf 2619, Wanaheda Extension 4 prior to the conclusion of the sale thereof, Portion A ( $\pm 132 \text{ m}^2$  in extent) of Erf 2619, Wanaheda Extension 4 be leased to the applicant once the preliminary diagrams are available, pending the sale, at a monthly rental of N\$176.00, further subject to annual escalation in line with the Namibia Inflation Rate.
- 16 That the sale/lease of Portion A ( $\pm 132 \text{ m}^2$  in extent) of the Remainder of Erf 2619, Wanaheda Extension 4 be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).

- 17 That the sale/lease of Portion A ( $\pm 132 \text{ m}^2$  in extent) of the Remainder of Erf 2619, Wanaheda Extension 4 be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 18 That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale.
- 19 That the resolution be implemented prior to confirmation of the minutes.

#### Financial implications

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

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[Municipal Council Agenda: 2022-05-31]

#### 11.1.3 FNS.3 [HPH] APPLICATION TO LEASE A PORTION OF FARM 306/B/31, WINDHOEK TOWN AND TOWNLANDS (OLD SHOOTING RANGE) TO ESTABLISH A SMALL ARMS TRAINING, PRACTICE, COMPETENCY TESTING CENTRE (16/15/2/2/4)

##### Background

\*\*\* A previous application dated 9 March 2016, **attached as pages 29 - 34 to the agenda**, was received from Clarity Trading and Investment cc to lease a portion of Farm 306/B Windhoek Town and Townlands No.31 to establish a tire recycling and rubber bitumen production plant. The application was circulated, and comments received. It was established that the portion applied for falls within the Windhoek underground aquifer zone and that a municipal borehole is situated on the applied portion. There is a possibility that a business of such nature could contaminate the underground water. The applicant was informed accordingly.

##### Application

\*\*\* An application dated 9 November 2017, **attached as pages 35 - 47 to the agenda**, was received from Risk Corps to lease a portion of Farm 306/B/31, Windhoek Town and Townlands to establish a small arms training, practice, competency testing centre to be used by civilians, private security firms, anti-poaching units, maritime security operations and units of national security cluster. It is worth noting that this used to be the old shooting range.

### Other applications

- \*\*\* - An application dated 11 June 2018, **attached as pages 48 - 79 to the agenda**, was received from Herman van Zyl and Michael Pretorius to lease a portion of Farm 306/B/31, Windhoek Town and Townlands (old shooting range) to set up a training facility for security and anti-poaching personnel and for use as a safe shooting range for small caliber weapons; and
- \*\*\* - An application dated 19 August 2019, **attached as pages 80 - 83 to the agenda**, was received from Mr Leon Smith to lease a portion of Farm 306/B/31, Windhoek Town and Townlands (old shooting range) to set up a training facility for security staff, the Municipal Council of Windhoek's City Police Officers and to offer firearm competency certificates and to secure area from all forms of illegal operations.

### Site inspection

- \*\*\* A site inspection was conducted at the subject portion on 29 September 2020, and it revealed that the particular portion is not occupied. The photograph indicating the subject area is **attached as page 84 to the agenda**.

### Property description

- \*\*\* The zoning and size of Farm 306/B/31, Windhoek Town and Townlands could not be determined. The applicant requires the entire old shooting range. The locality plan is **attached as page 85 to the agenda**.

### Technical comments

The technical comments were requested from the respective departments, and were received as follows:

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

#### - Environmental Management

The proposed activity is listed in the Environmental Management Act, 2007 (Act 7 of 2007) and must therefore be subjected to an Environmental Impact Assessment (EIA) and an environmental clearance must be obtained from the Office of the Environmental Commissioner.

#### - Parks

There is no objection to the application.

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

#### **- Technical support**

There is in principle no objection to the application submitted to lease Farm 306/B/31, Windhoek Town and Windhoek Town and Townlands (old shooting range) to establish a small arms training, practice, competency testing centre: Provided:

- That where MV/HV overhead lines are in close proximity and servitudes have not been registered, the following horizontal clearing width apply for allowing access to the line and for safety reasons:
  - 220/132 kV – 25 metres either side of the overhead line structure; and
  - 66/33/22/19/11 kV – 11 metres either side of the overhead line structure; and therefore, no permanent structure is be erected within the stipulated area.
- That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per request received from the applicant, all cost related thereto be for the applicant's account;
- That only one (1) service connection from the municipal electrical network be allowed per erf.
- That only one (1) additional meter point be allowed for an approved flat on erven that are zoned 'single residential', and for more meter points, the erf must be rezoned to 'general residential'.
- That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation; and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.

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

#### **- Bulk Water and Wastewater**

There is no water or sewer services available.

- **Engineering Services**

It should be noted that Farm 306/B/31, Windhoek Town and Townlands is situated within the aquifer sensitive area and that a municipal borehole is situated on the applied portion.

It should also be noted that no municipal water or sewer services are available. The applicant should therefore appoint a Geo-Hydrologist to investigate the effect the business will have on the ground water and should submit a comprehensive Geo-Hydrological Report to the Strategic Executive: Infrastructure, Water and Technical Services for approval. The report should also address the provision of water supply and the disposal of generated wastewater. The Geo-Hydrologist must be a member of the Hydrogeological Association of Namibia and must be familiar with the Windhoek wellfield. The outcome of the report will determine whether the application will be approved. All cost involved, due to the Geo-Hydrological Study, will be for the applicant's account. An Environmental Management Clearance Certificate must be obtained from the Office of the Environmental Commissioner by the applicant, to be submitted to the Strategic Executive: Infrastructure, Water and Technical Services. All designs should be submitted by a registered professional Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work may start. The supervision of construction work should be done by a registered professional Engineer. All costs involved will be for the applicant's account.

- **Solid Waste**

There is no objection on the application: Provided:

- That all waste be disposed of at an approved land fill site.
- That the applicant be encouraged to institute recycling and waste reduction initiatives to avoid recyclable ending up at the land fill site which is currently running out of airspace.
- That illegal dumping not be allowed.

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

- **Urban Planning**

The application for the shooting range at the existing one west of Kupferberg can be supported, but not the one west of Rocky Crest.

- **Sustainable Development**

There is no objection to the proposed lease application: Provided that other technical departments also support the application.

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

There is no objection to the proposed lease of Farm 306B, Windhoek Town and Townlands No. 31 (old shooting range) to establish a small arms training: Provided that the applicant obtain access approval from the Roads Authority.

- **Roads and Stormwater**

A stormwater investigation was done and the following is reported:

- Portion 306/B/31 has a general downward slope from the north towards the south.
- There is a couple of minor stormwater courses forming on Portion 306/B/31, flowing towards larger stormwater courses to the south west and south east, not located on Portion 306/B/31.

