

Department of Housing, Property Management and Human Settlements

☒ 59

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WINDHOEK, NAMIBIA

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E-MAIL:	prh@windhoekcc.org.na		
DATE:	26 October 2021	OUR REF:	L/R/527/RC L/R/934/HAK L/3648/OKU L/130/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 R/527, ROCKY CREST; 934, HAKAHANA; 3648, OKURYANGAVA AND PORTION 130 OF PORTION B, KLEIN WINDHOEK TOWN AND TOWNLANDS 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 a Council meeting held on 2021-09-30, under resolution 197/09/2021, it was resolved as follows:

- 1 *That the lease of a portion of Erf R/934, Hakahana, be noted and not be supported.*
- 1.1 *That it be noted that in terms of section 9.5(f) of the Policy for the Distribution and Future Usage of Public Open Spaces, it stipulated that 'No land designated for a City, Suburban or Neighborhood park should be diminished in any way unless a park development plan exists which indicates clearly that some portion of the land will not be used by the community and represents waste land'.*
- 2 *That a portion of Erf R/527, Rocky Crest ($\pm 64 \text{ m}^2$ in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N\$2 474.24 for a period of five (5) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.*
- 3 *That a portion of Erf 3648, Okuryangava ($\pm 64 \text{ m}^2$ in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N\$2 474.24 for a period of five (5) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.*
- 4 *That Portion 130 of Portion B, Klein Windhoek Town and Townland No. 70 ($\pm 64 \text{ m}^2$ in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N\$2*

474.24 for a period of five (5) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.

- 5 That in the event the applicant fail to conclude the Lease Agreements within the given time that the rental be revised prior to concluding the Lease Agreements.
- 6 That the lease portions only be used for the erection and operation of communication towers.
- 7 That the applicant obtain an Environmental Management Clearance Certificates for respective properties from the Ministry of Environment and Tourism (Environment Commission) before the project commence.
- 8 That the respective Lease Agreements only be concluded once the Environmental Management Clearance Certificates are received by the Strategic Executive: Housing, Property Management and Human Settlement.
- 9 That the Environmental Management Clearance Certificates be renewed regularly as required by the Environment Management Act, 2007 (Act 7 of 2007).
- 10 That should the applicant fail to submit the periodically renewed certificates, that the Lease Agreement be cancelled, with a three (3) month notice.
- 11 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.
- 12 That only one (1) service connection from the municipal electrical network be allowed per erf.
- 13 That 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 must 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.
- 14 That it be noted that a connection charge be payable at the cost of the applicant and the applicant is advised to review the Department of Electricity's Connection Charge Policy, Schedule of Approved Non-Regulated Tariffs and/or to consult directly with the Electricity Department for information on connection charges.
- 15 That it be noted that there is no water or sewer services affected.
- 16 That all waste that will be generated during the construction phase be disposed of at an approved landfill and satellite sites, as illegal dumping of waste not be tolerated.

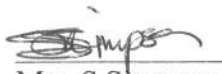
- 17 *That the applicant employ precautionary measures at Erf 3648, Okuryangava by demarcating a safe buffer zone between the tower and residential areas in order to avoid possible health hazards.*
- 18 *That access be obtained from Sando Street to Erf R/527, Rocky Crest.*
- 19 *That access be obtained from Ongava Street to Erf 3648, Okuryangava.*
- 20 *That access be obtained from Heliodoor Street to Portion 130 of Portion B, Klein Windhoek Town and Townlands No. 70.*
- 21 *That the applicant take note that the portion of Heliodoor Street giving access to Portion 130 of Portion B, Klein Windhoek Town and Townlands No. 70 is not upgraded, and Council has no plans to upgrade such portion.*
- 22 *That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:*
- 22.1 *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.*
- 22.2 *That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.*
- 23 *That access to portions of Erven Erf R/527, Rocky Crest; 3648, Okuryangava and Portion 130 of Portion B, Klein Windhoek Town and Townlands No. 70 be to the satisfaction of the Strategic Executive: Urban and Transport Planning.*
- 24 *That the lease area be surveyed and the lease diagram be attached to the Lease Agreement for each property.*
- 25 *That the applicant submit the respective lease diagram for each property before signing the Lease Agreement.*
- 26 *That each proposed lease property enter into a separate Lease Agreement.*
- 27 *That portions of Erven 527, Rocky Crest and 3648, Okuryangava be temporarily closed in terms of section 50 of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).*
- 28 *That the City prepare the closure notice:*
- 28.1 *That the applicant be responsible for inserting the notice in the media, placing a copy on- site and for the distribution to the affected neighbours.*

