

# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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N\$2.00

WINDHOEK - 15 February 2005

No.3379

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## Government Notices

### MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 11

2005

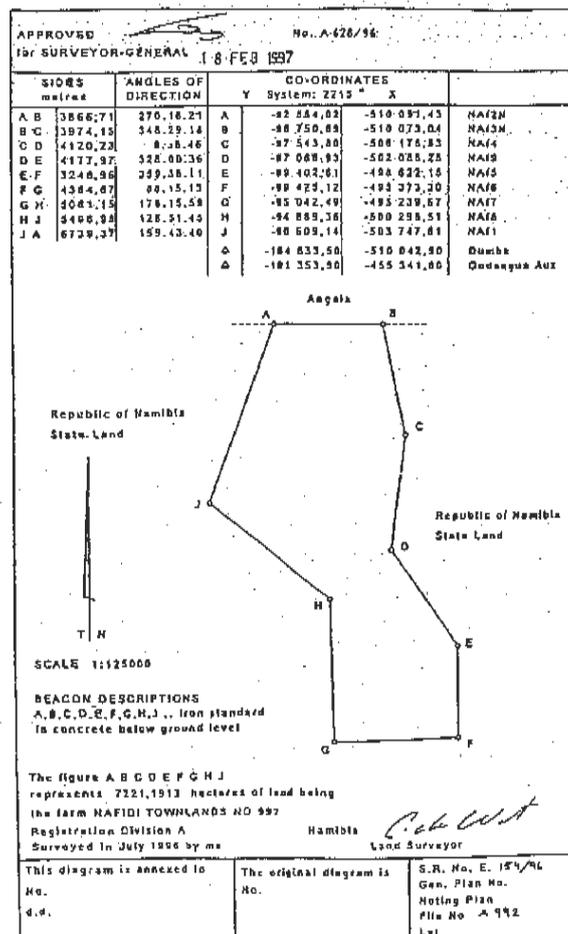
#### AMENDMENT OF GOVERNMENT NOTICE NO. 194 OF 1 SEPTEMBER 2003: ESTABLISHMENT OF A CERTAIN AREA AS THE AREA OF A LOCAL AUTHORITY AND DECLARATION THEREOF AS A TOWN

Under section 4 of the Local Authorities Act, 1992 (Act No. 23 of 1992), I amend Government Notice No. 194 of 1 September 2003 by the substitution for the Schedule, inclusive of Annexures A and B, to that notice of the following Schedule and Annexure:

#### “SCHEDULE

COLUMN 1	COLUMN 2
Name of town	Boundaries of area
Helao Nafidi	As specified in Cadastral Diagram No. 628/96 contained in the Annexure.

#### ANNEXURE



**J. KAAPANDA**  
MINISTER OF REGIONAL AND LOCAL  
GOVERNMENT AND HOUSING

Windhoek, 7 February 2005

**MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING**

No. 12

2005

**KLEIN WINDHOEK EXTENSION 5: EXTENSION OF BOUNDARIES**

Under section 29(1) of the Townships and Division of Land Ordinance, 1963 (Ordinance No. 11 of 1963), I extend the boundaries of the Township of Klein Windhoek Extension 5 to include Portion 120 (a portion of Portion B) of the farm Klein Windhoek Town and Townlands No. 70 situated in the Registration Division "K" and represented by Cadastral Diagram No. A493/2004, which diagram lies open for inspection at the office of the Surveyor-General, Windhoek, during normal office hours.

The property so included shall be known as Erf 3708 Klein Windhoek Extension 5.

**J. KAAPANDA**  
**MINISTER OF REGIONAL AND LOCAL**  
**GOVERNMENT AND HOUSING**

Windhoek, 24 January 2005

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**General Notices**

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**REGIONAL COUNCIL OF OHANGWENA**

No. 23

2005

**WITHDRAWAL OF GOVERNMENT NOTICE NO. 193 OF 1 OCTOBER 1997  
PROVIDING FOR THE DECLARATION OF THE SETTLEMENT AREA OF  
HELAO NAFIDI**

The Regional Council of Ohangwena hereby under section 31(3) of the Regional Councils Act, 1992 (Act No. 22 of 1992) -

- (a) withdraws Government Notice No. 193 of 1 October 1997 that provided for the declaration of the settlement area of Helao Nafidi; and
- (b) determines that the assets, rights, liabilities and obligations in respect of the settlement area referred to in paragraph (a) that vested in the Regional Council of Ohangwena vests in the Town Council of Helao Nafidi.

