

AGENDA

Ordinary Council Meeting

on

THURSDAY

27 MAY 2021

at

09:00



MUNICIPALITY OF SWAKOPMUND



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Ordinary Council Meeting - 27 May 2021
MUNICIPALITY OF SWAKOPMUND

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17 May 2021

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

Notice is hereby given in terms of Section 14(1)(c) of the Local Authorities Act of 1992, Act 23 of 1992 as amended, of an **ORDINARY COUNCIL MEETING** to be held:

DATE : THURSDAY, 27 MAY 2021

**VENUE : COUNCIL CHAMBERS, MUNICIPAL OFFICE BUILDING,
C/O RAKOTOKA STREET AND DANIEL KAMHO AVENUE,
SWAKOPMUND**

TIME : 09:00

**A Benjamin
CHIEF EXECUTIVE OFFICER**

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None.
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- 10.1 **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING APRIL AND MAY 2021**

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None.

13. **DRAFT REGULATIONS AND TARIFFS, IF ANY**

None.

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MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 29 April 2021 at 09:00.**

PRESENT:

Councillor L N Kativa	:	Mayor
Councillor D Am-IGabeb	:	Deputy Mayor
Councillor W O Groenewald	:	Chairperson of MC
Councillor C-W Goldbeck	:	Alternate Chairperson of MC
Councillor P N Shimhanda	:	Member of Management Committee
Councillor B R Goraseb	:	Member of Management Committee
Councillor M Henrichsen	:	Alternate Member of MC
Councillor E Shitana	:	Member of Council
Councillor S Kautondokwa	:	Member of Council
Councillor H H Nghidipaya	:	Member of Council

OFFICIALS:

Mr A Benjamin	:	Chief Executive Officer
Mr M P C Swarts	:	GM: Corporate Service &HC
Mr C McClune	:	GM: Engineering and Planning Services
Mr H !Naruseb	:	GM: Finance
Ms L N Mutenda	:	Acting GM: Health Services & SWM
Mr M Cloete	:	Acting GM: Economic Development Services

ALSO PRESENT:

Also present was two (2) members of the Media and twenty two (22) members of the public.

1. SCRIPTURE READING AND OPENING BY PRAYER

Reverend McKenzie opened the meeting with a scripture reading and prayer.

2. ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL

On proposal of Councillor C-W Goldbeck seconded by Councillor B R Goraseb, it was:

RESOLVED:

That the agenda be adopted.

<p>CO: A GM: CS&HC</p>
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3. **APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATION OF INTEREST BY MEMBERS OF COUNCIL**

3.1 Application for leave of absence:

None.

3.2 Declaration of interest:

None.

4. **CONFIRMATION OF MINUTES**
(C/M 2021/04/29 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 25 MARCH 2021**

On proposal of Councillor W O Groenewald seconded by Councillor B R Goraseb, it was:

RESOLVED:

CO: A
GM: CS&HC

That the minutes of the Ordinary Council Meeting held on 25 March 2021, be confirmed as correct.

5. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**
(C/M 2021/04/29 - A 2/3/5)

Honourable Councillors, Dominee Kenneth McKenzie, The Chief Executive Officer, Mr Aifeus Benjamin, General Managers, Members of the Community, Members of the Media, Ladies and Gentlemen, All Protocol observed

A very good morning, and welcome to our May Council meeting on behalf of Council, we appreciate your attendance and offer you our most grateful welcome.

Council's 2021/2022 Budget will be presented this morning by the Chairperson of our Management Committee, Councillor Wilfried Groenewald, under challenging times with regard to the economic outlook of the Republic of Namibia, the Erongo Region and indeed that of Swakopmund Municipality.

Honorable Councillors, Ladies and Gentlemen

The Mayor's office always needs to attend to other duties and myself and my Council have been involved in the following engagements:

- *The unveiling of street in Mondesa near the DRC informal settlement has been named after First Lady Monica Geingos Swakopmund honored Geingos for her efforts and contributions to bridging the socio-economic divide in Namibia. What an occasion and honour for her and for the community.*
- *Launch of the Khomas Medical Centre*
- *Official opening of the Women Entrepreneurship Training at the Multipurpose Centre*
- *Attended a Strategic Partnership Engagement Session in Walvis Bay*
- *Meeting of the Entrepreneurs Advisory Committee*
- *Various in-house Council and Management meetings*
- *The Governors press conference for Covid-19 vaccination.*
- *Meetings with members of our community on several subjects*
- *Council's Health departments launch on Community Health & Hygiene Promotion Project and distribution of health goods*
- *Meeting and introduction of Erongo RED*
- *DRC School Projects launch of their Urban Gardening Project*

Thank you Honourable Councillors for the team work, support as well as joining me on various of these engagements.

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Ladies and Gentlemen

We need our residents to feel safe and recently my office received news of several acts of violence in our community, and sadly to hear specially on Senior Citizens.

I must take this opportunity to say a special thank you to our special security forces and neighbourhood watch members across this town, who volunteer their time to help keep our communities safe and act as a critical force multiplier. They do this, often after a long day of work, and at night into the early hours of the morning. We honour their selfless dedication and I was truly humbled to see how many of our residents are playing their part to keep their neighbourhoods safe.

Ladies and Gentlemen

As Councillors we also remain custodians of the assets our community use. We need to continue to look after our local parks, playgrounds, streets and sewerage system. And all of this is in addition to the countless services we continue to provide every day.

It is clear that for the following financial year it be will required from us all to continue working as a team.

Swakopmund Municipality has long been characterized by productive teamwork and we are committed to continue on this path.

We as Councillors are grateful for your trust as a Community and we will justify it to the best of our competence and knowledge.

Ladies and Gentlemen

Funding opportunities are also made available for students who excel. Bursaries are offered as a reward or incentive for Namibian students to work hard in school and college. In this instance students are awarded based on their academic performance. Bursaries can be used to encourage enrolment in a certain course or field of study. For example, there is a shortage of engineering skills.

Some organizations award bursaries as part of their corporate social investment. The criteria for this funding may vary and the aim of Swakopmund Council is to uplift Namibians to qualify for a bursary with the aim to be appointed within the Municipality of Swakopmund

Council's principle is to finance the applicants who have started with their tertiary education and not applicants who have already completed a degree successfully.

During 2020 Council approved the bursary for Finance (Cost and Management Accounting) and Engineering (Quantity surveying) for the 2021 Academic Year.

Council recently awarded burseries to the following Namibian students who wishes to further their studies:

Ms Jenine Joy Goagoses, being a full time student in her final year studying B. Tech in Quantity Surveying at Namibia University of Science and Technology; and **Ms Leigh - Ann Ruse Coetzee**, being a distant student in her 3rd year and final year studying Bachelor of Accounting at Namibia University of Science & Technology.

Council wishes these students all the success today and always! All the best for a bright future! May there be success at every turn of life and all your dreams come true!

Ladies & Gentlemen

We cannot slowdown in our commitment to the growth of our town as Councillors, we have the responsibility to continue playing the significant role of shaping our town through long term strategic planning.

This takes form at both the practical level, where Council sets policies that shape land use, and at the social level, where policy guides the development and support of our community.

Ladies & Gentlemen, In Conclusion

I am convinced that this Budget to be tabled this morning as an instrument, will go a long way to create hope in these challenging times and will contribute to our goal "To be the best together".

I want to take this opportunity to thank all Councillors that serve with me. We proudly serve with diligence and honour.

I want to thank the Chief Executive Officer, General Manager: Finance and departmental General Managers and their administrative staff. Your professionalism has been noted as one of the key

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factors for our success. Most importantly the community of Swakopmund for entrusting our Council, to run and lead a big institution like ours.

Ladies and Gentlemen

Council's Long Service Awards

We will acknowledge the following staff members and present them with long service awards, we equally want to thank them for their time and contributions to develop this Municipality and transform it into what it is today. The municipality will never forget what a wonderful job each one of you did and continue to do.

The staff members are as follows:

20 YEARS SERVICE

Monika Witten

25 YEARS SERVICE

*Elizabeth Loch
Juanita Steyn
Thomas Petrus*

30 YEARS SERVICE

Ulrich Kambongarera

35 YEARS SERVICE

Ismael Abraham

I thank you for your undivided attention this morning and may our deliberations be fruitful.

*Louisa Kativa
Mayor*

6. **INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND THE MEETING OF COUNCIL**

- 6.1 The Mayor presented long service and retirement awards to the staff members.

7. **PETITIONS**

None.

8. **MOTIONS OF MEMBERS**

None.

9. **ANSWERS TO QUESTIONS OF MEMBERS OF WHICH NOTICE WAS GIVEN**

None.

10. **REPORT OF THE MANAGEMENT COMMITTEE REFERRED TO IN SECTION 26(1) (E) OF THE ACT**

10.1 **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING MARCH AND APRIL 2021**

RESOLVED:

That the report to Council on resolutions taken by the Management Committee during March and April 2021, be noted.

CO: A
GM: CS&HC

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11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
 11.1 **MANAGEMENT COMMITTEE MEETING HELD ON 15 AND 21 APRIL 2021**

11.1.1 **TERMINATION OF A LEASE AGREEMENT OF MESSRS KAZAK AFRICAN EXPERIENCE CULTURAL TOURISM CC FOR LEASING A PORTION OF ERF 1316 AND ERF 2747, SWAKOPMUND**
 (C/M 2021/04/29 - E 2747, 1316)

CO: P
GM: F
GM: CS&HC

RESOLVED:

- (a) That Council takes note of the rental arrears in the amount of N\$70 927.00 by Kazak African Experience Cultural Tourism CC in respect of leasing a portion of Erf 1318 and Erf 2747, Swakopmund.
- (b) That the Finance Department cancel the outstanding arrears since the deed of sale was not signed.
- (c) That Council approves the cancellation of the lease agreement with Kazak African Experience Cultural Tourism CC for leasing a portion of Erf 1318 and Erf 2747, Swakopmund in terms of Clause 12 of the lease agreement.
- (d) That the application of Mr Peter van Ginkel of Swakopmund Paintball Adventure Centre to take over the lease area leased to Messrs Kazak African Experience Cultural Tourism CC adjacent to his lease area, not be approved.
- (e) That Council invites development proposals from the public to lease a portion of Erf 2747 and Erf 1316, Swakopmund.

11.1.2 **VERIFICATION OF DEVELOPMENT PROPOSAL OF INSTITUTIONAL ERVEN: E9104 EXT 34, E9029 EXT 35 & E9060 EXT 35**

(C/M 2021/04/29 - E 9104, E9029, E9060)

CO: P
GM: CS&HC

RESOLVED:

- (a) That Council approves the allocation of two erven as follows:

<i>African Development Foundation</i>	<i>Erf 9060 Extension 35, Swakopmund (as per their confirmation)</i>	<i>2 089m²</i>	<i>N\$609 988.00</i>
<i>Tangeni Shilongo Namibia</i>	<i>Erf 9104 Extension 34, Swakopmund</i>	<i>1 886m²</i>	<i>N\$550 712.00</i>

- (b) That a reverting clause will be registered against the title of the property to ensure the development of the property.
- (c) That the development proposal from Messrs Mavuyoland Pre and Daycare School not be approved, since they did not provide proof of financial ability.

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- (d) That Council invite development proposals from qualifying institutions for the allocation of Erf 9029, Extension Swakopmund.

11.1.3 01: FEEDBACK FROM SCHOOL OF EXCELLENCE CC REGARDING DELAY IN DEVELOPMENT OF A SCHOOL ON ERF 4666, EXTENSION 9, SWAKOPMUND

02: REPOSSESSION OR ALTERNATIVELY GIVING A PORTION OF LAND BACK TO COUNCIL

(C/M 2021/04/29 - 19.03.08.4666, E 4666)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council takes note of the explanation given by Messrs School of Excellence CC for the delay of the development of Erf 4666, Extension 9, Swakopmund within the prescribed 5-year period, which is prescribed in clause 5 and 7 of the Deed of Sale.
- (b) That it is clear from the development plans and the progress to date that Messrs School of Excellence CC cannot construct buildings covering an excess of 18 000m² as required by the original approved plans, within a reasonable time.
- (c) That before any further action is taken, Messrs School of Excellence CC be given three (3) months to submit prove that the entity has sufficient funds for the development.

11.1.4 DETERMINATION OF PURCHASE PRICE FOR ERVEN 7979 AND 7980, EXTENSION 29, DRC FOR MESSRS MERVIN DENNIS DOMESTIC SOLUTION CC

(C/M 2021/04/29 - 19.03.08.7979; 19.03.08.7980)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council approves the purchase price as per calculation below at N\$156.00/m² to Messrs Mervin Dennis Domestic Solution CC for purchasing of Erf 7979 and 7980, Ext 29, Swakopmund, measuring approximately 1 432m²:
- $$\bullet 1\,432\text{m}^2 \times \text{N}\$156.00/\text{m}^2 = \text{N}\$223\,392.00 + (15\% \text{ VAT}) \text{N}\$33\,508.80 = \text{N}\$256\,900.80$$
- (b) That it be noted that the purchase price is determined at the cost for installation of services +25% excluding 15% VAT which has to be paid in terms of the business zoning, being, "General Business".
- (c) That the duly appointed Town Planner upon acceptance of the purchase price by the purchaser attends to the required statutory processes.
- (d) That Erf 7979 and 7980, Ext 29, Swakopmund be consolidated into one erf at the cost of the purchaser.

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- (e) That Messrs Mervin Dennis Domestic Solution CC be requested to confirm in writing acceptance of the purchase and the terms and conditions of sale.
- (f) That upon acceptance by the purchaser of conditions in (a) to (d) above, Council's intention to alienate the two erven be advertised for possible objections as required in terms of the relevant two sections of the Local Authorities Act, Act 23 of 1992 at the cost of the purchaser.
- (g) That the transaction be concluded after approval has been granted by the Ministry of Urban & Rural Development; within 120 days from the last party signing the agreements.
- (h) That payment of the purchase price and 15% VAT be secured either in cash or formal bank guarantee in favour of the Swakopmund Municipality within 120 days from the last party signing the agreements.
- (i) That the following standard conditions be applicable:
- (i) *That the purchaser pays a deposit of N\$ 10 000.00 for each one of Erven 7979 and 7980 towards the statutory costs relating to the transaction including, but not limited to advertising cost, compilation of the agreement of sale, as well as any legal costs that may arise from this transaction.*
 - (ii) *That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the related statutory processes.*
 - (iii) *That the purchaser accepts that no rights will accrue to it from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
 - (iv) *The erven are sold "voetstoots" or "as is" with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.*
 - (v) *Failure to pay the purchase price in cash or secure payment by bank guarantee on the 120th day from the last party signing the agreements will result in the transaction being cancelled without the need to place the purchaser on terms, should the purchase price be secured by a bank guarantee the transfer must be effected on or before the 120th day, interest will be levied as from the date of allocation or Ministerial approval until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale.*
 - (vi) *That the purchaser must construct structural improvements worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property;*
 - (vii) *That the said improvements must be completed within 24 months (2 years) from date of transfer.*
 - (viii) *That the property may not be alienated within 24 months (2years) from the date of a completion certificate being issued in respect of the structural improvements, referred to in (vi) above must be registered against the title deed of the property.*

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- (ix) *No development or construction will be permitted to commence until the statutory processes have been completed and the erven are transferred.*
 - (x) *The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.*
 - (xi) *That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.*
- (j) That the lease on erf 7104 and 7105 Swakopmund be terminated once the above erven have been transferred to Messrs Mervin Dennis Domestic Solution CC.

11.1.5 APPLICATION FOR SECOND EXTENSION OF TIME TO PERFORM: ERF 4989, EXTENSION 14, SWAKOPMUND
(C/M 2021/04/29 - E 4989)

RESOLVED:

CO: P GM: CS&HC

- (a) That Council approves the second application by Ms Christine R Thikusho for an extension of time to perform by 31 May 2021, in view of her positive performance to date.
- (b) That the extension of time be subject to interest being levied from date of sale until date of transfer or date of receipt of payment (cash option).
- (c) That exemption of the interest be granted for if applicable, being the period of the lockdown periods during the National State of Emergency.
- (d) That should Ms Thikusho not perform in full by 31 May 2021, the sale transaction be cancelled.
- (e) That if Ms Christine R Thikusho does not perform, Erf 4989, Extension 14, Swakopmund be offered to the next qualifying bidders in line.

11.1.6 REQUEST FOR AN EXTENSION OF TIME TO PERFORM
(C/M 2021/04/29 - M 7041)

RESOLVED:

CO: P GM: CS&HC

- (a) That Council approves the request for extension of time to perform by Messrs Uhili Necessity Wellness Trust until 31 May 2021.
- (b) That the extension of time be subject to interest being levied.
- (c) That should Messrs Uhili Necessity Wellness Trust not perform by 31 May 2021, the transaction be cancelled and the erf returned to Council.

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11.1.7 **APPLICATION BY MR W U SHIIMI FOR EXTENSION OF TIME TO PAY THE PURCHASE PRICE OF ERF 4956, EXTENSION 14, SWAKOPMUND**
(C/M 2021/04/29 - E 4956)

RESOLVED:

CO: P GM: CS&HC

- (a) That the application of Mr W U Shiimi for an extension of time to pay the purchase price until 31 May 2021, for Erf 4956, Extension 14, Swakopmund, be approved.
- (b) That interest be applicable at a rate of 10.5% (which is a condition of sale) for the period 10 September 2020 until date of registration and an addendum be compiled to record the decision.
- (c) That Council takes note that the interest charged from 10 September 2020 until 31 May 2021 amounts to N\$14 571.19.
- (d) That should the transfer of ownership takes place earlier than 31 May 2021, the interest be recalculated.
- (e) That Council does not waive the payment of the interest charged for Erf 4956, Ext 14, Swakopmund to the amount of N\$14 571.19.
- (f) That should registration takes place on 31 May 2021, Mr W U Shiimi be given an opportunity to pay the interest calculated from 10 September 2020 until 31 May 2021 in equal instalments.
- (g) That depending the date of registration of the property, the interest charged be recalculated.
- (h) That after the total interest charged is made known, Mr W U Shiimi confirms in writing a suitable period for down payment of same and the Finance Department be informed to levy it in equal instalments.

11.1.8 **TRANSFER OF RIGHTS: HANGAR 10**
(C/M 2021/04/29 - Hangar 10)

RESOLVED:

CO: P GM: CS&HC

- (a) That Council approves the transfer of the rights of Hangar 10 from Bush Bird Asset Rental Close Corporation to Copper Investments (Pty) Ltd, subject to the standard lease conditions for hangars at the aerodrome.
- (b) That the approval be subject to Bush Bird Asset Rental Close Corporation's lease accounts are up to date.

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11.1.9 **EXPANSION OF BUSINESS ACTIVITIES AT THE FRESH PRODUCE & WOOD MARKET: DANIEL KAMHO AVENUE**

(C/M 2021/04/29 - 14/1/3/1)

RESOLVED:

GM: EDS
GM: EPS

- (a) That Council approves the leasing of Daniel Kamho Hawkers site to members of public and local SMEs throughout the year for the purpose of selling charcoal and wood.
- (b) That the Engineering and Planning Services Department be responsible for demarcation of the area.
- (c) That the sale for fresh produce remains limited to the festive seasons (December & January) and a maximum of 3 stalls.
- (d) That the rental fees for the site be based on the Lease for Municipal Land ("*Public Open Space*" as gazetted):

For area of 16m² or less (VAT Excluded)

(i) Daily	-	N\$ 201.00
(ii) Weekends	-	N\$ 268.00
(iii) Weekly	-	N\$ 337.00
(iv) Monthly	-	N\$ 1009.00

For area between 16m² and 20m² (VAT Excluded)

(i) Daily	-	N\$ 268.00
(ii) Weekends	-	N\$ 337.00
(iii) Weekly	-	N\$ 404.00
(iv) Monthly	-	N\$ 1 614.00

- (e) That the rental fees for fresh produce and wood/charcoal stalls remain as per the gazetted tariffs (i.e. N\$1 726.00 per month) and limited to only 4 stalls.
- (f) That the Economic Development Services plan for temporary ablution facilities and electricity at the site.

11.1.10 **CANCELLATION OF SALE TO MESSRS NAMUPALA FAMILY ENTERPRISE IN MONDESA: ERF 3402, EXTENSION 8, MONDESA**

(C/M 2021/04/29 - M 4302)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council takes note of the letter of the cancellation of the purchase of Erf 3402, Extension 8, Mondesa at PDA.
- (b) That The Swapo Party be informed that the erf is not available for sale by private treaty.
- (c) That Erf 3402, Extension 8, Mondesa be offered for sale together with the available erven in Extension 10, Mondesa by closed bid sale on a date to be determined.

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- 11.1.11 **SUBDIVISION OF THE REMAINDER OF ERF 5360 SWAKOPMUND INTO SEVEN (7) PORTIONS AND REMAINDER AND THE SUBSEQUENT REZONING OF PORTIONS 1, 4 AND 5 FROM "GENERAL BUSINESS" TO "PUBLIC OPEN SPACE", "PARKING" AND "PARASTATAL" RESPECTIVELY**
(C/M 2021/04/29 - 16/1/4/1/6, 19.03.08.5360)

RESOLVED:

GM: EPS

- (a) That the subdivision of the Remainder of Erf 5360, Swakopmund Extension 15 into seven (7) Portions and Remainder be approved.
- (b) That the rezoning of Portions 1, 4, 5 and Remainder 5360 Swakopmund from General Business to Public Open Space, Parking, Parastatal and Street, respectively, be approved.
- (c) That the rezoning of Portions 1, 4, 5 and Remainder 5360 Swakopmund from General Business to *Public Open Space, Parking, Parastatal and Street*, respectively, be included in the next Swakopmund Zoning Scheme.
- (d) That all the parking be provide on-site in line with the Swakopmund Zoning Planning Scheme.

- 11.1.12 **APPLICATION FOR CONSENT TO OPERATE A CAR WASH ON ERF 4750, SWAKOPMUND**
(C/M 2021/04/29 - 19.03.08.4750)

RESOLVED:

GM: EPS

- (a) That the application for the consent to operate a car wash on Erf 4750, Swakopmund be turned down.
- (b) That the applicant finds a suitable site with drainage system in place for the operation of a car wash.
- (c) That the applicant be informed of his right to appeal against the Council decision (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.

- 11.1.13 **APPLICATION TO PARTICIPATE IN 40/40 PROJECT**
(C/M 2021/04/29 - 14/2/1/2)

RESOLVED:CO: H
GM: CS&HC

- (a) That Turnkey Building and Engineering Consultants CC be approved to participate in the 40/40 project because they meet the requirements set by Council.

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- (b) That in the absence of a voter's card, applicants be permitted to submit title deeds and or active Municipal Service Accounts to participate in the 40/40 project.
- (c) That Council takes note of the proof of voter's card submitted by Messrs Noria Trading CC.

11.1.14 **ERF 5023, SWAKOPMUND: APPLICATION FOR EXTENSION OF TIME AND WAIVER OF PENALTY INTEREST**
(C/M 2021/04/29 - E 5023)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council takes note of the application received from Dr A A T Frans the purchaser of Erf 5023, Swakopmund.
- (b) That Council grants the purchaser an extension of time of two months to provide the bank guarantee to secure the balance of the purchase price for Erf 5023, Swakopmund, until 31 May 2021.
- (c) That Council does not waive the 7.5% per annum penalty interest which is charged from 29 March 2021 until date of registration of transfer.

11.1.15 **CONSIDERATION OF CANCELLATION: ERF 4809, SWAKOPMUND - S A ANGULA**
(C/M 2021/04/29 - E 4908)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council confirms the cancellation of the sale of Erf 4908, Swakopmund to Mr S A Angula as he failed to perform by 26 February 2021.
- (b) That Erf 4908 be added to the following list which will be sold out of hand as per Council Resolution of 28 January 2021, under item 11.1.19:

	<i>Erf #</i>	<i>Size</i>	<i>Purchase Price Calculated at N\$950.00/m²</i>
1	366	3 406	3 235 700.00
2	367	3 829	3 637 550.00
3	4909	5 141	4 883 950.00
4	4910	4 119	3 913 050.00
5	4908	2 034	1 932 300.00

- (c) That Mr Shivute Alfeus Angula be encouraged to take part in the sale of "General Residential" when advertised in the near future.

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11.1.16 **PRIVATE TREATY TRANSACTIONS APPROVED ON 28 MARCH 2018:**

① CANCELLATION OF ERF 365, MILE 4 - NAMIBIA DESERT GIANT GROUP PTY LTD

② DUE DATE OF ERF 406, MILE 4 - TRECON (PTY) LTD
(C/M 2021/04/29 - M4 E 365, 406)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council confirms its decision passed on 29 October 2020 under item 11.1.3 point (a) and cancel the sale of Erf 365, Mile 4 allocated to Namibia Desert Giant Group (Pty) Ltd.
- (b) That the Finance Department recovers the outstanding rates and taxes from Desert Giant Group (Pty) Ltd.
- (c) That Erf 365, Mile 4 be sold in future at an upset price of N\$3 500 000.00.
- (d) That should the purchaser (Trecon Development (Pty) Ltd) of Erf 406, Mile 4 not perform by 30 September 2021 the transaction be submitted to Council for consideration of the cancellation and be sold together with Erf 365, Mile 4 at a closed bid sale.

11.1.17 **SUBDIVISION OF THE REMAINDER OF FARM 163, SWAKOPMUND INTO PORTION X AND REMAINDER AND SUBSEQUENT REZONING OF PORTION X FROM "UNDETERMINED" TO "SPECIAL" FOR A DRY PORT**

(C/M 2021/04/29 - 16/1/4/1/6)

RESOLVED:

GM: EPS

- (a) That the Subdivision of the Remainder of Farm 163, Swakopmund into Portion X and Remainder be approved.
- (b) That Portion X (a portion of the Remainder of Farm 163, Swakopmund) be rezoned from "Undetermined" to "Special" for the purpose of a dry port for industrial bulk storage of:
 - Goods
 - Vehicles
 - Fuel
 - Oil
 - Mining explosives, and
 - Ancillary buildings
- (c) That the applicant obtains an Environmental Clearance Certificate in terms of the Environmental Management Act of 2007; before any construction activity for the storage facility of the aforesaid activities.
- (d) That a twenty (20) metres wide *Right of Way* servitude be registered against the Remainder of Farm 163, Swakopmund.

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- (e) That the final position of the *Right of Way* servitude be determined in consultation with the General Manager: Engineering and Planning Services.

11.1.18 ERF 466, ERF 444 AND ERF 779 - TRANSNAMIB LAND

(C/M 2021/04/29 - E 466, E 444, E 779, 5/6/1)

CO: P
CEO
GM: CS&HC

RESOLVED:

- (a) That Council takes the decision to procure or acquire the following erven, Erf 466, Erf 444 and Erf 779, which will be referred to as the TransNamib land.
- (b) That the Chief Executive Officer be mandated to make the necessary arrangements with the various Ministries to discuss Council's proposal to procure or acquire Erf 466, Erf 444 and Erf 779.

11.1.19 APPLICATION FOR EXTENSION OF TIME TO PERFORM: ERF 245, MATATURA

(C/M 2021/04/29 - Mat 245)

CO: P
GM: CS&HC

RESOLVED:

That Council approves the application received from Mr & Ms Van Wyk dated 15 March 2021 for an extension of time of 6 months (end of September 2021) to secure the purchase price for Erf 245, Matutura.

11.1.20 PUBLIC MEETINGS: MAY 2021

(C/M 2021/04/29 - 5/2/1/2/3)

CO: MC
All GMS
CEO
GM: CS&HC

RESOLVED:

- (a) That Council promotes community involvement and public participations with various targeted community groups by hosting sessions of public meetings.
- (b) That the following scheduled sessions of public meetings for 2021 be approved as follows:

Date	Target Audience (Residents)	Venue	Time
Monday, 17 May 2021	Mondesa	Multipurpose Hall	18H00
Tuesday, 18 May 2021	DRC	Open area behind the DRC Fire Station	18H00
Wednesday, 19 May 2021	Matutura	Pay point in Matutura	18H00
Thursday, 20 May 2021	Tamariskia	Swakopmund Town Hall (Tamariskia)	18H00
Friday, 21 May 2021	Central Business District, Vineta and Kramersdorf	Municipal Head Office (Council Chambers)	12H00

- (c) That Heads of Departments identify and prepare matters to be discussed at these public meetings.

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- (d) That the members of the public be invited via advertisement, letters and notices on various print, social media and analogue platforms.
- (e) That the Marketing and Communications Section be assisted by the relevant departments / Sections during the arrangements of the meetings.

11.1.21 DRAFT CAPITAL AND OPERATIONAL BUDGETS FOR 2021 / 2022 FINANCIAL YEAR

(C/M 2021/04/29 - 3/1/1/1/1, 3/1/2/1)

GM: F
CEO
All GMs

RESOLVED:

- (a) That due to prevailing economic circumstances, it is once again resolved that Council does NOT increase tariffs for the 2021 / 2022 Financial Year as well.
- (b) That Council approves the Capital Budget amounting to N\$196 156 000.00.
- (c) That Council approves the balance Operational Budget amounting to N\$471 569 800.00.
- (d) That the below Tariffs be approved for the implementation of the 2020 General Valuation Roll.

TARIFF DETAIL	2021/2022
<i>All Erven in Townships</i>	
On Site	N\$0.014020
Improvements	N\$0.006472
<i>Smallholdings: Business</i>	
On Site	N\$0.039234, less 60% per dollar
Improvements	N\$0.007896, less 60% per dollar
<i>Smallholdings: Agriculture</i>	
On Site	N\$0.003917, less 60% per dollar
Improvements	N\$0.001588, less 60% per dollar

13. DRAFT REGULATIONS AND TARIFFS, IF ANY

None.

The meeting adjourned: 10:23.

Minutes to be confirmed on: 27 May 2021

Councillor L N Kativa
MAYOR

A Benjamin
CHIEF EXECUTIVE OFFICER

11. RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE MEETINGS HELD ON 11 AND 18 MAY 2021

10. REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS MANAGEMENT COMMITTEE MEETING HELD DURING APRIL AND MAY 2021

10 (A) MINUTES OF THE MANAGEMENT COMMITTEE MEETING HELD ON 21 APRIL 2021

5.2 FEEDBACK: ACTION PLAN APPROVED FOR THE ALLOCATION OF LAND TO DEVELOPERS
(S/M/C 2021/04/21 - 14/2/1/2)

RESOLVED:

That Council takes note of the update on the progress of the developments for the 8 developers.

5.6 INFORMATION REQUESTED ON THE OPERATIONS OF THE LAW ENFORCEMENT TRAFFIC SECTION
(S/M/C 2021/04/21 - 1/1/2/8)

RESOLVED:

That the information requested on the operations of the law enforcement Traffic Section be noted.

5.7 FEEDBACK: EXTENSIONS OF TIME FOR VARIOUS TRANSACTIONS
(S/M/C 2021/04/21 - M 4096; M 4108; M4 E 406; M4 E 365; M 7159; E 4899; E 8929; E 8930; E 8939, E 4874; E 2747 Mat; E 2748 Mat; E 5002 & E 4908)

RESOLVED:

That the updated report regarding cancellations and due dates approved by Council for various private transactions, be noted.

5.8 BUILD TOGETHER GUIDELINES
(S/M/C 2021/04/21 - 14/2/1/2)

RESOLVED:

That the Build Together Guidelines, be noted.

5.9 AVAILABLE AND FUTURE RESIDENTIAL LAND

(S/M/C 2021/04/21 - 16/1/4/2/1/15)

RESOLVED:

- (a) That the report of the current and future available land for residential development, be noted.
- (b) That Council expedite the servicing of the residential townships without services, relocation of excess informal households so as to enhance both current and future land for housing delivery and increased formal housing ownership.

5.10 BLACK RIVER INVESTMENT (PTY) LTD REQUESTING AUDIENCE FOR A FURTHER EXTENSION OF TIME TO SETTLE THE PURCHASE PRICE FOR ERVEN 2747 AND 2748, EXTENSION 13, MATUTURA

(S/M/C 2021/04/21 - E 2747 M, E 2748)

RESOLVED:

- (a) That Council takes note that in terms of point (d) of Council's resolution passed on 19 November 2020 under item 11.1.2, Messrs Black River Investments CC only paid an amount of N\$30 000.00 for rates and taxes leaving a balance of N\$10 684.26 which payment was a condition for the extension of time granted to perform by 29 March 2021.
- (b) That Council only considers to invite Messrs Black River Investment CC for an audience if proof is provided that they have financial support.

5.11 AGREEMENT WITH MESSRS BUSINESS CONNEXION

(S/M/C 2021/04/21 - D 12/1)

RESOLVED:

That the Agreement between Council and Messrs Business Connexion, be noted.

5.12 DRAFT CAPITAL AND OPERATIONAL BUDGETS FOR 2021 / 2022 FINANCIAL YEAR

(S/M/C 2021/04/21 - 3/1/1/1/1; 3/1/2/1)

RESOLVED:

That this item be referred to the Special Management Committee meeting of 22 April 2021.

6. **MATTERS NOT ON THE AGENDA, BUT DISCUSSED WITH PERMISSION OF THE CHAIRPERSON**

6.1 **COST TO SERVICE EXTENSION 40-42, MONDESA WITH CIVIL AND ELECTRICAL INFRASTRUCTURE**
(S/M/C 2021/04/21 - 16/1/4/2/1/2)

RESOLVED:

That the cost that is presented in the report, required to service Extensions 40&42, be noted.

6.3 **SWAKOPMUND AIRFIELD: RELOCATION AS PER THE STRUCTURE PLAN 2020-2040**

(S/M/C 2021/04/21 - G 3/1/4)

RESOLVED:

- (a) That the Management Committee takes note that relocating the Airfield from the existing site to the new one is a huge undertaking.
 - (b) That Management Committee undertakes a study on both the technical feasibility and financially viable for the relocation of the Airfield.
 - (c) That Council invites expert advice from a reputable aviation expert / company and the Namibia Civil Aviation Authority (NCAA) before a decision is made about the future of the Swakopmund Airfield.
-

6.4 **FORMULATION OF THE SWAKOPMUND STRATEGIC PLAN**

(S/M/C 2021/04/21 - 16/1/4/1/7)

RESOLVED:

- (a) That Management Committee takes note of the report and submitted inputs/comments by various members on the draft Strategic Plan document.
 - (b) That Management Committee remains with Messrs Stubenrauch Planning Consultants in terms of the Structure Plan.
 - (c) That a Consultant for the Formulation of the Strategic Plan for the Swakopmund Municipality.
-

10 (B) MINUTES OF THE MANAGEMENT COMMITTEE MEETINGS HELD ON 11 MAY 2021

7. MATTERS REFERRED BY PREVIOUS COUNCIL- AND MANAGEMENT COMMITTEE MEETINGS

7.4 ERF 4747 - LIGHTHOUSE INVESTMENT TRUST
(M/C 2021/05/11 - E 4747)

GM: EPS
M: CS
GM: CS&HC

RESOLVED:

That this item be referred to Council's legal advisers and be resubmitted to the Management Committee for consideration.

7.11 DESERT VIEW TOWNSHIP ESTABLISHMENT ON THE REMAINDER OF PORTION B OF SWAKOPMUND TOWN AND TOWNLANDS NUMBER 41
(M/C 2021/05/11 - 16/1/4/1/4)

RESOLVED:

GM: EPS

That the item be referred back and be resubmitted to the next Management Committee meeting.

7.12 NAMING OF STREETS, PUBLIC PLACES, TOWNSHIPS AND COUNCIL OWNED BUILDINGS / FACILITIES ADVISORY COMMITTEE
(M/C 2021/05/11 - 5/2/3/1/1)

RESOLVED:

CO: A
GM: CS&HC

That that the nominations be finalized before the next Council meeting.

7.13 PROCUREMENT MANAGEMENT UNIT REPORTS
(M/C 2021/05/11 - 6/P)

RESOLVED:

CEO

That the quarterly reports from the Procurement Management Unit, be noted.

8. POLICY MATTERS8.2 REMOVAL OF PRIVATE SECURITY GUARD HOUSE AND PORTABLE TOILET FROM COUNCIL LAND, MARSHALL STREET, SWAKOPMUND

(M/C 2021/05/11 - E 1547)

RESOLVED:

GM: EPS
CO: P
GM: CS&HC

- (a) That the mobile guard house and toilet be move to [redacted] and allowed to remain in place until the permanent guard house is in place.
- (b) That the General Manager: Corporate Services & Human Capital Services calculate an appropriate monthly rental amount for the proposed lease area of 15m² and compile a lease agreement.
- (c) That the General Manager: Engineering & Planning Services in conjunction with the applicant identify a suitable location in the gardens opposite Marshall Street to place the Guard House.
- (d) If the Guard House concept is approved, that Council enter into a lease agreement with the group for five years or period that is found to be suitable with the relevant terms and conditions of use.
- (e) That all future requests be handled in the same manner.

8.4 REQUEST FOR SPONSORSHIP TO PARTICIPATE AT THE MISS NAMIBIA PAGEANT - MS MILUMBE KATOWA

(M/C 2021/05/11 - 3/15/1/6/1)

RESOLVED:

CO: M&C
GM: CS&HC

That a sponsorship of N\$10 000.00 be granted to equally [redacted] Ms M Katowa and the four (4) other contestants from the Erongo Region towards their participation in the Miss Namibia pageant.

8.6 PRESENTATION: BASELINE & RESEARCH FINDINGS FOR THE SWAKOPMUND MICRO AND SMALL ENTERPRISES DEVELOPMENT AND PROMOTION POLICY AND STRATEGY

(M/C 2021/05/11 - 14/2/10/1)

RESOLVED:

GM: EDS

That the presentation by Messrs Prof Trade of DECOSA cc, be noted.

9. PERSONAL MATTERS9.1 REQUEST FOR INTEREST FREE LOAN FOR CORPORATE WEAR

(M/C 2021/05/11 - 4/11/3)

M: HC
GM: CS&HCRESOLVED:

- (a) That Council approves the interest free loan to the amount of N\$75 748.30 to procure the corporate wear for 21 staff members as per attached list, in line with the Management Committee resolution of 11 June 2015.
- (b) That the staff members making use of the interest free loan sign a consent letter for deduction from their salaries.
- (c) That the Personal Assistants of the respective departments co-ordinate the ordering and issuing of requisitions from the relevant department's vote.
- (d) That the uniforms be acquired through the Procurement Act, Act 15 of 2015.

10. MATTERS NOT ON THE AGENDA, BUT DISCUSSED WITH PERMISSION OF THE CHAIRPERSON10.1 REQUEST FOR SPONSORSHIP: UNITE TO END VIOLENCE AGAINST WOMEN - CROSSFIT SWAKOPMUND

(M/C 2021/05/11 - 5/5/1, 3/15/1/5/3)

CO: MC
GM: CS&HCRESOLVED:

That a sponsorship of N\$5 000.00 ("*Cash for Reps*") be granted to the Lindie Prinsloo Foundation and CrossFit Swakopmund, towards their fundraising event scheduled to take place on 12 June 2021 in Swakopmund.

10.2 POSITIONS FOR THE SPONSORSHIPS COMMITTEE MEMBERS

(M/C 2021/05/11 - 3/P)

CO: MC
GM: CS&HCRESOLVED:

- (a) That Management Committee approves the various portfolios of the Sponsorships Committee members listed below:
 - Councillor P N Shimhanda (Chairperson)
 - Councillor M Henrichsen (Vice Chairperson)
 - General Manager: Finance
 - Manager: Finance (Secundi)
 - General Manager: Corporate Services & Human Capital
 - Manager: Corporate Services (Secundi)
 - Corporate Officer: Marketing and Communications (Secretary)
 - Sports and Recreation Officer (Vice Secretary)
 - Youth Development Officer
- (c) That all recommendations of the Sponsorship Committee be submitted to the Management Committee for approval.

10 (C) MINUTES OF THE MANAGEMENT COMMITTEE MEETING HELD ON 18 MAY 2021

5. DISCUSSION POINTS

5.1 AUDIENCE: REQUEST OF ASSISTANCE BY DRC PLANNING COMMITTEE
(S/M/C 2021/05/18 - 11/1/4/16)

RESOLVED:

- (a) That Engineering and Planning Services consider installing more water taps.
- (b) That the committee be informed that there are institutional erven which are earmarked for the purpose of kindergartens and schools in the DRC.
- (c) That it is proposed that Fire Brigade submits a schedule and the content of a proposed information sharing programme regarding the use of fireworks and firearms to Management Committee before embarking on the programme for information sharing with the residents of the DRC.
- (d) That this matter be addressed by Finance and Engineering and Planning Services of costs involved in developing the DRC e.g. constructing social houses in the DRC Proper, costs involve in servicing new relocation sites and share such information with the committee.
- (e) That the Namibian Police be requested to have a Police Station in the DRC, that NAMPOL be requested to cooperate with Council to launch an information sharing campaign in the DRC and to crack down on the use of fireworks, drugs and ownership of firearms.
- (f) That residents be informed that they may at any time organize and operate a neighbourhood watch in their settlements.
- (g) That residents be informed that no residential erven were auctioned in the DRC.
- (h) That residents be informed that this matter is part of envisaged new plans of Council to service all relocation sites, which was submitted to Management Committee on 11 March 2021
- (i) That it be noted that Council does not offer a bus service currently. That if Council condones such possibility, Emergency and Law Enforcement Section research and determine the cost and viability of the provision of Municipal Bus Services and submit to Management Committee for scrutiny. That the possibility of identifying taxi fund also be investigated by Engineering and Planning Services, Emergency and Law Enforcement Section and Corporate Services & Human Capital.
- (j) That Council considers the way forward regarding the request for a meeting with the committee. If required, that the office of the Mayor and

Corporate Services & Human Capital: Housing Section arrange a meeting with new committees after they are officially endorsed by Council.

