

AGENDA

Ordinary Council Meeting

on

THURSDAY

28 FEBRUARY 2019

at

19:00



MUNICIPALITY OF SWAKOPMUND



2
Ordinary Council Meeting - 28 February 2019
MUNICIPALITY OF SWAKOPMUND

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Enquiries: Aloysia Kahuka

20 February 2019

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

Notice is hereby given of an **ORDINARY COUNCIL MEETING** to be held in the Council Chambers, Municipal Office Building, Swakopmund on:

THURSDAY, 28 February 2019 AT 19:00,

A Benjamin
CHIEF EXECUTIVE OFFICER

AK-

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12. **REPORTS AND RECOMMENDATIONS OF COMMITTEES OR THE CHIEF EXECUTIVE OFFICER**

None.

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

None.

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MINUTES

of an Ordinary Council Meeting held in the Council Chambers, Municipal Head Office, Swakopmund on Thursday, 31 January 2019 at 19:00.

PRESENT:

Councillor P Nashilundo	:	Mayor
Councillor M Elago	:	Deputy Mayor
Councillor E Shtana	:	Chairperson of the MC
Councillor K N Jason	:	Alternate Chairperson of MC
Councillor N N Salomon	:	Member of Management Committee
Councillor A M Marsh	:	Member of Management Committee
Councillor W O Groenewald	:	Alternate Member of MC
Councillor U Kaspehi	:	Member of Council
Councillor E K Hangula	:	Member of MC
Alderman E /ikhooseb	:	Member of Council

OFFICIALS:

Mr A Benjamin	:	Chief Executive Officer
Mr M N Ipings	:	GM: Community Development Services
Mr M P C Swarts	:	GM: Corporate Services & HR
Mr C McClune	:	GM: Engineering Services
Mr C L Lawrence	:	GM: Health Services
Ms G Mukana	:	Acting GM: Finance
Mr M Cloete	:	Manager: Traffic
Mr V S Kaulinge	:	Manager: Community Development Services
Ms M Bahr	:	Manager: Human Resources
Mr A Louw	:	Manager: Design and Building Control
Mr A Strauss	:	Manager: Works
Ms L N Mutenda	:	Manager: Health Services
Mr U Tjurutae	:	Corporate Officer: Administration
Ms A Gebhardt	:	Corporate Officer: M & C
Ms A Kahulika	:	Administration Officer: Administration
Ms I Othner	:	Acting PA to the Mayor
Ms C Puteho	:	Job Attachment Student: Marketing & Com

ALSO PRESENT:

Also present was the Constituency Councillor, Honourable Juso Kambueshe, two (4) member of the Media, Four (3) staff members receiving Long Service Awards, members of the Junior Town Council, and Fifty-eight (47) Members of the public, a delegation from NAPWU attended the meeting for the signing of the substantive salaries and benefits increases agreement for the 2018 / 2019 fiscal year.

1. OPENING BY PRAYER

Pastor Samuel Franz opened the meeting with scripture reading and a prayer.

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2. ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL

On proposal of Councillor K. N. Jason seconded by Councillor A.M Marsh it was:

RESOLVED:

That the agenda be adopted.

3. APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATION OF INTEREST BY MEMBERS OF COUNCIL**3.1 Application for leave of absence:**

None.

3.2 Declaration of interest:

Alderman E /Khozeib	-	Item 11.1.5
Councillor A M Marsh	-	Item 11.1.8

**4. CONFIRMATION OF MINUTES
(CM 2019/01/01 - A 2/3/5)****4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 22 NOVEMBER 2018**

On proposal of Councillor K. N. Jason seconded by Councillor A.M Marsh it was:

During the confirmation of this minutes, Councillor W O Groenewald objected to the resolution of item 11.1.35 of the minutes, but his objection was not accepted.

RESOLVED:

That the minutes of the Ordinary Council Meeting held on 22 November 2018, be confirmed as correct.

4.2 MINUTES OF AN SPECIAL COUNCIL MEETING HELD ON 18 DECEMBER 2018

On proposal of Councillor K. N. Jason seconded by Councillor E Shtana it was:

RESOLVED:

That the minutes of the Special Council Meeting held on 18 December 2018, be confirmed as correct.

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5. OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS

(C/M 2019/01/31 - A 2/3/5)

5.1 Her Worship, the Mayor, also announced as follows:

Council Meeting 29 January 2019

Honourable Councillors, Pastor Samuel Frens, The Chief Executive Officer, Mr Alfous Benjamin, General Managers, Managers, Officials, The Junior Town Council Mayor and Council Members of the Community, Members of the Media, Ladies and Gentlemen, All Protocol observed.

Good evening to you all.

A good evening to my Honourable Councillors, together with members of the Senior Management Team, other officials and our community members. I welcome you all back to work! Our purpose here remains that of serving our communities. Before I proceed with my speech please allow me to quote from the book of wisdom out of 1 Peter 4:10, "God has given each of you a gift from His great variety of spiritual gifts. Use them to serve one another".

Honourable Councillors, Ladies and Gentlemen

The Mayor's office was exceptionally busy with the following duties during the last part of November and during Council's recess period during December, being an exceptionally busy period:-

Duties for the month

- Emerge-Regional Council - Launching of 9 Days Action Against Gender Based Violence
- Regional Disability Inclusive Training Workshop
- Various Special Management Committee Meetings and Council Meetings
- Introduction of our newly appointed Chief Executive Officer to the staff members.
- World Health Organization launched the Risk Communication/Social Mobilization/Community Engagement intervention Project
- Ministry of Trade & Industry - Launch & Unveiling the Peugut Namibia Pearl & Waters Day
- Emerge Development Foundation Meeting
- Ministry of Urban & Rural Development - Stakeholder Engagement meeting
- Back to School Campaign for 2019 discussion with Deputy Director
- Meeting with the Office of the Governor on administrative matters
- International Anti-Corruption Day - 12th December 2018
- Visit by the Minister of Economic Planning & Director General of National Planning Commission
- Official opening of the Betsimihaka 62nd Annual Squash Tournament
- Office Spouse Elections
- Official opening of the 2018 Sunset Holiday Fair
- Attending the State Funeral - Late Petrus Nampepe Simpa, Windhoek

Again thank you Honourable Councillors for the team work and the support fulfilling some of the duties of the Mayor's office during the holiday season.