**U. NGHAAMWA**  
**GOVERNOR**  
**BY ORDER OF THE REGIONAL**  
**COUNCIL OF OHANGWENA**

No. 24

2005

**PERMANENT CLOSURE OF A PORTION (PORTION H/7/881) OF THE  
REMAINDER OF PORTION 7 OF THE FARM ONGWEDIVA TOWNLANDS  
NO. 881 (STREET), ONGWEDIVA EXTENSION 5**

Notice is hereby given in terms of Section 50 of the Local Authorities Act of 1992 (Act No. 23 of 1992), that the Ongwediva Town Council proposes to permanently close a portion of the Remainder of Portion 7 of the Farm Ongwediva Townlands No. 881 (Street), Ongwediva, Extension 5, as indicated on plan ONG/002 - Advert which lays for inspection during office hours at the offices of the Ongwediva Town Council.

Also please take notice that any person objecting against the proposed closure as indicated above may lodge an objection together with the grounds thereof, with the Chief Executive Officer, Ongwediva Town Council and/or Stubenrauch Planning Consultants CC, in writing before or on 1 March 2005.

The Chief Executive Officer  
Ongwediva Town Council  
Private Bag 5549  
Ongwediva

Stubenrauch Planning Consultants CC  
PO Box 11869  
Windhoek

No. 25

2005

### MUNICIPAL COUNCIL OF WINDHOEK

The Council of the Municipality of Windhoek, under Section 30(1)(u) of the Local Authorities Act (Act No. 23 of 1992), as amended, has determined the tariffs for rental of the Katutura and Khomasdal Community Halls as set out in Table in the Schedule below:

#### SCHEDULE

PURPOSE	AMOUNT
1. A Refundable Deposit (15% VAT would be charged if deposit is utilized for repairs of hall's fittings and client be held responsible for all costs pertaining to the repair of the damage)	N\$300.00 (VAT exclusive)
2. Daily Rental Fee	N\$250.00 (VAT exclusive)
3. Daily Rental Fee for Sunday morning Church Service	N\$100.00 (VAT exclusive)

#### BY ORDER OF THE COUNCIL

**M.K. SHIKONGO**  
CHAIRPERSON OF THE COUNCIL

Windhoek, 31 January 2005

### NAMIBIAN COMMUNICATIONS COMMISSION

No.26

2005

#### GRANTING OF A SATELLITE EARTH STATION LICENCE

In accordance with Section 2(2) of the Posts and Telecommunications Act, 1992 (Act No. 19 of 1992) and section 22(A)(1)(b) of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992), the following company has been granted a licence to operate a satellite earth station.

Company Name : One Africa Television (Pty) Ltd  
Coverage Area : Namibia  
Validity Period : 27 January 2009

**D. IMBILI**  
CHAIRMAN

**NAMIBIAN COMMUNICATIONS COMMISSION**

No.27

2005

**APPLICATION FOR A COMMERCIAL TELEVISION BROADCASTING  
LICENCE**

In accordance with Section 17(4) of the Namibian Communications Commission Amendment Act, 1995 (Act No. 1 of 1995), the following Company applied for commercial television broadcasting license as indicated below:

Name of Organization : Paragon Investments Holdings (Pty) Ltd  
Coverage Area : Windhoek

Section 17 4(b) of the said Act provides that “any person may within fourteen days of publication of a notice in terms of sub-section 14(b) lodge with the Commission written representations opposing the issue of the license and such representations shall be taken into account when the Commission considers the application”.