- (k) That the Health Services and Solid Waste Management Department cooperate with the Ministry of Health and Social Services to provide information sessions on teenage pregnancy.
 - (l) That the Namibian Police visit shebeens in order to determine that owners have necessary documents to sell liquor and close down shebeens that are not registered.
 - (m) That the Ministry of Gender Equality and Child Welfare be requested to present their programmes of a women empowerment in the DRC Informal Settlement.
 - (n) That it be noted that Engineering and Planning Services Department is preparing the relocation sites allocation.
 - (o) That Engineering and Planning Services engage Erongo RED on the provision of electricity in new DRC and submit findings to Management Committee.
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **MANAGEMENT COMMITTEE MEETING HELD ON 11 AND 18 MAY 2021**
- 11.1.1 **RECTIFICATION OF THE COUNCIL RESOLUTION: ITEM 11.1.12 OF 24 SEPTEMBER 2020**
(C/M 2021/05/27 - 19.03.08.9733, 9734, E 9733, E 9734)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.1 page 03 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

The purpose of this submission is for Council to revise Council Resolution C/M 2020/09/24, Item No.11.1.12, specifically point c.

2. Introduction and Background

Council at its ordinary meeting held on the **24th September 2020** approved an application for the Subdivision of Erven 9733 & 9734, Swakopmund, Extension 39 into Portion B & C and Remainder, and subsequent rezoning of Portion B and C From "*Single Residential*" to "*Public Open Space*" and Consolidation of Portion B and C into Consolidated Portion 1.

The application was submitted to the Urban and Regional Planning Board for approval, it was however referred back as point (c) of item number 11.1.12 made reference to a wrong erf number. Kindly find attached email from the consultant as **Annexure A**. In terms of the aforesaid Council Resolution, point (c) reads as follow:

That the subdivision of Erf 9733, Swakopmund Extension 39 into Portion C and Remainder be approved.

Instead of:

That the subdivision of Erf 9734, Swakopmund Extension 39 into Portion C and Remainder be approved.

It is against this background that the request to rectify the Council Resolution Number (C/M 2020/09/24 19.03.08.9733, 9734) is being submitted for consideration.

3. Conclusion

For successful implementation of the Council Resolution Number (C/M 2020/09/24 19.03.08.9733, 9734), revision of the previous decision is a prerequisite. Plans of the area have been attached as **Annexure B**.

B. After the matter was considered, the following was:-**RECOMMENDED:**

- (a) That the Council Resolution (C/M 2020/09/24 19.03.08.9733, 9734) under Item 11.1.12 be revoked and replaced with this Council Decision.
 - (b) That the subdivision of Erf 9733, Swakopmund, Extension 39 into Portion B and Remainder be approved.
 - (c) That the rezoning of Portion B of Erf 9733, Swakopmund, Extension 39 from "*Single Residential*" to "*Public Open Space*" be approved.
 - (d) That the subdivision of Erf 9734, Swakopmund Extension 39 into Portion C and Remainder be approved,
 - (e) That the rezoning of Portion C of Erf 9734, Swakopmund Extension 39 from "*Single Residential*" to "*Public Open Space*" be approved.
 - (f) That the rezoning of Portions B and C be included in the next Swakopmund Amendment Scheme.
 - (g) That the consolidation of Portion B and C into consolidated Erf X (Portion 1) be approved.
 - (h) That the current title deed conditions registered against Erf 9733, Swakopmund, Extension 39 be retained and be registered against the Remainder of Erf 9733, Swakopmund.
 - (i) That the current title deed conditions registered against Erven 9734, Swakopmund, Extension 39 be retained and be registered against the Remainder of Erf 9734, Swakopmund.
-

From: Estelle Engelbrecht [<mailto:winplan@winplan.com.na>]

Sent: Tuesday, 30 March 2021 12:38 PM

To: Johanna Angolo; Johannes Heita; Jennipher Batley

Cc: Winplan Planner

Subject: RE: Swakopmund: Approved + signed minutes_ Ext 39

Good day Johanna,

Erven 9733 & 9734

The board have a problem with the approval letter and minutes specifically referring to Erf 9733.

Point (c) refers to subdivision of Erf 9733...which should read 9734.

The approval letter and minutes should be amended accordingly.

Can you please attend to this as soon as possible?

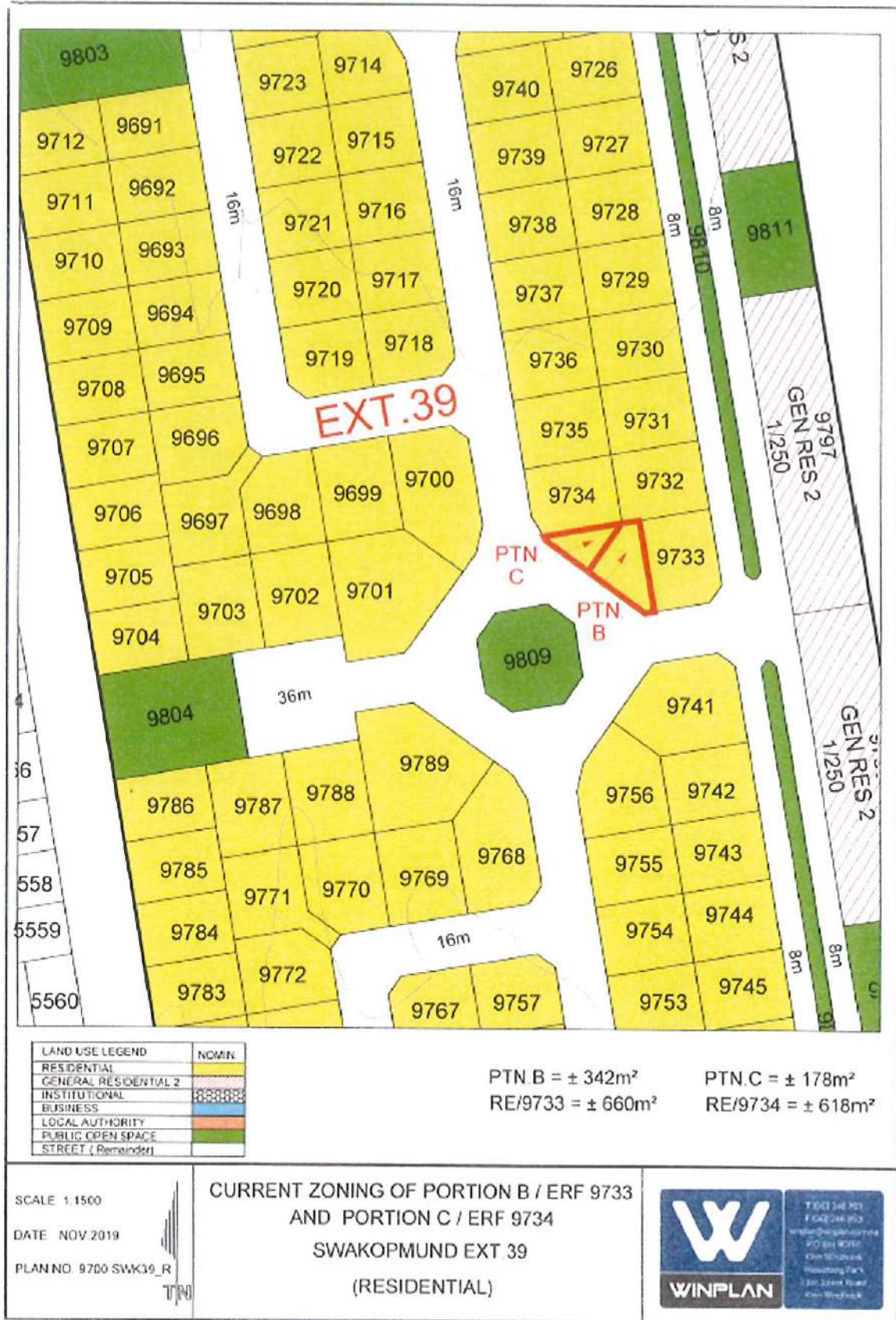
11.1.12 **SUBDIVISION OF ERVEN 9733 & 9734, SWAKOPMUND EXTENSION 39 INTO PORTION B & C AND REMAINDER, RESPECTIVELY AND SUBSEQUENT REZONING OF PORTION B AND C FROM "SINGLE RESIDENTIAL" TO "PUBLIC OPEN SPACE" AND CONSOLIDATION OF PORTION B and C INTO CONSOLIDATED PORTION 1**

(C/M 2020/09/24 - 19.03.08, E 9733, E 9734)

RESOLVED:

- (a) That the subdivision of Erf 9733, Swakopmund Extension 39 into Portion B and Remainder be approved.
- (b) That the rezoning of Portion B of Erf 9733, Swakopmund Extension 39 from "*Single Residential*" to "*Public Open Space*" be approved.
- (c) That the subdivision of Erf 9733, Swakopmund Extension 39 into Portion C and Remainder be approved.
- (d) That the rezoning of Portion C of Erf 9734, Swakopmund Extension 39 from "*Single Residential*" to "*Public Open Space*" be approved.
- (e) That the rezoning of Portions B and C be included in the next Swakopmund Amendment Scheme.
- (f) That the consolidation of Portion B and C into consolidated Erf X (Portion 1) be approved.
- (g) That the current title deed conditions registered against Erf 9733, Swakopmund, Extension 39 be retained and be registered against the Remainder of Erf 9733, Swakopmund.
- (h) That the current title deed conditions registered against Erven 9734, Swakopmund, Extension 39 be retained and be registered against the Remainder of Erf 9734, Swakopmund.





LAND USE LEGEND	NOMIN.
RESIDENTIAL	Yellow
GENERAL RESIDENTIAL 2	White with diagonal lines
INSTITUTIONAL	White with grid pattern
BUSINESS	White with horizontal lines
LOCAL AUTHORITY	Blue
PUBLIC OPEN SPACE	Green
STREET (Remainder)	White

PTN B = ± 342m² PTN.C = ± 178m²
 RE/9733 = ± 660m² RE/9734 = ± 618m²

SCALE 1:1500
 DATE NOV.2019
 PLAN NO. 9700.SWK39_R

CURRENT ZONING OF PORTION B / ERF 9733
 AND PORTION C / ERF 9734
 SWAKOPMUND EXT 39
 (RESIDENTIAL)

WINPLAN
 T: 081 246 900
 F: 081 246 902
 www.winplan.co.za
 PO Box 8000
 Old Woodland
 Woodlands Park
 1116 Swakopmund



LAND USE LEGEND	NOMIN.
RESIDENTIAL	Yellow
GENERAL RESIDENTIAL 2	Hatched
INSTITUTIONAL	Blue
BUSINESS	Orange
LOCAL AUTHORITY	Green
PUBLIC OPEN SPACE	Green
STREET (Remainder)	White

PTN. B = ± 342m² PTN. C = ± 178m²
 RE/9733 = ± 660m² RE/9734 = ± 618m²

SCALE 1:1500
 DATE NOV 2019
 PLAN NO. 9701SWK39_R

REZONING OF PORTION B / ERF 9733
 AND PORTION C / ERF 9734
 SWAKOPMUND EXT. 39 FROM
 "RESIDENTIAL" TO "PUBLIC OPEN SPACE"

WINPLAN
 T 088 246 793
 F 088 246 855
 www.winplan.co.za
 P O Box 1040
 Windhoek, Namibia
 1000
 1000



PTN.B/ 9733 = ± 342m²
 PTN.C/ 9734 = ± 178m²

CONSOLIDATED PTN.1 = ± 520m²

SCALE: 1:1500
 DATE: NOV 2019
 PLAN NO: 9733 SWK39_C

CONSOLIDATION OF PORTION B OF ERF 9733 &
 PORTION C OF ERF 9734, SWAKOPMUND
 EXT.39 INTO CONSOLIDATED PORTION 1

WINPLAN
 T: 082 346 701
 F: 082 346 853
 info@winplan.co.za
 P.O. Box 9036
 8001 Swakopmund
 Namibia

11.1.2 **COST ESTIMATE FOR THE REPLACEMENT OF THE SEPTIC TANK TOILETS IN DRC INFORMAL SETTLEMENT**
(C/M 2021/05/27 - 14/2/8/2)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.2 page 11 refers.

A. The following item was submitted to the Management Committee for consideration:

This item was submitted to the Council Meeting of **25 March 2021**, under item 11.1.17 where it was *inter alia* resolved:

- (a) *That the septic tanks (toilets) be replaced with water borne sanitation systems and connected to the newly constructed sewer and water infrastructure lines.*
- (b) *That all serviced Erven in the DRC with no septic tank (toilets) be provided with water borne sanitation facilities.*
- (c) *That the General Manager: Engineering & Planning Services determine the building cost estimates of a water borne sanitation system with report back to the Management Committee, in April 2021.*
- (d) *That the General Manager: Finance makes budgetary provision on the Capital Budget 2021/2022, for this purpose.*

The main objective of the survey was two-fold, namely;

- *To map and identify the geological positions of the septic tank toilets in DRC Proper, and*
- *To determine the condition of the septic tank toilets in the DRC Proper area.*

The results of the survey however demonstrate the serious health risks posed by the broken and malfunctioning ablution facilities at the DRC (Proper) area. Should these conditions be left unattended and allowed to prevail without Council's direct interventions, public health efforts will be greatly compromised.

THE PANEL TOILET

Attached hereto are the pictures of the panel toilet.

The concrete panels, which are light and easy to handle, are manufactured from a newly patented concrete technology, with all components having hand grips, enabling top structures to be erected in 15 minutes.

The Rocla Sanitation concrete toilets can also be relocated by households and are deemed the most suited for the Expanded Public Works Programme. The reality of the concrete panels design is that there are only six panels that make up the complete structure which is a huge advantage for the quality and longevity of the product; they offer a relatively large interior (900mm wide x 1100 mm deep x 2000 mm high), conforming to all relevant standards and offer the safety of a dual

opening locking system (i.e. they can be opened from the inside while locked from the outside).

Hereunder is the cost estimate for the replacement of the septic tank toilets with water borne system (Panel Toilet).

Description.	QTY	Unit price	Total Price
Floor 200 series VIP or EF	434	605.52	262 795.68
Left 2/3 side wall WB or VIP	434	452.38	196 332.92
Right 2/3 wall WB or VIP	434	452.91	196 562.94
Twin 1/3 side wall WB or VIP	434	419.42	182 028.28
2/3 Back wall WB or VIP	434	402.78	174 806.52
Roof + 1/3 Back wall WB or VIP	434	858.95	372 784.30
High Density Polymer Door with latch	434	1080.00	468 720.00
Hand wash Unit	434	390.00	169 260.00
Recla VIP 200 Pan	434	450.00	195 300.00
VIP – Floor Panel (480mm floor)	434	500.00	217 000.00
Fly screen	434	40.00	17 360.00
Bean Bag - empty	434	250.00	108 500.00
			N\$2 561 450.64

B. After the matter was considered, the following was:-

RECOMMENDED:

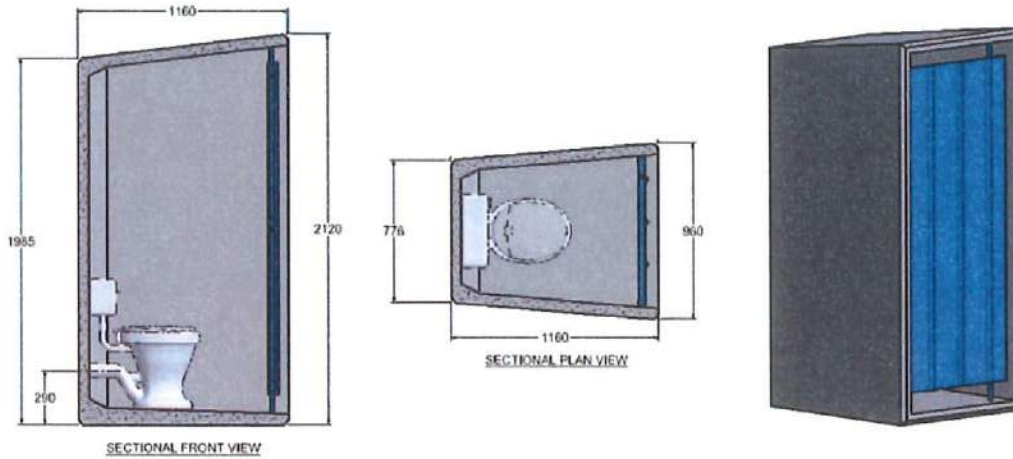
- (a) That Council accepts the use of panel materials to replace the 434 septic tank toilets with water borne systems in DRC informal settlement.
 - (b) That the General Manager: Finance makes provision in the 2021/2022 budget to the amount of N\$2 561 450.64 to replace the current septic tank with water borne system (panel toilet).
-

TOILET SYSTEMS

ONE-PIECE TOILET

Notes:

1. One piece, precast concrete toilet structure with water pipe above the cistern.



PANEL TOILET

Notes:

1. Rocla leads the way in providing mass employment in the provision of sanitation. Rocla has left no stone unturned in developing its new Lightweight Concrete Sanitation Unit.

Social Development Features:

- Labour intensive methods used.
- Community based labour.
- Up to 70% woman employed.
- Training and transfer of skills.
- On site training and employment.
- Toilet can be relocated by the household.
- Preferred product by communities.
- Most suited for Expanded Public Works Programme (EPWP).

Technical Features:

- New Patented Concrete Technology.
- All concrete structure.
- All components have convenient "hand grips".
- One piece walls, roof, floor and spreader slab.
- No "styrofoam" or "metal bits and pieces".
- Panels are light and easy to handle.
- Top structure erected in 15 minutes.
- Very low breakage/damage factor.
- Available in VIP or Waterborne format.
- Designed to be in line with all Standards.
- Large interior (900mm Wide x 1100mm Deep x 2000mm High).
- All bolts internal (no studs).
- Easy relocation when required.

- Bolts tap into plastic sleeve, ensuring ease for later relocation.
- Strong textured galvanised steel pivot door.
- "Real door" mechanism that self latches.
- Door can be opened from inside when locked on the outside.
- Integral cross ventilation built in.
- VIP pit adaptable to all conditions.
- All types of pans bolt to the floor.

Logistical Facts:

- One manufacturing facility can produce a large quantity of units per month.
- Rocla is will partner with Municipalities/communities to erect factories for large projects.

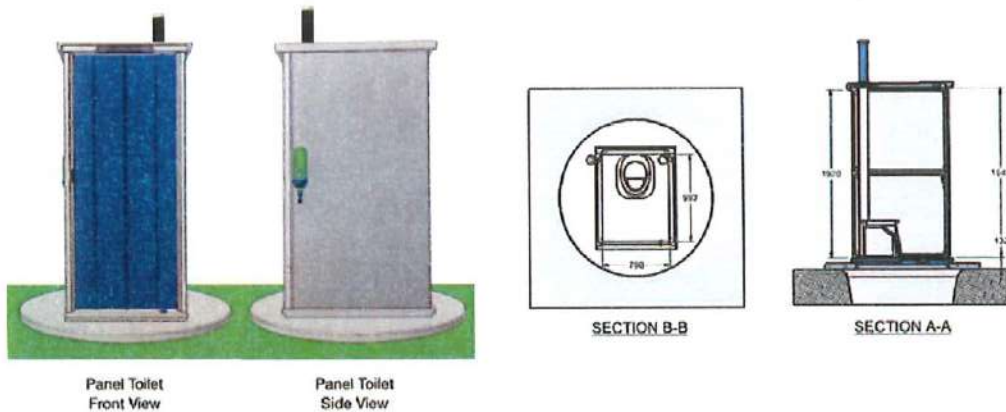


Figure 1 Panel Toilet

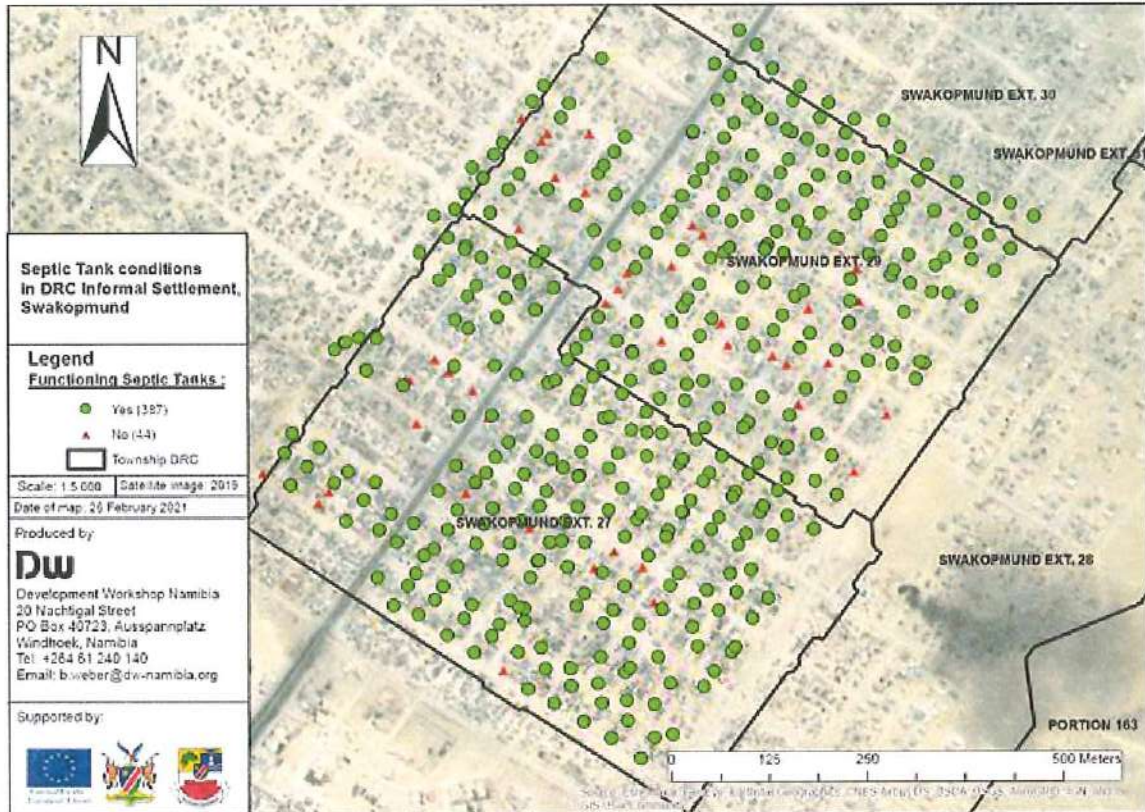


Figure 2 Geographical positions of the septic tanks in DRC Settlements

11.1.3 **PROGRESS UPDATE AND REQUEST FOR ADDITIONAL FUNDS FOR THE INTEGRATED INFRASTRUCTURE MASTER PLAN**
(C/M 2021/05/27 - 2/1/2/1)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.3 page 15 refers.

A. **The following item was submitted to the Management Committee for consideration:**

1 PURPOSE

The purpose of this Submission is to provide a progress update of the project and to request additional funds needed to complete Phase 1 of the project successfully.

2 BACKGROUND

One of the fundamental reasons why the Municipality need a Master Plan is to serve as a blueprint for the future expansion of the Town that can be directly tied to the core business goals and planning of the organisation. The Master Plan will identify municipal services infrastructure development, planning, acquisition, environmental and economical sustainability. This will be the very first Master Plan for the Municipality and would greatly benefit the use of our resources and improve service delivery.

The Consultancy Contract, CS/RFP/SM-011/2020M was awarded to Messrs Zutari Namibia on the 19 January 2021 and the contract was officially signed on the 12 February 2021.

3 PROJECT STATUS TO DATE

The Consultant to date has been gathering information from various Municipal departments and other stakeholders and this will be an ongoing process. This will be one of the critical areas that they need to focus on as it determines the accuracy of Municipal data. The Engineering and Planning Services Department has been engaging with the Consultant through virtual meetings to streamline the gathering of information.

Considerable planning has been done by the Consultant to execute the work within the approved timelines. The Consultant has appointed a surveyor as a subcontractor to carry out the as-build survey of municipal infrastructure. The subcontractor is currently busy with a calibration exercise before they can start with the actual survey.

The Engineering and Planning Services Department considers the start and the continuation of this project as quite critical to retrieving

data that would enable us to execute and plan projects with limited cost and make service delivery affordable.

4 COST

Initial Award

The bid document called for financial proposals for Phase 01 and Phase 02 with the following deliverables:

Phase 1 - The assessment of the status of the current infrastructure.

- *Complete asset register of municipal services (water, sanitation, roads and stormwater).*
- *Recommendations of remedial work or upgrade needed on existing infrastructure to obtain an acceptable standard.*

Phase 2 - Future Projections

- *Recommendation of future infrastructure needs based on 5, 10, 15 and 20 years growth projections.*

The Engineering and Planning Services Department estimated to complete the project, i.e. Phase 1 and Phase 2 would cost N\$9 974 112.50 to implement. The available funding at the time was only N\$4 000 000.00. Before the bidding process commenced, the cost estimate was approved by the Procurement Committee, as the funding needed was split over two (2) financial years, as follows:

- *For year 1 (2020/2021), it is estimated that the project will require N\$3 974 112.50. This will equate to N\$331 176.04/month.*
- *For year 2 (2021/2022), it is estimated that the project will require N\$6 000 000.00. This will equate to N\$500 000.00/month.*

At the award stage, the bid offer from Messrs Zutari Namibia was split into two (2) different awards to ensure that critical work identified in Phase 1 will start first and the bid was awarded with the funds that were available.

Procurement Committee resolved as follows at their meeting of 16 December 2020 under item 8.11.

- (a) *That the following bid/s be identified not to be compliant and responsive to the requirements of the Bid Invitation, as stipulated:*

<i>Bidder/Supplier</i>	<i>Reason/s</i>
<i>Dunamis Consulting/Pregon Consulting JV</i>	<ul style="list-style-type: none"> • <i>Only submitted 1 Technical and 1 Financial Proposal, no split between the 2 Phases.</i> • <i>Minutes of pre-bid meeting not attached.</i> • <i>Did not meet full administrative compliance.</i>
<i>Artee Project Engineers</i>	<ul style="list-style-type: none"> • <i>Only submitted 1 Technical and 1 Financial Proposal, no split between the 2 Phases.</i> • <i>Minutes of pre-bid meeting not attached.</i> • <i>Did not meet full administrative compliance.</i>

- (b) *That the following bid/s be identified to be compliant and responsive to the requirements of the Bid Invitation, but unsuccessful due to not meeting the minimum Technical Score or not offering the most economically beneficial price:*

Ordinary Management Committee Meeting - 27 May 2021

Bidder/Supplier	Reason/s
IngPlan Consulting Engineers	Although your bid was responsive, it scored 66.7/100 for the Technical, which was lower than the required 80% minimum. Did not proceed to Financial Evaluation.
VKE Namibia (Pty) Ltd	Although your bid was responsive, it scored 74.9/100 for the Technical, which was lower than the required 80% minimum. Did not proceed to Financial Evaluation.
Burmeister & Partners (Pty) Ltd	Although your bid was responsive and you scored 92% for the Technical Score, your price offer was deemed not economical to Council.
Lithon Project Consultants	Although your bid was responsive and you scored 80% for the Technical Score, your price offer was not the most economically beneficial.

- (c) That Bidder who offered the most economically beneficial price be selected for award and that award for Phase 01 and Phase 02 be separated:

Bidder:	Zutari Namibia (Pty) Ltd
Postal Address:	P.O. Box 5353, Windhoek
Proc Ref no:	CS/RP/SM-011/2020
Proc Title:	Integrated Infrastructure Master Plan
	Total Award: N\$ 7 615 307.00
	1 st Award: N\$ 3 939 234.15
	<u>Phase 1:</u> <u>Stage 1 to 4 - Stakeholder & Project Management (6 months)</u> N\$ 312 335.40
	<u>Stage 1 - Data Collection</u> N\$ 3 520 400.70 (N\$69 365.70 + N\$3 451 035.00)
	<u>Stage 2 – Investigation & Analysis</u> Condition Inspection of Roads & Data Capturing N\$ 71 888.80 Condition Inspection of WWTW N\$ 34 609.25
Amount: (VAT Incl.)	2 nd Award: N\$ 3 676 072.85 (N\$ 7 615 307.00 - N\$ 3 939 234.15)
	<u>Phase 1:</u> <u>Stage 1 to 4 - Stakeholder & Project Management (4 months)</u> N\$ 208 223.60
	<u>Stage 2 - Investigation & Analysis</u> Condition Inspection of Services & Data Capturing N\$ 439 916.40 Traffic Counts N\$ 159 390.00 Preparation of Asset Register N\$ 577 985.40
	<u>Stage 3 - Network Modelling & Final Status Quo Report</u> N\$ 1 246 280.30

	<p><u>Out of Pocket Expenses</u> N\$ 250 254.95</p> <p><u>Phase 2:</u> <u>Stage 4 & 5 - Stakeholder & Project Management (2 months)</u> N\$ 104 111.80</p> <p><u>Stage 4 - Development of Swakopmund Infrastructure Master Plan</u> N\$ 395 328.60</p> <p><u>Stage 5 – Stakeholder Engagement and Business Plan Development</u> N\$ 243 955.25</p> <p><u>Out of Pocket Expenses</u> N\$ 50 631.05</p>
VAT no:	00036392-015
Registration no:	90/469
Delivery time:	12 Months
Contract period:	12 Months

- (d) That the succession in event of non-acceptance by the first Bidder be in the order of the following list:

Bidder:	Lithon Project Consultants (Pty) Ltd
Postal Address:	P.O. Box 40902, Windhoek
Proc Ref no:	CS/RP/SM-011/2020
Proc Title:	Integrated Infrastructure Master Plan
Amount: (VAT Incl.)	N\$ 9 098 496.40
VAT no:	01927536-015
Registration no:	2003/358
Delivery time:	12 Months
Contract period:	12 Months

- (e) That the cost for the procurement be defrayed from the following available votes as well as the planned budgetary provision of N\$ 3 615 307.00 for the 2021/2022 Capital Budget, as per the approved Individual Procurement Plan:

VOTE DESCRIPTION	AMOUNT (N\$)
6500-310-047-00: Roads and Transportation Master Plan (N\$1,500,000.00)	N\$ 4,000, 000.00.00
7500-310-048-00: Stormwater Master Plan (N\$1,000,000.00)	
6000-310-102-00: Water Master Plan (N\$500,000.00)	
6500-310-083-00: Sewer Master Plan (N\$ 2,325,000.00)	

With the first award, the Consultant can unfortunately not provide a sensible deliverable, as the entire Phase 1 must be implemented in order to provide the complete asset register and to provide recommendations that will bring the current infrastructure to an acceptable standard.

Bid Price form Messrs Zutari Namibia

The Bid price of Messrs Zutari Namibia for Phase 1 is set out below:

PROCUREMENT COMMITTEE FOR THE MUNICIPALITY OF SWAKOPMUND Page 24 of 32
CSIR/PSM-011/2020- CONSULTANCY SERVICES FOR AN INTEGRATED INFRASTRUCTURE
MASTERPLAN

Cost Estimate of Services - PHASE 1					FORM F-4	
Phase 1 : Assessment of the status of current Infrastructure						
Consultant Name: Zutari (Pty) Ltd						
	Monthly Rate (NAD)	Working Months	Monthly Rate (N\$)	Total Cost (N\$)		
Stage 1 to 4	Stakeholder and Project Management	10	45,266	452,655		
Stage 1	Data Collection	2				
Zutari/PHIM	Obtain & review of existing asbuilt information	1	60,318	60,318		
Strydom & Ass	Asbuilt survey of services	Refer Out-of-Pocket expenses below				
Stage 2	Investigation and Analysis	4				
Zutari/PHIM	Condition inspections of services and data capturing	1	382,536	382,536		
Zutari/PHIM	Condition inspection of roads and data capturing	1	62,512	62,512		
Zutari/PHIM	Condition inspection of WWTW	1	30,095	30,095		
Zutari/PHIM	Traffic Counts	1	138,000	138,000		
Zutari/PHIM	Preparation of asset register	4	125,648	502,597		
Stage 3	Network modelling	2				
Zutari	Water, Sewer, Semi-purified, Stormwater	2	334,881	669,762		
Zutari	Transport modelling & PMS	2	127,713	255,426		
GCS	Environmental Inputs & Reporting	1	25,410	25,410		
Graessmeyer	Geotechnical Inputs & Reporting	1	30,030	30,030		
Zutari	Draft Status Quo Report	1	51,547	51,547		
Zutari	Final Status Quo Report	1	51,547	51,547		
			Sub-total (Remuneration)	2,713,037		
			Plus: VAT (15%)	406,956		
			Total (Remuneration) (Incl VAT)	3,119,992		
Out-of-Pocket Expenses:						
		No of Teams	Rate / day (N\$)	Days	Amount (N\$)	
(a)	Asbuilt survey of all existing services, including data capturing	6	7145	70	3,000,930	
(b)	Per Diem	Room Charge (N\$)	Subsistence	Total/day	Days	Amount (N\$)
	RSA Team Members	1,200	200	1,400	42	58,800
	Namibian Team Members	1,200	0	1,200	13	15,600
(c)	Travel Expenses	No or km	Rate (N\$)	Amount (N\$)		
	Air Fare	6	5,500	33,000		
	Travel (km)	9750	5.50	53,625		
(d)	Car Hire	Days	Rate/day (N\$)	Amount (N\$)		
		42	800	33,600		
(e)	Lump Sum Miscellaneous Expenses				22,988	
					Sub-Total (Out-of-Pocket)	3,218,513
					Contingency Charges	-
					Plus: VAT (15%)	482,777
					Total Estimate	3,701,290

5 FUNDS REQUIRED

Description	Amount (VAT incl.)
Bid Award for Award 1	N\$ 3 939 234.15
Bid Received for Phase 1	N\$ 6 821 282.00
Difference	N\$ 2 882 047.85
Funds Available	N\$ 4 000 000.00
Bid Received for Phase 1	N\$ 6 821 282.00
Funds required	N\$ 2 821 282.00

In the current 2020/2021 Capital Budget, an amount of N\$4 000 000.00 has been allocated to various vote numbers for the Integrated Infrastructure Master Plan Project. The budgeted

amount has a shortfall of N\$2 821 282.00 and is therefore insufficient to cater for the full and successful execution of Phase 1 of the Integrated Infrastructure Master Plan project.

At the end of Phase 1, Council will have the results of the condition assessment and modelling of the water and sewer network, which will enable Council to prioritise recommendations provided for any infrastructure upgrades. On 19 and 20 April 2021, a burst on a main water supply line occurred, which resulted in almost half of the Town not having water.

In addition, we have major complaints with regards to low water pressure in the Town. It is therefore imperative that we need to accelerate the completion of Phase 1 in order to address the issues in our infrastructure.

It is against this backdrop that Council is requested to avail the additional funds for Phase 1 of the Integrated Infrastructure Master Plan project.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That in order for Council to obtain the full benefit of the Integrated Infrastructure Master Plan, that funding be availed to complete the entire Phase 01, as this will provide Council with the complete municipal services asset register, as well as recommendations that will bring the current infrastructure to an acceptable standard.
 - (b) That the General Manager: Finance source for the additional funds of N\$2 821 282.00.
-

11.1.4 **APPLICATION FOR AN INTERIM EXEMPTION FROM THE PROVISION OF SECTION 128(4) OF THE URBAN AND REGIONAL PLANNING ACT, 2018 (ACT NO. 5 OF 2018) IN TERMS OF SECTION 127**
(C/M 2021/05/27 - 16/1/4/1/4/3)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 8.14 page 119 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

The purpose of this submission is for the Council consider applying to the Minister of Urban and Rural Development for an interim exemption from the provisions of Section 128 of the Urban and Regional Planning Act, 2018, in terms of Section 127 until the Swakopmund Structure Plan 2020 - 2040 is approved.

2. Introduction and Background

On the **28th August 2020**, the Minister of Urban and Rural Development gazetted the commencement of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) and its regulations in the Government Gazette under Gazette Number 7318, Notice Number 219 and 220, respectively, effective as of **3rd September 2020**.

In terms of Section 128(3) of the Urban and Regional Planning Act, 2018, (Act 5 of 2018) Council may delegate or assign any of its powers or duties in terms of the Act to its staff member.

In terms of Section 128(4) (b) of the Urban and Regional Planning Act, 2018, (Act 5 of 2018) an authorized functionary may not delegate powers to determine applications. The abstract of Section 128 of the Urban and Regional Planning Act, 2018, is attached as **Annexure C**.

On the **23rd April 2021**, a meeting was held with some members of the Urban and Regional Planning Board and some municipal officials. Those who were in attendance were both the Chairperson and vice Chairperson of the Board, Board Secretary, and a Board Member from the Ministry of Works and Transport and Council officials includes, the Chief Executive Officer, General Manager: Engineering and Planning Services and Manager Town Planning.

During the aforesaid meeting, the delegation of the Board informed Council official that all the powers to determine spatial applications have been taken away by Section 128 of the Urban and Regional

Act. Based on the legal opinion by the Office of the Attorney General to the Board, it was advised by the members of the board that in order to ensure operational continuity, Council apply for an interim exemption from the provisions of Section 128 of the Urban and Regional Planning Act, 2018, in terms of Section 127 for determination of the following activities and procedures:

- *Approval of building plans,*
- *Approval of consent uses in terms of Council existing policies such as resident occupation policy;*
- *Approval of consent uses in terms of Table B of the Swakopmund Zoning Scheme;*
- *Approval of subdivision into less than 11 portions; and*
- *Approval of consolidation of erven.*

It is against this background that the Engineering and Planning Services request that Council consider applying to the Minister of Urban and Rural Development for an interim exemption from the provisions of Section 128 of the Urban and Regional Planning Act, for an interim withdrawal and review of delegation powers for spatial applications.

3. Legal provision

Delegation of authorities has been provided for by both the Local Authorities Act, 1992 (Act 23 of 1992) and the Urban and Regional Planning Act, 2018, (Act 5 of 2018), subject to exclusions. In terms of the Local Authorities Act, 1992, as amended, powers that may not be delegated are:

- (a) *Making of regulations or rules;*
- (b) *Approval of Council's estimates or supplementary estimates of revenue and expenditure;*
- (c) *Determination of rates, charges, fees or other moneys which may be levied under any provision of the Local Authorities Act;*
- (d) *Borrow of money; or*
- (dA) *appointing, suspending or discharging of the chief executive officer or the head of a department referred to in Section 28 of the Local Authorities Act; and*
- (e) *Any other powers which the Minister may determine by notice in the Gazette.*

Section 128(4) of the Urban and Regional Planning Act stipulates that *"the functionary authorised to delegate or assign a power or duty in terms of this section, may not delegate or assign a power or duty -*

- (a) *to appoint members and alternate members of the Board;*
- (b) *to determine applications;*

- (c) to make regulations or to issue notices in the Gazette;
- (d) to determine appeals; or
- (e) to give exemptions, 78 Government Gazette 20 June 2018 6631 in terms of this Act."

Determination of application being referred to by Section 128(4) (b) entails the following:

- (a) rezoning of land (land use change);
- (b) township establishment;
- (c) alteration of the boundaries of an approved township;
- (d) disestablishment of an approved township or a portion of an approved township;
- (e) subdivision or consolidation of land; or
- (f) alteration, suspension or deletion of conditions relating to land,

4. Conclusion

It is a known fact that everyone is learning on how to apply the newly promulgated piece of legislation. In order to avoid future possible legal implications that may be associated with today's action, it is best to take the advice as was given and apply for an interim exemption until the Swakopmund Structure Plan 202 - 2040 is approved and Council request for an Authorized Planning Authority is granted.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That in order to ensure operational continuity, the Chief Executive Officer be authorized to apply to the Minister of Urban and Rural Development in terms of Section 127 for an interim exemption from the provisions of Section 128(4) of the Urban and Regional Planning Act, 2018 (Act 5 of 2018) to allow for the delegation of powers by Council as per provisions of Section 31 of the Local Authorities Act, 1992, (Act 23 of 1992) as amended, until the Swakopmund Structure Plan 2020 - 2040 is approved or Authorized Planning Authority is granted.
 - (b) That in addition, the Chief Executive Officer be authorized to apply for an interim exemption for the approval of the following activities and procedures:
 - Building;
 - Consent uses in terms of Council policies provision, namely; resident occupations;
 - Consent use in terms of Table B of the Swakopmund Zoning Scheme;
 - Subdivision into less than 11 portions; and
 - Consolidations of erven
-

ACT NO. 5, 2018 URBAN AND REGIONAL PLANNING ACT, 2018**Delegation**

128. (1) *The Minister may delegate or assign his or her powers or duties in terms of this Act to a staff member in the Ministry.*
- (2) *The Permanent Secretary may delegate or assign his or her powers or duties in terms of this Act to a staff member in the Ministry.*
- (3) *A local authority or an authorised planning authority may delegate or assign any of its powers or duties in terms of this Act to a staff member in the local authority or the authorised planning authority.*
- (4) *The functionary authorised to delegate or assign a power or duty in terms of this section, may not delegate or assign a power or duty –*
- (a) *to appoint members and alternate members of the Board;*
 - (b) *to determine applications;*
 - (c) *to make regulations or to issue notices in the Gazette;*
 - (d) *to determine appeals; or*
 - (e) *to give exemptions, 78 Government Gazette 20 June 2018 6631 in terms of this Act.*
- (5) *A delegation or assignment referred to in subsection (1), (2) or (3) –*
- (a) *must be in writing;*
 - (b) *may be made subject to conditions;*
 - (c) *may be withdrawn or amended in writing by the functionary;*
 - (d) *does not prevent the functionary from exercising that power or performing that duty; and*
 - (e) *does not divest the functionary of the responsibility regarding the exercise of the delegated power or the performance of the assigned duty.*

Delegation of powers by local authority councils: Local Authorities Act, (Act 23 of 1992)

31. (1) *A municipal council or a town council may delegate or assign in writing, in writing and on such conditions as it may determine, to its management committee or its chief executive officer or any other staff member, any power conferred or any duty imposed upon it by or under this Act or any other law, except any power – *
- (a) *to make regulations or rules;*
 - (b) *to approve its estimates or supplementary estimates of revenue and expenditure;*
 - (c) *to determine rates, charges, fees or other moneys which may be levied under any provision of this Act;*
 - (d) *to borrow money; or*
 - (dA) *to appoint, suspend or discharge a chief executive officer or a head of a department referred to in section 28;*
 - (e) *which the Minister may determine by notice in the Gazette.*

11.1.5 **PRESENTATION: CONCEPT DESIGN: UPGRADING OF KAVITA PARK ART & CRAFT MARKET**
(C/M 2021/05/27 - 14/1/3/1)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.5 page 28 refers.