There is no objection to the proposed lease of Portion 306/B/31, Windhoek Town and Townlands: 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).

**Comments from the Head: City Police**

- **City Police**

The application to lease Townlands No. 31 (old shooting range) cannot be supported.

- **Motivation**

- The old shooting range is needed to train City Police members and other Council employees who use firearms in the course of their duty to be combat ready;
- Officers are required to undergo regular training in accordance with the National Policing Standards;
- City Police lack adequate training facility;
- A request was submitted to the Property Management Division not to renew the lease when it lapses to allow the Department of City Police to manage the shooting range; and
- A model could be considered to recover the operational cost by offering training to other interest parties such as security companies and public.

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

**- Property Management**

There are no objections to the proposed lease. However, it is worth noting that the Department of City Police registered their interest to utilise the shooting range for municipal purposes, which is in the public interest and fulfilling the Municipal Council of Windhoek objectives. However, it should as well be noted that in as much as City Police have interest in utilising the subject property, such request never reached Property Management offices but only during technical comments being sought from them. Given the importance and need of the Organisation to establish a long-term shooting range facility, it is advisable to give preference to the Department of City Police to establish the shooting range. It is proposed that the City Police take responsibility and occupation of the property from the date of this Council Resolution.

**Conclusion**

The Head: City Police registered their interest to utilise the shooting range for municipal purposes, which is in the public interest and fulfilling the objectives of the Organisation. Given the importance and the need to establish the organisational shooting range, it is advisable that preference be given to the Department of City Police to establish the shooting range. The Department of City Police should take responsibility and occupation of the subject property from the date of this Council Resolution.

Management Committee, having considered the application

**RECOMMENDED**

- 1 That the applications of Risk Corps, Herman van Zyl & Michael Pretorius, Clarity Trading and Investment CC and Leon Smith, to lease a portion of Farm 306/B/31, Windhoek Town and Townlands, not be supported.
- 2 That a portion of Farm 306/B/31, Windhoek Town and Townlands (old shooting range) be reserved to be used as a shooting range to train City Police members and other Council employees who use firearms in the course of their duty to be combat ready.
- 3 That it be noted that the City Police members are required to undergo regular training in accordance with the National Policing Standards.
- 4 That it be noted that the Department of City Police lack adequate training facilities.

- 5 That a model be considered to recover the operational cost by offering training to other interested parties such as security companies and the public.
- 5.1 That the Head: City Police make a presentation on the purpose of the above mentioned model within three (3) months to Councillors, for information.
- 6 That the Head: City Police take the responsibility and occupation of the subject property from the day of this Council Resolution.
- 7 That where MV/HV overhead lines are in close proximity and servitudes have not been registered, the following horizontal clearing width apply for allowing access to the line and for safety reasons:
  - 7.1 220/132 kV – 25 metres either side of the overhead line structure; and
  - 7.2 66/33/22/19/11 kV – 11 metres either side of the overhead line structure and therefore no permanent structures be erected within the stipulated area.
- 8 That should any municipal electrical infrastructure need to be relocated, dismantled or replaced as per the request received from the applicant, all cost related thereto be for the applicant's account.
- 9 That the following be noted:
  - 9.1 That Farm 306/B/31, Windhoek Town and Townlands is situated within the aquifer sensitive area.
  - 9.2 That a municipal borehole is situated on the applied portion.
  - 9.3 That no municipal water or sewer services are available.
- 10 That the Head: City Police appoint a Geo-hydrologist to investigate the effect the activities will have on the ground water and submit a comprehensive Geo-hydrological Report to the Strategic Executive: Infrastructure, Water and Technical Services for approval.
- 11 That the report address the provision of water supply and the disposal of generated waste water.
- 12 That the Geo-hydrologist be a member of the Hydrogeological Association of Namibia, and be familiar with the Windhoek wellfield.
- 13 That the outcome of the report determine the feasibility of the planned activity.
- 14 That an Environmental Management Clearance Certificate be obtained from the Office of the Environmental Commissioner and proof of approval be submitted to the Acting Strategic Executive: Economic Development and Community Services.

- 15 That all designs be submitted by a registered professional Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any activities may start.
- 16 That the supervision, in the event that construction is undertaken, such construction be undertaken by a registered professional Engineer.
- 17 That all waste be disposed of at an approved land fill site.
- 18 That the Head: City Police, in consultation with the Strategic Executive: Infrastructure, Water and Technical Services, institute recycling and waste reduction initiatives to avoid recyclable ending up at the land fill site which is currently running out of airspace.
- 19 That illegal dumping not be allowed.
- 20 That the applicant obtain access approval from the Roads Authority.
- 21 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:
  - 21.1 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.
  - 21.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
  - 21.3 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
  - 21.4 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.
  - 21.5 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.
  - 21.6 That no building plans be approved until the stormwater conditions are met.

- 21.7 That no development be allowed over or onto any stormwater system or structure.
- 22 That the Head: City Police, in consultation with the Strategic Executive: Urban and Transport Planning, draw a diagram of the required portion for the shooting range.
- 23 That the Municipal Council of Windhoek be indemnified from any lawsuit, emanating from activities related to the utilisation of facility.
- 24 That the resolution be implemented prior to confirmation of the minutes.

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[Municipal Council Agenda: 2022-05-31]

#### 11.1.4

#### **IND.1 [UTP] APPLICATION FOR THE REZONING OF ERVEN 3700, 3701, 3723, 3722, 3724, 3726 AND 3717, GOREANGAB AND CONSOLIDATION OF ERVEN 3700, 3701, 3709, 3710, 3723 AND 3726 INTO ERF 'X' (16/15/2)**

##### **Application**

An application was received from Stubenrauch Planning Consultants Town and Regional Planners on behalf of the owners Green Building Construction Namibia (Proprietary) Limited of the Goreangab Extension 5, a special project on 12 November 2021 for the following:

- Rezoning of Erf 3700, Goreangab Extension 5 from 'general residential' with a density of 1:100 m<sup>2</sup> to 'business' with a bulk of 1.0;
- Rezoning of Erf 3701, Goreangab Extension 5 from 'general residential' with a density of 1:100 m<sup>2</sup> to 'business' with a bulk of 1.0;
- Rezoning of Erf 3723 from 'institutional' to 'business' with a bulk of 1.0;
- Rezoning of Erf 3722 from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:100 m<sup>2</sup>;
- Rezoning of Erf 3724 from 'institutional' to 'general residential' with a density of 1:100 m<sup>2</sup>;
- Rezoning of Erf 3726 'undetermined' to 'business' with a bulk of 1.0;
- Rezoning of Erf 3717 from 'business' with a bulk of 1.0 to 'institutional';
- Consolidation of Erven 3700, 3701, 3709, 3710, 3723 and 3726, Goreangab Extension 5 into consolidated Erf 'X';

The Power of Attorney as well as the Company's Resolution was signed by Mr Eliezer Nefussy in his capacity as Director.

