

# AGENDA

## NO. 4

Ordinary Council Meeting

on

**THURSDAY**

27 JANUARY 2022

at

19:00



MUNICIPALITY OF SWAKOPMUND

# INDEX

ITEM NO	SUBJECT	REF NO	PAGE
11.1.39	Erf 9029, Extension 35: Assessment Of Development Proposal Received For Erf Zoned "Institutional"	E 9029	3
11.1.40	Proposed Exchange Of Erf 476, Extension 1, Matutura Due To Limited Access	M 476, M 499, M 500, M 501, M 502, 503	38
11.1.41	Municipal Cafeteria: Searock Investments CC - The Way Forward	13/3/1/10	44
11.1.42	Messrs Tapeya Investment Holding (Pty) Ltd - Application For A Second Extension Of Time To Comply With Clause 3 Of The Joint Venture Agreement	14/2/1/2, 16/1/4/2/1/14	53
11.1.43	Future Development Of Cancelled JV Agreements: Townships	14/2/1/2, 16/1/4/2/1/14	63
11.1.44	JV Agreements: Informal Dwelling Structures Located On Townships	14/2/1/2, 16/1/4/2/1/14	72
11.1.45	Servicing Of Extensions 32 And 33 Located East Of Kramersdorf	16/1/4/2/1/9	88
11.1.46	Application For Residential Townships Development By Namibia Oysters (Pty) Ltd - Portion 96 (A Portion Of Portion B) Of Swakopmund Town And Townlands	16/1/4/2/1/16	91
11.1.47	Sale Of Meduletu Hall On Erf 1802, Mondesa To PJN Investment (Pty) Ltd	M 1802	155
11.1.48	Sale Of Erf 7085, Extension 26, Mondesa To A Third Party (Low Middle And Middle Income)	E 7085 M	166

11.1.39 **ERF 9029 EXTENSION 35: ASSESSMENT OF DEVELOPMENT PROPOSAL RECEIVED FOR ERF ZONED "INSTITUTIONAL"**  
(C/M 2022/01/27 - E 9029)

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.20** page **225** refers.

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

**1. Introduction**

The purpose of this submission is to inform Council that development proposals were invited for a second time for the allocation of Erf 9029, Extension 35, Swakopmund to a non-profit organization (religious institutions are excluded due the subject erf being smaller than 2 500m<sup>2</sup>).

On the closing date of **26 November 2021** only 1 proposal was received from an entity registered as a private company (i.e. not a non-profit organisation).

Attached:

<b>Annexure "A"</b>	:	Notice 67/2021 and a map indicating the location of Erf 9029
<b>Annexure "B"</b>	:	•Entity that submitted a proposal on 26 November 2021 •Entities that collected Development proposals
<b>Annexure "C"</b>	:	Development Proposal received from Homestate Investments (Pty) Ltd
<b>Annexure "D"</b>	:	Registration document of Homestate Investments (Pty) Ltd
<b>Annexure "E"</b>	:	Proof of Financing from FIS Life Assurance Company Limited
<b>Annexure "F"</b>	:	An executive summary stating that the entity intends enter the Namibian Education system

**2. Brief Background**

Development proposals were invited from the public as per Notice 56/2020 for the allocation of erven Erf 9104 Extension 34, Swakopmund, Erf 9029 Extension 35, Swakopmund and Erf 9060 Extension 35 Swakopmund to qualifying entities. No proposals were received for Erf 9029 measuring 1 889m<sup>2</sup>.

On **29 April 2021**, under item 11.1.2 Council passed the following resolution with regard to the future allocation of Erf 9029 under point (d):

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

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



- (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 is not approved, since they did not provide proof of financial ability.
- (d) That Council invites development proposals from qualifying institutions for the allocation of Erf 9029, Extension Swakopmund.

In execution of point (d) of the decision, development proposals were invited from the public under Notice No 67/2021 for the allocation of Erf 9029, Extension 35, Swakopmund to a qualifying entity.

During the invitation period, the public was informed to collect the development proposal documents from Council to complete for the submission of their proposals. Only proposals received from the attendees will be considered. A list of names of that collected development proposal documents is attached as **Annexure "B"**.

In terms of the notice the following requirements must be complied with:

- The applicants must provide registration document of the institution e.g. *being 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.
- No Close Corporation will be accepted.
- Provide proof of financial ability to purchase the erf and to develop the erf immediately after transfer.
- Proof of any cooperation agreements with other tertiary educational institutions.

### 3. **Discussion**

On the closing date of **25 November 2021** only 1 proposal was received from an entity registered as a private company and the entity only submitted proof of financing. Therefore, the entity does not comply with Council's requirements under Notice 67/2021 and is disqualified since it is not a non-profit organisation. The complete proposal received is attached as **Annexure "C"**.

Council encountered a similar situation with the allocation of Erf 3342, Swakopmund where profit making entities submitted development proposals.

In respect of Erf 3342, Swakopmund, on **26 January 2021** under item 5.6 Council made a decision not to accept any proposals. The invitation was republished providing a price of full cost of services for profit generating entities and 50% cost of services for non-profit entities.

Therefore, for Erf 9029, the price will be as follows:



- N\$ 275 794.00 for non-profit entities
- N\$ 551 588.00 for profit-making entities

Notice No 67/2021 clearly indicates that Council is not obliged to accept any proposal and reserves the right to withdraw the invitation.

- ☐ Council cannot accept the proposal submitted by Homestate Investments (Pty) Ltd as other profit-making entities might have also submitted proposals if the notice provided for such.

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

**RECOMMENDED:**

- (a) That Erf 9029, Extension 35, Swakopmund measuring 1 889m<sup>2</sup> be offered to Messrs Homestate Investments (Pty) Ltd, subject to the following:
- That the property be offered to Messrs Homestate Investments (Pty) Ltd by private treaty at a purchase price of N\$551 588.00 for profit-making entities (full cost of service installation), and be published as required in terms of the Local Authorities Act 23 of 1992.
- (b) That the standard reverting clause remains applicable for failure of developing the property (Annexure "B" attached to Annexure "C").
-

#### 4. Notice



#### Municipality of Swakopmund

#### Invitation for Development Proposals for the allocation of Erf 9029, Ext 35, Swakopmund from Non-Profit Organisations, Private Schools, Pre-Primary Schools, Kindergarten & Crèches

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 Private School, Pre-Primary Schools, Kindergartens / Crèches or Non-Profit organisations to purchase and develop the following erf:

• Erf 9029, Ext 35, Swakopmund measuring 1 889m<sup>2</sup> at N\$ 275 794.00.

Due to the size of the erf being smaller than 2 500m<sup>2</sup> proposals from religious institutions will not be considered.

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

- ✓ The applicants must provide registration document of the institution e.g. being 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 Deeds Registry purposes.
- ✓ **No Close Corporation will be accepted.**
- ✓ Provide proof of financial ability to purchase the erf and to develop the erf immediately after transfer.
- ✓ Proof of any cooperation agreements with other tertiary educational institutions.

A reverting clause will be registered against the title of the property to ensure the development of the property.

#### General:

The proposal document and site plans can be obtained from Ms A Uushona at the Swakopmund Municipal Building, Rakotoka Street, Swakopmund.

The duly completed proposal documents in an envelope together with the required documents, clearly marked with the name of the proposer and stating "Development Proposal for Erf 9029, Ext 35, 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 November 2021 at 12:00. Only proposals attached to the municipal form will be accepted.

Enquiries:

Ms A Uushona  
 ☎ 064-4104216  
 ✉ [auushona@swkmun.com.na](mailto:auushona@swkmun.com.na)

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

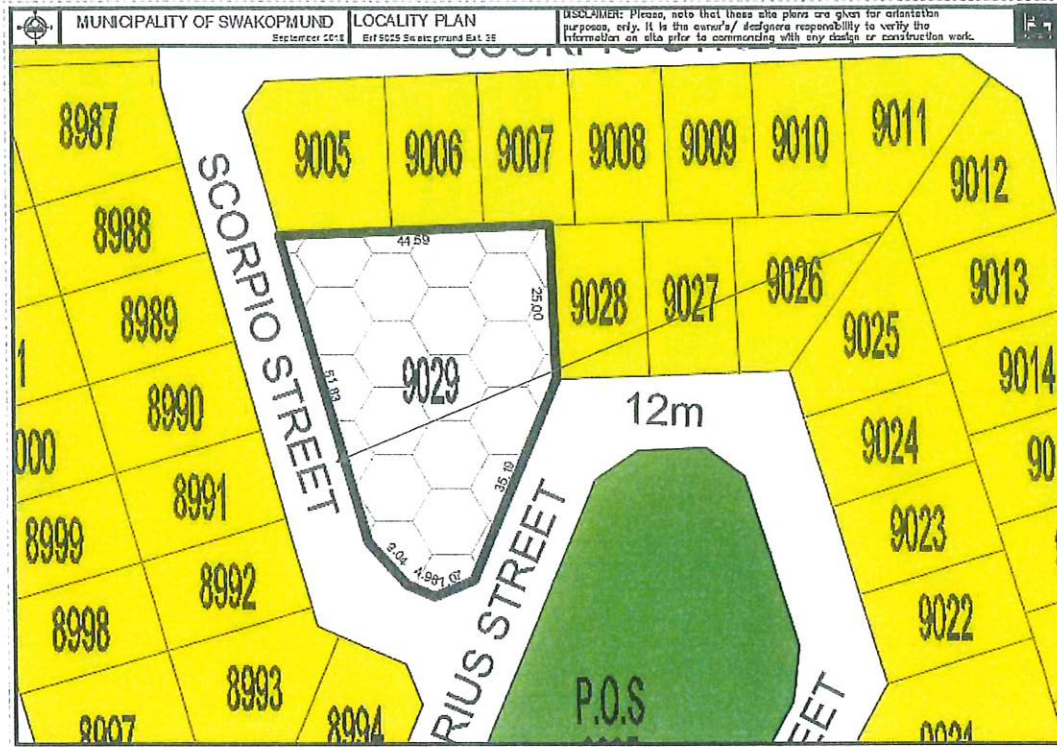
NOTICE NO: 67/2021

A Benjamin  
 CHIEF EXECUTIVE OFFICER



Annexure "A"

Map indicating the location of Erf 9029, Ext 35, Swakopmund



**ANNEXURE "B"**

**Opening of Development Proposals**

**Notice 67/2021**

**26 November 2021**

 **Erf 9029, Ext 35, Swakopmund**

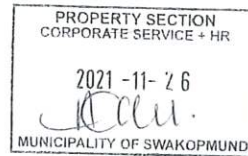
	From	Comments
1	Home State Investment (Pty) Ltd	DEM
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		



List of Institutions that collects Development Proposals from the Property Section – Notice 67/2021

	Name of Institution/Entry	Contact person	Contact Number	E-mail	Date of Collecting Doc.
1	Numbia children women foundation	The Mayor Louise Restive	0811403086	lrestive@sidc.mun.gov.nz	Hand delivered 18/10/2021
2		G Witbooi	064-459605	witbooi@mweb.com.na	18/10/2021 mailed
3	Swalekpan Christian Academy	Ms. K. Lincks	0812599692	school.office@swalekpan.co.za	21/10/2021
4	Wendyvising Ramos Lucillo		081694846	suk.ram@ramos.org	28/10/21
5	Play and Learn Academy	Nekulu	0814246444	aneluxa3@gmail.com	09/11/21
*6	Hume State Inv. Co. Ltd	I. Edward	085128710	indilae@gmail.com	mailed 17.11.2021
7	MANU - Frotimo	C.A. Eirab	0812915068	chris@manudevelopment.com	24/11/2021
8					
9					
10					

Date

**ANNEXURE "C"****MUNICIPALITY OF SWAKOPMUND**

DEPARTMENT: CORPORATE SERVICES &amp; HUMAN CAPITAL



NOTICE NO: 67/2021

**INVITATION FOR DEVELOPMENT  
PROPOSALS FROM NON-PROFIT  
INSTITUTIONS:**

↳ Erf 9029, Extension 35, Swakopmund

Name of Applicant:	Home State Investments P17 Ltd.
Postal Address:	P.O. Box 70119 Khorwasdal Windhoek
Business Address:	No. 138, Sam Nujoma Drive Windhoek
Representative:	Mr. Indila Edward
Telephone:	0851287110
Facsimile:	
E-mail:	indilae@gmail.com
Closing Date:	Friday, 26 November 2021 at 17:00



**INDEX**

ITEM	PAGE NO
1. Introduction .....	3
2. Description of the Property .....	3
3. Definition of a Non-Profit Organisation .....	4
4. Notice .....	5
5. Standard Conditions .....	6 – 8
5.1 Requirements	
5.2 Purchase Price	
5.3 Method of Payment	
5.4 Cost of Transaction	
5.5 Conditions of Sale	
5.6 Reverting Clause	
5.7 General	
6. Town Planning Requirements .....	8
7. Technical Requirements .....	8
8. Proposal Conditions .....	8 & 9
9. Proposal Document .....	10
Erf 9029, Ext 35, Swakopmund	11
 <b>Annexure "A"</b>	
Erf 9029, Ext 35, Swakopmund	12
 <b>Annexure "B"</b> Standard Reverting Clause	13 - 14
<b>Annexure "C"</b> Town Planning Requirements	15 & 16
<b>Annexure "D"</b> Technical Requirements	17
↳ Application for Approval of Building Plans (Check List)	
↳ Building Plan Approval Process	

## 1. Introduction

The Swakopmund Municipality hereby invites non-profit organisations, pre-primary schools, private schools and kinder gardens / crèches to submit proposals to purchase and construct non-profit and / or educational facilities:

- Erf 9029, Ext 35, Swakopmund measuring 1 889m<sup>2</sup> at N\$ 275 794.00

The zoning of the above erf is "institutional"

Due to the size of this erf being smaller than 2 500m<sup>2</sup> proposals from religious institutions will not be considered.

## 2. Description of the Property

Erf 9029, Ext 35, Swakopmund is surrounded by residential erven and a public open space. The borders of the erf are surrounded by roads. The location of this erf is indicated below:



The erf will be sold by private transaction, subject to the conditions herein contained

Separate map indicating the location of Erf 9029, Ext 35, Swakopmund is attached as Annexure "A".



### 3. Definition

---

In terms of Council's Property Policy, a non-profit organisation is defined as follows:

*any educational institution, whether incorporated or not, which*

- (i) is carried on otherwise than for the purposes of profit, gain or economic self-interest to any proprietor, member, shareholder, trustee or beneficiary of such education institution or to itself, and*
- (ii) is, in terms of its memorandum, articles of association, written rules, constitution or other document constituting or governing the activities of that educational institution,*
  - (aa) required to utilise any property or income solely in the furtherance of its aims and objects, and*
  - (bb) prohibited from distributing or transferring any or all of its property or income directly or indirectly in any manner whatsoever so as to profit any person other than by way of the payment in good faith of reasonable remuneration to any officer, employee or trustee of the education institution for any services actually rendered to such institution."*

## 4. Notice



## Municipality of Swakopmund

**Invitation for Development Proposals for the allocation of Erf 9029, Ext 35, Swakopmund from Non-Profit Organisations, Private Schools, Pre-Primary Schools, Kindergarten & Crèches**

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 Private School, Pre-Primary Schools, Kindergartens / Crèches or Non-Profit organisations to purchase and develop the following erf:

\*Erf 9029, Ext 35, Swakopmund measuring 1 889m<sup>2</sup> at N\$ 275 794.00.

Due to the size of the erf being smaller than 2 500m<sup>2</sup> proposals from religious institutions will not be considered.

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

- ✓ The applicants must provide registration document of the institution e.g. being 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 Deeds Registry purposes
- ✓ **No Close Corporation will be accepted.**
- ✓ Provide proof of financial ability to purchase the erf and to develop the erf immediately after transfer
- ✓ Proof of any cooperation agreements with other tertiary educational institutions

A reverting clause will be registered against the title of the property to ensure the development of the property

**General:**

The proposal document and site plans can be obtained from Ms A Uushona at the Swakopmund Municipal Building, Rakotoka Street, Swakopmund.

The duly completed proposal documents in an envelope together with the required documents, clearly marked with the name of the proposer and stating "Development Proposal for Erf 9029, Ext 35, 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, 25 November 2021 at 12:00. Only proposals attached to the municipal form will be accepted.

Enquiries:

**Ms A Uushona**  
 Tel: 064-4104216  
 Email: [auushona@swkmun.com.na](mailto:auushona@swkmun.com.na)

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

NOTICE NO: 67/2021

A Benjamin  
 CHIEF EXECUTIVE OFFICER

5 | Page

**5. Standard Conditions**

**5.1 Requirements**

The applicants must provide registration / incorporation documents or a conveyancer's certificate indicating that:

- 5.1.1 the Institution is properly constituted, i.e. duly certified copy of the current constitution in English;
- 5.1.2 The constitution clearly indicates the assignees who are empowered to sign the documentation on the institution's behalf; and
- 5.1.3 The name or entity in which ownership of the property shall vest in an acceptable form for the Deeds Registry purposes.

Summarized

Welfare Organisations	Private Schools, Pre-Primary Schools, Kindergarten & Creches
<ul style="list-style-type: none"> <li>✓ A constitution or proof of registration as a section 21 company.</li> <li>✓ A Power of Attorney granted to a particular person/s that he/she/they have the authority to sign on behalf of the institution.</li> <li>✓ Welfare organisations applying for land shall provide proof of their financial ability to develop the erf immediately after transfer.</li> <li>✓ Copies of financial statements for the last six months. In the case where it is not available, proof of financing from a financial institution will suffice.</li> <li>✓ Proof that the welfare organisation is operational in Namibia for at least two years before the sale of land is considered.</li> </ul>	<p>The applicant must provide a conveyancer's certificate indicating that:</p> <ul style="list-style-type: none"> <li>✓ The institution is properly constituted, i.e. duly certified copy of the current constitution in English;</li> <li>✓ The constitution clearly indicates the assignees who are empowered to sign the documentation on the institution's behalf; and</li> <li>✓ The name or entity in which ownership of the property shall vest in an acceptable form for the Deeds Registry purposes.</li> <li>✓ Provide proof of financial ability to develop the erf immediately after transfer.</li> </ul>

**5.2 Purchase Price**

The price for the institutional erf is subsidized by Council to the value of 50% of the cost of installation of services per square metre at the time the erf was developed.

The prices do not escalate.

**5.3 Method of Payment**

The full purchase price is payable on date of sale, being the date of signing the deed of sale; or to be secured by a bank guarantee payable on date of transfer.

Alternatively, the purchase price plus interests calculated at the prime lending rate of Council's bank in 24 equal monthly instalments. (approved by Council under item 11.1.2 on 31 May 2018)



**5.4 Cost of Transaction**

All costs for the transaction is for the account of the applicant, such as, including, but not limited to the advertising of Council's intention to sell and the compilation of a deed of sale.

**5.5 Conditions of Sale**

5.5.1 The requirement regarding the alienation of immovable property as prescribed in the Local Authorities Act, Act 23 of 1992, (as amended), and the Townships Ordinance 11 of 1963 respectively, be dealt with successfully.

5.5.2 The deed of sale shall be drafted and signed by all parties within 12 months from date of the relevant Council resolution.

5.5.3 Construction must commence within 12 months and land which is not developed within a period of 5 years from date of sale, shall revert to Council and all monies and or fees paid to Council will be forfeited to Council as per point 5.6 below.

5.5.4 Council retains a first right of refusal to purchase the developed land at the market value of the improvements at the time and the purchase price paid should the owner decide to sell it.

5.5.6 Submit total layout plans, indicating the infrastructure, details of the project as well as the service demand for the intended projects.

5.5.7 The development must comply with the provisions of the Town Planning Scheme.

5.5.8 No subdivision and sale of any portion of Erf 9029, Ext 35, Swakopmund will be considered.

**5.6. Reverting Clause**

In terms of Section of the property policy the reverting clause will be registered against all land sold at subsidised price, see attached (see next page). This clause is attached as Annexure "B".

**5.7 General**

5.7.1 No rights will accrue to the applicant unless all conditions of this sale are complied with in full and all the relevant authorities, if necessary, have given the required permission.

5.7.2 The deed of sale must be signed and returned to Council by the purchaser within 21 days of being requested to do so.

5.7.3 The erf is being sold *voetstoots* and in the condition as on the date of sale e.g. the date of signing the deed of sale.

5.7.4 Council shall not accept any responsibility for any upgrading work to the erf.

5.7.5 Building activities may only be commenced with once the erf is transferred.

5.7.8 The purchaser is entitled to apply to Council annually for the exemption from the payment of assessment rates in respect of this erf, but is from the date of sale, the date of signing the deed of sale responsible for the payment of all municipal charges.

## **6. Town Planning Requirements**

---

Attached as Annexure "C".

## **7. Technical Requirements**

---

Attached as Annexure "D".

## **8. Proposal Conditions:**

---

- (a) The applicant's name, address, and telephone number must be clearly stated.
- (b) Only duly completed proposals on the municipal forms will be accepted for consideration.
- (c) A separate statement be attached to the proposal document, explaining the detail of the proposal, meaning how will the project benefit the community, what will be constructed, when and at what cost. In this regard please also take note of (h) below.
- (d) The purchase prices of the erf is fixed at:
  - Erf 9029, Ext 35, Swakopmund measuring 1 889m<sup>2</sup> at N\$ 275 794.00.
- (e) The Municipality of Swakopmund is not obliged to accept any proposal.
- (f) 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.
- (g) 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.
- (h) All Municipal regulations and or by-laws in force within the Municipal area will be applicable.
- (i) The following documents must be **submitted and attached** to the original application document:

- ✓ The applicant must provide the registration document of the institution e.g. being 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.
  - ✓ Provide proof of financial ability to purchase the erf and to develop the erf immediately after transfer.
  - ✓ Proof of any cooperation agreements with other tertiary educational institutions.
  - ✓ Informal conceptual lay-out plans.
- (j) A complete development proposal must be **submitted and attached** to the official proposal document.



**9. Proposal Document for Erf 9029, Swk:**

1. Clearly state the name of the applicant in an acceptable form for Deeds Registry purposes:

*HomeState Investment PTY Ltd.*

as it appears on: *the registered constitution of a voluntary association  
the trust deed of a trust  
the memorandum of incorporation for a non-profit company*

2. Is the applicant registered as a non-profit organisation:

No   
Yes

If yes, please quote the registration number: \_\_\_\_\_

3. The applicant is duly represented by:

Name & Surname : *MR. Indila Edward*

ID Number : *71103100122*

Marital Status : *Single* (Indicate whether In / out of community of property)

Postal Address : *P.O. Box 70119, Khoramasdal, Windhoek*

Residential Address: *No. 29, Dr. Marcus Garvey Street, Klein Wiltc*

Telephone #: (w) *0857287110* (h) *0857287110* (c) *0857287110*

E-mail: *indilae@gmail.com*

4. The purchase price for Erf 9029, Ext 35, Swakopmund is N\$275 794.00 and the property will be allocated based on inter alia on the project and its motivation.

This development proposal is subject to Council's standard conditions of sale and by signing. I acknowledge that I have read and understood pages 1 to 18; and I agree to be bound by the conditions of sale contained therein.

Ensure that the following documents are attached:

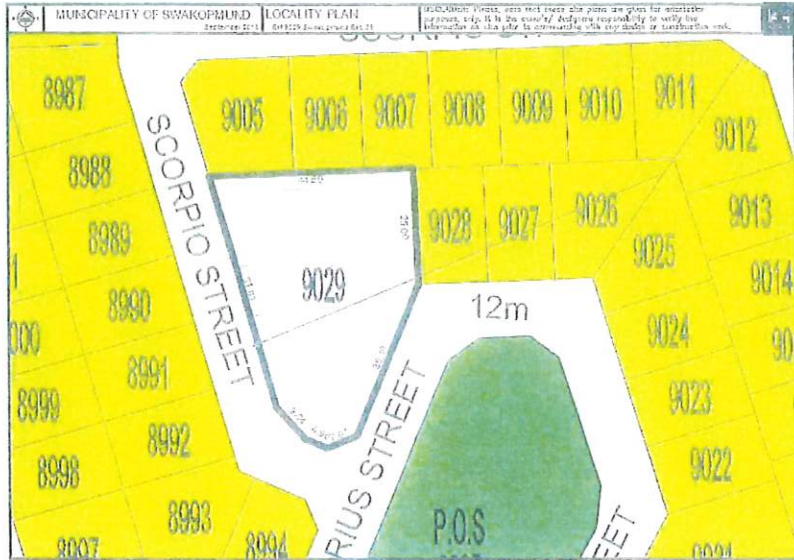
- ☞ A Constitution / Trust Deed / Proof of Registration as Non-Profit Company
- ☞ Registration as an Institution as Tertiary of Education Institution
- ☞ A power of attorney appointing the duly authorized representative as per point 3 above
- ☞ Proof of financial ability to purchase the property and develop same after transfer
- ☞ Development proposal, informal conceptual lay-out and statement regarding the intended development
- ☞ Proof of any cooperation agreements with other tertiary educational institutions

Name and Surname of duly appointed Representative of the Applicant

*MR Indila Edward* official stamp  
Signature: *[Signature]* Date: *25/11/2021*

Annexure "A"

Map indicating the location of Erf 9029, Exi 35, Swakopmund



## Annexure "B"

## Annexure "G" of the Property Policy

Churches & Welfare Organisations(vi) Reverting Clause

A reverting clause which reads as follows will be registered against all the land sold at subsidised price.

NOTARIAL REGISTRATION

(i) Subject to the provisions of this Agreement, the PURCHASER notes that it shall not be entitled to cede, assign or in any other manner make over its rights, title and interest in this Agreement or any of its liabilities, responsibilities, duties or obligations hereunder to any other third party, without prior written consent of the SELLER, which consent shall not be unreasonably withheld: Provided that the PURCHASER, duly complied or guaranteed compliance with all conditions under this Agreement as well as with the conditions to be registered notariately in favour of the SELLER.

(ii) The PURCHASER, agrees to the registration against the Title Deed of the PROPERTY, of the following conditions imposed for the benefit of and enforceable by the SELLER, or its assigns, namely:

The PROPERTY shall revert to the SELLER in the event of the PURCHASER, not complying with the following conditions:

(a) If the PURCHASER, fails to develop and erect within five years from date of sale improvements on the PROPERTY (not including out-buildings) to the value equal to the municipal valuation of the PROPERTY as determined by the Municipal Valuator from time to time then

(i) The PURCHASER shall retransfer the PROPERTY to the SELLER at the PURCHASER's cost, and the SELLER shall refund the purchase price paid, less any amounts owed to the SELLER; however the SELLER shall not be liable to pay the PURCHASER any compensation for the improvements on the PROPERTY;  
[amended by Council Resolution 11.1.10 passed on 27 May 2014]

or alternatively, to the choice of the SELLER,

(ii) the PURCHASER shall pay the SELLER within thirty days from having been requested to do so, the difference between the purchase price as set out in clause (b) (i) and the market valuation of the unimproved property based on the highest land use of the PROPERTY on date the reverting clause shall apply.

(iii) The PURCHASER shall not use the PROPERTY for any other purpose than for which it was bought or sell, sublease or donate the PROPERTY without the consent of the SELLER, for a period of 30 (thirty) years from date of sale. Should the SELLER at its sole option consent to a different use or the sale, sublease or donation of the PROPERTY to a third party, the PURCHASER undertakes to pay to the SELLER the difference between the purchase price set out in clause A (i) and the market valuation of the unimproved property based on the highest land use of the PROPERTY or portion thereof, on date of approval of the different use or the sale, lease or donation to a third party.

(iv) The PURCHASER undertakes to effect at its own cost the registration of the conditions contained in clauses ... by way of a Notarial Deed of Imposition of Conditions against the Title Deed of the PROPERTY, the wording of such Notarial Deed to be determined by the Notary of the SELLER to reflect the intention of the PURCHASER or its successor- in-title or its assigns and SELLER contained in the said clauses.



6. Town Planning Requirements



H. INSTITUTIONAL ZONE

- 1. Colour Notation: Black checker pattern
- Primary Uses: Institutional
- Consent Uses: Dwelling House

2. Land Use Restrictions

2.1 Building Lines

- (a) No building, permanent structure or portion thereof, except for boundary walls and fences, may be erected on the site within:
  - (i) 5 metres from any street boundary,
  - (ii) 3 metres from any rear boundary,
  - (iii) 3 metres from any side boundary, and
  - (iv) 5 metres in the case of a garage from any street boundary or half the height of the building, whichever is greater.
- (b) Notwithstanding the provisions of sub-paragraph (a) above the Council may, subject to any conditions it may deem necessary, relax the building line restrictions.
- (c) With the consent of the Council or the Competent Authority a building (with opening windows overlooking the neighbouring property) can be erected on a common border with a Public Open Space.

2.2 Parking

- (a) Except where specified elsewhere in the scheme, when a building is to be erected on a site the owner thereof shall construct and maintain, at his own expense and to the satisfaction of the Council, parking spaces on the site as set out in Table III.

TABLE III: Parking Requirements

Places of Public Worship and	1 parking bay per 10 seats or 10 members
Places of Instruction	Min. 10 bays for funeral chapels, 6 bays for other uses
Institutional	1 per 2 beds or as determined by Council

The parking requirements, subject to the specified use zoning, shall be calculated as set out in column (2) of Table III and that the number of parking bays thus obtained shall be rounded off to the nearest integer.

- (b) The access to and the position and dimensions of a parking place shall conform to the requirements of the Council.



- (c) The Council may relax the requirements of sub-clause (a) if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.
- (d) The site to be provided for parking in terms of this clause shall not be used for the purpose of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.

2.3 Height

- (a) No building shall exceed a height of 8m.
- (b) Provided that:
  - x The Council may relax the maximum height to 10 metres if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the Scheme, will result.

2.4 Coverage and Gullies

- (a) The maximum coverage for all buildings in this zone is 70%.
- (b) The maximum gully will be 100.



## Annexure "D"

**7. Technical Requirements**

---

**7.1 Appointment of Specialist**

- (a) According to the Architect's Act, 1979 (Act 13 of 1979) Part 3, section 18, only plans from Architects registered with the Namibia Council for Architects and Quantity Surveyors, and firms registered with the Namibia Institute of Architects will be considered for approval, for developments in excess of 500m<sup>2</sup> (per erf) and other reserved buildings (warehouses excluded). Does (do) the title block(s) carry the name of the firm with the signature of responsible architect?
- (b) Appointment of an Engineer(s). Building complexes of this magnitude will most likely require the appointment of Engineers to provide support and specialist designs on the project. Any structural item will have to be designed and certified by a Structural Engineer.
- (c) Completion Certification requirements, thus detail pertaining to Compliance to specification by various Construction and Design Specialists. Detail of requirements to be complied with prior to issue of Occupation (partial) permissions.

**7.2 Aesthetics Approval**

- (a) For any development outside the conservation area where the development will exceed 800m<sup>2</sup> a submission of the proposed development must be submitted to the Aesthetics Committee of the Municipality to review the appearance of the intended structure within its environment.

**7.3 Services**

- (a) Details of alterations/upgrades to services (water, sewage, roads, electricity), if required. Who will perform such and who will finance the costs for the works. This may be considered a project on its own and shall be executed under the directives from the Municipality (Engineering and Planning Services).

**7.4 Building Plan Application and Approval**

- (a) The submission of building plan for approval and the issue of building permits will be subject to the standard building regulations of 1973.
- (b) A building plan application check list and a building plan application process flow chart is attached in Appendix A to guide the applicant in the process.

for information

MUNICIPALITY OF SWAKOPMUND



MUNICIPALITY OF SWAKOPMUND

ENGINEERING SERVICES DEPARTMENT  
APPLICATION FOR APPROVAL OF BUILDING PLANS  
GENERAL CHECK LIST

(Note each application has its own set of requirements and not all requirements may be equally applicable to all plans)

BUILDING INSPECTOR

No	Description	Tick Yes/No	N/A	Re-td
B_1	According to the Architects Act (1979) (Act 13 of 1979) Part 3, section 16, architects from Architects registered with the Namibia Council for Architects and Quantity Surveys, and those registered with the Namibia Institute of Architects will be considered for approval for buildings with a volume of 500m³ (over or) and other reserved buildings (residential included). Does [X] the tick (black) signify the name of the firm with the signature of registered architect?	Yes	NO	
B_2	Copy of title deed / Proof of Ownership			
B_3	Colour used correctly? YES: Tick/Colour, Else: No/NC GREEN: Concrete YELLOW: Plaster, Wood BROWN: Wood	Yes	NO	
B_3	2 x Site Plan (1:200) - A4/A3 Size (Unless printed out 11)	Yes	NO	
B_4	Site plans shall be coloured as follows: Proposed work: RED Existing work: Not coloured Work to be demolished: Green with cross-hatched lines	Yes	NO	
B_5	For additions / alterations, does the site plan implement the obvious plan (to be used for attempt to have own command structure approved)?	Yes	NO	
B_4	2 x Drainage Plan (1:200)	Yes	NO	
B_5	2 x Building Plan (1:100)	Yes	NO	
B_6	2 x Electrical Plan (1:200)	Yes	NO	
B_7	Legend for Electrical Symbols	Yes	NO	
B_8	Roof Plan - Roof Line/Layout - Field(s) - (not onto the neighbouring earth)			
B_9	In all cases the scales employed shall be stated on the plans or drawings, and the letters and symbols used on such plans and drawings shall be not less than 2 mm in size in the case of upper case letters.	Yes	NO	
B_10	Site Plan with all dimensions and adjacent areas	Yes	NO	
B_11	North Arrow shown and correct?	Yes	NO	
B_12	Check whether road pitch is adequate for the speed of travel	Yes	NO	
B_14	Check whether transverse and specification covering SANS Road Tables - when an engineer or calling specialist has to be appointed	Yes	NO	
B_15	Description of Rooms	Yes	NO	
B_16	Inside Area of each room	Yes	NO	
B_17	(Outside / Foot print) Area of existing structure and additions	Yes	NO	
B_18	Length and height of new boundary wall (to elevation in front of road) (if wall street no. 10, or related to max. height 2.25 m)	Yes	NO	
B_19	Appointment letter for structural engineer (unless provided) - where applicable	Yes	NO	
B_20	Cross section correct and indicated on floor plans correctly?	Yes	NO	
B_21	Do the elevations match the floor plans? Matched correctly?	Yes	NO	
B_22	Complete Trans/Rafter Description	Yes	NO	
B_23	Door & Window Schedule	Yes	NO	
B_24	Floor Levels indicated (lowest level higher than final street level) (if relevant)	Yes	NO	
B_25	Foundation Sizes	Yes	NO	
B_26	DPC / DPM	Yes	NO	
B_27	Footings, gables and fittings in front two boundaries	Yes	NO	
B_28	New walls on boundary facing neighbour to street (here line / log plastered wall & PVA painted)	Yes	NO	
B_29	Structures and walls on common boundary plastered and painted toward neighbour	Yes	NO	
B_30	Corner Windows & Back beam design	Yes	NO	

FIRE CHECK

No	Description	Tick Yes/No	N/A	Re-td
F_1	Fire installation drawing, Firewalls	Yes	NO	
F_2	Fire doors and fire fighting equipment	Yes	NO	
F_3	Self-closing fire doors (no fire gauge)	Yes	NO	
F_4	Garage floor min. 100mm lower than floor of adjacent dwelling	Yes	NO	
F_5	The escape route drawn on any fire protection plan shall be clearly given and the direction of travel to a safe area shall be indicated by arrows drawn at short intervals along the plan route.	Yes	NO	



for information

MUNICIPALITY OF SWAKOPMUND

HEALTH DEPARTMENT				
No.	Description	Tick Yes/No	N/A	Initial
H.1	Sufficient ventilation, mechanical ventilation / extractor fan provided	Yes	Yes	
H.2	Sufficient light provided	Yes	Yes	
H.3	Fat, oil and grease (FOG) traps provided for food and catering facilities	Yes	Yes	
H.4	Fume and oil traps provided for mechanical garages and car wash stations	Yes	Yes	

TECHNICIAN: TRAFFIC ENGINEERING & STORMWATER				
No.	Description	Tick Yes/No	N/A	Initial
T.1	Position of signage, entrance, driveway and accessible circulation of space as per plan	Yes	Yes	
T.2	Second entrance applicable / permeable	Yes	Yes	
T.3	Feasible / practical parking	Yes	Yes	
T.4	Feasible / practical loading zone	Yes	Yes	
T.5	Accommodation of storage area	Yes	Yes	
T.6	Drain holes in floor / dry walling	Yes	Yes	
T.7	Stairways of concrete / quality of finish as specified on drawings for use	Yes	Yes	
T.8	Fall of roofs, gutters and down pipes not towards a driveway or residential area	Yes	Yes	

TECHNICIAN: WATER & SEWER (WWT SERVICES)				
No.	Description	Tick Yes/No	N/A	Initial
W.1	Legend for drainage plan One set copy of the drainage plan of the zoning unit submitted for publication. Minimum three set installation shall be provided in accordance with the following: a) Drain and soil pipes: Green b) Waste pipes: Green c) Soil and combined waste: Red d) Waste vents e) Pipes for the conveyance of industrial effluent: Orange f) Gas/drain block: Black g) Stormwater pipes: Not coloured	Yes	Yes	
W.2	Are any trunking services running through / under the site plan?	Yes	Yes	
W.3	Is the sewer connection correct with road sewer?	Yes	Yes	
W.4	Is the drainage discharge to sewer? Minimum 1:100	Yes	Yes	
W.5	Legend for drainage plan	Yes	Yes	
W.6	Pool filter back wash connection detailed	Yes	Yes	

TOWNPLANNING				
No.	Description	Tick Yes/No	N/A	Initial
P.1	Is the zoning indicated on the application form correct? (N/A)	Yes	Yes	
P.2	Building line / setback (if applicable) garage not less than 4.5m	Yes	Yes	
P.3	Double Storey (as indicated on plan, height limit for DR15, PE1, etc.)	Yes	Yes	
P.4	Coverage on E.O. according to zoning	Yes	Yes	
P.5	Density (2:100, 1:250, 1:200, 1:100, 1:50)	Yes	Yes	
P.6	3m setback to zoning	Yes	Yes	
P.7	Height according to zoning (max. 25 m residential or a 42 m commercial)	Yes	Yes	
P.8	Maximum 100m Average 50m (100m/250m/50m, 20m/50m/100m/50m, etc.)	Yes	Yes	
P.9	max. 5 Garages (if less than or equal to a total area of 50m <sup>2</sup> for commercial or 100m <sup>2</sup> )	Yes	Yes	
P.10	Parking and loading zones according to zoning provision	Yes	Yes	
P.11	Are there any servitudes or reserves registered on the erf?	Yes	Yes	
P.12	Subsiding area: 50% of floor area of erf, if applicable	Yes	Yes	
P.13	Multiple vehicles: are you within the zoning requirements (if applicable, if applicable)	Yes	Yes	

AESTHETICAL APPROVAL/N/A				
No.	Description	Tick Yes/No	N/A	Initial
A.1	Is the property within Conservation area? (see 12)	Yes	Yes	
A.2	Are there alterations which are not durable from the front and therefore affect the integrity of building, older than 50 years	Yes	Yes	
A.3	If Yes, has it been approved? (Copy of approval attached) (see 12)	Yes	Yes	
A.4	If Yes, has it National Heritage Area (see 12) (Copy of approval attached) (see 12)	Yes	Yes	
A.5	Major projects outside the Conservation Area with a floor area larger than 500m <sup>2</sup>	Yes	Yes	
A.6	If Yes, has it Aesthetic Approval? (Copy attached) (see 12)	Yes	Yes	

Remarks:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

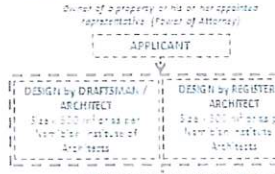
for information

**MUNICIPALITY OF SWAKOPMUND**  
**FLOW DIAGRAM – BUILDING PLAN APPROVAL PROCESS**



Rev 15, 24/03/2016

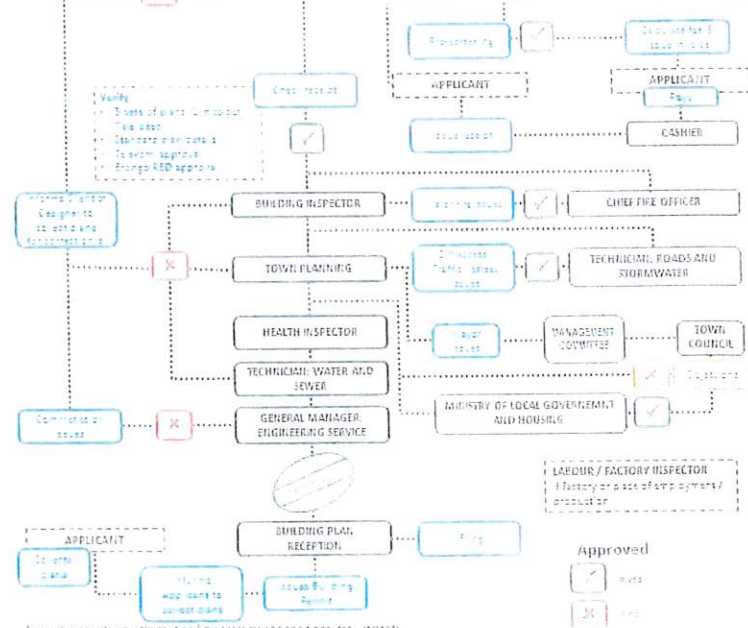
**Prior to submission of building plans**



Note: If the applicant is not a registered architect, the applicant to submit the submitted plans must be a qualified structural and electrical professional in that building discipline, subject to the approval process.