A. The following item was submitted to the Management Committee for consideration:

INTRODUCTION

The purpose of the submission is to seek Council's approval for the proposed concept design by the Barnard Mutua Architects.

The Management Committee on the **31st March 2021** under item 5.7 resolved:

- (a) *That the presentation of the Concept design of Kavita Art & Craft market by Messrs Barnard Mutua Architects, be noted.*
- (b) *That the concept design be submitted to the next Management Committee Meeting for approval.*

BACKGROUND

Kavita Park is one of the tourist attraction sites in our town. It well situated in the walking area from the centre of town and in the surrounding of hotels and guest houses. This trading facility has been developed to accommodate the informal traders of arts and hand crafted goods. The area has been expanded with a new paved area to accommodate more traders, particularly the Ovahimba.

Due to the expansion of the area, a need arises to construct proper ablution facilities to accommodate the Ovahimba group as well as proper public toilets for the tourists. Maintenances and management of public toilet is known to be a challenge and very costly if left to the Municipality, hence a kiosk/curio shop should be included in the design to accommodate a tenant that will lease the kiosks and manage the ablution facilities. The area being too open, a shading structure to provide shades for the traders is also needed.

DISCUSSION

A budget provision of **N\$1 500 000.00** was done in 2019/2020 and was carried forward as a continuation project in the current financial year, for the upgrading of Kavita Art and Craft Market. Request for proposals for the architectural consultancy to design the public ablution facilities, shading structure and kiosks at Kavita Park Art & Craft Market was awarded to Barnad Mutua Architects for a total amount of N\$198 375.00.

The contract for the consultancy services which includes designing of the structure, engaging relevant stakeholders, submission of the concept design to Council and supervision of the construction was signed on **07 December 2020**. The architect has completed the concept design with cost estimation of the upgrading of the site as outlined in the Terms of References. It has been noted that the initial estimation of N\$1 500 000.00 as budgeted two years ago will not be sufficient, rise in prices and global economic recession has an effect on the budget. The cost estimation as submitted by the consultant indicate a total project cost of approximately N\$2 000 000.00 hence an additional amount of N\$500 000 is required for the proposed design Phase 1A.

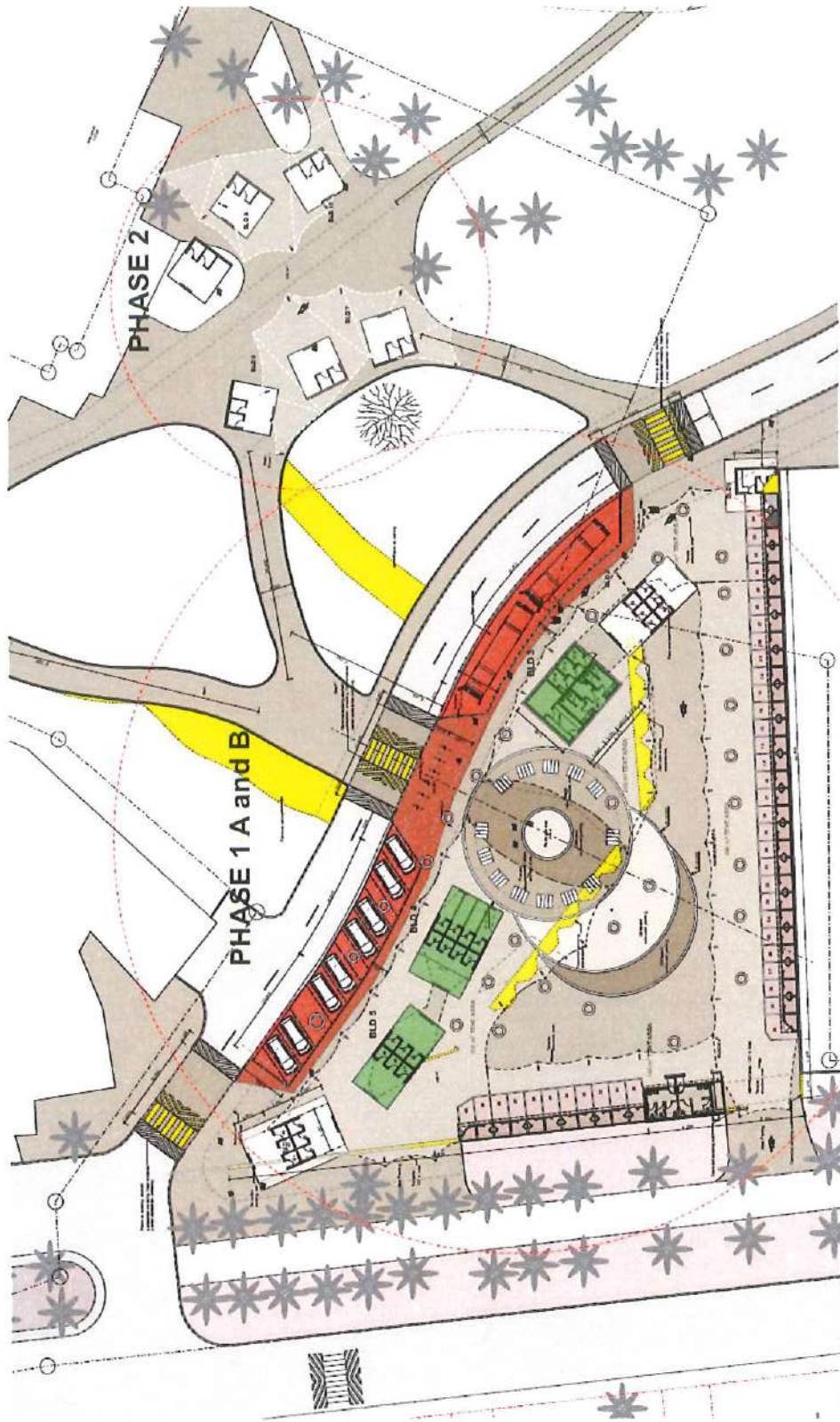
The architect has also proposed that for a better long term improvement of the site, taking into consideration of the existing structures in the surrounding and budget constraints, the project is divided into phases (phase 1 A&B and phase 2) which has been highlighted in the presentation and summarised below.

1. **Phase 1 A** with a total cost estimate of approximately N\$ 2 million is comprised of the following:
 - Construction of a ablution block with ATM & Kiosk
 - Vendors Boxes (building 4 & 5 on the concept design)
 - Demolishing some of the old structure & site works
 - Concrete seating benches.
 - bus drop off zone
 - professional fees
2. **Phase 1 B** with a total cost estimate of approximately N\$ 5 million comprised of the following:
 - White tensile mebrane and roof structures
 - information center
 - Vendors boxes (building 2 & 6)
 - related site works
 - professional fees
3. **Phase 2** with a total cost estimates of approximately N\$ 2 million comprised of:
 - White tensile mebrane and roof structures
 - related site works

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council approves the concept design for Kavita Art and Craft market as designed by Messrs Barnad Mutua Architects.
 - (b) That Council approves an additional funds of N\$ 500 000 for the completion of Phase 1A of Kavita Art and Craft market project within.
 - (c) That Budgetary provision of approximately N\$ 5 million be made in the next financial year 2022 / 2023 to cater for Phase 1B of the Kavita Art and Craft market project.
 - (d) That phase 2 of Kavita Art and Craft market be budgeted for in future after completion of Phase 1 of the project.
-



<p>PROJECT INFORMATION</p> <p>Project Name: BRIN</p> <p>Project No: 2-1009</p>										
<p>CLIENT INFORMATION</p> <p>Client Name: TRAM OPINIC MUNICIPALITY</p> <p>Client Address: KALITA PAKS BERSEKUTANE</p>										
<p>DESIGNER INFORMATION</p> <p>Designer Name: bmsa</p> <p>Designer Address: PT. BMSA BERSEKUTANE</p> <p>Designer Phone: 0812 222 222</p> <p>Designer Email: info@bmsa.com</p>										
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	Description	Date						
No.	Description	Date								



KAVITA PARK

Arts & Crafts Market Upgrade
MARCH 2021



Context:

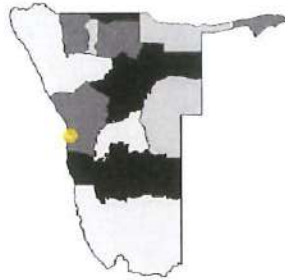
Kavita Park is a well known tourist attraction and point of reference in the coastal city, Swakopmund. It is surrounded by a number of tall palm trees, providing shade to vendors and also beautifying the area.

The weather conditions in Swakopmund lead to be harsh at times and make it difficult for the vendors to comfortably carry out their business.

The Municipality of Swakopmund therefore identified a need to upgrade the park by creating weatherproof structures and providing basic amenities to the site for both the tenants and visitors.

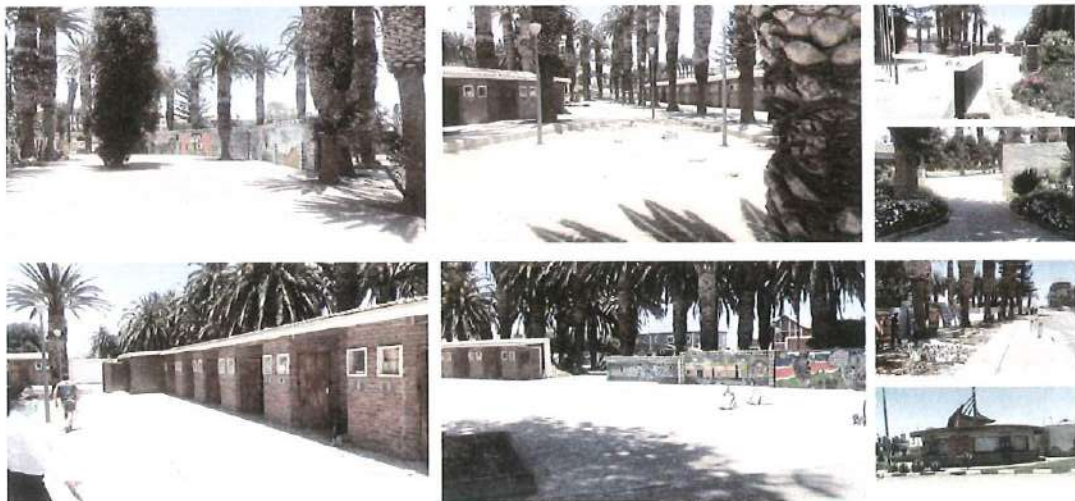


Introduction



Locality

KAVITA PARK - Arts & Craft Market Upgrade

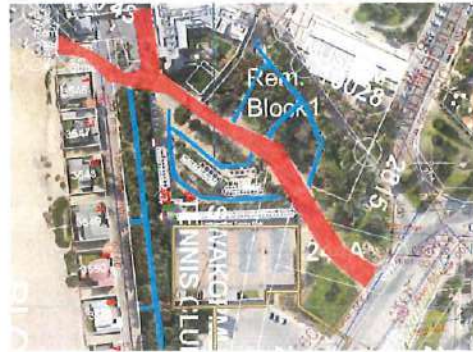


Analysis - Current State

KAVITA PARK - Arts & Craft Market Upgrade



Site perimeter



Vehicular route
Pedestrian routes



Context Analysis

KAVITA PARK - Arts & Craft Market Upgrade



Palm tree boulevard & ocean view



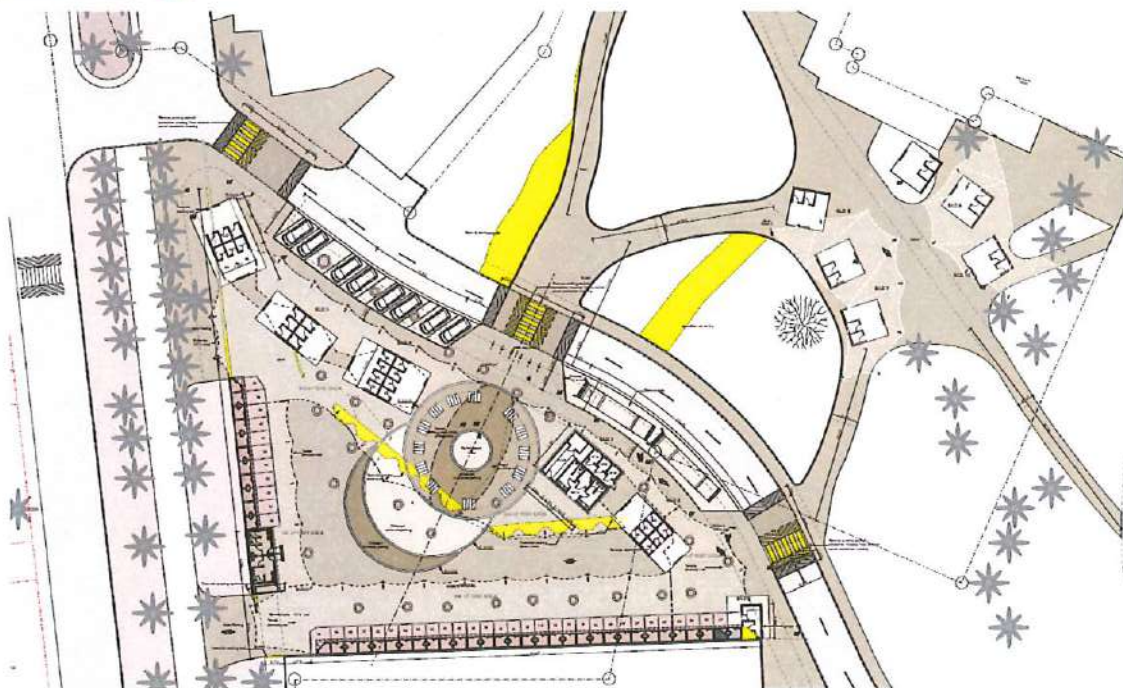
Context Analysis

KAVITA PARK - Arts & Craft Market Upgrade



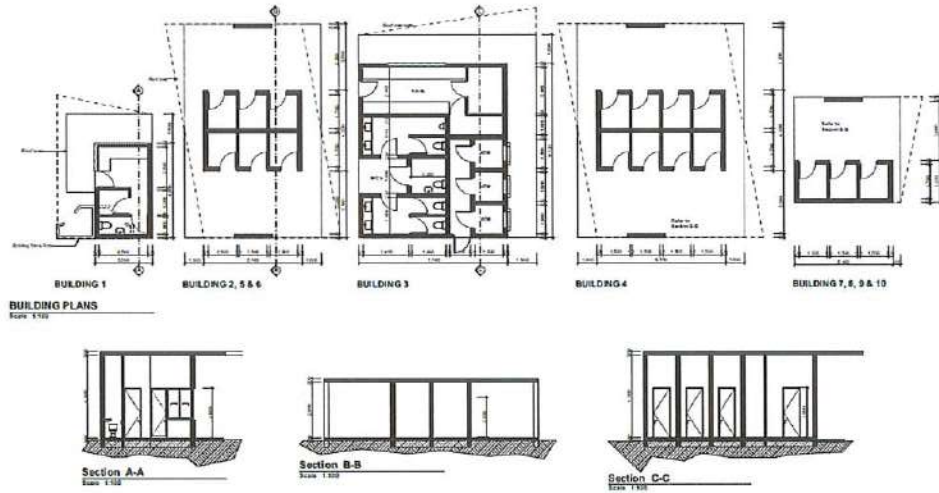
Context Analysis

KAVITA PARK - Arts & Craft Market Upgrade



Proposed Site Development Plan

KAVITA PARK - Arts & Craft Market Upgrade



Building Plans & Sections

KAVITA PARK - Arts & Craft Market Upgrade



Birds Eye View - Day Time

KAVITA PARK - Arts & Craft Market Upgrade



Birds Eye View - Night Time

KAVITA PARK - Arts & Craft Market Upgrade



Street View 1 - Day Time

KAVITA PARK - Arts & Craft Market Upgrade



Street View 2 - Day Time

KAVITA PARK - Arts & Craft Market Upgrade



Street View 2 - Night Time

KAVITA PARK - Arts & Craft Market Upgrade



Market View 1 - Day Time

KAVITA PARK - Arts & Craft Market Upgrade



Market View 1 - Night Time

KAVITA PARK - Arts & Craft Market Upgrade



Market View 2 - Day Time

KAVITA PARK - Arts & Craft Market Upgrade



Market View 3 - Day Time

KAVITA PARK - Arts & Craft Market Upgrade



Market View 3 - Night Time

KAVITA PARK - Arts & Craft Market Upgrade



Approach Signage

KAVITA PARK - Arts & Craft Market Upgrade



Phase 2 - Birds Eye View 1

KAVITA PARK - Arts & Craft Market Upgrade



Phase 2 - Birds Eye View 2

KAVITA PARK - Arts & Craft Market Upgrade



Phase 2 - Close up View

KAVITA PARK - Arts & Craft Market Upgrade



Birds Eye View Complete

KAVITA PARK - Arts & Craft Market Upgrade



25 Vogebang str
Windhoek West

P O Box 40296
Ausspannplatz
Windhoek
Namibia

Richard Frankle & Partners

QUANTITY SURVEYORS

Tel: +264 61 223991

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E-mail: rfrankle@rfpq.com

RFP/2021-63

16 March 2021

Barnard Mutua Scriba Architects
P. O. Box 22422
Windhoek

Attention: Mr M. Scriba

Sir,

**KAVITA PARK UPGRADE, IN SWAKOPMUND,
FOR THE MUNICIPALITY OF SWAKOPMUND
PRELIMINARY ESTIMATE NO.1 REVISION 1**

Herewith attached please find our Preliminary Estimate No.1 Revision 1 for Phase 1A, 1B and Phase 2 for the above-mentioned project.

If you have any queries please do not hesitate to contact our offices.

Yours faithfully
Richard Frankle and Partners

R H FRANKLE

RICHARD FRANKLE
BSc.QS (WITS) RQS

LESLEY HINDJOU
ND (BUILDING) RQS

LAWRENCE DUMBA
ND (BUILDING) B-TECH QS RQS

Registered with:
The Namibia Council for Architects and Quantity Surveyors
Members: Institute of Namibian Quantity Surveyors

PHASE 1A

**BUILDING 3, 4 & 5, PARKING, BUS DROP OFF AND
RELATED ALTERATIONS, DEMOLITIONS & SITE WORKS**

KAVITA PARK UPGRADE, SWAKOPMUND - PHASE 1A					
SUMMARY OF ELEMENTAL ESTIMATE NO. 1 REVISION 1					
1 ESTIMATED TOTAL CURRENT BUILDING COST					
	Current Building Cost (N\$)	% of Total Building Cost	Building Rate per m ² (N\$)		
A. PRIMARY ELEMENTS	974,209	56.76%	3,517		
B. EXTERNAL WORKS	342,974	19.98%	1,238		
C. SPECIALIST INSTALLATIONS	50,000	2.91%	181		
D. PRELIMINARIES	82,031	4.78%	296		
E. CONTINGENCIES	43,476	2.53%	157		
F. VALUE ADDED TAX (15%)	223,904	13.04%	806		
TOTALS	N\$ 1,716,594	100.00%	N\$ 6,197		
TOTAL BUILDING AREAS	277 m²				
2 TOTAL ESTIMATED BUILDING COST					
				N\$	1,716,594
3 PROFESSIONAL FEES AND DISBURSEMENTS					
A. Architect and QS service	10%	171,659		N\$	171,659
B. VAT on professional services	15%			N\$	25,749
4 ESTIMATED TOTAL CURRENT PROJECT COST				N\$	1,914,002
NOTES AND ASSUMPTIONS :					
1. This estimate is based on drawings provided by Barnard Mutua Scriba Architects					
2. The standard of finishes is of a standard quality.					

KAVITA PARK UPGRADE, SWAKOPIMUND - PHASE 1A							
CODE	DESCRIPTION	COST N\$	QUANTITY	UNIT	COST per UNIT N\$	BUILDING RATE per M2 N\$	% of COST
A	PRIMARY ELEMENTS	974 209	277	m²	3 517	3 517.00	56.76%
A01	ALTERATIONS AND DEMOLITIONS						
A02	SUBSTRUCTURE	103 506	1 107	m ²	94	374	6.03%
A03	GROUND FLOOR	139 505	151	m	924	504	8.13%
A04	STRUCTURAL FRAME	86 369	277	m ²	312	312	5.03%
A05	EXTERNAL ENVELOPE	204 011	277	m ²	737	737	11.88%
A06	INTERNAL DIVISIONS	226 743	245	m ²	925	819	13.21%
A07	FLOOR FINISHES	80 820	191	m ²	423	292	4.71%
A08	INTERNAL WALL FINISHES	22 160	277	m ²	80	80	1.29%
A09	CEILINGS FINISHES	58 075	586	m ²	99	210	3.38%
A10	PLUMBING AND DRAINAGE	16 820	277	m ²	60	60	0.97%
		36 400	13	No	2 800	131	2.12%
B	EXTERNAL WORKS	342 974	277	m²	1 238	1 238.17	19.98%
B01	STORMWATER CHANNEL	40 800	140	m	290	147	2.37%
B02	COBBLESTONE PAVERS	183 015	783	m ²	234	661	10.66%
B03	PRECAST CHAIRS AND TABLES	112 359	13	No	8 643	406	6.55%
B04	TREE RINGS	7 000	10	No	700	25	0.41%
C	SPECIALIST INSTALLATIONS	50 000	277	m²	181	180.51	2.91%
C01	ELECTRICAL INSTALLATION	50 000	1	item	50 000	181	2.91%
D01	PRELIMINARIES	82 031	277	item	296	296.14	4.78%
E01	CONTINGENCIES	43 476	277	item	157	156.95	2.53%

PHASE 1B

BUILDING 1, 2 & 6,

TENSILE MEMBRANE / STRUCTURE

AND

RELATED ALTERATIONS, DEMOLITIONS & SITE WORKS

KAVITA PARK UPGRADE, SWAKOPMUND - PHASE 1B			
SUMMARY OF ELEMENTAL ESTIMATE NO. 1 REVISION 1			
1 ESTIMATED TOTAL CURRENT BUILDING COST			
	Current Building Cost (N\$)	% of Total Building Cost	Building Rate per m2 (N\$)
A PRIMARY ELEMENTS	535,783	11.68%	2,820
B EXTERNAL WORKS	70,000	1.52%	368
C SPECIALIST INSTALLATIONS	3,085,000	67.21%	16,237
D PRELIMINARIES	184,539	4.02%	971
E CONTINGENCIES	118,260	2.53%	612
F VALUE ADDED TAX (15%)	598,737	13.04%	3,151
TOTALS	N\$ 4,590,319	100.00%	N\$ 24,159
TOTAL BUILDING AREAS	190 m²		
2 TOTAL ESTIMATED BUILDING COST			N\$ 4,590,319
3 PROFESSIONAL FEES AND DISBURSEMENTS			N\$ 489,032
A Architect and QS service	10%	459,032	
B Travelling and Disbursements		30,000	
C VAT on professional services	15%		N\$ 73,356
4 ESTIMATED TOTAL CURRENT PROJECT COST			N\$ 5,152,706
NOTES AND ASSUMPTIONS :			
1 This estimate is based on drawings provided by Barnard Mutua Scriba Architects.			
2 The standard of finishes is of a standard quality.			

KAVITA PARK UPGRADE, SIWAKOPMUND - PHASE 1B							
CODE	DESCRIPTION	COST N\$	QUANTITY	UNIT	COST per UNIT N\$	BUILDING RATE per M2 N\$	% of COST
A	PRIMARY ELEMENTS	535 783	190	m²	2 820	2 819.91	11.68%
A01	ALTERATIONS AND DEMOLITIONS	17 400	360	m ²	48	92	0.38%
A02	SUBSTRUCTURE	83 063	89	m	933	437	1.81%
A03	GROUND FLOOR	59 242	190	m ²	312	312	1.29%
A04	STRUCTURAL FRAME	139 935	190	m ²	737	737	3.05%
A05	EXTERNAL ENVELOPE	144 130	175	m ²	824	759	3.14%
A06	INTERNAL DIVISIONS	26 413	81	m ²	326	139	0.58%
A07	FLOOR FINISHES	15 200	190	m ²	80	80	0.33%
A08	INTERNAL WALL FINISHES	29 900	300	m ²	100	157	0.65%
A09	CEILINGS FINISHES	11 400	190	m ²	60	60	0.25%
A10	PLUMBING AND DRAINAGE	9 100	5	No	1 820	48	0.20%
B	EXTERNAL WORKS	70 000	190	m²	368	368.42	1.52%
B01	BOLLARDS	70 000	100	No	700	368	1.52%
C	SPECIALIST INSTALLATIONS	3 085 000	190	m²	16 237	16 236.84	67.21%
C01	ELECTRICAL INSTALLATION	15 000	1	Item	15 000	79	0.33%
C02	TENSILE MEMBRANE / STRUCTURE	3 030 000	1 515	m ²	2 000	15 947	66.01%
C03	SIGNAGE	40 000	1	Item	40 000	211	0.87%
D01	PRELIMINARIES	184 539	190	Item	971	971.26	4.02%
E01	CONTINGENCIES	116 260	190	Item	612	611.89	2.53%

PHASE 2

BUILDING 7, 8, 9 & 10, TENSILE MEMBRANE / STRUCTURE AND RELATED ALTERATIONS, DEMOLITIONS & SITE WORKS

KAVITA PARK UPGRADE, SWAKOPMUND - PHASE 2			
SUMMARY OF ELEMENTAL ESTIMATE NO. 1 REVISION 1			
1 ESTIMATED TOTAL CURRENT BUILDING COST			
	Current Building Cost (N\$)	% of Total Building Cost	Building Rate per m2 (N\$)
A PRIMARY ELEMENTS	391,776	24.09%	3,185
B EXTERNAL WORKS	898,000	55.20%	7,301
C SPECIALIST INSTALLATIONS	16,200	1.12%	148
D PRELIMINARIES	65,399	4.02%	532
E CONTINGENCIES	41,201	2.53%	335
F VALUE ADDED TAX (15%)	212,186	13.04%	1,725
TOTALS	N\$ 1,626,762	100.00%	N\$ 13,226
TOTAL BUILDING AREAS	123 m²		
2 TOTAL ESTIMATED BUILDING COST			N\$ 1,626,762
3 PROFESSIONAL FEES AND DISBURSEMENTS			N\$ 182,676
A Architect and QS service	10%	162,676	
B Travelling and Disbursements		20,000	
C VAT on professional services	15%		N\$ 27,401
4 ESTIMATED TOTAL CURRENT PROJECT COST			N\$ 1,836,839
NOTES AND ASSUMPTIONS :			
1 This estimate is based on drawings provided by Bernard Mulwa Scribe Architects.			
2 The standard of finishes is of a standard quality.			

KAVITA PARK UPGRADE, SWAKOPMUND - PHASE 2									
CODE	DESCRIPTION	COST N\$	QUANTITY	UNIT	COST per UNIT N\$	BUILDING RATE per M2 N\$	% of COST		
A	PRIMARY ELEMENTS	391 776	123	m²	3 185	3 185.17	24.09%		
A01	ALTERATIONS AND DEMOLITIONS	21 980	461	m ²	48	179	1.35%		
A02	SUBSTRUCTURE	74 715	78	m	958	607	4.59%		
A03	GROUND FLOOR	38 351	123	m ²	312	312	2.36%		
A04	STRUCTURAL FRAME	90 580	123	m ²	737	737	5.57%		
A05	EXTERNAL ENVELOPE	126 507	184	m ²	688	1 029	7.78%		
A06	INTERNAL DIVISIONS	7 713	41	m ²	188	63	0.47%		
A07	FLOOR FINISHES	9 840	123	m ²	80	80	0.60%		
A08	INTERNAL WALL FINISHES	11 500	145	m ²	79	93	0.71%		
A09	CEILINGS FINISHES	7 380	123	m ²	60	60	0.45%		
A10	FIRE EXTINGUISHERS	3 200	4	No	800	28	0.20%		
B	EXTERNAL WORKS	898 000	123	m²	7 301	7 300.81	55.20%		
B01	TENSILE MEMBRANE / STRUCTURE	898 000	449	m ²	2 000	7 301	55.20%		
C	SPECIALIST INSTALLATIONS	18 200	123	m²	148	147.97	1.12%		
C01	ELECTRICAL INSTALLATION	15 000	1	Item	15 000	122	0.92%		
C02	SIGNAGE	3 200	1	Item	3 200	26	0.20%		
D01	PRELIMINARIES	65 399	123	Item	532	531.70	4.02%		
E01	CONTINGENCIES	41 204	123	Item	335	334.97	2.53%		

11.1.6 **UPDATE ON ROAD AND INTERSECTION PROGRAM**
(C/M 2021/05/27 - 16/1/6/1)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.6 page 51 refers.

A. The following item was submitted to the Management Committee for consideration:

1 PURPOSE

The purpose of this Submission is to provide background on the latest approved road program for Council, to give a brief insight of what is being planned or progress made and to request for Council's consideration for additional funds needed to implement the planning of the various streets successfully.

2 BACKGROUND

In June 2020 a Road Upgrading Programme was submitted to Council, listing the following ten (12) streets as planned streets for upgrading:

- Otavi Street
- Luderitz Street
- Theo-Ben Gurirab Avenue
- Nesser Street
- Omeg Street
- Augustinus Garoeb Street
- !Tiras Street
- Airport Road
- Regenstein Street
- Anton Lubowski Street
- Libertine Amathila Avenue
- Ondjamba Street

Council resolved on **25 June 2020**, under item 11.1.9, the following:

- (a) *That the streets which surround schools receive higher priority and be considered first for upgrade, but will be done on a phase approach.*
- (b) *That all planned street upgrades be accompanied by upgrade of the affected underground services, which will have an additional cost.*
- (c) *That the planned street upgrades be surfaced with either concrete block pavers or bitumen surface after taking into consideration the cost comparison between the two products, the availability of material, the classification of the road and the complexity of the work.*
- (d) *That the funds be availed to construct the planned streets but over a 3-5 financial year period.*
- (e) *That Council provide a list of priority streets, in addition to above listed planned street upgrades, to which points (a) to (d) will be applicable.*

- Ondjaba Street
- Shipena Tobias Street
- Libertina Amadhila Street and Anton Labowski
- Augustinus Garoeb

From the resolution Council only identified 4 streets, which was considered as high priority. In order to implement the prioritized streets, the Engineering and Planning Services department have embarked on a Consultancy Services procurement process, to procure the services of a Consultant firm(s) that will assist in the investigation, planning, design and if required due to urgency and availability of funding to supervise the construction process, but the main aim for now is to address the investigation, planning and design

The reason for this approach to appoint a Consultant firms is to ensure that due diligence is done to the engineering, safety and forward planning of the identified road systems.

Table 1 and Table 2 below provide details of the streets and intersections identified for upgrade respectively, as well as the Traffic Impact Assessment needed for the subdivision of Erf 4520, Ocean View. It will be noted that we did not address Libertina Amadhila Street and Anton Lubowski street in the table due to a number of variable such as the multiple connector streets, it will require a separate investigation which will not be possible to finance within this financial year and this will be attend to partially by the Consultants, Messrs Zutari Namibia, who have been appointed to attend to the infrastructure master plan.

Table 1: List of Roads/Streets Identified for Upgrade

No	Road Name	Approximate Length
1	Theo-Ben Gurirab Avenue (between the intersections of Tobias Hainyeko Street and Moses Garoeb Street)	750m
2	Augustinus Garoeb Street (between the intersections of Mandume Ya Ndemufayo Street and August Nangolo Street)	390m
3	Ondjamba Street (between the intersections of Otjimburu Avenue and Shipala Tobias Street)	6 500m
4	Shipala Tobias Street	3 050m
5	Henties Bay Road (between the intersections of Dr Schwietering Street and the C34 intersection)	5 500m

Table 2: List of Intersections Identified for Upgrade

No	Intersection Upgrading	Type
1	Moses Garoeb Street and Theo-Ben Gurirab Avenue	T-Junction
2	Rakotoka Street and Mc Hugh Street	T-Junction
3	Mandume Ya Ndemufayo Street and Newton Street	4-Way Stop
4	Hidipo Hamutenya Street and Mandume Ya Ndemufayo Street	T-Junction
5	Mandume Ya Ndemufayo Street and Augustinus Garoeb Street	T-Junction

No	Intersection Upgrading	Type
6	Dr Schwietering Street and Aldridge Street	Traffic Circle
7	Dr Schwietering Street and Monotoka Street	Traffic Circle
8	Henties Bay Road and Shipala Tobias Street	T-Junction
9	Henties Bay Road and Boabab Avenue	T-Junction
No	Traffic Impact Assessment	Type
1	Sub division of Erf 4520 Ocean View (Option 1 & 2)	Accesses

The roads/streets above are all collector roads and currently carry a large volume of traffic daily. These roads require regular maintenance as the volume of vehicles cause drastic deterioration of the roads. The additional maintenance on these roads adds additional pressure on the Works Section that need to maintain a high number of gravel roads.

Therefore these roads were identified not only for their high priority but also to reduce the maintenance cost.

3 PROJECT STATUS TO DATE

The Engineering and Planning Department have compiled the procurement documentation for the services required and is ready to go out on procurement.

4 COST ESTIMATE

The estimated cost for the project for the upgrading of roads/street has been calculated in **Table 2** below.

Table 3: Cost Estimate for Consultancy Service for the Design of Roads and Upgrading of Intersections

Consulting Fee					
N\$/km	km of roads	Cost/N\$	ACEN Rate	Consulting ACEN Fee/N\$	(75%) Exclude Supervision
3 600 000.00	16.19	58 284 000.00	10.23	5 961 621.60	4 471 216.20

5 FUNDS REQUIRED

The table below will illustrate the funds required for the completion of the project.

Table 4: Funds Required to Successfully Implement the Consultancy Service for the Design of Roads and Upgrading of Intersections

Description	Amount (VAT incl.)
Total Funds Required for Project	N\$ 4 471 216.20
Funds Available	N\$ 2 000 000.00
Funds Required	N\$ 2 471 216.20

It is against this backdrop that Council is requested to avail the additional funds to implement the project successfully.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That in order for Council to successfully implement the upgrade of the high priority roads and intersection, that additional funds be availed.
 - (b) That the General Manager of Finance source for additional funds of N\$2 471 216.20.
-

11.1.7 **BUSINESS PROPOSALS RECEIVED IN RESPECT OF THE LEASE OF BUSINESS UNITS AND THE RESTAURANT AT THE MULTIPURPOSE CENTRE**

(C/M 2021/05/27 - M 4348)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.7 page 54 refers.

A. The following item was submitted to the Management Committee for consideration:

1. **INTRODUCTION**

This item is submitted to Council for approval of leasing of Multipurpose Centre business premises. Council under **Notice 10/2021** invited local businesses to lease a Restaurant and SME Business units at Germina Ndapuaoshisho Shitaleni (GNS) Multipurpose centre, Erf 4348, Mondesa.

2. **BRIEFBACK GROUND**

The need for trading premises remains a top challenge that is inhibiting successful business development, particularly among the SME's. As part of the Municipality's Local Economic Development Strategic objectives, aimed at providing entrepreneurs with trading facilities; the Council made provision for local SME's to lease business units at the GNS Multipurpose Centre, Mondesa.

Considering the building structure and the size of the business units, it was proposed that the facility accommodate only small Enterprises who are already established, with the potential to grow and create employment. These Enterprises should also be in position to afford the proposed rental fees as shown below.

In the light of the above, Council on **27 April 2017** resolved among others;

- (a) That Council approves the tariffs below to be used in the interim for the SMEs units and restaurant at the Multipurpose Center.

Description of the item	Size m ²	Proposed price per month (VAT Excluded)
SME Unit 1	50.75	N\$1 725.50
SME Unit 2	49.75	N\$1 691.50
SME Unit 3	53	N\$1 802.00
SME Unit 4	54	N\$1 836.00
SME Unit 5	46.66	N\$1 586.44
Restaurant (including kitchen)	313.36	N\$6 267.20

- (b) That Council endorses the use of 5 business units at the Multipurpose Center for the following type of businesses:

- Hair salon

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- Stationaries shop
- Printing and sign shop
- Office
- Boutique

- (c) That the users of the units and restaurant indemnify Council against all and any claims in respect of damage to property and / bodily injury to / loss of life of people that may arise from the utilization of the leased property.
- (d) That Council invites expression of interest for business proposal to lease the business units and restaurant at the Multipurpose Center.
- (e) That the business units and restaurants be leased as per the existing Council's standard lease agreement.

The tariffs listed above were reviewed in 2019/2020 financial year and have been included in the Government Gazette as follow:

Description of the item	Size m ²	2020/2021 (VAT excl)
SME Unit 1	50.75	N\$1 191.00
SME Unit 2	49.75	N\$1 167.00
SME Unit 3	53	N\$1 243.00
SME Unit 4	54	N\$1 267.00
SME Unit 5	46.66	N\$1 100.00
Restaurant (including kitchen)	313.36	N\$4 324.00

(i)	The applicant's name, address, and telephone number must be clearly stated
(ii)	The Application, as a condition for its validity, must comprise of the original proposal document supplied by Swakopmund Municipality and shall be duly signed and dated at each place so indicated. Any annexures that an applicant submits, inclusive of all coloured brochures, shall all be signed or initialed.
(iii)	Any proposal submitted by any applicant shall be irrevocable for a period of 90 (ninety) days from the closing date. Within such period, the Council for the Municipality of Swakopmund can, in its entire discretion, either accept or reject any offer, or accept any part thereof subject to such conditions as it may set out
(iv)	The application, as a condition for its validity, must be signed in ink (no correction fluid or pencil may be used); if this condition is not applied such proposal will be viewed as incomplete/invalid and will not be considered.
(v)	The premises will be allocated on the basis of the motivation/statement as contained in the proposal submitted.
(vi)	The Municipality of Swakopmund is not obliged to accept any proposal.
(vii)	Neither Council, nor the staff members of Swakopmund Municipality will entertain any discussions regarding the manner of proposal award after the award is made by Council.
(viii)	All Municipal regulations and or by-laws in force within the Municipal area will be applicable to the lessee.
(ix)	The following documents shall be submitted and attached to the original proposal document:
(i)	A copy of a " Registration & Fitness Certificate from a Local Authority Health Department or Ministry of Health & Social Services of a current registration as well as previous registrations.
(ii)	A copy of a " Company Registration " from Ministry of Industrialisation, Trade and SME Development.
(iii)	A certified copy of the applicants Namibian Identity document.
A complete Business Proposal shall be submitted and attached to this invitation document containing the following information:	

(i)	Company profile
(ii)	A motivation indicating how the proposed business will benefit the community of Swakopmund.
(iii)	References on previous business activities, stating the town and address where the previous businesses have been conducted or previous employers.
(iv)	Proof of residence (i.e. Voter's card, consumer account, rental lease agreement etc).

These stalls were all initially occupied by small enterprises since 2017, however toward the end of 2019, business was not doing well particularly for small enterprises. Tenants started defaulting, arrears were escalating. Tenants were engaged to explore possible solutions, however there was no option but to terminate their contracts. As a result, a hair salon, office space, stationery shop and restaurant became vacant.

3. CURRENT SITUATION

A notice was placed in daily newspapers inviting local SME's to submit proposals to lease business units including a restaurant at a Multipurpose centre, Erf 4348, Mondesa, as well as a Youth Kiosk at Erf 3701, Mondesa.

The followings terms and conditions were stipulated in the proposal document:

4. BUSINESS PROPOSALS RECEIVED

Four (4) business proposals were received and evaluated as per the table below:

APPLICANT	UNIT APPLIED & PROPOSED BUSINESS	ANALYSIS REPORT
<i>Johny Charles Gamatham(CEEMES) Annexure "A"</i>	<i>-Applied for unit 2 (Office space) -Propose to set up an office for the centre for Marine Environment Education & sustainability</i>	<i>Although they have listed their activities, they have no proof of previous working experience -No revenue base or clear plan as to how they will fund their operating costs including the rental expense for the premises - registered as a trust</i>
<i>Turnkey Building & Engineering Consultant Annexure "B"</i>	<i>-Applied for an office space -Interests in drafting, Construction and Training.</i>	<i>-No registration certificate is attached Id not attached -Proof of previous work experience and project completed provided -Fitness certificate is attached but not certified</i>

APPLICANT	UNIT APPLIED & PROPOSED BUSINESS	ANALYSIS REPORT
<i>CBH Consulting Services Annexure "C"</i>	<i>-Applied for a Restaurant</i>	<i>-No fitness certificate attached but attached a letter of motivation -No proof of previous experience in running a restaurant or similar businesses</i>
<i>Men on the side of the road (MSR) Annexure "D"</i>	<i>-Applied Office -A non-profit organization supporting unemployed youth</i>	<i>-No registration certificate as the do not have the operating office -Past experience provided although no proof is attached</i>

For more information

No proposals were received to lease:

- *Unit No 5 (Hair salon)*
- *The Restaurant*

5. DISCUSSION

It was the second time that a notice for invitation of business proposals were placed in the daily newspapers, inviting local SME's to lease business units. As it was the case with the first invitation, there seems to be no interest in the leasing of the Restaurant and the hair salon or those who have shown interest in the restaurant did not provide a detailed business plan and required documents. (CBH Consulting Services in case of leasing a restaurant).