Ladies and Gentlemen

Allow me to use this opportunity to compliment the Municipal Traffic section for performing an outstanding job to enforce road safety during the festive season, the Health Department for ensuring that our town was once again beautifully cleaned, not forget the team that was doing essential duties such as sewage, water and the bins.

By now it is known to all that Council's Chief Executive Officer, Mr Alfous Benjamin commenced duty on 7 December 2018. Since day one he had challenges that was dealt with successfully, considering that he was placed at the deep end with the overhead salary negotiations and concluded it professionally in a short period of time. Your hard work is commendable.

And now as we propel forward in the New Year, aware that there are always new challenges that lie ahead of us, we remain confident in the knowledge that our employees are willing to meet these changes head on. It is reassuring to know that we are willing to put together and make the changes necessary to ensure our continued success.

Let us start 2019 with Namibia's Vision 2030 which presents a clear view of where we want to go from here, and over what time frame. It is a vision that will take Namibia from the present into the future, that includes, Development, a vision that guides us to make deliberate efforts to keep on improving the quality of life of our people. With that in mind, the vision of Development Council is to provide and maintain safe, sufficient and affordable services for residents and visitors and promote future development to the benefit of our

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community. In support of the objectives of our country's vision 2020, capacity building will need to be pursued with the utmost vigour by both the private and public sectors. It facilitates the implementation of the Vision with the vision of Swakopmund.

Honorable Councilors, Ladies and Gentlemen

The Municipality of Swakopmund faced some challenges during the just passed holiday season which will be addressed for improvement for the future in order for the community and holiday makers to have an enhanced services during the peak season.

Honorable Councilors, Ladies and Gentlemen

Millions of plastic bags are disposed annually that end up on our dumps sites, coast and open public spaces. Plastic bags might be convenient but are a huge source of pollution.

The worse danger of plastic bags is the threat they pose to our marine animals, which end up ingesting or getting entangled in plastic bags debris. Toxic Chemicals leach out the plastic and can be found in the blood and tissues of nearly all of us. Exposure to them can be fatal to certain types of cancers, both defects, and impaired immunity to name but a few.

Use of plastic bags can be reduced and Council opted to minimize the use of plastic bags and introduced a levy to be charged by shops to encourage everyone to use less plastic bags. Let's go green and cut the plastic and say NO to plastic bags for Swakopmund.

Ladies and Gentlemen

Tonight we are about to participate in and witness the signing of the substantive agreement on salary negotiations for 2018/2019 financial year between NAMPW and the Swakopmund Municipal Council. As you might be aware the agreement has been reached after a prolonged negotiations process, finally as partners we have concluded with an agreement that is mutually beneficial to both parties.

Council wish to make use of this opportunity to express our heartfelt gratitude to NAMPW for supporting the continued advance of the negotiations.

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

6.1 Long Service Awards

Honorable Councilors, Ladies and Gentlemen

Long Service Awards

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

The staff members are as follows:

10 YEARS SERVICE

12 January → Mr Lucas Nghtsunepo

28 January → Mr Larry Mwakanda

15 YEARS SERVICE

1 January → Mr V / Anshuly

20 YEARS SERVICE

18 January → Mr Owen Hai-Gawati

Ladies and Gentlemen

I thank you for your undivided attention and I wish you all the best and a prosperous 2019. With that in mind let us provide and maintain safe, sufficient and affordable services for residents and visitors and promote future development to the benefit of our community.

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6.2 **SIGNING OF THE SUBSTANTIVE SALARIES AND BENEFITS INCREASES AGREEMENT FOR THE 2018 / 2019 FISCAL YEAR: COMMENTS BY THE NAMIBIA PUBLIC WORKERS UNION (NAPWU)**

A delegation of the Namibia Public Workers Union (NAPWU) attended the meeting for the signing of the substantive salaries and benefits increases agreement for the 2018 / 2019 fiscal year. Mr Gideon Thomas, the Head of Operations of NAPWU delivered the following speech:

Directors Of ceremonies, The Honorable the Mayor of Swakopmund City, The Chairperson of Management Committee, The Chief Executive Officer and Members of Management present, Members of the negotiating team, Members of the Media (Printed and Electronic), NAPWU Workplace Representatives, Ladies and Gentlemen

It is a privilege and distinct honour to recognize and appreciate your presence at this important occasion, signifying yet another achievement by the parties after a long good faith engagement.

In accordance with our recognition and collective agreement, the Municipality of Swakopmund acknowledged NAPWU as an exclusive bargaining agent, to negotiate on behalf of its members in the bargaining unit, the terms of the agreement which includes all labour related grievances and other matters to be agreed upon by the social partners.

NAPWU is totally devoted to the improvement of the benefit and the condition of service of our members through a collective bargaining process, as provided for in our recognition agreement, Labour laws and the Namibian Constitution.

NAPWU and Municipality of Swakopmund as parties to this collective bargaining process have settled and committed ourselves to regulate industrial relations, and dynamics sustaining equitable relationship between ourselves.

