



Excel Dynamic Solutions
— Consultants, DataExperts, ProjectManagers —

RE: ENVIRONMENTAL SCOPING ASSESSMENT (ESA) FOR THE PROPOSED CONSTRUCTION AND OPERATION A
TELECOMMUNICATION TOWER IN EROS, WINDHOEK, KHOMAS REGION

PUBLIC CONSULTATION LETTERS – DELIVERY REGISTRY

No.	Name	Capacity & Institution or Erf Number	Cell & Email (if any)	Date of delivery
Interested & Affected Parties / Neighbours to the Site				
1.	TS	School	wop.edu.na.	24/11/2021
2.	Riva Namene	155 olof Palme street/erf5	kateoremekela@gmail.com	24/11/2021
3.	ARON Hqumb	154 11	clintonbe clintonbe@gmail.com	24/11/2021
4.	Alfa Gessemu	150 olof Palme Street.	alfa@erombeengroup.com	24/11/2021
5.	Estiviel Bumba	olo of palm st	Estiviel@gmail.com	24/11/2021



Excel Dynamic Solutions
— Consultants, Data Experts, Project Managers —

No.	Name	Capacity & Institution or Erf Number	Cell & Email (if any)	Date of delivery
6.	R. Baurer	146 Old Palm St	info@rusepalm.com	24/11/2021
7.	S. Keoun	142 Old Palm St.	Seadhakeoun@gmail.com	24/11/2021
8.				
9.				
10.				
11.				
12.				
13.				
14.				



Excel Dynamic Solutions (Pty) Ltd

Physical Address: 112, Robert Mugabe Avenue, Windhoek

Postal Address: PO Box 997154 Maerua Mall, Windhoek

Telephone: +264 (0) 61 259 530

Fax2email: +264 (0) 886 560 836

Email: info@edsnamibia.com

Web: www.edsnamibia.com

Document Type:

BACKGROUND INFORMATION DOCUMENT (BID)

Project Name:

Environmental Scoping Assessment (ESA) for Proposed Construction and Operation of a Telecommunication Tower in Eros, Windhoek, Khomas Region:

An Application for Environmental Clearance Certificate

Environmental Consultant:

Excel Dynamic Solutions (Pty) Ltd

Proponent:

PowerCom (Pty) Ltd

Date:

September 2021

1 INTRODUCTION

PowerCom Pty Ltd (*The Proponent*) proposes to construct and operate a 25 m camouflaged tree (network) tower in Windhoek. The proposed site is located in the area of Eros (22°32'26.0"S 17°05'57.7"E), Windhoek, as indicated on the map in Error! Reference source not found..

Telecommunication towers and related infrastructure developments are among listed activities that may not be undertaken without an Environmental Clearance Certificate (ECC) under the Environmental Management Act (EMA) (2007) and its 2012 Environmental Impact Assessment (EIA) Regulations. The relevant listed activities as per EIA regulations are:

- *10.1 (g) The construction of masts of any material or type and of any height, including those used for telecommunication, broadcasting, and radio transmission.*

In order to comply with the EMA and its Regulations, The Proponent has appointed Excel Dynamic Solutions (Pty) Ltd, an independent team of Environmental Consultants, to conduct the required Environmental Scoping Assessment (ESA) process and submit the ECC application to the Department of Environmental Affairs and Forestry (DEAF) at the Ministry of Environment, Forestry and Tourism (MEFT).

2 PURPOSE OF THIS DOCUMENT

It should be noted that **this Background Information Document (BID) is not an Environmental Scoping Assessment (ESA) Report. The BID is a non-technical summary of the ESA**, aimed at sharing information and a basis for public involvement from the beginning of the ESA process. The purpose of the BID is therefore to provide project background information to stakeholders as well as interested and affected parties (IAPs), thus providing an opportunity for them (IAPs) to receive information, comment and raise issues regarding the environmental authorization process. The aim of this document is to:

- Briefly introduce the proposed project and related activities to potential IAPs and stakeholders, and provide information on the ESA process and how IAPs can get involved,
- invite members of the public to register as IAPs and added to the ESA database so that they can stay informed about the ESA progress throughout its process, and
- To provide all IAPs with an opportunity to comment or provide inputs or raise issues on the proposed project activities. The IAPs' inputs will then form basis of the ESA documents to help the competent and regulatory authorities (Ministry of Information and Communication Technology (MICT) and MEFT), respectively) to make informed decisions on the issuance of the ECC.