After a thorough analysis of the submitted proposals and consideration of the time these premises are idle without occupation, it was thought best that although some SME's failed to submit some documents required, their business activities are in line with the objectives of the council and are vital for the re-vitalisation of business activities at the Multipurpose centre. Moreover, these businesses are local based and are part of the MSME database in Economic Development Office.

Proposals received from Messrs Johny Gamatham to set up an office for Center of Marine Environment Education & Sustainability can be accommodated in a smaller space, hence the suggestion for the applicant to engage the SME Administrator and explore the possibility of getting an operating space at the SME Park business trading facility

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council takes note of the business proposals received from businesses under notice 10/2021.
 - (b) That Messrs CBH Consulting Services being the only one who have submitted the proposal to lease the restaurant give a presentation to the Management Committee at the date to be determined in order provide their detailed business plan.
 - (c) That Council approves the allocation of unit No. 2 & 4 to Messrs Menon the Side of the Road (MSR) and Turnkey Building and Engineering Consultant respectively because their business activities are in line with the Council's objectives.
 - (d) That the leasing for a hair salon at the Germina Shitaleni Multipurpose centre be re-advertised and proposals be submitted to Council for approval.
 - (e) That proposal from Messrs Johny Charles Gamatham for CEEMES not be considered, the applicant be advised to visit the Economic Development Services SME Administration office to apply for a business unit at the SME Park.
-

**Please find
the
attachments
of Item
11.1.7 on a
separte
booklet.**

11.1.8 **ALLOCATION OF ERF 3342, EXTENSION 9, SWAKOPMUND TO A QUALIFYING INSTITUTION THROUGH DEVELOPMENT PROPOSALS RECEIVED**

(C/M 2021/05/27 - E 3342)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.8 page 59 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

The purpose of this submission is for Council to consider the development proposal received following the invitation for development proposals by Notice No 08/2021 (**Annexure "A"**) from **established tertiary education institutions**.

2. Background

Council previously invited development proposals and only two entities namely **Welwitchia Health Training Centre (Pty) Ltd** and **Ndatara Survey (Pty) Ltd** responded.

According to the Property Policy entities must be registered as a non-profit company, trust or voluntary association in order to qualify for a 50% subsidy. The abovementioned two entities are private companies.

After considering the development proposals on **26 January 2021**, under item 5.6 the Management Committee passed the following resolution regarding the allocation of Erf 3342, Swakopmund

That Management Committee does not accept any proposal and call for new proposals and specify the required tertiary courses to be offered.

The development proposal was amended to provide that if an entity is not registered as one of the 3 required forms of non-profit institutions, the erf must be acquired at the full development cost.

Development proposals were again invited with the closing date and time stated as **26 March 2021** at 12:00.

Only 1 valid proposal was received from **Welwitchia Health Training Centre (Pty) Ltd** (**Annexure "B"**).

3. Development Proposals Received

The notice of invitation required the interested entities to submit their proposal on or before the **26 March 2021** at 12:00.

Two proposals were received after the due time as follows:

Name of the Entity	Date proposal received	Time proposal received
AfriSay Vocational Training Centre	26 March 2021	12:39
Ndatara Survey (Pty) Ltd (Swakopmund Institution of Technology)	26 March 2021	15:18

Accordingly, the proposals of the 2 entities in the above table were not analysed or evaluated as they were received after the closing time.

4. Criteria for Evaluation

The following criteria were for evaluation of the proposal:

- Age of institution
- Number of staff employed
- Number of students to be enrolled
- Number of educational subjects / services to be offered
- Financial ability to:
 - to purchase the property and
 - to construct
 - Expected date of commencement of construction and completion
 - Number and size of buildings to be erected
 - If not an educational facility, a motivation on how the community will benefit from the development.

5. Proposals submitted

Below an analysis of the proposals submitted

Requirements
Welwitchia Health Training Centre
Form of Business: Private Company registered as a Higher Education Institution
Proof of Financial Ability: No approved funding attached (only confirmation of willingness to assist with funding by Nedbank and Bank Windhoek, subject to terms and conditions)
Development Proposals & Lay-Out: A detailed development proposal is attached to their submission.
Co-operation Agreements: <ul style="list-style-type: none"> • Seinäjoki University of Applied Sciences, Finland • Satakunta University of Applied Sciences, Finland
Age of institution: Commenced September 2013 and registered as private higher education institution on 28 August 2018. Scope of Accreditation – Dip in Environmental Health Science, Cert for Enrolled Nurse-Midwife/Accoucheure, Postgraduate Dip in Community Health Nursing and Bachelor of Nursing Science
Number of staff employed/to be employed: 152
Number of students enrolled/to be enrolled: 2 547 currently and maximum capacity after a period of 4 years at Erf 3342, S.

Requirements	
Number of tertiary courses to be offered:	<i>Engineering, Health, Agriculture & Marine Science and Commerce.</i>
Duration of project:	<i>Commence 01 July 2021 and complete second phase by 30 June 2027.</i>
Number and size of buildings to be erected:	<i>A detailed concept presentation and conceptual lay-out depicting 9 buildings consisting of Administration, Restaurant, Ballroom, Life Skill Centre, Faculty Buildings, Auditorium, Health Care Clinic, Service Block and Student Accommodation covering the entire erf and which will be constructed in 2 phases.</i>

The above development proposal is attached as **Annexure "C"**. As the entity is a private company, Erf 3342 must be sold at full development cost recover, i.e. **N\$ 4 929 760.00** for the development of the tertiary institution as per proposal submitted.

6. Proposal

The proposal satisfies all criteria; however, permission will need to be granted by Council for a phased development ending 2027.

It is therefore proposed that Council allocates Erf 3342, Swakopmund at a price of N\$4 929 760.00 to Welwitchia Health Training Centre (Pty) Ltd for the establishment of a tertiary institution.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council approves the allocation of Erf 3342, Extension 9, Swakopmund to Messrs Welwitchia Health Training Centre (Pty) Ltd for the development and management of a tertiary institution measuring approximately 32 500m² and at a development cost of approximately N\$977 355 000.00; as per their development proposal received on 26 March 2021.
- (b) That Messrs Welwitchia Health Training Centre (Pty) Ltd presents their Project Plan to the Management Committee, on a date to be determined by the Chief Executive Officer.
- (c) That the purchase price be confirmed as N\$4 929 760.00, less 15% incentive, should the project be completed within the projected timelines.
- (d) That the conditions of sale be as per the invitation for development proposals under Notice 08/2021.
- (e) That approval be given that the 3 faculty buildings and 1 student accommodation building be completed by 30 June 2027.

- (f) That Welwitchia Health Training Centre (Pty) Ltd submits layout / building plans of the entire project to Engineering and Planning Services Department for approval as required within 90 days of the approval of the sale by the Ministry of Urban & Rural Development.
- (g) That the proposals received from the following applicants not be considered as they did not submit their development proposals on time:
- ① *AfriSay Vocational Training Centre*
 - ② *Ndatara Survey (Pty) Ltd (Swakopmund Institution of Technology)*
-

ANNEXURE "A"**4. Notice****Municipality of Swakopmund****Invitation for Development Proposals for Erf 3342, Extension 9, Swakopmund, from Tertiary Institutions**

Notice is hereby given in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, as amended that the Municipal Council of Swakopmund invites development proposals from:

- ☞ established Tertiary Education Institutions to acquire and develop Erf 3342, Extension 9, Swakopmund measuring 56 020m² (where the institution is a non-profit company or submits a conveyancer's certificate indicating that the institution is properly constituted, i.e. duly certified copy of the current constitution in English) The price will be N\$ 2 464 880.00.
- Or
- ☞ established Tertiary Education Institutions to acquire and develop Erf 3342, Extension 9, Swakopmund measuring 56 020m² (where the institution is a company / organizations) The prices is N\$4 929 760.00.

In order to be considered the following requirements must be complied with:

- ✓ The applicants must provide registration document of the institution e.g. a non-profit company or a conveyancer's certificate indicating that the institution is properly constituted, i.e. duly certified copy of the current constitution in English.
- ✓ If a constitution is submitted, it must clearly indicate the assignees who are empowered to sign documentation on the institution's behalf; and
- ✓ The name or entity in which ownership of the property shall vest in an acceptable form for the Deeds Registry purposes.
- ✓ **Close Corporations and PTY (Ltd) may participate.**
- ✓ Provide proof of financial ability to purchase the erf and to develop the erf immediately after transfer.
- ✓ Proposals from qualifying established tertiary education institutions will be considered. Alternatively, new institutions registered as either trusts or Section 21 companies or otherwise that provide satisfactory cooperation agreements with existing institutions such as a consortium with an established institution, will be considered.
- ✓ Proof of any cooperation agreements with other tertiary educational institutions.
- ✓ Recognized tertiary education institutions registered in Namibia will be given preference.

A reverting clause will be registered against the title of the property to ensure that the property is developed within the agreed upon time frame.

Applications will be evaluated on the following criteria inter alia:

- Age of institution
- Number of staff employed
- Number of students to be enrolled
- Number of educational subjects / services to be offered
- Financial ability to:
 - to purchase the property and
 - to construct
- Expected date of commencement of construction and completion
- Number and size of buildings to be erected
- If not an educational facility, a motivation on how the community will benefit from the development.

General:

The proposal document and site plans can be obtained from: **Ms A Uushona at the Swakopmund Municipal Building, Rakotoka Street, Swakopmund ☎ 064-4104216 \ 📧 auushona@swkmun.com.na**

The duly completed proposal document in an envelope together with the required documents, clearly marked with the name of the proposer and stating "Development Proposal for Erf 3342, Ext 9, Swakopmund" must be placed in the blue wooden box, marked "Development Proposals for Institutional Erven" on the Ground Floor next to the Enquiry Desk, at the Municipal Office Building on / before Friday, 26 March 2021 at 12:00. Only proposals attached to the municipal form will be accepted.

The Council for the Municipality of Swakopmund is not obliged to accept any proposal and reserves the right to withdraw this invitation.

NOTICE NO: 08/2021**A Benjamin, CHIEF EXECUTIVE OFFICER**

**Please find
the
attachments
of Item
11.1.8 on a
separte
booklet.**

11.1.9 **REQUEST FOR EXTENSION OF TIME TO SECURE THE PURCHASE PRICE FOR ERF 607, MATUTURA, EXTENSION 2**
(C/M 2021/05/27 - M 607)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.9 page 64 refers.

A. The following item was submitted to the Management Committee for consideration:

1. **Introduction**

The attached letter dated 12 March 2021 (Annexure "A") was received from Ms Hilma Hakko requesting Council to grant her an additional extension of time in order to secure payment for Erf 607, Matutura. The date of sale for Erf 607, Mondesa is 27 August 2019 and the initial due date to secure the purchase price was 31 January 2020.

On 19 November 2020 under item 11.1.18 Council granted an extension of time to secure the purchase price as follows:

- (a) That Council approves the application by Ms Hilma Kepale Hakko for an extension of time to perform until 26 February 2021, subject to rates and taxes being paid up to date.
- (b)
- (c) That failing the performance of Ms Hilma Kepale Hakko by 26 February 2021 under (b) above, that the transaction be cancelled.

The due date to perform was 26 February 2021.

The sale is subject to interest levied at 10.5% from 27 August 2019 until date of transfer.

2. **Background**

Council sold Erf 607, Mondesa to Ms H K Hakko as a next qualifying bidder on 27 August 2019 and the initial date to secure the purchase price was 31 January 2020. After the due date, Ms Hilma Hakko requested an extension of time to perform and Council on 25 June 2020 under 11.1.3 granted permission to extend the period until 30 September 2020 with interest payable, calculated as from 27 August 2019

On 14 October 2020, another request for extension of time was requested for until 2021. The applicant telephonically confirmed on 20 October 2020 that extension of time is required until the end of February 2021. On 12 March 2021, Ms Hilma again requested an extension of time to pay the remaining balance of the purchase price. Ms Hilma K Hakko confirm in her letter that she has paid off

70% of the purchase price and need more time to pay off the outstanding balance.

Summarized, the extensions of time granted by Council to secure the purchase price:

- ① On **25 June 2020**, under item 11.1.3 Council approved the **1st extension** of time until **30 September 2020**.
- ② On **19 November 2020**, under 11.1.18, Council approved the **2nd extension** of time until **26 February 2021**, subject to rates to rates and taxes paid up to date.

Should Council approve a further extension, it will be the 3rd extension granted.

Balance of the Purchase price	N\$ 164 700.00
Paid amount	N\$ 30 000.00
	- N\$ 90 000.00
	= N\$ 44 700.00
Interest	+ N\$ 16 792.87 (until 31 March 2021 minus 516 days of the lockdown Period)
Rates and taxes of	+ N\$ 8 024.90
Total:	N\$ 66 9517.77

Council on **31 October 2019** under item 11.1.22 passed the following standard decision:

- (a) ...
- (b) ...
- (c) That no further extension will be granted.
- (d) That the extension be granted on condition that the Rates & Taxes are paid up to date.
- (e) That the applicant submits proof of their efforts to secure funding for the development.

3. Similar Situation

Council on **28 January 2021** under item 11.1.22 approved the following decision:

- (a) That Council takes note that Messrs Wato Investments CC paid the outstanding rates and taxes on 02 December 2020 in terms of point (b) of Council's resolution passed on 31 August 2020 under item 11.1.9, which payment was a condition for the extension of time granted to perform by 30 September 2020.
- (b) That the transaction be cancelled and Messrs Wato Investments CC be refunded the sum of N\$ 86 956.52 and 15% VAT amount paid (N\$ 100 000.00 in total).
- (c) That subject to point (b) above, Erf 4108, Mondesa be added to the list of available erven located in Extension 10, Mondesa approved for sale by closed bid by Council on 31 January 2019, under item 11.1.12 and 19 November 2020 under item 11.1.4, if and when the market determines the need.

Hilma Hakko also paid 70% of the purchase price which excludes the interest as well as the rates and taxes.

On **29 March 2021**, our Finance Department confirmed that the rates and taxes of Erf 607 are in arrears in the amount of N\$8 024.90 (Annexure "B").

4. Consideration of a Third Period for an Extension of Time

Ms Hakko requests an additional unspecified period until to perform. The interest calculated until **31 March 2021** amounts to approximately N\$16 792.87.

Ms Hakko has also not paid the outstanding rates and taxes to date as was required in terms of point (b) of Council's resolution passed on **31 October 2019** under item 11.1.22.

The Finance Department confirmed the penalty interest calculated until **31 March 2021** amounts to N\$44 826.51 (Annexure "B"). The penalty interest period excludes the following lock down, quarantine and disinfection periods:

- 28 March until 04 May 2020
- 09 June until 22 June 2020
- 01 until 10 August 2020
- 14 & 15 December 2020
- 22 until 24 December 2020

Ms Hakko is the second in line to be allocated Erf 607, Matutura. There are still 4 successful bidders on the waiting list.

If the transaction is cancelled, the deposit in the amount of N\$3 000.00 must be forfeited too.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council takes note of the third application for an extension of time by Ms Hilma Kepale Hakko.
 - (b) That Council takes note that Ms Hilma Hakko did not pay the outstanding rates and taxes on 26 March 2021 in terms of point (a) of Council's resolution passed on 19 November 2020 under item 11.1.18, which payment was a condition for the extension of time granted to perform by 30 September 2020.
 - (c) That the transaction be cancelled and Ms Hilma Hakko be refunded the balance of the sum of N\$120 000.00 less the rates and taxes as well as the deposit which must be forfeited.
 - (d) That subject to point (b) above, Erf 607, Matutura is offered to the next qualifying bidder in the waiting list.
-

ANNEXURE "A"

P.O Box 7140
Walvis Bay
Cell: 0816054804
12 March 2021

The Swakopmund Town Council

Request of extension of time for payment

My name is Hilma K.Hakko ,I applied and awarded ERF NO: 607 extension2 Matutura Swakopmund . I'm self –employed entrepreneur and I am a single mother of four .I really need a plot as I did tried to get land in the previous year.

I requested to extend the time of payment to pay the remaining (44700.00) of the amount needed. I have tries to pay more than 70% of the total price. Because of the Covid-19 regulations, my business income is affected badly by the economic downfall.

Therefore I requesting that the town council to give me permission and to extend the due date to paid the remaining amount soon. And I attached proof financial statement.

Your sincerely will be much appreciated



Hilma Hakko
Cell: 0816054804



Municipality of Swakopmund

P.O. Box 53, Swakopmund

Tel (064) 410 4111 Fax (088) 651 9141

ACCOUNT ENQUIRIES FAX: 0886528144 / E-MAIL: enquiries@swkmun.com.na

ANNEXURE "B"

 HAKKO H
 P O BOX 7140
 WALVISBAY
 9000

TAX Invoice

VAT No.	0687546-01-5
Statement Date	2021/03/18
Account Number	76060700027
Reference	20210319-25901
Deposit	

Details/Meter Readings			Date	Description	Vat %	Vat charge	Amount (VAT excl)	Amount (VAT incl)
Previous	Present	Consumption						
			02/17	BALANCE B/FWD		0.00	7589.56	7589.56
			03/18	VA RATES GENERAL	NAS	0.00	57.64	57.64
			03/18	SE AVAILABILITY DCM	2ER	0.00	182.00	182.00
			03/18	RE AVAILABILITY DCM	2ER	0.00	92.00	92.00
			03/18	SU FIRE BRIGADE SERV - RES	EXP	0.00	2.00	2.00
			03/18	SU CLEANING SERV	EXP	0.00	16.00	16.00
			03/18	DISPOSAL FEES DCM	EXP	0.00	6.00	6.00
			03/18	WA AVAILABILITY DCM	2ER	0.00	79.70	79.70
			Total			0.00	8024.90	8024.90

Arranged	Handed Over	90 Days Plus	60 Days	30 Days	Current	Amount Due
0.00	0.00	6718.88	435.34	435.34	435.34	8024.90

MESSAGE

PLEASE NOTE: ACCOUNTS ARE PAYABLE ON OR BEFORE 7 APRIL 2021.

Property Information				Details of Property Assessment	
Stand No.	00000607	Ward	1	Valuation	
Township	001 076 MATUTURA			Land	Improvements
Street Address				37000.00	
Portion	00000			Building Clause	
Area	407			Valuation	Date
Unit	001/076/00000607/00000/0000/0000			Annual Levy	

KINDLY TEAR OFF AND RETURN WITH PAYMENT



Swakopmund Municipality

P.O. Box 53
Swakopmund

Name	Due Date	2021/04/07
HAKKO H	Account No.	76060700027
REMITTANCE ADVICE	Amount	8024.90

Bank Details: FNB, Swakopmund

Account Number: 62249603300 ° Branch Code: 280 472

Fax No for confirmation: 0886519140

E-Mail for confirmation: payments@swkmun.com.na

11.1.10 **REZONING OF PORTION 48 (A PORTION OF PORTION 24) OF THE FARM NO 163 FROM "AGRICULTURAL" TO "GENERAL BUSINESS"**
(C/M 2021/05/27 - 19.03.01.PTN48)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.10 page 69 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

The purpose of this submission is for Council to consider the request to review its decision of August 2020, on the rezoning of Portion 48 (a Portion of Portion 24) of the Farm 163 from "Agricultural" to "General Business".

2. Introduction and Background

Council on the **31st August 2020**, Council under item resolved as follow:

- (a) *That Council condones the construction of the illegal units and the owner of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be fined an amount of N\$1 021 020.00 for the construction of the illegal structures.*
- (b) *That the Engineering and Town Planning Services Department issue a penalty of N\$1 021 020.00 to the owners of Portion 48 (a Portion of Portion 24) of the Farm No. 16, Swakopmund of Farm 236, Swakopmund to be paid within a period of twenty-eight (28) days from the date of notification.*
- (c) *That upon receipt of the penalty payment, subject to the certification of a structural engineer, the applicant be allowed to submit as-built drawings for the illegally constructed structures for approval.*
- (d) *That rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund from "Agricultural" to "General Residential" with a density of one dwelling per 900m² to a maximum bulk factor of 0.1 instead of "General Business", be approved.*
- (e) *That Council grant consent for an accommodation establishment on Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund for the operation of a tourism related business.*
- (f) *That the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be subject to a betterment fee calculated according to the betterment fee policy of 2009 and be paid by the applicant before any submission of building plans to the Engineering and Town Planning Services Department for approval.*
- (g) *That all the parking be provided on-site in line with the Swakopmund Town Planning Scheme.*
- (h) *That all costs emanating from the development on Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be for the applicant's account.*
- (i) *That the betterment fee payable for the rezoning be charged at 75% in accordance with the Law and Betterment Fee Policy.*
- (j) *That the applicant responds in writing accepting Council's resolution and conditions of its approval before the rezoning is included in a town planning amendment scheme.*

- (k) That upon acceptance of the Council conditions the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund, be included in the next Swakopmund Amendment Scheme.
- (l) That the objectors be informed of this Council decision;
- (m) That the applicant be informed that the applicant may appeal the Council decision to the Minister of Urban and Rural Development with valid reasons within twenty-eight (28) days from the date of the decision in accordance with clause 8 of the Swakopmund Town Planning Scheme.

In terms of the aforesaid Council resolution, the applicant was afforded an opportunity to respond in writing accepting Council's resolution and its approval conditions before inclusion in a zoning scheme.

The applicant responded in writing but did not accept the approval conditions, sighting financial and technical implications. The applicant's response is **attached as Annexure A**.

It is therefore against this background that submission is made before Council.

3. The Request

In order to avoid both financial and technical implications associated with the rezoning of Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund, the applicant is now opting **for consent to construct and operate a tourist facility or establishment**.

Pertaining to the fine as stipulated in terms of the Council Resolution of August 2020 (C/M 2020/08/31 - 19.03.01, PTN48) under Item Number 11.1.22, the applicant would like to have it reduced to a minor transgression. This would reduce the current fine amount of N\$1 021 020.00 to approximately N\$375 000.00. It is further suggested by the applicant that the fine should be set at N\$ 50 000.00, due to the fact that the owner of Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund has been cooperative.



(Construction on Portion 48)

The construction and operations of tourist facilities or establishments should be limited to 15% and adjusted to accommodate future expositions at the discretion of Council. The applicant request is attached as **Annexure B**.

4. Final Draft Swakopmund Structure Plan provisions

In terms of the Final Draft Swakopmund Structure Plan 2020 - 2040, Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund falls within residential estate and tourism zone. In this zone, small farm portion of not less than 3.5 hectares would be permitted. In addition, it has been suggested that tourism establishment estates such nature, equestrian, wildlife and retirement villages would be permitted by special consent of Council.

The Final Draft Swakopmund Structure Plan 2020 - 2040 is encouraging the retention and maintenance of the status quo on farm portions for agricultural activities. Tourist establishment or facilities are regarded as an add-on or supplementary activities which should be small in scale and with no significant impact.

It has been also suggested by the Final Draft Swakopmund areas falling within the zone B, C and D could have a small agricultural commercial support centre. Farm Portion 30 has been earmarked for such provision.

Save the exemption to farm portions with more than one existing residential dwelling houses upon coming into operation of the Swakopmund Structure Plan 2020 - 2040, subdivision within Zone C are subject to a minimum requirement of 3.5 hectares in size.

5. Zoning Scheme Provisions

The Swakopmund Zoning Scheme makes provision for tourist establishment and tourist activities on agricultural zoned land with special consent from Council.

***"TOURIST ESTABLISHMENT"** means a building designed and or used as an accommodation establishment which is not a hotel and includes a pension, a caravan park, a guest house, a lodge, a backpackers' lodge, a motel and all other establishments referred to in the definitions of 'Accommodation Establishments and Tourism Ordinance, 20 of 1973, as well as the regulations made thereunder, the Liquor Act 6 of 1998 and the Namibian Tourism Act 21 of 2000.*

***"TOURIST FACILITIES"** means amenities for tourists such as lecture rooms, restaurants, gift shops, and rest rooms permitted by the Council as a consent use, but does not include overnight accommodation.*

In terms of Clause 4.1, Table B of the Swakopmund Zoning Scheme, land zoned "Agriculture" has the following rights pertaining to the "erection and use of buildings and use of land":

TABLE B

	1	2	3	4
	Zone	Map Reference	Purposes for which land may be used	Purposes for which land may be used and buildings may be erected and used with the Special consent of the Council only.
K	Agriculture	Green outline	Agricultural building	Tourism Facilities, Dwelling Houses, Farm Stall, Place of Instruction, Place of Public Worship, Shop, Tourist Establishment, Private open Space

In terms of the Swakopmund Zoning Scheme (Number 71), under review, Council has discretionary powers to decide and granting special consents to uses that are deemed secondary and subordinate to the primary use.

The problem is that the land is not being used for any agricultural purpose. It is being dedicated to residential use in the immediate form of tourist accommodation (possibly 60 self-contained units). What may happen in the future on this and neighbouring farm portions is not known. They could be used for long term accommodation or be dedicated to particular users rather than genuine tourists. There is no objection per-say to tourist facilities provided that the zoning recognizes the long-term residential use and an appropriate fee is paid for fund for upgrading of services. More intensive development implies increased pressure on Council to upgrade services and Council must be able to fund these improvements.

5.1 Divisional and Departmental Comments

Given the magnitude of the proposed development on Portion 48, inputs from the Design Office and Building Control and the Works Division as well as the Department of Health Services and Solid Waste Management were requested, in accordance with the initial request. Comments obtained then are being for evaluation of the second request due to the fact that the development intensity remains the same. The Planning Division was advised as follows:

The Design Office and Building Control Division advised that the action to be taken by their office will depend on the outcome of the application. Should the application be declined, the structures onsite will remain unapproved and the owner will be requested to demolish. However, should the application be approved, a fine of N\$1 021 020.00 will be issued to the owner and the owner will have to submit building plans for approval.

As per memorandum, dated 22 April 2021, the fine amount has been revised. The new fine amount is now set at N\$ 355 320.00. The Memo is attached as **Annexure A**.

The Water and Sewer Division advised that should the request be approved, bulk meter installations as control measure and a meter room will have to be provided for individual unit metering. Additionally, sewerage septic tank and cleaning for their development will have to be for the account of the owner and the development will increase road maintenance costs. (Individual unit metering would only be a consideration if accompanying a long-term lease of individual units or occupation by permanent households).

The Health Services and Solid Waste Management Department advised that the buildings meet all prescribed Health requirements, however, the applicant will have to apply for the removal of refuse, that they register with the Department (pending Town Planning approval), that they register with the Tourism Board and that all other statutory requirements to operate a tourist facility should be adhered to.

6. Town Planning considerations

It is of a high importance for the planning team to assess the proposal against possible impacts in the area. Some of the aspects being considered include impacts on municipal services, namely; water supply, sewage, waste management and removal, safety and security. Arrive at the most suitable conclusion, past and current activities on the specific site are taken into account. In addition, future prospect for the whole areas must also be taken into consideration.

With reference to the first request (rezoning) of Portion 48, one of the objectors stated that there are onsite illegal activities (transport contractor) and onsite work leading to the development of up to 60 self-catering units. It cannot be verified if the units are for tourists or workers of the illegal business activities.

The applicant initially stated that the Municipality granted approval for the storage of trucks and vehicles on the premises and that the scheme should effectively promote all property developments regardless of location. Lastly, the applicant stated that the Municipality should allow the use of up to 60 self-catering units for tourist activities as stated in the initial request.

In the previous applicant's motivation, it is mentioned that due to **ignorance**, the owner of the property constructed dwellings (totaling to 15 buildings, each containing 4 units) without Council's approval (see pictures above). This is a clear indication of disrespect and intentional undermining of Council and its regulations by the said

owner. The averred approval for trucks was an approval to store one truck on the site granted to a previous owner. These types of acts cannot be accepted and would create precedents. Whether or not the developer has invested in the said project, is not of Council's concern because construction was not supposed to have been initiated without Council's approval.

Council granted permission to the previous owner of Portion 48 at the time (2014) who was Jacobus F. V Bonthuys (not Martinson) to store a truck singular and not trucks and vehicles as stated by the applicant. Clearly there is more than just one truck on Portion 48 and this was not approved by Council. The current owner has taken advantage of the previous approval and even gone beyond what was approved. This again is an indication of disrespecting Council and its regulations by the said owner. Whether or not there are illegal activities taking place on the Portion cannot be verified because upon investigation by the Engineering and Planning Services Department, these activities were not visible.

The planning team is still of the opinion that the development onsite constitutes dwelling units. Despite opting for a consent use instead of the rezoning, the number of dwelling units is not going to be reduced. As such, the development impacts will remain.

The number of units is significant and will have a huge impact in terms of increased demand on Municipal services and may also pose a safety and security threat as the movement of people in the area is expected to increase. An increase in demand for municipal services would mean that future upgrade and increased capacities may be required. Services upgrades require significant financial resources. If a development of such magnitude would be allowed without making an equitable financial contribution, the burden will be left to the Council.

In addition, the number of dwelling units is way too many to be justified as a small scale development as it will outweigh the primary use (agriculture).

As stated earlier, Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund falls within Zone C on the Swakopmund Structure Plan 2020 - 2040, earmarked for residential estate and tourism. In future, on land parcels that fall within Zone C of the Swakopmund Structure Plan, owners would be allowed to subdivide their sites into no less than 3.5ha in extent for residential estate development. Tourism activities could be granted by Council's consent. With regards to Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund, further subdivision is limited by its current area of 5.5369ha in extent.

Motivation and information provided for the consent request is limited. The applicant failed to pinpoint the nature of the tourist establishment or facility intended. The tourist establishment or facility as a land use activity which triggered the consent application is not mentioned anywhere in the application. It would appear to be something which is *not* covered by the Zoning Scheme under the land use zone agriculture. The Department cannot pinpoint the type of tourist establishment or activities in the Scheme.

It is evident from the definition of both the “*tourist establishment*” and “*tourist facilities*” there are specific activities that are allowable and those that fall under exclusions. Going back to these definitions again:

“TOURIST ESTABLISHMENT” means a building designed and or used as an accommodation establishment which is not a hotel and includes a pension, a caravan park, a guest house, a lodge, a backpackers’ lodge, a motel and all other establishments referred to in the definitions of ‘Accommodation Establishments and Tourism Ordinance, 20 of 1973, as well as the regulations made thereunder, the Liquor Act 6 of 1998 and the Namibian Tourism Act 21 of 2000.

According to the above definition, the emphasis is given to “a building designed” and or “used as an accommodation establishment”. Reference is made to “*a building*” in singular form and not **buildings** in plural. Given the fact that there are fifteen free standing buildings on Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund, it cannot be determined as to what building will accommodate the envisaged tourist establishment or the applicant is seeking for multiple establishments. Activities such as a pension, a caravan park, a guest house, a lodge, a backpackers’ lodge, a motel and all other establishments referred to in the definitions of ‘Accommodation Establishments and Tourism Ordinance, 20 of 1973, as well as the regulations made thereunder, the Liquor Act 6 of 1998 and the Namibian Tourism Act 21 of 2000 are excluded from the above definition.

If something like the Swakopmund Bungalows is intended, then it must be noted that the land on which they are situated has a special zoning for that specific activity.

“TOURIST FACILITIES” means amenities for tourists such as lecture rooms, restaurants, gift shops, and rest rooms permitted by the Council as a consent use, but does not include overnight accommodation.

With respect to the “*tourist facilities*” definition, the emphasis is given to “*amenities for tourist*” which may include lecture rooms, restaurants, gift shops, and rest rooms permitted by the Council as a consent use. Overnight accommodation is excluded in terms of the above definition.

The information pertaining to the tourist establishment or facility is limited as the applicant did not indicate the type and nature of the

tourist facility to be established. By not clearly providing information or indicating what activity of the tourist facility would be ventured into, it is evident that the original or the real intention for the construction of the 60 dwelling units has been different from the request at hand.

According to the applicant, the request is for the *“tourist establishment or facility”*, the following questions remain unanswered:

1. Which building or structure will be used as a tourist establishment or facility?
2. What type and nature of the tourist establishment or facility will be undertaken? and
3. What will happen to the rest of the building structures?

One would then conclude that opting for a tourist establishment or facility is just a way to dodge the bullet, avoid making equitable financial contributions and leave a resolution to a vague future time.

Taking the prevailing situation on Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund and the broader area into perspective, there would be a need in future for the upgrade of municipal services to cater for the intensified usage. Approving the consent request for the tourist establishment or facility of such magnitude would create an unnecessary precedent. If all land owners in the area refuse to make an equitable contribution toward development and upgrading of municipal services infrastructure, Council will not be able to sustain as well as meet the demand.

Taking into consideration the comments from the objectors and the internal Departments, as of now the proposed development will put pressure on Municipal services and will result in the creation of a precedent which will in the future cause even more problems for Council.

It would be in the best interest of both Council and the general public not to support the consent for the tourist establishment or facility if the owner does not make an equitable contribution toward the future upgrade of the municipal services infrastructure.

7. Conclusion

Despite not specifying the type and nature of the *“tourist establishment or facility”*, as is defined in Clause 6 of the Swakopmund Zoning Scheme Number 12, Council may grant a special consent on condition that the operation is small in scale. Therefore, a tourist establishment or facility on Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund, should not exceed a maximum of ten (10) percent of the plot total area.

To the contrary, taking into consideration the comments from the objectors and the internal Departments, as of now, the proposed development will put pressure on municipal services and will result in the creation of a precedent which will in the future cause even more problems for Council. It would be more appropriate for Council to uphold its decision of August 2020, that the premises be rezoned to general residential instead.

The site in question would also not be able to meet the subdivision criteria as set in the Swakopmund Structure Plan 2020 - 2040 due to its current extent.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the request for consent for the tourist establishment or facility be turned down and Council uphold its previous decision on condition that the betterment fee percentage be set to not more than 30%.
- (b) That the owner of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be requested to specify the type and nature of the desired tourist establishment or facility.
- (c) That alternatively, the owners of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund, wish to operate an establishment or facility similar to the Municipal Bungalows, the portion be rezoned from "Agriculture" to "Special" for a tourist establishment or facility and the type and nature of activities envisaged be specified before application to the Urban and Regional Planning Board is made.
- (d) That the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No. 163, Swakopmund be subject to a betterment fee calculated according to the betterment fee policy of 2009, at a maximum of 30% and be paid by the applicant before any submission of building plans to the Engineering and Planning Services Department for approval.
- (e) That Council condone the construction of the illegal units and the owner of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be fined an amount of N\$355 320.00 for the construction of the illegal structures as opposed to the initial suggested amount of N\$1 021 020.00.
- (f) That the Engineering and Planning Services Department issue a penalty of N\$355 320.00 to the owners of Portion 48 (a Portion of Portion 24) of the Farm No. 163, Swakopmund, to be paid within a period of ninety days (90) days from the date of notification.

- (g) That upon receipt of the penalty payment, subject to the certification of a structural engineer, the applicant be allowed to submit as-built drawings for the illegally constructed structures for approval.
 - (h) That upon successful compliance with the provisions of the Council decision and Clause 6 of the Swakopmund Zoning Scheme, the tourist establishment or facility be registered with both Health Services and Tourism Board.
 - (i) That all the parking be provided on-site in line with the Swakopmund Town Planning Scheme.
 - (j) That all costs emanating from the development on Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be for the applicant's account.
 - (k) That the applicant responds in writing accepting Council's resolution and conditions of its approval before any further action is taken.
 - (l) That the objectors be informed of this Council decision.
 - (m) That both the applicant and objectors be informed that they may appeal the Council decision to the Minister of Urban and Rural Development with valid reasons within twenty-eight (28) days from the date of the decision in accordance with clause 8 of the Swakopmund Zoning Scheme.
-

ANNEXURE A



MEMORANDUM

ENGINEERING AND PLANNING SERVICES DEPARTMENT

To : Manager: Town Planning
From : Manager: Design Office and Building Control
Date : 22 April 2021
Reference No : Portion 48

Comments for rezoning of Portion 48 (a Portion of Portion 24) of the farm 163 from "agricultural" to "general business"

Your memo dated 16 April 2021 bears reference.

The Swakopmund Municipal Council at an Ordinary Council Meeting held on 29th April 2009, resolved to adopt the following penalty clause to be applied for non-compliant structures:

- ❖ Minor transgression (Boundary walls) N\$ 35 per running meter per month
- ❖ Minor transgression (Building/Structures) N\$ 46/m² per month
- ❖ Medium transgression N\$ 175/m-m² per month
- ❖ Major transgression N\$ 476/m-m² per month

Definition of the transgressions

- ❖ **Minor Transgression:** Deviation from the original approved plan (making some minor adjustments to the approved plans), whereby the structure added does not exceed 35% of the area of the approved building plans, (this includes the boundary walls)
- ❖ **Medium Transgression:** Addition of extra structures onto the approved plan, and whereby the structure added exceeds 35% of the area of the approved building plans.
- ❖ **Major Transgression:** Any structure without the approved plan and building over the building lines without necessary permission for the building line relaxation.

With regard to the above definition of the transgressions, the previous transgression classification has been reviewed from major to medium transgression. This is based on the fact that no building lines were encroached.

The revised fine:
 Total square meters: 2030.40 m²
 Rate: N\$ 175 p/m²
 Fine: N\$ 175 x 2030.40 = N\$ 355 320.00

The above fine amount is recommended to replace the previous amount calculated. For any other considerations other than the above the council must express itself on the merit of this case should an alternative fine amount be proposed by the transgressor.

For further information please contact the Chief Building Control Officer Mr. Larry Mwikanda.



MANAGER: DESIGN OFFICE AND BUILDING CONTROL

LM/

ANNEXURE B



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CHIEF EXECUTIVE OFFICER
 MUNICIPALITY OF SWAKOPMUND
 PO BOX 53
 SWAKOPMUND
 NAMIBIA



8 April 2021

Attention: Mr C McClune

Dear Sir,

RE: REZONING OF PORTION 48 (A PORTION OF PORTION 24) OF THE FARM NO 163 FROM "AGRICULTURAL" TO "GENERAL BUSINESS".

With reference to our meeting held at your offices we wherewith formally respond in terms of what was discussed at such meeting.

With reference to the Council resolution dated 31 August 2020 we will address each point on its own and make suggestions to be considered by Council in order to reach an amicable outcome.

Council at its meeting on 31 August 2020, approved the following in terms of an application made to the Municipality for the rezoning of Portion 48 of the Farm 163 from "Agriculture" to "General Business" (See Annexure A).

Each point of resolution will be quoted and discussed separately.

- (a) "The Council condones the construction of the illegal units and the owner of Portion 48 (a portion of Portion 24) of the Farm No 163, Swakopmund be fined and amount of N\$ 1 021 020.00 for the construction of illegal structures."

Our argument/opinion

We have agreed that the fine for the "illegal" structures might be too excessive and it was discussed that Council be approached to have the fine reduced to a minor transgression that will roughly work out to around N\$ 375 000.00. This already is more acceptable than the approved fine.

Our suggestion is that rather give the owner a spot fine of N\$ 50 000.00. The facts surrounding the events that took place on the property were explained and there are some merits to justify such spot fine if needed. Once the owner became aware of the situation he immediately stopped and proceed to find assistance in the matter. The owner immediately complied with the needs and wants of the Municipality in this regards. Full cooperation was


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given at all times during the last two years. It has already cost the owner a fair amount of capital as we speak. It is our opinion that the events before and after consultation with our company and the Municipality have significantly changed the timeline of what was the initial intention of the owner. This in itself resulted in a large amount of input capital to be frozen in structures to being able to operate.

- (b) That the Engineering and Town Planning Services Department issue a penalty of N\$ 1 021 020.00 to the owners of Portion 48 (a Portion of Portion 24) of the Farm No. 16, Swakopmund of Farm 236, Swakopmund to be paid within a period of 28 days from the date of notification.

Our argument/opinion

As can be noted on the resolution, the description of the property is wrongfully stated. Since this document is an attempt to address the fine as indicated in (a) we can assume that the wording will be rectified and the fine adjusted upon favorable consideration by Council.

- (c) That upon receipt of the penalty payment, subject to the certification of a Structural Engineer, the applicant be allowed to submit as-built drawings for the illegal constructed structures for approval.

Our argument/opinion

It is agreed that such documentation will be necessary to ultimately have the as-built plan approved.

- (d) That the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund from "Agricultural" to "General Residential" with a density of one dwelling per 900m² to a maximum bulk factor of 0.1 instead of "General Business", be approved.

Our argument/opinion

During the discussion with the various official at the different meetings it was indicated that what was approved was not what agreed upon in the beginning with regards to the way forward. Our stance still remains with the fact that this issue can be dealt with differently. It remains our opinion that in order to give substance to the initial intentions of the owner, it is necessary to give the owner of the property consent to construct and operate a Tourism facility / establishment. The implication of rezoning to "General Residential" with a density of one in 900m² is that once it is given other plot owners will also want it. It can create a





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situation whereby the area will experience a fast rate of densification placing pressure on the Local Authority for services etc. We were also directed to rezone to General Business in order to address the issue. It was our opinion that this is not the right option as opposed to the consent as previously indicated. There is also a very large betterment fee that will be payable on a plot that size. The financial implication, of the various applications, and what is being proposed is seen as out of proportion.

It is our suggestion and as discussed at the meeting with the Engineering Department that it would rather be more fitting to give consent to construct and operate a Tourist facility / establishment. Under the consent use of the Agricultural Zoning such consent use can be applied for. It is our opinion that this is the best possible route to follow since this will effectively be consistent with previous decisions made by Council in such matters at the plots.

