

MUNICIPALITY OF HENTIES BAY

REF. NO: 7/3/2/2

ENQUIRIES: J.N. KUHN
DATE : 29 NOVEMBER 2017



Box 61, HENTIES BAY
TEL : (064) 502000
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Topper.Kuhn@hbaymun.com.na

The Permanent Secretary
Ministry of Urban and Rural Development
Private Bag 13289
WINDHOEK

Dear Sir

ALIENATION OF VIRGIN LAND, 5 HECTARES OF THE FARM REMAINDER HENTIESBAAI TOWN AND TOWNLANDS NO 133: MESSRS SOLITUDE BEACH BAR AND RESTAURANT

Application was made by the current lessees, Messrs Solitude Beach Restaurant, to purchase the portion, in extent 5 000 m², and depicted on the attached aerial photo with co-ordinates, which area is under a leasehold of 9 years and 11 months.

The Council at its meeting resolved by Council Resolution CR/062/28/06/2017

THAT-

- (1) In terms of Section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992), as amended, read in conjunction with section 63 of the same Act 23 of 1992, approval is granted for the alienation by private treaty of a Portion, in extent 5 000m² of Remainder of the Farm Hentiesbaai Town and Townlands No.133, located immediately west and adjacent to Hentiesbaai (Ext 11) and depicted on the attached plan to Messrs Solitude Beach Restaurant at a purchase price of N\$ 140.00 p/m² [N\$ 700 000.00 (Seven Hundred Thousand Dollars)] , subject to the applicant servicing the area at own cost;
- (2) The business shall be strictly limited to the proposal submitted to Council and such shall be included in the Agreement of Sale, which business entails a beach restaurant with a bar, chalets, a conference facility with rooms, a small convenient and retail shop and a kids recreational playground;
- (3) In terms of section 20(1) of the Township and Division of Land Ordinance, 1963 (Ord 11 of 1963) the subdivision of the Remainder of the Farm Hentiesbaai Town and Townlands No 133 into Portion A, in extent 5 000m², and the Remainder at the cost of the applicant; and
- (4) Given the nature of business of an tourist accommodation establishment with the associated amenities of a food outlet an environmental impact assessment be done in terms of the Environment Act, 2007 (Act 7 of 2007).

The intended alienation was advertised in terms of section 63 of the Local Authorities Act, 1992 (Act 23 of 1992) and objections were lodged.

Having received objections, the intended alienation was re-submitted to Council for consideration and comments as required in terms of section 63(3)(b) of the said Act 23 of 1992. The Council resolved by Council Resolution CR/105/25/10/2017 to favourably consider

ALL CORRESPONDENCE IS TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

the alienation of the Portion, in extent 5 000 m², of the farm remainder Hentiesbaai Town and Townlands as depicted on the aerial photo, confining the land to the co-ordinates indicated and to set aside the objections lodged as per the abovementioned Council Resolution Attached hereto.

Attached for your convenience are the following documents:

- Council Resolution CR/105/25/10/2017 - Annexure A;
- Agenda Item with attachments - Annexure B;
- Council Resolution CR/062/28/06/2017 - Annexure C; and
- Application By Solitude Beach Restaurant - Annexure D

Your favourable consideration to set aside the objections lodged and in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) read in conjunction with section 63 of the same Act 23 of 1992 approves the intended alienation of a portion, in extent 5 000 m², of the Farm Remainder Hentiesbaai Town and Townlands No 133 as depicted on the aerial photo with coordinates is appreciated.