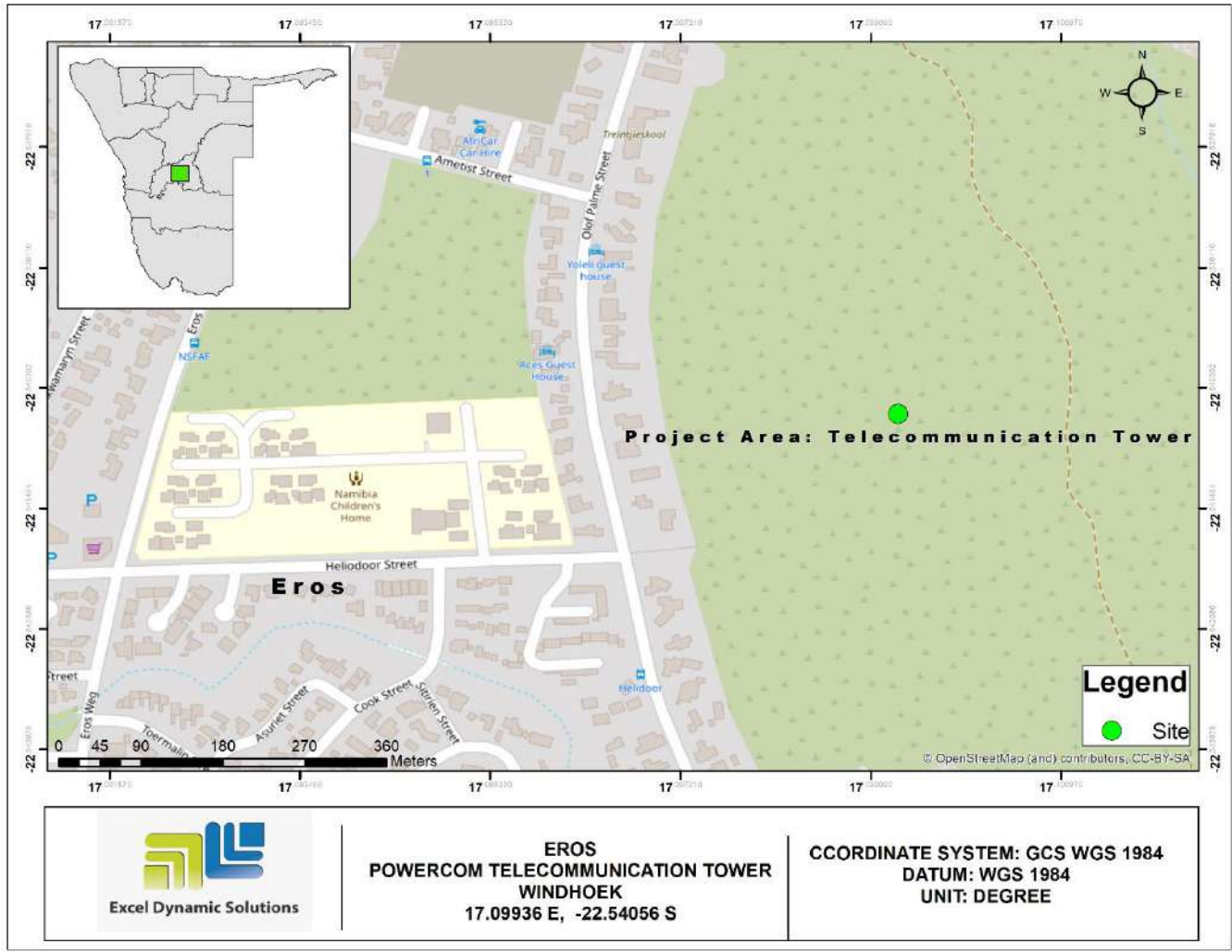


Figure 1: Locality map of the proposed telecommunication tower site in Eros, Windhoek, Khomas Region