**Building Plan Approval Process (± 30 days)**



Note: Each step in the flow chart may be subject to requirements.

REPUBLIC OF NAMIBIA

BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY - BIPA

COMPANIES ACT 2004 (Section 208) (Regulation 43 (1))

(To be lodged in duplicate)



CM26

SPECIAL RESOLUTION

Registration Number of Company 2019/1328

N\$ 160,00 fee payable in terms of the Act and as set out in the regulations

Name of company HOMESTATE INVESTMENTS (PROPRIETARY) LIMITED

Date notice given to members 26 OCTOBER 2021 Date resolution passed 25 NOVEMBER 2021

Special resolution passed in terms of section 62 (1) of the Act/paragraph 2 and 3 of the memorandum/

\*article of the articles.

Copy of notice convening meeting attached. Consent to waive period of notice of meeting (CM 25) attached/ not attached.

CONTENTS OF RESOLUTION (Use reverse side if necessary)

Resolved THAT THE MAIN OBJECTIVES OF THE COMPANY CHANGES TO: CRÈCHES, KINDERGARTEN, PRIMARY SCHOOL, PRIVATE SCHOOL, TRADING OF VARIOUS GOODS, INVESTMENTS IN SHARES AND ASSETS, PROPERTY DEVELOPMENT, TRANSPORT, LOGISTICS, WAREHOUSING, SECURITY, MANUFACTURING, CONSTRUCTION, ENGINEERING, ELECTRICAL, RENOVATIONS, PLUMBING, MINING, ENERGY, DE-ACSEC BUSINESS SERVICES, FISHING, AGRICULTURE, FARMING, INFORMATION TECHNOLOGY SERVICES, COMMUNICATIONS, MULTI-MEDIA, MARKETING, ADVERTISING, PRINTING, COURIER SERVICES, EVENTS P.O. MANAGEMENT, ENTERTAINMENT AND CONSULTING SERVICES Windhoek

Rubber stamp of company, if any, or of secretaries.

Date 25 NOVEMBER 2021

Signature

Director/Manager/Secretary

Name (in block capitals) NADIEMA IZOLDA EBREENZ

\* Delete whichever not applicable

Perforated

(To be completed by company)

Herewith copy of special resolution as registered.

Registration Number of Company 2019/1328

Name of Company HOMESTATE INVESTMENTS (PROPRIETARY) LIMITED

Postal address P O BOX 24305, WINDHOEK

Email address neberenz@acsec.com.na

Not valid unless stamped by BIPA Registrar of Companies.

Special resolution registered this day

Registrar of Companies

Date stamp of BIPA Companies

Registration Office

REPUBLIC OF NAMIBIA

**BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY - BIPA**

COMPANIES ACT 2004

(Sections 224(2), 284, 328(1), 331(1) and 333(1)) (Regulation 46(1))



CM29

**CONTENTS OF REGISTER OF DIRECTORS, AUDITORS AND OFFICERS**

Business and Intellectual  
Property Authority -  
Business Registration office  
PO Box 185  
WINDHOEK  
NAMIBIA  
Tel: +264 61 2994400  
Email: [info@bipa.na](mailto:info@bipa.na)

Registration Number of Company

2019/1328

N\$ 20,00 fee payable in  
terms of the Act and as  
set out in the regulations

Name and postal address of Company HOMESTATE INVESTMENTS (PTY) LTDP O BOX 70119, KHOMASDAL, WINDHOEKReturn of particulars as at 25/11/2021I, ACSEC PROFESSIONAL SERVICES CC

(name of director of officer)

state that, the written consent of the directors or officers whose names appear in this return have been obtained on a duly completed form CM 27, the directors or officers are not disqualified under section 225.

Signed

Date 25/11/2021**A. Directors**

KEY TO PERSONAL PARTICULARS REQUIRED		PERSONAL PARTICULARS										
1. Surname		EDWARD										
2. Full forenames		ALBINUS INDILA KAENA SHILI										
3. Former surname and forenames		N/A										
4. Identity number or, if not, available, date of birth and Passport number		Year	Month	Day								
		7	1	1	0	3	1	0	0	1	2	2
5. (a) Date of appointment		27/02/2020										
(b) Designation		DIRECTOR										
6. Residential address		ERF 3399 BABS STREET KLEIN WINDHOEK WINDHOEK										
7. Business address		NO.5 JOHAN ALBRECHT STREET WINDHOEK WEST WINDHOEK										
8. Postal address		P O BOX 70119 KHOMASDAL WINDHOEK										
9. Email address		INDILAE@GMAIL.COM										
10. Contact number		0851287110										
11. Nationality (if not Namibian)		NAMIBIA										
12. Occupation		BUSINESSMAN										
13. Resident in Namibia (Yes or No)		YES										
14. Nature of change in 1 to 5 above and date		APPOINTED										



FOR KEY TO PARTICULARS, SEE PAGE 1

Registration Number of Company  
2019/1328

1.	EBERENZ												
2.	NADIEMA IZOLDA												
3.	N/A												
4.	Year	Month	Day										
	7	9	0	3	1	9	1	0	4	6	5		
5.(a)	17/12/2019												
(b)	DIRECTOR												
6.	5310 FINCH STREET KHOMASDAL WINDHOEK												
7.	129 HOSEA KUTAKO DRIVE WINDHOEK												
8.	P.O. BOX 24305 WINDHOEK												
9.	NEBERENZ@ACSEC.COM.NA												
10.	0811226575												
11.	NAMIBIAN												
12.	SECRETARIAL CONSULTANT												
13.	YES												
14.	RESIGNED 27/02/2020												

1.													
2.													
3.													
4.	Year	Month	Day										
5.(a)													
(b)													
6.													
7.													
8.													
9.													
10.													
11.													
12.													
13.													
14.													

1.													
2.													
3.													
4.	Year	Month	Day										
5.(a)													
(b)													
6.													
7.													
8.													
9.													
10.													
11.													
12.													
13.													
14.													

1.													
2.													
3.													
4.	Year	Month	Day										
5.(a)													
(b)													
6.													
7.													
8.													
9.													
10.													
11.													
12.													
13.													
14.													

Registration Number of Company  
2019/1328

**B. AUDITOR**

1. Name SAUNDERSON & CO

2. Date of appointment 17/12/2019

3. Nature of change in 1 and 2 above and date.  
NO CHANGE

Perforated

(To be completed by company)

Return of particulars of company's register of directors, auditors & officers

Dated

Name of company HOMESTATE INVESTMENTS (PTY) LTD

Postal address P O BOX 70119, KHOMASDAL, WINDHOEK

Email address [Indliao@gmail.com](mailto:Indliao@gmail.com)

CM29 PAGE 3

CM29	
Date received	
Date stamp of Business	
Registration Office	

**C. Officers and Local Managers**

KEY TO PERSONAL PARTICULARS REQUIRED		PERSONAL PARTICULARS			Registration Number of Company 2019/1328
1. Surname	ACSEC PROFESSIONAL SERVICES CC				
2. Full forenames					
3. Former surname and forenames	MILD PROPERTIES CC				
4. Identity number or, if not, available, date of birth and Passport number	Year	Month	Day		
5. (a) Date of appointment	17/12/2019				
(b) Designation	SECRETARY				
6. Address of registered office, and registration number if officer is a corporate body	129 HOSEA KUTAKO DRIVE WINDHOEK (CC/2001/2484)				
7. Residential address	129 HOSEA KUTAKO DRIVE WINDHOEK				
8. Business address	129 HOSEA KUTAKO DRIVE WINDHOEK				
9. Postal address	P.O. BOX 24305 WINDHOEK				
10. Email address	NEBERENZ@ACSEC.COM.NA				
11. Contact number	(081) 228868				
12. Nationality (if not Namibian)	NAMIBIAN				
13. Occupation	COMPANY SECRETARY				
14. Resident in Namibia (Yes or No)	NO				
15. Nature of change in 1 to 6 above and date	NO CHANGE				

FOR KEY TO PARTICULARS, SEE ABOVE

1.					
2.					
3.					
4	Year	Month	Day		
5.(a)					
(b)					
6.:					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

1.					
2.					
3.					
4	Year	Month	Day		
5.(a)					
(b)					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

REPUBLIC OF NAMIBIA

**BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY - BIPA**COMPANIES ACT 2004  
(Section 219) (Regulation 45 (1))**CONSENT TO ACT AS DIRECTOR OR OFFICER  
AND OTHER DIRECTORSHIPS**Registration Number of Company  
2019/1328Name of company HOMESTATE INVESTMENTS (PTY) LTD**A. Consent**

I hereby consent to my appointment as \* director / officer of the above-named company.  
I certify that I am not disqualified in terms of sections 225 or 226 of the Companies Act from being a director/officer\*.

Signed: Date: 27/02/2020

(To be signed by: Director or officer personally; or the authorised agent on behalf of a director of an external company not resident in Namibia; or the authorised agent of a corporate body.)  
\*Delete where not applicable.

**B. Personal particulars**

1. Surname	EDWARD
2. Full forenames	ALBINUS INDILA KAENA SHILI
3. Former surname and forenames	N/A
4. Identity number or, if not, available, date of birth	7 1 1 0 3 1 0 0 1 2 2
5. Date of appointment	27/02/2020
6. Residential address	ERF 3399, BABS STREET, KLEIN WINDHOEK, WINDHOEK
7. Business address	NO.5, JOHAN ALBRECHT STREET, WINDHOEK WEST, WINDHOEK
8. Postal address	P O BOX 70119, KHOMASDAL, WINDHOEK
9. Email Address	Indlae@gmail.com
10. Contact Number	0851267110
11. Nationality (If not Namibian)	NAMIBIA
12. Occupation	BUSINESSMAN
13. Resident in Namibia (Yes or No)	Yes
14. Address of registered office, and registration number, if officer is a corporate body	

**C. Other Directorships**

Attach list hereto

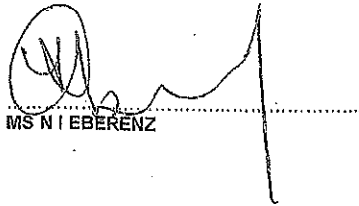
27 February 2020

Acsec Professional Services CC  
P O Box 24305  
WINDHOEK

Dear Sir/Madam

RE: HOMESTATE INVESTMENTS (PTY) LTD  
REG NO: 2019/1328

I, NADIEMA IZOLDA EBERENZ herewith resign as Director and public officer of the abovementioned company with immediate effect.



MS N I EBERENZ



**ANNEXURE "E"**

FIS LIFE ASSURANCE COMPANY LIMITED  
10 NEWTON STREET  
P.O. BOX 40057, AUSSPANNPLATZ  
WINDHOEK, NAMIBIA  
Tel: +264-61-229 445 Fax: +264-61-229446

WITH US YOU ARE UNIQUE

25 November 2021

**CHIEF EXECUTIVE OFFICER**

**MUNICIPALITY OF SWAKOPMUND**

**PO BOX 53**

**SWAKOPMUND**

**Dear Sir**

**LETTER OF COMMITMENT FOR N\$ 275 794 (TWO HUNDRED SEVENTY FIVE THOUSAND AND SEVEN HUNDRED NINETY FOUR NAMIBIAN DOLLARS)**

This letter serves to inform the Swakopmund Council that **HOMESTATE INVESTMENTS PTY LTD 2019/1328** approached our institution for financial assistance. If successful to acquire Erf 9029, Ext 35, Swakopmund measuring 1 889m<sup>2</sup> at N\$ 275 794.00

As part of our Social Responsibility Program **HOMESTATE INVESTMENTS PTY LTD – 2019/1328** sponsorship was approved.

By doing so we are promoting the concept of **Public Private Partnership** as stipulated in **Vision 2030** and meeting the Council of Swakopmund half way in order to stimulate economic growth within the community and beyond. .

We hope you will find the above in order and do not hesitate to contact the undersigned for more clarity.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Suama Kapolo'.

**Suama Kapolo**  
**Manager Administration**

**HOMESTATE INVESTMENTS  
(PTY) LTD**

(Registration number 2019/1328)

**DEVELOPMENT PROPOSAL FOR  
ERF 9029 – EXT 35  
SWAKOPMUND**

INDILA EDWARD

CELL: 0851287110

**EXECUTIVE SUMMARY**

Homestate Investments (Pty) Ltd is 100% Namibian owned company and it is ready to enter the mainstream of the Namibian education system. The company as an institution is registered in Namibia and strategically it will be situated in Swakopmund for its objective of educational development.

Being previously disadvantaged, the entity has an aggressive approach of succeeding in all its endeavors. The company as an educational institution is in its infant stage and it will seek **Joint Ventures and other cooperation in educational affairs in order to stimulate growth and the upliftment of the Swakopmund community.**

Its main objective will be to provide educational services to the Namibian child.  
That will be of quality education in order to empower the future generation.

The shareholder is Mr. Indila Edward who owns 100% of the company.

Other Directors within the community of Swakopmund will be added once the proposed land is granted.

The directors will maintain a sound educational practice and good corporate governance principles.

**Investment**

A substantial investment will be invested once the land is allocated as outlined by the council building plan approval process.

Since construction will be the major drive of the project.

**Conclusion**

Once granted the opportunity the institution will create jobs within the community of Swakopmund.

Further it will improve the grades among the pupils in order to proceed to other learning institutions.

11.1.40 **PROPOSED EXCHANGE OF ERF 476, EXTENSION 1, MATUTURA DUE TO LIMITED ACCESS**

(C/M 2022/01/27 - M 476, M 499, M 500, M 501, M 502, 503)

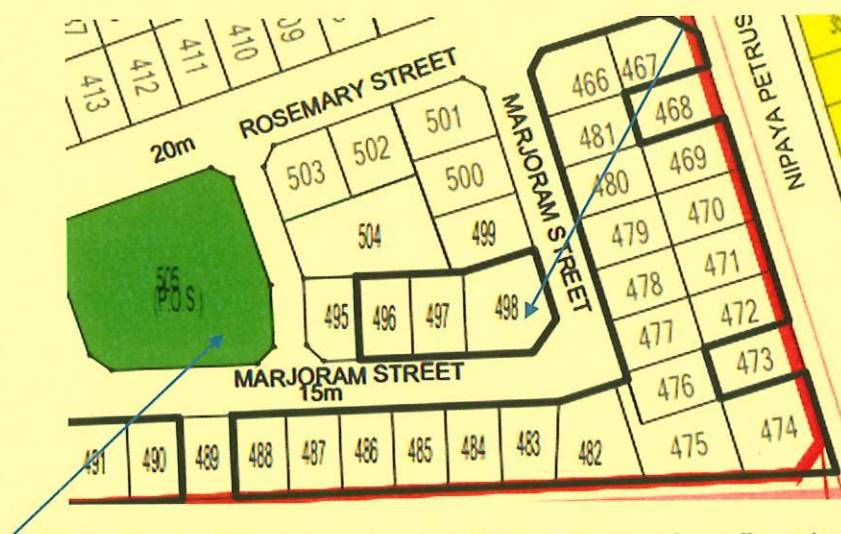
Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.21** page **260** refers.

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

**1. Introduction**

The attached letter dated **13 December 2021 (Annexure "A")** was received from Mr Jesaya N Hango requesting that Council consider the exchange of Erf 476, with one of the following Erven 499, 500, 501, 502, 503 or 504 in Matutura. These erven were excluded from the closed bid sale.

The reason for the request is that Mr Hango noticed that Erf 476, Matutura does not have sufficient space to allow access to and from the erf. Below is a map indicating the limited access to the erf.



Erf 495 is allocated to a staff member (one of the 26 reserved for staff members).

**Attachments:**

<b>Annexure "A"</b>	: Letter from Mr J N Hango dated <b>13 December 2021</b> .
<b>Annexure "B"</b>	: Map indicating the location of the subject erven.
<b>Annexure "C"</b>	: Comments from the GM: Engineering & Planning Services

**2. Brief Background**

Mr Jesaya N Hango took part in the closed bid sale of **19 November 2021**, at which 59 erven zoned "single residential" were sold. He was the successful bidder for Erf 476, Matutura measuring 400m<sup>2</sup>. The purchase price for the erf is N\$160 000.00, therefore N\$400.00 per square metre.



### 3. **Discussion**

#### 3.1 **Current Situation**

An application dated 13 December 2021 has now been received from Mr Jesaya N Hango requesting Council to consider the exchange of Erf 476, Matutura that was allocated to him at the closed bid sale held on **19 November 2021**.

Mr J N Hango stated in his letter that upon completion of his building plan and submission thereof to the bank for financing, he realised that Erf 476, Matutura does not have sufficient entrance space to allow him to have a garage. Therefore he is requesting Council to allocate him another erf in the same area and within the same price range.

The purchase price for the erf is N\$ 160 000.00 (including the deposit in the amount N\$3 000.00). The erven were offered for sale at the closed bid sale at an upset price of N\$300.00 per square meter. Mr J N Hango offered N\$400.00/ m<sup>2</sup>.

Mr Hango proposed that Council allocates him one of the following erven, Erf 499 or 500 or 501 or 502 or 503 or 504 located in the same area in exchange for Erf 476, Matutura. These erven are located in Extension 1, Matutura which are yet to be serviced, and were accordingly excluded from the sale of 19 November 2021.

#### 3.2 **Comments from Engineering & Planning Services Department**

The Engineering & Planning Services Department was requested to provide input on the availability of an erf that is suitable to be allocated to Mr Hango in exchange for Erf 476, Matutura. The General Manager of Engineering & Planning Services Department as per attached e-mail "**Annexure C**", proposed that Mr Hango be allocated Erf 499, Matutura as there are water and sewer services available near the erf and will require minimal effort to connect.

### 4. **PROPOSAL**

It is proposed that Council considers the exchange of Erf 476, Matutura that was allocated to Mr Jesaya N Hango at the closed bid sale held on 19 November 2021 for Erf 499 located across the street from the subject erf.

#### 4.1 **Proposed Exchange**

- 4.1.1 That Erf 499, measuring 464 m<sup>2</sup> be offered to Mr J N Hango at N\$400.00 / m<sup>2</sup> (N\$ 185 600.00 in total) in exchange for Erf 476, Matutura, Extension 1, subject thereto that the General Manager: Engineering & Planning Services provides the water and sewer services supply to the Erf, and Erongo RED provides electricity before the transfer is completed



**ALTERNATIVELY:**

- 4.1.2 Council can allocate one of the erven in Ext 1, Matutura that will be available once the lists have been exhausted or there are no further qualifying bidders on the erven list.

4.2 **Future of Erf 476, Extension 1, Matutura**

From the attached map it is clear that Erf 476, Extension 1, Matutura has limited access. This erf cannot be sold as an erf on its own. It is therefore proposed that Erf 476 be offered to the owners of Erf 473, 475 and or Erf 477.

That if both owners wish to purchase a portion of erf 476, the cost of subdivision (if the adjacent owners purchase a portion) and consolidation be for their accounts.

That the purchase price be determined at the average offered by the purchasers of Erven 475 and 477 (if all purchasers are interested to acquire a portion). If only one purchaser intends to purchase Erf 476, the purchase price be based on the average price per m<sup>2</sup> the relevant owner offered for his/her adjacent erf.

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

**RECOMMENDED:**

- (a) That Council takes note of the application of Mr Jesaya N Hango to exchange Erf 476, Matutura with one of the available erven in Extension 1, Matutura, due to limited access to Erf 476, Extension 1, Matutura.
  - (b) That Council offers Erf 499, Extension 1, Matutura to Mr J N Hango at N\$400.00 / m<sup>2</sup> (464m<sup>2</sup> x N\$ 400.00 = N\$ 185 600.00) in exchange for Erf 476, Extension 1, Matutura.
  - (c) That Engineering & Planning Services ensures that all required services are provided to the said erf (water, sewage and electricity), before the agreement is signed.
  - (d) That Erf 476 be offered for sale to the adjacent owners of Erven 475 and 477 at the average price of Erven 475 and 477.
  - (e) That the subdivision of Erf 476 and subsequent consolidation with any or all of the adjacent erven be for the purchares account.
  - (f) That point (d) be resubmitted to Council after the 2 adjacent property owners were consulted and confirmed their interest and financial ability to acquire Erf 476 (or a portion thereof) in writing.
-



## Annexure "A"

13 December 2021

The CEO  
Swakopmund  
Municipality  
P.O BOX 53

Dear Mr A.A Benjamin

**RE: Request for reconsideration of allocated erven**

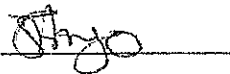
This letter serves to inform you that I, Jesaja Nelumbu Hango ID No. 88021700025 was one of the successful bidders during the erven auction of November 19<sup>th</sup>, 2021 where I was allocated with Erf 476 on Marjoram Street, Matutura Extension 1.

It was upon completion of drafting of building plan and submission thereof to the bank for financing, that I realised the Erven did not have sufficient entrance space where I can place my garage. It was then that I called your building inspector to confirm the matter, after which he advised that I take it up with your Engineering department and bring it to your attention.

If I may, I would like to humbly request that I please be allocated with another Erven in the same area and within the same price range. Preferably, and arranged in order of preference, I would appreciate if I could be allocated with one of the following Ervens 503,502,501,500,499,504,495 situated across Erven 476 ,and which are yet to be serviced.

Thank you so much for the time taken in reading my letter. I look forward to a positive response from your good office.

Yours sincerely,



Jesaja Nelumbu Hango

0813203946



## Annexure "C"

**Emilia Nakale**

---

**From:** Clarence McClune  
**Sent:** Tuesday, 21 December 2021 12:02  
**To:** Emilia Nakale  
**Subject:** RE: reconsideration of 476

Dear Ms. Nakale,

Fortunately, there are water and sewer services installed in close proximity to erf 499 which will require minimal effort to bring water and sewer supply to the erf.

The work for the water and sewer can happy as early as January 2022.

For the electrical provision will need to engage with Messrs ERED, to get a cost and a time estimate. This exercise can be done early in January 2022.

Regards.

---

**From:** Emilia Nakale <enakale@swkmun.com.na>  
**Sent:** Tuesday, 21 December 2021 11:10 AM  
**To:** Clarence McClune <cmcclune@swkmun.com.na>  
**Subject:** reconsideration of 476

Good Morning Mr McClune

With reference to our telephone conversation today at your office, please confirm in the email regarding the exchange of Erf 476 with Erf 499 which forms part of the unserved erven in Ext 1 Matutura  
And if erf 499 get offered to the purchaser how and when will the erf be serviced.

Regards  
Emilia

**Emilia Nakale** | Property Clerk | Corporate Services & Human Capital | 4217

---

**From:** Stephny Bruwer  
**Sent:** Monday, 13 December 2021 06:53 AM  
**To:** Emilia Nakale  
**Subject:** FW: Scanned image from MX-4051

Good Morning Me E Nakale

Please attend to the instruction below.  
This is your second submission for January 2021 to be compiled.

Thank you!

**Stephny Bruwer** | Corporate: Officer Property | Corporate Services & Human Capital | 4212



11.1.41 **MUNICIPAL CAFETERIA: SEAROCK INVESTMENTS CC - THE WAY FORWARD**  
(C/M 2022/01/27 - 13/3/1/10)

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.22** page **266** refers.

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

**1. Introduction**

The purpose of this submission is to:

- Inform Council the cancellation of the lease agreement of the Municipal Cafeteria by Searock Investments CC (hereinafter referred to as "Searock").
- Consider the future use of the Municipal cafeteria

**Attached as Annexure "A"** is a letter received from Searock informing Council that they are unable to reopen the Municipal Cafeteria on **03 January 2022** hence, they are cancelling the lease.

**2. Background**

Following the invitation for proposals to operate and manage the municipal cafeteria, Council on **19 June 2020** under item 11.1.1 awarded the tender to Searock for a period from 01 July 2020 until 30 June 2025 at a monthly rental of N\$1 320.19 (15% VAT, water and electricity included).

The operating hours was from 07:00 until 16:00, 5 days a week. A letter was received from Searock on **11 August 2021** requesting Council to suspend their rental account for the period July until August 2021. At the time they also proposed that they will re-open 04 October 2021. Their letter was submitted to Council and the following decision was taken on **30 September 2021** under item 11.1.27:

- (a) That Council takes note of the letter received on 11 August 2021 from Searock Investments CC.
- (b) That Council takes note that Searock Investments CC is in arrears with their rental payments in the amount of N\$ 20 700.00.
- (c) That Searock Investments CC be informed of the following:
  - (i) That Council cannot make it mandatory to make use of their catering services by Council and third parties, as Council is subject to the stipulations of the Public Procurement Act 15 of 2015 and third parties pay rental tariffs to make use of Council's facilities and are therefore at liberty to make use of caterers of their choice.
  - (ii) That Council writes-off the rental for the 8 months as set-out above, as Searock Investments CC could not reasonably have been expected to operate whilst the municipality was closed for lockdowns and operated on skeleton staff.
  - (iii) The total value of the waived rental amount is 8 x N\$ 1 320.19 = N\$ 10 561.52 (which amount includes 15% VAT); leaving a balance of N\$ 10 138.48.



- (d) That Council waives the monthly rental of the municipal cafeteria during December in future as Council is in recess and most employees are on leave.
- (e) That an addendum to the lease agreement be compiled reflecting the amendment under point (d) above.
- (f) That Searock Investments CC makes arrangements with the Finance Department to settle the arrears rental account less the deduction as per point (d) (ii) above.

Messrs Searock was informed of the above resolution on **04 October 2021** and requested to make arrangement with Finance Department to pay off the arrears of N\$10 138.48 as referred under point(c)(iii) of the resolution.

Although they were expected to be operational from 03 October 2021 as proposed, they failed to open. Another letter attached **Annexure "B"** was received from Searock on **18 October 2021** in which they indicated that they will only reopen and operate as from **28 February 2022**. In response to their request they were served with a letter on 16 December 2021 demanding them to operate from **03 January 2022**, failing which the lease agreement will be cancelled.

### 3. Discussion

The Cafeteria was still closed on **03 January 2022** although they were requested by Council as per notice of **16 December 2021**. A letter dated **04 January 2021** was received from Searock stating the following "*we could not meet your opening time demand and it is very unfortunate that we have to lose this cafeteria, but we accept it as we are definitely unable to compete with the large chain stores for quotes....; we will make arrangements for our debt and pay it off asap*"

Council has to accept the cancellation of the lease agreement by Searock and consider the future use of the Municipal cafeteria. Council has been renting out the Municipal cafeteria ever since Council offices were relocated at Erf 2827, Swakopmund in 2010.

4 (Four) tenants already given opportunities to lease the Municipal cafeteria since 2010, however none of the tenant was successful and completed the lease term of 5 years.

Previous tenants:

① *The Peanut Gallery Tyetu Trading Enterprises*

Their lease agreements were terminated before the lease period expired. This fail of Municipal cafeteria has shown it is not viable to have an indoor municipal cafeteria which is not accessible by the public as the customers are only municipal employees. It is therefore proposed that the Municipal cafeteria facility be converted to an office and Council make use of the catering services for meetings and Council events.

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

**RECOMMENDED:**

- (a) That Council takes note of the letter received on 04 January 2022 from Searock Investments CC and accepts the cancellation of the lease agreement of Municipal cafeteria.**
  - (b) That Searock Investments CC be informed to settle the arrears in respect of the rental payments of the Municipal cafeteria**
  - (c) That the lease agreement between Council and Searock Investments CC be terminated with effect from 04 January 2022.**
  - (d) That lease proposal be publicly invited for a lease period of 2 years.**
-





## MUNICIPALITY OF SWAKOPMUND


Ref No: 13/3/1/10

Enquiries: Ms M Sheehama

 (064) 4104213  
 088 614 514  
 53 Swakopmund  
 NAMIBIA  
 www.swkmun.com.na  
 msheehama@swkmun.com.na

04 October 2021

Messrs Searock Investments CC  
 t/a Braai World  
 P O Box 10888  
 WINDHOEK  
 10005

 [neunIQUE@gmail.com](mailto:neunIQUE@gmail.com)

Attention: Mr Barnard & Ms Neu-Nique Rittmann

Dear Sir / Madam

### OPERATION OF THE MUNICIPAL CAFETERIA- THE WAY FORWARD

With reference to your letter received on 11 August 2021 regarding the above mentioned matter, Council's at its meeting held on 30 September 2021 passed the following resolution under item 11.1.27:

- (a) That Council takes note of the letter received on 11 August 2021 from Searock Investments CC.
- (b) That Council takes note that Searock Investments CC is in arrears with their rental payments in the amount of N\$20 700.00.
- (c) That Searock Investments CC be informed of the following:
  - (i) *That Council cannot make it mandatory to make use of their catering services by Council and third parties, as Council is subject to the stipulations of the Public Procurement Act 15 of 2015 and third parties pay rental tariffs to make use of Council's facilities and are therefore at liberty to make use of caterers of their choice.*
  - (ii) *That Council writes-off the rental for the 8 months as set-out above, as Searock Investments CC could not reasonably have been expected to operate whilst the municipality was closed for lockdowns and operated on skeleton staff.*
  - (iii) *The total value of the waived rental amount is  $8 \times N\$ 1\,320.19 = N\$ 10\,561.52$  (which amount includes 15% VAT); leaving a balance of N\$ 10 138.48.*

All correspondence must be addressed to the **Chief Executive Officer**

- (d) That Council waives the monthly rental of the municipal cafeteria during December in future as Council is in recess and most employees are on leave.
- (e) That an addendum to the lease agreement be compiled reflecting the amendment under point (d) above.
- (f) That Searock Investments CC makes arrangements with the Finance Department to settle the arrears rental account less the deduction as per point (d) (ii) above.

With reference to point (f) above, you are kindly advised to make arrangement with our Finance Department regarding the arrears of N\$ 10 138,48 as referred under point(c)(iii).

Meanwhile Council will compile an addendum to the agreement to reflect the above mentioned changes whereafter it will be presented to you for your signature.

Should you have any further enquiries, please do not hesitate to contact Ms M Sheehama at ☎ 064-4104213.

Yours faithfully



**Ms M Bahr**  
**GM: CORPORATE SERVICES & HC (Acting)**  
/ms

Copy:

MS A.G.  
GM: Finance- Please takes note of point (c) (ii) (iii), (d) (f)



**SEAROCK INVESTMENTS CC**

CC/2016/02526

Contact: 081 370 37 80 / 081 279 49 82

Email: neunique@gmail.com

---

---

**DEAR MR. A PLAATJIE**

**ACTING GENERAL MANAGER: CORPORATE SERVICES**

**MUNICIPALITY OF SWAKOPMUND**

**SWAKOPMUND CAFETERIA – THE WAY FORWARD IN THIS CRISIS TIME**

The Management of the Municipality of Swakopmund Cafeteria would like to discuss the following with the Management and/or Council of the Municipality of Swakopmund.

Searock Investments CC t/a Braai World has been awarded the tender of managing the cafeteria from 01 July 2020 (In the middle of the COVID season). We have successfully managed the Cafeteria for the past year of which we were able to run for 9 months (Closed for 4 months due to COVID Compulsory in July 2020 and by own discretion in June-, July- August 2021 ). We have managed to set up a beautiful, clean cafeteria and offer the following services:

1. Excellent Quality, Healthy, Freshly prepared Breakfast, Lunch and Dinner for the staff of SWKMUN with some products below market related prices and other market related prices
2. Delivery Service of food to Offices
3. Telephonic orders by staff of SWKMUN
4. Catering for Council Meetings

We are however encountering the following issue:

Other caterers are being used for catering services for different departments of the Swakopmund Municipality. On discussion of this issue by a meeting held with Mr. Swarts (then GM: Corporate Services) in June 2021, it was communicated that he will discuss this issue with Council and provide feedback to us, of which he retired and never provided feedback to us.

2/...

**SEAROCK INVESTMENTS CC**

CC/2016/02526

Contact: 081 370 37 80 / 081 279 49 82

Email: neunique@gmail.com

2.

**Proposed Solution**

For the sustainability of the Cafeteria during this trying times, we appeal to Council to please consider using only the Municipality of Swakopmund Cafeteria for all catering services needed by the Municipality of Swakopmund.

We understand that there is a certain procurement law in place for the requesting of three quotations of services needed and the cheapest one is approved. However, we can attest to an incident where we were asked for a quote for lunch packs by a certain department and upon follow-up request, we learned that a quote, where only Brötchens was quoted for by another company, was approved, meaning the message did not come through correctly by the person who enquired for a quote from us. Other instances happened as well where we are in the building and people from outside carry in food for meetings, events and functions, and even set-up right in front of our Cafeteria, clearly this cannot be acceptable? There is no way that we will be able to make a success of the Cafeteria if this persists.

We would like to clearly state that we went the necessary honest route to receive this tender by following the necessary requirements, applications and presentations. All our prices are market related, our food is top quality and as staff of the municipality can attest, we provide great service and make a positive difference within the Municipality of Swakopmund daily operations.

We would therefore like to request the following solution:

- (i) We require an intervention from your side to add to the success of the Cafeteria by giving us the first option of catering for all functions, meetings and events by making it mandatory and announcing to Managers that we are the only catering supplier for Swakopmund Municipality.

3/...



**SEAROCK INVESTMENTS CC**

CC/2016/02526

Contact: 081 370 37 80 / 081 279 49 82

Email: neunique@gmail.com

3.

We are facing a crisis time with the Corona Virus pandemic which have provided many restrictions in the food industry, since we opened the cafeteria, and can clearly see that people (Swakopmund Municipality Workers – our main market) hold on to their spending money and really only buy if the prices for products are at the lowest, therefore we can only operate at this specific site with very little profits on our products which does not deem it business wise when considering the logistics behind the service we provide at the Cafeteria.

In Swakopmund, nationwide and worldwide budgets have decreased, buying power have decreased and as you know many businesses had to shut their doors– we really pray that we will not be one of them. We therefore acknowledge that this is a tough time for everybody and we appreciate the opportunity given to us to be the official caterers for the Municipality of Swakopmund and manage the Cafeteria since 01 July 2020.

We had to make a difficult decision to close the cafeteria from 15 June 2021 temporarily, when COVID-cases & -deaths began to climb within the Offices of the Municipality of Swakopmund as the risk of the virus getting into the cafeteria and enhance spreading was guaranteed if we would remain open.

- (ii) We hereby therefore ask that our current rent account of the Cafeteria be suspended as we did not make enough money at the Cafeteria during this period (July 2020 to August 2021) to be able to pay the rent of the Cafeteria. We only managed to make a payment of N\$4000.00 to the account during this time.

We would definitely want to continue with our contract as signed for 5 years and provide the best possible service that we can. We have heard employees telling us that we are the best managers in the history of the Cafeteria, and can attest that we have not had one single complain of food-poisoning or hygiene during our 9 months of operating and preparing food daily. Therefore, we are pleading with Council to please consider our request.

4/...

**B.C Rittmann**

**SEAROCK INVESTMENTS CC**

CC/2016/02526

Contact: 081 370 37 80 / 081 279 49 82

Email: neunique@gmail.com

4.

We are dedicated to deliver excellent, quality, healthy, fresh products at market related prices, service with a smile and top hygiene.

We are big dreamers, that puts our vision into practise and principle, therefore we can share that we already have future plans in place to enhance this business with innovation, community service, social responsibility and other positive impacts on the Swakopmund community at large once we are delivered from this deadly pandemic.

Our motto is to the best version of ourselves every day by walking a straight road in all we do with zero tolerance for corruption in any form and believe in providing solutions rather than obstacles.

We humbly and kindly request that you will give us our rightful opportunity to build the Swakopmund Municipality Cafeteria Brand to the best of our ability, but we cannot do this alone without your urgent intervention and support.

Please accept our greatest Thank You for taking time to hear our cry and consider our solution for the obstacle faced.

We look forward to a response as soon as possible, for business to resume.

Kind Regards

**Barnard Rittmann & Neu-Nique Rittmann**

**Managers: Swakopmund Municipality Cafeteria**

---

**B.C Rittmann**



11.1.42 **MESSRS TAPEYA INVESTMENT HOLDING (PTY) LTD - APPLICATION FOR A SECOND EXTENSION OF TIME TO COMPLY WITH CLAUSE 3 OF THE JOINT VENTURE AGREEMENT (C/M 2022/01/27 - 14/2/1/2, 16/1/4/2/1/14)**

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.13** page **109** refers.

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

**1. Introduction**

The purpose of this submission is to consider an application by Tapeya Investment Holding (Pty) Ltd for a second extension of time to comply with clause 3 of the joint venture agreement.

Tapeya Investment Holding (Pty) Ltd was allocated Extension 3, Matutura for development. **Attached** the following documents:

<b>Annexure "A"</b>	:	Letter dated <b>17 November 2021</b> requesting a second extension of time to comply with clause 3 of the joint venture agreement and renegotiate the terms of the agreement
<b>Annexure "B"</b>	:	Council's reply dated <b>02 December 2021</b>
<b>Annexure "C"</b>	:	A letter dated <b>08 December 2021</b> received from Tapeya Investment Holding (Pty) Ltd in response to Council's enquiry dated <b>02 December 2021</b> stating no additional / new information
<b>Annexure "D"</b>	:	The various sub-clauses of clause 3 of the joint venture agreement.
<b>Annexure "E"</b>	:	A zoning map for Extension 3

On **30 August 2021** under item 11.1.17 Council granted Tapeya Investment Holding (Pty) Ltd an extension of time to comply with clause 3 of the joint venture agreement which lapsed on 20 December 2021.

**2. Council's Decision passed on 30 August 2021 under Item 11.1.17**

On **30 August 2021** Council condoned the Management Committee decision passed on **19 August 2021**. On **25 August 2021** Tapeya Investment Holding (Pty) Ltd was informed of the Management Committee decision (same as the Council decision) quoted below:

- (a) That Council takes note of the report on the progress of the developers.
- (b) That the following two developers be granted an extension of time of another 180 days (18 December 2021) to comply with clause 3, based on the substantial progress and commitment evident from their progress reports:
- (i) Tapeya Investment Holding (Pty) Ltd
- (ii) Quintessential Trading and Consultancy (Pty) Ltd
- (c) That the joint venture agreements of the following two developers be cancelled as no "best commercial endeavours" are evident from their progress reports:



- Ghetto Assistance Centre (Pty) Ltd (Annexure "B") submitted a short progress report dated 18 May 2021, followed by an email dated 22 June 2021.
- Gheron Building Construction (Pty) Ltd (Annexure "C") requests an extension of time (not state for how long), per letter dated 29 June 2021.

(d) That the re-allocation of the cancelled transactions for Extension 4 (Ghetto Assistance Centre (Pty) Ltd) and Extension 38 (Gheron Building Construction (Pty) Ltd) be submitted under cover of a separate submission.