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The full application, including relevant correspondence/documentation is attached as pages 86 - 133 to the agenda.

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

### **Locality**

Goreangab Extension 5 is known as the Goreangab Waterfront Development and is located on the north and north western side of the Goreangab Dam. The residential development started on the most northern side adjacent to the existing neighbourhood.

### **Development intention**

The intension of the owner is to create a shopping mall in one (1) block and shift the institutional and general residential erven to other locations in the township development.

### **Public consultation**

No public consultation process was embarked upon as Goreangab Extension 5 is still in the developing stages. The developers are still the only owners.

### **Technical comments**

The following comments were received:

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

##### **- Sustainable Development**

There is no objection to the application.

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

The erven are located in Goreangab Extension 5 and the erven are still vacant. The application involves the exchange of land use rights between erven within the same area. Therefore, the rezoning and consolidation is in line with the existing land use and will not have a negative impact on the flow of traffic around this area.

**Erf 3700, Goreangab is 3 911 m<sup>2</sup> in extent and the rezoning will generate about one hundred and five (105) vehicular trips during peak hours.** There is no objection to the proposed rezoning of Erf 3700, Goreangab Extension 5 from 'general residential' with a density of 1:100 m<sup>2</sup> to 'business' with a bulk of 1.0: Provided:

- That a minimum one (1) parking bay be provided per 33 m<sup>2</sup> of utilised bulk on-site.

- That no parking or access be allowed 20 metre from the intersection, measured from the intersecting kerbs.

**Erf 3701, Goreangab is 3 696 m<sup>2</sup> in extent and the rezoning will generate about one hundred (100) vehicular trips during peak hours.**

There is no objection to the proposed rezoning of Erf 3701, Goreangab Extension 5 from 'general residential' with a density of 1:100 m<sup>2</sup> to 'business' with a bulk of 1.0: Provided:

- That a minimum one (1) parking bay be provided per 33 m<sup>2</sup> of utilised bulk on-site.
- That no parking or access be allowed 20 metre from the intersection, measured from the intersecting kerbs.

**Erf 3723, Goreangab is 7 579 m<sup>2</sup> in extent and the rezoning will generate about sixty (60) vehicular trips during peak hours.**

There is no objection to the proposed rezoning of Erf 3723, Goreangab Extension 5 from 'institutional' to 'business' with a bulk of 1.0: Provided:

- That a minimum one (1) parking bay be provided per 33 m<sup>2</sup> of utilised bulk on-site.
- That no access be allowed opposite or within an intersection.

**Erf 3722, Goreangab is 6 444 m<sup>2</sup> in extent and the rezoning will reduce vehicular trips by one hundred and seventy seven (177) during peak hours.**

There is no objection to the proposed rezoning of Erf 3722, Goreangab Extension 5 from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:100 m<sup>2</sup>: Provided:

- That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.
- That a stacking length of 15 metre be provided at the entrance, measured from the road edge.
- That no access be allowed from a public open space.

**Erf 3724, Goreangab is 1 287 m<sup>2</sup> in extent and the rezoning will reduce vehicular trips by fifteen (15) during peak hours.**

There is no objection to the proposed rezoning of Erf 3724, Goreangab Extension 5 from 'institutional' to 'general residential' with a density of 1:100 m<sup>2</sup>: Provided:

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

- That a stacking length of 15 metre be provided at the entrance, measured from the road edge.
- That no parking or access be allowed 15 metre from the intersection, measured from the intersecting kerbs.

**Erf 3726, Goreangab is 447 m<sup>2</sup> in extent and the rezoning will reduce vehicular trips by fourteen (14) during peak hours.** There is no objection to the proposed rezoning of Erf 3726, Goreangab Extension 5 from 'undetermined' to 'business' with a bulk of 1.0: Provided:

- That a minimum one (1) parking bay be provided per 33 m<sup>2</sup> of utilised bulk on-site.
- That no parking or access be allowed 20 metre from the intersection, measured from the intersecting kerbs.

**Erf 3717, Goreangab is 8 424 m<sup>2</sup> in extent and the rezoning will reduce vehicular trips by one hundred and thirty (130) during peak hours.** There is no objection to the proposed rezoning of Erf 3717, Goreangab Extension 5 from 'business' with a bulk of 1.0 to 'institutional': Provided:

- That a minimum one (1) parking bay per 66 m<sup>2</sup> floor area be provided on-site.
- That no parking or access be allowed 20 metre from the intersection, measured from the intersecting kerbs.
- That no parking or access be allowed opposite an intersection.
- That no access be allowed from a public open space.

**Proposed consolidation of erven.** There is no objection to the proposed consolidation of Erven 3700, 3701, 3709, 3710, 3723 and 3726, Goreangab Extension 5 into consolidated Erf 'X': Provided:

- That a minimum one (1) parking bay be provided per 33 m<sup>2</sup> of utilised bulk on-site.
- That no parking or access be allowed 20 metre from the intersection, measured from the intersecting kerbs.
- That no access be allowed opposite or within an intersection.

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

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

- Erf 3700, Goreangab has a general downward slope from the west into an easterly direction;

- Erf 3701, Goreangab has a general downward slope from the west into an easterly direction;
- There is a stormwater course flowing along the northeastern boundary of Erf 3701, flowing from the northwest into a south easterly direction;
- Erf 3023, Goreangab has a downward slope from the south west into a north easterly direction;
- Erf 3722 has a general downward slope from the northwest into a south easterly direction;
- There is a stormwater course flowing along the southwestern boundary of Erf 3722;
- Erf 3724, Goreangab has a general downward slope from the northeast into a south westerly, westerly, and north westerly direction;
- Erf 3726, Goreangab has a general downward slope from the west into an easterly direction;
- There is a stormwater course flowing along Erf 3726;
- Erf 3717 has a general downward slope from the east, and southeast into a general north westerly direction;
- There is a stormwater course flowing along Erf 3717, flowing from the southeast into a north westerly direction;
- Erf 3709, Goreangab has a general downward slope from the west into an easterly direction;
- Erf 3710, Goreangab has a general downward slope from the west into an easterly direction; and
- Erf 3723, Goreangab has a general downward slope from the west into an easterly direction.

There is no objection to the proposed rezoning of Erven 3700, 3701, 3023, 3722, 3724, 3726 and 3717, as well as to the proposed consolidation of Erven 3700, 3701, 3709, 3710, 3726 and 3726 into the proposed Erf 'X':  
Provided:

#### **Erf 3700**

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

**Erf 3701**

- 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 prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 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.
- 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.
- That no building plans be approved until the stormwater conditions are met.
- 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.]