Yours faithfully

**CHIEF EXECUTIVE OFFICER
REINHARDT STEVENS OCHS**



MUNICIPALITY OF HENTIES BAY
P.O. Box 61
Republic of Namibia

Ministry of Urban and Rural Development

Enquiries: Mr. J. Ishila
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Government Office Park
HENTIES BAY Her Street
MUNICIPALITY OF HENTIES BAY

Private Bag 13289
Windhoek, Namibia

Date: 1 February 2018

Our Ref.: 14/17/3/H1
Your Ref.:

Mr. R. S Ochs
Chief Executive Officer
Municipality of Henties Bay
P.O. Box 61
HENTIES BAY

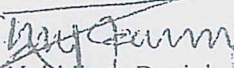
Dear Mr. Ochs

HENTIESBAY: ALIENATION OF VIRGIN LAND, 5 HECTARES OF THE FARM REMAINDER HENTIES BAY TOWN AND TOWNLANDS NO 133: MESSRS SOLITUDE BEACH BAR AND RESTAURANT

Your letter dated 29 November 2017 has reference,

Approval has been granted in terms of section 30 (1) (t) of the Local Authorities Act, 1992 (Act No. 23 of 1992) as amended, to the Municipality of Henties Bay to alienate a portion of the farm Remainder Hentiesbaai Town and Townlands No 133 measuring 5000m² in extent, at a purchase price of N\$ 140.00 p/m² which is a total amount of N\$700 000.00 (Seven Hundred Thousand Namibian Dollars only), to Messrs Solitude Beach Restaurant, as depicted on the aerial photo, confining the land to the co-ordinates indicated and subject to Council Resolution Number CR/105/25/10/2017.

Yours Sincerely


Nghidinua Daniel

PERMANENT SECRETARY



PLAN AFRICA CONSULTING CC
TOWN AND REGIONAL PLANNERS



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WINDHOEK
8 Delius Street
Windhoek (West)
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06/01/2021

Chief Executive Officer
Municipality of Henties Bay
P.O. Box 61
HENTIES BAY

Attention: Gift Sinyepe

Dear Sir

SUBDIVISION OF THE REMAINDER OF HENTIESBAAI TOWN AND TOWNLANDS NO. 133 INTO
PORTION 127 AND REMAINDER

1. Appointment

Plan Africa Consulting CC has been appointed by Solitude Beach Restaurant the current lessees of the Solitude restaurant site for the subdivision of the Remainder of Hentiesbaai Town and Townlands No. 133 into Portion 127 and Remainder

2. Context

Henties Bay is one of 5 coastal towns and of three towns located in relatively close proximity to each other in the central coastal area, being Swakopmund and Walvis Bay, which are both located south of Henties Bay. Henties Bay is the most northern formal town at the Namibian coast, which supports urban life and is approximately 60km from Swakopmund. The town is inherently and primarily a holiday and retirement town, mostly because of its favourable climate conditions and coastal location. The Erongo Region is one of the least densely populated regions in Namibia where only 6% of the population of the country resides.

As Henties Bay is a typical tourist and holiday town with the result that a large number of houses are standing empty most of the time and are only occupied during weekends and holidays. However, since 2004 Henties Bay experienced a boom in the property market and although many more people settled here permanently, a great deal of the houses is still mainly used for holiday purposes. In the absence of major industries Henties Bay will remain predominantly a holiday town. A major factor also being that the market in Swakopmund is becoming saturated and its absorption capacity is decreasing, which can be to the benefit of Henties Bay, which is already becoming evident and visible.

3. Background

The applicant is leasing a 5000m² of land, a portion of Hentiesbaai Town and Townlands No. 133. Site since 2016. The site housed the Solitude restaurant before, which has since been closed. Council approved the sale of the beachfront side located immediately southwest of the proclaimed area of Henties Bay Extension 11 per Council Resolution, CR/105/25//10/2017. The Minister of Urban and Rural Development approved the sale of the respective portion in terms of Section 30(1)t of the Local Authorities Act, Act No. 23 of 1992 as amended. The subdivision is necessary in order to make the registration and transfer of the respective portion possible.

4. Erf Information

The portion was reserved as Portion 127 of Henties Baai Town and Townlands No. 133 and would be officially registered as such after approval of the diagram. The portion is situated at the southern end of Henties Bay townships adjacent to the sea front, but above the highwater mark. Access to the site I currently obtained via a unproclaim gravel road to the Solitude beach area.