As parties, we have negotiated and reached an agreement in issues relating to collective bargaining as is being certified by the signing of this salary and wage agreement, which you witness today; which came through the process of good faith engagement, commitment to workplace harmony and mutual engagements.

NAPWU congratulates the negotiating team for the job well done, and encourage the team to always endeavor for an amicable solution, in order to avoid a third party involvement and unnecessary labour confrontation, which in itself is counterproductive.

In addition, NAPWU would like to thank its members of the Municipality of Swakopmund for remaining patient for over seven (7) months of waiting and encourage them to maintain discipline, commitment to duty, service delivery and productivity.

In the same vein, NAPWU would like to urge the Municipality of Swakopmund to uphold the principle of mutual respect and recognition of its employees/union members and the right of the Workplace Union Representatives.

In conclusion, NAPWU commit itself to the promotion of sound labour relationship for the benefit of our beloved country economy in general and that of Swakopmund in particular.

To all our members in the entire country, I would like on behalf of NAPWU, to urge you all to remain united under the banner of NAPWU in the spirit of our motto "unity is strength".

I thank you!!

6.3 **SIGNING OF THE SUBSTANTIVE SALARIES AND BENEFITS INCREASES AGREEMENT FOR THE 2018 / 2019 FISCAL YEAR: COMMENTS BY THE CHAIRPERSON OF THE MANAGEMENT COMMITTEE**

The Chairperson of the Management Committee, Councillor E Shitara, acknowledged the challenges encountered during the negotiation process and stated that Council is committed to resolve the interest of the workers, however, Council can only give what it can afford and not beyond its financial capabilities.

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7. PETITIONS

None.

8. MOTIONS OF MEMBERS

None.

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

None.

10. REPORT OF THE MANAGEMENT COMMITTEE REFERRED TO IN SECTION 26(1)(E) OF THE ACT10.1 REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING NOVEMBER 2018 AND JANUARY 2019

(CM 2019/01/31 - A 2/3/5)

RESOLVED:

That the resolutions of Special Management Committee meetings held on 14 November 2018 and 27 November 2018 and the Ordinary Management Committee meeting held on 10 January 2019, be noted.

11. RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE11.1 SPECIAL MANAGEMENT COMMITTEE MEETINGS HELD ON 27 NOVEMBER 2018, 29 JANUARY 2019 AND ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 10 JANUARY 201911.1.1 ERVEN 8928, SWAKOPMUND AND 6683, MONDESA: PRIVATE TREATY ALLOCATIONS - AMENDMENT OF CONDITIONS OF SALE

(CM 2019/01/31 - E 8928, M 6683)

RESOLVED:

That points (e) (viii) passed under item 11.1.4 on 23 February 2018 for Erf 8928 and item 11.1.13 on 27 April 2017 for Erf 6683, Mondesa be amended to allow the developer to sell the developed erven once a completion certificate is issued; as follows:

Current wording:

- (c) (vii) That the property may not be alienated within 24 months (2 years) from the date of a completion certificate being issued in respect of the structural improvements, referred to in (a) above, prior to the expiry of the said 24 months period. This restraint of alienation is to be registered against the title deed of the property.

Amended wording:

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(vi) That the property may not be alienated unless a completion certificate is issued in respect of the structural improvements, referred to in (iv) and (v) above. This restraint of alienation is to be registered against the title deed of the property.

11.1.2 REQUEST TO WAIVE PRE-EMPTIVE RIGHT (NHE PROJECT):
ERF 2823, MONDESA
 (CM 2019/01/01 - M 2823)

RESOLVED:

That Council waives the pre-emptive right registered in its favour over Erf 2823, Mondesa and allows Mr & Ms Shikongo to sell the property to a third party, as an exception, due to the late registration by NHE.

11.1.3 CANCELLATION OF SALE OF ERF 359, MILE 4
 (CM 2019/01/01 - 359, Mile 4)

RESOLVED:

- That Council takes note of the cancellation to sell Erf 359, Mile 4 to Mr Mesag Mikka due to failure to comply with the due date to secure the purchase price.
- That Mesag Mikka be encouraged to take part in the next closed bid at Extension 14 scheduled for 14 December 2018.
- That Council takes note that Erf 359, Mile 4 was allocated to Mr Andries Mouton who is the next qualifying bidder.
- That, in future, all close bid auction cancellations be submitted to Council for approval.

11.1.4 WORLD HEALTH ORGANIZATION'S SUPPORT TO THE ORC
COMMUNITY TO COMBAT THE SPREAD OF HEPATITIS E
EPIDEMIC THROUGH A RISK COMMUNICATION/ SOCIAL
MOBILIZATION/ COMMUNITY ENGAGEMENT INTERVENTIONS
 (CM 2019/01/01 - H 5)

RESOLVED:

- That Council takes note of WHO support for the "Risk Communication / Social Mobilization and Communication Engagement Interventions Programme".
- That General Manager: Finance creates a Vote to receive and distribute the money from the World Health Organisation.
- That the Health Services Department provides overall oversight to the project with support from the Ministry of Health and Social Services Regional Team.

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11.1.5 REQUEST FOR EXTENSION OF TIME TO PERFORM: ERF 4095, MONDESA: MESSRS SEWERUS HARAMBEE INVESTMENT
(C/M 2019/01/31 - E 4095)

During the discussion of this item, Alderman E (Khoasab) declared his interest and left the chambers.

RESOLVED:

- (a) That Messrs Sewerus Harambee Investment CC be granted an extension of time to secure the purchase price for Erf 4095, Mondesa, until 30 April 2019.
- (b) That Messrs Sewerus Harambee Investment CC be informed that the purchase price for the property is N\$434 767.50 and interest calculated from 28 August 2018 until 30 April 2019 amounts to N\$30 642.18.
- (c) That Messrs Sewerus Harambee Investment CC be informed that the purchase price must be secured by 30 April 2019 as no further extensions will be granted.