**Erf 3023**

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

**Erf 3722**

- That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.
- That the applicant appoint a registered professional Engineer to determine whether the south western boundary of Erf 3722 require to be protected against any potential flood damage, and if required, submit detailed engineering plans as to how the proposed portions is to be protected against any potential flood damage.

**Erf 3724**

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

**Erf 3726**

- 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 prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 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.
- 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.
- That no building plans be approved until the stormwater conditions are met.
- 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.]

**Erf 3717**

- 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 prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 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.
- 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.
- That no building plans be approved until the stormwater conditions are met.

- 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.]

There is no objection to the proposed consolidation of Erven 3700, 3701, 3709, 3710, 3726 and 3726 into the proposed Erf 'X', 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), stating:
- 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.
- That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 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.
- 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.
- That no building plans be approved until the stormwater conditions are met.
- That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]

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

#### **- Engineering Services**

The Development Proposal indicates that the applicant intends to exchange land use rights between erven and to consolidate erven to create a larger property for the development of the Goreangab Mall. This could have an effect on existing infrastructure, as well as on already designed water and sewer infrastructure, which are in the process to be installed.

The applicant is advised that the intended consolidations and rezonings will be subject to the submission and approval of an Engineering Report/Design for water and sewer provision as stipulated as follows by the Strategic Executive: Infrastructure, Water and Technical Services:

- That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed consolidations and rezonings on existing water and sewer infrastructure, as well as on already designed infrastructure that are in the process to be installed.
- That the Design Report be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with detail water and sewer infrastructure designs.
- That all costs involved due to the Design Report be for the applicant's account.
- That the Design Report stipulate at least the following:
  - How existing and already designed water and sewer services will be affected;
  - Whether water supply requirements will still be met with sufficient pressure during peak flows and fire flows due to the rezonings and consolidations;
  - An analysis of the impact of the proposed consolidations and rezonings on the existing and planned water and sewer infrastructure;
  - The minimum and maximum pressures within the water network under peak and low-flow demand;
  - An analysis of the impact of the proposed consolidations and rezonings on the existing and planned bulk sewer infrastructure;

- The Design Report to include detailed design calculations, assumptions and clear referencing to standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.;
- All cost for the provision of bulk and internal services to be for the development, as well as any upgrading of existing services, to be for the applicant's account;
- The Design Report to be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission to the Urban and Regional Planning Board;
- No building plans to be approved before water and sewer services are upgraded and taken over by Council as per the approved Design Report and designs;
- The design criteria to be in accordance with the 'The Neighbourhood Planning and Design Guide' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at [http://www.csir.co.za/Built\\_environment/RedBook/](http://www.csir.co.za/Built_environment/RedBook/); and
- Any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities to be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.

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

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

There is in principle no objection to the application submitted for Goreangab Waterfront Development: Provided:

- That the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage.
- That the Goreangab Mall be supplied with dedicated feeders from the Clan Williams Distribution Substation on the Developer's account.
- That network contribution be charged based on the total demand of the mall.
- 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 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 Acting Strategic Executive: Economic Development and Community Services**

The mall will provide the much-needed amenities to the citizens in that part of the city. Currently there is no mall of such a magnitude in that part of the city. The mall will reduce the travel time of the residents to town by promoting the concept of work, play and live. The mall will uplift the economy and environment of the area as a sound shopping destination.

#### **- Health and Environmental Management**

The application is supported, however the following must be complied with:

- Rezoning of Erven 3700 and 3701 from 'general residential' to 'business' are listed activities per the Environmental Management Act, 2007 (Act 7 of 2007) and cannot be taken without conducting an Environmental Impact Assessment (EIA). However, these activities are exempted from this process as per the Environmental Commissioner Delegated Authority to the Municipal Council of Windhoek in 2013. Thus, the applicant must obtain Environmental Exemption Letters from Council after approval of this application;
- Rezoning of Erf 3723 from 'institutional' to 'business' is listed activity as per the Environmental Management Act, 2007 (Act 7 of 2007) and cannot be taken without conducting an Environmental Impact Assessment (EIA). However, this activity is exempted from this process as per the Environmental Commissioner Delegated Authority to the Municipal Council of Windhoek in 2013. Thus, the applicant must obtain an Environmental Exemption Letter from Council after approval of this application; and
- Rezoning of Erf 3726 from 'undetermined' to 'business' is a listed activity as per the Environmental Management Act, 2007 (Act 7 of 2007) and cannot be taken without conducting an Environmental Impact Assessment (EIA). However, this activity is exempted from this process as per the Environmental Commissioner Delegated Authority to Municipal Council of Windhoek in 2013. Thus, the applicant must obtain an Environmental Exemption Letter from Council after approval of this application.

### Urban Policy evaluation

Goreangab Extension 5 is a private development approved as a 'Special Project'. Municipal services are still in the process of being installed. The City of Windhoek will eventually take over all municipal infrastructure in accordance with the terms of the Development Agreement.

The rezonings will concentrate all business activities within the concept of a mall. Other business opportunities on other 'business' zoned erven still exist within close proximity and along what would be the main road, the extension of Independence Avenue.

As the layout is still in the process of being implemented and adequate land use in the various categories are still provided the rezoning and consolidation is supported.

The following table indicates the different rezonings:

| Erf             | Size                 | Current zoning                                             | Proposed zoning                                            |
|-----------------|----------------------|------------------------------------------------------------|------------------------------------------------------------|
| 3700, Goreangab | 3 911 m <sup>2</sup> | General residential with a density of 1:100 m <sup>2</sup> | Business with a bulk of 1.0                                |
| 3701, Goreangab | 3 696 m <sup>2</sup> | General residential with a density of 1:100 m <sup>2</sup> | Business with a bulk of 1.0                                |
| 3722, Goreangab | 6 443 m <sup>2</sup> | Business with a bulk of 1.0                                | General residential with a density of 1:100 m <sup>2</sup> |
| 3723, Goreangab | 7 580 m <sup>2</sup> | Institutional                                              | Business with a bulk of 1.0                                |
| 3724, Goreangab | 1 287 m <sup>2</sup> | Institutional                                              | General residential with a density of 1:100 m <sup>2</sup> |
| 3726, Goreangab | 447 m <sup>2</sup>   | Private open space                                         | Business with a bulk of 1.0                                |
| 3717, Goreangab | 8 425 m <sup>2</sup> | Business with a bulk of 1.0                                | Institutional                                              |

Erf 3717 which replaces 'institutional' Erven 3723 and 3724 is more or less the same size.