3 NEED AND DESIRABILITY OF THE ACTIVITY

Due to the constant growth in the use of mobile communication services in Namibia, the pressure (on service providers) to continuously expand the communications network is increasing. PowerCom has foreseen a shortfall in mobile network access (poor network signal) in this part of Windhoek. This planned activity will provide additional capacity, reducing the congestion problems and improving coverage in the area. This will also ensure improved quality of service provided to mobile users in the area.

4 PROJECT DESCRIPTION

The Communications Act No. 8 of 2009, requires that service providers first consider sharing existing infrastructure in the area before constructing new structures. There is no other infrastructure near the proposed site, which could be shared by PowerCom to install/mount their antenna, therefore, they would need to construct a new tower.

There are criteria that are usually employed to optimize the positions of new structures in the telecommunication industry.

These include coverage of existing network infrastructure, surrounding topography & built-up environment, established and future urban areas, required footprint and the most appropriate design of the facility.

Once the Proponent has been issued with an ECC and obtained all relevant and required permits/licensing such as land use /leasehold agreements, the proposed construction activities may commence at the site.

4.1 Site Location and Ownership

The regular network shortfalls experienced by mobile users in the area has led to this site selection. Furthermore, the outcome of the selection criteria used, provided the best potential position of the tower in Eros. The site is under the ownership of the Municipality of Windhoek, and land use (leasehold) agreement to occupy the land for the purpose of constructing a tower by the Proponent is awaiting officially written approval. The locality details of the site are shown in **Table 1** below.

Table 1 Proposed site locality details

Site Name:	Eros
GPS Coordinates:	22°32'26.0"S 17°05'57.7"E
Local Authority:	Municipality of Windhoek
Regional Administration:	Khomas Regional Council

4.2 Design and Technical Aspects

The proposed tower will be a 25 m camouflaged tree tower. The tower site will also include an outdoor cabinet, a perimeter fence, as well as electrical fencing to restrict unauthorized access. The site will be used to provide 3G/4G coverage for a ±1.5 km radius, in order to have proper in-door and outdoor coverage. The footprint (surface area) to be covered by the tower and associated equipment/accessories is anticipated to be ± 80 m², with only less of that total dedicated to the actual footprints of the tower.

4.3 Construction Phase

There will be minimal earthworks to prepare the site for the tower construction and installation. The construction work is expected to be completed within 3 months. The structures of the tower will be mounted to a concrete foundation and will not require any supporting cables. The physical assembling of the

network structure and the construction of the foundations will take place on the sites by using manual labour as far as possible.

For safety and security reasons, the tower site will be fenced off to ensure restriction of access to the tower to authorised personnel (such as maintenance team) only, and to prevent vandalism.

The Proponent will appoint a contractor to carry out the construction. This work will be carried during weekdays only and between 08h00 and 17h00. Preference for the construction works will be given to locals, i.e., contractors from Windhoek.

The appointed construction contractors will not be housed on site but in their homes (for the locals) and in available accommodation facilities in Windhoek for out-of-town technical staff (if necessary). Therefore, no campsite related to the proposed project will be set up on the site or its vicinity.

The appointed contractor for construction, will be required to adhere to health and safety requirements to be presented in the Environmental Management Plan at the end of this study.

4.4 Operational and maintenance Phase

This is the phase during which the tower will be operational and provide network signal to the residents and other future land users in this part of Eros. Maintenance of the tower will be carried out by the PowerCom Maintenance Department, as and when required. No onsite accommodation will be required during this phase, as the maintenance works would only last a couple of hours.

Similar to the construction phase (works), the Proponent will ensure that all their employees carrying out maintenance works on site are provided with appropriate PPE.