11.1.6 REQUEST FOR EXTENSION OF TIME TO PERFORM: ERF 4224, MONDESA: MR J KAVENDJI
(C/M 2019/01/31 - E 4224)

RESOLVED:

- (a) That Mr J Kavendji be granted an extension of time to secure the purchase price for Erf 4224, Mondesa, until 28 February 2019.
- (b) That Mr J Kavendji be reminded that the purchase price for the property is N\$464 091.00 and be informed that interest calculated from 28 August 2018 until 28 February 2019 amounts to N\$24 565.04.
- (c) That Mr J Kavendji be informed that the purchase price must be secured by 28 February 2019 as no further extensions will be granted.

11.1.7 REQUEST FOR EXTENSION OF TIME TO PERFORM: ERF 4109, MONDESA: MESSRS PMP FINANCIAL SERVICES CC
(C/M 2019/01/31 - E 4109)

RESOLVED:

- (a) That Messrs PMP Financial Services CC be granted an extension of time to secure the purchase price for Erf 4109, Mondesa, until 31 July 2019.
- (b) That Messrs PMP Financial Services CC be reminded that the purchase price for the property is N\$ 193 399.00 and be informed that interest calculated from 28 August 2018 until 31 July 2019 amounts to N\$18 747.11.

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- (c) That Messrs PMP Financial Services CC be informed that the purchase price must be secured by 31 July 2019 as no further extensions will be granted.

11.1.8 SALE OF A PORTION OF THE REMAINDER OF PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS NO 41: RESCISSION OF PREVIOUS RESOLUTION: MESSRS ELZE INVESTMENT (PTY) LTD

(C/M 2019/01/31 - H 5/1)

During discussion of this item Councillor A M Marsh declared her interest and left the chambers.

RESOLVED:

That Council repeats the decision passed on 27 March 2014 under item 11.1.7 and it be replaced with the decision passed on 26 January 2017 under item 11.1.20.

11.1.9 MESSRS OKAHEKE INVESTMENT CC: DETERMINATION OF THE PURCHASE PRICE FOR A REMAINDER OF ERF 626, TAMARISKIA

(C/M 2019/01/31 - T 626)

RESOLVED:

- (a) That Council approves the sale of the Remainder of Erf 626, Tamariskia to Messrs Okaheke Investment CC at N\$500.00/m² (7 522m² x N\$500.00 = N\$3 761 000.00), excluding 15% VAT for the establishing of an indoor sports complex, ancillary residential and ancillary commercial units.
- (b) That the following standard conditions be applicable:
- (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 costs, compilation of the agreement of sale as well as any legal costs that may arise from this transaction, within 30 days from the Council resolution approving the purchase price, failing which Council's resolution will be revoked at the next Council meeting following after the expiry of the 30 days.
 - (ii) That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the related statutory processes.
 - (iii) That the purchaser accepts that no rights will accrue to him 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 and/or approvals, if applicable.
 - (iv) The erf is sold "vretskoots" or "as is" with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.
 - (v) That upon acceptance of the purchase price by Okaheke Investment CC, the Developer attends to the following statutory processes as resolved

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by Council on 23 February 2017 under item 11.1.7 point (b); at its own cost:

- (i) Obtain Environmental Clearance for the closure of a Public Open Space as required in terms of the Environmental Management Act;
 - (ii) Closure of the Remainder of Erf 526, Tematikale from "Public Open Space" in terms of Section 20 of the Local Authority Act;
 - (iii) Releasing of the Remainder of Erf 526, Tematikale from "Public Open Space" in a suitable zoning for the business venture in point (a) above;
- (v) That upon completion of the above processes, the intended sale be advertised as required in terms of the Local Authority Act 23 of 1995, as amended;
- (vi) Failure to pay the purchase price in cash or secure payment by formal bank guarantee on the 120th day from the closing date for objections, alternatively from approval given by the Ministry of Urban and Rural development (should objections be resolved in terms of (v) above), will result in the transaction being cancelled without the need to place the purchaser on terms. Should the purchase price be secured by a formal bank guarantee the transfer must be effected on or before the 120th day, else interest will be levied as from the date of allocation or Ministerial approval until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale;
- (vii) That the purchaser constructs structural improvements (as per the approved development proposal) worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property;
- (ix) That the said improvements be completed within 24 months (2 years) from date of transfer;
- (x) That the property may not be alienated unless a completion certificate is issued in respect of the structural improvements, referred to in (vii) above. This restraint of alienation is to be registered against the title deed of the property;
- (xi) No development or construction will be permitted to commence until the statutory processes have been completed and the erf is transferred;
- (xii) The agreement of sale be signed and returned to the Development Municipality, by the purchaser within 21 days of receipt thereof;
- (xiii) That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done;
- (c) That the Council resolution of 23 February 2017, under item 11.1.7 (b) be repealed.

11.1.10 **MR. JACOBUS DE WET GERINGER- DETERMINATION OF THE PURCHASE PRICE FOR A PORTION OF STREET LOCATED BETWEEN ERVEN 40 AND 41, MILE 4**
(CM 2019/01/31 - M 4 E: 40)

RESOLVED:

- (a) That Council approves the purchase price of a portion of Abalone Avenue located between Erf 40 and 41 Mile 4 at R800.00/m² (R800.00/m² x 3393m² = R2714 400.00), excluding 15% VAT to Mr Jacobus De Wet Geringer for the extension of his property;
- (b) That upon written acceptance of the purchase price, Mr J D W Geringer pays the R10 000.00 deposit as required in terms of Council's resolution passed on 31 August 2017 under item 11.1.22, point (k) (iv).

