

# Department of Housing, Property Management and Human Settlements

☒ 59

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**WINDHOEK, NAMIBIA**



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<b>DATE:</b>	19 July 2023	<b>OUR</b>	L/849/RC
		<b>REF:</b>	L/1763/RC
			L/6268/KAT
			L/3529/OTJ
			L/1108/HAV
			L/R/B/70/KWT&TL

The Chief Executive Officer  
PowerCom (Pty) Ltd  
P O Box 40799  
WINDHO/EK

Dear Mr. BT Amadhila

**RE: APPLICATION TO LEASE PORTIONS OF ERVEN 849 AND 1763  
ROCKY CREST; 6268, KATUTURA; 3529, OTJOMUISE; 1108, HAVANA  
AND PORTION R OF PORTION B OF KLEIN WINDHOEK TOWN &  
TOWNLAND NO. 70 TO ERECT COMMUNICATIONS TOWERS**

Reference is made to your application with regard to the subject property and wish to inform you that at Municipal Council meeting held on 2023-04-03(3003), under resolution 46/04/2023, it was resolved as follows:

- 1 That the lease of portions on Erven 1108, Havana and 3529, Otjomuise, not be supported.*
- 2 That a portion of Erf 849, Rocky Crest ( $\pm 80 \text{ m}^2$  in extent) be leased to PowerCom (Pty) Ltd at a monthly rental amount of N\$16 160.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.*
- 3 That a portion of Erf 1763, Rocky Crest ( $\pm 64 \text{ m}^2$  in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N\$12 928.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.*
- 4 That a portion of Erf R/6268, Katutura ( $\pm 80 \text{ m}^2$  in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N\$16 160.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.*

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

- 5 *That a portion of Portion R/B/70, Klein Windhoek Town and Townlands ( $\pm 80 m^2$  in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N\$16 160.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.*
- 6 *That each proposed lease portion be entered into a separate Lease Agreement.*
- 7 *That the applicant submit the respective lease diagrams before signing the Lease Agreements.*
- 8 *That in the event the applicant fail to conclude the Lease Agreements within the given time, the rental amounts be revised prior to concluding the Lease Agreements.*
- 9 *That 'public open space' zoned portions be temporarily closed for the duration of the lease, in terms of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).*
- 10 *That the closure and all public consultation procedures be completed prior to the signing of any Lease Agreements.*
- 11 *That the applicant be responsible for any town planning procedure and cost thereof.*
- 12 *That the lease portions only be used for the erection and operation of Base Transceiver Stations (BTSs).*
- 13 *That tower structures be 25 metre high camouflage tree tower, of which all the areas be fenced off for security purposes.*
- 14 *That the applicant conduct site specific Environmental Impact Assessments (EIAs) on the respective portions and obtain Environmental Management Clearance Certificates to the satisfaction of the Strategic Executive: Economic Development and Community Services.*
- 15 *That the applicant comply with the relevant requirements of the Environmental Management Act, 2007 (Act 7 of 2007) for the Base Transceiver Stations (BTSs).*
- 16 *That the applicant effectively implement the conditions as set out in the Environmental Management Plan (EMP) for the proposed construction of a Base Transceiver Station (BTS) during and after the construction of the facilities.*
- 17 *That all residents within a 300 metre radius of the receivers of the Base Transceiver Stations (BTSs) be consulted as per Council requirements, and that all other conditions as set out in Council Resolution 281/09/2010 be complied with.*
- 18 *That the applicant ensure the submission of valid Environmental Management Clearance Certificates for the duration of the lease period.*
- 19 *That the lease agreement be subjected to the client submitting to Council an Environmental Clearance Certificate.*
- 20 *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.*