5. Proposed Development and Motivation

The seafront location of the portion provides the site with excellent development options, however the applicant at this stage only want to use it for residential purposes and most probably for an accommodation establishment. The townlands is currently zoned "undetermined" and the portion will have to be rezoned to accommodate the propose development but the subdivision, which was already approved can proceed in the interim while the rezoning of the land is in process.

The intention of the Council is to subdivide the Hentiesbaai Town and Townlands No. 133 in order to make the transfer of the portion possible. The owner is to rezone the respective portion to 'general residential 1' with a density 1:900m². Council is already considering the rezoning of the portion from undetermined to "general residential 1" in line with the development objective of the prospective purchaser.

In order to construct 5 dwelling units in the long term to serve as guesthouses or for retirement. The portion is already located adjacent to a similar low-density area.

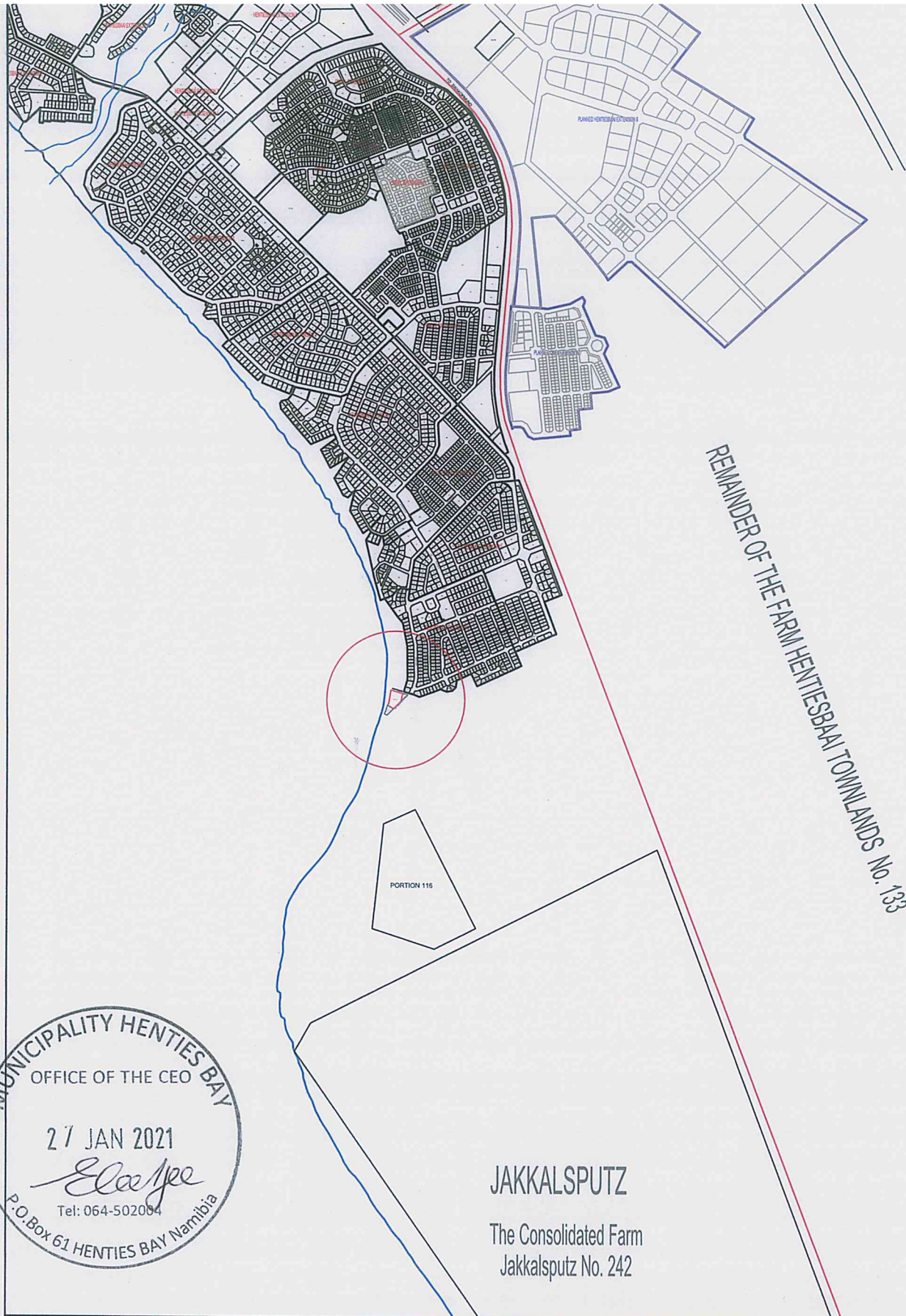
Infrastructure provision, especially roads in most cases determines the cost of erven and recently the shortage of the supply of serviced erven is responsible for the close to exorbitant erf house prices in major urban centers including Henties Bay. Services are located in the adjacent area and the portion can therefore be easily connected. A servitude should be registered over the existing beach road from the adjacent internal road for the purpose of access to the proposed development, while the beach road is being reserved as street. A pedestrian access to the beach would be provided on the northern boundary of Portion 127.