Contact Persons: Jan Kruger: Deputy Director  
Johan Schutte: Control Officer

Namibian Communications Commission Secretariat  
Private Bag 13309  
Windhoek

Telephone : 061-222666  
Telefax : 061-222790  
E-mail : info@nnc.org.na

**D. IMBILI  
CHAIRMAN**

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**NAMIBIAN COMMUNICATIONS COMMISSION**

No.28

2005

**APPLICATION FOR A COMMUNITY TELEVISION RE-BROADCASTING  
LICENCE**

In accordance with Section 17(4) of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992), the following Company applied for community television re-broadcasting licenses as indicated below:

Name of Organization : Trinity Broadcasting Namibia  
Name of Station : TBN  
Coverage Area : Gobabis, Grootfontein, Karasburg, Keetmanshoop,  
Otjiwarongo and Tsumeb.

Section 17 4(b) of the said Act provides that “any person may within fourteen days of publication of a notice in terms of sub-section 14(b) lodge with the Commission written representations opposing the issue of the license and such representations shall be taken into account when the Commission considers the application”.

Contact Persons: Jan Kruger: Deputy Director  
Johan Schutte: Control Officer

Namibian Communications Commission Secretariat  
Private Bag 13309  
Windhoek

Telephone : 061 - 222666  
Telefax : 061 - 222790  
E-mail : info@nnc.org.na

**D. IMBILI  
CHAIRMAN**

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**NAMIBIAN COMMUNICATIONS COMMISSION**

No.29

2005

**APPLICATION FOR A VERY SMALL APERTURE TERMINAL (VSAT)  
SATELLITE STATION LICENSE**

In accordance with Section 22A(1)(b) of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992) the Namibian Police has applied to be licensed to operate a very small aperture terminal (VSAT) satellite station.

Institution : Namibian Police

Coverage Area : Namibia

Section 22A(2)(b) provides that “any person may within 14 days of publication of a notice in terms of paragraph (a) lodge with the Commission written representations opposing the application in question and such representations shall be taken into account when the Commission considers that application”.

Contact Persons : Jan Kruger: Deputy Director  
Johan Schutte: Control Officer

Telephone : + 264 62 222 666  
Facsimile : + 264 61 222 790  
E-mail : info@nnc.org.na

**D. IMBILI  
CHAIRMAN**

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**NAMIBIAN COMMUNICATIONS COMMISSION**

No. 30

2005

**APPLICATION FOR RENEWAL OF A COMMUNITY RADIO BROADCASTING  
LICENCE**

In accordance with Sections 17(4)(a) of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992) the following company has applied for the renewal of their community radio-broadcasting license.

Company Name : Media for Christ

Name of Station : Channel 7

Section 17(4)(b) of Act No. 4 of 1992 provides that “any person may within fourteen days of publication of a notice in terms of sub-section 17(4)(a), lodge with the Commission

written representation opposing the issue of a broadcasting license and such representations shall be taken into account when the Commission considers the application”.

Contact Persons : Jan Kruger: Deputy Director  
Johan Schutte: Control Officer

Namibian Communications Commission Secretariat  
Private Bag 13309  
Windhoek

Telephone : 061 - 222 666  
Telefax : 061- 222 790  
E-mail : info@nnc.org.na

**D. IMBILI  
CHAIRPERSON**

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**NAMIBIAN COMMUNICATIONS COMMISSION**

No. 31

2005

**GRANTING OF A COMMERCIAL RADIO BROADCASTING LICENCE**

In accordance with Section 17(5) of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992), the following Company has been granted a commercial radio broadcasting license:

Name of Organization : West Coast FM  
Name of Station : West Coast FM  
Coverage Area : Coastal Area  
Validity Period : 26 January 2010

**D. IMBILI  
CHAIRMAN**

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**NAMIBIAN COMMUNICATIONS COMMISSION**

No. 32

2005

**GRANTING OF A PRIVATE TELECOMMUNICATIONS NETWORK (PTN)  
LICENCE**

In accordance with Section 22A(b) of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992), as amended, a Private Telecommunications Network (PTN) license was granted to:

Name of Organisation : City of Windhoek  
Coverage Area : Windhoek Municipal Area  
Expiry date : 26 January 2010

**D. IMBILI  
CHAIRPERSON**

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**MUNICIPALITY OF TSUMEB**

No. 33

2005

**REGULATIONS RELATING TO REFUSE REMOVAL, LITTERING AND  
DUMPING: LOCAL AUTHORITIES ACT, 1992**

The Council of the Municipality of Tsumeb, after consultation with the Minister of Regional and Local Government and Housing, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), makes the regulations set out in the Schedule.