- (e) **That Council grant consent for an accommodation establishment on Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund for the operation of Tourism related business.**

Our argument/opinion

It is our opinion that instead of changing the zoning as indicated in point (e) to a higher intensity use we recommend the consent for Tourist facility / establishment that would effectively deal with the situation on Portion 48. It falls in line with the requirements of the scheme.

- (f) **That the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be subject to a betterment fee calculated according to the betterment fee policy of 2009 and be paid by the applicant before any submission of building plans to the Engineering and Town Planning Services Department for approval.**

Our argument/opinion

It is our opinion that the rezoning of the Property to General Business should not have been initiated in the first place. It is unnecessary to rezone to General Business when the intended use of the structure can well be accommodated under the Agricultural zoning as a consent use. The betterment fee for such property will be rather extensive and unnecessary. The owner has already invested a large amount of capital on the structures which at this point in time give no form of return. To further punish the owner with such excessive amounts will see the intentions stagnate. This will only create another property where structures stand half built and not being used. As mentioned before, we can use the



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Scheme to bring the intended use in line with the provisions of the Scheme without any major land use changes that could potentially be detrimental to the area.

- (g) **That all parking be provided on-site in line with the Swakopmund Town Planning Scheme.**

Our argument/opinion

We agree with this as it is clearly stipulated in the Swakopmund Town Planning Scheme, under all the uses, that parking should be provided on site. There is ample space to accommodate the intended parking requirements.

- (h) **That all costs emanating from the development of Portion 48 (a Portion of Portion 24) of the Farm 163, Swakopmund, be for the applicants account.**

Our argument/opinion

We agree on this matter and as previously indicated in the original application the plot is fairly self-sufficient at this stage. But any upgrading of services shall be at the cost of the owner.

- (i) **That the betterment fee payable for the rezoning be charged at 75% in accordance with the law and Betterment Fee Policy.**

Our argument/opinion

At the meeting with the Engineering department this point was raised and it was indicated that if an application for consent to construct and operate a Tourist Facility/establishment this betterment fee would not have been an issue. It was indicated at the meeting that the request to rezone to General Business is not the correct route to go for the plots. It was also indicated that the General Residential zoning given in the end is also not fitting as both the previously mentioned zoning will have the undesired impact of allowing other more intense uses that could have the potential of disturbing the character of the area. Densification will take place on a more rapid pace.



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- (j) **That the applicant responds in writing accepting Council's resolution and conditions of approval before the rezoning is included in a Town Planning Amendment Scheme.**

Our argument/opinion

No written response was forwarded to the Municipality as there was confusion with regard to what the Municipality requested the applicant to do and the final resolution given. Three meetings were set up with the Municipality in an attempt to ascertain whether the resolution taken is the correct route.

We still remain with the fact that the situation surrounding Portion 48 could have been dealt with in a much easier manner that is less intrusive in the area. We indicated to the Engineering Department that the correct route to follow is to obtain consent to construct and operate a Tourist Facility / Establishment on the said property. This would have effectively dealt with the situation and be in line with previous decision taken by the Council.

- (k) **That upon acceptance of the Council conditions the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund, be included in the next Swakopmund Amendment Scheme.**

Our argument/opinion

Due to the fact that the applicant does not accept the Council resolution there will be no inclusion of the rezoning into an Amendment Scheme. We reiterate the fact that the route indicated to be taken is not the correct route to go in terms of rezoning. An application for consent in our opinion is the correct procedure to follow.

- (l) **That the objectors be informed of this Council resolution.**

Our argument/opinion

This is a function of the Municipality and whether there were any appeals submitted in terms of the resolution is not known. Since the applicant is not accepting the Council resolution the appeals received, if any, is not of concern.

- (m) **That the applicant be informed that the applicant may appeal the Council decision to the Minister of Urban and Rural Development with valid reasons within twenty-eight (28) days from the date of the decision in accordance with clause 8 of the Swakopmund Town Planning Scheme.**



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Our argument/opinion

No appeal document was submitted against the resolution taken by Council as the resolution taken was not in line what was expected from the Municipality upon consultation in terms of how to proceed forward. It remains our opinion that the matter was not dealt with in the correct manner. It is also our opinion that by lodging an appeal to MURD will only prolong the situation. Our understanding is also that there is currently no appeal board elected by the minister to handle such appeals. This will also further prolong the situation. It is our opinion that the matter can be rectified at the Local Authority level.

Conclusion

It is our opinion that the situation can be dealt with in a much more appropriate manner rather than the situation unfolding itself. At the meeting with the Engineering Department it was suggested that we come forth with a proposal as to how to deal with the situation as well as to propose how to deal with such Tourist Facilities/Establishments. A concern of the Planning Department was that there is no clear indication as how to deal with such consent uses in terms of scale.

What we suggest for the situation concerning the situation on Portion 48:

Instead of rezoning the property to the higher intensity uses, as applied for and given in terms of the resolution, to rather afford the owner **consent to construct and operate and Tourist Facility / Establishment on the property**, it is our opinion that this can be applied for under the Agricultural zoning and such decision will be in line with previous decisions taken by Council. In terms of the fine that was imposed by Council it is suggested that the owner **be given a fine of N\$ 50 000.00** due to the fact that the owner was compliant to the wishes of the Municipality once it was established that there are unapproved activities taking place on the plot. The owner admits his mistake and as previously mentioned in all document he was misled by a professional. One can argue that he should have ensured that all is in order as the owner of the plot but the owner placed his trust in his Architect to deal with all the relevant documentation. It was indicated to the owner that everything is in order and that he may proceed. The owner is willing to complete any statutory procedure required by the Municipality in order to have the situation resolved.

What we suggest for the handling of Tourist Facility / Establishment facilities on the agricultural plots:

It is suggested to allow the **Agricultural plots to use 15% of the total floor area of the plot** for such use when application is made. Currently there is no limit in terms of the area that may be used for such use. If and when the limit of 15% is reached and over time the need for

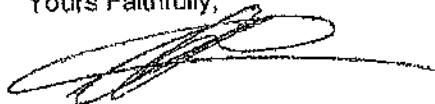

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expansion arises the owner of a plot may approach Council with a proposal to be considered in order to relax the 15% and adjust the usage percentage to accommodate such changes. This will effectively allow the Municipality to control excessive development of the plots. It is also important to note that in time this coverage requirement/limit might experience the need change and Council may at anytime relax or remove such limitation. Within this limiting factor of 15%, the owner of a plot must, every time any additional structures are to be erected, first apply to the Municipality for consent to do so. The fact that certain Tourist facilities / establishments might require more than one building to be established or to expand overtime, is indicated that simply limiting such use to one building only will only hamper the potential of such consent use. If limited to one building only then future expansion of successful practices in this sector of use will be limited and not be able to stimulate the local economy.

It is trusted that you will find the above in order.

Yours Faithfully,



A R VAN DER WESTHUIZEN





MUNICIPALITY OF SWAKOPMUND

Ref No: 19.03.01, PTN 48

Enquiries: J Batley

Van der Westhuizen Town Planning & Properties
P O Box 467
SWAKOPMUND
Namibia
13001

☎ (064) 4104403
☎ (064) 4104125
✉ Fax2email: 0886519137
✉ 53 Swakopmund
NAMIBIA
🌐 www.swkmun.com.na
📧 townengineer@swkmun.com.na

7 October 2020

✉ andrew.namfu@gmail.com

Dear Sir,

REZONING OF PORTION 48 (A PORTION OF PORTION 24) OF THE FARM NO 163 FROM "AGRICULTURAL" TO "GENERAL BUSINESS"
(C/M 2020/08/31 - 19.03.01, PTN48)

Please be informed that the Municipal Council of Swakopmund has on 31 August 2020 resolved as follows:

- (a) That Council condones the construction of the illegal units and the owner of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be fined an amount of N\$1 021 020.00 for the construction of the illegal structures.
- (b) That the Engineering and Town Planning Services Department issue a penalty of N\$1 021 020.00 to the owners of Portion 48 (a Portion of Portion 24) of the Farm No. 16, Swakopmund of Farm 236, Swakopmund to be paid within a period of twenty-eight (28) days from the date of notification.
- (c) That upon receipt of the penalty payment, subject to the certification of a structural engineer, the applicant be allowed to submit as-built drawings for the illegally constructed structures for approval.
- (d) That rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund from "Agricultural" to "General Residential" with a density of one dwelling per 900m² to a maximum bulk factor of 0.1 instead of "General Business", be approved.
- (e) That Council grant consent for an accommodation establishment on Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund for the operation of a tourism related business.
- (f) That the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be subject to a betterment fee calculated according to the betterment fee policy of 2009 and be paid by the applicant before any submission of building plans to the Engineering and Town Planning Services Department for approval.
- (g) That all the parking be provided on-site in line with the Swakopmund Town Planning Scheme.

All correspondence must be addressed to Chief Executive Officer

- (h) That all costs emanating from the development on Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund be for the applicant's account.
- (i) That the betterment fee payable for the rezoning be charged at 75% in accordance with the Law and Betterment fee Policy.
- (j) That the applicant responds in writing accepting Council's resolution and conditions of its approval before the rezoning is included in a town planning amendment scheme.
- (k) That upon acceptance of the Council conditions the rezoning of Portion 48 (a Portion of Portion 24) of the Farm No 163, Swakopmund, be included in the next Swakopmund Amendment Scheme.
- (l) That the objectors be informed of this Council decision;
- (m) That the applicant be informed that the applicant may appeal the Council decision to the Minister of Urban and Rural Development with valid reasons within twenty eight (28) days from the date of the decision in accordance with clause 8 of the Swakopmund Town Planning Scheme.

In terms of the Swakopmund Town Planning Scheme you have the right to appeal to the Minister of Urban and Rural Development against Council's resolution within 28 days of this notice.

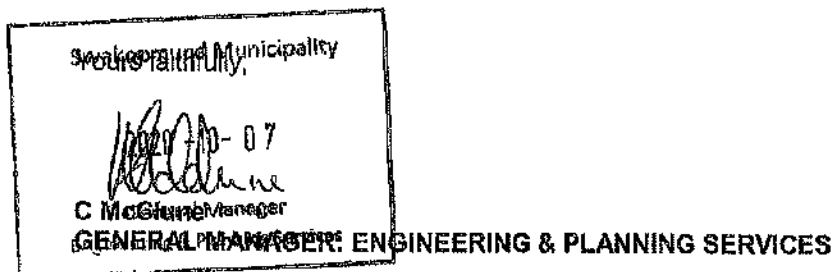
Original appeal document should be addressed to:
 The Permanent Secretary
 Ministry of Urban and Rural Development
NAMPAB
 Private Bag 13289
 WINDHOEK
 10005
 Namibia

Attention: Mr T. Newaya/ Ms T. Kamati

Telephone number: 061-2975228/061-2975186/061-2975201

Email addresses: copies can be emailed to: tnewaya@murd.gov.na or tkamati@murd.gov.na

Should you wish to follow this route please ensure that written notice of such intent as well as copies of the appeal documentation are submitted to the office of the Chief Executive Officer within the said period before/on 11 November 2020.



JB/jb/rh

11.1.11 **TRANSFER OF FUNDS**
(C/M 2021/05/27 - 3/1/1/1/1, 3/18/1)

Ordinary Management Committee Meeting of 11 May 2021, Addendum **8.13** page 118 refers.

A. The following item was submitted to the Management Committee for consideration:

Purpose

The purpose of this submission is to obtain permission from Council to transfer funds from Vote: 150531000200 (File Tracking System) to Vote: **(To be allocated by the GM: Finance)** (High Density Cabinets Phase 1), to ensure that sufficient funds are available to complete all planned phases for the purchasing of High Density Cabinets that have an estimated cost of ±N\$1 010 599.95.

File Tracking System

The File Tracking System was budgeted under the Capital Budget of 2020/2021 to the amount of N\$200 000.00 (Vote No: 150531000200) for the management and control of the movement of files from the archives / records room to other departments of which the actual expenditure was N\$92 242.26. Thus, realizing a saving of N\$117 789.34. The request is that the saving of N\$117 789.34 be transferred to Vote No: **(To be allocated by the GM: Finance)** for High Density Cabinets Phase 1.

Conclusion

Due to the availability of funds identified, it is therefore requested that the funds from Vote No: 150531000200 (File Tracking System) where there is N\$117 789.34 available be transferred to Vote: **(To be allocated by the GM: Finance)**(High Density Cabinets Phase 1).

B. After the matter was considered, the following was:-

RECOMMENDED:

That permission be granted to the General Manager: Finance to transfer the saving of N\$117 789.34 from Vote: 150531000200 - File Tracking System where N\$117 789.34 is available to Vote: **(To be allocated by GM: Finance)** - High Density Cabinets Phase 1.

11.1.12 **NAMING OF STREETS, PUBLIC PLACES, TOWNSHIPS AND COUNCIL OWNED BUILDINGS / FACILITIES ADVISORY COMMITTEE**
(C/M 2021/05/27 - 5/2/3/1/1)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 7.12 page 97 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Council on **25 February 2021** approved the composition of various administrative committees, however, it deferred the composition of the Naming of Streets, Public Places, Townships and Council Owned Buildings / Facilities Advisory Committee to the next Management Committee meeting.
2. This committee is important for the future development and planning of the town.

B. After the matter was considered, the following was:-

RECOMMENDED:

That Council approves the following representatives of political parties / associations to serve on the Naming of Streets, Public Places, Townships and Council Owned Buildings / Facilities Advisory Committee, including the Mayor and the Manager: Planning:

<i>Political Party / Association</i>	<i>Representative</i>
<i>Independent Patriots for Change (IPC)</i>	1. 2. 3.
<i>Landless People's Movement (LPM)</i>	1.
<i>Swakopmund Residents Association (SRA)</i>	1. 2.
<i>SWAPO Party</i>	1. 2. 3.
<i>United Democratic Party (UDF)</i>	1.

11.1.13 **AREAS AVAILABLE FOR LOW COST HOUSING DEVELOPMENT**
(C/M 2021/05/27 - 16/1/4/2/1/15)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 8.1 page 03 refers.

A. The following item was submitted to the Management Committee for consideration:

Purpose

The purpose of this submission is to inform Council on areas or townships earmarked for the low cost housing development.

1. Introduction and Background

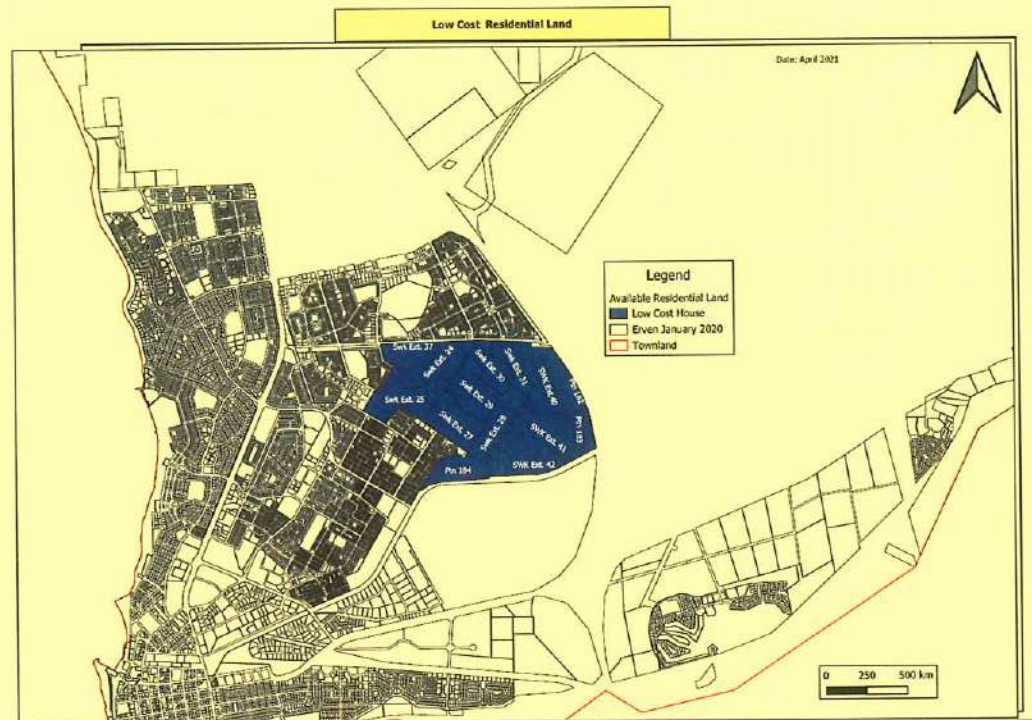
April 2021, Council was informed of the availability land for housing development in order to determine progress and efforts made by Council in addressing the challenging housing backlog over the years. Emanating from the April 2021 submission, it is deemed appropriate to identify and earmark land for the low cost housing development.

It is against this background that the submission is being made to the Management Committee and subsequently to the Council to enlighten them about the provision made with respect to land earmarked for the low cost housing development.

The below table stipulates the various extensions, their development status and the number of residential erven in each. Intermediate classification applies to those areas that are complete in terms of planning procedures but without services. Future available land classification applies to the areas that are currently being planned and are currently vacant.

Township	Development Status	Number Of Residential Erven
Swakopmund Extension 24	Immediately available	321
Swakopmund Extension 25	Immediately available	291
Swakopmund Extension 27	Immediately available	292
Swakopmund Extension 28	Immediately available	133
Swakopmund Extension 29	Immediately available	320
Swakopmund Extension 30	Immediately available	287
Swakopmund Extension 31	Immediately available	93
Swakopmund Extension 40	Intermediately available	237
Swakopmund Extension 41	Intermediately available	272
Swakopmund Extension 42	Intermediately available	282
Swakopmund Extension 37	Intermediately available	224
Portion 184	Intermediately available	308
Portion 182	Future land for residential development	269
Portion 183	Future land for residential development	306
Total		3 635

The map on the next page is a graphic representation of the information as provided in texts.



2. Discussion

The Swakopmund Municipality has realised the need to prioritise and make more land available for low cost housing development in order to ensure the major of the low income earners can have shelter. Although provision has been made in 14 extensions to accommodate the low cost housing needs in terms of planning procedures, most of these extensions are occupied informally and lack the necessary services.

3. Conclusion

Fourteen (14) extensions comprising a total of 3 635 erven been earmarked for the low cost housing development. In terms of planning procedures most of these extensions have been approved but need to be serviced first before they are formally sold or allocated. In addition, future areas for residential townships establishments are being planned so as to accommodate future demand for housing. Servicing of available areas is critical as more areas are being created future townships.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the report of the current and future available land for low cost housing development, be noted.
- (b) That Council expedites servicing of the unserviced residential townships and relocation of excess informal households so as to enhance both current and future land for housing delivery and increased formal housing ownership.

11.1.14 **REQUEST FOR INDIVIDUAL WATER AND ELECTRICITY SERVICE CONNECTIONS TO THE DWELLING UNITS ON ERF 3217, MONDESA EXTENSION 4**
(C/M 2021/05/27 - 19.03.02.3217)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 8.3 page 17 refers.

A. **The following item was submitted to the Management Committee for consideration:**

1. **PURPOSE**

The purpose of this submission is for Council to consider the request for separate water and electricity service connection to individual units on Erf 3217, Mondesa, Extension 4.

2. **INTRODUCTION AND BACKGROUND**

In 2003, Council subdivided former Erf 1796, Mondesa (in the former Single Quarters) into twelve erven and remainder, namely; Erven 3194 to 3204 and RE/1796, Mondesa.

In June 2004, Erven 3197, 3198 & 3199, Mondesa, three (3) erven needed to be consolidated into one erf as there has been a building belonging to one person, Mr. S Petrus. Erven 3197, 3198 and 3199, Mondesa were then consolidated into Erf 3217, Mondesa.

Three of the aforesaid erven which consisted of Erven 3197, 3198 and 3199, Mondesa were sold to Mr. S Petrus in 2011.

In August 2011, the General Manager: Engineering and Planning Services approved the construction of an additional three dwelling units and subsequently issued the completion certificate in July 2012.

Approved plan and the completion certificate forms part of the request and attached as **Annexure A**.

3. **ERF DESCRIPTION**

Erf 3217, Mondesa Extension 4 is located along Ismael Abraham Omundele Street in the *Special Designated Area* of Single Quarters. It is zoned "*Single Residential*" with a density of one dwelling per 200m². Erf 3217, Mondesa is 486m² in extent.

4. **DISCUSSION**

It is evident from the background information and available records that Erf 3217, Mondesa was sold to Mr. Sakaria Petrus with a building consisting of nine (9) units on Erven 3197, 3198 and 3199, Mondesa. This had necessitated consolidation of aforesaid erven into one.

At the time preceding the sale, the building constituted of 12 dwelling units without toilet facilities. These units were later merged by the owner, by consolidating two units into a single unit with a provision of toilet facilities, bringing the total number of dwellings on site down to six (6) units.

In 2011, the owner made additions to the existing building by constructing three (3) more units, bringing the total number of dwellings to nine (9) units. This application went through both the building plan approval and construction processes up to the issuing of a completion certificate.

5. ZONING SCHEME PROVISIONS

In terms of the Density Control in the Swakopmund Zoning Scheme, Clause 2.2: Density Control, Mondesa Extension 4, is a *Special Designated Area* with a density of one dwelling unit per 200m². Taking the erf size into account, which is 486m², only two dwelling units, could have been accommodated.

Currently Nine dwelling units have been constructed, which translates to a density of one dwelling per 54m². A density of one dwelling per 54m² has not been provided for by the current operative Swakopmund Zoning Scheme. Such a density is higher than the maximum allowable density of one dwelling per 100m². But provision for a density of one dwelling per 50m² has been made by the Swakopmund Zoning Scheme in next amendment scheme (Amendment Scheme Number 71). The current Clause A (2) (2.2) (c) further states that:

Where an existing dwelling house has been built in this zone and it appears to Council with due consideration to the nature of the vicinity that the dwelling is too extensive for further occupation by a single family only, the Council may consent to the modification of the dwelling house into not more than two dwelling units, on condition that the consent may not be issued unless:

- (i) *The dwelling house and additions were erected before the coming into operation of the Scheme*
- (ii) *The compliance with density zoning of Table A1.*

In terms of Clause 8.14 (1) & (2) have provision for accommodation of existing uses reads as follows:

8.14.1 Existing land uses legally practised, in accordance with the Land Use Plan, before the Minister gave notice of his approval of the original Swakopmund Town Planning Scheme, are allowed subject to "existing use" defined.

8.14.2 (a) The continued use of any land or building which is in conflict with the conditions of the Scheme shall subject to the conditions of Sub-Clause (b) lapse without the payment of compensation upon the termination of a period of fifteen (15) years from the date proclamation of the Scheme in terms of Section 26 (2) of the Town Planning Ordinance (18 of 1954) as amended.

8.14.2 (b) the Council may, after receiving an application from the owner, before the expiry of the period or periods of five (5) years with a maximum of fifteen (15) years: provided that after the expiry of the period mentioned in the Sub-Clause (a) above, the Council may issue a written notice requesting the owner/occupier of the land or building to bring the use into compliance with the Town Planning Scheme without compensation.

6. EVALUATION

It should be noted that no records exist as to when the first building was constructed but it is evident from the structures that it could date back as far as before proclamation of Mondesa Extension 4 in 2001. The single quarters existed most probably since the early 1970s. This could be the same with some buildings too.

Considering that from onset, Council sold the property with structures contravening the scheme, and the additions were approved by Council in 2011, nine years after proclamation of the township, it would be fair that the request by Mr. Sakaria Petrus for individual connections for water and electricity be favorably considered provided that all costs that may be incurred should be for his account. Since no action so far has been taken in the in terms of the provision of Clause 8.14 of the Swakopmund Zoning Scheme, the applicant should be given an opportunity to bring the density in conformity with the zoning Scheme provisions.

Upon approval of the Swakopmund Zoning Scheme Number 71, the applicant should be allowed to rezone Erf 3217, Mondesa from "*Residential*" with a density of one dwelling unit per 100m² in terms of the aforementioned zoning scheme to "*General Residential*" with a density of one dwelling unit per 50m².

Since the prevailing situation is not the applicant's own making, and could be regarded as an oversight from the Council side, permission for individual service connections should be granted as requested. All required upgrades should be done in consultation with and to the satisfaction of the General Manager: Engineering and Planning Services.

7. CONCLUSION

It must be noted that the number of dwelling units on Erf 3217, Mondesa Extension 4 contravenes the provisions of the zoning scheme; however, the applicant is not at fault. The connections requested can be done and that the connection fee shall be for the account of the applicant.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the actions of both General Manager: Corporate Services & Human Capital and Engineering and Planning Services be condoned.**
- (b) That the request for individual water and electricity connection to dwelling units on Erf 3217, Mondesa Extension 4, as appears on the building plan approved in 2011 be approved.**

- (c) That the connection of the electricity be subject to Erongo RED required standards.
 - (d) That all required upgrades in terms of sewer and water connections be done in consultation with and to the satisfaction of the General Manager: Engineering and Planning Services.
 - (e) That upon coming into operation of the Swakopmund Zoning Scheme Number 71, Erf 3217 be rezoned from "*Residential*" with a density of one dwelling unit per 100m² to "*General Residential*" with a density of one dwelling unit per 50m².
 - (f) That all costs to be incurred including connection fees be for the account of the applicant.
 - (g) That the owner of Erf 3217, Mondesa, indicate in writing acceptance of these conditions before an approval letter is issued.
 - (h) That because Mondesa Extension 4 was all single quarters, and falls under "*Special Designation Area*" it be Council policy that any other similar instances may come up should all be rezoned to "*General Residential*" with a density of one dwelling unit per 50m².
-



ANNEXURE "B"





Namibia Construction (Pty) Ltd.

CIVIL ENGINEERING & BUILDING CONTRACTORS

DIRECTORS: H.P. Schulz
REG No: 771100/07

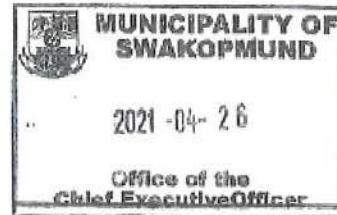
PO Box 5092, Tel. 061-237 187, Fax: 061-233 784
E-mail: info@namibiaconstruction.com
WINDHOEK, NAMIBIA

ANNEXURE "C"

Ref: MUN / GEN

26 April 2021

**Chief Executive Officer
Swakopmund Municipality
P.O. Box 53
SWAKOPMUND**



Attention: Mr. A. Benjamin,

RE: SECURITY AT MARSHALL STREET VINETA



The following correspondence refer;

- Namibia Construction letter ref MUN/Gen dated 27 May 2019 – attached as Annexure "A".
- Reply from the Municipality dated 27 May 2019 – attached as Annexure "B".
- Letter Municipality of Swakopmund dated 16 Apr 2021 – attached as Annexure "C".

Due to the increase in crime related activities and incidents in this specific area during 2018/2019, Namibia Construction (Pty) Ltd requested on 27 May 2019, permission from the Municipality of Swakopmund, to deploy a security guard with the relevant facilities in Marshall Street.

- Detail reasons and motivation etc. for this deployment was explained in the said letter requesting approval. Refer to annexure "A".
- The Municipality of Swakopmund replied on 27 May 2019 "*acknowledge receiving, shall revert to you soonest*". Refer to annexure "B".
- Since 27 May 2019 to date, no answer or reply received from the Municipality of Swakopmund.

Ordinary Management Committee Meeting - 27 May 2021

- On 16 April 2021 we received a letter from Municipality of Swakopmund to remove the temporary security house & chemical toilet etc. Refer to annexure "C".

Some of the critical aspects of this matter are again emphasised and brought to your attention:

- As you are aware, since our initial request in 2019, the crime rate in Swakopmund increased and crimes such as assault and even murder, especially on elderly people, occurs more frequently.
- The main aim and purpose of this action is to safeguard the residents and the area.
- Despite the current economic situation, this initiative to safeguard the area and residents, are maintained and the relevant costs are borne by Namibia Construction (Pty) Ltd.

As per our earlier application and motivation dated 27 May 2019, we hereby re-submit our request to please approve the current arrangement?

The Council's positive attitude regarding our initiative and the favourable consideration of our request, will be highly appreciated!

Yours sincerely

NAMIBIA CONSTRUCTION (PTY) LTD



H. P. SCHULZ

Cc: General Manager: Engineering and Planning Services - Mr. C. McClune



Namibia Construction (Pty) Ltd.

CIVIL ENGINEERING & BUILDING CONTRACTORS

DIRECTORS: H.P. Schulz
REG No: 77/1109/07

PO Box 5092, Tel: 061-237 187, Fax: 061-233 784
E-mail: info@namibiaconstruction.com
WINDHOEK, NAMIBIA

Ref: MUN / GEN

27 May 2019

**Chief Executive Officer
Swakopmund Municipality
P.O. Box 53
SWAKOPMUND**

Attention: Mr. Larry Mwikanda,

RE: SECURITY AT MARSHALL STREET VINETA

The dwelling at Marshall Street no 4 belongs to Me Schulz (84 years of age) and Marshall Steet no 5, to Mr. Hans-Peter Schulz, the owner of Namibia Construction (Pty) Ltd.

Both dwellings are not full time occupied during the year.

Since late last year crime related incidents in this area increased to a very high level.

- At Marshall Street 4, a burglary took place during December 2018.
- Since December 2018, several unauthorised entries took place on the said Erven.
- As you also might be aware, plenty of homeless people, sleeping and staying in the surrounded gardens, which contributes to the safety thread in the area.
- According to the Neighbour Watch of Swakopmund, this specific area was earlier used for drug dealing.

The residents in this area decided to protect themselves and their properties by;

- Installed CCTV cameras at their cost.
- They also plan to install security lights to light up the garden area.
- Deploy a full time security guard on the corner at Marshall Street 4 to patrol the area and safeguard the area.

For the security services a proper Guardhouse & and a lockable Chemical toilet is placed outside the Erf, on Municipal property.

These temporary facilities do not influence / obstruct any traffic or pedestrians. (See photo attached)

The size of these temporary facilities are;

- Chemical Toilet: 1 m x 1 m
- Guard House: 1,5 m x 1,5 m.

The residents carry the cost of the CCTV camera, the security lights the plan to install as well as the Security Guard and facilities deployed.

The current cost of the full time security guard with the maintenance of the toilet facilities etc. is +- N\$ 20 000.00 per month.

Hereby the residents contribute to fight crime in Swakopmund at their own expenses.

Authorisation is requested to proceed with this arrangement, until other security measures, solutions are found?

Your favourable consideration of our request will be highly appreciated.

Yours sincerely

NAMIBIA CONSTRUCTION (PTY) LTD



Construction Manager

e-mail: riaan.coetzee@namibiaconstruction.com

Cell: 0811248352



Namibia Construction (Pty) Ltd.

Ref: MUN / GEN

27 May 2019

**Chief Executive Officer
Swakopmund Municipality
P.O. Box 53
SWAKOPMUND**

Attention: Mr. Larry Mwikanda,

RE: SECURITY AT MARSHALL STREET VINETA

The dwelling at Marshall Street no 4 belongs to Me Schulz (84 years of age) and Marshall Street no 5, to Mr. Hans-Peter Schulz, the owner of Namibia Construction (Pty) Ltd.

Both dwellings are not full time occupied during the year.

Since late last year crime related incidents in this area increased to a very high level.

- At Marshall Street 4, a burglary took place during December 2018.
- Since December 2018, several unauthorised entries took place on the said Erven.
- As you also might be aware, plenty of homeless people, sleeping and staying in the surrounded gardens, which contributes to the safety thread in the area.
- According to the Neighbour Watch of Swakopmund, this specific area was earlier used for drug dealing.

The residents in this area decided to protect themselves and their properties by;

- Installed CCTV cameras at their cost.
- They also plan to install security lights to light up the garden area.
- Deploy a full time security guard on the corner at Marshall Street 4 to patrol the area and safeguard the area.

For the security services a proper Guardhouse & and a lockable Chemical toilet is placed outside the Erf, on Municipal property.

These temporary facilities do not influence / obstruct any traffic or pedestrians. (See photo attached)



MUNICIPALITY OF SWAKOPMUND

ANNEXURE "D"

Ref No: E 1547

Enquiries: Mr L. Mwikanda

(064) 4104402
(064) 4104125
Fax2email: 0886519137
53 Swakopmund
NAMIBIA
www.swkmun.com.na
townengineer@swkmun.com.na

16 April 2021

H. Schulz
P O Box 5092
WINDHOEK
10000
Namibia

Dear Sir/Madam

REMOVAL OF PRIVATE SECURITY GUARD HOUSE AND PORTABLE TOILET FROM COUNCIL LAND, MARSHALL STREET, SWAKOPMUND.

It has been discovered that you have placed a portable watch/guard house and a chemical toilet without consent from council on the above mentioned street.

Review of our record indicates that no permission was granted and no lease agreement for the use of the road/sidewalk has been agreed to.



All correspondence must be addressed to Chief Executive Officer



Omega Security, who is employed to man the facilities have indicated that you have employed them for their services.

These structures/facilities cannot be allowed to be kept in position you are therefore instructed to remove the structures before or on the 30 April 2021.

Failure to comply with this instruction, the Municipality of Swakopmund shall remove the mobile structures and all costs incurred shall be debited against municipal account.

The portable watch/guard house and chemical toilet may be placed on your property if you wish to employ additional security at your premises. You can also approach the council with a formal request to rent land in the park adjacent to the property for the purposes of placing a security guard house. This will include a monthly rental agreement.

For further information please contact the Manager: Design Office & Building Control, Mr Andre Louw at telephone (064) 410 4402 or 081 124 9234.

Your cooperation in this regard shall be highly appreciated.

Swakopmund Municipality
 Yours faithfully

 C. McClure
 Manager

GENERAL MANAGER: ENGINEERING AND PLANNING SERVICES

AL/rh

From: Vera Leech <vera.leech@gmail.com>
Sent: Sunday, 11 April 2021 10:13 AM
To: Annalize Swart <aswart@swkmun.com.na>
Subject: Good morning, Annalize

ANNEXURE "E"

It has taken me a long time to get to this but I would like to enquire about the legality of the structures put up for security guards at the northern corner of Marshall Street, alongside the house of Mrs Schulte. They are directly in my sea view and until now we have not complained because they were concealed by plants/cacti etc but now they are once again visible and unsightly.

1

I like Mrs Schulte very much and I know she had an attempted burglary, so I believe her son put this structure into place for her security guard. I understand that, but does he have the right to disregard everyone's view of the sea? And yes – I know that the attitude here is that we do not own the view (though sale and rate prices do not conform to that opinion) but surely it is not legal to put up such structures at will?

Regards

Vera Leech
14 First Avenue

11.1.15 **APPLICATION TO HOST SWAKOPMUND FOOD FESTIVAL AT THE AMPHITHEATER**

(C/M 2021/05/27 - 14/1/3/3)

Ordinary Management Committee Meeting of 11 May 2021, Addendum **8.5** page 32 refers.

A. The following item was submitted to the Management Committee for consideration:

1. **INTRODUCTION**

This item is submitted to Council to seek approval for hosting Swakopmund Food Festival at the Amphitheatre on **28th - 29 May 2021** and expand usage of the Amphitheatre including the parking area for other activities.

2. **BACKGROUND**

The Swakopmund Food Festival is a local brand that has been established by a local young entrepreneur Ms Dalene Stephanus. Ms Stephanus identified the opportunity of exhibiting various types of food through mobile food kiosks and restaurant. The first Swakopmund Food Festival was held on the 2018 as a collaborative initiative together with the annual Christmas Fair and it was appreciated by the community. In 2020, the Swakopmund Food Festival was held at the tennis court parking area on **17-19th December 2020** and it was also a resounding success despite the economic hardship in the midst of COVID-19 pandemic.

Swakopmund Food Festival has established its brand and it is one of the calendar events in Swakopmund. The tennis court parking area was leased out to Swakopmund Food Festival for a rental price of **N\$1 560.00** per day (calculations were done according to the daily rental fees for sidewalks which is N\$0.26 per day per m² and tennis court area size is 6000m²).

Swakopmund is faced with a challenge of seasonal tourist, short duration of stay of the overseas tourists and low occupancy rates of accommodation facilities. One of the attributing factors to these challenges is lack of activities that can motivate tourists to stay longer in our town. The economic Development Offices fully supports Swakopmund Food Festival and has even encouraged an establishment of a permanent food court as recommended in the Swakopmund Tourism Growth and Development Strategy

3. **DISCUSSION**

An application (**Annexure "A"**) was received from Ms Stephanus dated 16 April 2021, in which they applied to host a bi-annual Swakopmund Food Festival with the theme "Dine and Vibe" at the Amphitheatre. The event will only host 25 exhibitors including 10 pop up restaurants.

On engagement with Ms Stephanus to find out as to why they prefer to host the food festival at the Amphitheatre as opposed to the Tennis court parking area, she indicated that the proposed event is of a smaller magnitude compared to the annual one. Consideration was done with the current situation during COVID-19 pandemic and planning for an event in which the organizers are able to have control and still adhere to the regulation and

restrictions, hence the amphitheater and its parking area being identified as more suitable.

Another email correspondence (**Annexure "B"**) was received from Ms Danien van Niekerk who is wishing to establish a monthly flea market at the Amphitheatre. Ms van Niekerk was informed of the newly established flea market at the Daniel Kamho wood and fresh produce market site, however insisted that the current plan in mind is to start the flea/ car boot sale market at the Amphitheatre and its parking area as it is located at the center of town and can attract more people. Ms van Niekerk proposed to create a platform for the community where they can come and sell their second hand goods, handmade, home grown garden products etc.

The proposed flea/ car boot sale market is a step in the right direction and if successful has a positive impact on socio-economic emancipation particularly at the current tough times where community members are trying to survive.

4. FINANCIAL IMPLICATIONS

The amphitheater is currently leased out based on the tariff for public open space as gazette.

The Lease of Municipal Land (*Public Open Spaces* as gazetted):

For area of 16m² or less (VAT Excluded)

(i) Daily	-	N\$ 201
(ii) Weekends	-	N\$ 268
(iii) Weekly	-	N\$ 337
(iv) Monthly	-	N\$ 1009

For area bigger 16m² (VAT Excluded)

(i) Daily	-	N\$ 268
(ii) Weekends	-	N\$ 337
(iii) Weekly	-	N\$ 404
(iv) Monthly	-	N\$ 1614

This rate does not include the utilization of the parking area. And the fact that the maximum area size bigger that 16m² is not determined, it remain a challenge to know the exact amount to charge for events such as Swakopmund Food Festival which will utilize the whole parking area.

5. PROPOSAL

Swakopmund Food Festival will charge exhibitors a participation fee, meaning they are collecting revenue from the event. It is therefore not making financial sense to charge applicant the rate for the amphitheater only if they intend to utilize the parking area too. It is thus proposed that Swakopmund Food Festival be charged the fees for the utilization of the Amphitheatre plus **N\$0.26 per day per m²**. The total area size of the parking area is approximately **3613 m²**.

Currently, the amphitheater is limited to performance or church events where people only utilize the stage and sitting area. The area has a good potential to be utilized for other activities such as markets, festivals of small magnitudes etc as it was previously used for summer holiday fair. It therefore proposed that Council approve the utilization of the amphitheater and parking area to be used for other activities such as flea / car boot sale market, festival etc.

The parking area should be leased out at daily rental fees for sidewalks which is N\$0.26 per day per m².

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That permission be granted to Ms Dalene Stephanus to host a mid-annual Swakopmund Food Festival on 28th-29th May 2021 at palm garden Thomas Hamunyela Amphitheatre between 08 am and 8pm subject to the following conditions:
- (i) That the following rental be charged:
 - Refundable Deposit = N\$724.00
 - Rental Fees x 2 day = N\$2 160.57 (i.e. N\$ 939.38 X 2 plus 15% VAT)
 - (ii) That noise be restricted to the immediate surrounding area (i.e. 85 Decibels) and upon any complaints of noise pollution or misbehaviour, the approval be terminated.
 - (iii) That the applicant indemnifies Council against all and any claims in respect of damage to property and / or bodily injury to / loss of life of people that may arise from the utilization of the property
 - (iv) That the applicant ensures that there is security during the event, and that the site is restored to its original state after use.
 - (v) That the applicant restores the area to its normal state after the event.
 - (vi) That the applicant ensures that all health protocols related to COVID-19 pandemic, are adhered to.
 - (vii) That the applicant must indicate whether refuse bins will be required and has to pay for the lease thereof as well as the removal afterwards (N\$32.00) per bin and N\$786.00 per truck load for the removal {15% VAT excluded} as per approved budget for 2019 / 2020.
- (b) That Ms Stephanus ensures that that there is sufficient power supply for the event, and should additional electricity be required, it be supplied at their own cost.
- (c) That Ms Stephanus be responsible for sourcing for additional ablution facilities if required at their own costs.
- (d) That Council approves the utilization of the Palm garden Thomas Hamunyela Amphitheatre for other activities such as flea / car boot sale markets, festivals and related events at the daily rate of N\$0.26 per m².
-

ANNEXURE "A"



P.O BOX 633, SWAKOPMUND
BONUS MARK, SAM NUJOMA AVENUE, SWAKOPMUND

16 April 2021

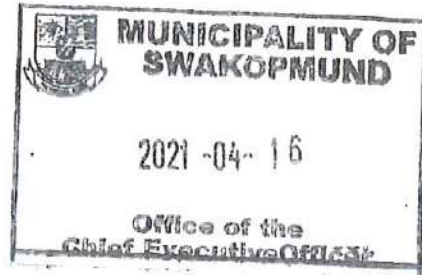
Office of the CEO

Municipality of Swakopmund

Rakotoka Street, Swakopmund

Dear Mr. Benjamin

RE: SWAKOP FOOD FESTIVAL MAY 2021 – AMPITHEATHER



We trust this letter finds you well. After long and detailed discussions with sponsors and stakeholders we are happy to announce that we are scheduled to host the 4th bi annual Swakop Food Festival 2021.