6. The new Planning Act

The Urban and Regional Planning Act, Act 5 of 2018 was promulgated in 2018 but only came into force with the proclamation of the regulations on 03 September 2020. The Act effectively replaced the current planning legislation, the Township and Division of Land Ordinance, Ordinance 11 of 1963 and the Town Planning Ordinance, 18 of 1954. Processes and procedures remain more or less the same but some procedures were consolidated as well as the two boards, Township Board and the Namibia Planning and Advisory Board are replaced by one board, the *Urban and Regional Planning Board*.

Procedures are as follows since the Henties Bay Municipality is not yet an Authoritative Planning Authority but approved the sale and subdivision of the respective portion already in 2017 in terms of Council Resolution CR/105/25/10/2017: The following procedures would be followed.

- o Submission of the application for subdivision of Hentiesbaai Town and Townlands No. 133 in terms of Section 105(1)(e) of the Urban and Regional Planning Act, Act 5 of 2018



MUNICIPALITY HENTIES BAY
 OFFICE OF THE CEO
 27 JAN 2021
Elae Jee
 Tel: 064-502004
 P.O. Box 61 HENTIES BAY Namibia

JAKKALSPUTZ

The Consolidated Farm
 Jakkalsputz No. 242

Locality Plan of Portion 127
 HENTIESBAAI



Jan 2021



Plan Africa Consulting cc

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MUNICIPALITY HENTIES BAY
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27 JAN 2021
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PTN SIZE
PTN 127 = 5000m²

Subdivision of The Remainder of The Farm HENTIESBAAI No.133 Into Portion 127 and Remainder.



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PTN SIZE
 PTN 127 = 5000m²
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Jan 2021

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“SPECIAL POWER OF ATTORNEY”

I, the undersigned *Elizabeth Susanna Coetzee*, in my capacity as Chief Executive Officer of Henties Bay Municipality do hereby nominate, constitute and appoint

PLAN AFRICA CONSULTING CC
8 DELUIS STREET WINDHOEK (WEST)
P.O. BOX 4114
WINDHOEK

with power of Substitution, to be my lawful Attorney and Agent in my name, place and stead, to make the necessary application to the Municipality of Henties Bay and Urban and Regional Planning Board, Ministry of Urban and Rural Development, for the:

- SUBDIVISION OF THE REMAINDER OF THE FARM HENTIESBAAI TOWN AND TOWNLANDS NO.133 INTO PORTION 127 AND REMAINDER IN TERMS OF SECTION 105(1)(e) OF THE URBAN AND REGIONAL PLANNING ACT, ACT 5 OF 2018.

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

Signed at Windhoek this 16th day of DECEMBER 2020, in the presence of the undersigned witnesses.

WITNESSES:

1.

2.

Elape
 ELIZABETH SUSANNA COETZEE
 CHIEF EXECUTIVE OFFICER
 MUNICIPALITY OF HENTIES BAY
 OFFICE OF THE CEO
 06 JAN 2021
 P.O. Box 4114
 Tel: 064-502004
 HENTIES BAY Namibia