

OFFICE OF THE CHIEF EXECUTIVE OFFICER

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Date : 13 June 2018

Our ref: L/87/LAF

Dr. Malan Lindeque
Permanent Secretary
Ministry of Environment and Tourism
Private Bag 13306
WINDHOEK

Tell: +264 61 - 284 2111

Dear Dr. Lindeque

APPLICATION TO ACQUIRE VACANT LAND (ERF 87 LAFRENZ) TO ACCOMMODATE OFFICES FOR THE GAME CAPTURE SUB-DIVISION, DIRECTORATE OF SCIENTIFIC SERVICES

Reference is made to previous correspondence regarding the above subject matter.

The City wishes to inform you that the City Council considered the Ministry of Environment and Tourism's application to purchase Erf 87 Lafrenz on its monthly meeting held on 26 April 2018 and resolved per Council Resolution **94/04/2018** as follows:

- “1 That the familiarisation visits to Erf 87, Lafrenz by the Councillors on 26 October 2017 and 7 November 2017 respectively, be noted.
- 2 That the application from the Ministry of Environment and Tourism to purchase Erf 87, Lafrenz, be noted.
- 3 That it be noted that a portion of Erf 87, Lafrenz is occupied by traders.
- 4 That Erf 87, Lafrenz be subdivided into Portion A ($\pm 647 \text{ m}^2$ in extent) and the Remainder ($\pm 3 834 \text{ m}^2$ in extent) as indicated on the plan, attached as page 22 to the agenda.
- 5 That Portion A ($\pm 647 \text{ m}^2$ in extent) of Erf 87, Lafrenz remain public open space and be developed into a Traders Market by the Strategic Executive: Economic Development and Community Services.
- 6 That the Strategic Executive: Economic Development and Community Services be mandated to develop the market.
- 6.1 That the traders be consulted during the design phase of the market to get involved and give the preferred specifications of how they wish the market to be developed.

- 7 *That the application from the Ministry of Environment and Tourism to purchase Erf 87, Lafrenz be supported on the basis that the property is being used for Government use only.*
- 7.1 *That a portion of the profit from the sale of Erf 87, Lafrenz to the Ministry of Environment and Tourism be made available for the construction of the Traders' Market.*
- 8 *That after the successful implementation of the town planning and cadastral procedures the Remainder of Erf 87, Lafrenz ($\pm 3\ 834\ m^2$ in extent) be sold to the Ministry of Environment and Tourism at a purchase price of N\$4 761 828.00 or N\$1 242.00/m² as determined by the Strategic Executive: Housing, Property Management and Human Settlement.*
- 9 *That an amount of N\$428 083.00 be transferred for the Urban Arterial Account (UAA).*
- 10 *That it be noted that Erf 87 is zoned 'public open space', is $\pm 4\ 452\ m^2$ in extent and that the Remainder of Erf 87, Lafrenz ($\pm 3\ 834\ m^2$ in extent), after the successful implementation of the town planning and cadastral procedures, be permanently closed as a public open space and rezoned to 'Government'.*
- 11 *That after the successful implementation of the town planning and cadastral procedures Erf 87, Lafrenz be rezoned from 'public open space' to 'Government' and that no further rezonings be allowed.*
- 12 *That it be noted that 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 as such the Ministry of Environment and Tourism should therefore obtain Environmental Clearance from the Environmental Management Division of the City.*
- 13 *That it be noted that parking requirements for office is one (1) parking bay per 25 m² to be provided on-site.*
- 14 *That the Ministry of Environment and Tourism submit an application for the rezoning separately to Council, for consideration.*
- 15 *That the use of the land and building(s) comply with the provisions of the Windhoek Town Planning Scheme.*
- 16 *That the City prepare the closure notices for the applicant.*
- 17 *That the applicant advertise the intended closure as per section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) and be responsible for all costs involved.*
- 18 *That the applicant be responsible for the town planning application to the Ministry of Urban and Rural Development at its own cost.*
- 19 *That the applicant be responsible for the town planning and cadastral procedures and all costs involved.*
- 20 *That the standard conditions of Council be registered against the Remainder of Erf 87, Lafrenz including a minimum building value equal to four (4) times the municipal valuation of the erf.*