The extended due date was Monday, **20 December 2021**. The letters dated **17 November** and **08 December 2021 (Annexures "A" and "B")** were received and is now submitted for consideration.

### 3. Application received from Tapeya Investment Holding (Pty) Ltd

- 3.1 In their letter dated **17 November 2021** the developer states that at the time the joint venture agreement was concluded during December 2020 the development project was regarded as feasible. But it came to their attention that Council sold erven in the neighbouring Extensions 1 and 2 for very low prices and such action affected the valuation of their project (their letter is attached as **Annexure "A"**).

Based on this, they request an extension of the timelines stated in the joint venture agreement and also the opportunity to renegotiate the terms of the agreement.

- 3.2 As the value of the neighbouring extension and restrictions on Council selling erven were never a condition of the joint venture agreement, the developer was requested per letter dated **02 December 2021** to explain the contractual basis for their application.
- 3.3 In reply, a letter dated **08 December 2021** was received (**Annexure "C"**). Except for clarifying that the extension of time they apply for is 6 months and that they are of the opinion that Council sold land below the market value, no new information was provided and the letter is actually a repetition of the letter dated **17 November 2021**.

### 4. Discussion

On **30 August 2021** Council granted an extension of time based thereon that *substantial effort and progress were made to partially comply with the requirements*.

The sale of land at the neighbouring Extensions 1 and 2 and the price thereof is not a contractual condition in terms of the joint venture agreement entered into with Tapeya Investment Holding (Pty) Ltd. It can be concluded from the two letters that the developer has not yet obtained valuations for purposes of securing financing.



It is also concerning that the developer would allege that a price of N\$395.00 / m<sup>2</sup> is too low, when the cost of services is usually in the range of N\$120.00 / m<sup>2</sup> - N\$ 200.00 /m<sup>2</sup>.

On **19 November 2020** the General Manager: Corporate Services & Human Capital (Mr M Swarts) had a meeting with representatives of Tapeya Investment Holdings (Pty) Ltd at which time the developer wanted to renegotiate the allocation of erven per the different zonings in an attempt to acquire more erven zoned "single residential". The application was not entertained. In this regard, the division/allocation was approved as follows on **31 May 2018** under item 11.1.25:

Zoning	Total Number of Erven	Erven Sharing Ratio	
		Developer	Council
Single Residential	271	180	91
General Residential 2	1	1	0
Local Business	9	5	4
General Business	3	2	1
Public Open Space	4	0	4
Institutional	1	0	1
Local Authority	1	0	1

Below is a graph indicating the prices (per m<sup>2</sup>) obtained by Council for the sales of the erven zoned "Single Residential" located in the neighbouring Extensions 1 and 2, Matutura which can be regarded as the market values at the time and clearly not below the market value as the prices were offered by willing and financially pre-qualified purchasers:

28 October 2018	590.00
11 December 2020	643.00
05 March 2021	587.00
07 May 2021	525.00
19 November 2021	395.00



☞ In order to accommodate first time property owners at lower purchase prices, the allocation at the sale of 19 November 2021 was done to "second highest bidders" (therefore the decrease in the price / m<sup>2</sup>).

## 5. Proposal

It is proposed that Council considers whether to grant Tapeya Investment Holdings (Pty) Ltd an additional six months calculated from **20 December 2021** to comply with clause 3 (**Annexure "D"**) of the joint venture agreement and to renegotiate the terms; keeping in mind



that the application is not substantiated on a contractual basis, but appears to be an attempt to gain additional time and negotiate more favourable conditions for the developer.

Below, is an overview of the performance of the 8 developers to date:

<u>Cancelled:</u>	<p>① <b>Gheron Building Construction (Pty) Ltd</b>  ↳ separate submission to M/C of January 2022 re an application to reconsider the cancellation.</p> <p>② <b>Ghetto Assistance Centre (Pty) Ltd</b>  ↳ separate submission to M/C of January 2022 re future development of the township. Council confirmed the cancellation on 28 October 2021.</p>
<u>Extended:</u>	<p>③ <b>Tapeya Investment Holding (Pty) Ltd</b>  ↳ separate submission to M/C of January 2022 re an application to extend the timelines and renegotiate the terms.</p> <p>④ <b>Quintessential Trading &amp; Consult (Pty) Ltd</b>  ↳ compliance due date was 20 December 2021. GM:Eng &amp; Plan Serv is assessing compliance with clause 3.</p>
<u>Signed:</u>	<p>⑤ <b>Matsi Investment (Pty) Ltd</b>  ⑥ <b>Reviving Property Solutions (Pty) Ltd</b>  ↳ due date for both developers for compliance with clause 3 is 05 April 2022.</p>
<u>Pending:</u>	<p>⑦ <b>Lelwapa Property Developers (Pty) Ltd</b>  ↳ amendments requested to the jv which is being attended to.</p> <p>⑧ <b>Momporisra Trading Enterprises (Pty) Ltd</b>  ⑨ <b>Lherix Investment (Pty) Ltd</b>  ↳ division of Ext 25 between the 2 developers is finalized. Amendment to the jv to incorporate the relocation of the informal settlers on the property.</p>

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

**RESOLVED: (For Condonation By Council)**

- (a) That Council takes note of the applications by Messrs Tapeya Investment Holding (Pty) Ltd dated 17 November and 08 December 2021 to renegotiate the terms of the joint venture agreement and to extend the timelines for the development of Extension 3, Matutura.
- (b) That Messrs Tapeya Investment Holding (Pty) Ltd be granted extension until 28 February 2022 to comply with clause 3 of the agreement.
- (c) That Messrs Tapeya Investment Holding (Pty) Ltd be informed that Council will not re-negotiate the terms.
- (d) That no further extension be granted, and that the transaction be cancelled if Tapeya Investment Holding (Pty) Ltd does not perform as per (b) above by 28 February 2022.
- (e) That should Council confirm the cancellation of the termination in respect of Extension 3, Matutura to Messrs Tapeya Investment Holdings (Pty) Ltd (under separate submission in this Agenda), Council immediately undertakes to service and sell erven in this Extension, to speed up land delivery.

**ANNEXURE "A"****TAPEYA INVESTMENT HOLDING (PTY) LTD**

PO Box 17  
Swakopmund  
Namibia

Registration nr. 2018/2869  
E-mail: [info@tapeya.com](mailto:info@tapeya.com)  
Telephone: +264 8241541/8

17 November 2021

MUNICIPALITY OF SWAKOPMUND  
53 Swakopmund  
NAMIBIA  
[sbruewer@swkpmun.com.na](mailto:sbruewer@swkpmun.com.na)



ATTENTION: CHIEF EXECUTIVE OFFICER

Dear Sir/Madam

**DEVELOPMENT OF SERVICES INFRASTRUCTURE: MATURA EXTENSION THREE**

1. We refer to the joint venture agreement concluded between ourselves on 3 December 2020.
2. It has recently come to our attention that the municipality has sold the neighbouring property of Matura Extension Three ("our property") for an amount less than valuation in the corresponding area.
3. We are of the view that as a result of this conduct, you have decreased the value of Matura Extension Three. As you know, bank valuations take into consideration the amount for which surrounding properties have been sold. The bank will thus take this fact into consideration when assessing the market value of our property. Our financier has raised concerns in this regard.
4. The joint venture agreement was concluded by taking into consideration the valuation of our property at the time of conclusion of the agreement. Based on this value, the development was determined to be feasible at that time.
5. As a result of the municipality's actions and the decrease in value of our property, the development is no longer feasible. We have suffered damages in this regard.
6. In the circumstances and in an attempt to resolve the matter amicably, we propose:
  - 6.1. that the parties agree to extend the time periods stipulated in the agreement, and
  - 6.2. that the parties meet to renegotiate the terms of the joint venture agreement, also to consider proposals previously made by the developer.
7. We further confirm that I, as the primary investor in the project, have appointed Mr Jacques Reyneke to assist in all negotiations with the municipality.
8. Please acknowledge receipt hereof.

Yours faithfully

RW Winckler  
Director



**ANNEXURE "B"****MUNICIPALITY OF SWAKOPMUND**

(064) 4104200  
088 814 514  
53 Swakopmund  
NAMIBIA  
[www.swkmun.com.na](http://www.swkmun.com.na)  
[aplaatjie@swkmun.com.na](mailto:aplaatjie@swkmun.com.na)

Enquiries: Mr A Plaatjie

02 December 2021

**Tapeya Investment Holding (Pty) Ltd**  
Private Bag 1201  
Ausspannplatz  
WINDHOEK  
10017

Att: Mr Rudolf W Winckler and Mr H Winckler

Dear Sirs

**DEVELOPMENT OF SERVICES INFRASTRUCTURE: MATUTURA EXTENSION 3**

I acknowledge receipt of your letter dated 17 November 2021 the content whereof is noted.

Without prejudice to Council's rights, you are requested to confirm whether you are applying for an extension of time in terms of the agreement and if so, in terms of which clause. If not, on what basis should Council consider the sale of adjacent erven as a reason or motivation for negotiations for an extension of the due date?

Once the above information is received, a submission will be tabled to Council for consideration of the way forward.

You are once again reminded of the pending due date of Monday, 18 December 2021 for compliance with clause 3 of the agreement.

This response should not be seen as a waiver of Council's rights, or permission for an extension of time.

Should you have any enquiries, please do not hesitate to contact the undersigned at ☎ 064-4104200.

Yours faithfully

**Mr A Plaatjie**  
**General Manager: Corporate Services & Human Capital (Acting)**

/sb

Copy GM: Engineering & Planning Services  
**All correspondence must be addressed to the Chief Executive Officer**

**ANNEXURE "C"****TAPEYA INVESTMENT HOLDING (PTY) LTD**

PO Box 12  
Swakopmund  
Namibia

Registration nr. 2018/2869  
E-mail: liezl@rer.co.za  
Telephone: +264 824154178

8 December 2021

MUNICIPALITY OF SWAKOPMUND  
53 Swakopmund  
NAMIBIA  
sbruwer@swkmun.com.na



ATTENTION: CHIEF EXECUTIVE OFFICER

Dear Sir/Madam

**MATUTURA EXTENSION THREE ("the property"): REQUEST FOR EXTENTION OF TIME**

1. We refer to your letter dated 2 December 2021 and the joint venture agreement dated 3 December 2020 ("the agreement").
2. The purpose of this letter is to request that the periods within which we are required to comply with the suspensive conditions in clause 3 of the agreement, be extended for a period of six months in terms of clause 3.1 of the agreement.
3. The reasons for the proposed extension are:
  - 3.1. Council sold the adjacent land to the property for a price below market value. As a result, the market value of the property has decreased.
  - 3.2. As a result of the reduced market value of the property, the feasibility of the implementation of the agreement is uncertain.
  - 3.3. The purpose of the extension would be for the parties to meet and explore ways in which the implementation of the agreement could be feasible to ensure that both parties benefit from the agreement.
4. Considering the above and keeping in mind that we are currently required to comply with the suspensive conditions by 18 December 2021, kindly advise whether you are willing to agree to the proposed extension.
5. We await your response herein and thank you for your assistance.

Kind regards,

A handwritten signature in black ink, appearing to read "RW Winckler".

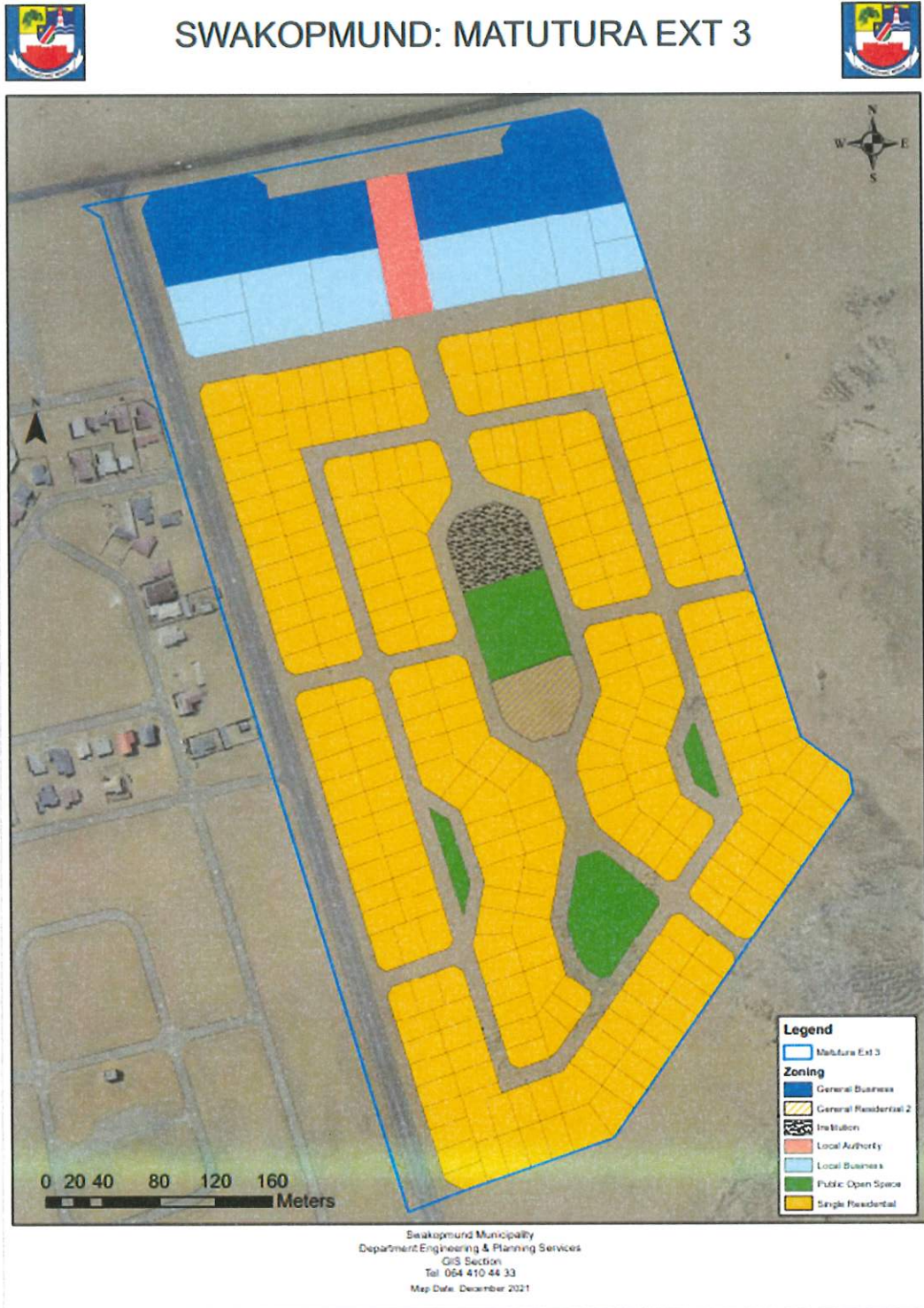
RW Winckler  
Director

**ANNEXURE "D"**

3.	<p>Suspensive Conditions to be fulfilled by <b>Municipality within 120 days</b> of signature:</p> <p>3.1.1 the successful compliance by the Municipality with the provisions of section 63(2) of the LA Act;</p> <p>3.1.2 the exemption of the Municipality from compliance with the relevant provisions of the Public Procurement Act, 2015 (Act No. 15 of 2015), in respect of the procurement of the works and the disposal of assets contemplated in this Agreement;</p> <p>Suspensive Conditions to be fulfilled by the <b>Developer within 180 days</b> of signature</p> <p>3.1.3 the submission by the Developer to the Municipality of a <b>written detailed true estimation of the costs</b> to be incurred by the Developer in the execution of its development obligations contemplated in this Agreement and the approval of the true estimation of the costs by the Municipality;</p> <p>3.1.4 the submission by the Developer to the Municipality of <b>satisfactory proof that the Developer has secured adequate funding</b> for the successful completion of the development contemplated in this Agreement. Whether or not such proof is satisfactory, shall lie exclusively in the discretion of the Municipality;</p> <p>3.1.5 the delivery by the Developer to the Municipality of an <b>acceptable Performance Guarantee</b> issued by an accredited registered bank, financial institution or insurance company on behalf of the Developer's Contractor in favour of the Municipality, equal to 10% (ten percent) of the true estimated development cost of the bulk and internal services infrastructure (forming part of the cost estimation to be submitted by the Developer in terms of 3.1.3 above), for the due performance by the Developer of its development obligations stipulated in 5.4 and 5.5 below;</p> <p>3.1.6 the submission by the Developer to the Municipality of a <b>construction programme detailing a time line</b> for the execution of the development contemplated in this Agreement, and, if the Developer proposes to carry out the development of the internal services infrastructure (as more fully stipulated in 5.5 below) in phases, then also detailing such phases with reference to the geographical areas which each phase is to cover and the timeline for each phase (with due regard to the overall completion time frames stipulated in clause 5.8.5 below), and the approval of said construction programme by the Municipality;</p> <p>3.1.7 the submission by the Developer to the Municipality of the <b>Project Specifications</b>, and the approval of the Project Specifications by the Municipality;</p> <p>3.1.8 the submission by the Developer to the Municipality of <b>design drawings and construction plans</b> (prepared by an engineer or firm of engineers) detailing the design and layout of the internal services infrastructure and the upgrading of the bulk services infrastructure, and the approval thereof by the Municipality;</p> <p>3.1.9 the submission by the Developer to the Municipality of <b>conceptual sketch plans of at least three standard types of dwelling houses</b> to be constructed by the Developer at the Single Residential Disposal Erven, and the approval thereof by the Municipality.</p> <p>3.1.10 the adoption by the directors of the Developer of the requisite resolution for the conclusion by the Developer of this Agreement and the authorisation of the signatories of the Developer to enter into this agreement on behalf the Developer, and the submission of proof thereof to the Municipality;</p> <p>3.1.11 the submission to the Municipality of <b>documentary proof to the effect that the Developer is duly registered for Value Added Tax and that it is in good standing with the Department of Inland Revenue of the Namibian Ministry of Finance in respect of all of its tax liabilities.</b></p> <p>3.2 The Parties undertake to use their respective best commercial endeavours to procure the timeous fulfilment of the Conditions Precedent, as soon as possible after the Signature Date.</p> <p>3.3 Unless all the Conditions Precedent have been fulfilled by no later than the respective due dates for fulfilment as determined in clause 3.1 above:</p> <p style="padding-left: 20px;">3.3.1 the provisions of this Agreement (save for the Immediately Effective Provisions) will be of no force or effect;</p> <p style="padding-left: 20px;">3.3.2 the Property will be restored to the Municipality in the condition in which it was before the Signature Date; and</p> <p style="padding-left: 20px;">3.3.3 No Party shall have any claims against the other Party arising from the failure of any of the Conditions Precedent, except for such claims as may arise from a breach of the provisions of clause 3.2 above or as may arise from a legitimate claim for restoration to the Municipality of the Property in the condition in which it was before the Signature Date (as contemplated in clause 3.3.2 above).</p>
----	---



**ANNEXURE "E"**



### Swakopmund: Matutura Ext. 3



Swakopmund Municipality  
Department: Engineering and Planning Services  
GIS Office  
Tel: 064414433  
thaidywa@swikmun.com.na  
Image Date: 2020





11.1.43 **FUTURE DEVELOPMENT OF CANCELLED JV AGREEMENTS:  
TOWNSHIPS**

(C/M 2022/01/27 - 14/2/1/2, 16/1/4/2/1/14)

Ordinary Management Committee Meeting of 13 January 2022,  
Addendum 10.14 page 119 refers.

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

**1. Introduction**

It is necessary for Council to consider the future development of the 8 townships in cases where the developers fail to succeed in terms of the joint venture agreements. This is required in order to ensure constant availability of housing to the community.

At this stage, on **28 October 2021** under item 11.1.4 Council confirmed the cancellation of the transaction with Ghetto Assistance (Pty) Ltd for the development of Extension 4, Matutura, and the township is available for Council to consider the future development thereof.

On **31 May 2018** under item 11.1.25 Council approved the allocation of various townships for the installation of services and construction of houses as follows:

	<b>Township</b>	<b>Entity</b>	<b>Targeted Income Group</b>
1	Ext 3, Mat	Tapeya Investment Holding (Pty) Ltd	<b>Medium Income Level</b> Value of Structure: N\$ 500 000 to N\$ 800 000 (excluding erf)
2	Ext 4, Mat	Ghetto Assistance Centre (Pty) Ltd	<b>Medium Income Level</b> Value of Structure: N\$ 500 000 to N\$ 800 000 (excluding erf)
3	Ext 5, Mat	Reviving Property Solutions (Pty) Ltd	<b>Medium Income Level</b> Value of Structure: N\$ 500 000 to N\$ 800 000 (excluding erf)
4	Ext 13, Mat	Matsi Investment (Pty) Ltd	<b>Medium Income Level</b> Value of Structure: N\$ 500 000 to N\$ 800 000 (excluding erf)
5	Ext 24, Swk	Lelwapa Property Developers (Pty) Ltd	<b>Low Income Level</b> Value of Structure: N\$ 150 000 to N\$ 250 000 (excluding erf)
6	Ext 25, Swk	Momporisa Trading Enterprises (Pty) Ltd	<b>Low Income Level</b> Value of Structure: N\$ 150 000 to N\$ 250 000 (excluding erf)
7		Lherix Investment (Pty) Ltd	
8	Ext 38, Swk	Gheron Building Construction (Pty) Ltd	<b>Medium Income Level</b> Value of Structure: N\$ 500 000 to N\$ 800 000 (excluding erf)
9	Matutura Proper	Quintessential Trading & Consult (Pty) Ltd	<b>Medium Income Level</b> Value of Structure: N\$ 500 000 to N\$ 800 000 (excluding erf)



The progress of the execution of the joint venture agreements is at various stages.

Attachments:

<b>Annexure "A"</b>	:	Map of Extension 4, Matutura
<b>Annexure "B"</b>	:	Council's Decision passed on 30 August 2021 under item 11.1.15
<b>Annexure "C"</b>	:	Directive received from the Ministry of Urban and Rural Development dated 24 December 2021 that no new projects be considered for the 2022/23 budget

2. **Current Status of Joint Venture Developments**

The table below reflects the current status of the various joint venture agreements:

<u>Cancelled:</u>	<p>① <b>Gheron Building Construction (Pty) Ltd</b> ↳ Separate submission to M/C of January 2022 re an application to reconsider the cancellation.</p> <p>② <b>Ghetto Assistance Centre (Pty) Ltd</b> ↳ Council confirmed the cancellation on 28 October 2021. Extension 4, Matutura is the first cancelled township and the subject of this submission.</p>
<u>Extended:</u>	<p>③ <b>Tapeya Investment Holding (Pty) Ltd</b> ↳ Separate submission to M/C of January 2022 re an application to extend the timelines (second time) and renegotiate the terms.</p>
<u>In Progress:</u>	<p>④ <b>Quintessential Trading &amp; Consult (Pty) Ltd</b> ↳ Compliance due date was 20 December 2021. GM:Eng &amp; Plan Serv is assessing compliance with clause 3.</p>
<u>Signed:</u>	<p>⑤ <b>Matsi Investment (Pty) Ltd</b> ⑥ <b>Reviving Property Solutions (Pty) Ltd</b> ↳ Due date for both developers for compliance with clause 3 is 05 April 2022.</p>
<u>Pending:</u>	<p>⑦ <b>Lelwapa Property Developers (Pty) Ltd</b> ↳ Amendments requested to the jv which is being attended to.</p> <p>⑧ <b>Momporis Trading Enterprises (Pty) Ltd</b> ⑨ <b>Lherix Investment (Pty) Ltd</b> ↳ Division of Extension 25 between the 2 developers is finalized. Amendment to the jv to incorporate the relocation of the informal settlers on the property.</p>

3. **Extension 4, Matutura**

A map indicating the zoning of Extension 4, Matutura is attached as **Annexure "A"**.

Extension 4, Matutura comprises mostly of erven zoned "*Business*" as per table below:

Zoning	Total Number of Erven
Single Residential	31
Local Business	18
General Business	8
Public Open Space	1
Institutional	1
Local Authority	3

Usually, the business district develops only after the residential areas are settled already. As per point 2 above, the surrounding townships have also been allocated to private developers in terms of joint venture agreements and have not yet been developed.



Currently there is an extremely high demand for ultra- and low income erven for which this township is not suitable.

#### 4. Council's Resolution Regulating Development of Large Portions of Land

For ease of reference, Council's decision regarding a concept for the future development of the northern townships is attached as **Annexure "B"**.

#### 5. Discussion

- 5.1 It will benefit Council greatly if a framework for the development of the various townships could be established to cater for the eventuality when transactions are cancelled. should such be cancelled due to the non-performance of the relevant private developers in terms of the joint venture agreement.

It is accordingly also necessary to prioritize budgetary provision for the installation of services taking into account the limited resources and various competing needs of the community. Especially the dire need for ultra- and low income erven for which only Extensions 24 and 25 has been earmarked in terms of the allocation to the 9 joint venture developments (Council's decision of **31 May 2018**, item 11.1.25).

- 5.2 A letter was received from the Ministry of Urban and Rural Development dated **24 December 2021** directing that no new projects be considered for the 2022/23 budget (**Annexure "C"**).
- 5.3 At this stage it is not a priority to attend to the servicing of Extension 4, Matutura, especially taking into account the zoning lay-out and the fact that the adjacent townships is also not serviced yet.

#### 6. Proposal

The following framework is proposed to speed up land delivery where joint venture agreements fail and the transactions cancelled by Council and finalized, the following concept be considered for priority development:

- (i) *the location, zoning, and lay-out of the specific township and the proximity of services to the township be taken into consideration; as well as*
- (ii) *the suitability of the township for the household income level development envisaged by Council;*
- (iii) *that it be noted that only Extensions 24 and 25 are approved for low income development (item 11.1.25 of Council's decision passed on 31 May 2018);*
- (iv) *that Council endeavours to install services with internal funds as far as possible and gap loans be obtained to finance the shortfall;*
- (v) *where internal funds are unavailable, the land be allocated in terms of Council's decision passed on 30 August 2021 under item 11.1.15 (**Annexure "B"**) to developers; and*
- (vi) *that erven zoned "single residential" be sold at cost recovery + 15% mark-up or + 10% mark-up for first time property owners by closed bid sales for those extensions approved for medium income levels (as resolved by Council on 30 August 2018 under item 11.1.5 (d)).*



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

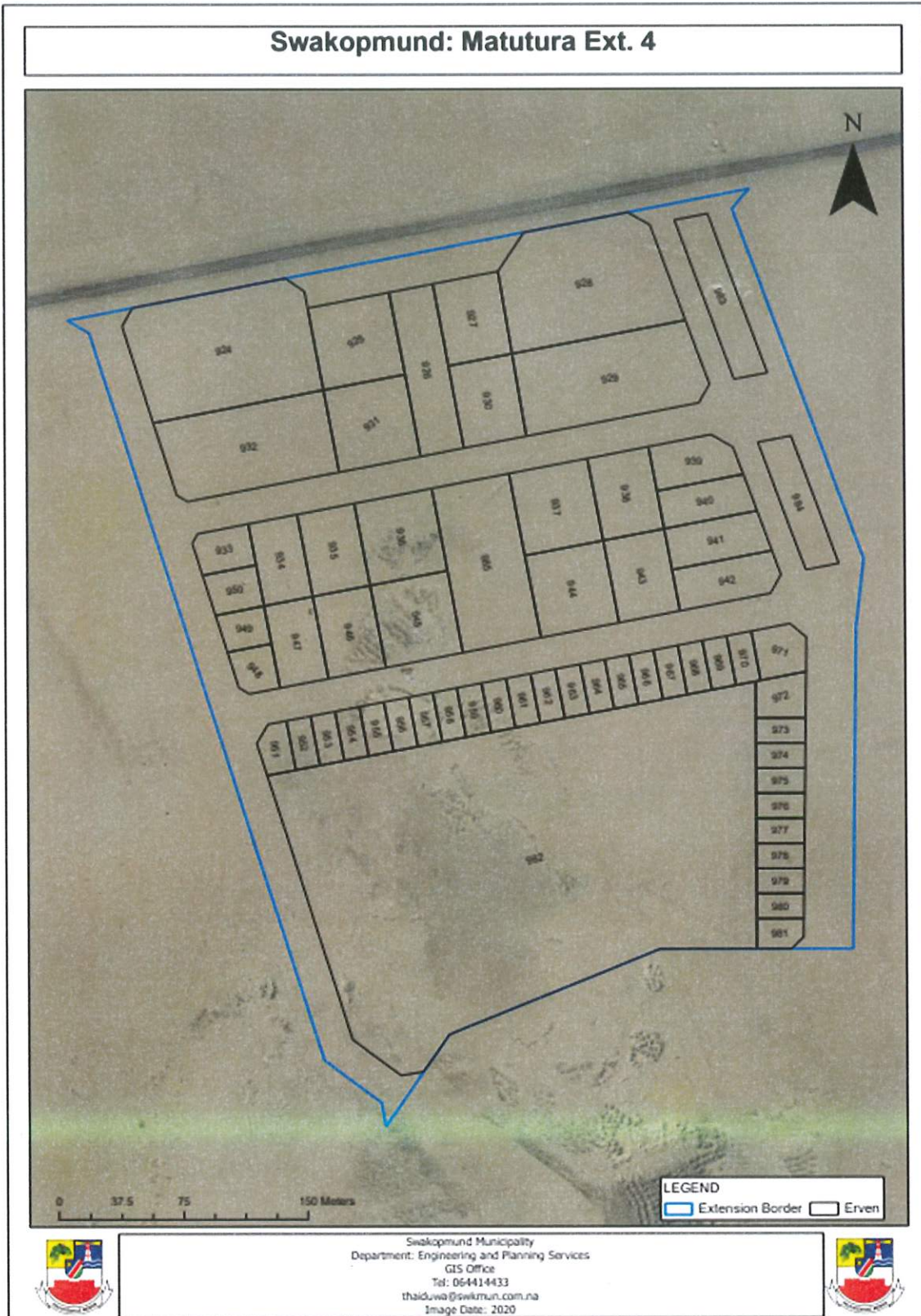
**RECOMMENDED:**

- (a) That Council takes note of the cancellation of the joint venture agreement for Extension 4, Matutura, the medium income level and the zoning lay-out which comprises mostly erven zoned "*Business*".
- (b) That it be noted that the installation of services to Extension 4 is not an urgent priority taking into account the need for ultra- and low-income erven.
- (c) That budgetary provision be made in the 2023/24 budget for the installation of services to Extension 4.
- (d) That the General Manager: Engineering & Planning Services calculates cost estimates and cash flow projections; and provides timelines for the installation of services keeping in mind delays caused by environmental requirements.
- (e) That the General Manager: Finance confirms to what extent Council's fixed deposits can be committed to this project and the need for bank financing.
- (f) That Erongo RED be approached to fund the development of the electrical infrastructure for Extension 4, Matutura.
- (g) That should Council confirm the cancellation of the termination in respect of Extension 3, Matutura to Messrs Tapeya Investment Holdings (Pty) Ltd (under separate submission in this Agenda), Council immediately undertakes to service and sell erven in this Extension, to speed up land delivery.
- (h) That it be noted that only Extensions 24 and 25 are approved for low income development (item 11.1.25 of Council's decision passed on 31 May 2018).
- (i) That in general as joint venture agreements fail and they are cancelled by Council:
  - (i) *the location, zoning, and lay-out of the specific township and the proximity of services to the relevant township be considered, as well as*
  - (ii) *the targeted household income level envisaged by Council, in order to decide what level of service will be installed and which township to be serviced first.*
- (k) That Council endeavours to install services with internal funds as far as possible and gap loans be obtained to finance the shortfall.
- (l) That where internal funds are unavailable, the land be allocated in terms of Council's decision passed on 30 August 2021 under item 11.1.15 to developers:

- (a) That an advert be placed in the newspapers informing the public not to submit unsolicited applications for land since all land will be advertised.
  - (b) That Council approves the following transparent and easily implementable process for the allocation of land for private developers in terms of section 7 of the Property Policy as follows:
    - (i) Council directs what type of development it plans in the different unplanned areas for a given period.
    - (ii) Council identifies land which it intends to reserve for itself to ensure that Council can make good on its mandate to control the development and sale of affordable land and housing.
    - (iii) Council identifies land in specific areas to make available for private developers.
    - (iv) The size of the portions to be awarded to developers be confirmed in each area.
    - (v) Council sets out the qualifying criteria (e.g. the relevant experience of the entity in similar developments, the skill and ability of the professional teams, the content of their proposal, the cost of the housing and the ability of the developer to raise the required finances) that developers need to meet in order to participate in any call for proposals.
    - (vi) Council confirms what form the application or proposal should take and the manner and method to be used to objectively assess and select successful candidates.
  - (d) .....
  - (e) .....
  - (f) .....
  - (g) .....
  - (m) That erven zoned "***Single Residential***" be sold at cost recovery + 15% mark-up or + 10% mark-up for first time property owners by closed bid sales for those extensions approved for medium income levels (as resolved by Council on 30 August 2018 under item 11.1.5 (d)).
-









**ANNEXURE "B"**

124 / 2021

**11.1.15 DEVELOPMENT CONCEPT: NORTHERN BLOCKS**

(C/M 2021/08/30 - 16/1/4/2/1/14)

CO: P GM: EPS Acting GM: CSHC
-------------------------------------

**RESOLVED:**

- (a) That an advert be placed in the newspapers informing the public not to submit unsolicited applications for land since all land will be advertised.
- (b) That Council approves the following transparent and easily implementable process for the allocation of land for private developers in terms of section 7 of the Property Policy as follows:
- Council directs what type of development it plans in the different unplanned areas for a given period.
  - Council identifies land which it intends to reserve for itself to ensure that Council can make good on its mandate to control the development and sale of affordable land and housing.
  - Council identifies land in specific areas to make available for private developers.
  - The size of the portions to be awarded to developers be confirmed in each area.
  - Council sets out the qualifying criteria (e.g. the relevant experience of the entity in similar developments, the skill and ability of the professional teams, the content of their proposal, the cost of the housing and the ability of the developer to raise the required finances) that developers need to meet in order to participate in any call for proposals.
  - Council confirms what form the application or proposal should take and the manner and method to be used to objectively assess and select successful candidates.
- (d) That Council approves that portions of land as per the table below be allocated for the stipulated purposes.
- (e) That Council calls for development proposals based on the land identified and the criteria stipulated be issued before the end of October 2021:

Portion	Main Usage	Development
175	Business & General Residential (mirror the business layout of the townships to the south of the dividing road).	Council
176	Business & General Residential (mirror the business layout of the townships to the south of the dividing road).	Council
170	High / Middle Income Erven (previously cemetery)	Council
171	Cemetery and Park	Council
172	Middle / Low Income Residential (including large institutional erf)	10 ha to Namibia Oysters (Pty) Ltd in exchange for Prt 96
168	Middle Income Residential	Private developers
167	Middle Income Residential	Private developers

Ordinary Council Meeting: 30 August 2021

125 / 2021

165	Low Income Residential / Industrial	Not in line with Structure Plan but is the furthest away so less nuisance
166 ū	Low Income Residential	Private developers
166 ü	Low Income Residential	Private developers
172	Low Income Residential	Private developers
174	Middle Income Residential	Private developers

- (f) That the General Manager: Engineering and Planning Services prioritises the layout design for the first portion No 174 of the Northern Wedge.
- (g) That funds be made available for the layout as required.



**ANNEXURE "C"**

Republic of Namibia

---

**Ministry of Urban and Rural Development**

---

Enquiries: Mr. S.N.Tubaleye  
Tel: (+264+61) 297-5174  
Fax: (+264+61) 297-5096  
E-mail: stubaleyc@murd.gov.na

Government Office Park  
Luther Street

Private Bag 13289  
Windhoek, Namibia

Our Ref.: 3/P  
Your Ref.:

**TO: CHIEF REGIONAL OFFICERS: REGIONAL COUNCILS  
CHIEF EXECUTIVE OFFICERS: LOCAL AUTHOURITIES**

Dear Colleagues

**SUBJECT: COMMUNICATION ON BUDGET CUT FOR THE 2022/2023 FINANCIAL YEAR.**

The purpose of this communication is to inform you that the Ministry's budget ceiling for the 2022/2023 financial year has been cut, resulting from the COVID-19 outbreak that has affected most of the world economies including Namibia. This reduction affect both the Development and Operational budgets and will affect development projects and programmes of Regional Councils and Local Authorities

Please note that the Ministry was advised by the National Planning Commission that, priority should be given to **ongoing projects with active activities, whose tender was awarded and signed as well as projects with contractual obligations**. Furthermore, please note that **no new projects will be considered** for the 2022/2023 financial year.

The new budget ceiling for the Development and Operational Budget will be communicated to you in due course

Thank you in anticipation of your understanding and cooperation in this regard.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Nghidinua Daniel', written over a faint, larger version of the same signature.

**NGHIDINUA DANIEL  
EXECUTIVE DIRECTOR**

11.1.44 **JV AGREEMENTS: INFORMAL DWELLING STRUCTURES LOCATED ON TOWNSHIPS**

(C/M 2022/01/27 - 14/2/1/2, 16/1/4/2/1/14)

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.15** page **127** refers.

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

**1. Introduction**

The purpose of this submission is to inform Council of the location of informal dwelling structures on various townships allocated to the 9 private developers in terms of joint venture agreements.

Most of the inhabitants of these townships will need to be relocated in order to commence with servicing of the areas.

**2. Overview of Occupation**

On **31 May 2018** under item 11.1.25 Council approved the allocation of various townships for the installation of services and construction of houses. An overview of these townships and occupation thereof by informal settlers are set-out below:

	<i>Township</i>	<i>Entity</i>	<i>Targeted Income Group</i>	<i>Occupied</i>
<b>Annexure "A"</b>	Ext 3, Mat	Tapeya Investment Holding (Pty) Ltd Applied for further extension of time.	<b>Medium Income Level</b> <i>Value of Structure:</i> N\$ 500 000 to N\$ 800 000 (excluding erf)	<b>Vacant</b>
<b>Annexure "B"</b>	Ext 4, Mat	Ghetto Assistance Centre (Pty) Ltd Cancelled.	<b>Medium Income Level</b> <i>Value of Structure:</i> N\$ 500 000 to N\$ 800 000 (excluding erf)	<b>Vacant</b>
<b>Annexure "C"</b>	Ext 5, Mat	Reviving Property Solutions (Pty) Ltd	<b>Medium Income Level</b> <i>Value of Structure:</i> N\$ 500 000 to N\$ 800 000 (excluding erf)	<b>Vacant</b>
<b>Annexure "D"</b>	Ext 13, Mat	Matsi Investment (Pty) Ltd	<b>Medium Income Level</b> <i>Value of Structure:</i> N\$ 500 000 to N\$ 800 000 (excluding erf)	<b>Vacant</b>
<b>Annexure "E"</b>	Ext 24, Swk	Lelwapa Property Developers (Pty) Ltd	<b>Low Income Level</b> <i>Value of Structure:</i> N\$ 150 000 to N\$ 250 000 (excluding erf)	<b>Densely Occupied</b>
<b>Annexure "F"</b>	Ext 25, Swk	Mompoti Trading Enterprises (Pty) Ltd  Lherix Investment (Pty) Ltd	<b>Low Income Level</b> <i>Value of Structure:</i> N\$ 150 000 to N\$ 250 000 (excluding erf)	<b>Densely Occupied</b>
<b>Annexure "G"</b>	Ext 38, Swk	Gheron Building Construction (Pty) Ltd Applied for reconsideration of cancellation.	<b>Medium Income Level</b> <i>Value of Structure:</i> N\$ 500 000 to N\$ 800 000 (excluding erf)	<b>Eastern Half Occupied</b>
<b>Annexure "H"</b>	Matutura Proper	Quintessential Trading & Consult (Pty) Ltd	<b>Medium Income Level</b> <i>Value of Structure:</i> N\$ 500 000 to N\$ 800 000 (excluding erf)	<b>Vacant</b>

In addition to the above three townships, Portion 184 is also inhabited by informal settlers (**Annexure "I"**).