4.5 Human Resources, Services, and infrastructure

The following services and infrastructure as provided below will be required for the project activities:

Human resources and accommodation: The number of workers required for the construction of the tower can only be determined by the contractor to be appointed for construction works by PowerCom once the ECC is issued. The workforce will include skilled, semi- and unskilled workers, as necessary to complete the work. All non-skilled labour will be given to residents (from Windhoek).

Power Supply: No electricity is required during the construction of the tower. However, it will be required during the operational maintenance phase of the tower. Alternating Current (AC) power will be required for the operation of the tower and will be connected to the City of Windhoek grid.

Water supply: Minimal amount of water will be required during construction. This water will be used for drinking and efficiently used for in-situ concrete mixture (part of the concrete works for foundation casting). The required water will be sourced from municipal water sources, upon agreement with the Municipality or relevant water supplier, who can be the nearest home or business owners.

Accessibility (roads): The site is within the Eros suburb of Windhoek. It is accessible from informal/gravel routes eastwards from Olof Palme Street in Eros.

Waste management: there will be minimal waste generated on site. This will include general, solid, and possibly wastewater (sewage). This different waste will be handled as follows:

General and domestic waste: Sufficient waste bins (containers) will be made available at the site to manage the accumulation of general and domestic waste on site during construction. The waste bins will be disposed of at the nearest waste skips that will lead to eventual disposal at a local landfill site.

Sewage: Portable ablution facilities will be provided on site and emptied according to manufacturers' instructions. Any wastewater will be transported offsite to the nearest wastewater treatment facility in Windhoek.

Health and Safety: Adequate and appropriate Personal Protective Equipment (PPE) will be provided to every project personnel while on duty at the site. A first aid kit will be readily available on site during construction works.

Potential Accidental Fire Outbreaks: A minimum of basic firefighting equipment, i.e., a fire extinguisher will be readily available in vehicles, at the site.

4.6 Decommissioning: Rehabilitation of Sites

The Proponent will need to properly decommission the construction works and carry out any necessary rehabilitation of the site. This will include backfilling of any side trenches with topsoil. The aim is to ensure that disturbed site areas are left close to their pre-work state as much as possible.

5 ENVIRONMENTAL SCOPING ASSESSMENT PROCESS

This ESA process is conducted in accordance with the provisions laid out in the Environmental Management Act (No 7 of 2007) and its' Environmental Impact Assessment Regulations (2012).

The primary objective of the ESA will be to identify potential negative impacts associated with the proposed activity, assess them, and recommend practical and effective mitigation measures to be implemented by the Proponent to minimize these impacts, while maximizing positive impacts.

The main objectives of this ESA are to:

PowerCom (Pty) Ltd

- Comply with Namibia's Environmental Management Act (2007) and its EIA regulations (2012).
- Identify potential impacts associated with the proposed Activity.
- Inform Interested and Affected Parties (I&APs) and relevant authorities about the proposed activities and to provide them with a reasonable opportunity to participate during the EA process.
- Assess the significance of issues and concerns raised.
- Compile a report addressing all identified issues and potential impacts related to various aspects of the activity.
- Compile an Environmental Scoping Report as well as a Draft Environmental Management Plan (EMP) which includes impacts' management and mitigation measures.

5.1 Potential Impacts

The following potential impacts have been identified so far:

POSITIVE:

BID: Telecommunication Tower in Eros, Windhoek

- **Telecommunications convenience:** Current and future residents (mobile users) would have an improved infrastructure and would not struggle with network coverage.
- **Employment creation:** Creation of temporary jobs during the construction of the tower.
- General contribution to local economic development through **reliable communications services.**

NEGATIVE:

- **Physical land / soil disturbance:** excavation activities to erect the tower could potentially lead to site soils' disturbance.
- **Disturbance:** During tower construction, the construction activity may disturb the immediate neighbours to the site.
- **Visual impact:** The presence of the tower in the neighbourhood may be a nuisance to locals.
- **Health and Safety issues:** Electromagnetic Radiation emitted from the antennae of cellular structures may affect human health.