- 28.2 *That proof of successful advertising be provided to the Strategic Executive: Urban and Transport Planning before the Lease Agreements are signed.*
- 29 *That the lease be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).*
- 30 *That the lease be subject to Ministerial approval in terms of section 30(1)(t) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).*
- 31 *That the Acting Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreement.*
- 32 *That following a meeting between His Worship the Mayor and PowerCom (Pty) Ltd on 4 August 2021, the Strategic Executive: Housing, Property Management and Human Settlement, in conjunction with the Acting Strategic Executive: Information and Communication Technology, follow-up with PowerCom (Pty) Ltd on their commitment to develop one of the parks in the informal settlement areas, whereafter feedback be provided to Management Committee, in this regard.*
- 32.1 *That in line with the above, the communication between the Municipal Council of Windhoek and PowerCom (Pty) Ltd, attached as pages 50 and 51 respectively to the agenda, be noted.*
- 33 *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 197/09/2021, 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 197/01/2021.

Trusting that you find the above in order.

Yours faithfully,



Mrs. S Simpson

MANAGER: PROPERTY MANAGEMENT

[Municipal Council Minutes: 2021-09-30]

9.1.2

**FNS.1 [HPH] APPLICATION TO LEASE
PORTIONS OF ERVEN 527, ROCKY CREST;
934, HAKAHANA; 3648, OKURYANGAVA
AND PORTION 130 OF PORTION B,
KLEIN WINDHOEK TOWN AND
TOWNLANDS NO. 70 TO ERECT
COMMUNICATIONS TOWERS
(3/3/8)**

On proposal by Councillor Ms FN Larandja, it was

RESOLVED

- 1 That the lease of a portion of Erf R/934, Hakahana, be noted and not be supported.
- 1.1 That it be noted that in terms of section 9.5(f) of the Policy for the Distribution and Future Usage of Public Open Spaces, it stipulated that *'No land designated for a City, Suburban or Neighborhood park should be diminished in any way unless a park development plan exists which indicates clearly that some portion of the land will not be used by the community and represents waste land'*.
- 2 That a portion of Erf R/527, Rocky Crest ($\pm 64 \text{ m}^2$ in extent) be leased to PowerCom (Pty) Ltd at a monthly rental of N\$2 474.24 for a period of five (5) years, subject thereto that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.
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- 5 That in the event the applicant fail to conclude the Lease Agreements within the given time that the rental be revised prior to concluding the Lease Agreements.
- 6 That the lease portions only be used for the erection and operation of communication towers.
- 7 That the applicant obtain an Environmental Management Clearance Certificates for respective properties from the Ministry of Environment and Tourism (Environment Commission) before the project commence.

- 8 That the respective Lease Agreements only be concluded once the Environmental Management Clearance Certificates are received by the Strategic Executive: Housing, Property Management and Human Settlement.
- 9 That the Environmental Management Clearance Certificates be renewed regularly as required by the Environment Management Act, 2007 (Act 7 of 2007).
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- 16 That all waste that will be generated during the construction phase be disposed of at an approved landfill and satellite sites, as illegal dumping of waste not be tolerated.
- 17 That the applicant employ precautionary measures at Erf 3648, Okuryangava by demarcating a safe buffer zone between the tower and residential areas in order to avoid possible health hazards.
- 18 That access be obtained from Sando Street to Erf R/527, Rocky Crest.
- 19 That access be obtained from Ongava Street to Erf 3648, Okuryangava.
- 20 That access be obtained from Heliodoor Street to Portion 130 of Portion B, Klein Windhoek Town and Townlands No. 70.