No formal survey is in place reflecting the number of informal dwelling structures per erf and the number of family members / occupants per erf for Extensions 24, 25, 38 and Portion 184. This information will be required to evaluate the size of the reception townships.

For ease of reference, the relevant annexures are summarized below:

<b>Annexure "E"</b>	:	Extension 24	} Informal dwelling structures located on these townships
<b>Annexure "F"</b>	:	Extension 25	
<b>Annexure "G"</b>	:	Extension 38	
<b>Annexure "I"</b>	:	Portion 184	
<b>Annexure "J"</b>	:	Portions 182 & 183	} Relocation / Reception Areas
<b>Annexure "K"</b>	:	Northern Wedge	

## 2. Relocation / Reception Areas

- 2.1 Council has not had a designated relocation / reception area for more than 10 years now. In view of the economic situation in Namibia it is now an inevitable necessity to identify such areas.
- 2.2 It is therefore required that the Housing Section embarks on a desktop study based on the aerial maps for Extension 24 (**Annexure "E"**), Extension 25 (**Annexure "F"**), Extension 38 (**Annexure "G"**) and Portion 184 (**Annexure "I"**) to determine the number of informal dwelling structures located in the respective townships. The outcome of the desktop study will subsequently be verified by a physical survey.

The availability of erven zoned "*Single Residential*" in the said townships is as follows:

- Extension 24 = 323 erven
- Extension 25 = 173 (288 in total of of which 115 are serviced – excluded)
- Extension 38 = 198 erven

*Total = 694 erven on which households qualifying as clients for the private developers can be accommodated*

Ⓜ *The number of affected households in the 4 extensions based on a very rough estimate of 5 informal dwelling structures per erf, is approximately 3 400 households. This can be verified with greater accuracy very soon with the conclusion of the desktop study.*

This means that Council will have to accommodate the remaining households (i.e. 3 400 - 694 = 2 706) on areas identified and prepared as relocation / reception areas. This matter will be discussed and co-ordinated with the Engineering & Planning Services Department.

- 2.3 Following an assessment of the household income, the inhabitants can be allocated an erf at one of the following two areas:



- (i) The Flexible Land Tenure Areas for households with fixed monthly income (Portions 182 and 183) (attached as **Annexure “J”**)
- (ii) The Northern Wedge as relocation area for overspill of inhabitants being unemployed and without a monthly income; and as reception area for new arrivals (Portions 166, 169, 173 and 174) (attached as **Annexure “K”**)

2.4 The two proposed relocation areas are listed below:

2.4.1 **The Flexible Land Tenure Areas (Annexure “J”)**

On **27 May 2021** Council considered the availability of land whereafter the following decision was made under item 11.1.13:

- (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.

The above decision was passed in respect of the following townships:

<i>Township</i>	<i>Development Status</i>	<i>No. of residential erven</i>
<i>Portion 182</i>	<i>Future land for residential development</i>	<i>269</i>
<i>Portion 183</i>	<i>Future land for residential development</i>	<i>306</i>
<b>Total</b>		<b>575</b>

These areas can be prepared to accommodate those households on the Master Waiting List who qualify financially for eventual allocation in this area.

A map indicating the location of the above portions is attached as **Annexure “J”**.

2.4.2 **Northern Wedge Area (Annexure “K”)**

On **30 August 2021** Council approved the allocation of portions of the northern wedge under item 11.1.15 for different income groups.

The following townships are available for relocation of the informal households who are unemployed and without a monthly income; and as reception area for new arrivals:

<i>Portion</i>	<i>Main Usage</i>	<i>Development</i>	<i>Size</i>
<i>166</i>	<i>Low Income Residential</i>	<i>Private developers</i>	<i>36,2861 ha</i>
<i>169</i>	<i>Low Income Residential</i>	<i>Private developers</i>	<i>43,4758 ha</i>
<i>173</i>	<i>Low Income Residential</i>	<i>Private developers</i>	<i>27,8848 ha</i>
<i>174</i>	<i>Middle Income Residential</i>	<i>Private developers</i>	<i>47,6678 ha</i>
		<i>Total</i>	<i>155,3145 ha</i>

155,3145 ha less 38.8 ha (25% for roads, pavements and public open spaces) amounts to 116,4 ha deft for development which includes land for institutional, endowment and business erven.



116,4 ha divided by  $\pm 300\text{m}^2$  results in  $\pm 3\ 882$  single residential erven.

- 2.5 Engineering & Planning Services Department will need to provide a basic survey layout as well as provide rough estimates of the projected cost calculations for provision of minimum services (lighting, ablution and water). Stakeholders such as MTC can be approached for assistance in terms of the MoU to assist with street lighting, wifi and other services.
- 2.6 In order maximize the number of households which can be received and accommodated in the new resettlement / reception areas it is proposed that Council obtains permission from the Rural & Urban Planning Board to reduce the size of erven to a minimum of  $220\text{m}^2$  for the purpose of the reception area only.
- 2.7 It is further suggested that the information from the desktop study be used to draft a funding proposal to urgently obtain funding / grants from international donors to service low cost housing areas and / or to erect ultra low cost housing units.

### 3. Discussion

- 3.1 In order to obtain accurate information / data on the number of households located on Extensions 24, 25, 38 and Portion 184; the following framework and procedure is proposed:

- (i) *A desktop study be embarked on based on the aerial maps of Extensions 24, 25, 38 and Portion 184 to estimate the density of the location of informal dwelling structures and to assess the situation.*
- (ii) *The General Manager: Corporate Services & HC be authorised to assess the need for and recruit temporary staff to attend to the envisaged survey and relocation project.*
- (iii) *Following the desktop study, a physical survey on site be conducted to assess -*
- (a) *the location of informal dwelling structures (on erven, open spaces, streets, etc),*
  - (b) *number of informal dwelling structures per erf,*
  - (c) *the number of persons per informal dwelling structures,*
  - (d) *the income level of the informal dwelling structures household, and*
  - (e) *whether the household is already listed on the Master Waiting List and additional data be added to the said list.*
- (iv) *Then in consultation with the Engineering & Planning Department, the most suitable areas for relocation and reception be identified (availability of services in proximity, distance from Extension 24, 25, 38 and Portion 184) as per points 2.4.1 (**Annexure "J"**) and 2.4.2 (**Annexure "K"**) above; and be prepared as follows:*
- (a) *lay-outs be compiled to ensure controlled settlement and to avoid having to move informal dwelling structures built over boundaries and streets later;*
  - (b) *lighting, ablution and water be made available;*



- (c) Council assists with the transport of informal dwelling structures and household belongings, but be indemnified against any claims for damages;
- (d) a plan be drafted for the orderly relocation to the relocation / reception areas; and
- (e) Engineering & Planning Services Department provides rough estimates of the projected cost calculations for the project.
- (v) A communication campaign be designed and launched to sensitise the affected households, which includes regular consultations with the relevant committees.

3.2 In conclusion, it will be necessary to compile timelines to execute the above project.

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

**RECOMMENDED:**

(a) That Council takes note that the following three Extensions allocated to private developers inhabited by informal households which need to be relocated in order to commence with service installations:

Township	Entity	Targeted Income Group	Occupied
Ext 24, Swk	Lelwapa Property Developers (Pty) Ltd	Low Income Level <u>Value of Structure:</u> N\$ 150 000 to N\$ 250 000 (excluding erf)	Densely Occupied
Ext 25, Swk	Momporis Trading Enterprises (Pty) Ltd	Low Income Level <u>Value of Structure:</u> N\$ 150 000 to N\$ 250 000 (excluding erf)	Densely Occupied
	Lherix Investment (Pty) Ltd		
Ext 38, Swk	Gheron Building Construction (Pty) Ltd Applied for reconsideration of cancellation.	Medium Income Level <u>Value of Structure:</u> N\$ 500 000 to N\$ 800 000 (excluding erf)	Eastern Half Occupied

(b) That in order to obtain accurate information / data on the number of households located on Extensions 24, 25, 38 and Portion 184; the following framework and procedure is proposed:

- (i) A desktop study be embarked on based on the aerial maps of Extensions 24, 25 and 38 to estimate the density of the location of informal dwelling structures and to assess the situation.
- (ii) The General Manager: Corporate Services & HC be authorised to assess the need for and recruit temporary staff to attend to the envisaged survey and relocation project.
- (iii) Following the desktop study, a physical survey on site be conducted to assess:
  - (a) the location of informal dwelling structures (on erven, open spaces, streets, etc),
  - (b) number of informal dwelling structures per erf,
  - (c) the number of persons per informal dwelling structures,
  - (d) the income level of the informal dwelling structures household, and



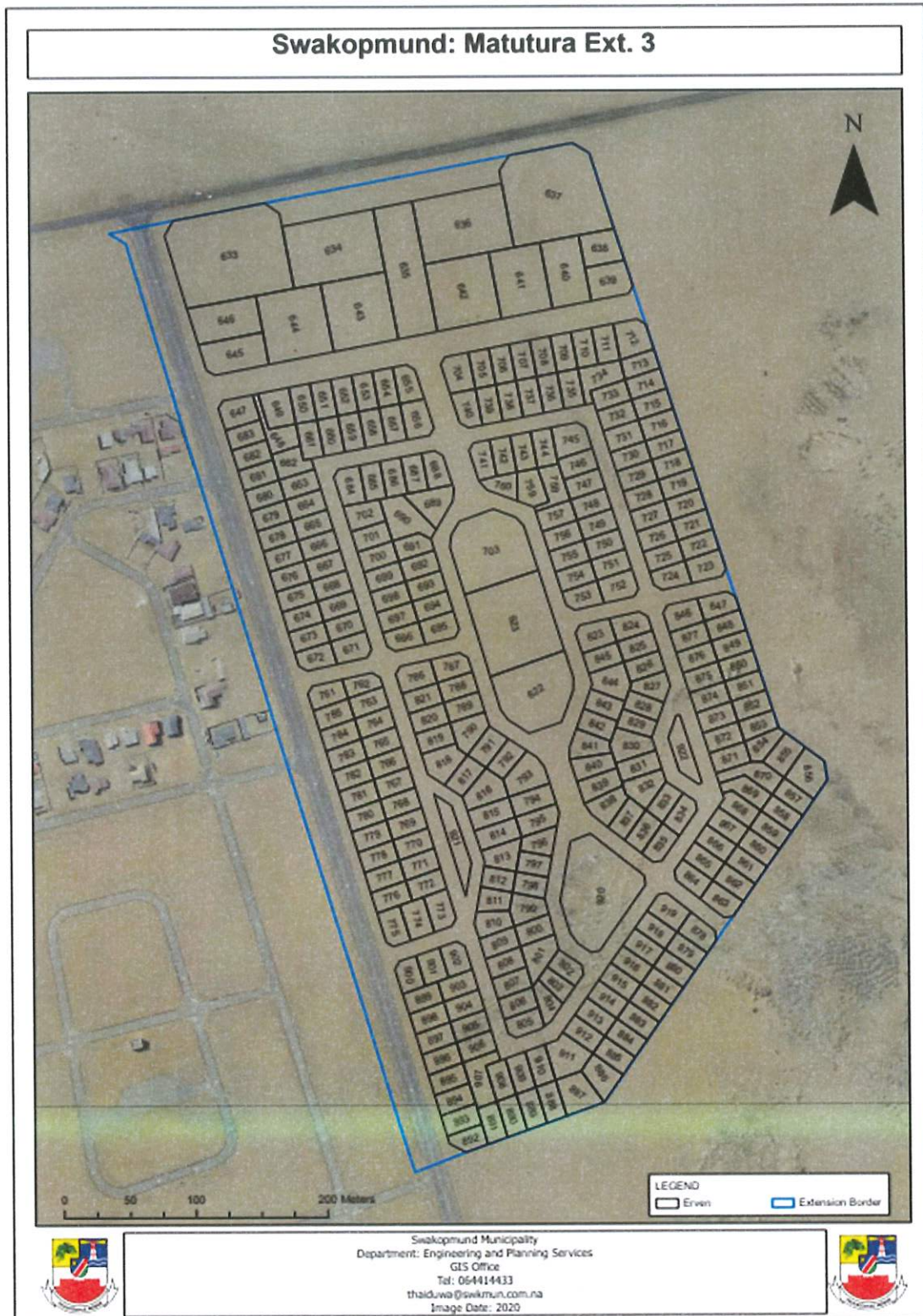
- (e) *whether the household is already listed on the Master Waiting List and additional data be added to the said list.*
  - (f) *That tenants be issued with lease contracts once located on their erf.*
- (iv) *Then in consultation with the Engineering & Planning Department, the most suitable areas for relocation and reception be identified at the two areas listed below (availability of services in proximity, distance from Extension 24, 25 and 38)*
- *The Flexible Land Tenure Areas for households with fixed monthly income (Portions 182 and 183 and also to be relocated); and*
  - *The Northern Wedge as relocation area for overspill of inhabitants being unemployed and without a monthly income; and as reception area for new arrivals (Portions 166, 169, 173 and 174)*

*That the identified areas be prepared as follows:*

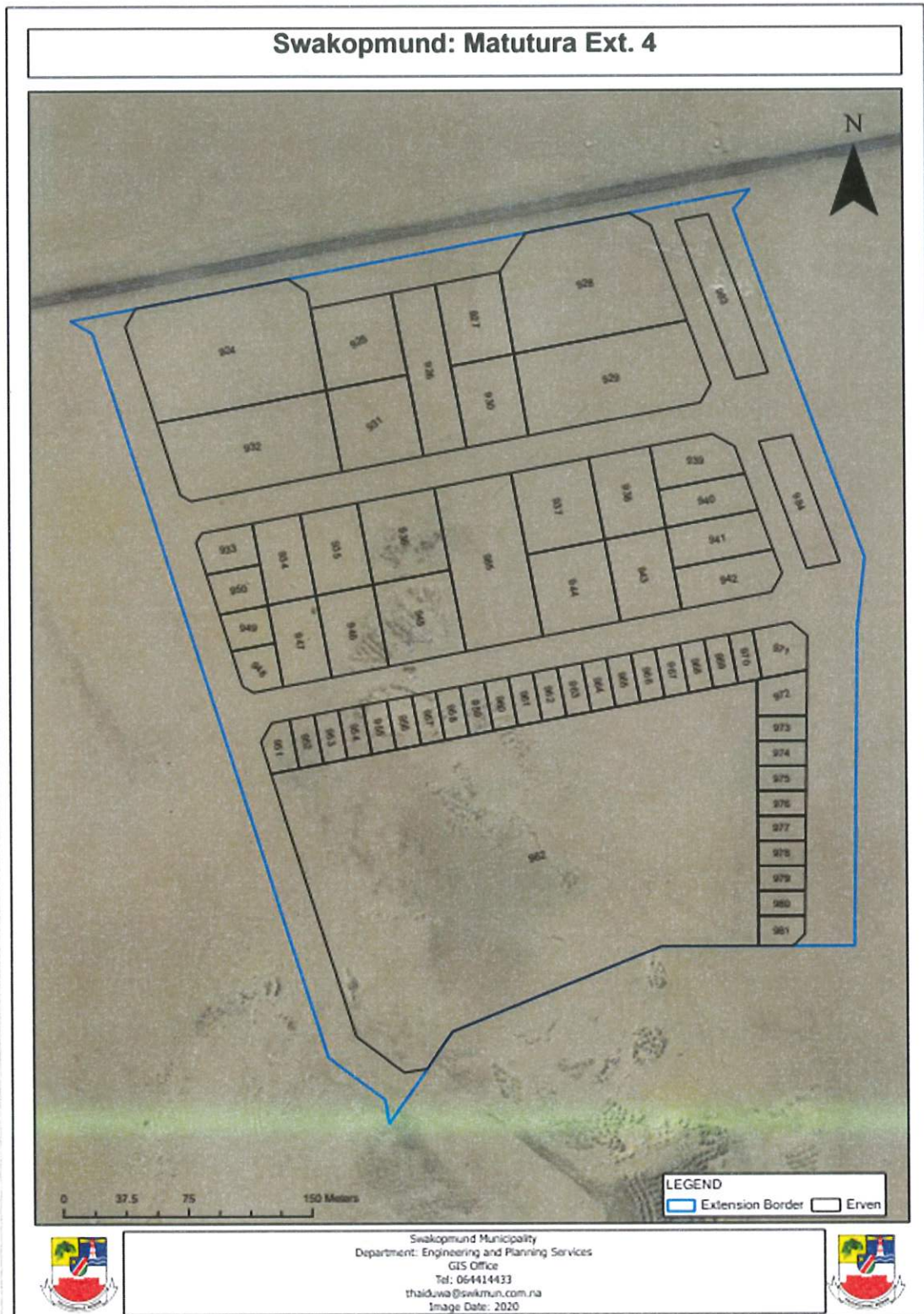
- (a) *lay-outs be compiled to ensure controlled settlement and to avoid having to move informal dwelling structures built over boundaries and streets later;*
  - (b) *lighting, ablution and water be made available;*
  - (c) *Council assists with the transport of informal dwelling structures and household belongings, but be indemnified against any claims for damages;*
  - (d) *a plan be drafted for the orderly relocation to the relocation / reception areas; and*
  - (e) *Engineering & Planning Services Department provides rough estimates of the projected cost calculations for the project.*
- (v) *A communication campaign be designed and launched to sensitize the affected households, which includes regular consultations with the relevant committees.*
- (c) **That reasonable timelines be compiled to execute the project.**
- (d) **That in order to maximize the number of households which can be received and accommodated in the new resettlement / reception areas it is proposed that Council obtains permission from the Rural & Urban Planning Board to reduce the size of erven to a minimum of 220m<sup>2</sup> in the reception area only.**
- (e) **That the information from the desktop study be used to draft a funding proposal to urgently obtain funding / grants from international donors to service low cost housing areas and / or to erect ultra-low cost housing units.**
- (f) **That should Council confirm the cancellation of the termination in respect of Extension 3, Matutura to Messrs Tapeya Investment Holdings (Pty) Ltd (under separate submission in this Agenda), Council immediately undertakes to service and sell erven in this Extension, to speed up land delivery.**
-



**ANNEXURE "A"**

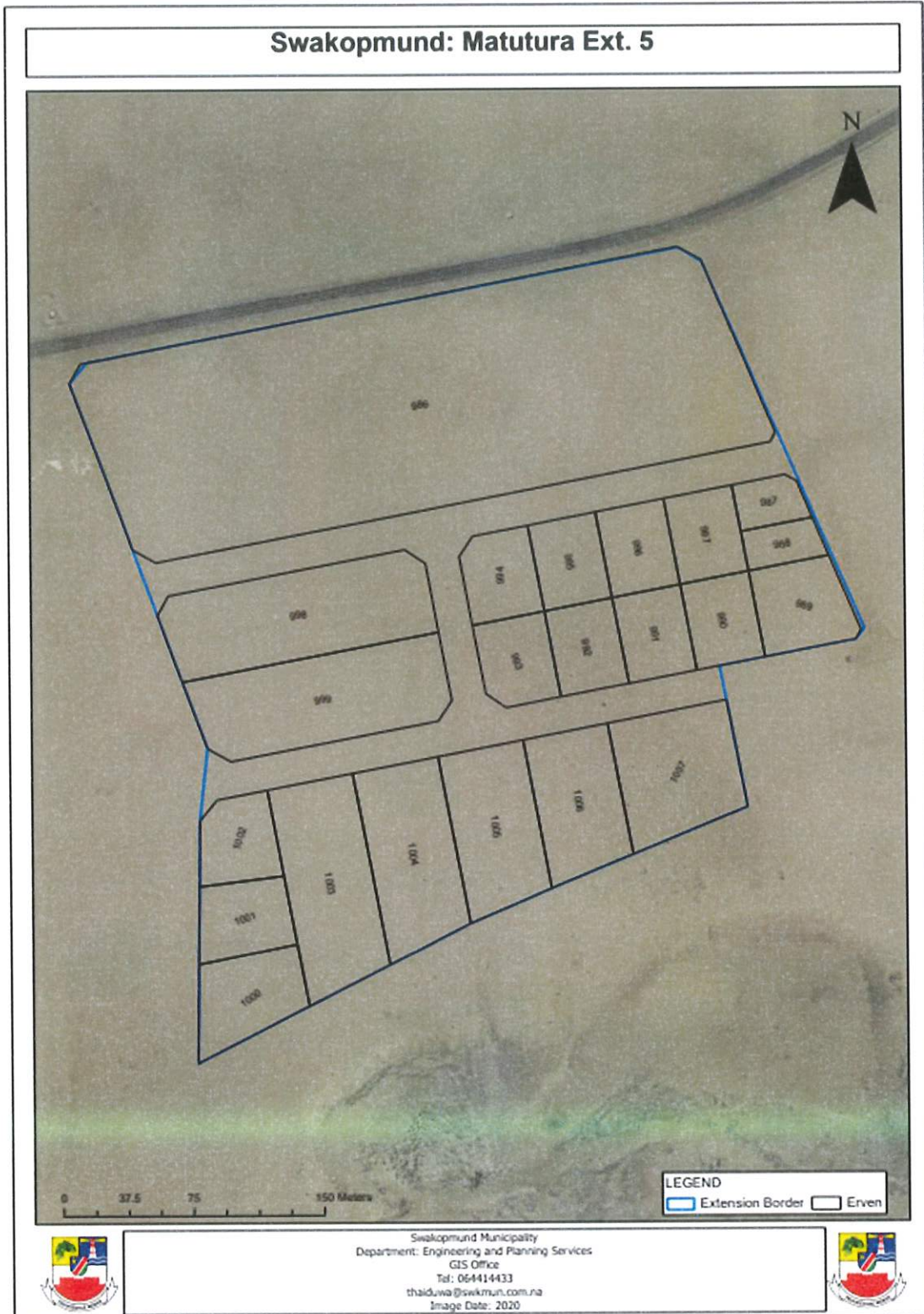


**ANNEXURE "B"**





**ANNEXURE "C"**







**ANNEXURE "E"**

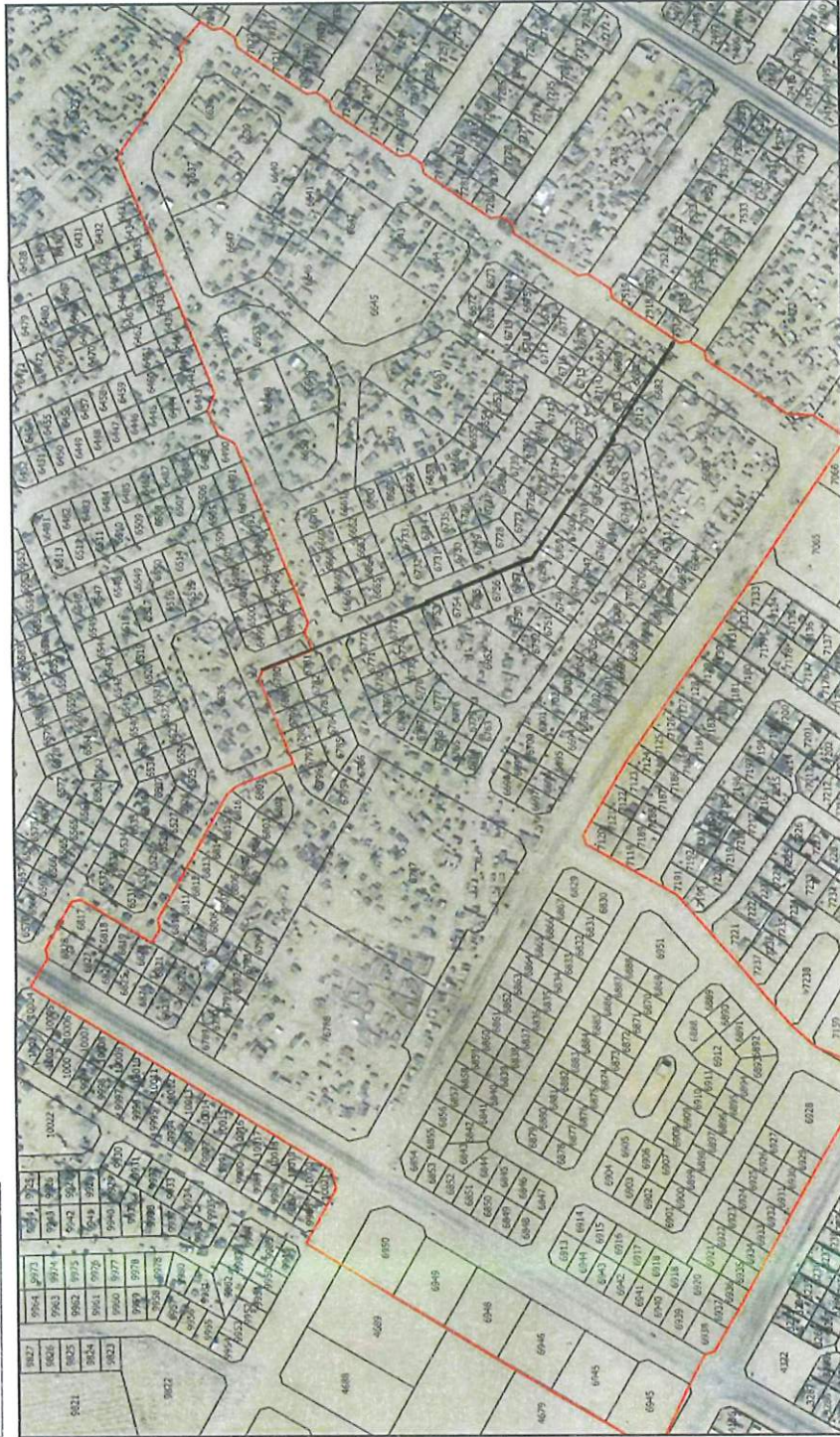




# ANNEXURE "F"



## Swakopmund Extension 25



**Legend**

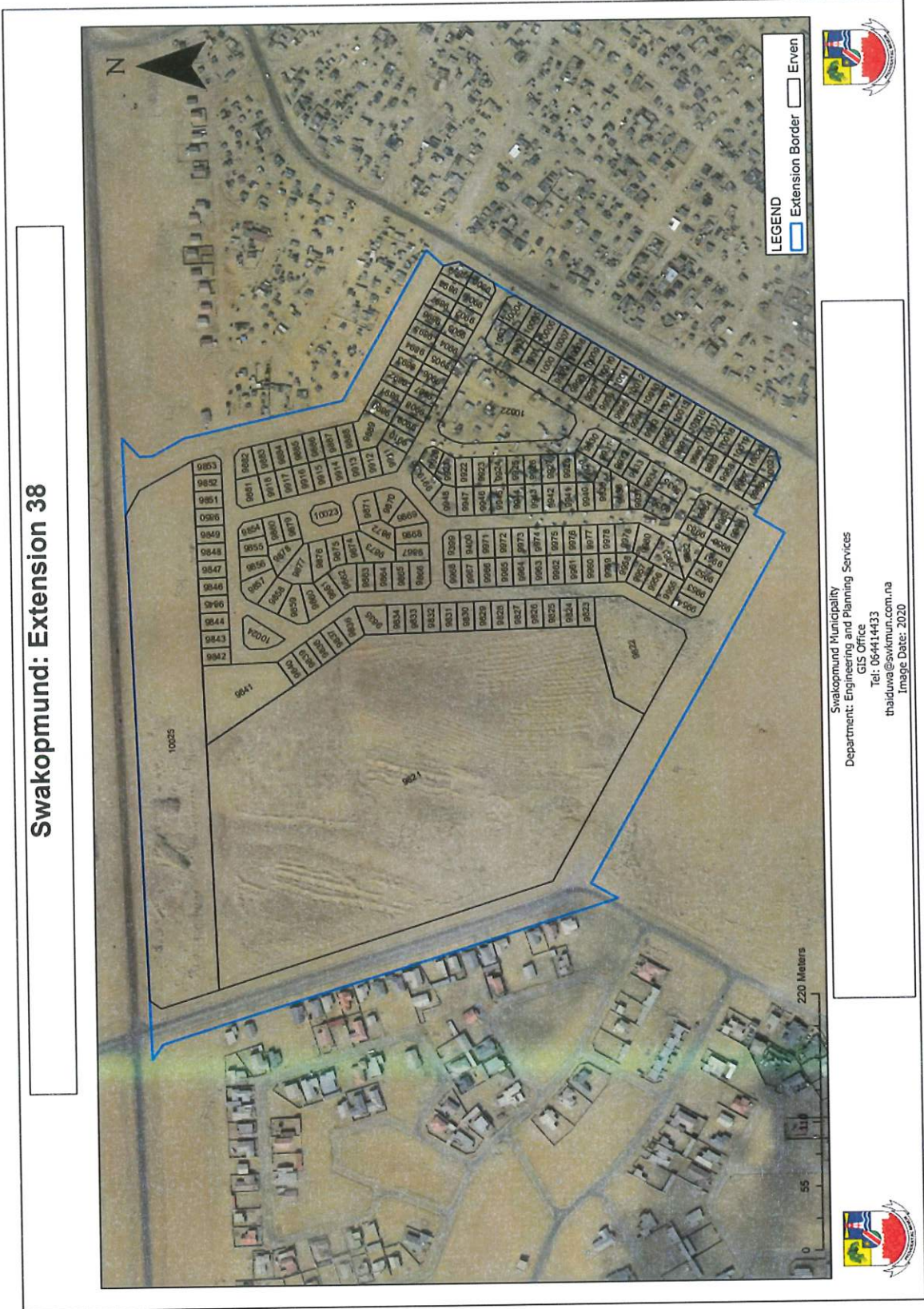
- Erven
- Swakopmund extension 25



Swakopmund Municipality  
Department: Engineering and Planning Services  
GIS Office  
Tel: 064414433  
thaiduwa@swkmun.com.na

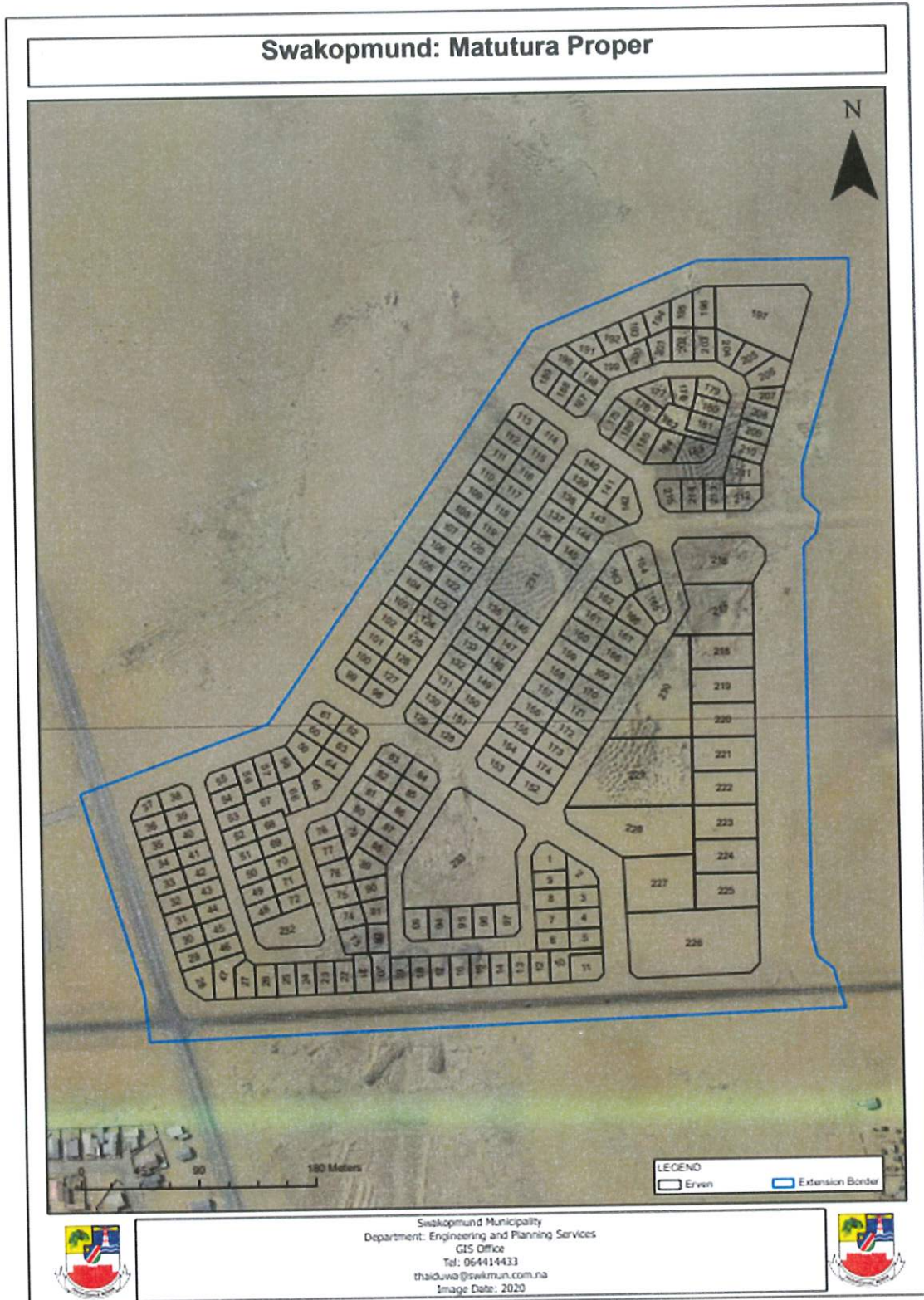


**ANNEXURE "G"**



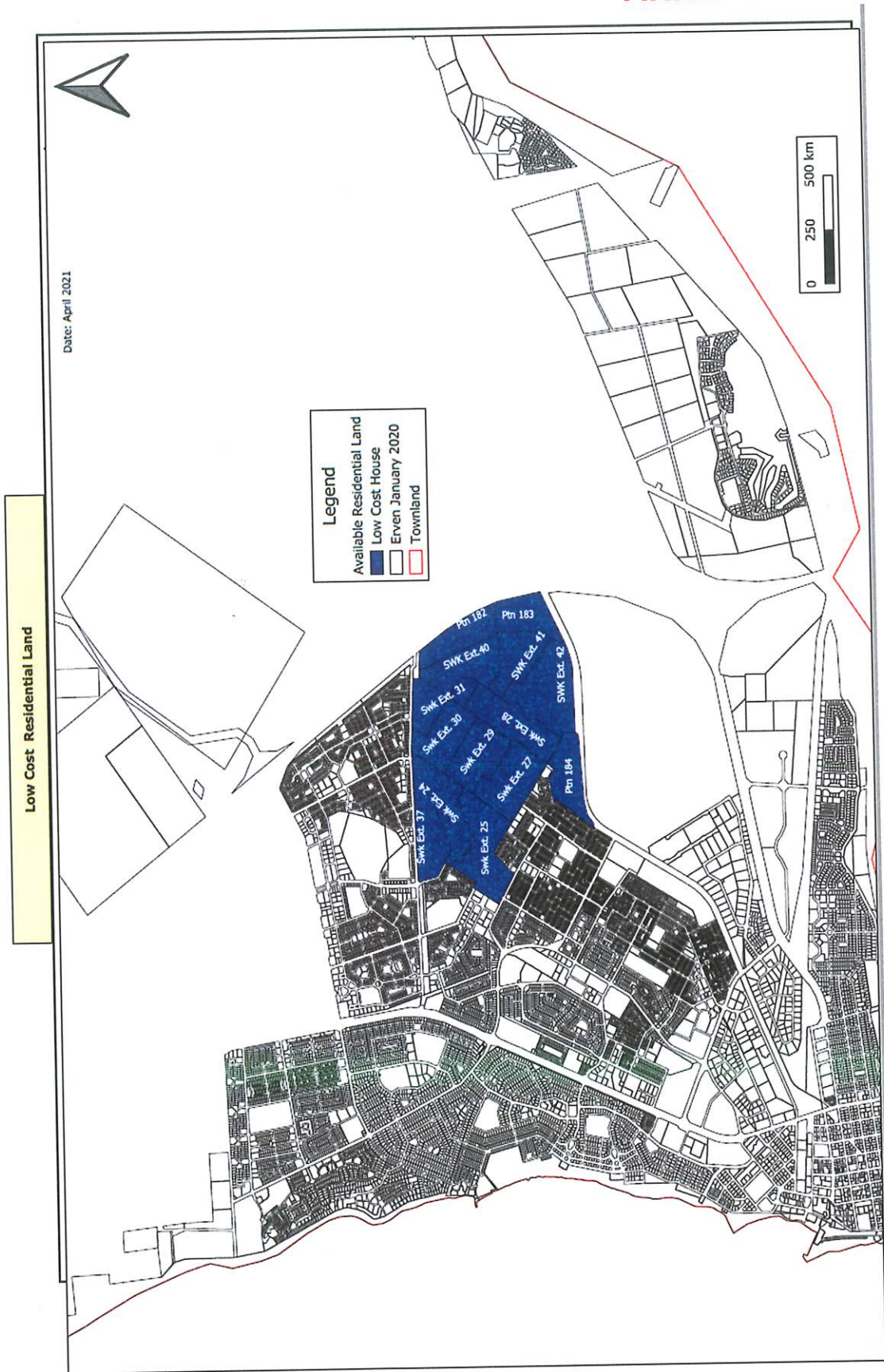


**ANNEXURE "H"**





**ANNEXURE "I"**



**ANNEXURE "J"**





11.1.45 **SERVICING OF EXTENSIONS 32 AND 33 LOCATED EAST OF KRAMERSDORF**  
(C/M 2022/01/27 - 16/1/4/2/1/9)

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.16** page **142** refers.

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

**1. Introduction**

Following a meeting held between officials of the Corporate Services & Human Capital Department and the Engineering & Planning Services Department on 06 December 2021, it was concluded to submit the prioritizing of budgetary provision for servicing of Extensions 32 and 33 to Council (excluding Extension 36). These two extensions are located to the east of the established Kramersdorf township.

There is a strong probability that Council will realise a substantial profit by selling these high-income erven. These funds can be used to cross-subsidize the costs for service installations of various townships in the northern extensions. The process of servicing these two extensions should not exceed 18 months in which time it is expected that the economy might experience an upswing.

**2. Brief Background**

**2.1 Council's decisions regarding the Services Installations to Extensions 32, 33 and 36**

On **26 July 2018** under item 11.1.7 Council passed the resolution quoted below:

- (a) *That the installation of services to Extensions 32, 33 and 36 located to the east of Kramersdorf be reserved for Council.*
- (b) *That Extensions 32, 33 and 36 **not be** sold to developers / members of the public either as extensions or as a number of separate erven; but that Council retains it for own development to train technicians to design services and to be involved in project management.*
- (c) *That the projects be internally co-ordinated and supervised by the Engineering Services Department be done in phases, depending on demand and available funds.*
- (d) *That the funding and installation of services on a phased basis due to the subdued market demand for high value serviced residential erven.*
- (e) *That the Erongo RED be consulted for assistance in undertaking and funding the development of the electrical infrastructure.*
- (f) *That once the erven of Extensions 32, 33 and 36 are promulgated and serviced, they be sold by closed bid sales.*

The following resolution relating to the contributions by the two hotel accommodation developments at the southern boundaries of the subject extensions must be incorporated in the servicing costs of the above two extensions (item 11.1.10 of **31 August 2016**):







	<i>Extension</i>	<i>Diagram</i>	<i>GP</i>	<i>Erven</i>	<i>Progress</i>
3	Ext 36, Swk	A 759/2016	216	9421 - 9408	The township has been registered on 09 August 2019. Certificate of Consolidated Title No T 5198/2019 Remainder of Farm 166 is held by CCT 2262/1988 Ms J Angolo of the Engineering & Planning Services Department collected the documents on 08 Dec 2020 for possible amendments to the erf numbers.