The Festival this time is themed Dine and Vibe, this theme will see a more toned down, back to basics approach. We are planning to host the event at the Amphitheater. The event will host only 25 stalls which will include 10 pop up restaurants.

We would like to ask the office of the CEO and council members to please grand us the venue for the 28th and 29th May 2020 from 9am to 9pm.

I would like to thank you in advance for your consideration and look forward to your response.

Best Regards,

Dalene Stephanus

Events Coordinator / Project Manager

ANNEXURE "B"**Lucia Kaulinge**

From: Rauna Shipunda
Sent: Wednesday, 21 April 2021 10:04
To: Lucia Kaulinge
Subject: FW: Proposal for Swakopmund Flea Market

Dear Mee Lucy

As per our conversation, kindly see below the email correspondence received after having a discussion with the client.

Please assist with placing the correspondence on share point.

Kind regards
Rauna

Rauna Shipunda | Economic Development Officer | Economic Development Services | 4612

From: Danien van Niekerk [<mailto:vndanien@gmail.com>]
Sent: Wednesday, 31 March 2021 03:22 PM
To: Rauna Shipunda
Subject: Proposal for Swakopmund Flea Market



Hallo Rauna,

Referring to the meeting we just had at your office this afternoon, I would hereby like to submit the following proposal for your consideration.

Following our first meeting early this year I've taken some time to consider the various venues you specified would be available to host various events at, in an effort from the municipality's side to create hype in town. Seeing that you yourself don't have the time to organise such events you expressed interest in approaching someone from the community to handle said events aka markets and that's when you contacted me to discuss.

After much consideration and research into the market market, I've seen an opportunity to do something simple which will benefit the community and generate the hype you are after, making use of spaces such as the amphitheatre which usually stand unused for most of the year.

Taking all of this into consideration, I would propose that we start a flea market at the amphitheatre and host it there on a continual basis either once or twice a month to start with. This is a market where members of the community can come and sell anything second hand, hand made, grown in their gardens and whatever as long as it isn't anything commercial. It also gives people visiting the market an opportunity to pick something up they might need at a bargain. Everyone is struggling now with these tough times so we can do something positive with your venue, my expertise and together create a platform for the community offering some much needed extra support.

The objective is to generate a small income by leasing the parking spaces for N\$100.00 each and using more than half that income to hire toilets and security for the event. The objective therefore isn't to generate large amounts of income but to rather establish a reliable and secure event to help each other through these challenging times.

Quick breakdown of funds generated and spent on such an event.

N\$7000.00 in total for renting out available spaces to stalls

N\$2000.00 in total for security

N\$2000.00 in total for toilet rentals

N\$3000.00 more or less in profit for the organiser to orchestrate and make necessary arrangements.

All the income and expenses will be handled by myself.

The only thing we need from you is the venue.

We wouldn't need any water or additional electricity as food vendors will either use braai facilities or gas to cook. In the instance that there could be live music, I've noted duelly that there is a plug at the amphitheatre side to use.

We would like to start with this plan as soon as we can and therefore look forward to your soonest response.

Excitedly awaiting your response.

Thank you for your time and consideration.

Warm Regards

Danien

--

Danien van Niekerk
Office Manager and Assistant Photographer

Karl Andre Terblanche Photography
www.katerblanche.com

Danien +264 81 129 0029

Karl +264 81 679 8850

11.1.16 **HANGAR 40: APPLICATION TO SUB-LEASE: SCHLUSCHE INVESTMENTS (PTY) LTD**

(C/M 2021/05/27 - Hangar 40, 18/1/1/2)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 8.7 page 59 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Introduction

This submission is tabled to Council to consider an application by Schlusche Investments (Pty) Ltd to sub-lease Hangar 40 to Namibia Base Aviation CC. The application dated **18 February 2021** is attached as **Annexure "A"**.

On **12 February 2014** Council entered into a lease agreement with Schlusche Investments (Pty) Ltd for the lease of Hangar 40.

Although the attached application for subletting is received from Schlusche Investments CC, Mr Heiner Schlusche is a member and shareholder of the two respective entities.

Namibia Base Aviation CC is unable to renew their business registration (fitness certificate) at the Swakopmund Municipality without having Council's permission that they may lease Hangar 40 from Council's lessee.

2. Requirements in terms of the Lease Agreement

In terms of the lease agreement a lessee must obtain Council's consent to sublease a hangar site.

Quoted below is clause 6.6 of the lease agreement:

6.6 not sublet the PREMISES, the hangar or any portion or part of the PREMISES or the hangar, nor cede or assign this lease without the prior written consent of the LESSOR, which shall not be unreasonably withheld;

3. Proposal

It is proposed that Council approves the application from Schlusche Investments (Pty) Ltd to sublease Hangar 40 to Namibia Base Aviation CC, subject to the conditions of the lease agreement that Council has with Schlusche Investments (Pty) Ltd; which includes Council being indemnified against any claims.

Schlusche Investments (Pty) Ltd remains the lessee of Hangar 40. Council is also not a party to the sublease agreement and will have no obligations toward the third party.

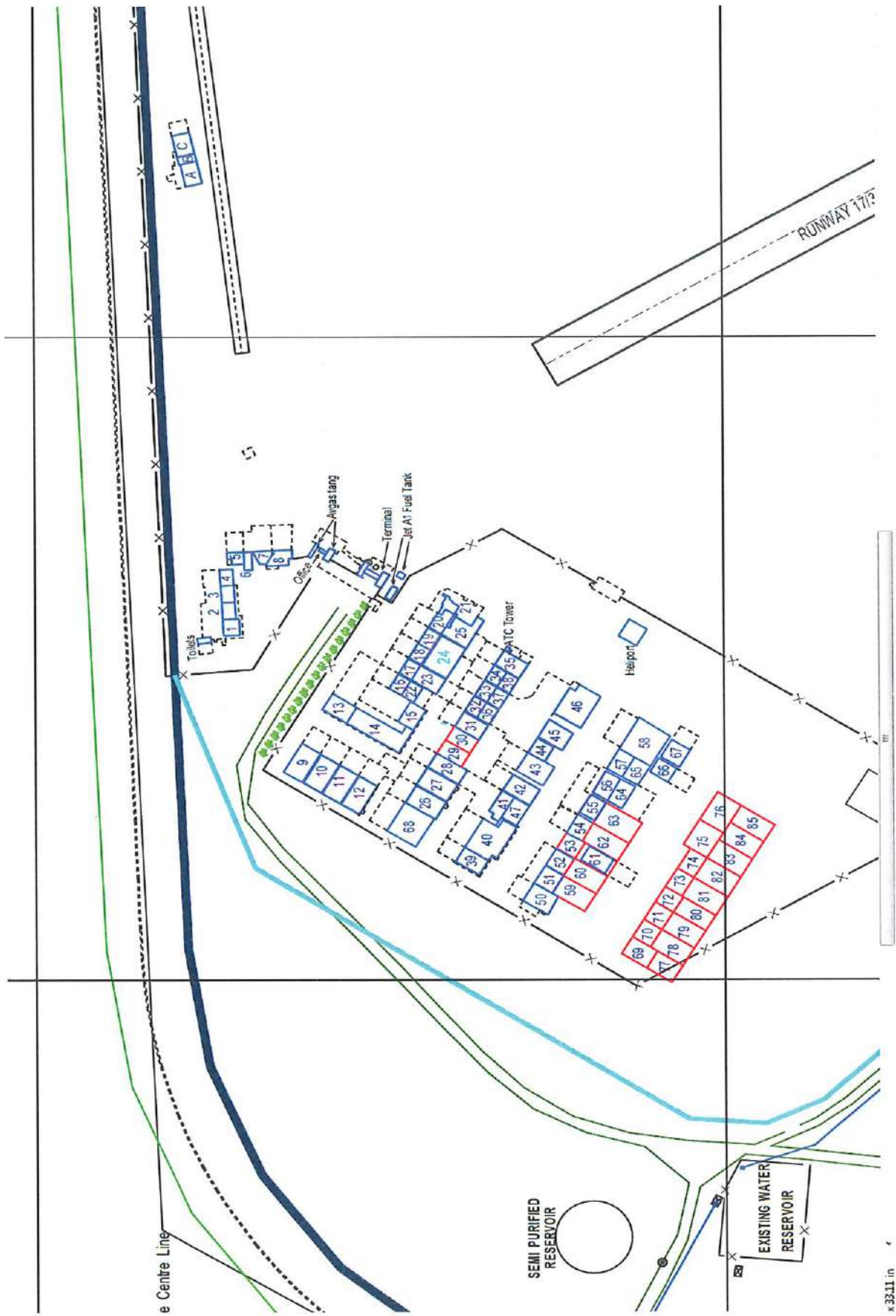
On **28 April 2021** the Finance Department confirmed that the lease account of Schlusche Investments (Pty) Ltd is paid up to date.

That an addendum to the lease agreement be entered into with Schlusche Investments (Pty) Ltd for the approval granted to sublease.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council approves the application from Schlusche Investments (Pty) Ltd to sublease Hangar site 40 in terms of clause 6.6 of the lease agreement.
 - (b) That the sublease agreement between Schlusche Investments (Pty) Ltd and Namibia Base Aviation CC be subject to the conditions of the lease agreement between Council and Schlusche Investments (Pty) Ltd.
 - (c) That an addendum to the lease agreement be entered into with Schlusche Investments (Pty) Ltd recording the approval granted to sublease to a third party.
 - (d) That the approval for the sublease to the third party be subject to the lease and services account of Schlusche Investments (Pty) Ltd being paid up to date (Finance confirmed that the account is paid up to date at the time of submission - 28 April 2021).
-



H (40) **Annalize Swart**

From: accounts <accounts@nba.com.na>
Sent: Wednesday, 24 February 2021 11:46
To: hsnyman@swakop.com; Annalize Swart
Cc: hschlusche@swakop.com
Subject: RE: Certificate of Fitness

ANNEXURE "A"

Good Day,

Any feedback on the matter below?

Kind Regards,

From: hsnyman@swakop.com [mailto:hsnyman@swakop.com]
Sent: 18 February 2021 01:17 PM
To: 'Annalize Swart'
Cc: 'accounts'; hschlusche@swakop.com; hsnyman@swakop.com
Subject: FW: Certificate of Fitness



Dear Annalize,

Please forward the Email and attachments to Mr Benjamin! I can also bring the Originals letters. We had to scan the letter for the signature!

Thank you very much and kind regards,

Heidi Snyman

From: Ndiili Kandjengo <nkandjengo@swkmun.com.na>
Date: 17 February 2021 at 12:16:48 PM CAT
To: "accounts (accounts@nba.com.na)" <accounts@nba.com.na>
Cc: hsnyman@swakop.com, hschlusche@swakop.com
Subject: FW: Certificate of Fitness

Dear Madam

As discussed telephonically, kindly be advised that your lessor, Schlusche Investments (Pty) Ltd need to apply in writing for permission to sublease to you. That permission need to be approved by Council and attached to your fitness application in order for our Town Planning Section to process your fitness certificate.

Regards,

Ndiili Kandjengo
 Property Officer | Corporate Services & Human
 Capital
 Municipality Swakopmund

Schlusche Investments CC

P.O.Box 445, Swakopmund / Namibia
Cell: +264 (0)81 127 9100 / Fax: +264 (0)64 405850
Bismarck Street 1, Swakopmund
e-mail: hschlusche@swakop.com

For Att: The CEO Mr Benjamin
Municipality of Swakopmund
E-mail: aswart@swkmun.com.na

18 February 2021

Dear Mr Benjamin,

RE: Sub-letting of Airfield Hangar

Please refer to the emails attached. Namibia Base Aviation is renting my Hangar No 40 for many years, which is the only Aircraft Maintenance Business on Swakopmund Airfield.

I now have to re-apply for the permission of the Town Council, to sub-let the Hangar, which I herewith kindly would like to do, as the matter is urgent, because Namibia Base Aviation needs to apply for their Fitness Certificate.

In 2011, I applied for the sub-letting of the Hangar and I received permission, and Namibia Base Aviation received their Fitness Certificate. In 2014 when the Contracts between the Municipality and Hangar Owners were renewed, I had to write a letter, which is attached, to the Municipality, dated 14 January 2014 which should be on your file.

Please also let me know, if I need a yearly permission from the Town Council? If I would have known that, I would have done that much earlier, as it was not asked in all the previous years! I am also charged Commercial Rates by the Municipality for many years, due to the subletting and having a business in there!

Please advise soonest!

Thank you very much and kind regards,


Heiner Schlusche

H.Schlusche
P O Box 16
Swakopmund
Cell: 081 127 9100

14 January 2014

The Municipal Council of Swakopmund
P O Box 53
Swakopmund
Namibia

To whom it may concern!

Thank you very much for the extension to sign the lease agreements as per the e-mail, dated 2 January 2014.

We were only notified on 29 November 2013 of the cancellation of our old contracts between the Municipality and the Hangar Owners, therefore the date on the contract should read 29 November 2013 and not 1 July 2012. Would you therefore please amend Clause 2.1 accordingly.

Until 30 November 2013, the old rates should be applicable and will be paid.

Please note, that a few points in the contract, which were discussed with your legal advisor and agreed upon, have not been amended! This should still happen!

Please also note, that the Hangars 14, 15 and 39 are non-commercial. Hangar 40 is currently sub-letted and belongs to Schlusche Investments PTY Ltd.

Heiner Schlusche – Private	Hangar No. 14	635m ²
Heiner Schlusche – Private	Hangar No. 15	246m ²
Heiner Schlusche - Private	Hangar No. 39	260m ²
Schlusche Investments Pty Ltd.	Hangar No. 40	676,5m ²

Please adjust the rates accordingly!

Kind regards,


Heiner Schlusche

cc Mr E.Demasius
cc Sandra Clark



Municipality of Swakopmund

4104325



REGISTRATION CERTIFICATE

No 1060/2011

Namibia Base Aviation Close Coperation

is hereby registered to trade as a

Administrative Office
Workshop

NAME OF OWNER/MANAGER	:	SWB Net
BUSINESS ADDRESS	:	PO Box 1931 Swakopmund
ERF NO	:	35
STREET ADDRESS	:	35 Swakopmund Aerodrome - (Hangar)

THIS CERTIFICATE EXPIRES ON 31 MARCH 2012



[Handwritten Signature]
GENERAL MANAGER HEALTH

This certificate does not exempt the holder from obtaining any other documents, which are required by law (including requirements contained in the Town Planning Regulations)

11.1.17 **APPLICATION FOR RELAXATION OF BUILDING LINE ON THE
REMAINDER OF ERF 5614, SWAKOPMUND, EXTENSION 17**
(C/M 2021/05/27 - 19.03.08.5614)

Ordinary Management Committee Meeting of 11 May 2021, Addendum
8.8 page 66 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

The purpose of this submission is to seek Council's consideration for the consent to relax a building line from three (3) metres to zero (0) metres on the Remainder of Erf 5614, Swakopmund, Extension 17.

2. Introduction and Background

In the year 2019, the Remainder of Erf 5614, Swakopmund Extension 17 was subdivided into Erf 10041 and the Remainder of Erf 5614, Swakopmund Extension 17. The initial owner of the erf then sold the two erven to different buyers. The new owner of Erf 10041, Swakopmund is currently busy constructing on his property.

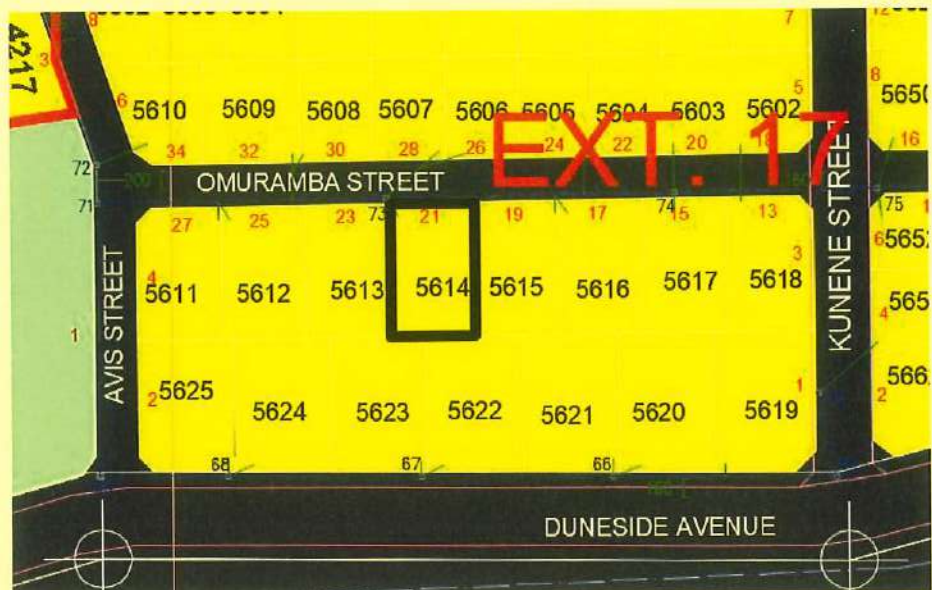
The owner of the Remainder of Erf 5614, Swakopmund Extension 17 would like to construct his property, hence the application for relaxation. The relaxation of a lateral building line (to accommodate a garage) from three (3) to zero (0) metres to the side of Erf 10041, Swakopmund was received by the Engineering and Planning Service with an objection from the owner of Erf 10041, Swakopmund. The application is attached as **Annexure A**.

3. Ownership

The ownership of the Remainder of Erf 5614, Swakopmund Extension 17, vests with S Calitz.

4. Locality, Zoning and Size

The Remainder of Erf 5614, Swakopmund Extension 17 is situated along Omuramba Street. (See the above map), zoned "Single Residential" with a density of 1:600 and measures approximately 605.2m² in extent.



Site Plan: Erf 5614, Swakopmund

5. Discussion

5.1 Objector's Argument

According to the objector, the construction of the garage next to his boundary comes with a definite and tangible entrance risk. Because in an instance where there are vehicles on both routes A and B and B and C as indicated in the attached objection, there is a potential to collide with one another.

Secondly, the garage being constructed at a height of 4.5m obstructs garden activities in the panhandle and the objector has no other alternative use of the panhandle because no structure can be planned there.

Lastly, the objector recommends that the owner of the Remainder of Erf 5614, Swakopmund Extension 17 flips his building and accommodates the garage on the right boundary of his Erf. Additionally, the objector states that they can consider granting relaxation but only if it is at 1.5m and not 0m.

5.3 Applicants Response

According to the applicant, their design is influenced by 1meter servitude along their Erf on the western boundary, and the south westerly winds of Swakopmund.

In response to the objector, the applicant argues that there are numerous houses with entrances/garages next to each other and deems the argument invalid because it would imply that the whole of Swakopmund experiences the same conflicts.

In response to the garden, the applicant states that the garage's fire wall is only a section of the panhandle and would not hinder the

objector from planting. Additionally, the applicant states that the objector's choice to build below street level should not be covered up by the height of his garage as an excuse.

In response to the recommendations by the objector, the applicant states that it is safer to have a firewall on the boundary as opposed to a normal 220mm wall 1.5m from the boundary. The applicant further argues that his design limits uninvited guests to only 1 side of his erf as opposed to be able to move around, and as such is not prepared to move the building as recommended.

The applicant also argues that the owner of Erf 10041, Swakopmund Extension 17 has constructed his building 1.7m away from his boundary without his consent.

6. Evaluation

Upon receipt of the application, the Engineering and Planning Service Department has undertaken its investigations in the matter, based on the standards that have been established to evaluate building plans as well as by conducting a site visit.

Figures 1 and 2 below indicates the proposed building by the owner of the Remainder of Erf 5614, Swakopmund Extension 17, who is seeking consent approval to relax the building lines in order to set his garage on 0m at the boundary line adjacent to the panhandle of Erf 10041, Swakopmund Extension 17.

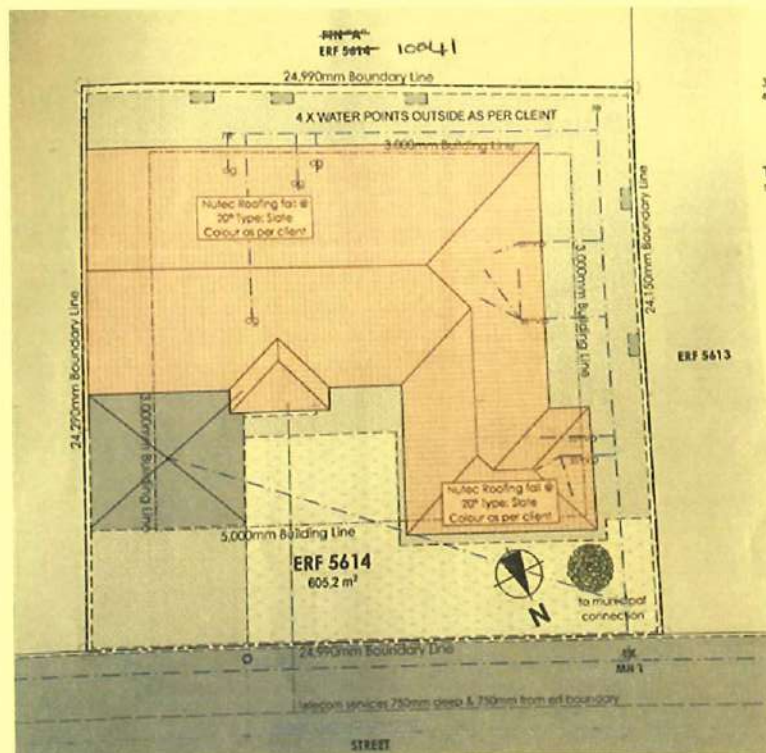


Figure 1

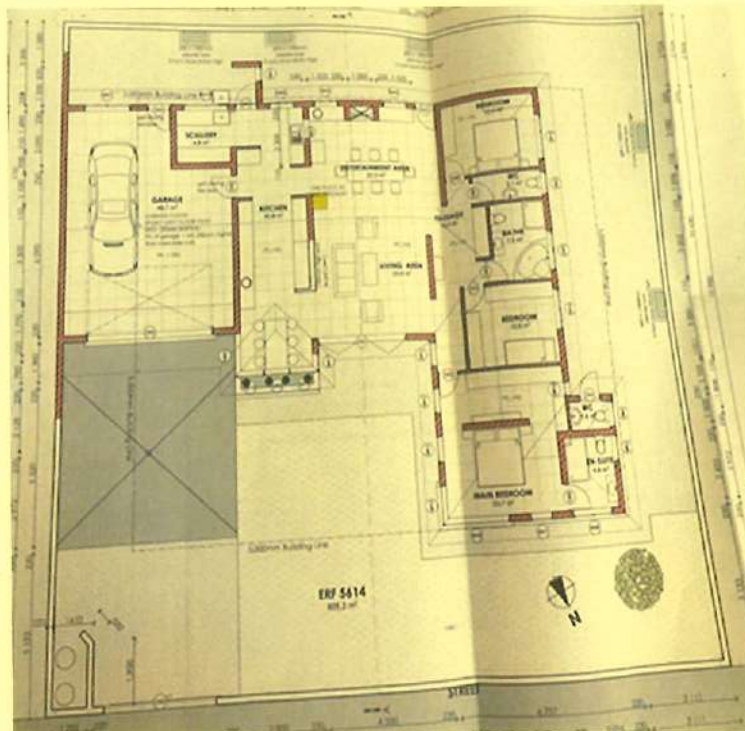


Figure 2

Figure 1 and 2: site plan the Remainder of Erf 5614, Swakopmund Extension 17

Based on comments from the Projects Section, no negative impact will be caused by the construction of the garage as indicated on the plan, however, the boundary wall height is to be reduced to 0.6m or a traffic mirror be erected to improve visibility. Because of safety reasons and to aim for consistency in approvals, it was recommended that the boundary wall be set at a height of 1.2m instead because previous cases were set at that specific height.

With regards to the arguments for the garden in the panhandle, the construction of the garage will not have detrimental effect on the plants because the sun rotates and can shine on the garden at given times of the day.

Additionally, the applicant argues that the objector constructed 1.7m from the boundary without his consent. Upon investigations in this matter, it was discovered that the owner of Erf 10041, Swakopmund Extension 17 has not abided to the construction as per the approved building plans and is taking advantage of not having regular inspection by Council because there is an engineer on site.

Figures 3 and 4 below show the approved building plan of Erf 10041, Swakopmund Extension 17. According to these, the building on Erf 10041, Swakopmund Extension 17 should be 3.5m away from the Remainder of Erf 5614, Swakopmund Extension 17 on the ground floor and did not need a setback approval because the first floor is 8.5m away from the boundary of the Remainder of Erf 5614, Swakopmund Extension 17.

However, figure 5 below shows what currently exists and the building does need setback approval from the owner of the Remainder of Erf 5614, Swakopmund Extension 17 because it is 3.5m way instead of 5m. The slab as indicated in the approved building plans (above) has now been turned into a unit (as indicated in the figure below) without consent from both the neighbour and Council.



Figure 5: how Erf 10041, Swakopmund Extension 17 is constructed

The objector recommended that the garage be moved 1.5m away from their boundary to which the applicant is not in agreement with because that would enable uninvited guests to have access to the property all around. It has been observed that there seem to be a personal issue between the two neighbours.

7. Conclusion

Taking into consideration the above arguments, it is concluded that the arguments for the objections are merely an act of a personal vendetta and do not hold ground. Therefore, a building line relaxation to zero (0) metres should be considered provided that the boundary wall height be reduced to 1.2m.

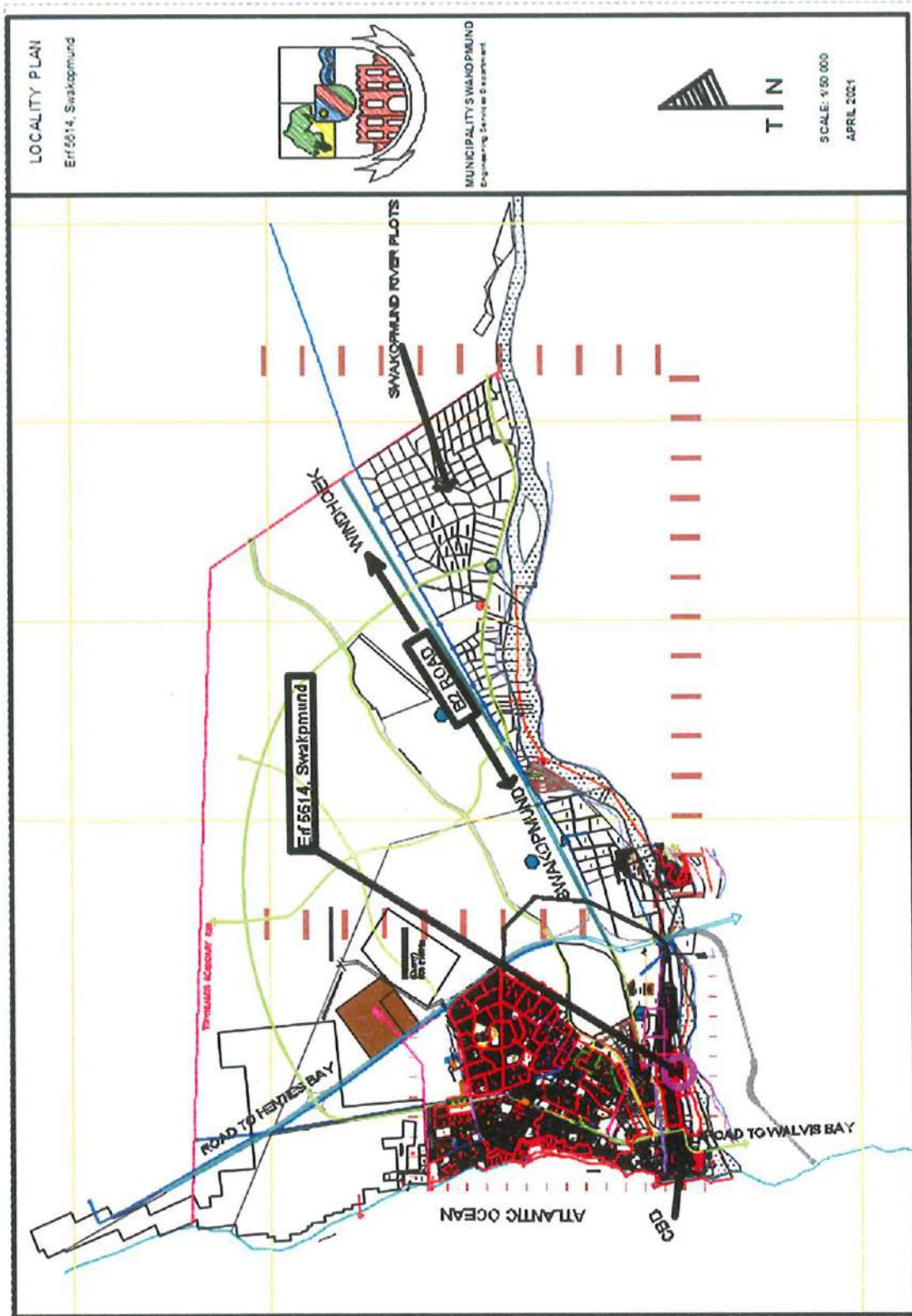
B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the application for consent to relax the building line on the Remainder of Erf 5614, Swakopmund, Extension 17 from three (3) metres to zero (0) metres of the lateral boundary to Erf 10041, Swakopmund Extension 17 be granted, on condition that the boundary wall, between the garage and the street boundary, height be reduced to 1.2m.
- (b) That the applicant revise and submits amended drawings with the new boundary wall height provisions or erection of the mirror.

- (c) That the owner of Erf 10041, Swakopmund, Extension 17 be informed to conform with the approved building plans.
 - (d) That the applicant be informed of his rights to appeal to the Minister against Council's Resolution in respect of resolution (a, b & c) above in terms of Clause 8.7 of the Swakopmund Zoning Scheme within 28 days of receipt of notice of this Resolution, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.
 - (e) That the objector be informed of his rights to appeal to the Minister against Council's Resolution in respect of resolution (a) above in terms of Clause 8.7 of the Swakopmund Zoning Scheme within 28 days of receipt of notice of this Resolution, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.
-

LOCALITY PLAN



ANNEXURE A- APPLICATIONS



MUNICIPALITY SWAKOPMUND

RELAXATION FORM

(064) 4104421 / 4104417 / 4104418 / 4104404
0886519137

53 SWAKOPMUND
Namibia

APPLICATION FORM FOR THE RELAXATION OF DEVELOPMENT STANDARDS

APPLICANTS ERF NO: 5614	CONSENTERS ERF NO: Erf 5614.
Suburb: Kramersdorf Street Address: _____	
Particulars of Owner _____	
Name of Owner: Sanet Calitz	
Name of Authorized Person: Chrismarie de Wit	
Postal Address (Owner): 5699 Walvis Bay	
Tel. No (Owner): 081 431 9292	
E-mail Address (Owner): chrismaridewit@gmail.com	

Application for relaxation of: (Please tick appropriate)

(The written consent of the adjacent neighbors and a signed site plan must attached)

A. Building Lines:

- For the relaxation of Rear Building Line From: _____ meter to: _____ meter
- For the relaxation of Lateral Building Line From: 3 meter to: 0 meter
- For the relaxation of Street Building Line From: _____ meter to: _____ meter
- For the relaxation of Street Building Line (Garage) From: _____ meter to: _____ meter

B. Boundary Wall Height:

- For the relaxation of Rear Boundary wall From: _____ meter to: _____ meter
- For the relaxation of Lateral Boundary wall From: 1,8 meter to: 2,4 meter
- For the relaxation of Street Boundary wall From: _____ meter to: _____ meter

C. Relaxation of setback - 1st or 2nd Floor

- For the relaxation of Rear Building Line From: _____ meter to: _____ meter
- For the relaxation of Lateral Building Line From: _____ meter to: _____ meter
- For the relaxation of Street Building Line From: _____ meter to: _____ meter

D. Relaxation of Building Height: (Indicate)

6 600 mm high

A site/building plans, signed by the relevant/affected neighbors must be attached; indicating the Plan number, 16/20/001 dated 22/11/2020

(Plan must show, at least, existing site building lines and existing buildings, the location, height, use, design and extent of encroachment of proposed buildings.)

E. Relaxation of Garages (Maximum 100m²)

- For the relaxation of Garages From: _____ m² to: _____ m²

Reasons for the relaxation

max use

SIGNATURE OF APPLICANT or
DULY AUTHORIZED PERSON
WITH POWER OF ATTORNEY

14/12/2020
DATE

Ordinary Management Committee Meeting - 27 May 2021

CONSENT FROM ADJOINING OWNER / NEIGHBOUR (NO TENANTS) FOR THE RELAXATION OF DEVELOPMENT STANDARDS

1. Nikolai R.D. Kurbmann the owner of erf no.: 10041 Extension/Suburb Dunes
 P O Box No: 8870 have scrutinized and signed the building plan

no.: _____ prepared by Messrs _____

and **object** **do not object** (mark with an "X" which is applicable) against the proposed encroachment/relaxation of development standards on erf no 5816 being the following:

(PLEASE TICK APPROPRIATE)

- Building Lines
Signature of Owner
- Double Storey within relaxed Building Lines
Signature of Owner
- Relaxation of Boundary Wall Height
Signature of Owner
- Relaxation of Building Height
Signature of Owner
- Relaxation of Garages
Signature of Owner

REMARKS/REASONS:

Please see attached document for detailed reasoning.

.....
 SIGNATURE Nikolai Ruedi Dominic Kurbmann FULL NAME 22/05/21 DATE

Contact Details: Tel. No / Cell Phone: 0814644530
 NB: Please attach certified copy of Identity document of the owner of erf.

OFFICE USE ONLY				
TOWN PLANNING SCHEME REGULATIONS – REPORT				
Zoning of Erf:				
Notice Number:				
Comments:				
Recommended:	YES / NO	TOWN PLANNING		
		NAME	SIGNATURE	DATE
Recommended:	YES / NO	PROJECTS		
		NAME	SIGNATURE	DATE
Approved:	YES / NO	GENERAL MANAGER: ENGINEERING & PLANNING SERVICES		
		NAME	SIGNATURE	DATE

Nikolai RD Kaufmann
 P.O.Box 8870
 Swakopmund

22 January 2021

Chief Executive Officer
 Swakopmund Municipality
 P.O. Box 53
 Swakopmund

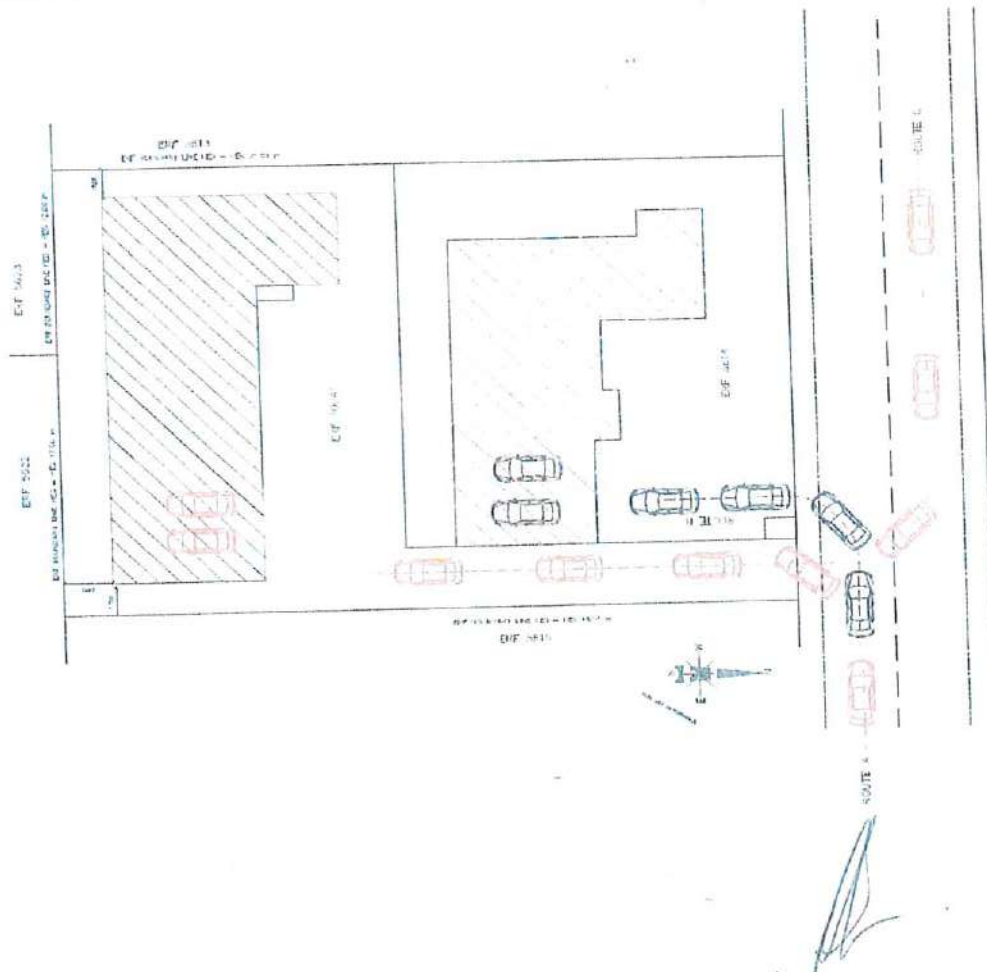
Att: Building Inspectorate

OBJECTION TO RELAXATION REQUEST (REM ERF 5614 // ERF 10041)

We refer to a request for relaxation and subsequently provided drawings as received in full on Monday the 11th January 2021. With that said, we wish to inform that we are unable to consent to such, for reasons we here-below provide.

1. Traffic Conflict/ Safety/ Accessibility issues

The planned construction comes with a definite and tangible entrance risk to not only us, but significantly also to the development proponent. Consider the schematic below;



Ordinary Management Committee Meeting - 27 May 2021

As a Vehicle travelling on route A is reversing out of Erf 10041, a potential exists to collide with a simultaneously reversing car from Erf 5614 travelling on route B, this is because they are both not able to see each other until the last minute. This is therefore the first conflict.

The second conflict arises when a Vehicle on Route B, reversing from Erf 5614, obstructs vehicle on Route C from entering the Panhandle of Erf 10041. There exists a serious level of inconvenience since the Vehicle on Route B has to reverse and cover the entrance of the panhandle, before it can travel straight ahead. The driver on Route C in the meantime is exposed because he has to park in the road and await the vehicle on route B to complete its action, before he/she can enter.

2. Over Bearing/ Over Shadowing

The Panhandle leading into Erf 10041 and adjacent to the proposed location of the Garage is 4m. The Garage Being proposed has a height of at least 4.5m, this is exclusive of the difference in ground levels, since the neighbour intends to fill her Erf. This therefore overbears on the panhandle in the sense that it impedes any garden activities in the panhandle. There is no alternative to having a garden in the panhandle, no other structure or amenity can be planned therein.

3. Alternatives or Recommendations

- a. Waiver of the 1m servitude on Erf 5614.

During the purchase of our portion of the subdivided Erf, we had anticipated the need of a servitude along the right boundary of Erf 5614, we no longer need that. We therefore propose that the neighbour simply flips his planning and accommodate the garage on the right boundary of the Erf.

- b. 1.5m Relaxation

We are more than happy to grant a 1.5m relaxation to the neighbour, this has limited effect in respect of our above listed concerns. This does not totally alienate our concerns but lighten them, and is a maximum compromise we are willing to allow the neighbour, as a sign of good faith.

Having expressed the above concerns and listed the above alternatives, we are not at will to consent to the proposed development, and therefore object as we herewith do.

Regards,



NRD Kaufmann
+264 81 464 4530

8 February 2021

To: Town Planning Division
Municipality of Swakopmund

Re: My feedback on Neighbor's (Kaufman) objection against relaxation

Background:

Prior to signing Deed of Sale for Erf 5614, I was made aware of a 1m servitude along my erf's western boundary wall. Deed of Sale was signed on 12 February 2020. When starting with the plan I was advised by my Designer as well as the Municipality, that a servitude is normally 3m and not 1m. In addition, the regular southwesterly wind one comes accustomed to in Swakopmund influenced the design and layout of my plan.

Current Stance:

Feedback received from Neighbor dd 22/01/2021 and my comments as follows:

Traffic Conflict / Safety / Accessibility issues

Numerous houses in Swakop's residential areas' entrances / gates / garages is located next to one another. Our two entrances are separated by 1.2m of boundary wall. My opinion – same traffic conflict is then experienced by Neighbor throughout the whole of Swakop's residential areas – thus not a valid reason.

Over Bearing / Over Shadowing

Panhandles provide access to your dwelling. Therefore, Neighbor will block his own access with his structures / amenities to be erected. My garage's firewall is only a section of the panhandle, thus he can still plant whatever he wants. My boundary wall, roof and firewall of my Garage, adheres to all required building regulations. Neighbor decided to build below street level, thus the height of my Garage cannot be used as an excuse. In addition, building my dwelling on street level is for me common building practice. My opinion – not a valid reason for not granting permission.

Alternative: Waiver & Relaxation

See Annexure "A" hereto. In Neighbor's mail to me on 15/12/2020, he mentioned these 2 points. I answered him via mail on 16/12/2020 already. Thus for ease of reference, herewith my feedback as provided to him:

With regard to your a) and b) below, my feedback as follows:

- I already indicated the servitude I had to work with whilst planning.
- If there was no servitude I could have gone with a total different design and layout, even impacting the square meters of my dwelling.
- A fire wall on the boundary is much more secure and serves its purpose way better as oppose to a normal 220mm wall 1.5m from the boundary - safety reasons.