- 21 That the applicant take note that the portion of Heliodoor Street giving access to Portion 130 of Portion B, Klein Windhoek Town and Townlands No. 70 is not upgraded, and Council has no plans to upgrade such portion.
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 - 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.
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 - 32.1 That in line with the above, the communication between the Municipal Council of Windhoek and PowerCom (Pty) Ltd, attached as pages 50 and 51 respectively to the agenda, be noted.
- 33 That the resolution be implemented prior to confirmation of the minutes.

RESOLUTION 197/09/2021

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REPUBLIC OF NAMIBIA

MINISTRY OF INFORMATION AND COMMUNICATION TECHNOLOGY

Private Bag 13344
WINDHOEK
NAMIBIA

OFFICE OF THE EXECUTIVE DIRECTOR

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Ref: 13/6/2/1/32
Enquiries: Ms. Johanna Nashipili
Email: Johanna.Nashipili@mict.gov.na
Tel: 061: 2832088

24 November 2021

Mr. Mercucio Mowes
Excel Dynamic Solutions (PTY) Ltd
P.O.Box 40799
Windhoek

Dear Mr. Mowes,

RE: APPLICATION FOR ENVIRONMENTAL CLEARANCE CERTIFICATE FOR PROPOSED CONSTRUCTION AND OPERATIONS OF TELECOMMUNICATION TOWERS IN OKURYANGAVA, ROCKY CREST AND EROS, WINDHOEK ,KHOMAS REGION

Receipt of your three applications for Environmental Clearance Certificates for construction and operations of telecommunication towers in Okuryangava, Rocky Crest and Eros, Windhoek Khomas Region with reference numbers APP-003290, APP-003291 and APP-003289 respectively is hereby acknowledged.

The Ministry of ICT as a competent Authority charged with the responsibility of granting authorization in respect of construction of communication networks including towers, telecommunication and marine telecommunication lines and cables, would like request your

institution to undertake the following in accordance with section 7 of Environmental Impact Assessment Regulations: Environmental Management Act 2007 :

1. After submitting the application to the competent authority the proponent must -

- a) conduct a public consultation process in accordance with regulation 21;
- b) open and maintain a register of all interested and affected parties in respect of the application in accordance with regulation 22;
- c) consider all objections and representations received from interested and affected parties following the public consultation process conducted in terms of paragraph (a), and subject the proposed application to scoping by assessing -
 - (i) the potential effects of the proposed listed activity on the environment;
 - (ii) whether and to what extent the potential effects referred to in subparagraph can be mitigated; and
 - (iii) whether there are any significant issues and effects that require further investigation;
- (d) prepare a scoping report; and
- (e) give all registered interested and affected parties an opportunity to comment on the scoping report in accordance with regulation 23.

(2) After the completion of the processes referred above as per sub regulation (1), of section 7 the proponent must submit to the relevant competent authority (Ministry of ICT) -

- (a) the scoping report;
- (b) the management plan;
- (c) copies of any representations, objections and comments received in connection with the application or the scoping report;
- (d) copies of the minutes of any meetings held by the proponent with interested and affected parties and other role players which record the views of the participants;and
- (e) any responses by the Environmental Assessment Practitioner (EAP) to those representations, objections, comments and views.

Furthermore, kindly share with this Ministry the time slots and the venues of the public consultation for the officials of this Ministry to attend.

Yours Sincerely,



MBEUTA UA NDJARAKANA
EXECUTIVE DIRECTOR



Cc: Communications Regulatory Authority of Namibia
Environmental Commissioner



Private Bag 12003 Windhoek Namibia | (Tel) +264 83 235 2100 | (Web) <http://www.ncaa.na>

REF: NCAA: AGA:133/2022
Enquiries: Rauna Mungonena
Tel: +264 83 235 2367
Email: mungonenar@ncaa.na

14/7/2022

Mr. Bisey /Uirab
Chief Executive Officer
Namibia Airports Company
PO Box 23016
Windhoek

13 July 2022

Dear Mr. /Uirab,

SUBJECT: OBSTACLE LIMITATION SURFACE ASSESSMENT FOR THE ERECTION OF PERMANENT TELECOMMUNICATION TOWERS AND TEMPORARY CRANE OPERATIONS AT EROS, ROCKY CREST AND OKURYANGAVA AREA WITHIN THE VICINITY OF EROS AIRPORT (FYWE)

The captioned matter bears reference.