- **Potential health and safety risks** associated with mishandling of construction and operations equipment.
- **Civil Aviation concerns:** The proposed site designs and location need to be verified to ensure that it meets the approval of the Directorate of Civil Aviation regarding the height of the masts and the position and stability of transmitters.
- **Environmental pollution** from improper disposal of waste generated during construction and maintenance phases.
- **Archaeological or cultural heritage impact** through unintentional uncovering of unknown archaeological objects or sites by certain project activities such as excavation (the minimal site works).

The potential impacts listed above are pre-identified and therefore should not be deemed as final or the only ones. Other potential impacts will be identified as the ESA process progresses i.e., upon site visit and consultation with the public (IAPs). All impacts and public concerns/comments will be incorporated and addressed in the Environmental Assessment Report and EMP.

5.2 Public Consultation

Public consultation is an important part of ESA process. During the consultation process, interested or affected members of the public are given an opportunity to find out more about the activity and raise any issues or concerns pertaining to the environmental assessment.

You are hereby invited to the Public Consultation Meeting scheduled as follows:

Date: Monday, 22 November 2021

Time: 17h30

Venue: To be communicated to I&APs

To comment or receive further information on the project, please register with Excel Dynamic Solutions (Pty) Ltd using the details below:

Contact Person: Ms. Rose Mtuleni

Email: public@edsnamibia.com

Telephone No.: +264 (0) 61 259 530)

Please make sure that the comments, issues and concerns should reach EDS **before or on Friday, the 03rd of November 2021**. All registered I&APs will be kept informed throughout the various stages of the project and will be provided the opportunity to comment on the Scoping (ESA) Report.



Notice at Yoleli Guesthouse in Olof Palme Street



Notice at Pick n Pay, Eros



House to house Consultations in Eros Park

APPENDIX H: RESPONSES FROM THE PUBLIC

Delete Respond Quick Steps Move Tags Editing Zoom

Thu 11/25/2021 9:04 AM
public@edsnamibia.com
RE: Environmental Scoping Assessment (ESA) for Proposed Construction and Operation of a Telecommunication Tower
To: info@housepalme.com

Subject: Environmental Scoping Assessment (ESA) for Proposed Construction and Operation of a Telecommunication Tower

TO WHOM IT MAY CONCERN:

I just received a Document from Excel Dynamic Solutions (PTY) Ltd concerning the construction of a 25 m tower in Windhoek, Eros just behind our properties. As a Guesthouse Owner my concern is the fact that the radiation that we will be in contact with every single minute of the day is a health issue as you know that it causes cancer and other problems. My clients want a safe environment where they can come and relax and know that they are not in a radiated area for the time they spend here. We as a family live on the premises and that is a health risk for us and all my neighbours too. We've worked really hard to build our business and get the best ever ratings and are not willing to let that be just taken away from us. This is also a big concern for my fellow neighbours.

Please let me know that you received this email.

Warm Regards

--
Renette Brönnner
Owner/Manager
House on Olof Palme
p: +264 61 244 742
a: 146 Olof Palme Street
Eros Park, Windhoek
w: www.housepalme.com e: info@housepalme.com

Delete Respond Quick Steps Move Tags Editing Zoom

Thu 11/25/2021 9:04 AM
public@edsnamibia.com
RE: Environmental Scoping Assessment (ESA) for Proposed Construction and Operation of a Telecommunication Tower
To: info@housepalme.com

Dear Renette Brönnner,

Thank you for your input regarding this project. We have taken note of the concerns raised, and will incorporate them in the scoping study report, which will make part of the application for Environmental Clearance Certificate to the Ministry of Environment, Forestry and Tourism.

We have registered you as an Interested and Affected Party, and will keep you updated as the Environmental Scoping project progresses.