Erf 3726, Goreangab is zoned 'private open space' and not 'undetermined' as per the application.

### Betterment fee/compensation

All services are being installed by the Developer, hence no implication on development charges.

### Conclusion

The application is supported as per the details provided and recommendations of the item.

Management Committee, having considered the application

# **RECOMMENDED**

- 1 That Erven 3700 and 3701, Goreangab Extension 5 be rezoned from 'general residential' with a density of 1:100 m<sup>2</sup> to 'business' with a bulk of 1.0.
- 2 That Erf 3723, Goreangab Extension 5 be rezoned from 'institutional' to 'business' with a bulk of 1.0.
- 3 That Erf 3724, Goreangab Extension 5 be rezoned from 'institutional' to 'general residential' with a density of 1:100 m<sup>2</sup>.
- 4 That Erf 3722, Goreangab Extension 5 be rezoned from 'business' with a bulk of 1.0 to 'general residential' with a density of 1:100 m<sup>2</sup>.
- 5 That Erf 3726, Goreangab Extension 5 be rezoned from 'private open space' to 'business' with a bulk of 1.0.
- 6 That Erf 3717, Goreangab Extension 5 be rezoned from 'business' with a bulk of 1.0 to 'institutional'.
- 7 That no betterment fee be payable.
- 8 That Erven 3700, 3701, 3709, 3710, 3723 and 3726, Goreangab Extension 5 be consolidated into Erf 'X'.
- 9 That the existing Title Deed Conditions be registered against the new erf.
- 10 That the following parking and access requirements pertain to the consolidated business erf:
  - 10.1 That a minimum of one (1) parking bay be provided per 33 m<sup>2</sup> of utilised bulk on-site.
  - 10.2 That no parking or access be allowed 20 metre from the intersection, measured from the intersecting kerbs.
  - 10.3 That no access be allowed opposite or within an intersection.
- 11 That the following parking and access requirements pertain to **Erven 3722 and 3724**, Goreangab Extension 5:
  - 11.1 That a minimum of one (1) parking bay per equal or less than three (3) bedroom units, or two (2) parking bays per equal or greater than four (4) bedroom units, plus one (1) parking bay per three (3) units, or part thereof, exclusively for visitors' parking, be provided on-site.
  - 11.2 That a stacking length of 15 metre be provided at the entrance, measured from the road edge.
  - 11.3 That no access be allowed from a public open space.

- 11.4 That no parking or access be allowed 15 metre from the intersection, measured from the intersecting kerbs.
- 12 That the following parking and access requirements pertain to **Erf 3717**, Goreangab Extension 5:
  - 12.1 That a minimum of one (1) parking bay per 66 m<sup>2</sup> floor area be provided on-site.
  - 12.2 That no parking or access be allowed 20 metre from the intersection, measured from the intersecting kerbs.
  - 12.3 That no parking or access be allowed opposite an intersection.
  - 12.4 That no access be allowed from a public open space.
- 13 That the applicant be advised that the intended consolidations and rezonings will be subject to the submission and approval of an Engineering Report/design for water and sewer provision as stipulated as follows by the Strategic Executive: Infrastructure, Water and Technical Services:
  - 13.1 That the applicant appoint a registered professional Engineer to compile a comprehensive Design Report fully investigating the impact of the proposed consolidations and rezonings on existing water and sewer infrastructure, as well as on already designed infrastructure that are in the process to be installed.
  - 13.2 That the Design Report be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before starting with detail water and sewer infrastructure designs.
  - 13.3 That all costs involved due to the Design Report be for the applicant's account.
- 14 That the Design Report stipulate at least the following:
  - 14.1 How existing and already designed water and sewer services will be affected;
  - 14.2 Whether water supply requirements will still be met with sufficient pressure during peak flows and fire flows due to the rezonings and consolidations;
  - 14.3 An analysis of the impact of the proposed consolidations and rezonings on the existing and planned water and sewer infrastructure;
  - 14.4 The minimum and maximum pressures within the water network under peak and low-flow demand;
  - 14.5 An analysis of the impact of the proposed consolidations and rezonings on the existing and planned bulk sewer infrastructure;

- 14.6 The Design Report to include detailed design calculations, assumptions and clear referencing to standards used in the calculations of water demands, sewer flows, pipe capacities, storage requirements, treatment capacities, etc.;
- 14.7 All cost for the provision of bulk and internal services to be for the development, as well as any upgrading of existing services, to be for the applicant's account;
- 14.8 The Design Report to be submitted by the applicant and approved by the Strategic Executive: Infrastructure, Water and Technical Services before submission to the Urban and Regional Planning Board;
- 14.9 No building plans should be approved before water and sewer services are upgraded and taken over by Council as per the approved Design Report and designs;
- 14.10 The design criteria to be in accordance with the 'The Neighbourhood Planning and Design Guide' as published by the Council of Scientific and Industrial Research (CSIR), available on-line at [http://www.csir.co.za/Built\\_environment/RedBook/](http://www.csir.co.za/Built_environment/RedBook/); and
- 14.11 Any additional requirements with regard to water and sewer services brought on as a direct consequence of the rezoning or subsequent activities to be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
- 15 That the mall to be supplied with dedicated feeders from the Clan Williams Distribution Substation, be on the developer's account.
- 16 That the network contribution be charged based on the total demand of the mall and that the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage.
- 17 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.
- 18 That only one (1) service connection from the municipal electrical network be allowed per erf.
- 19 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..
- 20 That for the individual erven, the following be considered in terms of the stormwater:

**Erf 3700**

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

**Erf 3701**

- 22 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).
- 22.1 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 22.2 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.
- 22.3 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.
- 22.4 That no building plans be approved until the stormwater conditions are met.
- 22.5 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the 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.]

**Erf 3023**

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

**Erf 3722**

- 24 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme.
- 25 That the applicant appoint a registered professional Engineer to determine whether the southwestern boundary of Erf 3722 require to be protected against any potential flood damage, and if required, submit detailed engineering plans as to how the proposed portions is to be protected against any potential flood damage.

**Erf 3724**

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

**Erf 3726**

- 27 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).
- 27.1 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 27.2 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.
- 27.3 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.
- 27.4 That no building plans be approved until the stormwater conditions are met.
- 27.5 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the 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.]

**Erf 3717**

- 28 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).
- 28.1 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 28.2 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.
- 28.3 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.
- 28.4 That no building plans be approved until the stormwater conditions are met.