Pursuant to NAMCARs 139.11.2, the NCAA has no objection to the erection of the Camouflage tree telecommunication towers at Eros, Rocky Crest and Okuryangava.

NCAA further wish to inform you that the review of your application concluded that the proposed erection of the **Camouflage tree telecommunication towers** at **22°32'26.0"S, 17°05'57.7"E; 22°34'36.0"S, 17°02'36.0"E** and **22°29'26.2"S, 17°03'31.5"E** does not infringe the Obstacle Limitation Surfaces for Eros Airport.

NAC must ensure that the **25m high Camouflage tree telecommunication towers** remain within the limits specified above and ensure that they are marked and/or lighted as per the requirements.

Additionally, the specifications of the temporary crane applications at the aforementioned areas are technically incorrect. Therefore, NAC is advised to amend and re-submit the application of the temporary obstacles, prior to the commencement of the construction work.

Finally, the NCAA reserves the authority to initiate the removal of any obstacle which, constitutes a hazard to aircraft operations, and the cost of such removal will be borne by the owner of the obstacle (NAMCARs 139.11.7).

Looking forward to your usual cooperation.

Yours sincerely,



Ms Toska Sen
Executive Director



**NATIONAL RADIATION
PROTECTION AUTHORITY**
*Established pursuant to Section 33 (1) of the Atomic Energy &
Radiation Protection Act, Act No 5 of 2005*

Ministry of Health and
Social Services
P/BAG 13198
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Tel: +264 (61) 2032417
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E-mail: aerpr@mhss.gov.na
Website: aebfnamibia.org

Enquiries: G. Amakali Ref: 3/6/6/2/2

Date: 28 July 2022

Mr Nelson Tjelos
Head of Projects
Excel Dynamic Solutions (Pty) LTD
P.O.Box 997154
Maerua Mall
Windhoek

Dear Mr Tjelos

Subject: Environmental assessment for the proposed construction and operation of telecommunication towers in Khomas Region (Okuyangava, Eros and Rocky Crest) and Otjzondjupa region (Orwetoveni) - Application for environmental clearance certificates

Your submission dated 21 June 2022 on the above – subject matter has been reviewed and herewith are our review comments for your consideration:

1. This Authority, on numerous occasions, has been receiving, reviewed and provided feedback outlining some regulatory requirements to be fulfilled by the proponent. We have not received any affirmation from yourself or the proponent on commitment to comply with the relevant regulatory requirements.
2. The authority has no objection to the siting of proposed sites in Khomas region, however is at unease with the proposed site in Orwetoveni that is within a children playground. Despite the fact that there is no global recommended restriction with respect to the closest distance from the telecommunication towers to the areas frequented by public, we should not be complacent. Noted that children are considered as vulnerable members of society in terms of radiation effects, this suggest for a precautionary approach to be considered.
3. The authority would therefore be satisfied if an alternative, yet suitable for the purpose, site in Orwetoveni be sought for consideration.
4. We took note that the proponent is not a mobile telecommunications operator but develop ICT infrastructures for leasing to the operators. For this purpose, the Authority brings the following to your attention:
 - i. It is the responsibility of PowerCom to ensure all sites are registered as required by the Non Ionising Radiation Regulations (Government Notice No 126 of 2020).

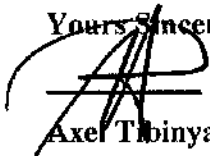
Mission
To provide for the adequate protection of the environment and of people in current future generations from the harmful effects of radiation



- ii. PowerCom is hereby required to ensure that all potential operators acquire pre approval from this Authority
- iii. It is the responsibility of the PowerCom to ensure that the total exposure at any critical point from an installation complies with the limits as prescribed in the afore-mentioned regulations.

I hope the above is in good order.

Yours Sincerely,



Axel Thinyane

Director