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- (c) That the duly appointed town planner of Mr J D W Geringer, upon acceptance of the purchase price by the purchaser and payment of the required deposit, finalize the required statutory processes as resolved by Council on 31 August 2017 under item 11.1.22.
- (d) That in addition to the conditions approved by Council on 31 August 2017 under item 11.1.22 the following standard conditions be applicable:
- (i) The erf is sold "in situ" or "as is" and Council give no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the layout or situation or subterranean composition of the property or any improvements thereon. 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, sewerage and water connections are suitable for the intended use of the property.
 - (ii) That once the statutory processes are finalized and an act diagram for the subdivided portion is in place, Council's intention to sell the above portion be advertised for possible objections as required in terms of the Local Authorities Act 23 of 1992 as amended.
 - (iii) That the purchaser secures the purchase price either in cash or bank guarantee in favour of the Swakopmund Municipality within 120 days from the closing date for possible objections.
 - (iv) Should objections be received, the purchase price must be secured within 120 days from the Honorable Minister's favourable response.
 - (v) Failure to secure the purchase price will result in cancellation.
 - (vi) Should the purchase price be secured by a formal bank guarantee the transfer must be effected on or before the 120th day, else interest will be levied as from date of the closing date for possible objections or Ministerial approval until the date of registration of transfer of a role as confirmed with Council's bank on the date of sale.
 - (vii) That the agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.
 - (viii) That the purchaser be responsible for the relocation and cost thereof of any services should such be required, to the satisfaction of the Engineering Services department.
 - (ix) That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.

11.1.11 MULTICHOICE NAMIBIA (PTY) LTD: AMENDMENT OF NAME AND SITE

(CM 2018/01/31 - G 3/2/2, T 787, T 507)

RESOLVED:

- (a) That Council's resolution passed on 27 September 2018 under item 11.1.5 be amended by replacing the name of the entity indicated as Messrs Multichoice (Pty) Ltd with Messrs Multichoice Namibia (Pty) Ltd.
- (b) That the lease site description as it appears in point (a) of the Council resolution of 27 September 2018 under item 11.1.5 be amended to refer to a portion of land measuring 240m² located partially on Erf 787, Tamariskia and Erf 507, Tamariskia as per Annexure "B" (on file).

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11.1.12 AVAILABILITY OF GENERAL RESIDENTIAL ERVEN:Extension 26Extension 19

(C/M 2019/01/01 - M 7053, M 7065, M 7066 and M 4094, M 4097)

RESOLVED:

- (a) That Council takes note of the following erven available for closed bid sale in terms of Council resolutions:

Extension 26 (Council resolution of 27 March 2016 under item 11.1.15):

	ErV No	Size m ²	Upper Price R\$
1	7053	7030	966 625.00
2	7065	4247	583 138.00
3	7066	4494	677 625.00

Extension 19 (Council resolution of 28 September 2017 under item 11.1.22:

	ErV	Size	Upper Price
4	4094	2 014	341 373.00
5	4097	1 637	277 471.00

- (b) That a closed bid sale be arranged during 2019 for the sale of the above 5 erven.

11.1.13 EXTENSIONS 1 AND 2 MATUTURA: ERVEN ZONED "GENERAL RESIDENTIAL 2" AND "GENERAL BUSINESS"

(C/M 2019/01/01

- G 330, Mat 297, Mat 319, Mat 320, Mat 321, Mat 322, Mat 427, Mat 492, Mat 493, Mat 494, Mat 511, Mat 512, Mat 513, Mat 514, Mat 515, Mat 516, Mat 517, Mat 518, Mat 595, Mat 596, Mat 620, Mat 623, Mat 624, Mat 625)

RESOLVED:

- (a) That the following erven located in Extensions 1 and 2, Matutura zoned "General Residential" and "Business" be sold by closed bid sales as and when the market determines the need:

Extension 1, Matutura

	ErV No	Size	Upper Price	Zoning
1	297	4009	1 450 335.93	General Residential 2
2	319	1721	622 606.17	General Residential 2
3	320	2436	861 271.72	General Residential 2
4	321	1713	619 712.01	General Residential 2
5	322	2436	861 965.26	General Residential 2
6	427	3894	1 441 297.68	General Residential 2
7	492	1385	501 951.45	General Residential 2
8	493	2074	750 318.98	General Residential 2
9	494	1633	590 775.41	General Residential 2

Extension 2, Matutura

	ErV No	Size	Upper Price	Zoning
1	511	7305	472 508.85	General Residential 2
2	512	1798	638 885.62	General Residential 2
3	513	2279	802 767.62	General Residential 2
4	514	5968	711 963.36	General Residential 2

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	Erf No	Size	Upset Price	Zoning
5	515	1957	707 983.89	General Residential 2
6	516	1946	704 004.42	General Residential 2
7	517	2417	874 398.09	General Residential 2
8	518	2400	868 248.00	General Residential 2
9	520	3746	1 355 190.42	General Residential 2
10	526	2984	1 079 521.68	General Residential 2
11	520	2057	992 214.52	General Business
12	523	3577	1 696 460.12	General Business
13	524	3557	1 353 954.52	General Business
14	525	1583	811 811.68	General Business

(b) That the registration fees be as follows:

- General Residential Erven = N\$11 000.00
- General Business Erven = N\$13 000.00

(c) That the 15 x "General Residential 2" erven and 4 x "General Business" erven be sold on the basis of 1 erf per person/entity.

- (i) Married couples (irrespective of the marital regime) are regarded as one entity.
- (ii) Connected parties defined as per the Income and VAT Act can only bid for one property.