- 28.5 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the 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.]
- 29 That the **consolidation of Erven 3700, 3701, 3709, 3710 and 3726** into the proposed **Erf X**, be subject to the following conditions:
- 29.1 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme (see Info 35 of the Town Planning Scheme).
- 29.1.1 That no stormwater drainage pipe, canal, work or obstruction (except stormwater drain pipes, canal or work which have been authorised in writing by the local authority or which have been or may be built, laid or erected in terms of any law) be constructed on or over the property or located in such a way that:
- The flow of stormwater from a higher lying property to a lower lying property is impeded or obstructed and through which any property is or may be endangered; or
  - The flow of a natural watercourse (in which the local authority allow flood water to run-off, be discharged or to be canalised) is or can be changed, canalised or impeded.
- 29.1.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 29.2 That prior approval be obtained from the Strategic Executive: Urban and Transport Planning if the accommodation of the stormwater on the erf is contemplated.
- 29.3 That engineering drawings on how the stormwater would be accommodated to the satisfaction of the Strategic Executive: Urban and Transport Planning be submitted for approval simultaneously with the building plans.
- 29.4 That all existing stormwater pipes, outlets and inlets or any other stormwater system be clearly indicated on all building plans submitted, prior to the approval thereof.
- 29.5 That no building plans be approved until the stormwater conditions are met.
- 29.6 That a condition for the resale of this property be included in the Title Deed of the erf, whereby transfer to a third party only take place with approval of the Municipal Council of Windhoek. [Approval will only be granted after the Strategic Executive: Urban and Transport Planning has certified that the stormwater has been accommodated satisfactorily.]

30 That the following be noted:

- 30.1 That the rezoning of Erven 3700 and 3701 from 'general residential' to 'business' are listed activities per the Environmental Management Act, 2007 (Act 7 of 2007) and cannot be taken without conducting an Environmental Assessment. [However, these activities are exempted from this process as per the Environmental Commissioner's Delegated Authority to the Municipal Council of Windhoek in 2013. Thus, the applicant must obtain Environmental Exemption Letters from Council after approval of this application.]
- 30.2 That the rezoning of Erf 3723 from 'institutional' to 'business' is a listed activity as per the Environmental Management Act, 2007 (Act 7 of 2007) and cannot be taken without conducting an Environmental Assessment. [However, these activities are exempted from this process as per the Environmental Commissioner's Delegated Authority to the Municipal Council of Windhoek in 2013. Thus, the applicant must obtain Environmental Exemption Letters from Council after approval of this application.]
- 30.3 That the rezoning of Erf 3726 from 'private open space' to 'business' is a listed activity as per the Environmental Management Act, 2007 (Act 7 of 2007) and cannot be taken without conducting an Environmental Assessment. However, this activity is exempted from this process as per the Environmental Commissioner Delegated Authority to Municipal Council of Windhoek in 2013. Thus, the applicant must obtain an Environmental Exemption Letter from Council after approval of this application.

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[Municipal Council Agenda: 2022-05-31]

## 11.2 **APPROVAL OF MINUTES (MC 09/2022)**

The minutes of the Management Committee meeting (MC 09/2022) held on 19 May 2022 is submitted to Management Committee members for approval.

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[Municipal Council Agenda: 2022-05-31]

## 11.3 **MINUTES (MC 09/2022)**

The minutes of the Management Committee meeting (MC 09/2022) held on 19 May 2022 as approved by its members at this Council meeting, is submitted for notice with the exception of Items GOV.1, GOV.2, GOV.4 (refer to Item 11.4) and GOV.6, which follow immediately hereunder for consideration.

It is

## **RECOMMENDED**

That the minutes of the Management Committee meeting (MC 09/2022) held on 19 May 2022, be noted with the exception of Items GOV.1, GOV.2, GOV.4 (refer to Item 11.4) and GOV.6.

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[Municipal Council Agenda: 2022-05-31]

### **11.3.1**

#### **GOV.1 [ELE] REQUEST FOR COUNCIL TO ACCEPT A PARTIAL DONATION TO CONDUCT THE PRE-FEASIBILITY STUDY OF WASTE TO ENERGY FROM SMART CITY SWEDEN (8/1/2/5/10)**

#### **Background**

Management Committee at its meeting held on 21 April 2022 per Item GOV.2 *inter alia* resolved as follows:

- 1 *That this matter be referred back in order for the Strategic Executive: Electricity, in consultation with the Acting Chief Executive Officer (Manager: External Relations and Networking) to liaise with the Smart City of Sweden to provide an offer for the donation as opposed to the proposal for a donation, attached as pages 109 – 113 to the agenda, whereafter it be resubmitted to the next Management Committee scheduled to be held on 3 May 2022, for consideration.*
- 2 *That in the above resubmission, include a recommendation to request for Ministerial approval.*

The consultation between the Department of Electricity and the External Relations and Networking Division on the donation took place and Smart City Sweden provided the donation offer letter as requested, thus the item is herewith resubmitted.

#### **Introduction**

The Municipal Council of Windhoek was approached by the Namibia Investment Promotion and Development Board (NIPDB) and invited to participate in the 2020 World Expo that took place in Dubai under the theme *Connecting Minds - Creating Opportunities*. Council sent two (2) representatives that participated in a third (3<sup>rd</sup>) thematic week which ran from the 31 October 2021 to 6 November 2021 at the 2020 World Expo in Dubai, United Arab Emirates (UAE). The two (2) representatives were Mr Victor Namgongo - Chief Engineer: Engineering Services from Department of Electricity and Mr Stellio Tsauseb - Section Engineer: Treatment from the Department of Infrastructure, Water and Technical Services.

Council's representatives met several potential companies from different parts of the world. Smart City Sweden was one (1) of these companies that the team met and had a discussion pertaining to Council Waste to Energy aspirations since the Department of Electricity has been struggling for four (4) years to appoint local companies through our procurement process. The Department of Electricity twice invited national bidding for a consultancy for Waste to Energy Feasibility studies and failed to get a company due to lack of local experts. The department also attempted to have the work done by Namibia University of Science and Technology (NUST) through our existing memorandum of understanding with no success.

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After the expo, the discussions between Council and Smart City Sweden were pursued further which resulted in a proposal to conduct a Waste to Energy prefeasibility study in Windhoek by the Smart City Sweden Research Institute (IVL). The initial proposal, **attached as pages 134 - 137 to the agenda**, did not have any funding contribution from Smart City Sweden and the two (2) departments negotiated a contribution of 33 % from Smart City Sweden as indicated in the second proposal, **attached as pages 138 - 142 to the agenda**, as a way of mitigating financial impact to Council whilst at the same time achieving Council aspiration of generating energy from its waste.

### **Purpose of submission**

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The purpose of this submission is thus to seek approval from the Municipal Council of Windhoek to accept the partial donation (33 %) from the Smart City Sweden as per their offer letter, **attached as page 143 to the agenda**, before the Department of Electricity can proceed with the procurement process with the Municipal Council of Windhoek contributing the remaining 67 % to implement the project.