### 3. Discussion

The subject extensions are registered as townships and are transferrable as separate erven to third parties, although not yet serviced. It is proposed that provision be made in the 2022/23 budget for the installation of services to Extensions 32 and 33 in terms of the following Council resolutions:

- 26 July 2018 under item 11.1.7
- 31 August 2016 under item 11.1.10

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

#### RECOMMENDED:

- (a) That Council confirms the intention to proceed with the service installation of Extension 32 and 33 in terms of the following two resolutions and budgetary provision be made in the 2022/23 budget:
  - 26 July 2018 under item 11.1.7
  - 31 August 2016 under item 11.1.10
- (b) That the General Manager: Engineering & Planning Services calculates cost estimates and cash flow projections; and provides timelines for the installation of services keeping in mind delays caused by environmental requirements.
- (c) That the General Manager: Finance confirms to what extent Council's fixed deposits can be committed to this project as per point (d) of Council's decision made under item 11.1.7 on 26 July 2018 and the need for bank financing.
- (d) That Erongo RED confirms their undertaking to fund the development of the electrical infrastructure as per point (e) of Council's decision made under item 11.1.7 on 26 July 2018.
- (e) That the General Manager: Corporate Services & HC be permitted to commence selling erven prior to completion of installation of services in order to generate income as per point (f) of Council's resolution under item 11.1.7 on 26 July 2018.



11.1.46 **APPLICATION FOR RESIDENTIAL TOWNSHIPS DEVELOPMENT BY NAMIBIA OYSTERS (PTY) LTD - PORTION 96 (A PORTION OF PORTION B) OF SWAKOPMUND TOWN AND TOWNLANDS**  
(C/M 2022/01/27 - 16/1/4/2/1/16)

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.17** page **145** refers.

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

**1. Introduction**

The purpose of this submission is to inform the Management Committee of the reply obtained from the Ministry of Fisheries & Marine Resources following the decision passed by the Special Management Committee on **19 August 2021** under item 5.4 (quoted below for ease of reference):

- (a) *That the Acting General Manager: Corporate Services and Human Capital request permission from the Ministry of Fisheries and Marine Resources to allow Messrs Namibian Oysters to rezone and subdivide Portion 96 on conditions favourable to Council in view of the lack of prime residential real estate on the beach.*
- (b) *That the Management Committee decision passed on 21 October 2020 under item 5.2 be repealed.*

In terms of point (a) of the above resolution the reply attached as **Annexure "A"** was received from the Ministry of Fisheries & Marine Resources.

For ease of reference, the decision repealed under point (b) is above is quoted:

- (a) *That should Messrs Namibia Oysters (Pty) Ltd insist on developing property on eco-zoned land permission be obtained from the Ministry of Urban and Rural Development in pursuance of their cause.*
- (b) *That should Messrs Namibia Oysters (Pty) Ltd agree to obtain approved residential zoned land for housing development, the Local Authority exchange the land with the developer.*
- (c) *That should Messrs Namibia Oysters (Pty) Ltd prefers to opt for option (b) above, such application be submitted to Council for consideration.*

In terms of the above decision the exchange of Portion 96 for a portion of land in the northern wedge is no longer an option.

**Attachments:**

<b>Annexure "A"</b>	:	<i>Letter dated <b>01 November 2021</b> from Ministry of Fisheries &amp; Marine Resources</i>
<b>Annexure "B"</b>	:	<i>Submission tabled to Special Management Committee of <b>19 August 2021</b> as background information</i>
<b>Annexure "C"</b>	:	<i>The complete letter dated <b>20 July 2021</b> received from Lithon Project Consultants and an Academic</i>



	Research and Expert Opinion by Etienne Henrichsen of Aqua Eco dated <b>12 July 2021</b>
--	---

## 2. Background

In order not to detract from the point for discussion, the submission tabled to the Special Management Committee meeting of **19 August 2021** is attached as a detailed background to the transaction (**Annexure "B"**).

## 3. Discussion

### 3.1 **Applications for Residential Township Development**

Since **22 July 2011** Council received various applications to consider residential township development on Portion 96, instead of developing the portion of land in terms of the title deed for aquaculture purposes.

On **07 February 2012** a letter was received from the Permanent Secretary of the Ministry of Fisheries and Marine Resources stating the *Ministry stands firm on Portion 96, to remain zoned for aquaculture development only.*

Council consistently turned down the applications for residential township development as such development is not for the purpose the land was sold for during 2006.

The exclusive use of the land was registered against the title deed of the property to ensure that someone does not obtain prime beach front land under false pretenses at an extremely low price (N\$675 000.00) and then develop it into a township.

Although it was required that the Portion 96 be zoned to "*Aquaculture*" the owner failed to do so which constitutes a breach of the conditions of sale.

### 3.2 **Ministry of Fisheries & Marine Resources**

Following the latest decision passed on **19 August 2021**, the Ministry of Fisheries & Marine Resources replied as per letter dated **01 November 2021 (Annexure "A")** that they remain with their position and object to the proposed residential townships development on Portion 96.

Although the Ministry of Fisheries & Marine Resources is not a party to the transaction, the said Ministry is mandated by the Aquaculture Act 2000 (Act 18 of 2002) to spearhead development of aquaculture for food security, business innovations and investments (see the second page of **Annexure "A"**).



### 3.3 Land Available for Aquaculture Development

Land available for aquaculture development within the Municipal boundaries are limited to the following portions:

	<i>Portion</i>	<i>Size</i>	<i>Shape</i>	<i>Servitude</i>	<i>Available</i>
①	Portion 265	5,3823ha	Rectangle	✓	✓
②	Portion 266	7 472m <sup>2</sup>	vertical strip	x	x
③	Portion 267	5,0168ha	odd shape	✓	✓
④	Portion 268	4,8937ha	Square	x	✓
⑤	Portion 269	4,9280ha	Square	x	✓
⑥	Portion 270	3,8776ha	Street	✓	x

Therefore, 4 portions of land are available for allocation to aquaculture farmers. A separate submission for Council's approval for the invitation of development proposals for the available portions will be submitted in due course (see Annexure "D" attached to **Annexure "B"**).

### 3.4 Prime Residential Land Available

Reference is made to point (a) of the decision passed by the Management Committee on 19 August 2021 under item 5.4 regarding the lack of prime residential land.

On **30 August 2021** under item 11.1.25 Council approved the agreement for Ombundu Investment (Pty) Ltd for the development of Extension 2, Mile 4.

In terms of Council's decision passed on **29 June 2017** under item 11.1.11 33.33% of the serviced erven must be returned to Council. The total number of erven zoned "single residential" is 197; 33% thereof amounts to 65 erven being returned to Council. Although not seafront erven, these erven can be regarded as prime land.

## 4. Proposal

- 4.1 That Council takes note that Namibia Oysters (Pty) Ltd breached the conditions of Title Deed T 1683/2009 by not attending to the rezoning of Portion 96 as per Clauses 6.3 and 6.4 of the Deed of Sale and also not offering the property to Council to repurchase as per Clauses 7.2 and 7.4 at a purchase price set-out in Clause 4.2. The Deed of Sale and Title Deed do not provide for a use other than mari-/aquaculture.
- 4.2 The correct action considering Council's fiduciary duty would be to demand performance in terms of these clauses or cancel the transaction and demand restitution.
- 4.3 Should Council considers waiving its rights in terms of clause 6.3 and 6.4 of the deed of sale, Council makes a counter proposal on the standard conditions for townships development and in view of the low purchase price paid of N\$675 000.00 for the most sought-after land in Swakopmund, the following additional conditions be considered:



- (a) *the return of 33% of the serviced erven; and*
- (b) *a profit-sharing condition registered against the title on the first sale to third parties of the remaining 66% of the erven.*

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

**RECOMMENDED:**

- (a) That Council takes note that Namibia Oysters (Pty) Ltd breached the conditions of Title Deed T 1683/2009 by not attending to the rezoning of Portion 96 as per Clauses 6.3 and 6.4 of the Deed of Sale and also not offering the property to Council to repurchase as per Clauses 7.2 and 7.4 at a purchase price set-out in Clause 4.2. The Deed of Sale and Title Deed do not provide for a use other than mari-/aquaculture.
  - (b) That Council takes note of the letter received from the Ministry of Fisheries & Marine Resources dated 01 November 2021 confirming that they are mandated by law to ensure the availability of land for mari-/aqua-culture developments and will object to the alternative use of Portion 96 for residential development.
  - (c) That Council takes note that except for Portion 96, 4 other portions of land are reserved for mari-/aquaculture development.
  - (d) That Council takes note that in terms of its decision passed on 29 June 2017 under item 11.1.11 Ombundu Investment (Pty) Ltd will return 33% of serviced erven zoned “*Single Residential*” located in Extension 2, Mile 4 to Council and such erven are regarded as prime land.
  - (e) That the correct action considering Council’s fiduciary duty would be to demand performance in terms of the clauses under point (a) above or cancel the transaction and demand restitution.
  - (f) That should Council consider waiving its rights in terms of clause 6.3 and 6.4 of the deed of sale, Council makes a counter proposal on the standard conditions for townships development and in view of the low purchase price paid of N\$ 675 000.00 for the most sought-after land in Swakopmund, the following additional conditions be considered:
    - (i) *the return of 33% of the serviced erven; and*
    - (ii) *a profit-sharing condition registered against the title on the first sale to third parties of the remaining 66% of the erven.*
  - (g) That if the developer accepts the proposal in (f) above, the item be resubmitted to add the standard conditions of development.
-



**ANNEXURE "A"**

11-20001



REPUBLIC OF NAMIBIA

---

**MINISTRY OF FISHERIES AND MARINE RESOURCES**


---

Telephone: (061) 2053028  
 Facsimile: (061) 246009  
 Enquiries: Mr. Rudi Cloete  
 Your reference: G 4/1/1(7)

Private Bag 13355  
**WINDHOEK**  
 Namibia

1 November 2021

The Chief Executive Officer  
 Municipality of Swakopmund  
 PO Box 53  
 Swakopmund



Dear Mr. A. Benjamin,

**RE: NAMIBIA OYSTERS (PTY) LTD TO DEVELOP A TOWNSHIP ON PORTION 96 (PORTION OF PORTION B) OF SWAKOPMUND TOWN AND TOWNLANDS**

Your letters dated 19 October 2018 and 8 September 2021 and our letter dated 9 January 2019 on the above subject matter bears reference.


According to a **Deed of Transfer, T – 1683 / 2009** the Municipal Council of Swakopmund has transferred this property to **Namibia Oysters (Proprietary) Limited Company Number: 2005/736** with the condition that "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. Further Subject to the following condition imposed in terms of Section 21 of Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) as amended, namely: - The zoning of Portion 96 be **changed to Aquaculture.**"

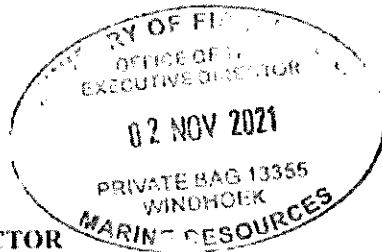
The Ministry of Fisheries and Marine Resources (MFMR) is mandated by the Aquaculture Act 2000 (Act 18 of 2002) and holds high regards to spearhead the development of aquaculture for food security, business innovations and investments. The Ministry has been rigorously consulting and lobbying to secure productive land with access to water resources (sea, rivers, dams and underground) for aquaculture development. We have noted with serious concern that aquaculture has been less considered in most land use planning initiatives. The MFMR is regularly contacted by potential investors for aquaculture development in Namibia. However, such investors are unable to secure suitable land with access to water resources for aquaculture development.

The MFMR maintains its position and objects the proposed rezoning and establishment of a township on Portion 96 (a portion of Portion B). The Ministry proposes that Namibia Oysters (Pty) Ltd offers the land to Swakopmund Municipality as per Section C of the Deed of Transfer. The Ministry will find another aquaculture investor to procure the same that plot from the Municipality of Swakopmund.

Kindly accept the assurance of my highest consideration.

Yours Sincerely,

  
Ms Annely Haiphene  
EXECUTIVE DIRECTOR



## ANNEXURE "B"

On 27 May 2021 under item 11.1.20 Council approved the subdivision of the remainder of Portion B of Farm Swakopmund Town and Townlands No 41 into fourteen portions (map attached as Annexure "C").

The decision of 21 October 2020 was passed by the Management Committee is therefore a proposal which should be approved by Council. Should Council agree to exchange a portion of land equal in size for township development, one of the fourteen portions could be considered based on the joint venture agreement in terms whereof a number of serviced erven are returned to Council.

Attached as Annexure "D" is a map of Portion 96.

#### Summary of attachments:

Annexure "A"	Letter from <b>Lithon</b> Project Consultants dated 20 July 2021
Annexure "B"	Letter from Namibia Oysters (Pty) Ltd dated 23 October 2020
Annexure "C"	Map of subdivision of Remainder of Portion B into 14 Portions
Annexure "D"	Map of Portion 96

## 2. Background

2.1 On 28 February 2006 Council under item 11.1.3 approved an application by Nam Oysters to purchase a portion of land measuring 150 000m<sup>2</sup> as follows:

(e) That Council approves the alienation, by way of private negotiations, the following portions of land situated on a Portion of the Remainder of Swakopmund Town & Townlands no. 41 measuring 15 ha and 5, 3229 ha respectively as indicated on the attached plan to:

- (i) Namibia Oysters Pty (Ltd): Portion 2: 15 000m<sup>2</sup> x N\$45,00 = N\$675 000,00 + 15% VAT
- (ii) **Aquacore** Abalone Farm: Portion 1: 5 323m<sup>2</sup> x N\$45,00 = N\$239 535,00 + 15% VAT and

(b) Further subject to the following conditions:

- (i) That all statutory requirements be adhered to and be the responsibility of the applicants.
- (ii) That the land be rezoned **Mar-Aquaculture**
- (iii) That land not developed within a period of four years shall revert to Council, in which case Council shall repay the purchase price to the purchaser and the purchaser shall be responsible for the transfer of the property back to Council and all costs involved in such transfer shall be for the account of the purchaser.
- (iv) That the land may not be alienated and Council shall have the first option to buy the property should the applicant decide to alienate the property.

NAMPAB on 25 April 2007 approved the subdivision of Portion B in order to establish Portion 96 and Remainder and resolved that the following condition be registered against Portion 96:

**IN FAVOUR OF THE LOCAL AUTHORITY**

(b) The zoning of Portion 96 be changed to **Aquaculture**.

The deed of sale was signed on 31 July 2007 and transfer of the property was registered on 20 April 2009. Title Deed T 1683/2009 reads as follows:

S/M/C ADDENDUM NO: 5.4

(19 August 2021)

### RESUBMITTED:

- APPLICATION FOR RESIDENTIAL TOWNSHIPS DEVELOPMENT
- NAMIBIA OYSTERS (PTY) LTD - PORTION 96 (A PORTION OF PORTION B) OF SWAKOPMUND TOWN AND TOWNLANDS

(16/11/4/21/16)

## 1. Introduction

The purpose of this submission is to inform Management Committee of the status of a request by Namibia Oysters (Pty) Ltd (hereinafter referred to as "Nam Oysters") for permission to establish a residential township on Portion 96.

An application for the consideration of a joint development between Council and Nam Oysters was received from **Lithon** Project Consultants on behalf of Nam Oysters dated 20 July 2021 (Annexure "A"). They request an opportunity to present their proposal.

The entire background of the transaction is recorded under point 2 below.

For ease of reference the latest decisions passed since 2020 are quoted:

1.1 Subsequent to a presentation by Nam Oysters to Council's Management Committee on 12 March 2020, the matter was resubmitted to the Management Committee of 16 July 2020 under item 7.5 and the following decision was passed:

**That Messrs Namibia Oysters (Pty) Ltd and the Ministry of Fisheries and Marine Resources be invited to attend the next Special Management Committee meeting to be held on date to be determined by the Chief Executive Officer.**

1.2 Nam Oysters and the Ministry of Fisheries & Marine Resources were invited to a Special Management Committee on 21 October 2020 and the following decision was passed under item 5.2:

(a) That should Messrs Namibia Oysters (Pty) Ltd insist on developing property on eco-zoned land permission be obtained from the Ministry of Urban and Rural Development in pursuance of their cause.

(b) That should Messrs Namibia Oysters (Pty) Ltd agree to obtain approved residential zoned land for housing development, the Local Authority exchange the land with the developer.

(c) That should Messrs Namibia Oysters (Pty) Ltd prefer to opt for option (b) above, such application be submitted to Council for consideration.

Nam Oysters confirmed in their letter dated 23 October 2020 that they opt for the exchange of Portion 96 for residential land (attached as Annexure "B").

The latest letter dated 20 July 2021 from **Lithon** Project Consultants (Annexure "A") does not state that the above written acceptance with withdrawn or cancelled.



They were informed per letter dated 14 December 2011 that their query will be submitted to Council for discussion. The letter was submitted to Council on 29 February 2012 (see point 2.4 below).

2.3 A letter dated 07 February 2012 was received from the Permanent Secretary of the Ministry of Fisheries and Marine Resources stating the Ministry stands firm on Portion 96, to remain zoned for aquaculture development only.

2.4 Council on 29 February 2012 under item 11.1.3 resolved as follows:

- (a) That Messrs Namibia Oysters (Pty) Ltd be informed that portion 96, Swakopmund remains solely for aquaculture development and shall not be rezoned for township development.
- (b) That Messrs Namibia Oysters (Pty) Ltd be informed that they are required to notify Council about the change of shareholding of the company in line with the deed of sale.

#### Relevant Contractual Clauses

From a Municipal point of view the applicant is not honouring the terms and conditions of the Deed of Sale.

Clause 6.3: "The Purchaser shall, as soon as possible after the date of transfer but in any event not later than 24 (twenty-four) months after the date, at its own expense, procure the rezoning of the property so as to provide for the aquaculture usage of the Property".

This was never done.

Clause 6.4: "Irrespective of whether or not the Purchaser has successfully procured the rezoning of the Property as stipulated in clause 6.3 above, the Purchaser shall at all times only be entitled to utilise the Property for aquaculture usages".

Lithon Project Consultants' emphasis was that the permitted use is not viable due to environmental conditions experienced during the year. Although the use can apparently not be exercised according to the application, the Deed of Sale provides the following:

Clause 7.2: "The sale of the Property is subject to and conditional upon a restraint of alienation in favour of the Seller in terms whereof the Purchaser shall be prohibited from alienating the property or any subdivision thereof until and unless the property has first been offered to the Seller in writing at a price as determined in clause 7.4, below and the Seller has rejected the offer in writing, which restraint of alienation shall also, on transfer of the Property into the name of the Purchaser, be simultaneously imposed against the title deed of the Property".

Clause 7.4: "The price referred to in clause 7.2, shall be equal to the purchase price as stipulated in Clause 4.2, and the market value of those improvements effected by the Purchaser to the Property after the signature date, which the seller, in its sole discretion deems useful, and which discretion shall not be exercised unreasonably. For purpose of this clause, improvements to the Property as at the signature date are recorded in the document annexed hereto marked 'D'".

Clause 4.2: "The purchase price is the amount of NS675 000.00 (SIX HUNDRED AND SEVENTY FIVE THOUSAND NAMIBIA DOLLARS), and shall be paid free of any bank costs or other deductions to the Seller on the date of transfer.

B. FURTHER SUBJECT to the following condition imposed in terms of section 21 of Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), as amended, namely:

The zoning of Portion 96 be changed to "Aquaculture".

C. AND FURTHER SUBJECT to a pre-emptive right in favour of the Municipal Council of Swakopmund (the Council), to wit:

The transferee shall not be entitled to alienate the property or any subdivision thereof until and unless the Property has first been offered to the Council in writing at a price as determined hereinafter and the Council has rejected the offer in writing. Council shall accept or reject the offer in writing, Council shall accept or reject the offer in writing within 60 (sixty) days of date of receipt thereof.

The price shall be equal to the purchase price paid to the Council in respect of the property and the market value of those improvements effected to the Property after 31 July 2007, which the Council, in its sole discretion, deems useful, which discretion shall not be exercised unreasonably.

2.2 On 25 July 2009 Council under item 11.1.13 took note of the first change of shareholding of the company as required in terms of paragraph 7.5 of the deed of sale.

Lithon Project Consultants (Pty) Ltd on 22 July 2011 submitted an application on behalf of Nam Oysters to establish a township on Portion 96. In addition to their application are documentation pertaining the current zone and for the establishment of a township.

The Management Committee considered the application and passed the following resolution on 08 September 2011 under item 7.23:

(a) That a site meeting be held between Management Committee, the developer, and Messrs Lithon Project Consultants on 08 September 2011 at 15:30 on site.

(b) That the full application be considered by Management Committee.

Following the above, on 27 October 2011 under item 11.1.26 Council passed the decision quoted below:

(a) That the application for Township Establishment on Portion 96, Swakopmund, be turned down.

(b) That the applicant adheres to the provisions of clauses 7.2, 7.4 and 4.2 of the Deed of Sale.

Four years after the purchase transaction, and without any new investment to establish any aquaculture business, Lithon Project Consultants (Pty) Ltd and Nam Oysters were informed of Council's decision and of the condition that Council was supposed to be notified of the change of shareholders as per the signed agreement.

Council received another letter dated 03 November 2011 from Messrs Lithon Project Consultants (Pty) Ltd on behalf of Nam Oysters in which letter the consultant wanted to have reasons as to why its clients' application was turned down.

Therefore, should Council offer to repurchase the land the following price would be applicable:

N\$ 675 000.00 -	price of the land
N\$ 2 010 000.00 -	value of useful improvements
N\$ 2 685 000.00 -	total

2.7 On 12 March 2020 Nam Oysters made a presentation to the Management Committee and it was resolved that the matter be resubmitted to the Management Committee.

The matter was resubmitted to the Management Committee of 16 July 2020 and it was resolved under item 7.5 that Nam Oysters and the Ministry of Fisheries & Marine Resources be invited to a Special Management Committee Meeting.

Both parties attended the Special Management Committee meeting of 21 October 2020 whereafter the decision quoted under point 1.2 above (and point 3 below) was passed.

### 3. Discussion

Taking into consideration the letter dated 03 October 2020 from Nam Oysters confirming acceptance of point (b) below and the subsequent letter dated 20 July 2021 from Lithon Project Consultants, it is proposed that the Management Committee discuss the decision passed by the Management Committee on 21 October 2020 under item 5.2 and considers whether to remain with the decision:

- (a) That should Messrs. Namibia Oysters (Pty) Ltd insist on developing property on eco-zoned land permission be obtained from the Ministry of Urban and Rural Development in pursuance of their cause.
- (b) That should Messrs. Namibia Oysters (Pty) Ltd agree to obtain approved residential zoned land for housing development, the Local Authority exchange the land with the developer.
- (c) That should Messrs. Namibia Oysters (Pty) Ltd prefer to opt for option (b) above, such application be submitted to Council for consideration.

Should the Management Committee remain with the above decision, a separate submission be tabled to consider a suitable portion and conditions for an exchange transaction.

Alternatively, the Management Committee can repeal the decision passed on 21 October 2020 under item 5.2 and propose to Council to repurchase the land from Nam Oysters. This proposal is supported by the conditions registered in the title deed.

### RECOMMENDED:

- (a) That the Management Committee remains with its decision passed on 21 October 2020 under item 5.2.
- (b) That a portion of the subdivision of the Remainder of Portion B into fourteen portions be identified for the exchange with Namibia Oysters (Pty) Ltd for Portion 96.

No record could be found on file that the above process was ever initiated by the new owners. The purpose of these clauses was to ensure that someone does not obtain prime beach front land under false pretences at an extremely low price and then develop it into a township.

Although the property belongs to the applicant, it is clear from the above that the proposal will be in breach of the sales agreement as a township development entails the sale of subdivided even which are also not in compliance with the zoning.

2.5 Nam Oysters on 28 March 2018 again applied for Council's permission to establish a township on Portion 96.

In addition to the above, a letter dated 20 April 2018 was received from the Ministry of Fisheries and Marine Resources requesting Council to provide them with information on activities conducted on Portion 96 as the use of the portion is prescribed in the Deed of Transfer T 1683/2009 as aquaculture. The said ministry observed that no aquaculture activities are taking place on the property.

2.6 Subsequent to various discussions at the Planning Forum, the application was submitted to Council on 23 May 2019 whereafter the following decision was passed under item 11.1.4:

- (a) That the application by Namibia Oysters (Pty) Ltd to establish a township on Portion 96 not be approved.
- (b) That, in future, applications to purchase land in that area not be considered.

The agreement between Council and Nam Oysters prescribes how the purchase price should be determined in the event Council decides to repurchase the property, summarized:

- The original purchase price paid to Council in terms of clause 4.2, i.e. N\$675 000.00; plus
- The market value of useful improvements effected after the signature date of the agreement (the current owner per e-mail dated 25 February 2019 confirmed that no new improvements or developments have been made since the agreement was signed). The agreement was signed on 31 July 2007. Therefore, Council is not obliged to refund the current owner the cost of useful improvements on the property.

As a possible negotiation point, Council requested the value of useful improvements prior to the sale. Two valuations were obtained during 2019 as follows:

Ludwin Schroder Estate Agents	N\$ 2 250 000.00
The Trust & Estate Co	N\$ 1 770 000.00

The average of the two valuations amounts to N\$ 2 010 000.00

The improvements consist of a large workshop, 2 prefabricated dwellings, 1 park home dwelling and a substation.



Annexure "A"

Letter from Lithion Project Consultants



1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100

Our reference: LP-20217 Portion 96, Swakopmund Development Proposal.docx  
 Your reference: 6/4/1/171  
 The Chief Executive Officer  
 Swakopmund Municipality  
 P.O. Box 53  
 Swakopmund  
 Namibia  
 Date: 20 July 2021  
 MUNICIPALITY OF SWAKOPMUND  
 2021-07-21  
 Office of the  
 Municipal Executive Officer

APPLICATION TO THE MUNICIPAL COUNCIL OF SWAKOPMUND TO JOINTLY DEVELOP A TOWNSHIP ON PORTION 96 SWAKOPMUND IN TERMS OF THE JOINT BUSINESS VENTURE REGULATIONS MADE IN TERMS OF LOCAL AUTHORITIES ACT 23 OF 1992 SECTION 94A  
 The attached application with regard to the above as well as various previous correspondences on file in this regard bear reference.  
 We kindly request your sincere considerations of our application lodged on behalf of Messrs. Namibia Oysters (Pty) Ltd for submission to the Municipal Council of Swakopmund.  
 We also respectfully request for a meeting with yourselves at your soonest opportunity to formally present the application made.  
 Should you have any questions or seek more clarification, kindly contact the undersigned.

Yours sincerely

*Frieda Holzhausen*

Frieda Holzhausen  
 Director  
 for LITHION PROJECT CONSULTANTS (PTY) LTD on behalf of Namibia Oysters (Pty) Ltd.

CC

1. Her worship, the Mayor, Councillor, Louisa Kufwa
2. The Chairperson of Management Committee, Councillor Wilfried Greenwald
3. Mr. Clem Rodgers - Namibia Oysters (Pty) Ltd

Private and Confidential  
 This document is the property of Lithion Project Consultants (Pty) Ltd. It is to be used for the purposes stated only. It is not to be distributed, copied, or otherwise used for any other purpose without the prior written consent of Lithion Project Consultants (Pty) Ltd. If you have received this document in error, please notify the sender immediately.

(c) That the conditions for the exchange be submitted to the Management Committee.

ALTERNATIVELY

(a) That the application by Namibia Oysters (Pty) Ltd to establish a township on Portion 96 not be approved.

(b) That the Management Committee decision passed on 21 October 2020 under item 5.2 be repealed.

(c) That Namibia Oysters (Pty) Ltd be informed to offer Portion 96 to Council in terms of the deed of sale; Council repurchases Portion 96 in terms of clauses 7.2 and 7.4 of the deed of sale and the conditions contained in the title deed at a purchase price as follows:

- N\$ 675 000.00 (purchase price for the land)
  - N\$ 2 010 000.00 (value of useful improvements)
- N\$2 685 000.00 (total)

(c) That should Council consider to repurchase Portion 96 from Namibia Oysters (Pty) Ltd as "aquaculture" a separate submission be tabled to consider the future use of the land in terms of the planning of the Ministry of Fisheries & Marine Resources.

FOR CONSIDERATION

Acting GM: Corporate Services & Human Resources





Annexure "B"

Letter from Namibia Oysters (Pty) Ltd

Portion 96, Swakopmund

APPLICATION TO THE MUNICIPAL COUNCIL OF SWAKOPMUND TO JOINTLY DEVELOP A TOWNSHIP ON PORTION 96



SWAKOPMUND

Submitted for: Namibia Oysters (Pty) Ltd

Address: P.O. Box 2921 Swakopmund Namibia  
Tel: +264 811 207550  
E-mail: kraegersymat78@gmail.com

Prepared by: Lithon Project Consultants (Pty) Ltd

Address: P.O. Box 2421 Swakopmund Namibia  
Tel: +264 81 122 4700  
E-mail: holtzbauser@lithon.com

Date: 20 July 2021  
© Copyright reserved

16/11/21/18

Stamp: MUNICIPALITY OF SWAKOPMUND, 2021-10-23, Chief Executive Officer

NAMIBIA OYSTERS (Pty) Ltd  
Registration No: 2005/736  
P. O. Box 2921  
SWAKOPMUND  
NAMIBIA  
Tel: +264 84 402325  
Fax: +264 84 400234  
Email: info@namoysters.com

BY HAND

Ret: 16/11/21/18  
23 October 2020



The Chief Executive Officer  
The Municipality of Swakopmund  
P. O. Box 53.  
SWAKOPMUND

Dear Mr Archie Benjamin,  
Chief Executive Officer

IN RE: APPLICATION BY NAMIBIA OYSTERS PTY LTD // MANAGEMENT COMMITTEE MEETING OF 21 OCTOBER 2020

We refer to the above application and the meeting that took place on the 21<sup>st</sup> October 2020 in the Management Committee room.

We confirm that the Management Committee meeting resolved to:

- 1. invite Namibia Oysters to approach the line ministry (MFMR) on the matter
- 2. or consider alternative land from Council in exchange for Plot 41. Portion 96 as a manner of potentially resolving the matter at hand.

Namibia Oyster is herewith seeking your confirmation of the above resolutions and informs you that our company is ready and willing to meet you to discuss your proposal for alternative land as a settlement of the matter.

Kindly indicate a time suitable to yourself for the above proposed meeting before the end of October 2020.

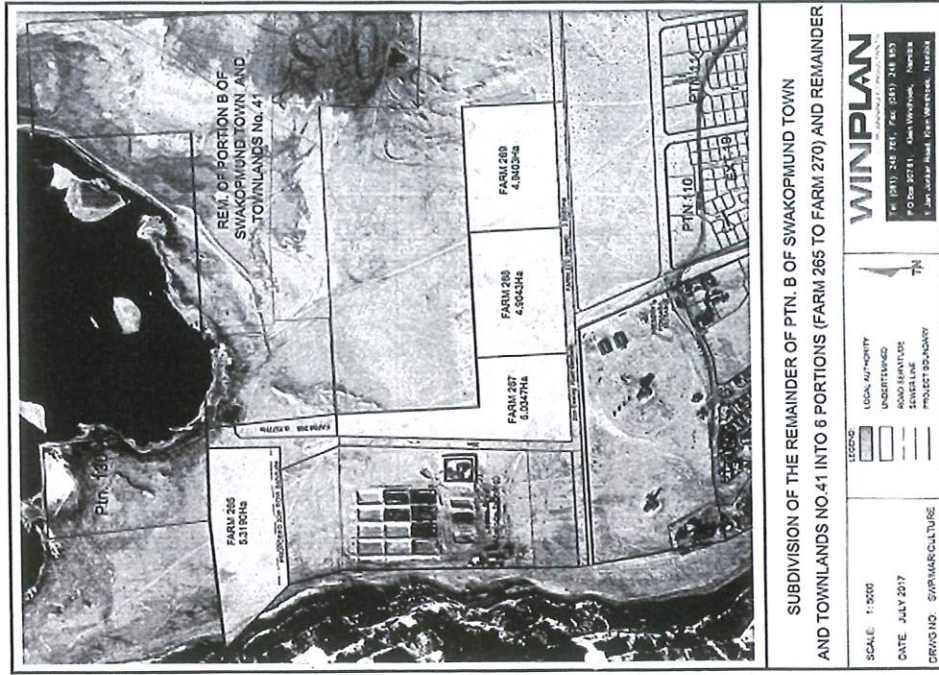
Yours faithfully,

Mr. Twipolenti Eungu

For NAMIBIA OYSTERS (PTY) LTD  
E-mail: peungu@yahoo.com

Annexure "D"

Map indicating the Location of Portion 96:



Annexure "C"

Map indicating the Subdivision of the Remainder of Portion B into 14 Portions:



## ANNEXURE "C"

9

Windhoek Office  
P. Box 10092, Aussenpoststr.  
Windhoek, 19012, Namibia  
Tel: +264 61 250 230  
Fax: +264 61 250 230  
E-mail: info@lithon.com

Ongwediva Office  
P.O. Box 2597, Windhoek  
20001, Namibia  
Tel: +264 61 231 599  
Fax: +264 61 231 599  
E-mail: info@lithon.com

Swakopmund  
P.O. Box 2123  
Swakopmund  
19091  
Tel: +264 091 250 429  
Fax: +264 091 250 429



**Our reference:** LP-T0717 Portion 96, Swakopmund Development Proposal.docx

**Your reference:** G 4/1/1 (7)

**Date:** 20 July 2021

The Chief Executive Officer  
**Swakopmund Municipality**  
P.O. Box 53  
Swakopmund  
Namibia



Dear Sir,

**APPLICATION TO THE MUNICIPAL COUNCIL OF SWAKOPMUND TO JOINTLY DEVELOP A TOWNSHIP ON PORTION 96 SWAKOPMUND IN TERMS OF THE JOINT BUSINESS VENTURE REGULATIONS MADE IN TERMS OF LOCAL AUTHORITIES ACT 23 OF 1992 SECTION 94A**

The attached application with regard to the above as well as various previous correspondences on file in this regard bear reference.

We kindly request your soonest consideration of our application lodged on behalf of Messrs Namibia Oysters (Pty) Ltd for submission to the Municipal Council of Swakopmund.

We also respectfully request for a meeting with yourselves at your soonest opportunity to formally present the application made.

Should you have any questions or seek more clarification, kindly contact the undersigned.

Yours sincerely

**Frikkie Holtzhausen**  
**Director**  
for **LITHON PROJECT CONSULTANTS (PTY) LTD** on behalf of **Namibia Oysters (Pty) Ltd**.

CC

1. Her worship, the Mayor, Councillor, Louisa Kativa
2. The Chairperson of Management Committee, Councillor Wilfried Groenewald
3. Mr. Glenn Rodgers – Namibia Oysters (Pty) Ltd

*Directors*

At Groblersfontein, 27 January 2022. Management Committee Meeting (Pty) Ltd. • FW Holtzhausen (Director) • CW Kativa (Councillor) • MEA  
GSMantze (Chairperson) • Groenewald (Councillor) • MECMantze (Executive Director) • Groenewald (Councillor) • DMPA  
• Ambassador T George Enyale (Executive Director) • P. G. D. A.





## Portion 96, Swakopmund

APPLICATION TO THE MUNICIPAL COUNCIL OF SWAKOPMUND  
TO JOINTLY DEVELOP A TOWNSHIP ON PORTION 96

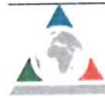


### SWAKOPMUND

**Submitted for:**  
Namibia Oysters (Pty) Ltd

*Address:* P.O. Box 2921  
Swakopmund  
Namibia  
*Tel:* +264 811 287550  
*E-mail:* krugersnyman78@gmail.com

**Prepared by:**  
Lithon Project Consultants (Pty) Ltd



**Lithon**  
Project Consultants

*Address:* PO Box 2421  
Swakopmund  
Namibia  
*Tel:* +264 81 122 4700  
frikkie.holtzhausen@lithon.com

**Date:** 20 July 2021  
© Copyright reserved

## Table of Contents

	<i>Page</i>
<b>1. BACKGROUND</b> .....	4
<b>2. ADDITIONAL GROUNDS</b> .....	5
2.1 SWAKOPMUND STRUCTURE PLAN .....	5
2.2 JOINT BUSINESS VENTURE:.....	6
2.3 MERITS OF THE OBJECTIONS BY THE MINISTRY OF FISHERIES AND MARINE RESOURCES.....	7
2.4 BENEFITS OF THE PLANNED DEVELOPMENT .....	7
<b>3. INTRODUCTION, BACKGROUND AND RESEARCH &amp; DEVELOPMENT DONE</b> .....	8
3.1 INDEPENDENT EXPERT OPINION ON FEASIBILITY OF MARICULTURE - NAMIBIA .....	8
<b>4. DEVELOPMENT PROPOSAL</b> .....	9
4.1 MOTIVATION .....	9
4.1.1 The need for this Development.....	10
4.1.1.1 Sense of Place.....	10
4.1.1.2 Demand for Housing.....	10
4.2 SUITABILITY OF PORTION 96, SWAKOPMUND FOR A RESIDENTIAL DEVELOPMENT .....	10
4.2.1 Development Concepts.....	11
4.2.2 Layout Motivation.....	12
4.2.2.1 Proposed Land Usage .....	13
4.2.2.2 Proposed Density Zonings.....	16
<b>5. CONDITIONS OF ESTABLISHMENT</b> .....	16
<b>6. ENGINEERING SERVICES</b> .....	18
6.1 ROAD/VEHICULAR ACCESS TO THE SITE .....	18
6.2 EXISTING INFRASTRUCTURE TO THE SITE .....	19
6.3 FUTURE WATERBORNE SEWAGE NETWORK.....	19
6.3.1 Sewer Collection Network.....	20
6.3.2 Connection of internal infrastructure to existing Municipal Infrastructure.....	20
6.4 FUTURE WATER SUPPLY TO SITE .....	20
6.4.1 Fire Protection.....	20
<b>6.5 ROADS</b> .....	20
6.5.1 Estimated Design Volumes .....	20
6.5.2 External Road/vehicular Access.....	21
6.5.3 Internal Roads.....	21
6.5.3.1 Concrete Kerbing and Channelling.....	21
6.5.4 Stormwater.....	21
<b>6.6 FUTURE ELECTRICAL SUPPLY AND RETICULATION</b> .....	21
6.6.1 Electrical Supply to the Site.....	21
6.6.2 Internal Electrical Reticulation.....	22
6.6.3 Street lighting .....	22
<b>6.7. TELEPHONE SERVICES</b> .....	22
<b>6.8 OTHER SERVICES</b> .....	23

(3)

Portion 96, Swakopmund

Application to jointly develop a Township – July 2021

7.	ENVIRONMENTAL IMPACT .....	23
7.1	GENERAL .....	23
8.	CONCLUSIONS REACHED .....	23
8.1	SUITABILITY OF PORTION 96, SWAKOPMUND AND SURROUNDING AREAS FOR MARICULTURE .....	24
8.2	LONG TERM IMPLICATIONS IF MARICULTURE FARMING IS PRACTICED ON IDENTIFIED LAND .....	24
8.3	DEMAND FOR HOUSING .....	24
8.4	BENEFITS FOR THE SWAKOPMUND MUNICIPALITY .....	25
8.5	MUNICIPAL ENGINEERING INFRASTRUCTURE .....	25
8.6	COMPLIANCE WITH THE SWAKOPMUND STRUCTURE PLAN 2020 - 2040 .....	25
8.7	GENERAL .....	25
9.	CONCLUDING REMARKS .....	26
10.	APPLICATION .....	26
10.1	WAIVER OF EXISTING TITLE DEED CONDITIONS .....	26
10.1.1	Clause B .....	26
10.1.2	Clause C .....	26
10.1.3	Other .....	26
10.2	TOWNSHIP ESTABLISHMENT .....	27
10.2.1	Subdivision of Portion 96, Swakopmund .....	27
10.2.2	Rezoning of Portion 96, Swakopmund .....	27
10.2.3	Provision of Bulk Services to Portion 96, Swakopmund .....	28
10.2.3.1	Road/vehicular Access to Portion 96, Swakopmund .....	28
10.2.3.2	Sewerage .....	28
10.2.3.3	Water Supply .....	28
10.2.3.4	Electrical Supply .....	28
10.2.3.5	Waste Management .....	29
10.2.3.6	General .....	29

**LIST OF ANNEXURES:**

<b>Annexure A:</b>	Title Deed
<b>Annexure B:</b>	Historic Introduction, background, Research and Development done
<b>Annexure C:</b>	letter of the Ministry of Fisheries and Marine Resources of 11 March 2010
<b>Annexure D:</b>	Academic Research and Expert opinion by Etienne Hinrichsen.
<b>Annexure E:</b>	Proposed Layout and Erf Sizes
<b>Annexure F:</b>	Proposed Land Use and Density Zoning



(4)

Portion 96, Swakopmund

Application to jointly develop a Township - July 2021

**APPLICATION TO THE MUNICIPAL COUNCIL OF SWAKOPMUND TO JOINTLY DEVELOP A TOWNSHIP ON PORTION 96 SWAKOPMUND IN TERMS OF THE JOINT BUSINESS VENTURE REGULATIONS MADE IN TERMS OF LOCAL AUTHORITIES ACT 23 OF 1992 SECTION 94A.**

**1. BACKGROUND**

- 1.1 During 2007, the Municipal Council ("the Council") and Namibia Oysters (Pty) Ltd ("the Applicant") entered into a lease agreement, in terms whereof the area known at that time as Plot 41, Mile 4 (currently known as Portion 96 Swakopmund) ("the property") was leased to the Applicant for the establishment and operation of a landbased mariculture project ("the project").
- 1.2 In 2007, the Applicant duly established and started operating a mariculture project on the property that focussed on the cultivating of oysters.
- 1.3 The Council, under resolution 11.1.21 (reference G4/1/1) on 27 March 2008 resolved the following:
- (a) That the proposed layout (on file) for mariculture purposes approved.
  - (b) That the new erven be zoned mariculture.
  - (c) That the proposed establishment of a Mariculture Township (Swakopmund Ext "X") comprising of 14 erven plus the remainder of Portion "X" of Swakopmund Town and Townlands No. 41 be approved.
  - (d) That an application be submitted to the Namibia Planning Advisory Board for the need and desirability to establish a Mariculture Township within the area of Swakopmund Ext "X" of Swakopmund Town And Townlands No. 41.
- 1.4 In defence of the Municipal Council of Swakopmund, it must be mentioned that the above resolutions taken to rezone the said area were not based on any research carried out or any scientific evidence that the area and the conditions are suitable for mariculture farming or that it could be successfully done from both an economical as well as an operational point of view on the portions identified. It was purely based on a request from the Ministry to the coastal local authorities to make land available for that purpose at that point in time.
- 1.5 During 2008, the landbased mariculture project operated by the Applicant on the property suffered a devastating loss, when it was hit by a red-tide occurrence and localized sulphide eruptions. This incident killed all the oyster stock and damaged the infrastructure of the project, resulting in a loss of NS 7 million.
- 1.6 In an attempt to revive the project, the Applicant secured new investors in 2009.
- 1.7 As part and partial of the new business model adopted at that time, the Applicant and the Council entered into a deed of sale, in terms whereof the property was bought from the Council and transferred into the name of the Applicant. Please see a copy of the title deed attached hereto as **Annexure A**. The zoning of the property at that time was and still is undetermined.