(d) That allocation be done to the highest qualifying bidder.

(e) That each bidder be restricted to submit 5 bid forms only, and that no bidder may submit more than 1 bid per erf.

(f) That the purchase price be paid within 120 calendar days from the date of sale.

(g) That should erven remain unsold at the date of the sale, such erven be offered to the registered bidders who are present to bid on a second erf.

11.1.14 APPLICATION FOR LAND ACQUISITION FOR TYRE RECYCLING BY AEGO RECYCLING SOLUTIONS (ARS)

(CM 2019/01/01 - G 4/1/0)

RESOLVED:

(a) That Council, in principle, withdraws the application of Messrs AEGO Recycling Solutions (ARS) for a piece of land measuring one (1) hectare to erect a tyre recycling plant in Swakopmund due to failure to submit requested operational plan indicating service requirements and project development plans.

(b) That expression of interest be invited from the public in terms of the Public Procurement Act.

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11.1.15 RENEWAL OF LEASE AGREEMENT: MESSRS DESERT EXPLORERS CC - ERF 1318, SWAKOPMUND
(C/M 2019/01/31 - E 1318)

RESOLVED:

- (a) That the application to renew the lease agreement for a further 5 years by Messrs Desert Explorers CC to lease the following three portions of land on Erf 1318, Swakopmund, be approved:

- (i) A portion of land measuring 562,00m² onto which their containers encroach
- (ii) A portion of land measuring 1500m² for parking area and
- (iii) A portion of land measuring 1375m² for camel ride area

- (b) That the lease period commences on 01 September 2018 until 31 August 2023.

- (c) That the following terms and conditions be applicable and any additional conditions that Council may deem fit:

- (i) That the lease period be 5 years at rental amounts as set - out below, with 10% annual escalation on 1st July 2019, and annually thereafter:

Portion of land	Area	Rent/m ²	10 % VAT	Total price
Container Area	562m ²	× N\$ 15,25 =	N\$ 7190,75	+ N\$ 174,94 = N\$ 7365,69
Parking Area	1500m ²	× N\$ 1,82 =	N\$ 2730,00	+ N\$ 499,50 = N\$ 3229,50
Camel Area	1375m ²	× N\$2,20 =	N\$ 3025,00	+ N\$ 473,75 = N\$ 3498,75

- (ii) That the lease be terminable by either party giving or receiving three (3) months written notice.
 - (iii) That Council reserves the right to cancel the lease if valid objections from the public are received.
 - (iv) That the lessee shall indemnify and keep Council indemnified during the full period of the agreement against possible claims, which may arise from the use of the leased area.
 - (v) That no subletting be allowed.
 - (vi) That a deposit equal to one month's rental be levied.
- (d) That the lease as set-out in (a) to (c) above be advertised in terms of the Local Authorities Act, Act 25 of 1992, as amended at the cost of the lessee.
- (e) That the lessee be permitted to continue using the existing access over Erf 1318, Swakopmund for the duration of the lease, subject to (f) below.
- (f) That the lessee agrees that they will use the Windhoek Street access as soon as the development on Erf 1058, Swakopmund commences.
- (g) That Messrs Desert Explorers CC be responsible for the maintenance of the upgraded parking area.

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- 11.1.16 ERF 1159 - APPLICATION TO ERECT A SHORT-WAVE RADIO ANTENNA
(CM 2019/01/31 - E 1159, A 1/3/21/1)

RESOLVED:

That this item be withdrawn from the agenda.

- 11.1.17 INTERIM VALUATION COURT 2019
(CM 2019/01/31 - D 22)

RESOLVED:

That this item be withdrawn from the agenda.

- 11.1.18 PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE MUNICIPALITY OF SWAKOPMUND, THE SHACK DWELLERS FEDERATION OF NAMIBIA AND NHAG
(CM 2019/01/31 - H 5)

RESOLVED:

- (a) That the proposed Memorandum of Understanding (on file) which aims to fast track land allocations to ultra-low income earners in Swakopmund, be approved.
- (b) That a working group consisting of representatives of the SDFN, community members, Municipal officials as well as staff of the Namibia Housing Action Group (NHAG) be established to facilitate the execution of various roles and responsibilities contained in the Memorandum of Understanding.
-

- 11.1.19 ERF 5627, SWAKOPMUND: WAIVER FOR PREFERENCE RIGHT
(CM 2019/01/31 - E 5627)

RESOLVED:

That Council grants consent to Mr A R van der Westhuizen to sell the property to a third party, due to the imminent sale in execution of Erf 5627, Swakopmund.

- 11.1.20 APPLICATION FOR AN EXTENSION OF TIME TO SECURE A PURCHASE PRICE- MESSRS TRENCON DEVELOPMENT (PTY) LTD
(CM 2019/01/31 - M4 400)

RESOLVED:

- (a) That Messrs Trencon Development (Pty) Ltd be granted an extension of time to secure the purchase price for Erf 400, Extension 1, Mile 4, until 30 September 2019.
- (b) That Messrs Trencon Development (Pty) Ltd be reminded that the purchase price for the property is N\$7 565 400.00

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and interest calculated from 21 September 2018 until 30 September 2019 amounts to N\$813 954.13.

- (c) That Messrs Trecon Development (Pty) Ltd be informed that the purchase price must be secured by 30 September 2019 as no further extensions will be granted, the transaction will be cancelled.
- (d) That an addendum to the deed of sale be compiled effecting the above extension of time.