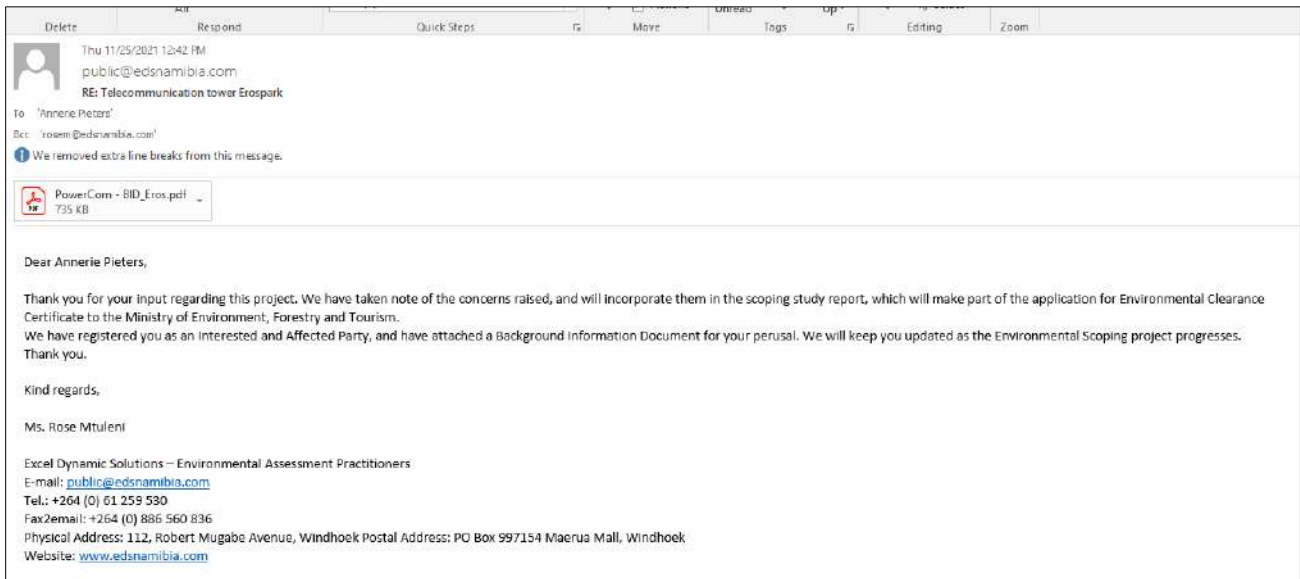
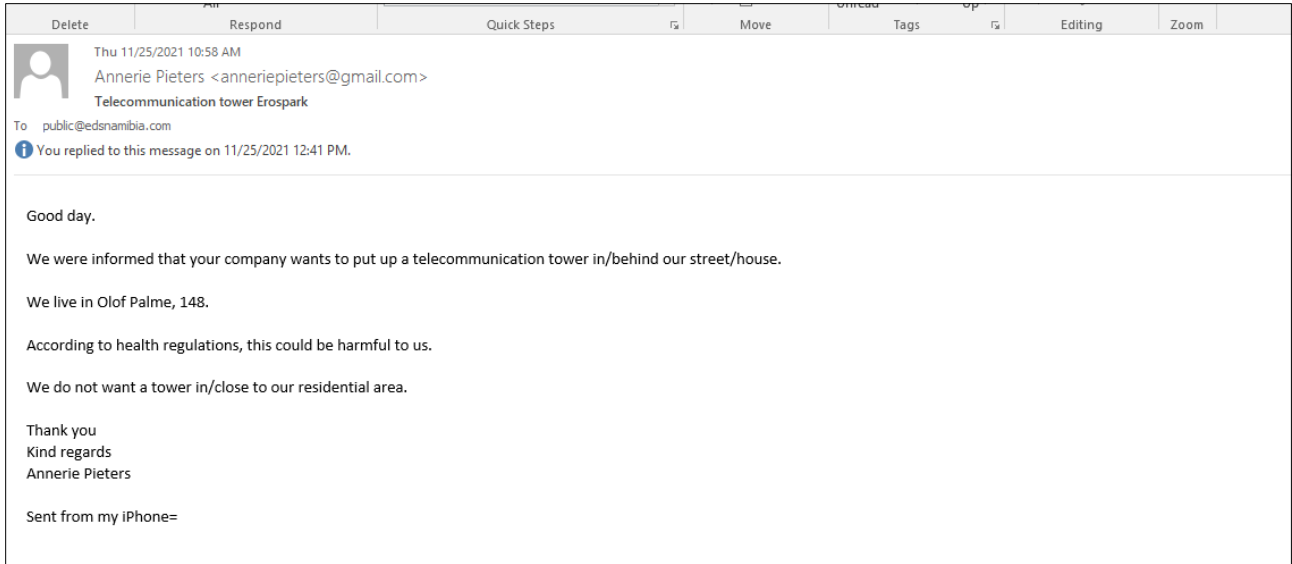
Thank you.

