

Department of Housing, Property Management and Human Settlements

✉ 59

80 Independence Avenue

WINDHOEK, NAMIBIA



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

ENQ: DA Negonga
EMAIL: dne@windhoekcc.org.na

PHONE: 290 3304
OUR REF: L/Various erven/

PowerCom (Pty) Ltd
P O Box 40799
WINDHOEK

Dear Mr. B Amadhila

RE: APPLICATION TO LEASE PORTIONS OF ERVEN 5384, KATUTURA; 2717, WANAHEDA; R/6762, WINDHOEK; 330, KLEINE KUPPE; 1159, CIMBEBASIA; R/1241, PIONIERSPARK; 1475, HOCHLAND PARK; R/321, 6420 AND 4813, WINDHOEK; 3270, 921 AND 1335, OKURYANGAVA; 931, HAKAHANA; 1297, GOREANGAB; 4626, KHOMASDAL AND PORTION 75 OF PORTION A OF FARM NUBUAMIS NO. 37 TO ERECT COMMUNICATIONS TOWERS

Reference is made to your application regarding the subject properties and wish to inform you that Council at its meeting held on 2023-11-30(16), under resolution 308/11/2023, resolved as follows:

- 1 *That it be noted that the applied portions of Erven 330, Kleine Kuppe; 1159, Cimbebasia; R/1241, Pionierspark and 6420, Windhoek are in close proximity of less than the prescribed 800 metre radius, which is contrary to the Municipal Council of Windhoek Policy for the Erection of Telecommunication Facilities.*
- 2 *That the applications on portions of Erven 330, Kleine Kuppe; 1159, Cimbebasia; R/1241, Pionierspark and 6420, Windhoek or any portion applied for within the 800 metres radius to the existing towers, **not be supported.***
- 3 *That the Policy requirement on the proximity of towers, as set out under paragraph 11.6 of the Municipal Council of Windhoek Policy for the Erection of Telecommunication Facilities, setting out the distance between towers at 800 metres, be maintained.*
- 4 *That the application for a portion of Erf 3270, Okuryangava **not be supported**, as it is on a 'residential' zoned erf and the proposed activity is not in accordance with the Windhoek Zoning Scheme.*
- 5 *That portions of Erven 5384, Katutura; 2717, Wanaheda; R/6762, Windhoek; 1475, Hochland Park; R/321 and 4813, Windhoek; 921 and 1335, Okuryangava; 931, Hakahana; 1297, Goreangab; 4626, Khomasdal and Portion 75 of Portion A of Farm Nubuamis No. 37 ($\pm 80 \text{ m}^2$ in extent respectively), be leased to PowerCom (Pty) Ltd for a period of five (5) years at a monthly rental of NS16 160.00 respectively: subject that the rental escalate annually in line with Namibia Inflation Rate, but not exceeding 10 %.*
- 6 *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.*

All official correspondence must be addressed to the Chief Executive Officer

- 7 *That the lease portions only be used for the erection and operation of communication towers.*
- 8 *That the proposed tower structure on Erf 931, Hakahana and Portion 75 of Portion A of Farm Nubuamis No. 37 be 30 metre high lattice tree towers, and the rest of the proposed sites be 25 metre high camouflage tree towers.*
- 9 *That all sites be fenced off for security purposes.*
- 10 *That the Lease Agreement of all portions be subjected to the submission of an Environmental Impact Assessment (EIA), of which the Report should be submitted to the Strategic Executive: Economic Development and Community Services for review.*
- 11 *That the applicant submit approved Environmental Impact Assessment (EIA) Reports inclusive of the Environmental Management Plan (EMP) and the Environmental Management Clearance Certificate to the Strategic Executive: Economic Development and Community Services before erection of the towers commence.*
- 12 *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.*
- 13 *That the applicant comply with the relevant requirements of the Environmental Management Act, 2007 (Act 7 of 2007) for the Base Transceiver Stations (BTSs).*
- 14 *That the Environmental Management Clearance Certificates be renewed regularly as required by the Environment Management Act, 2007 (Act 7 of 2007).*
- 15 *That should the applicant fail to submit the periodically renewed Certificates, that the Lease Agreements be cancelled, with a three (3) month notice.*
- 16 *That unhindered access to Council's electricity infrastructure be availed at all times.*
- 17 *That any damages caused by the applicant to underground services, be repaired at the cost of the applicant.*
- 18 *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.*
- 19 *That it be noted that a connection charge 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.*
- 20 *That it be noted that a main water line is passing through Erf R/1475, Hochland Park and no permanent structures be erected less than 3 metre from the main water line.*
- 21 *That it be noted that a main sewer line is passing through Erven 5384, Katutura; 2717, Wanaheda; 921, Okuryangava; 931, Hakahana and 4626, Khomasdal, and no permanent structures be erected less than 1.5 metre from the main sewer line.*