### **Smart City Sweden donation**

As indicated in the second proposal and the offer letter, the value of the donation is €20 000.00 (N\$392 600.00) which is 33 % of the total project cost €60 000.00 (N\$1 177 600.00) VAT exclusive. It should however be noted that this donation will not come to Council in cash but rather a reduction in the project cost since Smart City Sweden through Sweden Research Institute (IVL) will execute the project.

### **Benefits to Council**

By accepting this pledge, the Municipal Council of Windhoek will not only benefit from having the Waste to Energy prefeasibility study done at a discounted cost but also benefit from having a study done by a specialised, experienced, and reputable international company the Sweden Research Institute (IVL) that specialise in waste management. As indicated in the project proposal, Swedish experts are expected to meet relevant stakeholders in Namibia and acquaint themselves with our waste treatment sites during project implementation. This will ensure that the outcome of the study based on their expert knowledge and expertise will be representative as it will be adapted to the Windhoek situation. Waste to Energy is a specialised field that is currently not available in Namibia if not in the rest of Africa.

## Management Committee

### RECOMMENDED

- 1 That the partial donation (33 %) from Smart City Sweden be accepted as partial contribution towards the cost of conducting the Waste to Energy Prefeasibility Study.
- 2 That the proposal by Smart City Sweden to the Municipal Council of Windhoek to conduct a Waste to Energy Prefeasibility Study via Sweden Research Institute (IVL), be noted.
- 3 The Ministerial approval be obtained in line with section 30(1)(z)(i) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
- 4 That the Strategic Executive: Electricity, in consultation with the Strategic Executive: Infrastructure, Water and Technical Services, proceed with the project procurement process after the acceptance of the donation and receipt of Ministerial approval.
- 5 That the resolution be implemented prior to confirmation of the minutes.

### Financial implications

The Department of Electricity has already budgeted N\$1.2 million for the consultancy services of Waste to Energy in the 2021/2022 Financial Year, hence Council's remaining contribution of €40 000.00 (N\$785 000.00) is available to be committed to the project. Budgetary provision is also made in the 2022/2023 Financial Year in case the project spill over to the next financial year.

### Funds required

N\$785 000.00

### Funds available

Item 1500/05/1/10/0330 (Consulting Fees) - N\$4 159 911.25

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[Municipal Council Agenda: 2022-05-31]

### 11.3.2

#### **GOV.2 [CEO] NOTICE TO THE SIGNING OF CO-OPERATION AGREEMENTS AND FAMILIARISATION VISITS TO SISTER LOCAL AUTHORITIES (3/1/6/9/2)**

##### **Introduction**

The submission on the notice to the signing of Co-operation Agreements and familiarisation visits to sister Local Authorities was submitted to Management Committee for its meeting scheduled for 19 November 2021. However, due to the failure to meet the seventy two (72) hours notice, the meeting did not take place. Subsequently, the matter was again discussed at the Advisory Committee on External Relations, Mayoral Affairs and Co-operation at its meeting held on 14 February 2022, where amongst others it was *inter alia* resolved as follows:

- *That the visits to sister Local Authorities that were scheduled to take place in November 2021, be resuscitated.*
- *That the Division of External Relations and Networking resubmit the item to Council by March 2022.*

Afterwards, the item was submitted to Management Committee at its meeting held on 14 March 2022 per Item GOV.2, where it was amongst others *inter alia* resolved as follows:

- 1 *That the Acting Chief Executive Officer (Manager: External Relations and Networking) submit another item, i.e. the Programme and Financial implications dealing with all the other Memorandum of Agreements (MoAs) as discussed during the Councillors Advisory Committee on External Relations.*
- 2 *That the Manager: External Relations and Networking request the Local Authorities with whom the Memorandum of Agreements (MoAs) are to be signed to identify main projects/areas of support and come up with a concept note, prior to the signing ceremony.*

The item then proceeded to Council for principle approval of the agreements while the above Management Committee resolution is being implemented. However, Council at its special meeting held on 12 April 2022 per Resolution 90/04/2022, *inter alia* resolved as follows:

- 1 *That this matter be referred back in order for the Acting Chief Executive Officer (Manager: External Relations and Networking) to incorporate all the information requested by the Councillors Advisory Committee on External Relations, Mayoral Affairs and Co-operation at its meeting held on 14 February 2022, whereafter it be resubmitted to Management Committee/Council, for consideration.*

This matter is therefore being resubmitted in terms of Council Resolution 90/04/2022.

## Background

The Municipal Council of Windhoek, being both the political capital and economic hub of the Republic of Namibia, has a leading role to play not only in support, but also learning from other towns and villages across the country. At the same time, the Municipal Council of Windhoek also has an obligation to contribute to nation building and economic development across the broader spectrum of the local authority sector and enhance inter-municipal relations.

Equally, maintaining local contacts and aiding other local authorities, enhances local government capacities necessary to tackle development challenges, in the context of Namibia's policy on decentralisation. It is this context that the Municipal Council of Windhoek has over the years established relations with other local authorities across the country.

It has been an adopted practice that the signed agreements run for a period of five (5) years, after which the parties may renew same. Some these agreements have now expired.

## Expired Co-operation Agreements

The following table presents a list of Sister City Local Authorities Co-operation Agreements that have expired:

| No. | Partnered Local Authorities | Date signed | Date of expiration |
|-----|-----------------------------|-------------|--------------------|
| 1   | Windhoek and Walvis Bay     | 08/10/2002  | 10/08/2007         |
| 2   | Windhoek and Karasburg      | 13/04/2010  | 13/04/2015         |
| 3   | Windhoek and Oshikuku       | 06/02/2014  | 06/02/2019         |
| 4   | Windhoek and Eenhana        | 24/08/2016  | 24/08/2021         |
| 5   | Windhoek and Helao Nafidi   | 24/08/2016  | 24/08/2021         |
| 6   | Windhoek and Ondangwa       | 23/08/2016  | 23/08/2021         |
| 7   | Windhoek and Ongwediva      | 23/08/2016  | 23/08/2021         |
| 8   | Windhoek and Oshakati       | 23/08/2016  | 23/08/2021         |
| 9   | Windhoek and Outapi         | 20/07/2016  | 20/07/2021         |
| 10  | Windhoek and Otjiwarongo    | 22/08/2016  | 22/08/2021         |
| 11  | Windhoek and Okakarara      | 22/08/2016  | 22/08/2021         |
| 12  | Windhoek and Rundu          | 23/09/2016  | 23/09/2021         |

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Notices were sent out and both parties expressed desire to renew the respective agreements. The draft renewed Co-operation Agreements with inputs from respective Local Authority parties are **attached as pages 144 – 149, 150 – 153, 154 – 157, 158 – 161, 162 – 165, 166 – 169, 170 – 174, 175 – 178, 179 – 182, 183 – 186, 187 – 190 and 191 – 194 respectively to the agenda.**

## New agreements

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Requests and proposals for the establishment of new Co-operation Agreements were received from the Berseba, Bukalo, Khorixas and Okongo Village Councils. The respective requests are **attached as page 195 to the agenda.** The draft Memorandums of Agreement (MoAs) are **attached as pages 196 - 201, 202 – 207, 208 – 214, 215 – 220 respectively to the agenda.**

Therefore, it is proposed that the signing should be coupled with a familiarisation visits.