11.1.21 REQUEST FOR EXTENSION OF TIME TO PERFORM: ERF 4107, MONDESA: MESSRS M & H INVESTMENT CC
(C/M 2019/01/31 - E 4107)

RESOLVED:

- (a) That Messrs M and H Investment CC be granted an extension of time to secure the purchase price for Erf 4107, Mondesa, until 31 May 2019.
- (b) That Messrs M and H Investment CC be reminded that the purchase price for the property is N\$205 942.50 and be informed that interest calculated from 28 August 2018 until 31 May 2019 amounts to N\$16 351.27.
- (c) That Messrs M and H Investment CC be informed that the purchase price must be secured by 31 May 2019 as no further extensions will be granted.

11.1.22 REQUEST FOR EXTENSION OF TIME TO PERFORM: ERF 4108, MONDESA: MESSRS OWATO INVESTMENT CC
(C/M 2019/01/31 - E 4108)

RESOLVED:

- (a) That Messrs Owato Investment CC be granted an extension of time to secure the purchase price for Erf 4108, Mondesa, until 31 July 2019.
 - (b) That Messrs Owato Investment CC be reminded that the purchase price for the property is N\$215 773.50 and be informed that interest calculated from 28 August 2018 until 31 July 2019 amounts to N\$20 918.21.
 - (c) That Messrs Owato Investment CC be informed that the purchase price must be secured by 31 July 2019 as no further extensions will be granted.
-

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- 11.1.23 REQUEST FOR EXTENSION OF TIME TO PERFORM: ERF 4096,
MONDESA: MESSRS NGOYA INVESTMENT CC
(C/M 2018/01/31 - E 4096)

RESOLVED:

- (a) That Messrs Ngoya Investment CC be granted an extension of time to secure the purchase price for Erf 4096, Mondesa, until 31 July 2019.
- (b) That Messrs Ngoya Investment CC be reminded that the purchase price for the property is N\$267 810.00 and be informed that interest calculated from 28 August 2018 until 31 July 2019 amounts to N\$28 120.05.
- (c) That Messrs Ngoya Investment CC be informed that the purchase price must be secured by 31 July 2019 as no further extensions will be granted.

13. DRAFT REGULATIONS AND TARIFFS, IF ANY

None.

The meeting adjourned: 20:16

Minutes confirmed on: 28 February 2019

Councillor P N D Nashilundo
MAYOR

A Benjamin
CHIEF EXECUTIVE OFFICER

af

11. RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE MEETINGS HELD DURING FEBRUARY 2019

10. REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS MANAGEMENT COMMITTEE MEETINGS HELD DURING JANUARY AND FEBRUARY 2019

10 (A) MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 29 JANUARY 2019

5. DISCUSSION POINTS

5.1 ERONGO RED: BOARD OF DIRECTORS: EXPIRY OF TERM OF OFFICE // MR LINUS //GAROEB
(S/M/C 2019/01/29 - A 4/3/1/16/1)

RESOLVED:

- (a) That the General Manager: Corporate Services and HR ensures that the responsible staff members who received electronic notification and who's duties are that the presenter is invited to the meeting, do not repeat this again.
- (b) That Mr Linus //Garob be invited for an audience with the Management Committee on a date to be determined by the Chief Executive Officer.

5.2 REQUEST TO CONSIDER A BUILD TOGETHER APPLICATION AFTER JUDICIAL SEPARATION

(S/M/C 2019/01/29 - H 5/3)

RESOLVED:

- (a) That the General Manager: Corporate Services and HR ensures that the responsible staff members who received electronic notification and who's duties are that the presenter is invited to the meeting, do not repeat this again.
- (b) That Ms Rosalia Shikongo be invited for an audience with the Management Committee on a date to be determined by the Chief Executive Officer.

5.3 PURCHASER OF ERF 115, MONDESA

(S/M/C 2019/01/29 - 115 M)

RESOLVED:

- (a) That the General Manager: Corporate Services and HR ensures that the responsible staff members who received electronic notification and who's duties are that the presenter is invited to the meeting, do not repeat this again.

- (b) That Mr Sam Maletzky be invited for an audience with the Management Committee on a date to be determined by the Chief Executive Officer.
-

5.4 ERF 1159 - APPLICATION TO ERECT A SHORT-WAVE RADIO ANTENNA
(S/M/C 2019/01/29 - E 1159, A 1/3/21/1)

RESOLVED:

- (a) That the General Manager: Corporate Services and HR ensures that the responsible staff members who received electronic notification and who's duties are that the presenter is invited to the meeting, do not repeat this again.
- (b) That Mr J du Plessis be invited for an audience with the Management Committee on a date to be determined by the Chief Executive Officer.
-

5.8 ESTABLISHMENT OF A ROCK GARDEN ALONG DUNESIDE AVE, KRAMERSDORF, SWAKOPMUND
(S/M/C 2019/01/29 - G 4/1/1 (16), N 7/4/1)

RESOLVED:

- (a) That the General Manager: Corporate Services and HR ensures that the responsible staff members who received electronic notification and who's duties are that the presenter is invited to the meeting, do not repeat this again.
- (b) That Mr D Holloway be invited for an audience with the Management Committee on a date to be determined by the Chief Executive Officer.
-

10 (B) MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 14 FEBRUARY 2019

7.1 TIDLE WAVE INVESTMENTS ELEVEN (PTY) LTD: APPLICATION TO LEASE LAND AT THE MOLE
(M/C 2019/02/14 - N 7/2/1)

RESOLVED:

- That an "in loco" inspection be conducted after the meeting.
-

7.2 DEVELOPMENT PROPOSALS RECEIVED:

1. Allocation Of Erf 4324, Extension 12, Mondesa And Erf 1327, Extension 3, Tamariskia.
2. Approval For Invitation Of Development Proposals For Erven 9029, Swk: 9060, Swk And 9104, Swk
(M/C 2019/02/14 - M 4324, T 1327, E 9029, E 9060, E 9104)