**V. KASIRINGUA  
CHAIRPERSON OF THE COUNCIL  
BY ORDER OF THE COUNCIL**

Tsumeb, 21 January 2005

**SCHEDULE****Definitions**

**1.** In these regulations a word or an expression defined in the Act has the same meaning, and unless the context otherwise indicates -

“approved” means approved by the Council;

“premises” includes any structure used for residential or business purposes;

“charge” means the charge, fee and money payable for the collection and removal of refuse as determined by the Council by notice in the *Gazette* in terms of section 30(1)(u) of the Act;

“Chief Health Inspector” means the person appointed by the Council as Chief Health Inspector for the Municipality of Tsumeb or to act in such capacity;

“Council” means the Council of the Municipality of Tsumeb;

“domestic refuse” means refuse normally generated on premises which are solely or partly used for residential purposes;

“municipal area” means the area of the Municipality of Tsumeb;

“occupier”, includes any person in actual occupation of land or premises or any person having the charge or management of the premises notwithstanding the title under which he or she occupies the land or premises, and including -

(a) in the case of premises subdivided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants, whether for himself or herself or as an agent for any person entitled to the rent or having an interest in the rent; and

(b) in the case of an unoccupied premises, the owner;

“owner”, includes -

(a) the lawful owner of the premises;

(b) any person receiving the rent or profits of any premises from any tenant or occupier, or who would receive rents or profits of the land or premises were let, whether on his own account or as agent for any person entitled to it or having an interest in it;

(c) the tenant, in respect of premises which are the property of the Council; and

- (d) in respect of premises held on the sectional title register opened in terms of section 5 of the Sectional Titles Act, 1971 (Act No. 66 of 1971), the body corporate as defined in that Act;

“site” means a sanitary landfill site or public disposal facility approved and set aside for the disposal of refuse;

“service” means refuse removal service;

“special refuse” means refuse other than domestic refuse, and includes manure or trade effluents (for the purpose of these regulations “trade effluent” means water or other effluents produced in the conduct or process of any manufacture, trade or business);

“special refuse container” means a special refuse container approved for the reception of special refuse; and

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992).

### **Council’s service**

1. (1) The Council is responsible for the collection and removal of domestic refuse in the municipal area, at a charge.

(2) A person who wishes to use any other service than the service provided by the Council, must obtain the written approval of the Council to do so.

(3) The owner or occupier of premises is liable to the Council for the payment of a charge in respect of any service rendered by the Council for the collection and removal of refuse from such premises.

(4) The owner or occupier of premises on which special refuse is generated must remove or cause to be removed such refuse to an approved site at least twice a week or at such periods as the Council may determine.

(5) The Council may remove the refuse referred to in subregulation (4), if so requested by the owner or occupier at the payment of a charge.

### **Provision, use and care of containers**

2. (1) The Council may provide standard refuse containers to premises at a charge and the owner or occupier is liable for the payment of such charge.

(2) The owner or occupier of premises must ensure that there are sufficient number of standard refuse containers on the premises as the Council may determine for the reception of domestic refuse.

(3) The Council may provide to the owner or occupier of premises special refuse containers depending on the nature, type and volume of refuse generated on the premises.

(4) The owner or occupier of premises must -

(a) cause the contents of a domestic refuse container or a special refuse container to be covered at all times, except when refuse is deposited in, or discharged from that container; and

(b) cause all refuse containers and covers thereof to be kept clean and maintained properly.