(5)

Portion 96, Swakopmund

Application to jointly develop a Township - July 2021

- 1.8 In preparation for the revival of the project, the new investors insisted on extensive research and development being done. It suffices to state that the research and development concluded that the property is wholly not suited for a landbased mariculture project. The simple reason being that the property cannot be protected against red-tide occurrences and localized sulphide eruptions. This makes any investment in the property to revive the project a very risky investment. It is important to note that at the time a conservative assessment estimated the capital required to revive the project at anything from N\$ 30 to N\$ 40 million. Please see **Annexure B** for the introduction, background to the original application and which also contains a summary of the Research and Development done by the owners.
- 1.9 With the risk identified, the Applicant could not secure financing for the revival of the project
- 1.10 It is important to note that this same risk still exists today and as such, it is unlikely that any investor will invest the capital required to revive the project. This makes the property unsuited for a landbased mariculture project.
- 1.11 The Applicant is accordingly forced to look for alternatives to better apply the property to recover the investment lost.
- 1.12 With the help of a professional team, it was determined that the development of a township on the land the Applicant can recover its investment and greatly assist in various social issues facing the community of Swakopmund at this very moment, but to be able to do so, the restrictions placed on the property must be lifted by the Council.
- 1.13 For that reason, the Applicant has previously lodged applications to the Council for the establishment of a township, which applications were declined due to objections from the Ministry of Fisheries and Marine Resources.
- 1.14 The Applicant will herewith bring a fresh application for the establishment of a township, which application is based on new additional grounds that have not been previously considered.

## 2. ADDITIONAL GROUNDS

### 2.1 SWAKOPMUND STRUCTURE PLAN

The Council is referred to its own **Structure Plan for 2020 to 2040**.

The Namibian Government resolved to develop the Swakopmund Townlands into a well-planned and administered urban development node as the capital of the Erongo Region. Visionary urban planning supported by infrastructure development is needed to achieve the above vision of the Namibian Government.

The Municipal Council of Swakopmund therefore appointed a Professional Team to undertake the Urban Structure Plan for Swakopmund. This plan was approved by the Council early 2021.

(6)

Portion 96, Swakopmund Application to jointly develop a Township – July 2021

The Swakopmund Structure Plan was developed in close consultation with the local community, all affected parties as well the Municipal Team of the Municipal Council of Swakopmund and is to serve as the first policy document that sets out a number of goals and strategies that will guide urban development of Swakopmund for the next 20 years.

The aim of the Structure Plan is to create liveable spaces by supporting proper town planning, urban design, architecture and engineering driven approaches that promote city development based on the continued philosophy to create human spaces while at the same time creating opportunities for land use diversification.

**It is important to note that the Urban Planning Act 5 of 2018 was enacted on the 3<sup>rd</sup> of September 2020. The result of this is that it makes the Swakopmund Structure Plan 2020 – 2040 a statutory document that requires all Villages, Towns and Municipalities to draw up a Structure Plan for the areas under their jurisdiction.**

The Swakopmund Structure Plan covers the entire townlands of Swakopmund and as such, it is the intention to provide urban development guidelines for Swakopmund at a metropolitan scale.

In terms of the Swakopmund Structure Plan 2020 - 2040, it is envisaged that the area previously identified for mari-culture purposes surrounding Portion 96 will be developed into low density residential areas.

**(Reference: Swakopmund Structure Plan 2020 – 2040 Figure 77: Residential Densities Page 93 Chapter 6)**

**(Reference: Swakopmund Structure Plan 2020 – 2040 Map 7: Page 124 Chapter 7)**

This application, therefore, supports the vision of the Structure Plan for 2020 to 2040.

## 2.2 JOINT BUSINESS VENTURE

It is the Applicant's wish to develop the area in conjunction with the Council on a Joint Business Venture Structure, as authorized by the Joint Business Venture Regulations made in terms of Local Authorities Act 23 of 1992, Section 94a. In this matter the Council can share in the expected profits to be generated from the intended development of a township on the property.

The Developer proposes that a Joint Business Venture approach be followed with this Development wherein the Municipal Council of Swakopmund has a percentage shareholding. The Municipal Council will thus share in any profit and dividends generated by the Project.

It is further suggested that a Special Purpose Vehicle (SPV) be established in order to attend to all the administrative, legal and financial matters pertaining to the Joint Business Venture.

The Municipal Council's contribution to the project will ONLY be:

- a. Approval for the rezoning of Portion 96, Swakopmund.
- b. Approval for the sub-division of Portion 96, Swakopmund in the number of erven as depicted on the relevant layouts.



(7)

Portion 26, Swakopmund

Application to totally develop a Township - July 2021

- c. Provision of intellectual capacity in terms of existing data, Technical Staff to cooperate with the Project Professional Team in terms of field investigations and designs in order to ensure the most feasible provision of bulk municipal services to the Development.

### 2.3 MERITS OF THE OBJECTIONS BY THE MINISTRY OF FISHERIES AND MARINE RESOURCES

As before, it is envisaged that the Ministry of Fisheries and Marine Resources will again object to the planned development of the property into a township. In the past objections, no basis was put forward by the Ministry representatives as to why the property is suitable for mariculture. At this juncture, the Applicant urges Council to interrogate question:

- i) What the merits are of any such objection?
- ii) Whether any landbased mariculture project has been successfully established in the central part of Namibia?
- iii) Why the letter of the Ministry of Fisheries and Marine Resources of 11 March 2010 (Annexure C) was written?
- iv) What programs, incentives or support of any kind is rendered by the Ministry of Fisheries and Marine Resources to promote and assist the establishment of landbased mariculture;
- v) How it can be expected of the Applicant to pour millions into a project, where there is no evidence of any chances of success?
- vi) Why the Ministry of Fisheries and Marine Resources is confident of the success of a land-based mariculture project on the property?

In considering the above the Council is referred to the summary of the Academic Research and Expert opinion for the property that is annexed hereto as Annexure D by Etienne Hinrichsen, an international recognized Specialist in Mariculture.

### 2.4 BENEFITS OF THE PLANNED DEVELOPMENT

An objective view of the facts will show that the potential benefits of a township development on the property far outweigh any potential benefits that can be gained by a land based mariculture project on the property that is bound to fail again at the next round of red-tide occurrence and localized sulphide eruptions. In particular Council is invited to consider:

If well planned business and housing schemes are to be developed on the said portions, it will be of much more benefit to the community and specifically the Municipality of Swakopmund.

- The Municipality of Swakopmund will receive more income from a residential development on these portions than from mariculture farming through:
  - Betterment Fees.
  - Endowment Fees.
  - Rates and Taxes.
  - Monthly billing for service delivery by the Municipality.

(B)

Portion 96, Swakopmund Application to jointly develop a Township – July 2021

Additional benefits that will be generated by the development are

- o The employment opportunities that are to be created by such development.
- o The boost for local investment.
- o The increase in income for the Council through rates and taxes.
- o Address the ever growing need for housing.

### 3. INTRODUCTION, BACKGROUND AND RESEARCH & DEVELOPMENT DONE

Please see Annexure B for the introduction, background to the original application and which also contains a summary of the historic Research and Development done by the owners.

As a successful conclusion to the matter has not been reached yet after almost 10 years, the owners of Portion 96 hereby thus submit a renewed application to jointly together with the Municipal Council of Swakopmund develop a Township on Portion 96, Swakopmund.

#### 3.1 INDEPENDENT EXPERT OPINION ON FEASIBILITY OF MARICULTURE - NAMIBIA

In considering the above application the Council is referred to the summary dated 12 July 2021 of the Academic Research and Expert opinion for the property that is annexed hereto as **Annexure D** by Etienne Hinrichsen, an internationally recognized Specialist in Mariculture.

Mr. Hinrichsen holds a four year BSc.Agric and a M.Phil in Aquaculture (*Cum Laude*) degree from the University of Stellenbosch and has more than two decades of experience in this sector.

The owners of Portion 96 resolved to obtain an independent opinion in relation to the feasibility of using this land for mariculture. Mr Etienne Hinrichsen from AquaEco in South Africa was thus approached given his extensive experience in aquaculture planning and development across the African continent for more than two decades.

Mr. Hinrichsen has developed aquaculture policies, strategies and regulations, consulted in feasibility and business development, undertaken specialist assessments, worked on best practices, and statutory compliance – at project, national, regional and international level.

He coordinated the team that wrote the Masterplan for Aquaculture in Namibia, he wrote the aquaculture business guidelines for the African Union and has consulted widely across the African continent to various private sector players and governments.

He previously chaired the Aquaculture Association of Southern, in which time he brought international aquaculture conferences to South Africa, Namibia and Malawi, and secured the World Aquaculture Conference for Cape Town.

He is currently contracted to the FAO to development strategies for aquaculture in Eswatini, as well as the European Union funded TrueFish project that has set out to improve aquaculture business across the Lake Victoria basin in Kenya, Tanzania and Uganda.

He is also busy assessing trade barriers for the export of farmed shellfish from South Africa and Namibia for the British Government's Trade Forward Southern Africa (TFSA) Programme.

#### 4. DEVELOPMENT PROPOSAL

The owners of Portion 96 invested a large amount of money, approximately N\$ 9.0 million in purchasing the land, losses incurred through the failed initial Mari-culture operations, new investments made and an intensive R & D process. Subsequent investigations however now revealed that the land is not suitable for practicing such an industry. Therefore, in order to recoup the investment made, the owners are now desirous to develop the property into a well planned and executed residential area with related public amenities.

The intentions of the owners are not only motivated by profit and in order to prove same to Council they are prepared to meet with the Municipal Council of Swakopmund to discuss means in which they could contribute towards complying with their social responsibilities as part of this project, as the Council may deem appropriate.

In order to achieve the above it is however necessary that the restrictions posed by the conditions attached to the Deed of Transfer and the existing Council resolutions be lifted.

##### 4.1 MOTIVATION

After considering all the facts and that the land falls within the Swakopmund Municipal boundary, we strongly feel that the only possible way to address the above described situation is to rezone the property for residential and other development activities in the best interest of the town of Swakopmund and its inhabitants.

The objective of this proposal is to set up a development consisting of a well-planned residential housing scheme with related public amenities in which the Municipality of Swakopmund would benefit greatly.

The current sound mining prospects in the Erongo Region create the need for accommodation schemes for the mining sector's executive and managerial staff. Housing being a basic need is a challenge not to our government alone, but also for private developers to contribute by ensuring that all our inhabitants have a roof over their heads.

It is realized that all the formal Town Planning and statutory processes will have to be fully followed and adhered to in this process. For this purpose, the owners have appointed a professional team being:

- Lithon Project Consultants (PTY) Ltd - Project Managers and Multi-disciplinary Consulting Engineers.

Lithon will be the lead consultant on the project and the Professional Team will further consist of a Town Planning Consultant, Urban Designer, Quantity Surveyor, Legal Expert and Environmental Specialist.



#### 4.1.1 The need for this Development

##### 4.1.1.1 Sense of Place

The concept of 'sense of place' is relative and highly subjective. To some people a specific place or town is unattractive, but to others it is the place where they choose to live or visit, and they may resist actions that cause its character to deteriorate. In the context of the Erongo Region, Swakopmund is labeled 'beautiful with character, laid back and inviting'.

This is evidenced by the fact that this is a popular tourist and holiday destination, sought after by property investors. The municipality requires new buildings to be 'consistent' with the ambience of the town so that sense of place can be maintained or enhanced.

##### 4.1.1.2 Demand for Housing

##### **Availability of land**

Swakopmund is sought after for property investment, and sustained property price increases make this coastal resort largely unaffordable to low income earners. According to the **Swakopmund Structure Plan 2020 - 2040**, the demand for serviced erven is **765 erven per annum**. Swakopmund has a current housing backlog of approximately 12 000. This implies that there is a backlog of 40 township extensions that should be created.

The planning and servicing of new erven will take an estimated more than three years before they will be fully serviced.

#### 4.2 SUITABILITY OF PORTION 96, SWAKOPMUND FOR A RESIDENTIAL DEVELOPMENT

The site is located just to the north of the Mlie 4 camping site in Swakopmund and measures 15 ha (150,000 m<sup>2</sup>) in size. See the locality plan attached as Annexure D. It is bordered by undeveloped land between the Salt Works/claims on the north as well as to the east of it. The western boundary of the site is on the beach.

The site gently slopes from the east towards the west with a vertical height difference of 6 m.

The site offers prime seafront as well as sea view development opportunities and can certainly be described as one of the last remaining extremely valuable sea-front areas within the Municipal area of Swakopmund.

The soil conditions can be described as predominately sandy and is suitable for a housing development. No specific treatment of the in-situ soil is required in order to facilitate a residential development or building/construction work.

**4.2.1 Development Concepts**

In order to propose a movement network for the Portion consideration had to be given to various components, natural and man-made features, needs and aspirations of both the property owners as well as imposed by the adjacent areas. This is against the background of:

- the relative sensitivity of the environment and natural topographical features of the terrain;
- the limitations caused by the objective of causing the minimum disruption to the community (landowners) in terms of cadastral changes;
- the expected impact that the proposed development might have on the development of the larger area,

Three development concepts identified are described hereunder. These concepts relate to **concentration**, **connectivity** and **conservation** and were considered with regard to this development proposal. Each of these concepts is discussed in more detail hereunder:

**Table 4.2.1: Development Concepts**

<b>Concentration</b>	<ul style="list-style-type: none"> <li>• Spatial form aims to achieve equitability by ensuring services and facilities are concentrated in areas of high accessibility. This allows for such services and opportunities to be shared among communities and land uses with more or less similar needs and reduces duplication of services, especially bulk supply services.</li> <li>• Concentration of services and facilities also promotes an efficient transportation system. When development is concentrated at certain nodes, transport routes are clearly defined and serve maximum expected volumes of people with minimal facilities.</li> <li>• Areas with concentrated pockets of development promote vibrant economic and social life while minimizing negative effects areas with conflicting functions in terms of land use might have.</li> <li>• Concentration creates opportunities for intermediate planning areas whereby effects of conflicting uses are minimized through the use of interface areas or zones.</li> <li>• Note that concentration does not necessary imply that the development of different nodes for different land uses on the Portion should not be supported. The concentration as envisaged means that the development of different areas (with strong linkages) catering for different categories or functions (land uses) or mixed land uses should be considered.</li> </ul>
<b>Connectivity</b>	<ul style="list-style-type: none"> <li>• Transport networks (linkages) are to be promoted as they are the "veins" of economic growth and a catalyst in economic development.</li> <li>• Areas that are highly accessible have better opportunities for economic growth by increasing their market threshold.</li> <li>• Properly planned movement systems ensure reliable transportation of the inhabitants of an area, as well as goods which may lead to an increase in investor confidence.</li> <li>• In urban areas development corridors need, be supported by dense residential bases.</li> </ul>

<b>Conservation</b>	<ul style="list-style-type: none"> <li>• Spatial planning should encourage sustainable, balanced growth and development within the carrying capacity of the area.</li> <li>• The above is achieved through controlling urban sprawl and conservation of environmentally and socially sensitive areas.</li> <li>• Efficient land use management is critical to attain the above.</li> <li>• Spatial planning needs to conserve limited natural resources.</li> </ul>
---------------------	---

**4.2.2 Layout Motivation**

For the purpose of this submission, a proposed layout has been compiled, which is depicted to the right. (Please see **Annexure E** for an enlarged version)

As the site offers prime seafront as well as sea view development opportunities, the layout has been compiled in such a way as to maximize such development opportunities.

The erven bordering the beach has direct access to the beach, whilst the 2<sup>nd</sup> row of erven each has a private walkway leading to the beach. The rest of the development can access the beach via the Public Open Space as indicated on the layout drawing.

Erf sizes vary from a minimum size of 1,054 m<sup>2</sup> for sea-front erven to a mix of 800 m<sup>2</sup> to 1,000 m<sup>2</sup> erven in the middle portion of the development with again larger erven on the eastern portion of the site which allows a fantastic view over the ocean.

A number of erven has been identified for town house/sectional title developments and is accordingly reflected on the layout plan with the appropriate zoning. These erven are mainly located on the eastern portion of the land.

A ratio of 20% Public Open Space/Developable Area has been maintained with the layout.





4.2.2.1 Proposed Land Usage

As the development is a residential development, the main zoning is Single Residential. A number of erven carries a General Residential 2 zoning.

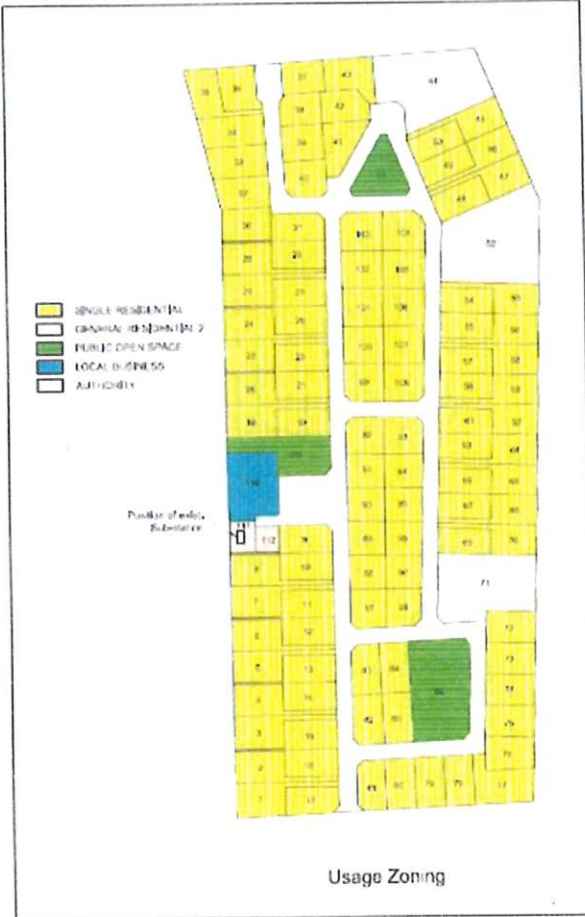
Provision has been made for an area on which a small retail outfit/restaurant could be developed, which is to be zoned Local Business. Please see the picture to the right.

Public Open Spaces are also provided to the benefit of the residents and which also provides for pedestrian access to and from the beach.

Areas where infrastructure is to be located such as the Sewerage Pump Station and Electrical Substation are to be zoned Authority.

The remainder of the area is to be zoned Street.

Please see Annexure F for an enlarged version of the Proposed Land Usage Map.



(14)

Portion 96, Swakopmund

Application to jointly develop a Township – July 2021

The proposed erf detail and zonings are summarized in table 4.2.2.1 below for convenience.

Table 4.2.2.1 Erf Detail and Zonings

ERF DATA				ERF DATA			
ERF	AREA sqm	ZONING	DENSITY	ERF	AREA sqm	ZONING	DENSITY
1	1,265.67	SINGLE RESIDENTIAL	1:900	58	1,060.00	SINGLE RESIDENTIAL	1:900
2	1,171.67	SINGLE RESIDENTIAL	1:900	59	860.00	SINGLE RESIDENTIAL	1:900
3	1,231.87	SINGLE RESIDENTIAL	1:900	60	1,060.00	SINGLE RESIDENTIAL	1:900
4	1,171.67	SINGLE RESIDENTIAL	1:900	61	860.00	SINGLE RESIDENTIAL	1:900
5	1,171.67	SINGLE RESIDENTIAL	1:900	62	1,060.00	SINGLE RESIDENTIAL	1:900
6	1,171.67	SINGLE RESIDENTIAL	1:900	63	860.00	SINGLE RESIDENTIAL	1:900
7	1,171.67	SINGLE RESIDENTIAL	1:900	64	1,060.00	SINGLE RESIDENTIAL	1:900
8	1,171.67	SINGLE RESIDENTIAL	1:900	65	860.00	SINGLE RESIDENTIAL	1:900
9	971.66	SINGLE RESIDENTIAL	1:900	66	1,060.00	SINGLE RESIDENTIAL	1:900
10	984.16	SINGLE RESIDENTIAL	1:900	67	860.00	SINGLE RESIDENTIAL	1:900
11	984.16	SINGLE RESIDENTIAL	1:900	68	1,060.00	SINGLE RESIDENTIAL	1:900
12	984.16	SINGLE RESIDENTIAL	1:900	69	860.00	SINGLE RESIDENTIAL	1:900
13	984.16	SINGLE RESIDENTIAL	1:900	70	1,060.00	SINGLE RESIDENTIAL	1:900
14	984.16	SINGLE RESIDENTIAL	1:900	71	4,024.48	GENERAL RESIDENTIAL 2	1:250
15	1,048.75	SINGLE RESIDENTIAL	1:900	72	1,000.00	SINGLE RESIDENTIAL	1:900
16	984.16	SINGLE RESIDENTIAL	1:900	73	1,000.00	SINGLE RESIDENTIAL	1:900
17	922.66	SINGLE RESIDENTIAL	1:900	74	1,000.00	SINGLE RESIDENTIAL	1:900
18	1,211.67	SINGLE RESIDENTIAL	1:900	75	1,000.00	SINGLE RESIDENTIAL	1:900
19	944.16	SINGLE RESIDENTIAL	1:900	76	1,039.44	SINGLE RESIDENTIAL	1:900
20	1,171.67	SINGLE RESIDENTIAL	1:900	77	1,424.57	SINGLE RESIDENTIAL	1:900
21	984.16	SINGLE RESIDENTIAL	1:900	78	960.00	SINGLE RESIDENTIAL	1:900
22	1,171.67	SINGLE RESIDENTIAL	1:900	79	960.00	SINGLE RESIDENTIAL	1:900
23	984.16	SINGLE RESIDENTIAL	1:900	80	960.00	SINGLE RESIDENTIAL	1:900
24	1,171.67	SINGLE RESIDENTIAL	1:900	81	904.63	SINGLE RESIDENTIAL	1:900
25	984.16	SINGLE RESIDENTIAL	1:900	82	973.74	SINGLE RESIDENTIAL	1:900
26	1,171.67	SINGLE RESIDENTIAL	1:900	83	913.54	SINGLE RESIDENTIAL	1:900
27	984.16	SINGLE RESIDENTIAL	1:900	84	956.13	SINGLE RESIDENTIAL	1:900
28	1,171.67	SINGLE RESIDENTIAL	1:900	85	956.13	SINGLE RESIDENTIAL	1:900
29	984.16	SINGLE RESIDENTIAL	1:900	86	3,799.60	PUBLIC OPEN SPACE	
30	1,022.86	SINGLE RESIDENTIAL	1:900	87	892.57	SINGLE RESIDENTIAL	1:900
31	971.66	SINGLE RESIDENTIAL	1:900	88	797.11	SINGLE RESIDENTIAL	1:900
32	1,054.90	SINGLE RESIDENTIAL	1:900	89	810.01	SINGLE RESIDENTIAL	1:900
33	1,177.02	SINGLE RESIDENTIAL	1:900	90	822.90	SINGLE RESIDENTIAL	1:900
34	1,254.01	SINGLE RESIDENTIAL	1:900	91	835.79	SINGLE RESIDENTIAL	1:900
35	1,103.10	SINGLE RESIDENTIAL	1:900	92	899.56	SINGLE RESIDENTIAL	1:900
36	1,056.69	SINGLE RESIDENTIAL	1:900	93	902.74	SINGLE RESIDENTIAL	1:900
37	859.40	SINGLE RESIDENTIAL	1:900	94	837.61	SINGLE RESIDENTIAL	1:900
38	843.20	SINGLE RESIDENTIAL	1:900	95	823.62	SINGLE RESIDENTIAL	1:900
39	963.89	SINGLE RESIDENTIAL	1:900	96	809.64	SINGLE RESIDENTIAL	1:900
40	970.32	SINGLE RESIDENTIAL	1:900	97	795.65	SINGLE RESIDENTIAL	1:900

(15)

Portion 96, Swakopmund

Application to jointly develop a Township - July 2021

ERF DATA				ERF DATA			
ERF	AREA sqm	ZONING	DENSITY	ERF	AREA sqm	ZONING	DENSITY
41	1,081.64	SINGLE RESIDENTIAL	1:900	98	844.09	SINGLE RESIDENTIAL	1:900
42	937.64	SINGLE RESIDENTIAL	1:900	99	953.56	SINGLE RESIDENTIAL	1:900
43	1,159.43	SINGLE RESIDENTIAL	1:900	100	981.98	SINGLE RESIDENTIAL	1:900
44	4,527.10	GENERAL RESIDENTIAL 2	1:250	101	997.89	SINGLE RESIDENTIAL	1:900
45	1,054.69	SINGLE RESIDENTIAL	1:900	102	1,013.81	SINGLE RESIDENTIAL	1:900
46	1,057.43	SINGLE RESIDENTIAL	1:900	103	1,053.20	SINGLE RESIDENTIAL	1:900
47	1,134.21	SINGLE RESIDENTIAL	1:900	104	1,055.07	SINGLE RESIDENTIAL	1:900
48	981.07	SINGLE RESIDENTIAL	1:900	105	1,023.07	SINGLE RESIDENTIAL	1:900
49	888.24	SINGLE RESIDENTIAL	1:900	106	1,005.80	SINGLE RESIDENTIAL	1:900
50	888.24	SINGLE RESIDENTIAL	1:900	107	988.53	SINGLE RESIDENTIAL	1:900
51	1,368.34	PUBLIC OPEN SPACE		108	958.76	SINGLE RESIDENTIAL	1:900
52	5,220.84	GENERAL RESIDENTIAL 2	1:250	109	1,792.99	PUBLIC OPEN SPACE	
53	1,060.00	SINGLE RESIDENTIAL	1:900	110	2,100.42	LOCAL BUSINESS	
54	860.00	SINGLE RESIDENTIAL	1:900	111	525.00	AUTHORITY	
55	860.00	SINGLE RESIDENTIAL	1:900	112	399.00	AUTHORITY	
56	1,060.00	SINGLE RESIDENTIAL	1:900	REM.	23,040.49	(Streets)	
57	860.00	SINGLE RESIDENTIAL	1:900		149,999.61		



Portion 96, Swakopmund

(16)

Application to jointly develop a Township - July 2021

#### 4.2.2.2 Proposed Density Zonings

The proposed Density Zonings for the area are 1/900 for Single Residential erven and 1/250 for General Residential 2 erven respectively.

The Proposed density Zonings are reflected on the drawing to the right.

Please see **Annexure F** for an enlarged version of the Proposed Density Zoning Map.

It is the intention of the Developers to develop town house/sectional title units on the erven as depicted as General Residential 2, which provides for more affordable housing options located close to the sea.

The General Residential 2 erven are strategically located close to the Public Open Spaces in order to provide for a sense of openness and not to create an impression of high-density developments.

### 5. CONDITIONS OF ESTABLISHMENT

The Applicants recognize that they are responsible for the successful execution of all applicable statutory procedures as required by the Town Planning Amendment Scheme of the Swakopmund Municipality and the Town Planning Ordinance and that approval of this application will be subject to the fulfillment of the following Conditions of Establishment:

- The submission to and approvals by the Namibia Planning Advisory Board and the Minister of the application for the subdivision and rezoning of the Property as approved by the Municipal Council of Swakopmund.
- A report by the Namibia Planning Advisory Board recommending the need and desirability of the subdivision of the Property as approved by the Municipal Council of Swakopmund.



(17)

Portion 96, Swakopmund

Application to jointly develop a Township - July 2021

- The approval by the Townships Board of the subdivision of the property as approved by the Municipal Council of Swakopmund and recommended by the Namibia Planning Advisory Board.
- The preparation of the General Plan reflecting the subdivision of the Property to correspond with the terms of the Townships Board's approval, and the approval of the General Plan by the Surveyor General.
- The improvement of each and every erf depicted on the General Plan in accordance with the building plans pertaining to the respective erf to be approved by the Municipal Council of Swakopmund and ERONGO RED (with due regard to the zoning of the respective erf and the minimum building value applying to such erf).
- The Developers shall be obliged to provide the Property with internal services at its own cost and expense meeting the requirements of the Municipal Council of Swakopmund, Telecom and Erongo RED.
- "Internal services" - means the construction and/or installation and/or layout (as the case may be) by the Developer for its own account at the Property, of:
  - (a) A fully operative and integrated underground electrical network which provides, supplies and reticulates electricity to each, and every erf as depicted on the General Plan;
  - (b) A fully operative and integrated underground water reticulation network including fire hydrants which provides, supplies and reticulates water to each, and every erf as depicted on the General Plan;
  - (c) A fully operative and integrated underground sewerage system and Pump Station with Rising Main for the collection, treatment and disposal of sewerage generated by each and every erf as depicted on the General Plan;
  - (d) A fully operative electrical street lighting network inclusive of streetlamps and lights, providing lighting at the streets as depicted on the General Plan;
  - (e) Tarred or paved streets providing access to such erven to be depicted on the General Plan, inclusive of road - and traffic signs, street names and street demarcations;
  - (f) Integrated sidewalks on both sides of each street;
  - (g) Individually metered connection points for water and electricity on the street boundary of each erf as depicted on the General Plan.
- The Developers shall be obliged to connect the internal services at its own cost to the respective existing services networks and/or systems as required by the Municipal Council of Swakopmund and Erongo RED.
- The Developers recognizes that a separate application needs to be lodged with the Municipal Council for the naming of streets as depicted on the General Plan.

## 6. ENGINEERING SERVICES

The Professional Team appointed by the owners of Portion 96, Swakopmund will liaise closely with the Engineering Department of the Municipality of Swakopmund and other utility service providers such as ErongoRed and Telecom to determine the most feasible option to provide bulk engineering services to the development on Portion 96.

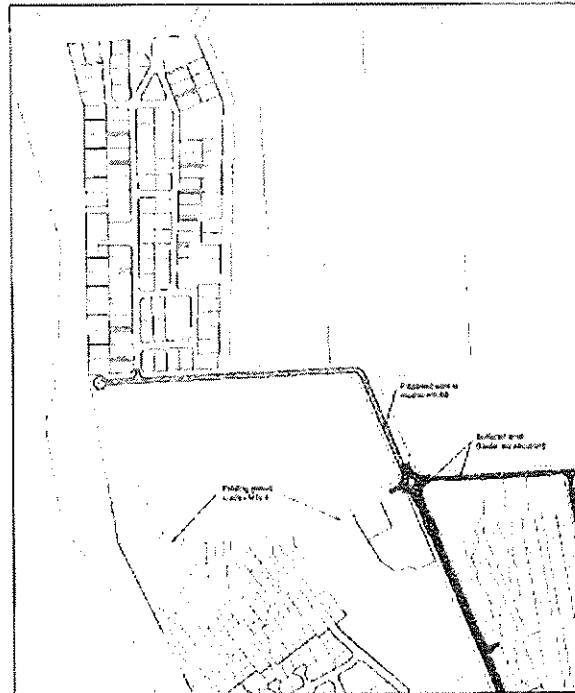
With the original application submitted in 2011, intensive investigation was undertaken by the Professional Team in conjunction with the Engineering Services Department of the Swakopmund Municipality to verify that Portion 96, Swakopmund can be provided with bulk municipal services.

Since then a number of changes to infrastructure took place and the Project Professional Team will again investigate same together with the Engineering Services Department to verify and confirm the most optimum and feasible option to achieve this.

### 6.1 ROAD/VEHICULAR ACCESS TO THE SITE

It is anticipated that access to the site based on the proposed layout will be from the extension of Dr Schwietering Street from the President Pohamba entrance to Mile 4 further northwards towards the site as indicated on the sketch below.





## 6.2 EXISTING INFRASTRUCTURE TO THE SITE

The existing developments on the site consist of only a few storage sheds and 2 residential dwellings. The current electrical supply to the site is in the form of a 315 kVA electrical substation feeding from Mile 4. Water is supplied from a dedicated supply line also from the Mile 4 camping area.

The current sewer outfall generated by the site is collected through a waterborne sewerage system into a sewerage pump station which in turn is connected to the pump station located at Mile 4 via a rising main. From the Mile 4 pump station the sewerage is pumped to Pump Station No 4 at the Paddock Area. Pump Station No 4 also receives inflow from the Vogelstrand Pump Station. Pump Station No 4, then finally pumps to the inlet works at the existing sewerage Treatment Plant along a 200mm diameter Rising Main, 2,880 metres in length.

## 6.3 FUTURE WATERBORNE SEWAGE NETWORK

A waterborne sewage network can and will only be able to function effectively if a proper potable water distribution network is provided to the area whereby each individual erf is provided with its own sustained water supply.

(20)

Portion 96, Swakopmund

Application to jointly develop a Township - July 2021

### 6.3.1 Sewer Collection Network

The sewer collection network on Portion 96 will be a water borne gravity system with Ultraflow 400Kpa uPVC sewer pipes. The individual sewer sections will be designed according to standards meeting the requirements in terms of minimum slope and self-cleaning velocity and in order to effectively drain each individual erf.

### 6.3.2 Connection of Internal Infrastructure to existing Municipal Infrastructure

The sewage outfall generated by the site once developed will be collected into an underground sewerage pump station. This pump station will replace the existing pump station. The exact position of this pump station will be determined during the detail design stage. Preferably this pump station should also be connected to the Mile 4 pump station via an upgraded rising main.

The pump station will be an underground pump station with submersible installations meeting the requirements of the Swakopmund Municipality. The drawing below depicts a typical configuration of the proposed pump station.

## 6.4 FUTURE WATER SUPPLY TO SITE

It is proposed that the future water supply to the site should be a new 160mm uPVC connection line from Portion 96 to the existing 200mm uPVC main supply line feeding into the Mile 4 area or as determined by the Engineering Department of the Municipality of Swakopmund.

### 6.4.1 Fire Protection

The area being residential development is viewed as a Low-risk Group 3 area. The water mains will be so designed that supply is assured at all times and will be correctly sized for a design flow equivalent to the sum of the design instantaneous peak domestic demand for the area and the design fire flow. "Guidelines for the Provision of Engineering Services in Residential Townships" by-laws relating to fire flow conditions will be adhered to.

Provision will be made for proper firefighting through the installation of above ground pillar type fire hydrants (Or as otherwise specified by the Swakopmund Municipality) fully complying with applicable legislation/regulations such as SANS 1128-1 and meeting the requirements of the Municipality of Swakopmund.

## 6.5 ROADS

### 6.5.1 Estimated Design Volumes

The estimated design volume calculations and trip generating model are based on the following assumptions:

- 80 % of the traffic generated by the residential development will originate from within the portion.
- 20 % of traffic attracted by the residential development will originate within surrounding residential zones and the rest of town.

(21)

Portion 96, Swakopmund

Application to jointly develop a Township - July 2021

From the analysis it is concluded that the current access road leading to Mile 4 provide sufficient connection opportunity for when Portion 96 will be developed into a residential development.

#### 6.5.2 External Road/vehicular Access

The horizontal alignment of the external access road will be as indicated on the layout drawing.

Roadbed preparation of the in-situ material of the access road will be to a depth of 150mm compacted to 100% of modified AASHTO maximum density.

The driving surface for the external road will be a 150mm Gypsum Gravel G4 material from approved borrow pits compacted to 98% of modified AASHTO maximum density similar to existing Gypsum Gravel roads in Swakopmund.

#### 6.5.3 Internal Roads

The internal road network will be constructed according to the approved layout. The road reserve for the entrance to the Portion is 15 metres and the rest of the internal road reserves are 13 metres. The minimum driving surface is 8 metres wide. The maximum speed limit for internal roads should be limited to 40 kilometres per hour.

The internal roads will be Bituminous Surfaced and will be a single surface treatment (Cape Seal) with 13mm aggregate (0.014m<sup>3</sup>/m<sup>2</sup>) and slurry seal (0.008m<sup>3</sup>/m<sup>2</sup>) with 150/200 penetration grade tack coat and 65% emulsion in penetration spray.

##### 6.5.3.1 Concrete Kerbing and Channelling

The internal roads will be finished off with bitumen coated Mountable kerbs and 40 Mpa concrete channelling and backing

#### 6.5.4 Stormwater

The design of the internal roads will include provision for storm water infrastructure to accommodate the storm water generated by the development as well as storm water received by the site from adjacent areas through natural cross drainage. Appropriate storm water infrastructure will be constructed to prevent any damage to the development or adjacent areas.

### 6.6 FUTURE ELECTRICAL SUPPLY AND RETICULATION

#### 6.6.1 Electrical Supply to the Site

A 315kV MV/LV substation is currently located on the property. The substation is fed via a medium voltage electrical cable of conductor cross section 120mm<sup>2</sup>, assumed P.H.C but still to be confirmed whether aluminium or copper, and whether it is a ring or radial feed. The area is fed from existing infrastructure at Mile 4 nearby.

It was determined from previous planning that the nearest bulk supply point, at Mile 4, is fed via 185mm<sup>2</sup> cross-section 3-core P.H.C aluminium cable. The maximum current capacity, without respect to voltage drop restrictions, is 265A (at 11kV yields 4.2MVA capacity).



There are a number of additional block developments in the immediate vicinity of the currently proposed development. These are approximated in total as 8-times the size of the current development in terms of electrical loading. Considered by the numbers:

ErongoRED will be approached to provide guidance in this regard based on their network statistics, as these factors may limit the final electrical capacity of the network and therefore require extensive upgrading (which could delay implementation).