### Logistical arrangements

It is proposed that the signing should be coupled with familiarisation visits. This item is therefore two-fold, one (1) signing of the Co-operation Agreements and two (2) familiarising the City of Windhoek with on-site situations in order to devise approaches that will improve inter-municipal co-operation. The familiarisation visits will also be extended to local authorities who are in proximity or along the route of the town where the signing of the agreements would take place.

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It is proposed that the Windhoek delegation be divided into five (5) groups comprising of Councillors and relevant administrative officials as delegated by the Acting Chief Executive Officer. A proposed Order of Proceedings is **attached as pages 221 - 230 to the agenda**, for consideration.

Section 31(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) *inter alia* provides that *a municipal council or town council may delegate or assign, in writing and on such conditions as it may determine, to its management committee or its chief executive officer or any other member, any power conferred, or any duty imposed upon it by or under this Act or any other law.*

Considering the above quoted provision, it is proposed that in each group, there will be an assigned person with delegated power to the sign agreement on behalf of Council.

### Purpose

The purpose of this submission is to seek approval for the following:

- Scheduled mission;
- Financial implications; and
- Proposed order of proceeding, and Council approval of the attached Co-operation Agreements.

Management Committee

### RECOMMENDED

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- 1 That the renewal Co-operation Agreements between the Municipal Council of Windhoek and other Sister Local Authorities as per the list, **attached as pages 144 – 149, 150 – 153, 154 – 157, 158 – 161, 162 – 165, 166 – 169, 170 – 174, 175 – 178, 179 – 182, 183 – 186, 187 – 190 and 191 – 194 respectively to the agenda**, be approved.

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- 2 That the respective Co-operation Agreements between the Municipal Council of Windhoek and Berseba, Bukalo, Khorixas and Okongo Village Councils, **attached as pages 196 - 201, 202 – 207, 208 – 214, 215 – 220 respectively to the agenda**, be approved.

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- 3 That the proposed Order of Proceedings, **attached as pages 221 - 230 to the agenda**, be approved.

- 4 That participating Councillors and delegated officials be granted leave of absence as per the proposed Order of Proceedings.
- 5 That the Acting Chief Executive Officer assign a technical official to each of the five (5) groups, as per the proposed Order of Proceedings.
- 6 That as per provision of section 31(1) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended), Council delegate, in writing, a representative to each group to sign the agreements.
- 7 That the resolution be implemented prior to confirmation of the minutes.

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[Municipal Council Agenda: 2022-05-31]

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

This matter is dealt with under Item 11.4 of this agenda.

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[Municipal Council Agenda: 2022-05-31]

**11.3.4 GOV.6 [CEO] BESTOWING AND CONFERMENT  
OF THE TITLE OF ALDERWOMAN TO  
COUNCILLOR MS FN KAHUNGUG IN LINE  
WITH COUNCIL RESOLUTION 393/11/2010**  
(3/1)

**Background**

Under section 30(1)(q) of the Local Authorities Act, 1992 (Act 23 of 1992) Council may acknowledge meritorious service. The subsection reads as follows:

*Powers, duties, and functions of local authority councils:*

*30(1) Subject to the provisions of subsections (2) and (3), a local authority council shall have the power -*

*(q) to confer honours upon any person who has in the opinion of the local authority council rendered meritorious service to its residents.*

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In pursuance of the above provision, Council Resolution 393/11/2010 **attached as pages 231 - 236 to the agenda**, established a practice to honour the Councillors for long and meritorious service by bestowing of an honorary title or award. Council specifically resolved that *for ten (10) full years of service and more, a honorary title of Alderman/Aldерwoman plus a bronze medal and certificate* be given to the Councillors fulfilling these requirements.

### **Bestowment of Alderwoman title: Councillor Ms FN Kahungu**

Councillor Ms FN Kahungu was elected as a member of the Municipal Council of Windhoek in December 2010 following regional and local authority elections held in November that year. She was again re-elected during both the 2015 and 2020 elections. Councillor Ms FN Kahungu has thus to date served on the Municipal Council of Windhoek for more than ten (10) years, firstly as a Councillor, a member of the Management Committee and Mayor of Windhoek. In line with paragraph 4.2 of Council Resolution 393/11/2010, Councillor Kahungu qualifies for an honorary title of Alderwoman plus a bronze medal and certificate.

### **Purpose of this submission**

The purpose of this submission is therefore to seek Council's approval to bestow an honorary title of Alderwoman, plus a bronze medal and certificate, as per Council Resolution 393/11/2010 read with section 30(1)(q) of the Local Authorities Act, 1992 (Act 23 of 1992).

Management Committee

### **RECOMMENDED**

- 1 That it be noted that under section 30(1)(q) of the Local Authorities Act, 1992 (Act 23 of 1992), honours may be conferred to any person who has in the opinion of the local authority Council rendered meritorious service to its residents.
- 2 That it be noted that Council per Resolution 393/11/2010 had established a practice to honour Councillors for meritorious service to the community of Windhoek for more than ten (10) years.
- 3 That in recognition of her meritorious service rendered to the residents of the Municipal Council of Windhoek, Councillor Ms FN Kahungu be conferred with an honorary title of Alderwoman and receive a bronze medal and Certificate of Acknowledgement.
- 4 That the Acting Chief Executive Officer (Manager: External Relations and Networking) arrange a ceremony for honouring Councillor Ms FN Kahungu for the meritorious service rendered.

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[Municipal Council Agenda: 2022-05-31]

**11.4 MANAGEMENT COMMITTEE REPORT  
[IN TERMS OF SECTION 26(1) OF THE LOCAL  
AUTHORITIES ACT, 1992 (ACT 23 OF 1992)  
(AS AMENDED) READ WITH RULE 21 OF  
THE STANDING RULES OF ORDER]**

The report of the Management Committee meeting is submitted for notice per Item GOV.4, which follow immediately hereunder in terms of Rule 21 of the Standing Rules of Order.

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[Municipal Council Agenda: 2022-05-31]

**11.4.1 GOV.4 [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.*

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