### **Placing of refuse containers**

3. (1) The owner or occupier of premises must place the refuse containers outside the fence or boundary of the premises on the street boundary before 07:00 a.m. on the day on which refuse is collected in the particular area.

(2) Every owner or occupier of premises on which refuse is generated, which refuse in the opinion of the Chief Health Inspector cannot be placed in a standard or special refuse container must, if so requested by the Council construct on the premises a cubicle on the property which the Council considers appropriate for the placing of such refuse.

### **Access to premises**

4. (1) Where, in the opinion of the Council, the provision of service to a premises may cause damage to a refuse container or the premises, or may cause injury to the persons responsible for collecting refuse or any other person -

- (a) due to the construction of the premises;
- (b) due to the lack of storage place for the refuse containers or refuse; or
- (c) due to insufficient access to a storage place on the premises,

the Council may provide the service on condition that the owner or occupier of the premises indemnifies the Council in writing against any liability for such damage or injury and any claims arising from the provision of such service.

(2) Where the Council has informed the owner or occupier of premises that the keeping of a dog on the premises makes the premises inaccessible for providing a service, such owner or occupier must deposit all refuse generated on the premises in a refuse container and place it outside the premises at a place the Council considers appropriate and on the days the refuse is to be collected from such premises.

(3) A person may not obstruct any person in the carrying out of his or her duties in terms of these regulations.

### **Littering**

5. A person may not -
- (a) throw, let fall, deposit, spill or in any other way discard, any refuse in or on any public area, vacant erf, farm portion, stream or watercourse, other than into a refuse container provided for that purpose, or onto a site controlled by the Council;
  - (b) sweep any refuse into a gutter, on a road reserve or any other public area; and
  - (c) allow any person under his or her control to carry out any of the acts referred to in paragraphs (a) and (b).

### **Dumping**

6. (1) A person may not abandon anything or allow anything under his or her control to be abandoned at any place of which he or she is not the owner or the occupier, and which is not designated for such purpose.

(2) If a person has left a thing or allowed a thing to be left at a place of which he or she is not the owner or the occupier, the thing is considered abandoned, unless the contrary is proved.

**Abandoned things**

7. (1) Anything, other than a vehicle deemed to have been abandoned in terms of regulation 355 of the Road Traffic and Transport Regulations promulgated under Government Notice No. 53 of 30 March 2001, which is reasonably regarded by the Council as abandoned, having regard to factors such as -

- (a) the place where it is found;
- (b) the period it has been lying at the place; and
- (c) the nature and condition of the thing,

may be removed and disposed by the Council as it may consider necessary.

(2) If a thing is removed and disposed by the Council in terms of subregulation (1), the person responsible for such thing is liable to pay the charge for such removal and disposal.

- (3) For the purposes of subregulation (2) the person responsible is -
  - (a) the owner of the thing before it was collected by the Council, and includes any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time it was abandoned or left at the place from which it was removed, unless he or she can prove that he or she was not concerned with and did not know of the thing being abandoned or left at that place;
  - (b) any person who left the thing at the place referred to in subregulation (1); or
  - (c) any person who knowingly permitted the placing of the thing at the place referred to in subregulation (1).

**Conduct at sanitary landfill sites and public disposal facility**

8. (1) Any person who for the purpose of disposing of refuse enters a site controlled by the Council, must -

- (a) enter the site at an authorised access point;
- (b) give the Council all the particulars required with regard to the composition of the refuse; and
- (c) follow all instructions given to him or her with regard to access to the actual disposal point, the place where and the manner in which the refuse must be deposited.

(2) A person may not bring any liquor to a site controlled by the Council.

(3) A person may not enter a site controlled by the Council for any purpose other than for the disposal of waste, and such entry is allowed only at times as the Council may from time to time determine and display at authorised access point to the site.

**Offences and penalties**

9. Any person who fails to comply with any of these regulations commits an offence and is liable -

- (a) to a fine not exceeding N\$2000 or imprisonment for a period not exceeding six months;
  - (b) to pay a further amount equal to any costs or expenses incurred by the Council as a result of failure to comply with any notice issued in accordance with section 93 of the Act.
-