Kind regards,

Ms. Rose Mtuleni

Excel Dynamic Solutions – Environmental Assessment Practitioners
E-mail: public@edsnamibia.com
Tel.: +264 (0) 61 259 530
Fax/Email: +264 (0) 886 560 886
Physical Address: 112, Robert Mugabe Avenue, Windhoek
Postal Address: PO Box 997154 Maerua Mail, Windhoek
Website: www.edsnamibia.com

From: Excel Dynamic Solutions Pty Ltd <info@edsnamibia.com>
Sent: Wednesday, November 24, 2021 6:07 PM
To: public@edsnamibia.com



Delete Respond Quick Steps Move Tags Editing Zoom

Fri 11/26/2021 10:19 AM
Seodhna Keown <seodhnakeown@gmail.com>
Opposition to proposed cell phone tower
To: public@edsnamibia.com
You replied to this message on 11/26/2021 11:02 AM.

Dear Ms. Rose Mtuleni,

I am a resident and property owner on Olof Palme Street. We recently learned about the new telecommunications tower proposed for mountain side of Olof Palme. The proposed site is almost behind our residence at 142 Olof Palme.

I am a Public Health professional and know all about the health risks associated with these telecommunications towers. These towers are shown to have high levels of radiation which pose a serious risk to human health. I stand in strong opposition to the erection of this tower. I urge you to please cease plans for this location. We already have strong mobile network on the area and have no need for this additional source of radiation.

I will not support this project and have consulted our neighbors to inform them of the risks. We are all handing together in opposition.

Please do indicate that this project will not proceed. We await your reply.

Many thanks. A concerned and very disappointed property Owner on Olof Palme.

Seodhna Keown
Sent from my iPhone=

Delete Respond Quick Steps Move Tags Editing Zoom

Fri 11/26/2021 11:02 AM
public@edsnamibia.com
RE: Opposition to proposed cell phone tower
To: 'Seodhna Keown'
Bcc: 'rosem@edsnamibia.com'

PowerCom - BID_Eros.pdf
735 KB

Dear Seodhna Keown,

Thank you for your input regarding this project. We have taken note of the concerns raised, and will incorporate them in the scoping study report, which will make part of the application for Environmental Clearance Certificate to the Ministry of Environment, Forestry and Tourism.
We have registered you as an Interested and Affected Party, and have attached a Background Information Document for your perusal. We will keep you updated as the Environmental Scoping project progresses.
Thank you.

Kind regards,
Ms. Rose Mtuleni

Excel Dynamic Solutions – Environmental Assessment Practitioners
E-mail: public@edsnamibia.com
Tel.: +264 (0) 61 259 530
Fax2email: +264 (0) 886 560 836
Physical Address: 112, Robert Mugabe Avenue, Windhoek Postal Address: PO Box 997154 Maerua Mall, Windhoek
Website: www.edsnamibia.com

List of Stakeholders / Interested and Affected Parties (I&APs)

Environmental Scoping Assessment for Telecommunication Site in Eros, Khomas Region