Ordinary Management Committee Meeting - 27 May 2021

- Also the reason for erecting the dwelling on the boundary wall of the panhandle section as oppose to your northern boundary wall – more safety reasons.
- For security purposes with uninvited guests – they are now limited to only 1 side of my erf, as oppose to be able to move around my house.
- You mentioned aesthetic – in my opinion having the panhandle, then my dwelling, then open space will be more welcomed on the eyes as oppose to panhandle, a further open space of 1.5, then my dwelling, then a little bit of open space.

All of the above is why I am not prepared to move my house as suggested by you. In my opinion it is valid reasons within the building industry and very common in Swakopmund with various houses having firewalls on the boundaries.

In my opinion, none of Neighbor's objections touches on building rules and requirements, safety issues, security issues or even medical reasons. Therefore, I really cannot comprehend his reason to object.

In closing, but still to be placed on record:

Approval of building plans for Neighbor's house:

Feedback received from the Municipality in December last year was that all required consents for relaxation of Neighbor's dwelling was received.

So at current, a section of his double story is closer than 5m from my southern boundary wall.

Whilst on site in January this year, I asked my Neighbor as well as his Builder with regard to this matter and they both confirmed that the previous owner provided required consent.

I consulted the previous owner and attached hereto, please find his consent form (Annexure "B").

From aforementioned consent (Annexure "B"), previous owner granted relaxation for a lateral building line from 3 meters to 1.7 meters in December 2019 already.

No building work is currently erected or supposed to be erected (to my knowledge) 1.7meters from my southern boundary wall.

Thus, was there an amended building plan lodged?

And if the previous owner of Erf 5614 had to provide required consent in 2019 for a single story, why was no consent requested from Erf 5614 for erecting a double story during 2020?

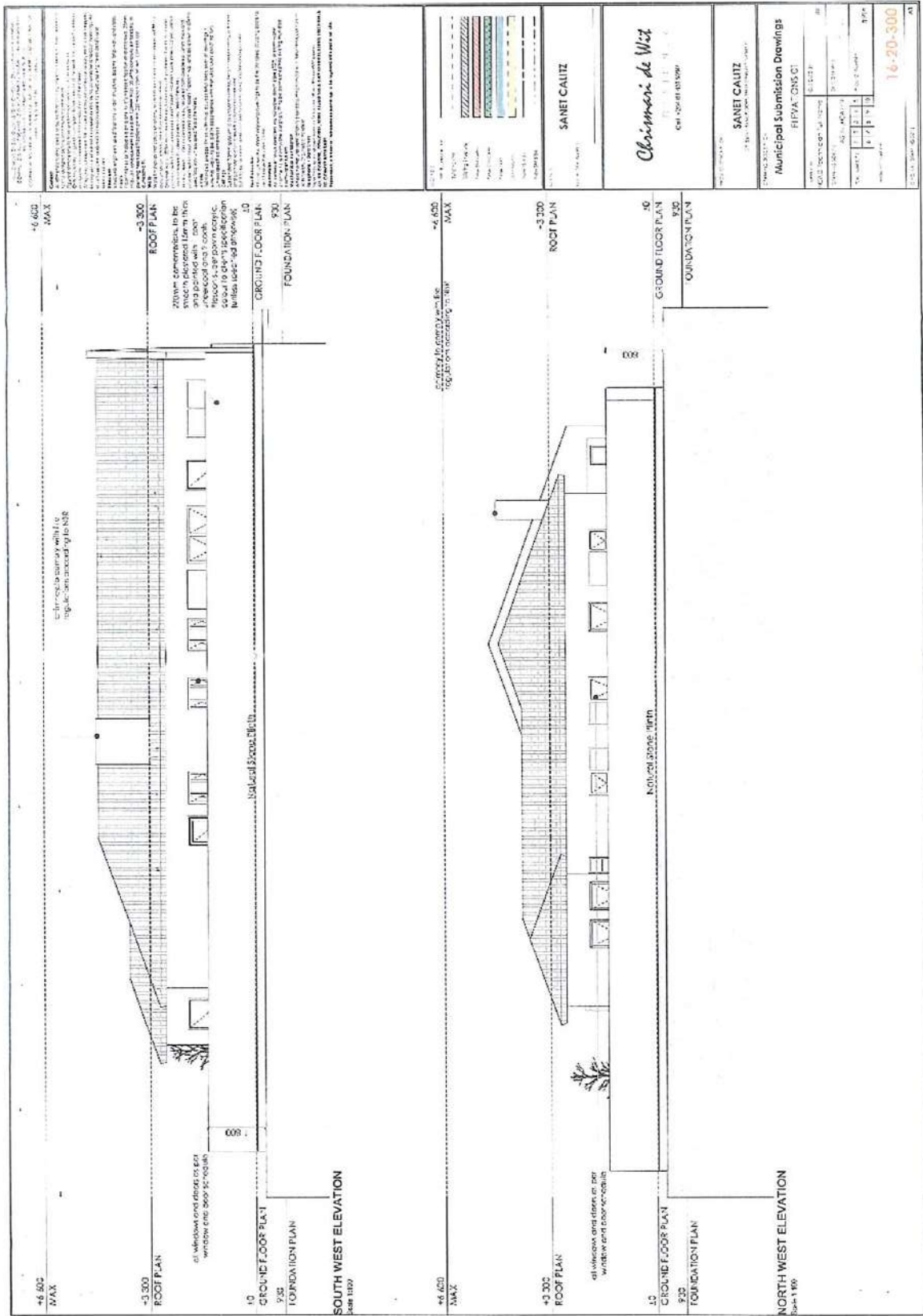
So how did it come that Neighbor's building plan for a double story was approved in August 2020 without consent by Erf 5614 for a double story to be less than 5m from my boundary wall?

However, our other two neighbors were consulted and they had to provide required consents on this matter.

I thank you for the opportunity and await your feedback.

S/Callitz

Owner of Erf 5614



General Notes:
 1. All dimensions are in millimeters unless otherwise stated.
 2. All work is to be in accordance with the latest editions of the relevant standards and specifications.
 3. The contractor is responsible for obtaining all necessary permits and approvals.
 4. The contractor is responsible for the safety of all workers and the public.
 5. The contractor is responsible for the protection of all existing services and structures.
 6. The contractor is responsible for the disposal of all waste materials.
 7. The contractor is responsible for the completion of all work within the specified time frame.
 8. The contractor is responsible for the maintenance of all records and drawings.

Notes:
 1. The roof is to be constructed in accordance with the specifications and details shown on the drawings.
 2. The ground floor is to be constructed in accordance with the specifications and details shown on the drawings.
 3. The foundation is to be constructed in accordance with the specifications and details shown on the drawings.
 4. The contractor is to ensure that all work is completed in accordance with the specifications and details shown on the drawings.
 5. The contractor is to ensure that all work is completed within the specified time frame.
 6. The contractor is to ensure that all work is completed in accordance with the relevant standards and specifications.

1:10	1:20	1:50	1:100	1:200	1:500	1:1000
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Municipal Submission Drawings	
Project No:	16-20-300
Sheet No:	16-20-300
Scale:	1:100
Date:	16-20-300
Author:	16-20-300
Checker:	16-20-300
Approver:	16-20-300
Client:	16-20-300
Location:	16-20-300
Project Name:	16-20-300
Project Address:	16-20-300
Project Description:	16-20-300
Project Status:	16-20-300
Project Contact:	16-20-300
Project Phone:	16-20-300
Project Email:	16-20-300
Project Website:	16-20-300
Project Social Media:	16-20-300
Project Logo:	16-20-300
Project Footer:	16-20-300

COMMENTS



MEMORANDUM

OFFICE OF THE ENGINEERING DEPARTMENT

To: *Manager: Town Planning*

From: *Manager: Projects*

Date: *31 March 2021*

Reference: *19.03.08.5614*

Subject *Objection to the Building line Relaxation Request on Erf Re/5614 Swakopmund*

The Projects Section investigated your request with regards to the building relaxation of the street boundary.

We take note of the concerns raised by the owner of Erf 10041, Kramersdorf, however it is our opinion that no negative impact will be caused if the garage is built as indicated on the plan.

I, therefore recommend the relaxation on erf Re/5614, Kramersdorf, Swakopmund on condition that;

1. The boundary wall height is reduced or a traffic mirror be erected to improve visibility.

If there's additional information that you require please do not hesitate to contact me.

Regards

Ms R Cloete
MANAGER: PROJECTS

RC/lw



- 11.1.18 **SUBDIVISION OF THE REMAINDER OF PORTION B OF THE SWAKOPMUND TOWN AND TOWNLANDS NUMBER 41 INTO PORTION 184 AND REMAINDER AND THE TOWNSHIP ESTABLISHMENT ON PORTION 184**
(C/M 2021/05/27 - 16/1/4/1/4)

Ordinary Management Committee Meeting of 11 May 2021, Addendum 8.9 page 82 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

The purpose of this submission is to obtain Council's approval for the subdivision of the Remainder of Portion B of the Swakopmund Town and Townlands Number 41 in terms of Section 87 of the Urban and Regional Planning Act (Act 5 of 2018) into Portion 184 and Remainder. And for the approval for the township establishment on Portion 184 in terms of Section 63 of the Urban and Regional Planning Act (Act 5 of 2018).

2. Background and Motivation

The Swakopmund Municipality has realised the need to provide adequate land for housing development in order to keep up with the ever-growing housing demand and to ensure the efficient supply of residential erven in the town.

Portion 184 currently known as the reception area is occupied by members who were relocated to this informal area in 2015. As a result, thereof, the Swakopmund Municipality is determined to fully commit by upgrading proposed Portion 184 in an effort to ensure that all the residential erven conform to the standard sizes of not less than 300m² as is the case now.

It is against this background that Portion 184 is being subdivided from the Remainder of Portion B of Swakopmund Town and Townlands No.41. The creation of this portion would enable the establishment of the township on the aforesaid portion in terms of Section 63 of the Urban and Regional Planning Act (Act 5 of 2018) and ultimately enable Council to seek approval of the Township Establishments from the Urban and Regional Planning Board.

3. Zoning, Use, Locality and Size

Portion 184 of Portion B of the Swakopmund Town and Townlands Number 41 is zoned "undetermined" and is located north of the Swakopmund airport as depicted on the attached locality plan.

The portion is currently informally unoccupied by inhabitants that were relocated in 2015. A total of 175 occupants had than been relocated

to this portion as part of a decluttering program. The portion measures approximately 17. 6805.01 Hectares.

4. **Ownership**

The Remainder of Portion B of the Swakopmund Town and Townlands No. 41 vests with Swakopmund Municipality as per the Government Grand No. 25/1935.

5. **Environmental Clearance**

An Environmental Impact Assessment will be undertaken whereby the Environmental Clearance Certificate would be submitted together with the application to Urban and Regional Planning Board.

6. **Need and Desirability**

Swakopmund as with many other towns in Namibia is challenged with a high demand for residential development. Council therefore needs to plan in advance in order to meet this demand as well as to make sure that there is a harmonic spatial distribution of all land uses that are in demand. There is a need to ensure that the supply of serviced land, particularly residential land is able to contain the ever-growing population of the town. The establishment of three more townships is therefore necessary due to the demand for even for high density residential development more so given the growth of the informal settlers in the DRC townships.

The proposed township developments are desirable so as to cater for additional formal housing and reducing the growth rate of the informal settlement. The proposed township on Portion 184 will most likely be called Mondesa Extension 14. The proposed extension number will be allocated by the Surveyor General's Office.

It is the desire of the Swakopmund Municipality to be pro-active and pave the way for ensuring that the housing demand is met at all levels by proceeding with all the statutory requirements in advance so as to facilitate a speedy land delivery. The statutory processes take most of the time and the earlier this is done, the better the chance of expediting land delivery. Hence, it is the desire to combat a slow land delivery process by preparing specially designated and planned areas for further and future residential growth of Swakopmund.

The Swakopmund Municipality desires to see that the majority of the residents have some form of proper housing in the near future rather than later. The proposed development will accommodate various types of housing, predominantly for the current occupants who are mostly low income segment of the society. The new townships are desirable and would have no significant negative social and environmental impacts as upgrading the informal situation will cater for additional housing and will eliminate the short supply of housing in Swakopmund.

7. Proposed Development

The proposed development is indicated on the attached layout plans. It comprises of a range of erf sizes as well as land uses in order to provide for choices and contribute to balanced viable developments. The design is conscious of the need to supply residential erven and complies with the Swakopmund Structure Plan 2020-2040.

7.1 Access and Street Width

The proposed development will be accessed via the existing street network linking from the surrounding Mondesa Extension 9, Swakopmund Extensions 26 and 42. The development accommodates one major road which measures 18 metres and the rest of the internal roads measure 15 metres in width.

7.2 Infrastructural Provision`

There is currently provision for communal taps installed by Council in the area. Other services required will be provided by extension of the existing networks.

7.3 Residential

The proposed development accommodates a total of two hundred and seventy-eight (278) residential erven, ranging from 300m² to 500m² in extent. The residential erven make up the majority of the proposed development.

Additionally, provision has been made for three (3) General Residential erven in the proposed development, given that it is imperative to promote high density in the town.

7.4 Institutional

There is a total of two (2) institutional erven created in this extension for the purpose of making provision for establishing either a crèche or other related uses.

7.5 Public Open Space (POS)

There are three (3) public open space erven created in this extension, in order to serve as a multi-purpose site for various recreational activities. The open spaces are strategically located to cater of various uses. Proposed Erf 286, being the biggest POS in the extension is envisioned for a community sports field. It is located ideally where most accessible to various users even those from the surrounding extensions. The other two (2) POS can be utilized for either community gardening, play area or other related activities. The area for the POS amounts to approximately 14 336 m², which is approximately 8% of the total area.

8. Conditions of Establishment

- (i) The following conditions shall be registered against the title deeds of all erven except those reserved as "Public Open Space":

The erf must only be used or occupied for purposes which are in accordance with and the use or occupation of the erven shall at all times be subject to the provision of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act 5 of 2018).

- (ii) The following conditions shall be registered against the title deeds of "Residential" Zoned Erven:

The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf;

- (iii) The following conditions shall be registered against the title deeds of Institutional Zoned Erven:

The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf;

9. Conclusion

The proposed development is in line with the long term vision of the Swakopmund Structure Plan 2020-2040 and should be supported. In the view of the motivation, it is recommended that Council favorably consider the need and desirability for the subdivision of the Remainder of Portion B of Swakopmund Town and Townlands No. 41 into Portion 184 and the Remainder, the township establishment on Portion 184 of Swakopmund Town and Townlands Number 41 and approval of the proposed layout and zoning on the aforesaid portion.

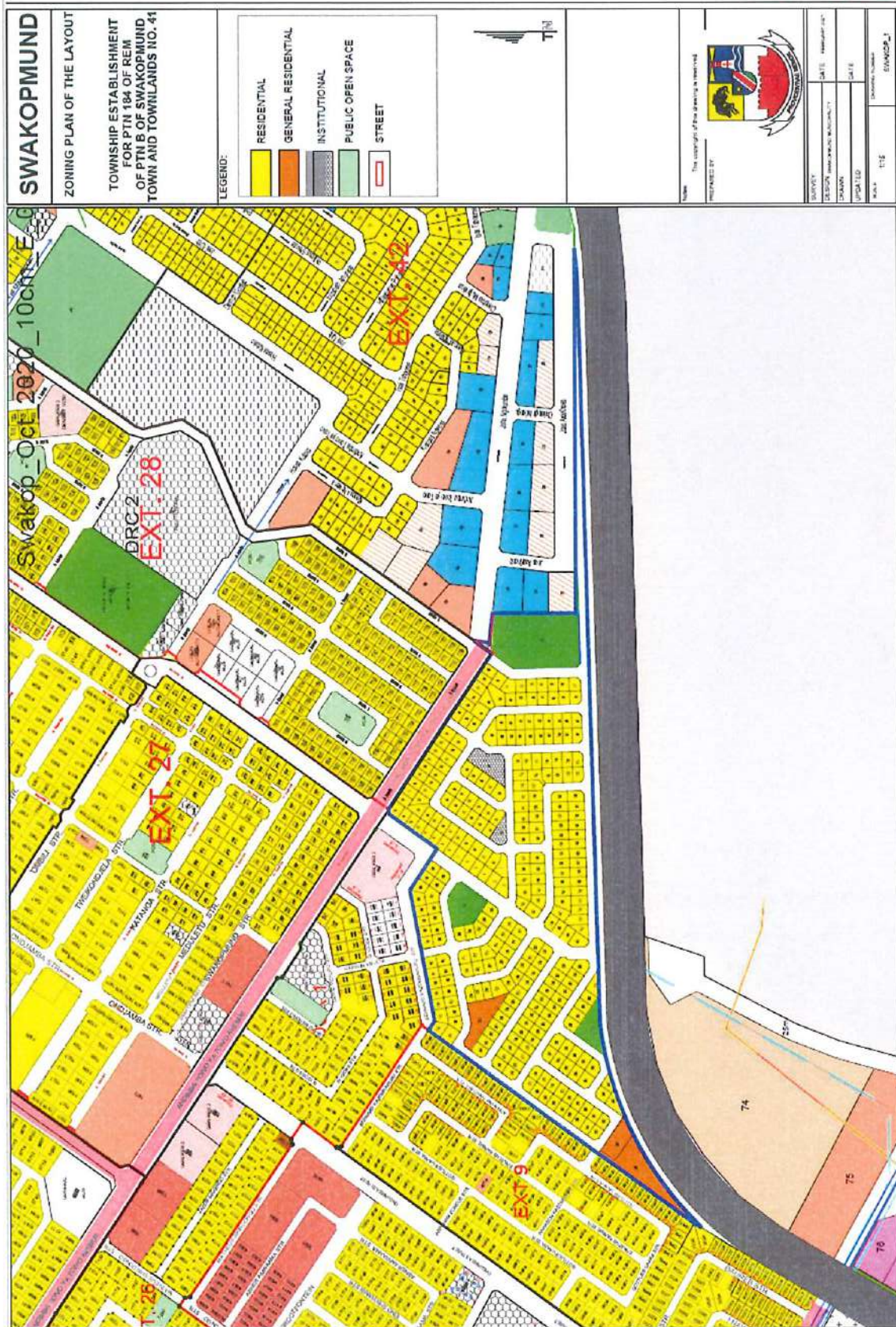
B. After the matter was considered, the following was:-

RECOMMENDED:

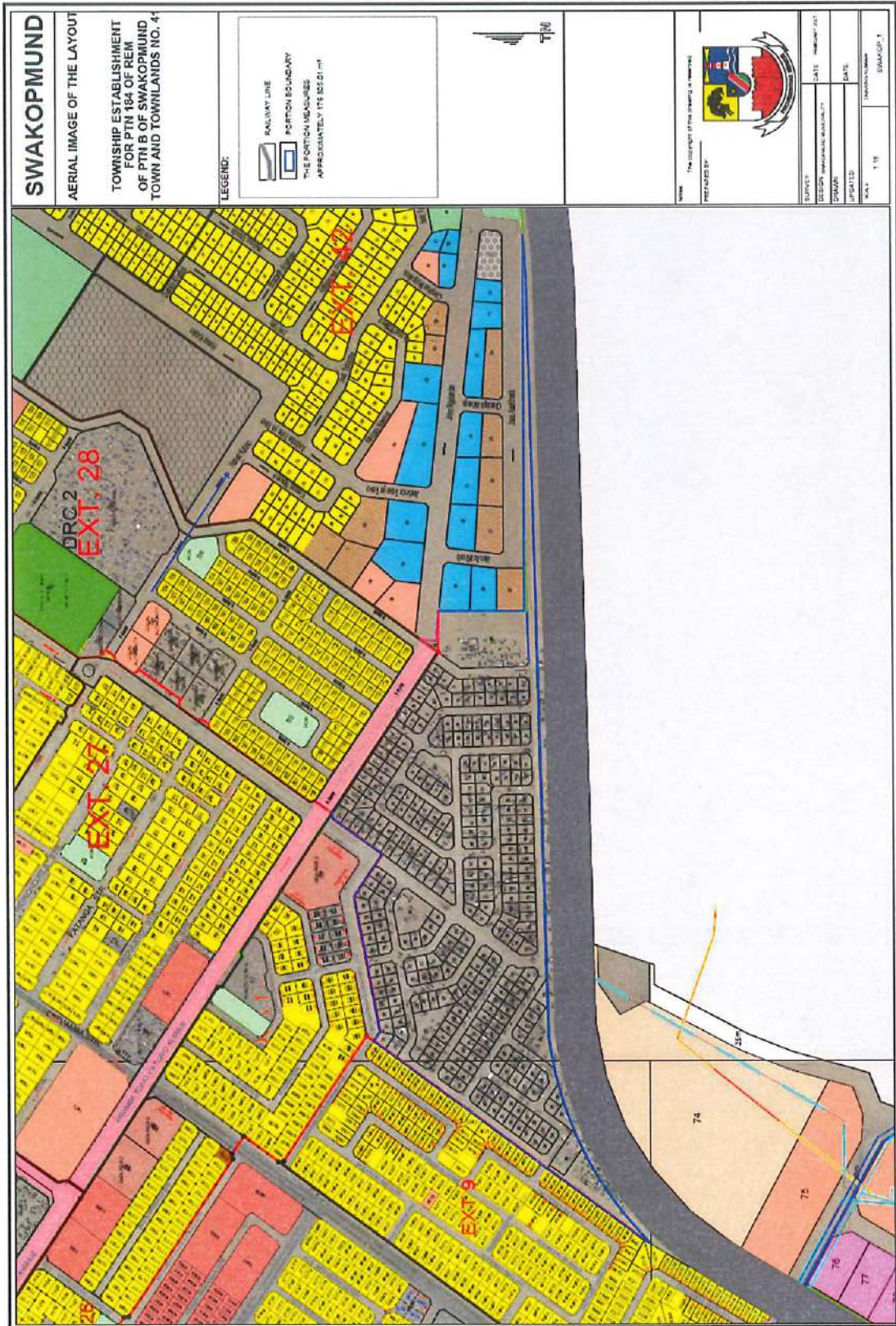
- (a) That the Remainder of Portion of Portion B of the Swakopmund Town and Townlands Number 41 be subdivided into Portion 184 (approximately 17. 6805.01 ha) and Remainder in terms of Section 87 of the Urban and Regional Planning Act (Act 5 of 2018), free of conditions.
- (b) That the Need and Desirability for the township establishment on Portion 184 of Swakopmund Town and Townlands Number 41 be approved.
- (c) That approval be granted for application to be made in terms of Section 63 of the Urban and Regional Planning Act (Act 5 of 2018) for the establishment of an extension of Swakopmund on Portion 184 as shown on the attached subdivisional layout plan.

- (d) That the zoning shown on the layout plan tabled at the meeting be approved.
- (e) That the conditions of Establishment be as follows:
- (i) *The following conditions shall be registered against the title deeds of all erven except those reserved as "Public Open Space":*
- The erf must only be used or occupied for purposes which are in accordance with and the use or occupation of the erven shall at all times be subject to the provision of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act 5 of 2018).*
- (ii) *The following conditions shall be registered against the title deeds of "Residential" zoned erven:*
- The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf.*
- (iii) *The following conditions shall be registered against the title deeds of Institutional zoned erven:*
- The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf.*
- (f) That the Engineering and Planning Services Department proceed with the necessary statutory processes to have the portion created and township.
- (g) That the Engineering and Planning Services Department be authorized to make minor changes to the layout, to accommodate infrastructure, improve layout dimensions or meet the Urban and Regional Planning Board requirements should it be necessary.
-

ANNEXURE B



ANNEXURE C



11.1.19 **SUBDIVISION OF THE REMAINDER OF PORTION B OF THE SWAKOPMUND TOWN AND TOWNLANDS NUMBER 41 INTO PORTION 183 AND REMAINDER AND THE TOWNSHIP ESTABLISHMENT ON PORTION 183**

(C/M 2021/05/27 - 16/1/4/1/4)

Ordinary Management Committee Meeting of 11 May 2021, Addendum **8.10** page 89 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

The purpose of this submission is to obtain Council's approval for the subdivision of the Remainder of Portion B of the Swakopmund Town and Townlands Number 41 in terms of Section 87 of the Urban and Regional Planning Act (Act 5 of 2018) into Portion 183 and Remainder. It further seeks Council's approval for the township establishment on Portion 183 in terms of Section 63 of the Urban and Regional Planning Act (Act 5 of 2018).

2. Background and Motivation

The Swakopmund Municipality has realised the need to create more land for housing development in order to keep up with the ever-growing housing demand and to ensure the efficient supply of residential erven in the town.

The Municipality of Swakopmund has therefore been engaged in the upgrading of services in the Democratically Resettled Community (DRC) informal settlement area in an effort to make room for potential residential developments. As a result, thereof, more erven are required in order to ensure that residents which are affected by the above upgrading can be relocated to the newly created erven.

It is against this background that three portions, namely; Portions 182, 183 and 184 from the Remainder of Portion B of Swakopmund Town and Townlands No.41 are being created. The creation of these portions would enable the establishment of the three townships on the aforesaid portions in terms of Section 63 of the Urban and Regional Planning Act (Act 5 of 2018) and ultimately enable Council to seek approval of the Township Establishments from the Urban and Regional Planning Board.

3. Zoning, Use, Locality and Size

Portion 183 of Portion B of the Swakopmund Town and Townlands Number 41 is zoned "*Undetermined*" and is located east of Swakopmund Extension 41 as depicted on the attached locality plan. The portion is currently vacant and unoccupied. It measures approximately 18.9231 Hectares in extent.

4. **Ownership**

The Remainder of Portion B of the Swakopmund Town and Townlands No. 41 vests with Swakopmund Municipality as per the Government Grand No. 25/1935.

5. **Environmental Clearance**

An Environmental Impact Assessment will be undertaken whereby the Environmental Clearance Certificate would be submitted together with the application to Urban and Regional Planning Board.

6. **Need and Desirability**

Swakopmund as with many other towns in Namibia is challenged with a high demand for residential development. Council therefore needs to plan in advance in order to meet this demand as well as to make sure that there is a harmonic spatial distribution of all land uses that are in demand. There is a need to ensure that the supply of serviced land, particularly residential land is able to contain the ever-growing population of the town. The establishment of three more townships is therefore necessary due to the demand for erven for high density residential development more so given the growth of the informal settlers in the DRC townships.

The proposed township developments are desirable so as to cater for additional formal housing and reducing the growth rate of the DRC informal settlement. The proposed township on Portion 183 will most likely be called Swakopmund Extension 44. The proposed extension number will be allocated by the Surveyor General's Office.

It is the desire of the Swakopmund Municipality to be pro-active and pave the way for ensuring that the housing demand is met at all levels by proceeding with all the statutory requirements in advance so as to facilitate a speedy land delivery. The statutory processes take most of the time and the earlier this is done, the better the chance of expediting land delivery. Hence, it is the desire to combat a slow land delivery process by preparing specially designated and planned areas for further and future residential growth of Swakopmund.

The Swakopmund Municipality desires to see that the majority of the residents have some form of proper housing in the near future rather than later. The proposed development will accommodate various types of housing, predominantly for the low income segment of the society. The new townships are desirable and would have no significant negative social and environmental impacts as it caters for additional housing and will eliminate the short supply of housing.

7. **Proposed Development**

The proposed development is indicated on the **attached** layout plans. It comprises of a range of erf sizes as well as land uses in order to

provide for choices and contribute to balanced viable developments. The design is conscious of the need to supply residential erven and complies with the Swakopmund Structure Plan 2020 -2040.

7.1 Access and Street Width

The proposed development will be accessed via the two major existing street networks linking from Swakopmund Extensions 40, 41 and 42. The development accommodates one major road which measures 18 metres in width and the rest of the internal roads measures 15 metres in width.

7.2 Infrastructural Provision`

The development is surrounded by a rail way line and the unregistered Namwater waterline on the northern and eastern boundary.

The waterline runs through the proposed Erf 313 a "Public Open Space" (POS) situated on the east of the proposed development. Other services required will be provided by extension of the existing networks.

7.3 Residential

The proposed development accommodates a total of three hundred and five (305) residential erven, ranging from 300m² to 500m² in extent. The residential erven make up the majority of the proposed development.

7.4 Parastatal and Local authority

The proposed development has made provision for one site for the Erongo RED substation and one for the Local authority to accommodate any future needs in the community. Erf 107 has been earmarked to accommodate the Erongo RED substation, as requested for by the organisation and proposed Erf 128 to be reserved for the Local authority.

7.5 Public Open Space (POS)

Two sites have been earmarked to serve as POS in the proposed development. Erven 312 and 313 have been created in order to serve as a multi-purpose site for extensive recreational activities in the area. The open spaces are ideally located in order to ensure maximum usage depending on the activities. Erf 312 is earmarked to serve as a sports or recreational site in the area. Whereby, Erf 313 serves as a buffer for the existing railway line and the MR 44 main road that lead to Henties Bay. The idea is such that the POS can also be utilized for various uses such as creating for community gardening or other related activities. The area for the POS amounts to approximately 24 082m², which is approximately 13% of the extension total area.

8. Conditions of Establishment

- (i) *The following conditions shall be registered against the title deeds of all erven except those reserved as "Public Open Space" and those zoned "Local Authority":*

The erf must only be used or occupied for purposes which are in accordance with and the use or occupation of the erven shall at all times be subject to the provision of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act 5 of 2018).

- (ii) *The following conditions shall be registered against the title deeds of "Residential" zoned erven:*

The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf;

- (iii) *The following conditions shall be registered against the title deeds of "Institutional" zoned erven:*

The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf;

9. Conclusion

The proposed development is in line with the long term vision of the Swakopmund Structure Plan 2020 - 2040 and should be supported. In the view of the motivation, it is recommended that Council favorably consider the need and desirability for the subdivision of the Remainder of Portion B of Swakopmund Town and Townlands No. 41 into Portion 183 and the Remainder, the township establishment on Portion 183 of Swakopmund Town and Townlands Number 41 and approval of the proposed layout and zoning on the aforesaid portion.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the Remainder of Portion of Portion B of the Swakopmund Town and Townlands Number 41 be subdivided into Portion 183 (approximately 18. 9231 ha) and Remainder in terms of Section 87 of the Urban and Regional Planning Act (Act 5 of 2018), free of conditions.
- (b) That the Need and Desirability for the township establishment on Portion 183 of Swakopmund Town and Townlands Number 41 be approved.
- (c) That approval be granted for application to be made in terms of Section 63 of the Urban and Regional Planning Act (Act 5 of 2018) for the establishment of an extension of Swakopmund on Portion 183 as shown on the attached subdivisional layout plan.
- (d) That the zoning shown on the layout plan tabled at the meeting be approved.

(e) That the conditions of Establishment be as follows:

- (i) *The following conditions shall be registered against the title deeds of all erven except those reserved as "Public Open Space" and those zoned "Local Authority":*

The erf must only be used or occupied for purposes which are in accordance with and the use or occupation of the erven shall at all times be subject to the provision of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act (Act 5 of 2018).

- (ii) *The following conditions shall be registered against the title deeds of "Residential" zoned erven:*

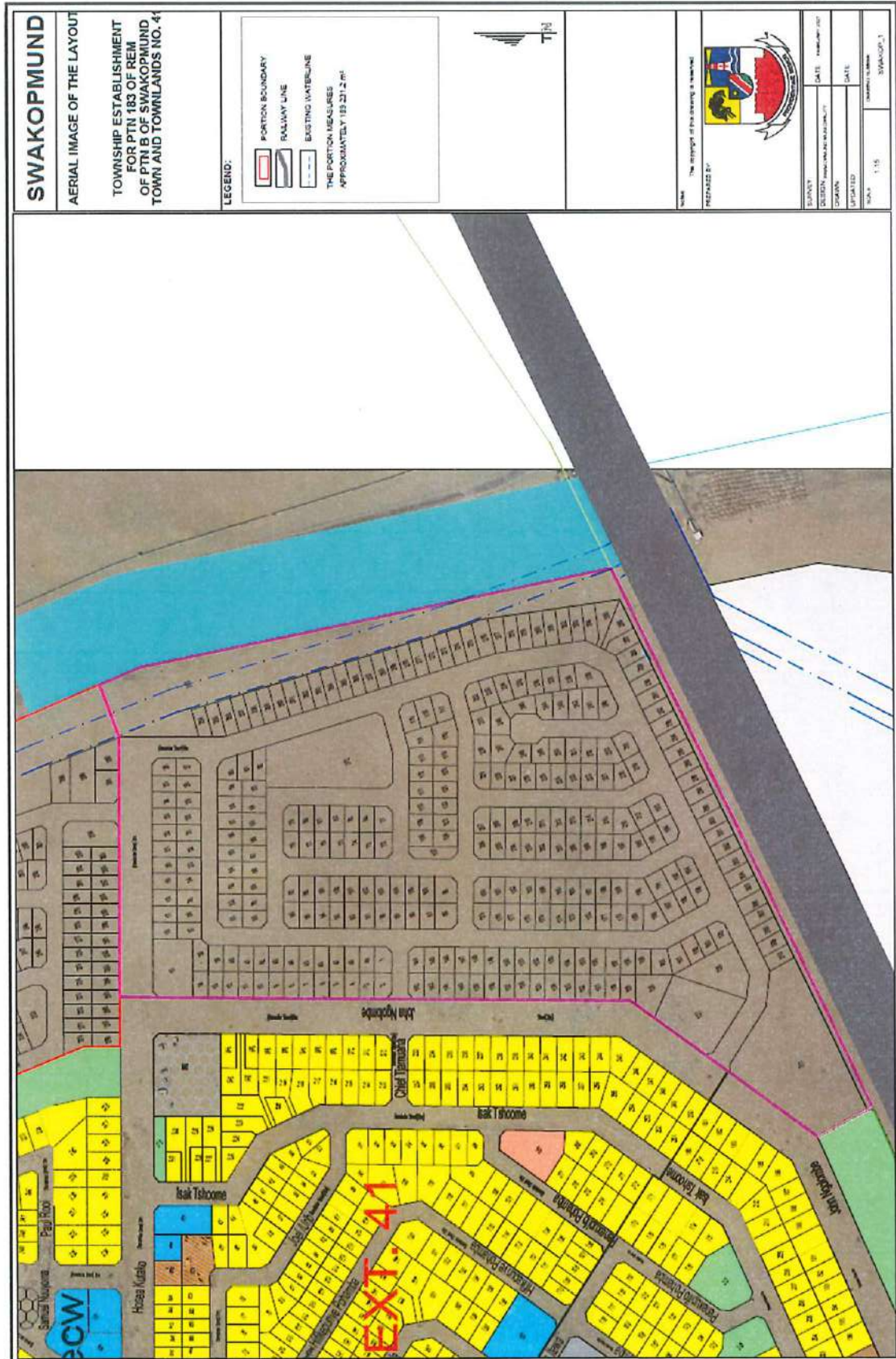
The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf.

- (iii) *The following conditions shall be registered against the title deeds of "Institutional" zoned erven:*

The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the municipal valuation of the erf.

- (f) That the Engineering and Planning Services Department proceed with the necessary statutory processes to have the portion created and township.**
- (g) That the Engineering and Planning Services Department be authorized to make minor changes to the layout, to accommodate infrastructure, improve layout dimensions or meet the Urban and Regional Planning Board requirements should it be necessary.**
-

ANNEXURE D



11.1.20 **SUBDIVISION OF THE REMAINDER OF PORTION B OF FARM SWAKOPMUND TOWN AND TOWNLANDS NUMBER 41 INTO FOURTEEN (14) PORTIONS AND REMAINDER**
(C/M 2021/05/27 - 16/1/4/1/6)

Ordinary Management Committee Meeting of 11 May 2021, Addendum **8.11** page 97 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

The purpose of this submission is for Council to revisit Council Resolution C/M 2018/11/22, Item No.11.1.24.

2. Introduction and Background

Council at its ordinary meeting held on the 22nd of November 2018 resolved to subdivide the Remainder of Portion B of Farm Swakopmund Town and Townlands No.41 into twelve (12) Portions (Portion 165 - 176) and Remainder. The Resolution is attached as **Annexure A**.

The application was submitted to the Namibia Planning Advisory Board (NAMPAB) by then, and it served before the Board on the 21 November 2019 whereby the Board referred the application back that:

"Obtain two extra portion numbers for the streets"

The above had been attended to and the item was submitted to the Urban and Regional Planning Board (URPB) at its meeting held on the 17 March 2021. At this meeting, the URPB resolved that:

The Board deferred the application to the next meeting so that Council can attend to the following:

The Board recommended that the application be deferred to a next meeting to enable the applicant to do the following:

- *the Council Resolution and Local Authority letter be amplified to approve the subdivision into 14 portions of land.*

NAMPAB and URPB resolutions are attached as Annexure B and C, respectively.

3. Discussion

The changes referred to herein have to do with the labelling of the portions. The additional two portion numbers that are allocated to the streets have brought the number of portions to 14 in total as opposed to twelve (12) portions. The layout however; remains the same in terms of cadastral boundaries, only that when the application served before NAMPAB at its meeting held on 21 November 2019, the Board

decided that the two streets within the layout should also be allocated with portion numbers.

4. Conclusion

For successful implementation of the Council Resolution Number C/M 2018/11/22, the amplification of the previous decision is a prerequisite as per the recommendations of the Urban and Regional Planning Board.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That Council Resolution C/M 2018/11/22, under Item Number 11.1.24 be revoked and replaced with this Council Resolution.
 - (b) That the Need and Desirability for the subdivision of Remainder of Portion B of Farm Swakopmund Town and Townlands No. 41 into fourteen (14) portions and Remainder be approved.
 - (c) That the subdivision of the Remainder of Portion B of Farm Swakopmund Town and Townlands No. 41 into fourteen (14) Portions and Remainder as shown on the subdivision layout plan Annexure D (on file), be approved.
 - (d) That the Engineering & Planning Services Department proceed with the necessary statutory processes to have the portions created.
 - (e) That all costs involved be defrayed from the Vote No: 500031001100, where sufficient funds are available.
 - (f) That the Engineering & Planning Services Department be authorized to make minor changes to the layout, to accommodate infrastructure, improve layout dimensions or meet Townships Board and NAMPAB requirements should it be necessary.
-

- 11.1.24 **NEED AND DESIRABILITY FOR THE SUBDIVISION OF THE REMAINDER OF PORTION B OF FARM SWAKOPMUND TOWN AND TOWNLANDS NUMBER 41 INTO TWELVE (12) PORTIONS AND REMAINDER**
(C/M 2018/11/22 - G 3/3/2) **ANNEXURE A**

RESOLVED:

That the Council resolution of the 29 September 2016 be repealed and replaced by the following:

- (i) *That the Need and Desirability for the subdivision of Remainder of Portion B of Farm Swakopmund Town and Townlands No. 41 into twelve (12) portions and Remainder be approved.*
- (ii) *That the subdivision of the Remainder of Portion B of Farm Swakopmund Town and Townlands No. 41 into twelve (12) Portions and Remainder as shown on the subdivisional plan attached in Annexure C be approved.*
- (iii) *That the Engineering Services Department proceed with the necessary statutory processes to have the portions created.*
- (iv) *That all costs involved be defrayed from the Vote Number 103034025800, where sufficient funds are available.*
- (v) *That the Engineering Services Department be authorized to make minor changes to the layout, to accommodate infrastructure, improve layout dimensions or meet Townships Board and NAMPAB requirements should it be necessary.*



Republic of Namibia

ANNEXURE B

Ministry of Urban and Rural Development

Enquiries: Ms. T. Kamati
Tel: (+264+61) 297-5201
Fax: (+264+61) 297-5305

Government Office Park
Luther Street

Private Bag 13289
Windhoek, Namibia

Our Ref.: 17/4/1/S2
Your Ref.:

Date: 21 January 2020

CHIEF EXECUTIVE OFFICER
SWAKOPMUND MUNICIPALITY
P.O BOX 53
SWAKOPMUND

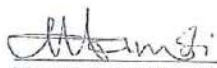
Attention. Mr. John Heita

ITEM NO. 132/2019: SWAKOPMUND: SUBDIVISION OF THE REMAINDER OF PORTION B OF THE FARM SWAKOPMUND TOWN AND TOWNLANDS NO. 41 INTO PORTIONS 165 TO 176 AND THE REMAINDER

With reference to your above-mentioned application, you are hereby informed that NAMPAB, during its meeting held on 21 November 2019 recommended that the application be referred back to the applicant for the following:

- Submit bigger and readable locality and subdivision plans – It should be date stamped;
- The layout/subdivision differs on the locality plan;
- Obtain 2 extra portion numbers for the streets;
- Is there a road between Portions 169 and 173, what does the black line indicates;
- The shaped of Portion 171 is confusing;
- Submit Annexures B, H and I; and
- MET certificate has lapsed – obtain a new certificate to include the creation of streets.

Yours sincerely


NAMPAB SECRETARIAT



All official correspondence must be addressed to the Executive Director

ANNEXURE C

Item	Date
132/2019 March 2021 17/4/1/S2	17

SWAKOPMUND: SUBDIVISION OF THE REMAINDER OF PORTION B OF THE FARM SWAKOPMUND TOWN AND TOWNLANDS NO. 41 INTO PORTIONS 165 TO 176, 180 TO 181 (STREETS, FREE OF CONDITIONS) AND THE REMAINDER (SWAKOPMUND MUNICIPALITY)

The Board recommended that the application be deferred to a next meeting to enable the applicant to do the following:

- the street portion numbers given by the Surveyor General must be corrected to be in line with the subdivision plan;
- additional fees to be paid; and
- the Council Resolution and Local Authority letter be amplified to approve the subdivision into 14 portions of land.