- 22 *That all waste that will be generated during the construction phase only be disposed of at approved landfill and satellite sites, as illegal dumping of waste is not tolerated.*
- 23 *That portions of Erven 5384, Katutura; 2717, Wanaheda; 1475, Hochland Park; 4813, Windhoek; 931, Hakahana, 1297, Goreangab and 4626, Khomasdal, be temporarily closed in terms of section 50(1)(a)(i) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) for the duration of the Lease Agreements.*
- 24 *That the Municipal Council of Windhoek prepare the closure notices for the applicant:*
- 24.1 *That the applicant advertise the intended closure as per section 50(3) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended) and follow all other requirements as per section 50(3) of the said Act, such as neighbour notifications and others.*
- 24.2 *That the applicant be responsible for all the procedures and costs involved.*
- 24.3 *That the applicant submit proof of advertisements and neighbour consultation before the signing of the Lease Agreements.*
- 25 *That the applicant apply for and obtain approval for consent use to establish a communication tower on the subject land in accordance with Table B of the Windhoek Zoning Scheme prior to signing the Lease Agreements.*
- 26 *That the applicant employ precautionary measures at Erven 5384, Katutura; 2717, Wanaheda and 1297, Goreangab by demarcating a safe buffer zone between the tower and residential areas in order to avoid possible health hazards.*
- 27 *That no access be allowed 20 metres from the intersection, measured from the intersecting kerbs.*
- 28 *That for Erf 2717, Wanaheda, no access be allowed 20 metres from the opposite intersection of Mandolin Street, measured from the centre of the road.*
- 29 *That no access be allowed directly from Florence Nightingale Street, but access be obtained from Clarinet Street to Erf 2717, Wanaheda.*
- 30 *That no access be allowed from Auas Road being an arterial road to Erf R/6762, Windhoek.*
- 31 *That for Erf R/6762, Windhoek, no access be allowed 15 metres from the intersection, measured from the intersecting kerbs.*
- 32 *That access be obtained directly from Tauben Street to Erf 1475, Hochland Park.*
- 33 *That for Erf R/321, Windhoek no access be allowed 15 metres from the intersection, measured from the intersecting kerbs.*
- 34 *That for Erf 4813, Windhoek no access be allowed 15 metres from the intersection, measured from the intersecting kerbs.*
- 35 *That for Erf 921, Okuryangava the applicant consult the Strategic Executive: Urban and Transport Planning during the planning stages and submit a plan for approval verifying the best location to place the tower.*
- 36 *That access be obtained from Omupwaka Street to Erf 931, Hakahana.*

- 37 *That for Erf 1297, Goreangab no access be allowed 15 metres from the Omajenni Street intersection, measured from the intersecting kerbs.*
- 38 *That access be obtained from Chrysler Road to Erf 4626, Khomasdal, and not within 15 metres from the intersection, measured from the intersecting kerbs.*
- 39 *That for Portion 75 of Portion A of Farm Nubuamis No. 37, the applicant use the existing gravel road that give access to the reservoir.*
- 40 *That surface stormwater run-off be accommodated according to clause 35 of the Windhoek Town Planning Scheme, stating:*
- 40.1 *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.*
- 40.2 *That the maintenance of such stormwater pipe, channel or work be the responsibility of the owner of the concerned property.*
- 41 *That the applicant provide lease diagrams for the respective lease properties before signing the Lease Agreements.*
- 42 *That each proposed lease property enter into a separate Lease Agreement.*
- 43 *That the leases be advertised in terms of section 63(2) of the Local Authorities Act, 1992 (Act 23 of 1992) (as amended).*
- 44 *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).*
- 45 *That the Chief Executive Officer (Corporate Legal Adviser) draft the Lease Agreements.*
- 46 *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 308/11/2023, within a period of seven (7) days from the date of receipt of this letter.

Trusting that you find the above in order.

Yours sincerely,



Mr. F MAANDA

SE: HOUSING, PROPERTY MANAGEMENT & HUMAN SETTLEMENT

[Municipal Council Minutes: 2023-11-30(16)]

11.2.21 FNS.6 [HPH] APPLICATION TO LEASE PORTIONS OF ERVEN 5384, KATUTURA; 2717, WANAHEDA; R/6762, WINDHOEK; 330, KLEINE KUPPE; 1159, CIMBEBASIA; R/1241, PIONIERSPARK; 1475, HOCHLAND PARK; R/321, 6420 AND 4813, WINDHOEK; 3270, 921 AND 1335, OKURYANGAVA; 931, HAKAHANA; 1297, GOREANGAB; 4626, KHOMASDAL AND PORTION 75 OF PORTION A OF FARM NUBUAMIS NO. 37 TO ERECT COMMUNICATIONS TOWERS (16/15/2/2/4)

On proposal by Councillor SS Nujoma, it was

RESOLVED

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(as amended) for the duration of the Lease Agreements.

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- 37 That for Erf 1297, Goreangab no access be allowed 15 metres from the Omajenni Street intersection, measured from the intersecting kerbs.

- 38 That access be obtained from Chrysler Road to Erf 4626, Khomasdal, and not within 15 metres from the intersection, measured from the intersecting kerbs.
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RESOLUTION 308/11/2023