- 21 *That it be noted that connection charges 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.*
- 22 *That a split prepayment meter be used in residential areas with payment levels lower than 80 % and all informal settlements.*
- 23 *That it be noted that 'general residential' developments without high rise buildings i.e. individual apartments, a split prepayment meter for each unit shall be used with a metering box located on the street/development erf boundary provided that it's technically possible otherwise a bulk meter shall be used.*
- 24 *That the following be noted:*
- 24.1 *That a water line is passing through the applied Portion R/B/70, Klein Windhoek Town and Townlands and no permanent structures should be erected within 5 metre from the water line.*
- 24.2 *That sewer lines are passing through portions of Erven 849, Rocky Crest; Erf R/6268, Katutura; Erf 3529, Otjomuise and Portion R/B/70, Klein Windhoek Town and Townlands and no permanent structures should be erected within 5 metre from the sewer and water lines.*
- 24.3 *That a main sewer line is passing through the centre and northern parts of the applied portion of Erf 1763, Rocky Crest and no permanent structures should be erected less than 1.5 metre from the main sewer lines.*
- 25 *That any additional requirements with regard to water and sewer services for the erven as per paragraphs 24.1 to 24.3 above, be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.*
- 26 *That the applicant verify the lines of services with the Strategic Executive: Infrastructure, Water and Technical Services during construction to avoid any damages on the service lines.*
- 27 *That all waste that is generated during the construction phase only be disposed of at an approved landfill and satellite sites, as illegal dumping of waste will not be tolerated.*
- 28 *That illegal waste dumping violators be fined N\$2 000.00 or imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment as per the Solid Waste Management Regulations.*
- 29 *That no access be allowed from Sam Nujoma Drive, being an arterial road, to the lease portion of Erf 849, Rocky Crest.*
- 30 *That it be noted that the extension of Paul Ehrlich Street is not yet developed, thus access to the lease portion of Erf 6268, Katutura should preferably be taken from Andrew Mogalie Street.*
- 31 *That no access be taken over a culvert.*

- 32 *That no access be allowed 15 metre of any intersection, measured from the intersecting kerbs.*
- 33 *That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:*
- 33.1 *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.*
- 33.2 *That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.*
- 34 *That it be noted that a stormwater course is flowing  $\pm$  5 to 7 metres away from the north western boundary of the proposed portion of Erf R/6268, Katutura along a north westerly direction towards a culvert underneath Andrew Mogalie Street.*
- 35 *That the applicant appoint a registered Professional Engineer at his/her own cost and risk, to determine if the north western boundary of the proposed portion of Erf R/6268, Katutura require to be protected against any potential flood damage.*
- 36 *That it be noted that there is a stormwater course flowing from a stormwater culvert from underneath Gambia Street, flowing into a north easterly direction, flowing over the proposed portion, flowing towards the stormwater course as described in paragraph 34 above.*
- 37 *That the leases be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).*
- 38 *That the leases be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).*
- 39 *That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreements.*
- 40 *That the resolution be implemented prior to confirmation of the minutes.*

Further note that you are requested to indicate in writing to the City, whether you accept the conditions of Council Resolution 46/04/2023, within a period of seven (7) days from the date of receipt of this letter. Should you not reply within 7 days the City will regard that you are not interested in leasing the subject property and will rescind the Council resolution 46/04/2023.

Trusting that you find the above in order.

Yours faithfully,

A handwritten signature in black ink that reads "DA Negonga". The signature is written in a cursive style with a large, stylized initial "DA" and a long, sweeping underline.

Mr. DA Negonga

**SECTION HEAD: LEASEHOLDS & SETTLEMENTS**

[Municipal Council Minutes: 2023-04-03(3003)]

13.1.14

**FNS.10 [HPH] APPLICATION TO LEASE PORTIONS OF ERVEN 849 AND 1763, ROCKY CREST; ERF 6268, KATUTURA; ERF 3529, OTJOMUISE; ERF 1108, HAVANA AND PORTION R OF PORTION B OF KLEIN WINDHOEK TOWN AND TOWNLANDS NO. 70 TO ERECT COMMUNICATION TOWERS (L/Various erven)**