No	Name	Position & Organization
The Environmental Assessment Practitioner (EAP) / Environmental Consultant		
1.	Ms. Rose Mtuleni	Environmental Assessment Practitioner: Excel Dynamic Solutions Pty Ltd
The Project Proponent (PowerCom Pty Ltd)		
2.	Mercucio Mowes	Site Acquisition Officer
3.	Mr Patrick Britz	Senior Manager: Infrastructure
Ministry of Environment, Forestry and Tourism (Department of Environmental Affairs and Forestry)		
4.	Mr. Teofilus Nghitila	Executive Director
5.	Mr. Timoteus Mufeti	Environmental Commissioner



No	Name	Position & Organization
Ministry of Information and Communication Technology		
6.	Mr. Mbeuta Ua-Ndjarakana	Executive Director
7.	Ms. Emerencia Nguarambuka	Secretary to the ED
Ministry of Agriculture, Water and Land Reform		
8.	Mr. Percy W. Misika	Executive Director (ED)
9.	Ms. Justy Matheus	Secretary to the ED
10.	Mr. Petrus Nangolo	Director: Land Reform
Ministry of Works and Transport		
11.	Ms Esther Kaapanda	Executive Director (ED)



No	Name	Position & Organization
12.	Ms. Charleen Benade	Secretary to the ED
13.	Ms. Monica A. Uupindi	Personal Assistant to Executive Director
Ministry of Urban and Rural Development		
14.	Mr. N Daniel	Executive Director
15.	Ms. Rosalia Ruben	Secretary to Executive Director
16.	Ms. B. van Wyk	Personal assistant to the ED
Communications Regulatory Authority of Namibia (CRAN)		
17.	Mrs. Emilia Nghikembua	Chief Executive Officer
18.	Ms. Ella-Betty Chapoto	Secretary to the CEO
Roads Authority		
19.	Mr C. M. Lutombi	Chief Executive Officer
20.	Mr E. de Paauw	Senior Specialist Road Legislation, Advice & Compliance NP&C
Namibia Civil Aviation Authority (NCAA)		



No	Name	Position & Organization
21.	Mr. Gordon Elliott	Chief Executive Director (CED)
22.	Ms Gwendoline Kali	Secretary to the CED
National Radiation Protection Authority		
23.	Mr Axel Tibinyane	Director
Khomas Regional Council		
24.	Hon. Laura McLeod-Katjirua	Governor
25.	Mr. Clement Mafwila	Chief Regional Officer
Affected Land Users (Property owners) and Directly Neighbours to sites		
26.	TS	School
27.	Riva Namene	155 Olof Palme Street, Eros
28.	Aron Ngumb	154 Olof Palme Street, Eros
29.	Anton Crossman	150 Olof Palme Street, Eros
30.	Ezequiel Bumba	Olof Palme Street, Eros



Excel Dynamic Solutions

— Consultants.DataExperts.ProjectManagers —

No	Name	Position & Organization
31.	R. Bronner	146 Olof Palme Street, Eros
32.	S Keown	142 Olof Palme Street, Eros
33.	Annerie Pieters	148 Olof Palme Street, Eros



REPUBLIC OF NAMIBIA

MINISTRY OF INFORMATION AND COMMUNICATION TECHNOLOGY

Private Bag 13344
WINDHOEK
NAMIBIA

OFFICE OF THE EXECUTIVE DIRECTOR

Tel: (+264-61) 283 2386/7
Fax: (+264-61) 251297
Email: ED-Office@mict.gov.na

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

Department of Housing, Property Management and Human Settlements

☒ 59

80 Independence Avenue

WINDHOEK, NAMIBIA

Tel: (+264) 61 290 2170 • www.cityofwindhoek.org.na



ENQ:	P Mundonga	PHONE:	290-3308
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.

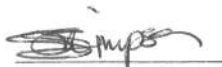
- 17 *That the applicant employ precautionary measures at Erf 3648, Okuryangava by demarcating a safe buffer zone between the tower and residential areas in order to avoid possible health hazards.*
- 18 *That access be obtained from Sando Street to Erf R/527, Rocky Crest.*
- 19 *That access be obtained 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 %.
- 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.

RESOLUTION 197/09/2021

=====