Apart from additional clarifications from ErongoRED, it is concluded that further additions or upgrading may be required on the supply feeds to the proposed site (and surrounding sites), with the assumptions as stated. Any upgrades of the MV network should be done according to SANS 97 or SANS 1339, SANS 10198 and SANS 60076 as amended, but will most likely be handled in total by ErongoRED.

#### 6.6.2 Internal Electrical Reticulation

Supply of electricity on site will be done according to SANS 10142 as amended and to the requirements of the supply authority (ErongoRED). Reticulation from the existing [upgraded] substation will be done using large gauge underground cabling, at low voltages (three phase at 400V), to distribution kiosks at strategic points throughout the site. Generally, a financial/technical balance has to be achieved between the length of expensive backbone cabling and the number of less expensive but more abundant electrical erf connections (from the kiosks).

Cabling (to SANS 1507) will most likely be of the copper type, though aluminium cabling may be considered due to being cheaper in certain instances, with longer delivery times - this will have to be investigated. All cabling will be insulated due to local corrosive conditions. Live conductor cabling will be armoured and buried directly in the ground as opposed to being placed in an underground network of sleeves (connected to manholes) to reduce the installation cost.

Kiosks (distribution pillars) will be of the weather and corrosion proof types, to local standards and equipped with SANS compliant control gear.

Earthing will be done using high-grade stainless-steel elements or as required by the local supply authority.

#### 6.6.3 Street lighting

Street lighting will be planned and installed according to SANS 10098-1 as amended and SANS 10142.

Streetlights will be placed and spaced to provide optimal lighting with minimised power consumption, with special regard to the type of roads and expected traffic. The lighting will be fed from the substation or distribution kiosks and separately metered and switched via daylight sensor(s), for ErongoRED. It may be that ErongoRED requires the lighting to be tied into the existing streetlight circuits. The road infrastructure / urban layout planning will have to be completed first for proper planning of street lighting, and indeed all electrical services.

The poles will be of the spun glass fibre reinforced polyester (to SANS 1749) with efficient high-pressure sodium lights.

#### 6.7. TELEPHONE SERVICES

(23)

Portion 96, Swakopmund

Application to jointly develop a Township - July 2021

Telephone service reticulation will be planned in accordance with the requirements of Telecom Namibia, and in close coordination with them.

Generally, such installations provide for underground plastic sleeves along the internal roads of such a development (on one side only), with distribution pillars or distribution draw holes ("manholes") at strategic centres, from where underground conduits feed out to the nearby erven for final connection. The distribution points would be located on both sides of the street (connected via street-crossing underground sleeves).

Telecom Namibia would provide the cabling infrastructure and final installation.

## 6.8 OTHER SERVICES

Spare, underground, capped sleeves will be provided at strategic points and intersections throughout the development, for future services, allowing upgrading without damage to the roads.

Coordination drawings (specifically top-down plans and cross sections) will be done of the electrical services and overlaid with other services to ensure the all safe maintenance clearances are maintained; especially where crossing of services is unavoidable.

Any additional requirements from the client, related to electrical or electronic services, will be dealt with according to the standards and norms of the municipality, the local supply authority and the relevant national / international standards.

## 7. ENVIRONMENTAL IMPACT

### 7.1 GENERAL

The proposed development will not have any negative effect on the environment, but the Developer will abide by the stipulations of the Environmental Management Act of 2007 and conduct the necessary obligatory studies through their Environmental Specialist for submission to Council.

## 8. CONCLUSIONS REACHED

From the investigations conducted as to the feasibility of establishing a mariculture industry on Portion 96, Swakopmund, the following conclusions reached are shared with the Municipal Council of Swakopmund:

(24)

Portion 96, Swakopmund

Application to totally develop a Township - July 2021

### **B.1 SUITABILITY OF PORTION 96, SWAKOPMUND AND SURROUNDING AREAS FOR MARICULTURE**

- ❶ The establishment of a mariculture industry on Portion 96, Swakopmund is not feasible, both from an economical as well as operational perspective.
- ❷ The surrounding areas as identified by the Municipal Council of Swakopmund for the purpose of mariculture are not suitable for such practice.
- ❸ Even if the other constraints as identified and discussed in detail in this application did not exist, Portion 96, Swakopmund in addition, is not sufficient in size in order for a viable mariculture farming process to be successfully operated. A similar operation is practiced at the Salt refineries in Swakopmund on a portion of minimum 30 hectares in size.
- ❹ To insist that mariculture industries be established on the identified land as above, will not be in the best interest of the town of Swakopmund as the risks attached to mariculture farming especially in this area, far outweigh the advantages and the town of Swakopmund will receive very little or no benefit at all from such ventures.
- ❺ The probability of investors investing in such ventures due to the unsuitability of the area for mariculture farming and the risks attached to same is extremely low.
- ❻ The destruction of the usable ground due to contamination through mariculture industries is inevitable, which will render the land unsuitable for other usages in future. If mariculture farming operations on such land fails, future housing developments on such land will be virtually impossible.
- ❼ In light of the scientific information at our disposal, together with the restrictions/conditions imposed through the Deed of Transfer and Agreement, no investor will be prepared to invest the approximate N\$ 50.0 million required to setup a mariculture farming operation on Portion 96, Swakopmund.
- ❽ On top of all of the above, the license for a mariculture farming operation on Portion 96, Swakopmund was not granted by the Ministry of Fisheries & Marine Resources due to the fact that the area is not suitable for such operations.
- ❾ It is our humble opinion that an industry such mariculture farming should also not be allowed within the Municipal boundaries of Swakopmund, especially not on valuable developable sea-front land, as the availability of such land is extremely limited.

### **B.2 LONG TERM IMPLICATIONS IF MARICULTURE FARMING IS PRACTICED ON IDENTIFIED LAND**

- ❶ Due to the economical non-viability of mariculture farming on the said land, the probability that such operations will be unsuccessful is extremely high. This will lead to investor money being lost, insolvency of industries and eventually loss of income for the Municipal Council of Swakopmund. It will also not enhance the image of Swakopmund as an ideal investment opportunity/partner.
- ❷ Statutory procedures as a result of such cases in order to recoup lost money/assets are time consuming and costly.
- ❸ The destruction of the usable ground due to contamination through mariculture industries will render the land as it is unsuitable for other usages in future.
- ❹ Rehabilitation of such land in an attempt to render it useful for other purposes is extremely cost intensive and not always effective.

### **B.3 DEMAND FOR HOUSING**



(25)

Portion 96, Swakopmund

Application to jointly develop a Township – July 2021

- ❖ Portion 96, Swakopmund is one of the very last remaining, most valuable sea-front portions of land in Swakopmund, for which there exists a great demand.
- ❖ A demand for housing definitely exists in Swakopmund. The number of erven being made available by the Municipality of Swakopmund through private developers, does not meet the anticipated demand for serviced land/housing.
- ❖ The above further serves as motivation that on a valuable piece of sea-front land such as Portion 96, Swakopmund, consideration for residential developments should rather receive priority above industrial type of practices.

#### 8.4 BENEFITS FOR THE SWAKOPMUND MUNICIPALITY

- ❖ The Municipality of Swakopmund will receive more income from a residential development on these portions than from mariculture farming through:
  - Betterment Fees.
  - Endowment Fees.
  - Rates and Taxes.
  - Monthly billing for service delivery by the Municipality.

Additional benefits that will be generated by the development are

- The employment opportunities that are to be created by such development.
- The boost for local investment.
- The increase in income for the Council through rates and taxes.
- Address the ever growing need for housing.

#### 8.5 MUNICIPAL ENGINEERING INFRASTRUCTURE

- ❖ It is our opinion that the existing Municipal engineering infrastructure of the Swakopmund Municipality has sufficient spare capacity to accommodate the additional demand that will be generated by the proposed development on Portion 96, Swakopmund.

#### 8.6 COMPLIANCE WITH THE SWAKOPMUND STRUCTURE PLAN 2020 - 2040

In terms of the Swakopmund Structure Plan 2020 - 2040, it is envisaged that the area previously identified for mariculture purposes surrounding Portion 96 will be developed into low density residential areas.

This application, therefore, supports the vision of the Structure Plan for 2020 to 2040.

#### 8.7 GENERAL

- ❖ The proposed development will not have any negative effect on the environment or adjacent land uses and will greatly enhance this section of prime beach front space to the benefit of the town of Swakopmund.
- ❖ The development will positively contribute to addressing the housing shortage experienced at the coast.

- It will also create employment, not only during the construction/development stage, but also subsequent through domestic workers being employed, cleaning and garden services etc.

## 9. CONCLUDING REMARKS

We once again would like to reiterate that because of the fact that the owners of Portion 96 invested a large amount of money in purchasing the land, losses incurred through the failed initial operations, new investments made and an intensive R & D process and that subsequent investigations revealed that the land is not suitable for practicing such an industry, the owners wish to recoup the investment made by developing a well planned and executed residential development on the said portion.

This application is not motivated by profit only and in order to prove same to Council the owners are prepared to meet with the Municipal Council of Swakopmund to discuss means in which they could contribute towards complying with their social responsibilities as part of this project, as the Council may deem appropriate.

In order to achieve the above it is however necessary that the restrictions posed by the conditions attached to the Deed of Transfer and the existing Council resolutions be lifted.

## 10. APPLICATION

The owners of Portion 96, Swakopmund herewith respectfully lodge the following application to the Municipal Council of Swakopmund:

### 10.1 WAIVER OF EXISTING TITLE DEED CONDITIONS

#### 10.1.1 Clause B

It is hereby applied that Clause B of the Deed of Transfer which stipulates that "*The zoning of Portion 96 be changed to Aquaculture*" be cancelled.

#### 10.1.2 Clause C

It is hereby applied that the pre-emptive right in favour of the Municipal Council of Swakopmund ("the Council") as stipulated under Clause C, be waived.

#### 10.1.3 Other

That the resolutions taken by the Municipal Council of Swakopmund under resolution 11.1.21 (reference G 4/1/1) on 27 March 2008 be repealed and that Portion 96, Swakopmund be excluded from the Portion as identified as "*Swakopmund Ext "X"*".

It is further applied that any existing restricting conditions/Council resolutions, which might restrict the development of Portion 96, Swakopmund into a residential development be lifted.

Portion 96, Swakopmund

(27)

Application to jointly develop a Township - July 2021

## 10.2 TOWNSHIP ESTABLISHMENT

Approval for a township establishment on Portion 96, Swakopmund into more than 11 erven as further set out below.

### 10.2.1 Subdivision of Portion 96, Swakopmund

Approval of the proposed layout of Portion 96, Swakopmund attached hereto as Annexure F and for the subdivision of Portion 96, Swakopmund into 112 portions and remainder as street.

### 10.2.2 Rezoning of Portion 96, Swakopmund

Approval for the rezoning of Portion 96, Swakopmund from undetermined to Single Residential, General Residential 2, Public Open Space, Authority, Local Business and Street respectively with the related Density Zonings as depicted on the layout attached hereto as Annexures G and H as reflected in Table 7.2.2 below.

**Table 10.2.2 Proposed Land Use Zonings and Density Zonings**

ERF DATA				ERF DATA			
ERF	AREA sqm	ZONING	DENSITY	ERF	AREA sqm	ZONING	DENSITY
1	1,265.67	SINGLE RESIDENTIAL	1:900	58	1,060.00	SINGLE RESIDENTIAL	1:900
2	1,171.67	SINGLE RESIDENTIAL	1:900	59	860.00	SINGLE RESIDENTIAL	1:900
3	1,231.87	SINGLE RESIDENTIAL	1:900	60	1,060.00	SINGLE RESIDENTIAL	1:900
4	1,171.67	SINGLE RESIDENTIAL	1:900	61	860.00	SINGLE RESIDENTIAL	1:900
5	1,171.67	SINGLE RESIDENTIAL	1:900	62	1,060.00	SINGLE RESIDENTIAL	1:900
6	1,171.67	SINGLE RESIDENTIAL	1:900	63	860.00	SINGLE RESIDENTIAL	1:900
7	1,171.67	SINGLE RESIDENTIAL	1:900	64	1,060.00	SINGLE RESIDENTIAL	1:900
8	1,171.67	SINGLE RESIDENTIAL	1:900	65	860.00	SINGLE RESIDENTIAL	1:900
9	971.66	SINGLE RESIDENTIAL	1:900	66	1,060.00	SINGLE RESIDENTIAL	1:900
10	984.16	SINGLE RESIDENTIAL	1:900	67	860.00	SINGLE RESIDENTIAL	1:900
11	984.16	SINGLE RESIDENTIAL	1:900	68	1,060.00	SINGLE RESIDENTIAL	1:900
12	984.16	SINGLE RESIDENTIAL	1:900	69	860.00	SINGLE RESIDENTIAL	1:900
13	984.16	SINGLE RESIDENTIAL	1:900	70	1,060.00	SINGLE RESIDENTIAL	1:900
14	984.16	SINGLE RESIDENTIAL	1:900	71	4,024.48	GENERAL RESIDENTIAL 2	1:250
15	1,048.75	SINGLE RESIDENTIAL	1:900	72	1,000.00	SINGLE RESIDENTIAL	1:900
16	984.16	SINGLE RESIDENTIAL	1:900	73	1,000.00	SINGLE RESIDENTIAL	1:900
17	922.66	SINGLE RESIDENTIAL	1:900	74	1,000.00	SINGLE RESIDENTIAL	1:900
18	1,211.67	SINGLE RESIDENTIAL	1:900	75	1,000.00	SINGLE RESIDENTIAL	1:900
19	944.16	SINGLE RESIDENTIAL	1:900	76	1,039.44	SINGLE RESIDENTIAL	1:900
20	1,171.67	SINGLE RESIDENTIAL	1:900	77	1,424.57	SINGLE RESIDENTIAL	1:900
21	984.16	SINGLE RESIDENTIAL	1:900	78	960.00	SINGLE RESIDENTIAL	1:900
22	1,171.67	SINGLE RESIDENTIAL	1:900	79	960.00	SINGLE RESIDENTIAL	1:900
23	984.16	SINGLE RESIDENTIAL	1:900	80	960.00	SINGLE RESIDENTIAL	1:900
24	1,171.67	SINGLE RESIDENTIAL	1:900	81	904.63	SINGLE RESIDENTIAL	1:900
25	984.16	SINGLE RESIDENTIAL	1:900	82	973.74	SINGLE RESIDENTIAL	1:900
26	1,171.67	SINGLE RESIDENTIAL	1:900	83	913.54	SINGLE RESIDENTIAL	1:900
27	984.16	SINGLE RESIDENTIAL	1:900	84	956.13	SINGLE RESIDENTIAL	1:900
28	1,171.67	SINGLE RESIDENTIAL	1:900	85	956.13	SINGLE RESIDENTIAL	1:900
29	984.16	SINGLE RESIDENTIAL	1:900	86	3,799.60	PUBLIC OPEN SPACE	
30	1,022.86	SINGLE RESIDENTIAL	1:900	87	892.57	SINGLE RESIDENTIAL	1:900
31	971.66	SINGLE RESIDENTIAL	1:900	88	797.11	SINGLE RESIDENTIAL	1:900
32	1,054.90	SINGLE RESIDENTIAL	1:900	89	810.01	SINGLE RESIDENTIAL	1:900
33	1,177.02	SINGLE RESIDENTIAL	1:900	90	822.90	SINGLE RESIDENTIAL	1:900



(28)

Portion 96, Swakopmund Application to jointly develop a Township - July 2021

ERF DATA				ERF DATA			
ERF	AREA sqm	ZONING	DENSITY	ERF	AREA sqm	ZONING	DENSITY
34	1,254.01	SINGLE RESIDENTIAL	1 : 900	91	835.79	SINGLE RESIDENTIAL	1 : 900
35	1,103.10	SINGLE RESIDENTIAL	1 : 900	92	899.56	SINGLE RESIDENTIAL	1 : 900
36	1,056.69	SINGLE RESIDENTIAL	1 : 900	93	902.74	SINGLE RESIDENTIAL	1 : 900
37	859.40	SINGLE RESIDENTIAL	1 : 900	94	837.61	SINGLE RESIDENTIAL	1 : 900
38	843.20	SINGLE RESIDENTIAL	1 : 900	95	823.62	SINGLE RESIDENTIAL	1 : 900
39	963.89	SINGLE RESIDENTIAL	1 : 900	96	809.64	SINGLE RESIDENTIAL	1 : 900
40	970.32	SINGLE RESIDENTIAL	1 : 900	97	795.65	SINGLE RESIDENTIAL	1 : 900
41	1,081.64	SINGLE RESIDENTIAL	1 : 900	98	844.09	SINGLE RESIDENTIAL	1 : 900
42	937.64	SINGLE RESIDENTIAL	1 : 900	99	953.56	SINGLE RESIDENTIAL	1 : 900
43	1,159.43	SINGLE RESIDENTIAL	1 : 900	100	981.98	SINGLE RESIDENTIAL	1 : 900
44	4,527.10	GENERAL RESIDENTIAL 2	1 : 250	101	997.89	SINGLE RESIDENTIAL	1 : 900
45	1,054.69	SINGLE RESIDENTIAL	1 : 900	102	1,013.81	SINGLE RESIDENTIAL	1 : 900
46	1,057.43	SINGLE RESIDENTIAL	1 : 900	103	1,053.20	SINGLE RESIDENTIAL	1 : 900
47	1,134.21	SINGLE RESIDENTIAL	1 : 900	104	1,055.07	SINGLE RESIDENTIAL	1 : 900
48	981.07	SINGLE RESIDENTIAL	1 : 900	105	1,023.07	SINGLE RESIDENTIAL	1 : 900
49	888.24	SINGLE RESIDENTIAL	1 : 900	106	1,005.80	SINGLE RESIDENTIAL	1 : 900
50	888.24	SINGLE RESIDENTIAL	1 : 900	107	988.53	SINGLE RESIDENTIAL	1 : 900
51	1,368.34	PUBLIC OPEN SPACE		108	958.76	SINGLE RESIDENTIAL	1 : 900
52	5,220.84	GENERAL RESIDENTIAL 2	1 : 250	109	1,792.99	PUBLIC OPEN SPACE	
53	1,060.00	SINGLE RESIDENTIAL	1 : 900	110	2,100.42	LOCAL BUSINESS	
54	860.00	SINGLE RESIDENTIAL	1 : 900	111	525.00	AUTHORITY	
55	860.00	SINGLE RESIDENTIAL	1 : 900	112	399.00	AUTHORITY	
56	1,060.00	SINGLE RESIDENTIAL	1 : 900	REM.	23,040.49	(Streets)	
57	860.00	SINGLE RESIDENTIAL	1 : 900		149,999.61		

### 10.2.3 Provision of Bulk Services to Portion 96, Swakopmund

Approval is sought from the Municipal Council of Swakopmund to allow the provision of bulk services to Portion 96, Swakopmund as follows:

#### 10.2.3.1 Road/Vehicular Access to Portion 96, Swakopmund

Access to the site based on the proposed layout attached as Annexure 1 from the extension of Dr Schwietering Street from the President Pohamba entrance to Mile 4 further northwards towards the site as indicated on the layout drawing.

#### 10.2.3.2 Sewerage

The sewage outfall generated by the site is to be collected into an underground sewerage pump station replacing the existing pump station. The exact position of this pump station to be determined during the detail design stage and is to be connected to the Mile 4 pump station via an upgraded rising main.

#### 10.2.3.3 Water Supply

Construction of a new connection line from Portion 96 to the existing 200mm uPVC main supply line feeding into the Mile 4 area.

#### 10.2.3.4 Electrical Supply

(29)

Portion 96, SwakopmundApplication to jointly develop a Township – July 2021

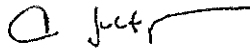
Electrical supply to the site is to be provided in conjunction with Erongo RED, fully meeting their requirements and conditions.

#### 10.2.3.5 Waste Management

Waste collection services to be provided by the Municipality of Swakopmund as in the rest of the town. Payment for services rendered by the Municipality of Swakopmund should be through monthly individual consumer accounts.

#### 10.2.3.6 General

We hereby on behalf of our client respectfully request for an audience to discuss and to present this application to the Municipal Council of Swakopmund as set out above.



Frikkie Holtzhausen

Director

for **LITHON PROJECT CONSULTANTS (PTY) LTD** on behalf of **Namibia Oysters (Pty) Ltd.**

Cc Her worship, the Mayor, Councillor, Louisa Kativa  
The Chairperson of Management Committee, Councillor Wilfried Groenewald  
Mr. Glenn Rodgers – Namibia Oysters (Pty) Ltd

Portion 96, Swakopmund [30] Application to jointly develop a Township - July 2021

**Annexure A**

**Annexure A:**

Deed of Transfer



ANNEXURE B

15-04-2022

Copy

DEED OF TRANSFER  
NO.

T 1588 - 1/2022

NAMBIA OYSTERS (PROPRIETARY) LIMITED  
Company Number: 2005/136

PORTION 96 (A PORTION OF PORTION B) OF  
SWAKOPMUND TOWN AND TOWNLANDS NO. 91

VAN DER MERWE COLEMAN  
LEGAL PRACTITIONERS, NOTARIES PUBLIC AND  
CONVEYANCERS  
P.O. Box 325  
WINDHOK

Notary of performance for Acemphines (Imp) before  
 27 JAN 2006  
 MONTAGNO NO. 11 1815  
 for N° 276 2006 (with performance for  
 an additional amount not exceeding N° 655 2006)  
 DEEDS OFFICE  
 WINDHOEK Deputy REGISTRAR OF DEEDS

Prepared in me:

  
 CONVEYANCER  
 COLEMAN, M

Van der Merwe Coleman  
 Attorneys, Notaries & Conveyancers  
 7<sup>th</sup> Floor Frans Indongo Gardens  
 Dr Frans Indongo Street  
 P O Box 325, Windhoek

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

T - 1683 - 2006

THAT

MARINDA COLEMAN

Deputy  
 appeared before me the Registrar of Deeds, at Windhoek, she the said Appearer, being  
 duly authorised thereto by a Power of Attorney granted to her by the

MUNICIPAL COUNCIL OF SWAKOPMUND

(hereinafter styled the TRANSFEROR)

dated the 3rd day of December 2006 and signed at Swakopmund.

  
 1




AND THAT APPEARER DECLARED THAT the said principal had on the 31<sup>st</sup> July 2007 sold, and that she, in her capacity as Attorney aforesaid, did by these presents, cede and transfer, in full and free property to and on behalf of

**NAMIBIA OYSTERS (PROPRIETARY) LIMITED**  
Company Number : 2885736

(hereinafter styled the TRANSFEREE)

It's Successors-in-Title or Assigns,

**CERTAIN** Portion 96 (a portion of Portion B) of Swakopmund Town and Townlands No. 41

**SITUATE** In the Municipality of SWAKOPMUND  
Registration Division "G"  
Erongo Region

**EXTENT** 15,0000 (Fifteen Coombs N6) NSI Nil Nil) Hectares, as will more fully appear from Annexed Diagram No. S.G No. A. 865/2007

**HELD BY** Government Grant No. 25/1935

A. SUBJECT to the following conditions imposed in terms of the Town Planning Ordinance, Ordinance 18 of 1954, as amended, 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.

up



- B. FURTHER SUBJECT to the following condition imposed in terms of Section 21 of Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), as amended, namely :-

The routing of Portion 96 be changed to Agriculture.

- C. AND FURTHER SUBJECT to a pre-emptive right in favour of the Municipal Council of Swakopmund ("the Council"), to wit :

The Transferee shall not be entitled to alienate the property or any subdivision thereof until and unless the Property has first been offered to the Council in writing at a price as determined hereinafter and the Council has rejected the offer in writing. Council shall accept or reject the offer in writing. Council shall accept or reject the offer in writing within 60 (sixty) days of date of receipt thereof.

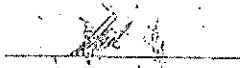
The price shall be equal to the purchase price paid to the Council in respect of the property and the market value of those improvements effected to the Property after 31 July 2007, which the Council, in its sole discretion, deems useful, which discretion shall not be exercised unreasonably.

WHEREFORE the Appearer, renouncing all the Right and Title the TRANSFEROR heretofore had to the premises, did, in consequence, also acknowledge the TRANSFEROR to be entirely dispossessed of and disentitled to, the same, and that, by virtue of these Presents, the said TRANSFEREE, his Successors-in-Title or Assigns, now is 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 N\$776 250,00, that that transfer duty was paid on the amount of N\$675 000,00 in terms of Act 14 of 1993.

SIGNED AT WINDHÖRK on 20 APR 2023  
together with the Appearer, and confirmed with my Seal of Office

  
SIGNATURE OF APPEARER

In my presence

  
REGISTRAR OF DEEDS

48

**Annexure B**

**Annexure B:**

Historic Introduction, background. Research and Development done



## ANNEXURE B - HISTORIC INTRODUCTION, BACKGROUND, RESEARCH AND DEVELOPMENT DONE.

### 1. Introduction

On the 20<sup>th</sup> of April 2009 the property, described as Plot 41, Mile 4 was purchased from the Swakopmund Municipality (see Deed of Sale) for the purpose of Mari-culture farming. The current zoning of the land is undetermined.

Previously a group of entrepreneurs conducted a business in which they undertook to farm oysters on the said property. Unfortunately, their venture was to no avail, and as a result they suffered a financial loss of approximately 7 Million Namibian Dollars

Messrs Namibia Oysters (Pty) Ltd, "the owners" subsequently submitted an application to the Municipal Council of Swakopmund for Township Establishment on Portion 96, Swakopmund in July 2011. Lengthy communication between the Municipal Council of Swakopmund, the then Ministry of Fisheries & Marine Resources and the owners of Portion 96, Swakopmund ensued and to date a successful conclusion has not been reached yet.

The owners are thus desirous to submit a renewed application for consideration by the Municipal Council of Swakopmund.

As a successful conclusion to the matter has not been reached yet after almost 10 years, the owners of Portion 96 hereby thus submit a renewed application to jointly together with the Municipal Council of Swakopmund develop a Township on Portion 96, Swakopmund.

### 2. Overview

Namibia Oysters (Pty) Ltd, since 2007 leased Portion 96, Swakopmund (a portion of Portion B of Swakopmund Town and Townlands No 41) for the purpose of mariculture farming from the Municipal Council of Swakopmund.

Portion 96, Swakopmund measuring 15,0 hectares in size is located just north of the Mile 4 Camping Site as depicted on the locality plan to the right.

Namibia Oysters (Pty) Ltd since 2007 conducted an oyster farming process on the said property.

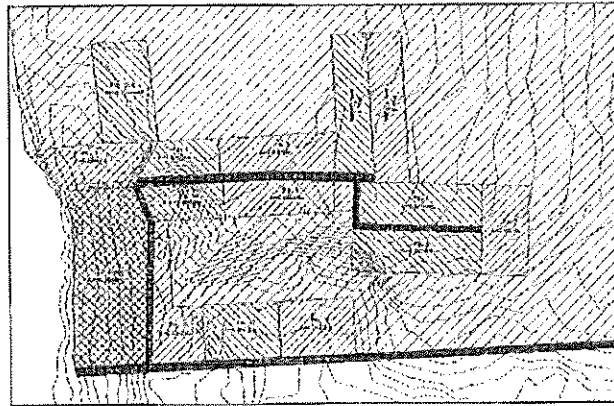


The Municipal Council of Swakopmund under resolution 11.1.21 (reference G 4/1/1) on 27 March 2008 resolved the following:

- (a) That the proposed layout (on file) for mariculture purposes be approved.*
- (b) That the new erven be zoned mariculture.*
- (c) That the proposed establishment of a Mariculture Township (Swakopmund Ext "X") comprising of 14 erven plus remainder of Portion "X" of Swakopmund Town and Townlands No. 41 be approved.*
- (d) That an application be submitted to the Namibia Planning Advisory Board for the need and desirability to establish a Mariculture Township within the area of Swakopmund Ext "X" of Swakopmund Town and Townlands No. 41.*

In defense of the Municipal Council of Swakopmund it must be mentioned that the above resolutions taken to rezone the said area were not based on any research carried out or any scientific evidence that the area and conditions are suitable for Mariculture farming, or that it could be successfully done from both an economical as well as an operational point of view on the portions as identified. It was purely based on a request from the Ministry to the coastal Local Authorities to make land available for that purpose at that point in time.

Portion 96, Swakopmund forms part of the abovementioned layout. For convenience the layout as referred to in the Council resolutions are depicted below.



### 3. Neighboring Uses

Portion 96 is bordered by the Mile 4 camping area to the south separated by means of a 30-metre-wide servitude. The residential area of Mile 4 adjacent to the camping area is approximately 320 metres south of the portion. To the north and in between the portion and the salt claims is open land currently zoned undetermined. The area to the east of the portion is undeveloped desert area also currently zoned undetermined. The western boundary of the site borders on the beach.

The Municipal Council of Swakopmund also alienated blocks of land to the east of Mile 4 for private developers to develop same into residential developments.

#### 4. Background and Research & Development

Namibia Oysters (Pty) Ltd since 2007 leased Portion 96, Swakopmund from the Municipal Council of Swakopmund and conducted an oyster farming process on the said property. Unfortunately, their venture was to no avail, and as a result they suffered a severe financial loss of approximately 7 Million Namibian Dollars.

As the owners were serious about the project and in an attempt to revive the project new investors became involved. This led to the land being purchased from the Municipality of Swakopmund and on the 20<sup>th</sup> of April 2009 the property, was transferred (See Deed of Transfer attached hereto as Annexure B) to Messrs Namibia Oysters (Pty) Ltd. The current zoning of the land is still undetermined.

The owner's and investors' intentions were to successfully conduct a business in the form of high value marine species. In order to revive the project, they subsequently embarked on an intensive Research and Development (R & D) process. Simultaneously with the R & D, in compliance with the conditions attached to the purchase of the land they applied for a license from the Ministry of Fisheries & Marine Resources for the purpose of Mariculture farming, within the stipulated time. This application was however subsequently and at a later stage turned down. This aspect is dealt with further on in this application.

As part of their Research & Development the owners made contact with Dr Larry Oellermann, running the research centre for the University of Namibia (Unam) in Henties Bay. During this period of time, Unam was constructing a new research facility in Henties Bay.

This enabled the owners to make contact with experts from South Africa, who in turn invited them to Cape Town, to visit Abalone Farming facilities i.e. Jacobs Bay, on the West Coast of S.A. A thorough due diligence and feasibility study commenced accordingly.

They then proceeded to Pringle Bay, accompanied by Mr. Brynn Simpson (from Deep Blue Aquatic Systems, responsible for the installation of the Unam facility in Henties Bay) with the purpose of meeting Mr. Richard Stark (White Horses Consulting - Betty's Bay). Mr. Stark is a very well-known designer of Aqua/Mariculture facilities.

After numerous meetings and correspondence (at great expense) between the owners and the experts in South Africa, the basic designs were sculptured. However, at that point in time, one of the owners was residing at the above-mentioned property and started experiencing variably changing circumstances and conditions in the sea.

This led the owners to put the work to date on ice, as they started to suspect that the demise of the previous Oyster farming venture was not just due to lack of knowledge or poor operations. In the summer of 2009, they realized that the Geographic's of Portion 96 was definitely not suitable for the aforesaid venture. For a period of 4 months constant high levels of Sulphur, trapped in the bay areas were experienced.



Upon further investigations it was revealed that some parts of the coastline are more vulnerable than others to this phenomenon of nature.

These occurrences greatly increased the chances of the entire stock being completely wiped out during such occurrences. (A 5-x ton per annum Abalone farming facility's startup costs are approximately N\$ 26 million).

Furthermore, to set up a proper water extraction point from the sea, that does not pump vast amounts of sand, such as experienced with the previous oyster venture, one would have to install, on bedrock beyond the sea break, a very large and stable structure to facilitate the carrying of the extraction piping, and related infrastructure.

What would make this a very costly and large structure, is that this area does not enjoy the luxury of sheltered sea conditions such as Long Beach and Walvis Bay areas. In other words, the structure would be at the mercy of the waves of an open sea.

It was during this period of December 2009 that the owners were telephonically contacted and informed by Dr Bronwyn Curry from the Ministry of Fisheries & Marine Resources that the property purchased by them is not suitable for mariculture farming.

At this stage in time it was extremely obvious to the owners that a venture of such nature at the said venue would not be economically viable.

This left them with no alternative but to inform the investors in the project of their findings as they have as much right to be made aware of the inherent dangers and in order to minimize their financial risks wherever possible.

During the first half of 2010 the owners received a visit by members of the Ministry of Fisheries & Marine Resources from Windhoek. The party was headed by Me Alushe Hitula (Acting Deputy Director). Intense discussions took place on and about the future of the land in question. After numerous visits from the Ministry of Fisheries & Marine Resources it was concluded that Portion 96, Swakopmund is not suitable for mari/aquaculture development.

A letter dated 11 March 2010 from the Permanent Secretary, Mr. F. Tsheehama, of Fisheries explaining the outcome of their survey was then subsequently issued. (See attached as Annexure C)

For convenience the following is quoted from the said letter:

***"The Ministry of Fisheries & Marine Resources welcomes your interest in mariculture development, however, I have been informed that due to certain unfavorable environmental conditions, our Technical Experts do not recommend your site which is situated at the Mile 4 bay area for aquaculture development".***

The above letter and other supportive expertise inputs formed the basis of the developers' final decision to put the business plan on any aquaculture /mariculture venture at Portion 96, Swakopmund on permanent hold.

## 5. Investigation into the Suitability of Portion 96 for Mariculture

In order to confirm their suspicions and whether the portion is suitable for mariculture farming, both from an economical as well as operational perspective, the owners then subsequently further investigated the viability of mariculture farming on the said Portion 96, Swakopmund.

The capital investment required and operational costs for such an operation versus the expected return is a critical component in terms of the viability of such a venture.

## 6. Historic conclusions from the investigation

Water supply, soil quality and local topography are probably the three most important characteristics of a good site. Many other factors play a role into the development of the site. Water is obviously one of the most important factors as it is the growing medium for the crop. No venture will succeed without a sustainable supply of good quality clean water.

A balanced level of nitrogen, phosphorus and silicate must be present at any time of the growing cycle for mariculture farming.

It was confirmed that the seawater at Mile 4 is not of sufficient quality to be pumped at a sustainable rate directly through the oysters at a high cost. Due to the fluctuating quality of the water, it is not reliable enough to justify the expense, and could also be dangerous when certain natural events take place.

Without a sustainable supply of good quality, nutritious and clean water Portion 96, Swakopmund cannot be used for mariculture farming.

Pond design is another critical factor. Until lately the general perception was that ponds to be used for mariculture farming can be lined with an HDPE liner or similar. This proved to be incorrect and this factor contributed to the failure of the previous farming operations on the Portion as those ponds were lined with an HDPE liner.

As part of the investigation carried out, the owners established that mariculture farming requires a natural environment, created by nature over time, as there are very important interactions in the soil-water interface. It requires a Gypsum base layer with a protected natural marine environment creating its own natural eco system. Mariculture farming operations based on manmade structures have up to now proven to be unsuccessful.

From the R & D carried out by the owners, it became clear that to create such an environment by means of manmade structures on Portion 96, Swakopmund is not possible.

It must be mentioned that such naturally formed areas however do exist along the coast in the area between the entrance to the town of Walvis Bay stretching to the southern edge of Aphrodite Beach and as an alternative to the areas earmarked by the Municipal Council of Swakopmund, serious consideration should be given to utilize the above mentioned areas for the purpose of mariculture farming.

In addition, the following conclusions were reached through the above investigation:

- It is extremely difficult to install a fully reliable water extraction system from the sea at the specific site, to deliver the amount of seawater required.
- The supply to the site is from the open sea and there is not significant primary productivity in the water to ensure us that there will be enough food for the oysters when the sea water is pumped directly into them.
- Algae blooms suitable for mariculture required for flow through systems do not regularly occur in that area.
- The pumping system must be able to deliver the whole amount of water necessary for mariculture, in this case approximately 75- 100 m<sup>3</sup> 100m<sup>3</sup>per minute and could not be interrupted for longer than 72 hours, or oysters will be in a high mortality risk.
- The system would be highly affected by harmful algae blooms and hydrogen sulphate tides. If any of these occurs the "poisonous" water will go straight to the system with fatal consequences
- In terms of viability, it makes no sense to have an artificially built flow through system for mariculture farming. It will be more practical and viable in the case of oysters to keep them at sea. There are no significant advantages by keeping them in artificial ponds with a supply of raw water to them at a very high cost.
- Experience has proven that a similar system failed at the Salt Refineries in Walvis Bay due to the high dependency on a sustainable supply of seawater of a constant quality.

The research carried out by the owners at that stage already without doubt confirmed that mariculture farming on Portion 96, Swakopmund, is not feasible.



**Annexure C**

**Annexure C:**

Letter from Ministry of Fisheries & Marine Resources - 11 March 2010



REPUBLIC OF NAMIBIA

---

**MINISTRY OF FISHERIES & MARINE RESOURCES**


---

Tel +264 61 205 3030  
 Fax +264 61 246 009

Private Bag 13355  
 Windhoek  
 NAMIBIA

Our Ref .....  
 Your Ref .....  
 Enquiries ..... Ms A. Hitula

11 March 2010

Mr Glen Rogers  
 Swakopmund  
 NAMIBIA

Dear Mr Rogers,

**SUBJECT: TECHNICAL REPORT ON MILE 4 AREA WITH RESPECT TO OYSTER CULTURE AND MARICULTURE DEVELOPMENT**


Discussions between yourself, Ms B. Currie and Ms Alushe Hitula regarding oyster culture and mariculture development at your Mile 4 site have reference.

The Ministry of Fisheries & Marine Resources welcomes your interest in mariculture development, however, I have been informed that due to certain unfavourable environmental conditions, our Technical Experts do not recommend your site which is situated at the Mile 4 bay area for aquaculture development.

The reasons for this are related to Harmful Algal Blooms and other toxic conditions that are known to occur and prevail along the bay which is directly opposite the proposed site. These environmental conditions are known to cause low oxygen and hydrogen sulphide, which is a toxic substance that is poisonous to filter feeders such as oysters. Since your intention was to pump water from the bay area directly onto your farm, this could have adverse consequences should the bay area be affected by a low oxygen event for a prolonged period of time.

A more detailed analysis will be made available from Ms B. Currie who is currently on leave. She is expected to return to the office on the 15<sup>th</sup> March 2010, and should you require any further information, please do not hesitate to her on +264 410 1000.

Yours Sincerely,

  
 M.F. Tsheke  
 PERMANENT SECRETARY

**Annexure D**

**Annexure D:**

Academic Research and Expert opinion by Etienne Hinrichsen





PO Box 76245,  
Lynnwood Ridge,  
Pretoria, 0040

Etienne Hinrichsen  
Cell: +27 82 822 1236  
etienne@aquaeeco.co.za

12 July 2021

To whom it may concern

**Mariculture Feasibility on Portion 96, Swakopmund**

AquaEco has been approached by the owners of Portion 96 to seek an independent and external opinion related to the feasibility of mariculture on Portion 96, Swakopmund.

**Aquaculture  
Planning**

AquaEco was established by Mr Etienne Hinrichsen in 1999 as an independent consulting entity in aquaculture planning and development across the African continent. Hinrichsen holds a four year BSc.Agric and a M.Phil in Aquaculture (*Cum laude*) from the University of Stellenbosch and has more than two decades of experience in this sector.

**Aquaculture Policy  
and Strategy**

Hinrichsen has developed aquaculture policies, strategies and regulations, consulted in feasibility and business development, undertaken specialist assessments, worked on best practices, and statutory compliance – at project, national, regional and international level. He coordinated the team that wrote the Masterplan for Aquaculture in Namibia, he wrote the aquaculture business guidelines for the African Union and has consulted widely across the African continent to various private sector players and governments. He previously chaired the Aquaculture Association of Southern Africa, in which time he brought international aquaculture conferences to South Africa, Namibia and Malawi, and secured the bid for the World Aquaculture Conference in Cape Town (2017). He is currently contracted to the FAO to develop strategies for aquaculture in Eswatini, as well as the European Union funded TrueFish project that has set out to improve aquaculture business across the Lake Victoria basin in Kenya, Tanzania, and Uganda. He is also busy assessing trade barriers for the export of farmed shellfish from South Africa and Namibia for the British Government's Trade Forward Southern Africa (TFSA) Programme.