11.1.21 **SUBDIVISION OF ERF 4893, SWAKOPMUND EXTENSION 10 INTO PORTION A AND REMAINDER**

(C/M 2021/05/27 - 19.03.08.4893)

Ordinary Management Committee Meeting of 11 May 2021, Addendum **8.12** page 103 refers.

A. The following item was submitted to the Management Committee for consideration:

1. Purpose

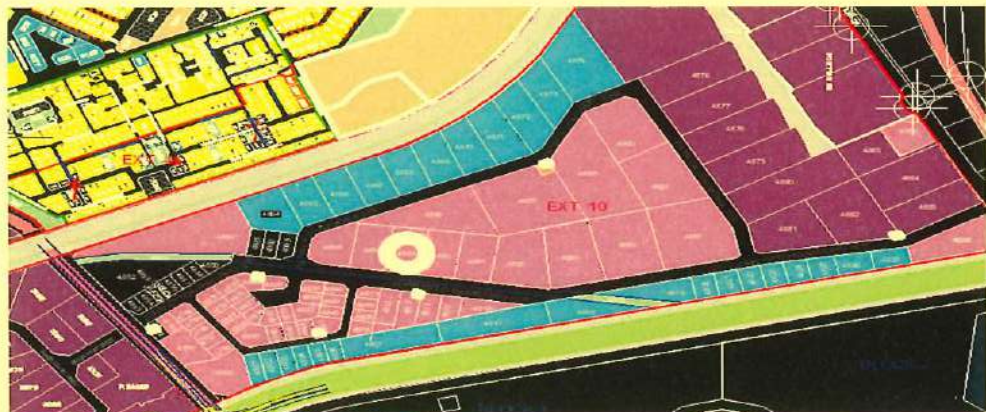
The purpose of this submission is for Council to consider the application for the Subdivision of Erf 4893, Swakopmund into Portion A and Remainder.

2. Introduction and Background

An application was received from Van der Westhuizen Town Planning and Properties on behalf of the owner of Erf 4893, Swakopmund for the subdivision of Erf 4893, Swakopmund into Portion A and Remainder. The application and Power of Attorney have been attached as **Annexure A** and **C**, respectively.

3. Zoning, Size and Locality

Erf 4893, Swakopmund is located along John Otto Nankudhu Street in Swakopmund Extension 10. Erf 4893, Swakopmund is five thousand, eight hundred and fifty-one (5831) square meters in extent and is zoned "light industrial". A locality plan depicting the area has been inserted below.



Locality of Erf 4893, Swakopmund

4. Ownership

The ownership of Erf 4893, Swakopmund vests with Mr. Samuel Loots Venter as contained in Deed of Transfer Number T 5276/2017. See **Annexure B**.

5. **Access, municipal services and parking**

Access to Erf 4893, Swakopmund is provided via John Otto Nankudhu Street. The site is connected to existing bulk municipal services.

6. **Subdivision**

It is the intention of the owners of Erf 4893, Swakopmund to subdivide the Erf into Portion A and Remainder in order to dispose of the newly created portion. The subdivision plan has been attached as **Annexure E**. In terms of the Deed of Transfer No. T 5276/2017, the owner cannot alienate the property until a completion certificate in respect of the improvements on the property has been issued. There have been no improvements done on the Erf, however, a waiver from the municipality enabling the owner to apply for the subdivision was granted as per letter dated 27th March 2020. The letter is attached as **Annexure D**.

The proposed subdivision will have the following effect:

<i>Proposed Portions</i>	<i>Proposed Sizes</i>
<i>Portion A</i>	<i>2925.50</i>
<i>Remainder Erf 4893</i>	<i>2925.50</i>
Total	5851m²

The applicant has requested that the conditions registered against Erf 4893, Swakopmund be cancelled and that the following conditions be registered against the newly created Erf as well as Remainder 4893, Swakopmund:

- (i) *The erf shall only be used or occupied for purposes which are in accordance with and the use or occupation of the erf shall at all times be subject to the provisions of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, (Act No. 5 of 2018);*
- (ii) *The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.*

7. **Notice and Neighbour's Consent**

8. Neighbouring property owners were consulted for their comments in terms of the Urban and Regional Planning Act, No. 5 of 2018, and a notice was placed on the site. The closing date for objections was **26 March 2021**. No objections were received. Proof of registered mail has been attached as **Annexure F** and proof of notice on the site has been attached as **Annexure G**.

9. **Conclusion**

The proposed subdivision is not foreseen to have any adverse impacts on the area. Council has additionally approved the waiver of the aforementioned condition; the application can therefore be supported.

B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the subdivision of Erf 4893, Swakopmund Extension 10 into Portion A and Remainder (2 925.5m² in extent each) be approved.
 - (b) That the current title deed conditions registered against Erf 4893, Swakopmund, Extension 10 be cancelled.
 - (c) That the following conditions be registered against the title deed of the newly created Erf "X" and the Remainder of Erf 4893, Swakopmund:
 - (i) *The erf shall only be used or occupied for purposes which are in accordance with and the use or occupation of the erf shall at all times be subject to the provisions of the Swakopmund zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act 5 of 2018);*
 - (ii) *The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.*
-

ANNEXURE A

edw
Der
esthuizen
 Town Planning & Properties
Planning & Properties

SWAKOPMUND
 P. O. BOX 4882, SWAKOPMUND
 CELL: 081 122 4661
 EMAIL: ANDREW.NAMFU@GMAIL.COM

Chief Executive Officer
 Municipality of Swakopmund
 P. O. Box 53
 Swakopmund
 Namibia



6 April 2021

Dear Sir/Madam,

APPLICATION FOR THE SUBDIVISION OF ERF 4893, SWAKOPMUND EXTENSION 10, INTO PORTION A AND REMAINDER

Application is herewith made for the subdivision of Erf 4893, Swakopmund Extension 10 into proposed Portion A and Remainder.

Locality and Ownership

The property is located along Edison Street (See Annexure A) in the industrial area also known as Extension 10, Swakopmund. The property is located in a predominantly Industrial and Business orientated area of Swakopmund.

The property is registered in the name of Mr. Samuel Loots Venter as indicated on the Deed of Transfer T5276/2017. Please see "Annexure B".

Power of Attorney for the proposed intentions were also given by the owner and is attached as "Annexure C".

Intention and motivation

It is the intention of the owner to subdivide the said property in order to dispose of one of the newly created proportions. The owner of the property obtained a waiver from the Municipality of Swakopmund for the subdivision as currently applied for. Attached as "Annexure D" is a copy of the waiver as received.

Size and zoning of the property

According to the Deed of Transfer the property measures approximately 5 851m² in extent and is suitable for the intended subdivision. Attached as "Annexure E" is the intended subdivision plan for the said property. The current zoning of the property is Light industrial and is suitable for the intended subdivision.

edw

Ordinary Management Committee Meeting - 27 May 2021


A.R. van der Westhuizen
 Town Planning & Properties
Planning Member

SWAKOPMUND
 P. O. BOX 4882, SWAKOPMUND
 CELL: 081 122 4661
 EMAIL: ANDREW.NAMFU@GMAIL.COM

Below please find the intended sizes of the intended subdivision of the property.

Proposed Portions	Proposed Portion Sizes in m ²
Portion A	2 925.5 m ²
Remainder of Erf 5612	2 925.5 m ²
Total	5 851 m²

Notice and Neighbours consent.

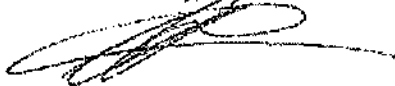
In terms of the Town Planning Act, registered mail was sent to the neighbouring properties for their comments. A notice was also placed on the property to comply with the act. The closing date for comments/objections to the subdivision was 28 March 2021 and no comment/objections were received against the proposed intentions of the owner. Attached as "Annexure F" is proof of the registered mail and letters to the neighbouring properties. Attached as "Annexure G" is proof of the notice on site.

Conditions to be registered against the two newly created portions should be as follows:

1. The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the shall at all times be subject to, the provisions of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.
2. The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.

It is trusted that you find the above application in order.

Yours Faithfully,



A R VAN DER WESTHUIZEN



ANNEXURE B

2017-08-09

T 5276 / 2017

DEED OF TRANSFER

IN FAVOUR OF

SAMUEL LOOTS VENTER

ERF 4893 SWAKOPMUND, EXTENSION 10

MASIZA LAW CHAMBERS

Tel: (064) 240648

Fax: (064) 306744

P.O. Box 24528

No.20 5th Floor Atlas House

Sam Nujoma Drive

Windhoek

Prepared by me.



Conveyancer,
KOCK DR.

2017-08-18 84491 / 2017
 RMB 1 435 000.00
 RMB 287 000.00
 DEEDS DIVISION
 WINDHOEK

T 5276 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN

THAT DANIEL ROSSOUW KOCK

appeared before me, the Registrar of Deeds at WINDHOEK, he/she the said Appearer, being duly authorised thereto by a Power of Attorney granted to him/her by

THE MUNICIPAL COUNCIL OF SWAKOPMUND

signed at Swakopmund on 25 July 2017

|

1

W

AND THAT APPEARER DECLARED THAT the said Principal had sold on 2 December 2018 and that he/she in his/her capacity aforesaid, did by these presents, cede and transfer, in full and free property to and on behalf of

SAMUEL LOOTS VENTER

Identity Number: 740514 0013 1

Married out of community of property

His heirs, executors, administrators or assigns

CERTAIN : ERF NO. 4893 (A PORTION OF ERF NO. 4007)
SWAKOPMUND, EXTENSION 10

SITUATE : IN THE MUNICIPALITY OF SWAKOPMUND
REGISTRATION DIVISION "G", ERONGO REGION

MEASURING : 5 851 (Five Eight Five One) SQUARE METRES as
indicated on General Plan No A 196/2009

HELD Certificate of Registered Title No T. 2867/2011

A.SUBJECT To the following conditions imposed in terms of the Town
Planning Ordinance, 1954 (Ordinance No. 18 of 1954),
namely:-

IN FAVOUR OF THE LOCAL AUTHORITY

1. The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to the provisions of the Swakopmund Town Planning Scheme, prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.
2. The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.

B. FURTHER SUBJECT to the condition that the purchaser may not alienate the property until a completion certificate in respect of the improvements on the property has been issued by the Municipal Council of Swakopmund

WHEREFORE the Appearer, renouncing all the Right and Title which the said TRANSFEROR heretofore had to the premises, did, in consequence, also acknowledge him to be entirely dispossessed of and disentitled to the same, and that, by virtue of these Presents, the said TRANSFEREES, their heirs, executors, administrators or assigns now are and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its Rights, and finally acknowledging the purchase price amounting to the sum of NS2 047 850.00

SIGNED AT WINDHOEK on 2017-08-18
together with the Appearer, and confirmed with my Seal of Office


SIGNATURE OF APPEARER



60185

DEPARTMENT OF FINANCE

REPUBLIC OF NAMIBIA

INCAND REVENUE

TRANSFER DUTY - FORM B
DECLARATION BY PURCHASER

TRANSFEROR (Seller)
THE MUNICIPAL COUNCIL OF SWAKOPMUND

TRANSFeree (Purchaser)
SAMUEL LOOTS VENTER

DESCRIPTION OF PROPERTY
CERTAIN: ERF NO. 4893 (A PORTION OF ERF 4007) SWAKOPMUND (EXTENSION NO. 10)
SITUATE: IN THE MUNICIPALITY OF SWAKOPMUND
REGISTRATION DIVISION "G"
ERONGO REGION
MEASURING: 5 861 (FIVE THOUSAND EIGHT HUNDRED AND FIFTY ONE) SQUARE METRES
PURCHASE PRICE OF N\$2 047 890,00 Exempted from Stamp Duty purposes

Date of Transaction: 02 December 2018 Consideration: N\$2 047 890,00
TRANSFER DUTY PAID BY: KASIZA LAW CHAMBERS
Postal Address: PO BOX 4031 WALVIS BAY
NR. N2 0029

FOR OFFICIAL USE
Transfer duty paid on N\$ 2 047 890,00 Base: PURCHASE PRICE
Law under which duty charged: L4/1993

Street dating stamp in office of issue
REVENUE
RECEIVED
31.12.2018
33
RECEIVER OF REVENUE
WALVIS BAY
CASH REGISTER RECEIPT
30/11/18 304078167 00000001.90

W.T.

ANNEXURE C



SPECIAL POWER OF ATTORNEY

I/We, the undersigned:

SAMUEL LOOTS VENTER (ID: 740514 0013 1)

In my/our capacity as:

OWNER OF ERF 4893, SWAKOPMUND, EXTENSION 10

Do hereby nominate, constitute and appoint

VAN DER WESTHUIZEN TOWN PLANNING & PROPERTIES CC, PO BOX 1598,
SWAKOPMUND

with power of Substitution, to be my lawful Attorney and Agent in my/our name, place and stead, negotiate and to make all necessary applications to Municipality, Town Council, Urban and Regional Planning Board or any other authority, for the:

- SUBDIVISION OF ERF 4893, SWAKOPMUND, EXT 10 INTO PORTION "A" AND REMAINDER.

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

SIGNED at Swakopmund this 2nd day of March 2021

In the presence of the undersigned witnesses

WITNESSES:

1. 
 2. 



S L VENTER

**ANNEXURE D****MUNICIPALITY OF SWAKOPMUND**

Ref No: E 4893 & 19.03.02

(084) 4104213
 (064) 4104208
 53 Swakopmund
 NAMIBIA
www.swkmun.com.na
msheshama@swkmun.com.na

Enquiries: Ms M Sheehama

27 March 2020

Mr Samuel Venter
 P O Box 3705
 Vineta
 13003

✉ coastalplum@iway.na

Dear Sir

REQUEST FOR WAIVER OF PRE-EMPTIVE RIGHT ON ERF 4893, EXTENSION 10, SWAKOPMUND

With reference to your letter dated 02 January 2020, Council on 26 March 2020 under item 11.1.5 passed the following resolution:

- (a) That Council waives the pre-emptive right registered over Erf 4893, Swakopmund and permits Mr Samuel Venter to sell his erf to a third party in order to pay his outstanding debts as confirmed by his accountant Messrs Prestige Accounting & Tax Services CC.
- (b) That Council takes notes of the financial proof provided by Mr Samuel Venter that he is unable to afford and or develop his erf.

In view of the above, you may therefore proceed with the sale of Erf 4893, Swakopmund to a third party.

For any enquiries, please contact Ms Margaret Sheehama at ☎ 064-4104213.

Yours faithfully

Mr M P C Swarts
 GM: CORPORATE SERVICES & HC

/ms

Copy: GM: Engineering Services & Planning

ANNEXURE F

LIST OF REGISTERED ITEMS POSTED



nampost®

by Van der Merwe's Jan Hanig & Properties

Sender's reference no.	Addressee's name and address	Registration no.
1	J Summit PO BOX 4065 Durbanville	
2	SEH Witje PO Box 309 Durbanville	
3	PR & HR Durbanville PO Box 8018 Durbanville	
4	HG Witje PO BOX 309 Durbanville	
5	KS Prinsloo's Durbanville PO Box 322 Durbanville	

NamPost
 VAT Reg No: 953451015
 Branch: Suburban
 Date: 11/05/21 Time: 14:30:30
 Counter: 2 JMWJLSB
 Buy Product Price GST
 1 Letter 35.10
 Registered Item 504.80
 (Registered Item No: 440041250015)
 (Post Item Name: VAN DER MERWES JANIG
 (Address Line 1: CLOUVER PROPERTIES)
 (Address Line 2)
 (Address Line 3)
 (Address Line 4)
 Prefixed -139.20
 Net -14.34
 Tax Codes Amount Total Tax
 VAT B (0%) 539.26 54.34
 VAT B (15%)
 -Total 80.00
 Name: 39.90 x 5
 Address:
 = 199
 NamPost No: 264-10-02-0-1727
 THANK YOU FOR USING NAMPOST SERVICES
 DRINKIE ON U OIT VASSA FOR USKLE
 TRINBT ESST HULLIYEN AMBIB

Number of Items: 5 / Five Received by: [Signature]
 No compensation will be considered unless enquiry regarding this postal article is made within one year after the date of posting.
 P1/185
 Date-stamp: 20210521
 WANKIE

ANNEXURE G**NOTICE**

Notice is herewith given, in terms of Section 107 (1) of the Urban and Regional Planning Act. 2018, of the intention to subdivide Erf 4893, Swakopmund, Extension 10 into proposed Portion "A" and Remainder.

It is the intention of the owner to Subdivide Erf 4893 into two portions in order to dispose of the newly created portion.

In terms of the aforesaid please be informed of your right to submit a formal written objection containing reasons for objecting to the proposed intentions of the applicant. Such written objection shall be submitted to both the **Chief Executive Officer of the Local Authority (Municipality of Swakopmund)** and the **Applicant**.

Please be advised that the written objection must be forwarded within the prescribed time as required by the Urban and Regional Planning Act of 2018. Such written objection shall therefore be submitted by no later than 17:00 on 26 March 2021. Such application can be viewed during working hours at 33 Ugab Street, Swakopmund.

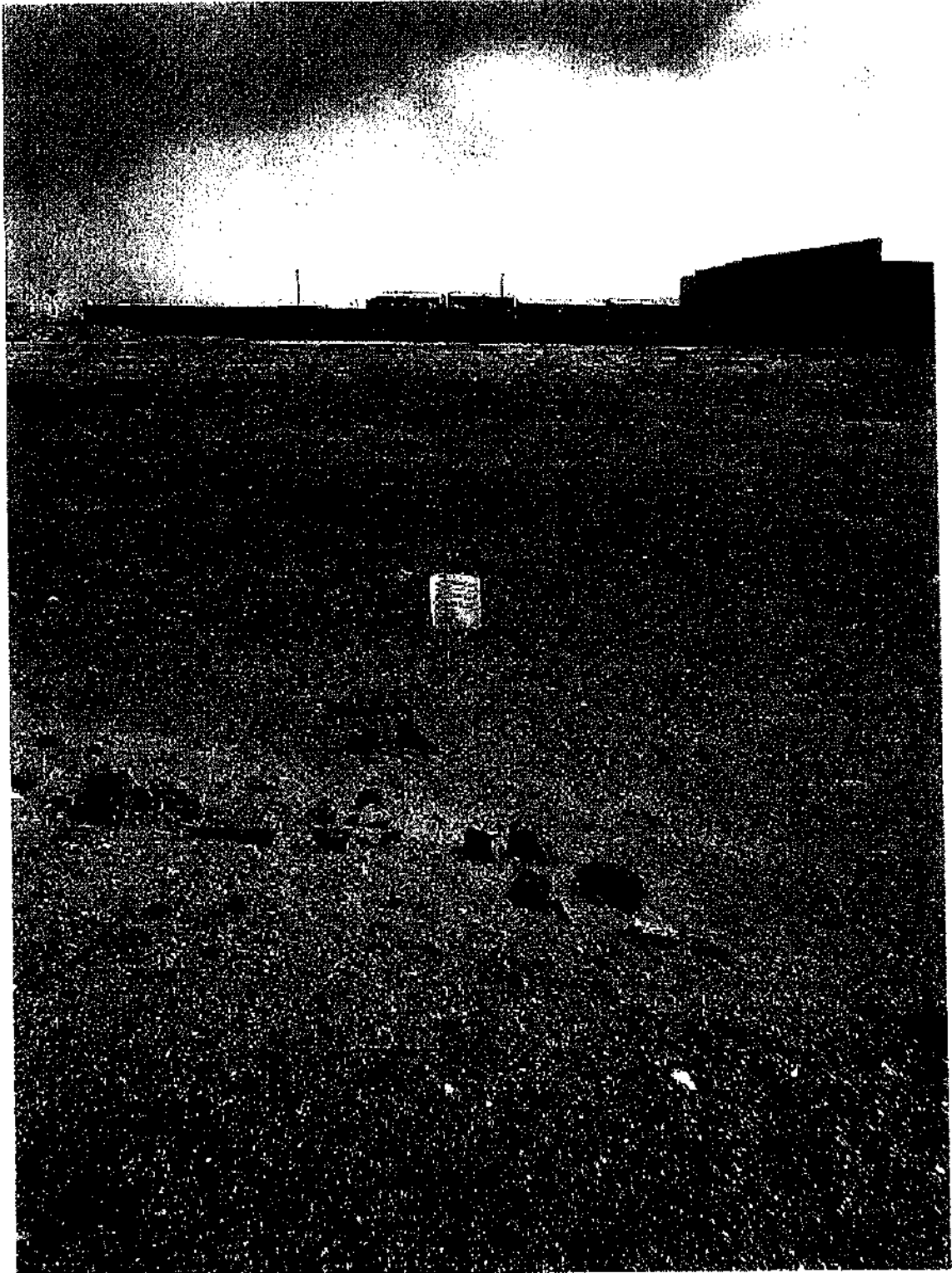
Applicant: Van Der Westhuizen Town Planning & Properties cc

Contact Person: A van der Westhuizen

Cell: 0811224661

Email: andrew.namfu@gmail.com

PO Box 1598, Swakopmund



11.1.22 **TRANSFER OF RIGHTS: HANGAR 51**
(C/M 2021/05/27 - Hangar 51)

Special Management Committee Meeting of 18 May 2021, Addendum 5.2 page 12 refers.

A. The following item was submitted to the Management Committee for consideration:

1. **Introduction**

On **01 September 2016** Council entered into a lease agreement with MJM du Plessis Family Trust for Hangar 51 at the Swakopmund Aerodrome. The **attached** letter dated **16 February 2021** was received from MJM du Plessis Family Trust (**Annexure "A"**) requesting Council's approval for the transfer of the right to the Hangar 51 to a new lessee, being Northern Fuel Distributers CC.

2. **Transfer of Right**

The lease agreement entered into between Council and MJM du Plessis Family Trust, in terms of clause 7.3, provides that:

7.3 *Notwithstanding the provisions of the preceding sub-clauses, the LESSEE shall be entitled (as far as same is possible in law and without representing to the LESSEE, alternatively his or its successor-in-title that the LESSEE or his or its successor-in-title shall acquire any proprietary rights in and to the improvements) to alienate and cede his rights, title and interest in and to any improvements at the PREMISES to any successor-in-title (and thus be relieved of the obligation placed upon him in accordance with the provisions of sub-clause 7.2), provided that -*

7.3.1 *The LESSOR has approved such successor-in-title, which approval will not be withheld unreasonably and*

7.3.2 *The successor-in-title has entered into a lease agreement with the LESSOR on terms similar to the terms contained herein.*

Permission is required from Council before a new lease agreement can be concluded with the new lessee of Hangar 51.

3. **Discussion**

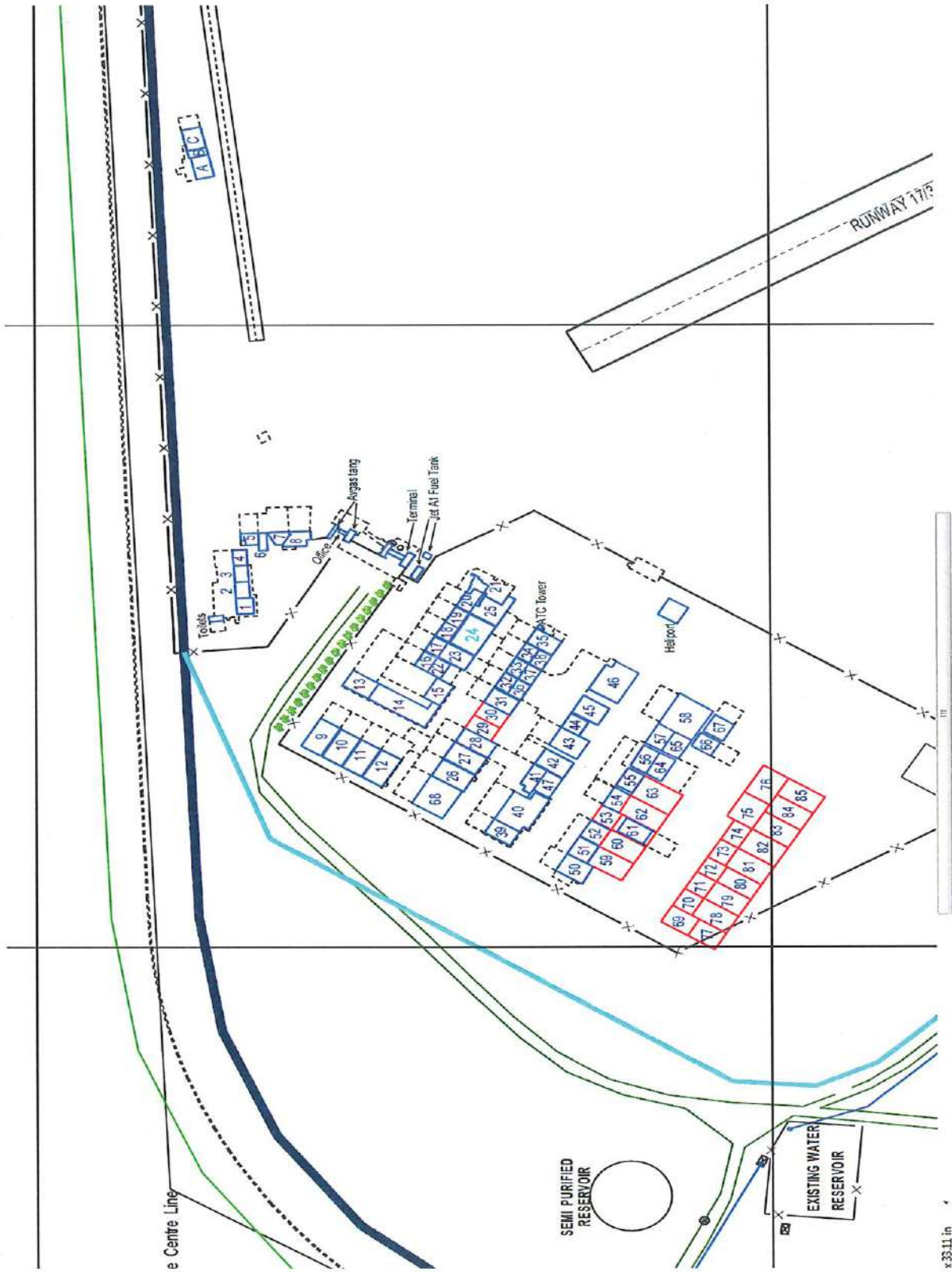
The General Manager: Corporate Services & Human Capital has no objection to the above mentioned transfer of rights to the existing hangars and the conclusion of a new lease agreement with the successor-in-title based on the standard lease terms for the Swakopmund Aerodrome. The above transfer should however be conditional on the confirmation by the General Manager: Finance that the lease accounts of Hangar 51 (**Annexure "B"**) is paid up to date before a new lease agreement is entered into with the new lessee.

B. After the matter was considered, the following was: -

RECOMMENDED:

(a) That Council approves the transfer of the rights of Hangar 51 from MJM du Plessis Family Trust to Northern Fuel Distributers CC, subject to the standard lease conditions for hangars at the aerodrome.

(b) That the approval be subject to MJM du Plessis Family Trust's lease accounts are up to date.



ANNEXURE "A"

The MJM Du Plessis Family Trust

P O Box 8313 Swakopmund
Nelson Mandela Avenue
Investment 625 Unit 7
VAT No: 6736432-01-5

Phone: +264 (64) 406131
Fax: +264 (64) 406132
E-mail: multicon@mweb.com.na

16 February 2021

The Chief Executive Officer
Municipality of Swakopmund
PO Box 53 Swakopmund
Namibia

To Whom It May Concern

This letter serve to confirm that I, Matthys Johannes du Plessis (ID No.: 8012095030083) in my capacity as authorized representative of MJM Du Plessis Family Trust sold Hanger 51, Municipal Account Number 04405100105, to Mr. Johannes Petrus Botes representative of Northern Fuel Distributors CC.

Please change account to:

Nothern Fuel Distributors CC
CC/2001/1153
P O Box 654
Otjiwarongo

Regards,



Mr. M.J. Du Plessis
MJM Du Plessis Family Trust

THE MJM
Du Plessis Family Trust
Tel: 064-406131
Fax: 064-406132
PO Box 8313 Swakopmund
multicon@mweb.com.na

CLIENT

**AMENDED FOUNDING STATEMENT
CC2**

**NORTHERN FUEL DISTRIBUTORS CLOSE
CORPORATION
CC/2001/1153**

Prepared by:

CELESTE CRAMER
PO Box 90430
KLEIN WINDHOEK
WINDHOEK
NAMIBIA

I certify that this document is a true reproduction
/copy of the original which was examined by me
and that, from my observations, the original has
not been altered in any manner.



Signature

Susan Goetze
Commissioner of Oaths
Bahnhof Street 32
P.O. Box 1478
Otjiwarongo, Namibia

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Commissioner of Oaths
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P.O. Box 1478
Otjiwarongo, Namibia

REPUBLIC OF NAMIBIA
CLOSE CORPORATIONS ACT, 1988
(Section 13, 15, 24, 27, 29, 47 and 60)
(Regulations 3 and 12)

AMENDED FOUNDING STATEMENT

Before filling in the form, first see notes on page 2.

REGISTRATION NUMBER OF CORPORATION CC/2001/1153	MINISTRY OF INDUSTRIALISATION, TRADE & SME DEVELOPMENT PO Box 21214, Windhoek
	08 JUN 2016
REPUBLIC OF NAMIBIA REGISTERED OFFICE REGISTER OF COMPANIES CLOSE CORPORATIONS PATENTS TRADE MARKS DESIGNS	

PART A		Dates of commencement of change
Full name of corporation*	NORTHERN FUEL DISTRIBUTORS CC	
Previous name of corporation (if applicable)*	N/A	
Literal translation of name (if applicable)*	N/A	
Shortened form of name (if applicable)*	N/A	
Description of principal business*	DISTRIBUTION OF FUEL AND FUEL PRODUCTS	
Date of end of financial year*	LAST DAY OF FEBRUARY EACH YEAR	

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Signature
Susan Goerzue
Commissioner of Oaths
Bahnhof Street 32
P.O. Box 1478
Otjiwarongo, Namibia

PART B	
Postal address*	P.O. BOX 1478, OTJIWARONGO
Address of registered office (not post office box)*	FOURIE REKENMEESTERS, 32 BAHNHOF STREET OTJIWARONGO, NAMIBIA
Name and address of accounting officer*	P.J. FOURIE P.O. BOX 1478, OTJIWARONGO, NAMIBIA

(Attach written consent to appointment)

Full name of association or body of which accounting officer is a member _____

NAMIBIA INSTITUTE OF PROFESSIONAL ACCOUNTANTS

Membership/Practice No. 10009 2016-06-08

*See note 2 on page 2

NOTES

1. Form CC 2 must be written in block capitals or be typewritten, lithographed or printed in legible characters with deep characters with deep permanent black ink, and lodged in triplicate.
2. Change(s) effective from date of registration or upon a later date mentioned.
3. Where a person signs of behalf of a member, a power of attorney must be attached.
4. Minor children and other persons under legal disability must be assisted by their parents, guardians or representatives, as the case may be, and the capacity must be stated.
5. If no identity document has been issued, a written statement to this effect must be attached.
6. Particulars which do not change should also be furnished.
7. No fee is payable in respect of any changes in particulars under Part B and C.
8. New members must personally sign the form.
9. Form CC 2 which does not comply with the requirements of the Act, regulations or these notes, will be rejected.
10. Particulars to be furnished under Part C.
 - (a) Full names and surname, (If juristic person, mention name and capacity and if trustee, also mention name and particulars of testamentary trust).
 - (b) Identity number (i) if no identity document has been issued, state date of birth and see par. 4. above). (ii) If juristic person, mention registration number).
 - (c) Size of interest expressed as a percentage.
 - (d) Particulars of interest and fair value thereof.
 - (e) Residential address.
 - (f) Postal address
 - (g) Signature of member or representative (Where applicable).

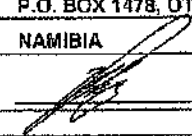
I certify that this document is a (red reproduced) copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner.

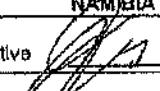

Signature


Susan Coetzer
Commissioner of Oaths
Bahnhof Street 32
P.O. Box 1478
Otjiwarongo, Namibia

NAME OF CORPORATION NORTHERN FUEL DISTRIBUTORS CC

REGISTRATION NUMBER	CC/2001/1153
---------------------	--------------

		Date of Change
MEMBERS	TWO	
Full names and surname	PETRUS JOHANNES FOURIE	
Identity number or date of birth (i)	6 8 0 6 2 6 0 0 0 4 1	
Registration number (ii)		
Percentage of Interest	50.00%	
Particulars of contribution	N\$50.00	
Residential address	LANG STREET 95, OTJIWARONGO	
	NAMIBIA	
Postal address	P.O. BOX 1478, OTJIWARONGO	
	NAMIBIA	
Signature of member or representative		

Full names and surname	JOHANNES PETRUS BOTES
Identity number or date of birth (i)	7 4 1 2 0 3 0 0 1 0 2
Registration number (ii)	
Percentage of Interest	50.0%
Particulars of contribution	N\$50.00
Residential address	HALLEY STREET 13, OTJIWARONGO
	NAMIBIA
Postal address	P.O. BOX 654, OTJIWARONGO
	NAMIBIA
Signature of member or representative	

Witness Signature		Date of signature	12 May 2016
Full names	NOLEEN SMIT		
Residential address	SUID STREET 3		
Business address	32 BAHNHOFSTREET		
	OTJIWARONGO, NAMIBIA		
Postal address	P.O. BOX 1478		
	OTJIWARONGO, NAMIBIA		

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Signature

Susan Coetzee
Commissioner of Oaths
Bahnhof Street 32
P.O. Box 1478

NAME OF CORPORATION NORTHERN FUEL DISTRIBUTORS CC

REGISTRATION NUMBER CC/2001/1153

										Date of Change
MEMBERS										
Full names and surname										
Identity number or date of birth (i)										
Registration number (ii)										
Percentage of interest										
Particulars of contribution										
Residential address										
Postal address										
Signature of member or representative										

Full names and surname										
Identity number or date of birth (i)										
Registration number (ii)										
Percentage of interest										
Particulars of contribution										
Residential address										
Postal address										
Signature of member or representative										

Witness Signature _____ Date of signature _____
 Full names _____
 Residential address _____
 Business address _____
 Postal address _____

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Susan Coetzee
 Signature
Susan Coetzee
 Commissioner of Oaths
 Bahnhof Street 32
 P.O. Box 1478
 Otjivero, Namibia

NAME OF CORPORATION NORTHERN FUEL DISTRIBUTORS CC

REGISTRATION NUMBER CC/2001/1153

PART C

MEMBERS											Date of Change
Full names and surname											
Identity number or date of birth (i)											
Registration number (ii)											
Percentage of interest											
Particulars of contribution											
Residential address											
Postal address											
Signature of member or representative											

Full names and surname											
Identity number or date of birth (i)											
Registration number (ii)											
Percentage of interest											
Particulars of contribution											
Residential address											
Postal address											
Signature of member or representative											

Witness Signature _____ Date of signature _____

Full names _____

Residential address _____

Business address _____

Postal address _____

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Susan Coetzee

Signature

Susan Coetzee

NAME OF CORPORATION NORTHERN FUEL DISTRIBUTORS CC

REGISTRATION NUMBER CC/2001/1153

PART C

MEMBERS

											Date of Change
Full names and surname											
Identity number or date of birth (i)											
Registration number (ii)											
Percentage of interest											
Particulars of contribution											
Residential address											
Postal address											
Signature of member or representative											

Full names and surname											
Identity number or date of birth (i)											
Registration number (ii)											
Percentage of interest											
Particulars of contribution											
Residential address											
Postal address											
Signature of member or representative											

Witness Signature _____ Date of signature _____

Full names _____

Residential address _____

Business address _____

Postal address _____

I certify that this document is a true reproduction of the original which was examined by me and that, from my observations, the original has not been altered in any manner.

Susan Coetzee
Signature

Susan Coetzee
Commissioner of Oaths

Ordinary Management Committee Meeting - 27 May 2021

12 MAY 2016

NORTHERN FUEL DISTRIBUTORS CC
P.O. BOX 1478
OTJIWARONGO

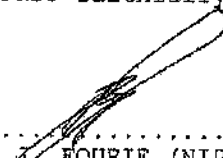
Dear Member

CONSENT TO ACT AS ACCOUNTING OFFICER OF: NORTHERN FUEL DISTRIBUTORS
CC

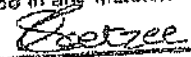
I the undersigned, P.J. FOURIE, member of The Namibia Institute of Professional Accountants (NIPA) (Member no. 10009), hereby consent to my appointment as Accounting officer of NORTHERN FUEL DISTRIBUTORS CC.

I certify that in terms of the Close Corporation act, I am not disqualified from being appointed as Accounting officer.

Yours faithfully

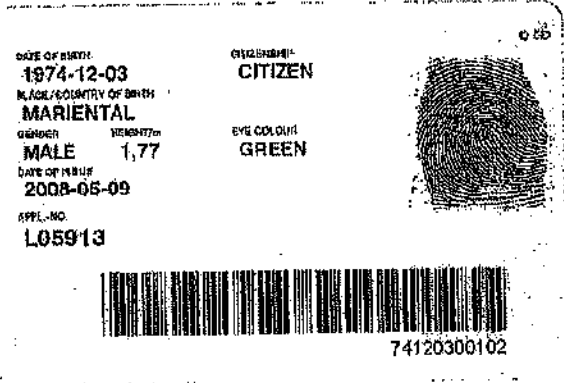
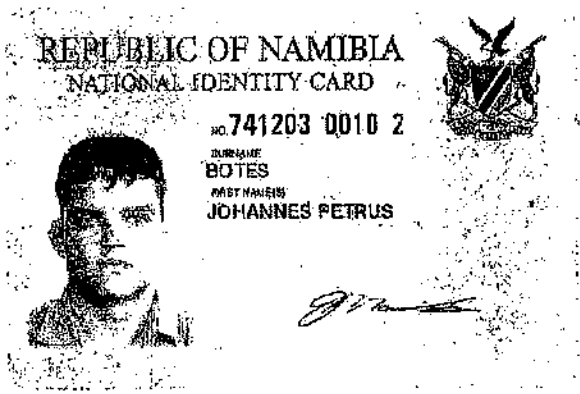

.....
P.J. FOURIE (NIPA)

I certify that this document is a true reproduction / copy of the original which was examined by me and that, from my observations, the original has not been altered in any manner.



Signature

Susan Coetzee
Commissioner of Oaths
Bahnhof Street 32
P.O. Box 1478
Otjiwarongo, Namibia



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Susan Coetzee
Signature

Susan Coetzee
Commissioner of Oaths
Bahnhof Street 32
P.O. Box 1478
Otjiwarongo, Namibia

REPUBLIC OF NAMIBIA
NATIONAL IDENTITY CARD



NO. 680626 0004 1

SURNAME
FOURIE
FIRST NAME(S)
PETRUS JOHANNES



I certify that this document is a true reproduction
/copy of the original which was examined by me
and that, from my observations, the original has
not been altered in any manner.

Signature

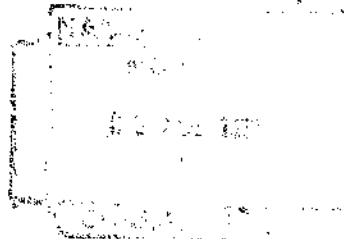
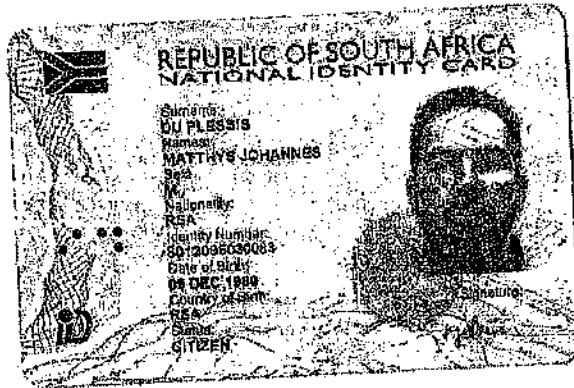
Susan Coetzee
Commissioner of Oaths
Bahnhof Street 32
P.O. Box 1478
Otjiwarongo, Namibia

DATE OF BIRTH
1968-06-26
PLACE (COUNTRY OF BIRTH)
GIBEON
GENDER
MALE
DATE OF ISSUE
2006-05-11
APP. - (NO.)
B92776

CITIZENSHIP
CITIZEN
EYE COLOUR
BROWN



68062600041



I certify that this document is a true and correct copy of the original which was examined by me and that from the inspection the original has not been altered.

[Handwritten Signature]
Signature



BO080-Current Account Details



Owner Ent Acct O/T Meter Age A Sum CR

Account Number: 04405100105 TENANT MJM DU PLESSIS
 Term-D: Stand: 001 044 00000000 00000
 Clearance Appl. Date: Addr: 0 AIRPORT
 Clear Cert. Print: N Post. Add: P O BOX 8313
 Sect-Title: SWAKOPMUND
 Clear. Dates from:
 to:
 ID:
 Total H/O:
 Deb Tp: 33 -

Annexure B

202103 PENDING / UNALLOCATED Receipts 0.00

Options	Inv Date	Description	Reference	Tariff	Debit	C
Option	20210217	BALANCE B/F			3824.91	
Option	20210315	000018 RECE	1101019501			
Option	20210318	RENTAL HANG		SUKAN1	1087.80	
Option	20210318	SU FIRE BRI		SUFBS1	2.00	
Option	20210318	DISPOSAL FE		SUDISD	6.00	
Option	20210318	SU CLEANING		SUCLEA	16.00	
Option		TOTAL			2549.94	
Option			CURRENT	BAL:	2549.94	
Option		CASH UNTIL-	20210331			

Hannelie Loch | Debtors & Property Clerk | Finance | 4318