On proposal by Councillor SS Nujoma, it was

**RESOLVED**

- 1 That the lease of portions on Erven 1108, Havana and 3529, Otjomuise, not be supported.
- 2 That a portion of Erf 849, Rocky Crest ( $\pm 80 \text{ m}^2$  in extent) be leased to PowerCom (Pty) Ltd at a monthly rental amount of N\$16 160.00 for a period of nine (9) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.
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- 10 That the closure and all public consultation procedures be completed prior to the signing of any Lease Agreements.
- 11 That the applicant be responsible for any town planning procedure and cost thereof.
- 12 That the lease portions only be used for the erection and operation of Base Transceiver Stations (BTSS).
- 13 That tower structures be 25 metre high camouflage tree tower, of which all the areas be fenced off for security purposes.
- 14 That the applicant conduct site specific Environmental Impact Assessments (EIAs) on the respective portions and obtain Environmental Management Clearance Certificates to the satisfaction of the Strategic Executive: Economic Development and Community Services.
- 15 That the applicant comply with the relevant requirements of the Environmental Management Act, 2007 (Act 7 of 2007) for the Base Transceiver Stations (BTSS).
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- 17 That all residents within a 300 metre radius of the receivers of the Base Transceiver Stations (BTSS) be consulted as per Council requirements, and that all other conditions as set out in Council Resolution 281/09/2010 be complied with.
- 18 That the applicant ensure the submission of valid Environmental Management Clearance Certificates for the duration of the lease period.
- 19 That the lease agreement be subjected to the client submitting to Council an Environmental Clearance Certificate.
- 20 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.
- 21 That it be noted that connection charges 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.
- 22 That a split prepayment meter be used in residential areas with payment levels lower than 80 % and all informal settlements.
- 23 That it be noted that 'general residential' developments without high rise buildings i.e. individual apartments, a split prepayment meter for each unit shall be used with a metering box located on the street/development

- erf boundary provided that it's technically possible otherwise a bulk meter shall be used.
- 24 That the following be noted:
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    - 24.3 That a main sewer line is passing through the centre and northern parts of the applied portion of Erf 1763, Rocky Crest and no permanent structures should be erected less than 1.5 metre from the main sewer lines.
  - 25 That any additional requirements with regard to water and sewer services for the erven as per paragraphs 24.1 to 24.3 above, be for the applicant's account, subject to approval by the Strategic Executive: Infrastructure, Water and Technical Services.
  - 26 That the applicant verify the lines of services with the Strategic Executive: Infrastructure, Water and Technical Services during construction to avoid any damages on the service lines.
  - 27 That all waste that is generated during the construction phase only be disposed of at an approved landfill and satellite sites, as illegal dumping of waste will not be tolerated.
  - 28 That illegal waste dumping violators be fined N\$2 000.00 or imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment as per the Solid Waste Management Regulations.
  - 29 That no access be allowed from Sam Nujoma Drive, being an arterial road, to the lease portion of Erf 849, Rocky Crest.
  - 30 That it be noted that the extension of Paul Ehrlich Street is not yet developed, thus access to the lease portion of Erf 6268, Katutura should preferably be taken from Andrew Mogalie Street.
  - 31 That no access be taken over a culvert.
  - 32 That no access be allowed 15 metre of any intersection, measured from the intersecting kerbs.
  - 33 That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:
    - 33.1 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.
- 33.2 That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.
- 34 That it be noted that a stormwater course is flowing  $\pm$  5 to 7 metres away from the north western boundary of the proposed portion of Erf R/6268, Katutura along a north westerly direction towards a culvert underneath Andrew Mogalie Street.
- 35 That the applicant appoint a registered Professional Engineer at his/her own cost and risk, to determine if the north western boundary of the proposed portion of Erf R/6268, Katutura require to be protected against any potential flood damage.
- 36 That it be noted that there is a stormwater course flowing from a stormwater culvert from underneath Gambia Street, flowing into a north easterly direction, flowing over the proposed portion, flowing towards the stormwater course as described in paragraph 34 above.
- 37 That the leases be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).
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- 39 That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreements.
- 40 That the resolution be implemented prior to confirmation of the minutes.

**RESOLUTION 46/04/2023**

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