- 21 *That it be noted that there is no municipal sewer connection available for Erf 87, Lafrenz.*
- 22 *That the applicant appoint a Professional Registered Engineer to investigate the possibility to provide a municipal sewer connection for the erf prior to the finalisation of the Sales Agreement, and that all costs involved be for the applicant's own account.*
- 23 *That a drawing with the necessary long sections be submitted by the appointed Engineer to the Strategic Executive: Infrastructure, Water and Technical Services for approval before any work start.*
- 24 *That after the approval of the drawing the applicant appoint a Contractor to do the construction of the sewer line.*
- 25 *That the supervision of the construction work be done by a Professional Registered Engineer and that all costs involved be for the applicant's own account.*
- 26 *That it be noted that water services are available, and any further water requirements be for the applicant's own account.*
- 27 *That it be noted that an electrical connection is available:*
- 27.1 *That should any municipal electrical infrastructure on the sidewalk or portion applied for need to be relocated to accommodate a new access to the erf or as a result of an oversight from our side, all costs involved be for the applicant's own account.*
- 27.2 *That only one (1) service connection per erf be allowed from the municipal electrical network.*
- 27.3 *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 be rezoned to 'general residential'.*
- 27.4 *That for erven that are zoned 'general residential', 'business', 'office', 'institutional' or 'industrial' and a service connection larger than 3 x 60 ampere is required, the applicant and/or his/her electrical engineering representative contact the Strategic Executive: Electricity, well in advance, during the planning stage, before any building plans have been approved to determine whether the existing electrical network can handle the additional loading or whether a substation building or site is to be provided by the applicant at his/her own cost to incorporate an additional substation; and also to determine the financial contribution to be made by the applicant towards the upgrade cost of the network.*
- 28 *That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:*
- 28.1 *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 higher lying property to 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.*
- 28.2 *That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.*
- 29 *That the applicant, Ministry of Environment and Tourism:*
- 29.1 *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 Townships Board for consideration.*
- 29.2 *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.*
- 29.3 *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.*
- 30 *That, where the sale of the Remainder of Erf 87, Lafrenz ($\pm 3\,834\text{ m}^2$ in extent) is not finalised within eighteen (18) months from the date of this Council Resolution the purchase price be revised by the Strategic Executive: Housing, Property Management and Human Settlement.*
- 31 *That the applicant sign the Deed of Sale and pay the purchase price (including 15 % VAT), in line with Council Policy, not later than thirty (30) days after having been requested to do so by the Strategic Executive: Urban Planning and Property Management.*
- 32 *That the standard reverting clause and restrictive resale conditions be registered against the Title Deed in favour of Council.*
- 33 *That should the applicant be interested in taking occupation of the Remainder of Erf 87, Lafrenz prior to conclusion of the sale, that it be leased at a rental of 10 % of the purchase price, subject to annual escalation in line with the Namibia Inflation Rate, and draft diagrams being available.*
- 34 *That due to the urgency of the matter consent be granted for the Ministry of Environment and Tourism to embark on the construction: Provided that the construction be within the confines of the would be Remainder of Erf 87, Lafrenz.*
- 35 *That the Chief Executive Officer (Corporate Legal Adviser) draft the Deed of Sale/Lease Agreement and Memorandum of Agreement (MoA) for the sale and/or lease of the Remainder of Erf 87, Lafrenz.*
- 36 *That the intended sale/lease of the Remainder of Erf 87, Lafrenz be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992).*

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

Furthermore, kindly take note that this sale being a private treaty transaction will be subjected to advertisement for public objections in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992).

Kindly indicate in writing and within thirty (30) days hereof whether the conditions of the Council Resolution are acceptable to you. Should you be in agreement and have accepted the above conditions, kindly proceed to implement those matters to be finalised prior to the sale taking place.

Trusting that you find the above in order.

Yours sincerely


Mr. Robert N. Kahimise
CHIEF EXECUTIVE OFFICER



[Municipal Council Minutes: 2018-04-26]

9.1.2

**FNS.1 [HPH] APPLICATION TO ACQUIRE VACANT
LAND - ERF 87, LAFRENZ TO ACCOMMODATE
OFFICES FOR THE GAME CAPTURE SUBDIVISION,
DIRECTORATE OF SCIENTIFIC SERVICES –
MINISTRY OF ENVIRONMENT AND TOURISM
(L/87/Laf)**

On proposal by Councillor MJ Amadhila, it was

RESOLVED

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Financial implications

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

RESOLUTION 94/04/2018