**Aquaculture  
Regulations**

**Aquaculture Risk  
Assessment**

**Aquaculture  
Feasibility Studies**

**Aquaculture Best  
Practice**

From a desktop assessment, the following overarching findings have been made in relation to the feasibility of mariculture on Portion 96, Swakopmund:

1. Water quality along large parts of the Namibian coastline is severely impacted by erratic offshore Sulphur eruptions that render water conditions unsuitable for the survival of commercial stocks in mariculture facilities. The sea adjacent to Portion 96 is especially prone to such eruptions and this renders the property unsuitable for mariculture.
2. The capital setup and running costs of mariculture is high, which means that the farming of commodity products in or adjacent to the marine environment is impossible. This is a global phenomenon that results in marine aquaculture products being high-value items that do not contribute to direct food security. The high cost of farming oysters, mussels, abalone, and marine finfish along the Namibian coast is exacerbated by the impact of water quality, rendering it unfeasible.
3. The reduction of mariculture output along the Namibia coast over the past years is evidence of the challenges indicated above.
4. To address high inputs costs, a mariculture product requires strong market access and demand. This is not the case in Namibia. Small volumes of oysters are consumed locally, while the bulk is exported to South Africa. The South African oyster farming sector is expanding, which results in price pressure. Through the TFSA work it is clear that Namibia is not currently geared to meet the EU export standards insofar as phytosanitary and chemical testing and monitoring is required, while the cost of implementing the required measures for compliance does not justify the scale of the current oyster sector in Namibia.

In conclusion it has been found that peri-urban land such as that found on Portion 96, will increasingly become pressured for urban development and expansion, making the investment into a mariculture operation with questionable feasibility, a poor decision. Further specific investigation, analysis, and reporting on the aspects above is possible, and these matters can be discussed further with the Municipality of Swakopmund and other decisions makers.

Sincerely,



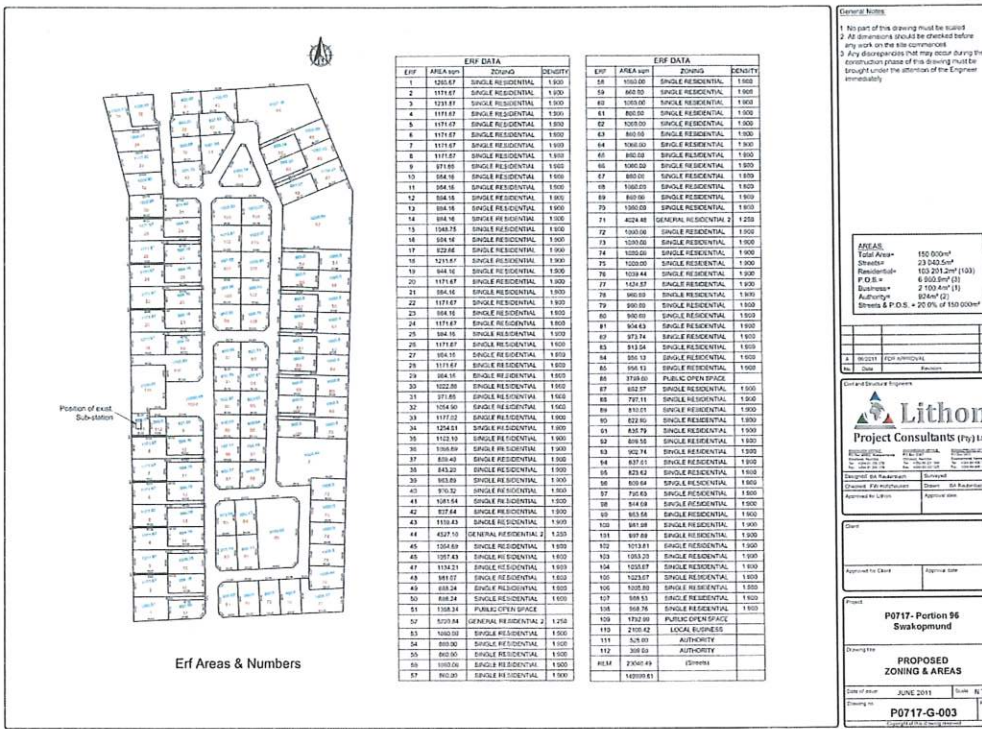
Etienne Hinrichsen *Pr.Sc.Nat*

**Annexure E**

**Annexure E:**

Proposed Layout and Erf Sizes





Erf Areas & Numbers

ERF	AREA (sqm)	ZONING	DENSITY
1	1261.87	SINGLE RESIDENTIAL	1:500
2	1171.67	SINGLE RESIDENTIAL	1:500
3	1293.87	SINGLE RESIDENTIAL	1:500
4	1171.67	SINGLE RESIDENTIAL	1:500
5	1171.67	SINGLE RESIDENTIAL	1:500
6	1171.67	SINGLE RESIDENTIAL	1:500
7	1171.67	SINGLE RESIDENTIAL	1:500
8	1171.67	SINGLE RESIDENTIAL	1:500
9	971.69	SINGLE RESIDENTIAL	1:500
10	984.16	SINGLE RESIDENTIAL	1:500
11	984.16	SINGLE RESIDENTIAL	1:500
12	984.16	SINGLE RESIDENTIAL	1:500
13	984.16	SINGLE RESIDENTIAL	1:500
14	984.16	SINGLE RESIDENTIAL	1:500
15	1948.18	SINGLE RESIDENTIAL	1:500
16	1654.16	SINGLE RESIDENTIAL	1:500
17	822.88	SINGLE RESIDENTIAL	1:500
18	1214.67	SINGLE RESIDENTIAL	1:500
19	844.16	SINGLE RESIDENTIAL	1:500
20	1171.67	SINGLE RESIDENTIAL	1:500
21	984.16	SINGLE RESIDENTIAL	1:500
22	1171.67	SINGLE RESIDENTIAL	1:500
23	984.16	SINGLE RESIDENTIAL	1:500
24	1171.67	SINGLE RESIDENTIAL	1:500
25	984.16	SINGLE RESIDENTIAL	1:500
26	1171.67	SINGLE RESIDENTIAL	1:500
27	984.16	SINGLE RESIDENTIAL	1:500
28	1171.67	SINGLE RESIDENTIAL	1:500
29	984.16	SINGLE RESIDENTIAL	1:500
30	1171.67	SINGLE RESIDENTIAL	1:500
31	971.69	SINGLE RESIDENTIAL	1:500
32	1054.90	SINGLE RESIDENTIAL	1:500
33	1171.67	SINGLE RESIDENTIAL	1:500
34	1254.81	SINGLE RESIDENTIAL	1:500
35	1122.19	SINGLE RESIDENTIAL	1:500
36	1214.67	SINGLE RESIDENTIAL	1:500
37	822.88	SINGLE RESIDENTIAL	1:500
38	844.16	SINGLE RESIDENTIAL	1:500
39	822.88	SINGLE RESIDENTIAL	1:500
40	971.69	SINGLE RESIDENTIAL	1:500
41	1054.90	SINGLE RESIDENTIAL	1:500
42	822.88	SINGLE RESIDENTIAL	1:500
43	1171.67	SINGLE RESIDENTIAL	1:500
44	4027.70	GENERAL RESIDENTIAL 2	1:250
45	1261.87	SINGLE RESIDENTIAL	1:500
46	1054.90	SINGLE RESIDENTIAL	1:500
47	1171.67	SINGLE RESIDENTIAL	1:500
48	984.16	SINGLE RESIDENTIAL	1:500
49	984.16	SINGLE RESIDENTIAL	1:500
50	822.88	SINGLE RESIDENTIAL	1:500
51	1108.24	PUBLIC OPEN SPACE	
52	5229.84	GENERAL RESIDENTIAL 2	1:250
53	1460.38	SINGLE RESIDENTIAL	1:500
54	822.88	SINGLE RESIDENTIAL	1:500
55	822.88	SINGLE RESIDENTIAL	1:500
56	1054.90	SINGLE RESIDENTIAL	1:500
57	822.88	SINGLE RESIDENTIAL	1:500

ERF	AREA (sqm)	ZONING	DENSITY
58	1054.90	SINGLE RESIDENTIAL	1:500
59	822.88	SINGLE RESIDENTIAL	1:500
60	1054.90	SINGLE RESIDENTIAL	1:500
61	822.88	SINGLE RESIDENTIAL	1:500
62	1054.90	SINGLE RESIDENTIAL	1:500
63	822.88	SINGLE RESIDENTIAL	1:500
64	1054.90	SINGLE RESIDENTIAL	1:500
65	822.88	SINGLE RESIDENTIAL	1:500
66	1054.90	SINGLE RESIDENTIAL	1:500
67	822.88	SINGLE RESIDENTIAL	1:500
68	1054.90	SINGLE RESIDENTIAL	1:500
69	822.88	SINGLE RESIDENTIAL	1:500
70	1054.90	SINGLE RESIDENTIAL	1:500
71	4024.48	GENERAL RESIDENTIAL 2	1:250
72	1054.90	SINGLE RESIDENTIAL	1:500
73	1054.90	SINGLE RESIDENTIAL	1:500
74	1054.90	SINGLE RESIDENTIAL	1:500
75	1054.90	SINGLE RESIDENTIAL	1:500
76	1054.90	SINGLE RESIDENTIAL	1:500
77	1424.87	SINGLE RESIDENTIAL	1:500
78	822.88	SINGLE RESIDENTIAL	1:500
79	984.16	SINGLE RESIDENTIAL	1:500
80	984.16	SINGLE RESIDENTIAL	1:500
81	844.16	SINGLE RESIDENTIAL	1:500
82	379.74	SINGLE RESIDENTIAL	1:500
83	813.54	SINGLE RESIDENTIAL	1:500
84	844.16	SINGLE RESIDENTIAL	1:500
85	158.13	SINGLE RESIDENTIAL	1:500
86	3749.00	PUBLIC OPEN SPACE	
87	822.88	SINGLE RESIDENTIAL	1:500
88	797.11	SINGLE RESIDENTIAL	1:500
89	813.54	SINGLE RESIDENTIAL	1:500
90	822.88	SINGLE RESIDENTIAL	1:500
91	822.88	SINGLE RESIDENTIAL	1:500
92	822.88	SINGLE RESIDENTIAL	1:500
93	822.88	SINGLE RESIDENTIAL	1:500
94	822.88	SINGLE RESIDENTIAL	1:500
95	822.88	SINGLE RESIDENTIAL	1:500
96	822.88	SINGLE RESIDENTIAL	1:500
97	742.63	SINGLE RESIDENTIAL	1:500
98	844.16	SINGLE RESIDENTIAL	1:500
99	822.88	SINGLE RESIDENTIAL	1:500
100	984.16	SINGLE RESIDENTIAL	1:500
101	984.16	SINGLE RESIDENTIAL	1:500
102	984.16	SINGLE RESIDENTIAL	1:500
103	1054.90	SINGLE RESIDENTIAL	1:500
104	1054.90	SINGLE RESIDENTIAL	1:500
105	1054.90	SINGLE RESIDENTIAL	1:500
106	1054.90	SINGLE RESIDENTIAL	1:500
107	822.88	SINGLE RESIDENTIAL	1:500
108	822.88	SINGLE RESIDENTIAL	1:500
109	1712.00	PUBLIC OPEN SPACE	
110	2102.42	LOCAL BUSINESS	
111	54.00	AUTHORITY	
112	308.58	AUTHORITY	
113	2708.49	SPRINGS	
114	1460.38		

**General Notes**

- No part of this drawing must be issued
- All dimensions should be checked before any work on the site commences
- Any discrepancies that may occur during the construction phase of the drawing must be brought to the attention of the Engineer immediately

**AREAS**

Total Area = 150 000m<sup>2</sup>  
 Streets = 23 040,5m<sup>2</sup>  
 Residential = 103 203,2m<sup>2</sup> (103)  
 P.O.S. = 6 900,0m<sup>2</sup> (7)  
 Business = 2 100,0m<sup>2</sup> (1)  
 Authority = 30,8m<sup>2</sup> (2)  
 Streets & P.O.S. = 29,0% of 150 000m<sup>2</sup>

Approved by Client: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved by Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

**Lithon**  
 Project Consultants (Pty) Ltd  
 Registered Professional Engineers  
 1000 West Street, 1st Floor, Durban, 4001  
 Tel: 031 201 1000 Fax: 031 201 1001  
 Email: info@lithon.co.za  
 Website: www.lithon.co.za

Project: P0717-Portion 96 Swakopmund  
 Drawing No: P0717-G-003  
 Date of issue: JUNE 2011 Scale: N.T.S.  
 Drawing by: [Name] Checked by: [Name]

**Annexure F**

**Annexure F:**

Proposed Land Use & Density Zonings





11.1.47 **SALE OF MEDULETU HALL ON ERF 1802, MONDESA TO PJN INVESTMENT (PTY) LTD**

(C/M 2022/01/27 - M 1802)

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.18** page **209** refers.

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

**1. INTRODUCTION**

The purpose of this submission is to inform the Management Committee of the delay in the purchase of the Meduletu Hall situated on Erf 1802, Mondesa by Mr Paulus Jonas of PJN Investment (Pty) Ltd (hereinafter referred to as PJN).

An email attached as **Annexure "A"** has been received from Mr Jonas requesting Council to grant them an extension of time until end February 2022 to submit their company registration document.

**2. BACKGROUND**

The sale transaction of the Meduletu hall to PJN started in 2007 after they applied to purchase the property in order to extend the business situated on Erven 2480 and 2481, Mondesa for purpose of operating a bakery, superette and laundry. The sale was approved by Council on **24 April 2007**, item 11.2.21 subject to the condition that the sale commenced once the Multi Purposes hall is finalized.

On 13 September 2018, the GM: Economic Development Services confirmed that the Community Hall at Multi-Purpose is finalised and on **25 April 2019**, under item 11.1.4 Council approved the purchase price in respect of the sale of Meduletu hall to PJN

- (a) *That Council approves the sale Erf 1802, Mondesa for the land and building as "voetstoots" at an average purchase price of N\$1 381.00/m<sup>2</sup> x 1 439m<sup>2</sup> = N\$1 987 525.00 (15% VAT excluded) to Mr Paulus Jonas.*
- (b) *That Mr Paulus Jonas confirms in writing the acceptance of the purchase price whereafter the sale be advertised as required in terms of the Local Authorities Act, Act 23 of 1992, as amended, at his cost.*
- (c) *That the purchaser be responsible for the rezoning of Erf 1802, Mondesa from "Institutional" to "Local Business".*
- (d) *That the sale be subject to Council's standard conditions of sale by private treaty:*
  - (i) *That the purchaser pays a deposit of N\$10 000.00 towards the statutory costs relating to the transaction including, but not limited to advertising cost, compilation of the agreement of sale, rezoning as well as any legal costs that may arise from this transaction.*



Subsequently to the above resolution, Mr Paulus applied for the change of name of the purchaser from his personal name to PJN.

On **25 July 2019**, under item 11.1.13, Council approved the change of the purchaser from Mr Jonas to PJN. On **26 July 2019** PJN was requested to provide the company registration document for the sale to be advertised.

During 2019, another application was received from PJN Investment requested for a discount on the purchase price. The approved purchase price was N\$ 1 987 525.00 which is for the land and the building plus 15% VAT added. Council on **31 August 2020**, under item 11.1.1 approved to remain with the approved price and waived the 5% escalation on the purchase price from 25 April 2019 until 25 April 2020.

With reference to the application of Dr Naanda to waive the 5% annual increase on Erf 10038, Swakopmund, Extension 15, Council passed the following decision on **19 November 2020** under item 11.1.38:

*That Council repeals point (a) of Council's resolution of 31 August 2020, item 11.1.1 and replaces it with the following:*

- (a) *That Council remains with the purchase price of N\$ 1015.00/m<sup>2</sup> X 598m<sup>2</sup> = N\$ 606 970.00 for Erf 10038, Extension 15, Swakopmund as approved by Council on 26 January 2017, item 11.1.16.*
- (b) *That Council approves the application of Messrs Angula Co. Incorporated on behalf of Dr Raimo Naanda and waives the 5% escalation on the purchase price of Erf 10038, Extension 15, Swakopmund.*
- (c) *That all approvals of the purchase price for a sale by private treaty clearly states that the purchase price escalates by 5% annually in terms of Council's Property Policy calculated until the date of transfer.*

The escalation of 5% for Meduletu Hall as from April 2021-February 2022 amounts to N\$1 450.05/m<sup>2</sup>:

Year	Price /m <sup>2</sup>	5%
April 19-20	1381.00	69.05
April-21	1450.05	72.50
April-22	1522.55	

Based on the above calculations, the purchase price as on **26 April 2022** will thus be 1 439m<sup>2</sup> x 1522.55/m<sup>2</sup> = N\$ 2 190 949.40 plus 15% VAT.

#### 4. DISCUSSION

On 22 February 2020, PJN paid a deposit of N\$10 000.00 as required in terms of Council's resolution of **25 April 2019** in order to advertise the sale. The sale could not be advertised as there is no company registration document. PJN has been requested on numerous occasions to provide the company registration document but failed to provide such.

An e-mail was received from Mr Jonas on **30 November 2021** requesting an extension of time to finalize and submit their company registration document until end **February 2022**. According to Mr Jonas, he is unable to provide proof of the company registration document as the document is being amended to add new shareholder members. Some members are currently on vacation outside of Namibia and will only be able to sign for the registration once returned.

It is therefore proposed that Council PJN Investment be granted an extension of time until **28 February 2022** to submit the company registration, failing which the sale will result in the cancellation.

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

**RECOMMENDED:**

- (a) That Messrs PJN Investment (Pty) Ltd be granted an extension of time until 28 February 2022 to submit the registration document of the entity in order to advertise the sale, failing which the transaction is cancelled without a further notice.**
  - (b) That Messrs PJN Investment (Pty) Ltd be informed that in terms of the Property Policy, the purchase price of Erf 1802, Mondesa escalate with 5% from 26 April 2020 and will continue to do so until the date of transfer.**
-



**ANNEXURE "A"****Margaret Sheehama**

---

**From:** Paulus Jonas <pjn11174@gmail.com>  
**Sent:** Tuesday, 30 November 2021 12:09  
**To:** Margaret Sheehama  
**Subject:** Re: PJN Investment registration document: Sale of the Meduletu Hall on Erf 1802, Mondesa

Good day Ms Margaret

First of all kindly pls accept my apology,  
I am most of the time at the farm and here and there we have a poor communication due to the network failures.

About the documents can I pls be given a chance, last up to February 2022 because there are some members who are out of the country, in Europe and due to the holiday season, each one have gone on holiday to be with their families and they have to be added on the document, and there are some very important matters needs to be discussed around the table.

I will be appreciate once my humble request receives your positive approval.

Thanks.

Regards  
Paulus Jonas  
Executive member of PJN Investment

On Tue, 23 Nov 2021, 10:49 Margaret Sheehama <[msheehama@swkmun.com.na](mailto:msheehama@swkmun.com.na)> wrote:  
Margaret to check whether PJ submitted the registration document.

---

**From:** Margaret Sheehama  
**Sent:** Tuesday, 23 November 2021 10:45 AM  
**To:** [pjn11174@gmail.com](mailto:pjn11174@gmail.com)  
**Cc:** Stephny Bruwer  
**Subject:** PJN Investment registration document: Sale of the Meduletu Hall on Erf 1802, Mondesa

Dear Jonas

Attached a letter for your attention.

Kindly provide a copy of your company registration fee.

Kind Regards

Margaret



## ANNEXURE "B"

## MUNICIPALITY OF SWAKOPMUND

Ref No: M1802

Enquiries: Ms M Sheehama

PJN Investment (PTY) Ltd  
P O Box 2153  
Swakopmund  
13001

J 0812799044

Attention: Mr P Jonas

Dear Sir

**PJN INVESTMENT (PTY) LTD REGISTRATION DOCUMENT: SALE OF THE MEDULETU HALL ON ERF 1802, MONDESA**

I refer to our letter dated 25 February 2021 and subsequent numerous telephone conversations regarding the pending company registration document.

Since we have not received the company registration document, Council cannot proceed with the sale. Due to the delay in submission of the required document, the matter will be reported to Council in January 2022 for further action.

Should you have any further enquiries, please do not hesitate to contact Ms Margaret Sheehama at ☎ 064-4104213.

Yours faithfully

Mr A Plaatzje  
GM: CORPORATE SERVICES & HC (Acting)  
/ms



(064) 4104213  
088 614 514  
53 Swakopmund  
NAMIBIA  
www.swkmun.com.na  
msheehama@swkmun.com.na

16 November 2021

pin11174@gmail.com



# MUNICIPALITY OF SWAKOPMUND

(064) 4104213  
 088 614 514  
 53 Swakopmund  
 NAMIBIA  
 www.swkmun.com.na  
 msheehama@swkmun.com.na

Ref No: M1802 & 19.03.02.1802

Enquiries: Ms M Sheehama

25 February 2021

PjN Investment (PTY) Ltd  
 P O Box 2153  
 Swakopmund  
 13001

J 0812799044

Attention: Mr P Jonas

*(Purchaser contacted various occasions and confirmed that they are busy amending the Shareholders of the company and wanting the final registered company documents from Ministry of Trade. Mr Jonas informed the office that would pay a visit to the Municipality on 25/10/2021)*

Dear Sir

14.10.2021

## OFFER TO PURCHASE THE MEDULETU HALL ON ERF 1802, MONDESA

I acknowledge receipt of the deposit of N\$ 10 000,00 on 22 February 2021 (a copy of the receipt is attached for ease of reference).

In order to advertise Council's intention to sell the property to PjN Investment (Pty) Ltd, you are required to provide the registration documents of PjN Investment (Pty) Ltd on / before **Friday, 05 March 2021**.

Please take note that Council on 25 July 2019, under item 11.1.13 passed the following decision:

***That Council approves the change of the name of the entity to purchase Erf 1802, Mondesa from Paulus Jonas to PjN Investment (Pty) Ltd and the purchaser provides the registration documentation of the entity.***

Should you have any further enquiries, please do not hesitate to contact Ms Margaret Sheehama at ☎ 064-4104213.

Yours faithfully

MPC Swarts  
 GM: CORPORATE SERVICES & HC  
 /ms

All correspondence must be addressed to the Chief Executive Officer



Processed by : 000001 - Beata Ndumilunde

# SWAKOPMUND

MUNICIPALITY

(064) 4104111

53, SWAKOPMUND

Swakopmund Municipality

OFFICIAL RECEIPT

Date : 2021/02/22

Time : 11:51:55 AM

Receipt No. : 182713

Pos : 000

Payment Type : Cash

Received From : FJN INVESTMENT (PTY) LTD

Account Number : 01000064759

Unit : Info Not Available

Payment Analysis #

General Payment 000018 N\$10000.00

Amount Paid N\$ 10000.00

Amount Tendered N\$ 10000.00

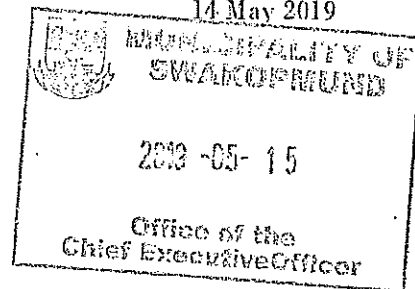
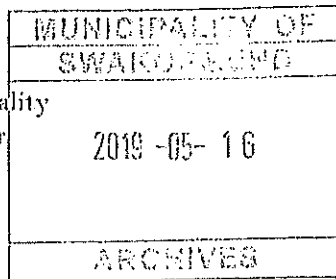
Amount Received N\$ 10000.00

ONLY MACHINE PRINTED RECEIPTS VALID



P.O. Box 2153  
Swakopmund  
Namibia  
14 May 2019

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



Dear Sir

**RE: SALE OF MEDULETE HALL ON ERF 1802, MONDESA AND DETERMINATION OF THE PURCHASE PRICE THEREFORE:**

We refer your letter on 30 April 2019. As per council resolution that was passed on 25 April 2019 we accepted, but we just want outline the following.

- a. That Council approve the sale of Erf 1802 Mondesa for the land and building as voets . At average purchase price of N\$ 1381.00m x 1439 =N\$ 1987525.00 (15% Vat excluded) Mr Paulus Jonas.

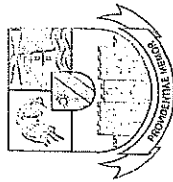
We humble asked if the Council reconsider to give us discount on the purchase, we are open on the proposal of Council.

If it's possible to put this sale under the following company Messrs PJN Investment Pty .

The other condition that it line out we accepted it and for any information regarding this please feel free to contact us.

Yours truly

.....  
Mr Paulus Jonas  
Member  
Messrs PJN Investment Pty



# MUNICIPALITY OF SWAKOPMUND

☎ (064) 4104213

☎ 098 614 514

☎ 63 Swakopmund

NAMIBIA

🌐 www.swakmun.com.na

✉ msheehama@swakmun.com.na

30 April 2019

Ref No: M1802

Enquiries: Ms Margaret Sheehama

Mr Paulus Jonas  
P O Box 2153  
SWAKOPMUND  
13001

Dear Sir

## SALE OF MEDULETU HALL ON ERF 1802, MONDESA AND DETERMINATION OF THE PURCHASE PRICE THEREOF

We refer to your application dated 08 February 2007 and the Council resolution passed on 26 April 2007, item 11.1.21 quoted below:

(e) That Council in principle approves the application of Mr P. Jones to purchase the Meduletu Hall, subject thereto that the transaction only be finalised once the new hall has been commissioned.

(f) That the purchase price of the Meduletu Hall be determined by calculating the average value received for the property from three sworn valuers.

(g) That all statutory requirements be adhered to and be for the account of the applicant.

With reference to the above resolution, the new hall is completed and valuations were obtained and submitted to Council to determine the purchase price.

On 25 April 2019, Council approved the purchase price under item 11.1.4 subject to the following conditions:

(a) That Council approves the sale of Erf 1802, Mondesa for the land and building as "voetstoots" at an average purchase price of N\$1 361 800/m<sup>2</sup> x 1 439m<sup>2</sup> = N\$1 987 525,00 (15% VAT excluded) to Mr Paulus Jonas.

(b) That Mr Paulus Jonas confirms in writing the acceptance of the purchase price whereafter the sale be advertised as required in terms of the Local Authorities Act, Act 23 of 1992, as amended, at his cost.

(c) That the purchaser be responsible for the rezoning of Erf 1802, Mondesa from "Institutional" to "Local Business".

(d) That the sale be subject to Council's standard conditions of sale by private treaty.

All correspondence must be addressed to the Chief Executive Officer

(f) That the purchaser pays a deposit of N\$10 000.00 towards the statutory costs relating to the transaction including, but not limited to advertising cost, completion of the agreement of sale, rezoning as well as any legal costs that may arise from this transaction.

(ff) That the above deposit be paid within 90 days from the Council resolution approving the purchase price, failing which Council's resolution will be revoked at the next Council meeting following the expiry of the 90 days.

(iii) That any remainder of the deposit in (f) above be refunded to the purchaser on completion of the transfer of the erf.

(iv) That once the statutory process of rezoning is finalized, Council's intention to sell the erf be advertised for possible objections as required in terms of the Local Authorities Act, Act 23 of 1992 at the cost of the purchaser.

(v) That the transaction be concluded within 120 days from approval being granted by the Ministry of Urban and Rural Development to proceed with the intended transaction.

(vi) That payment of the purchase price be secured either in cash or bank guarantee in favour of the Swakopmund Municipality within 120 days from the Honourable Minister's favourable response.

• Failure to secure the purchase price within the required period will result in cancellation 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 / before the 12<sup>th</sup> day, else interest will be levied as from the date of ministerial approval (date of sale) until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale.

(vii) That the purchasers accept that no rights will accrue to them 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.

(viii) The erf is 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 by-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.

(ix) That the property or any portion thereof may not be alienated without being offered to Council at the purchase price it was obtained from Council.

(x) That no development or additions to the property be permitted to commence until the statutory processes have been completed and the erf is transferred.

(xi) The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.

(xii) That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.

Please familiarize yourself with the above conditions and confirm acceptance of the conditions in writing on / before 17 May 2019. The deposit referred to in point (d) (i) above is payable on before Wednesday, 26 June 2019.



Payment of N\$ 10 000.00 can be transferred to our bank account and proof of payment be e-mailed to [msheehama@swkmun.com.na](mailto:msheehama@swkmun.com.na)

Municipal Bank Details: Swakopmund Municipality  
First National Bank  
Account nr: 62249603300  
Branch Code: 280472  
Reference: M 1802

Upon payment of the deposit, Council will proceed with the advertisement process of the sale as required in terms of the Local Authorities Act, Act 23 of 1992, as amended.

Once advertisement is finalized, Council is required to obtain approval from the Ministry of Urban and Rural Development for the sale of the property in terms of Section 63 (2) (c) read together with Section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended.

Once the aforesaid is completed, a Deed of Sale will be compiled and sent to you to scrutinize and signing.

If you have any enquiries please do not hesitate to contact Ms Margaret Sheehama at ☎ 4104213.

Yours faithfully





Mr M/P C Swarts  
GM: CORPORATE SERVICES & HR  
/ms *MS*

Copy: GM: Engineering Services (Attention: M: Town Planning)  
Please take note of point (c) of Council resolution of 25 April 2019, item 11.1.4.

**ANNEXURE "C"**



PTN A = ± 437m<sup>2</sup> *467m<sup>2</sup>*  
 RE / 1803 = ± 1380m<sup>2</sup>

<p>Scale: 1/1500          DATE: DEC.2011          PLAN NO. 1803MOND</p> 	<p>SUBDIVISION OF ERF 1803 MONDESA          INTO PORTION A &amp; RE/1803</p>	<p>PLAN AFRICA CONSULTING cc          BOX 4114          WINDHOEK          TEL: (051) 212095          CELL: 0812716189</p> 
---	--	---

11.1.48 **SALE OF ERF 7085, EXTENSION 26, MONDESA TO A THIRD PARTY (LOW MIDDLE AND MIDDLE INCOME)**  
(C/M 2022/01/27 - E 7085 M)

Ordinary Management Committee Meeting of 13 January 2022, Addendum **10.19** page **220** refers.

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

**1. Introduction**

A letter dated **02 November 2020** attached as Annexure "A" was received from Mr Leonard Kayofa requesting Council's permission to sell Erf 7085, Mondesa (no house has been constructed) to a third party.

Mr Leonard Kayofa and his family have relocated to Windhoek full-time and therefore he is planning to sell Erf 7085, Mondesa because he is paying for rates and taxes on the property without the benefit of occupation for the past three years.

**2. Background**

During 2016 Council sold the following erven to pre-qualified bidders being registered in different income groups:

- *Middle Low Income (80 erven on 9 September 2016)*
- *Upper Low Income (44 erven on 7 October 2016)*
- *Low Middle and Middle Income (28 erven on 25 November 2016)*

Mr L Kayofa bought Erf 7085, Mondesa at the closed bid sale of **25 November 2016** in the amount of **N\$65 000.00**. The property was registered in his name on **16 May 2018**.

A pre-emptive right is registered in favour of Council that the property may not be sold within five years from the date of transfer. Therefore, the five year restriction period will lapse on **16 May 2023**. The deed of sale entered into with Mr L Kayofa prescribes as follows:

9.6 *In order to avoid speculation, a **five year restriction on alienation** from date of transfer of the ERF to the PURCHASER, will be registered against the Title Deed of the ERF in favour to the Municipal Council of Swakopmund, namely:*

*"The owner, his / her heirs or successors-in-title may not sell the aforesaid property for a period of 5 (five) years from date of first registration, except after offering it for sale in writing to the Municipal Council of Swakopmund at the same price the PURCHASER bought the property from the Municipal Council of Swakopmund and the Municipal Council of Swakopmund to accept or reject such offer within 60 (sixty) days of receipt of the PURCHASER's written offer made in terms hereof.*

The purchasers are therefore not allowed to sell the property before 5 years from the date of transfer, unless it is first offered to Council.



### 3. Discussion

Mr L Kayofa is requesting permission to sell Erf 7085, Mondesa to a third party. He states in his letter that he and his family have relocated to Windhoek full-time and as a result he decided to sell Erf 7085, Mondesa to be able to purchase an erf / house in Windhoek to build a home for his family and also settle the municipal services account that is accumulating monthly. Attached as **Annexure "B"** the statement of municipal services account for December 2021 indicating that the account is currently in arrears in the amount of **N\$ 7 642.73** (rates and taxes).

Mr L Kayofa is aware of the pre-emptive right registered over his property which will only expire on the **16 May 2023**. Due to his relocation to Windhoek and arrears that accumulate on a monthly basis, he humbly requests Council to grant him permission to sell Erf 7085, Mondesa to a third party. His situation changed since he acquired the erf on **25 November 2016** (5 years ago).

#### Recent Ministerial emphasis

The Housing Act currently makes provision for the resale of land by Build Together recipients to 3<sup>rd</sup> parties only once a quarter of the loan period of 20 years has expired. Persons that have received land from the Build Together programme can therefore only sell land if at least 5 years has lapsed from the date of the allocation of the loan. In line with this provision, Council similarly sold its land at the Closed Bid Sale of 2012 with a 5-year pre-emptive right. All bidders were made aware of this condition throughout the entire process of the sale. The intention was therefore to not allow the resale of any land within at least 5 years from the date of transfer.

In order to address the great national demand for residential land, the Minister has however recently indicated that greater emphasis will now be placed on the pre-emptive period placed on properties sold and that it is planned to even extend the period from 5 years to 10 years.

### 4. Previous similar decision by Council

With reference to a similar application of Mr Z Kazombiaze who requested Council to waive the pre-emptive right on Erf 1225, Tamariskia in order to allow him to sell the property to a third party; Management Committee recommended on **27 June 2019** under item 5.4 as follows:

*That Council accept the merit of the application by the owner of Erf 1225, Tamariskia, Mr Z Kazombiaze to sell his property to a third party; being that he is unemployed and in arrears at his financial institution for which he received a letter of demand, and approves the sale of the property.*

Subsequently various similar applications were considered and approved:



Ms I Ruhumba application, Council on **25 July 2019** under item 11.1.24 resolved as follows:

*That Council approves the application of Ms I Ruhumba to sell her property Erf 3657, Mondesa to a third party.*

Ms Clementine Abel's application was approved on **30 January 2020** under item 11.1.1 as follow:

(a) *That the presentation given by Ms Clementine Abel to the Management Committee, be noted.*

(b) *That Council Accepts the merit of the application by the owner of Erf 7233, Extension 26, Mondesa, Ms Clementine Abel to sell her property to a third party; waives the pre-emptive right and permits the sale of the property.*

Mr A Shivute Application, Council on 19 November 2020 under item 11.1.26 resolved as follow:

*That Council accepts the merit of the application by Mr Andreas Shivute and waives the pre-emptive right to enable him to sell Erf 7064, Mondesa to a third party.*

The most recent waiver was approved on **25 March 2021** under item 11.1.13 as follow:

*That Council accepts the merit of the application by Mr I Shiimbashike. Council waives the pre-emptive right and permits the sale of Erf 7133, Mondesa to a third party.*

Council turned down applications in the past from:

- *Mr B Geingob - (Council resolution 11.1.14 of 28 June 2016) and*
- *Mr H K A lipinge - (Council resolution 11.1.16 of 26 April 2018), because the applicants did not provide proof of their financial position, or indicate what other alternatives they attempted before concluding that the only option is to sell the property.*

Motivation:

When there is clear evidence that a property owner has been overwhelmed by financial difficulties and is not merely speculating, Council can relax its strict application of the rule in order to assist struggling families and prevent them from falling into poverty due to Council's rules.

It is proposed to approve the application by Mr L Kayofa to sell Erf 7085, Mondesa to a third party based thereon that that he relocated to Windhoek. Although for an erf zoned "industrial", on 30 September 2021 Council similarly waived a pre-emptive right registered against Erf 4812, Swakopmund due to closing of business operations in Swakopmund.

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

**RECOMMENDED:**

**That Council accepts the merit of the application by Mr L Kayofa and that Council waives the pre-emptive right and permits the sale of Erf 7085, Mondesa to a third party, based on the fact that the owner relocated to Windhoek and his services account is accumulating in arrears.**

---

**ANNEXURE "A"**

02 November 2020

MUNICIPALITY OF SWAKOPMOND

CHIEF EXECUTIVE OFFICER

(064)4104216

088614514

53 SWAKOPMOUND NAMIBIA

[www.swkmun.com.na](http://www.swkmun.com.na)[abenjamin@swkmun.com.na](mailto:abenjamin@swkmun.com.na)

Without prejudice

Dear Sir/Madam

Greetings

My Name is Immanuel Shiimbashike, ID number 82102510581. I'm writing this letter regarding a property I own in Swakopmund.

DESCRIPTION OF PROPERTY

1. Erf No 7133, (Extension 26) Mondesa
2. Town SWAKOPMOND
3. Situated in the municipal area of Swakopmund Registration-Division "G"
4. Measuring approximately 400 square metres

With reference to the abovementioned kindly find my request and concern hereunder.

1. My concern

I have been unemployed for some time now and I cannot maintain my property and bill. Due to unemployment I moved back to the north where I came from. I apologize for the late notice.

2. Request

As I indicated above, am left with no choice but to put my property on sale with the permission of your office.

I'm paying respect that my letter may be treated with due care and attended in a countable time frame, I await your urgent responses.

Thank you in advance

Regards



## ANNEXURE "B"



## 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

SHIMBASHIKE I SELF COLLECT SWAKOPMUND 9000
---

TAX Invoice	
VAT No.	0687546-01-5
Statement Date	2021/01/15
Account Number	70713300033
Reference	20210116-25618
Deposit	

Details/Meter Readings			Date	Description	Vat %	Vat charge	Amount (VAT excl)	Amount (VAT incl)
Previous	Present	Consumption						
			12/16	BALANCE B/FWD		0.00	46430.94	46430.94
			01/15	VA RATES GENERAL	NAS	0.00	56.08	56.08
			01/15	SE AVAILABILITY DOM	ZER	0.00	182.00	182.00
			01/15	RF AVAILABILITY DOM	ZER	0.00	92.00	92.00
			01/15	DEBIT AMOUNT 63713300043		0.00	1001.34	1001.34
			01/15	SU FIRE BRIGADE SERV - RES	EXP	0.00	2.00	2.00
			01/15	DISPOSAL FEES DOM	EXP	0.00	6.00	6.00
			01/15	SU CLEANING SERV	EXP	0.00	16.00	16.00
			01/15	WA AVAILABILITY DOM	ZER	0.00	79.70	79.70
Meter Readings Dates			Total			0.00	47866.06	47866.06
Previous	Current							

Arranged	Handed Over	90 Days Plus	60 Days	30 Days	Current	Amount Due
0.00	0.00	43560.70	1435.12	1435.12	1435.12	47866.06

MESSAGE

PLEASE NOTE: ACCOUNTS ARE PAYABLE ON OR BEFORE 8 FEBRUARY 2021.

Property Information				Details of Property Assessment	
Stand No.	00007133	Ward	1	Valuation	
Township	001 070 MONDESA			Land	Improvements
Street Address				36000.00	
Portion	00000			Building Clause	
Area	400			Valuation	Date
Unit	001/070/00007133/00000/0000/0000			Annual Levy	

KINDLY TEAR OFF AND RETURN WITH PAYMENT



Swakopmund Municipality  
P.O. Box 53  
Swakopmund

Name	Due Date	2021/02/08
SHIMBASHIKE I	Account No.	70713300033
REMITTANCE ADVICE	Amount	47866.06

Bank Details: FNB, Swakopmund  
Account Number: 62249603300 \* Branch Code: 280 472  
Fax No for confirmation: 0886519140  
E-Mail for confirmation: payments@swkmun.com.na