RESOLVED:

- (a) That the development proposals received from various institutions under notice 42/2018 be noted.
- (b) That the churches be required to submit the following documents.
 - (i) Registration at Council of Churches Namibia
 - (ii) Nationality of the Applicant
 - (iii) Qualification of Theology
 - (iv) Constitution of the Church
 - (v) Financial Statements
 - (vi) Police Clearance of applicant
- (c) That the applicant be evaluated based on the

8.3 REQUEST FOR PARTNERSHIP AND SPONSORSHIP TO HOST A GOSPEL EVENT: THE VICTORY FEST

(M/C 2019/02/14 - D 5)

RESOLVED:

- (a) That the request from Messrs Efdee Music Productions CC to partner and sponsor the upcoming Victory Fest Gospel event to be held on 30 March 2019 in Windhoek be noted.
- (b) That the request from Messrs Efdee Music Productions CC for partnership and sponsorship towards the Victory Fest be turned down due to lack of funds.

8.5 APPLICATION FOR THE RELAXATION OF ON-SITE PARKING ON ERF 4333 MONDESA AND PURCHASE OF ADDITIONAL PARKING SPACE

(M/C 2019/02/14 - M 4333)

RESOLVED

That "in loco" inspection be conducted after the meeting.

8.6 ERONGO WATER FORUM - PROPOSED TARIFF STRUCTURE INCREASE

(M/C 2019/02/14 - 5/ 6/7, N10/1)

RESOLVED:

That the General Manager: Engineering Services arranges a meeting between the Erongo Water Forum and Council to discuss the way forward.

8.8 APPROVAL OF PROPOSED STREET NAMES BY THE NAMING OF STREETS, PUBLIC PLACES, NATURAL AREA AND COUNCIL-OWNED BUILDINGS/FACILITIES ADVISORY COMMITTEE

(M/C 2019/02/14 - N 8/1/2)

RESOLVED:

- (a) That, in future, the names be grouped according to professions or status, per suburb or location.
- (b) That the relatives be consulted to avoid spelling errors.
- (c) That the Engineering Services Department investigate and report back to the Management Committee regarding the alleged renaming of Kovambo Nujoma Street to Angelika Muharukua Street.

8.9 APPLICATION TO WAIVE PRE-EMPTIVE RIGHT: ERF 1123, TAMARISKIA

(M/C 2019/02/14 - T 1123)

RESOLVED:

That Mr S G January be engaged to consider alternative options and if successful, Council will revoke its decision to purchase.

8.11 PLANNING AND DEVELOPMENT STATUS OF ALL TOWN PLANNING SPATIAL DEVELOPMENTS

(M/C 2019/02/14 - G 3/3/2)

RESOLVED:

- (a) That the planning and development stages of all Town Planning Spatial Developments' Report, be noted.
- (b) That, in future, suburbs be given names before submitting to Township Board.

9. PERSONNEL MATTERS

9.1 STATE FUNERALS:

● LATE (FORMER DEPUTY MINISTER) PETRUS NANGOLO ILONGA

● LATE MAJOR GENERAL (RETIRED) PETER NAMBUNDUNGA

(M/C 2019/02/14 - 7/1/1/2, A 3/4)

RESOLVED:

- (a) That approval of attendance of the Mayor, Councillors and Traffic Officer as driver, of the State Funeral of late (Former Deputy Minister) Petrus Nangolo ilonga that took place on 22 December 2018 in Windhoek, be condoned.
- (b) That the out of town allowances N\$30 150.00 be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$154 102.72 is available.

- (c) That approval of attendance of the Mayor, Councillors and Traffic Officer as driver, of the State Funeral of Late Major General (Retired) Peter Nambundunga that took place on 26 January 2019 in Omugulugombashe, Omusati Region, be condoned.
- (d) That the out of town allowances N\$29 550.00 be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$124 552.72 is available.

9.2 ERONGO RED: CALL FOR REPRESENTATIVE TO SERVE ON ERONGO RED'S CONSUMER LIASION COMMITTEE

(M/C 2019/02/14 - A 4/3/1/16/1, A 4/3/1/16)

RESOLVED:

That the Councillors submit the nominations before the Council meeting.

10.4 REQUEST FOR EXTENSION OF TIME TO SECURE THE PURCHASE PRICE FOR ERF 7159, MONDESA BY ANGELIQUE INVESTMENT CC

(M/C 2019/02/14 - E 7159)

During the discussion of this item, Councillor P N D Nashilundo declared her interest and left the chambers.

RESOLVED:

That this item be referred back and be submitted to the Special Management Committee meeting to be held on 19 February 2019.

10 (C) MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 19 FEBRUARY 2019

5. DISCUSSION POINTS

5.1 ERONGO RED: BOARD OF DIRECTORS: EXPIRY OF TERM OF OFFICE // MR LINUS //GAROEB

(S/M/C 2019/01/29 - A 4/3/1/16/1)

RESOLVED:

- (a) That the presentation by Mr Linus //Garoeb regarding the extension of his contract as a Non-Executive Director and to represent Council as Shareholder on Erongo RED's Board of Directors until the end of term of the current political office bearers, be noted.
- (b) That the request by Mr Linus //Garoeb to extend his Non-Executive Directorship and represent Council as Shareholder on Erongo RED's Board of Directors until the end of term of the current political office bearers be turned down.
- (c) That the Chief Executive Officer inform Mr Linus //Garoeb accordingly.

5.2 REQUEST TO CONSIDER A BUILD TOGETHER APPLICATION AFTER JUDICIAL SEPARATION

(S/M/C 2019/01/29 - H 5/3, M 6959)

RESOLVED:

- (a) That the presentation by Ms Rosalia Shikongo regarding the award of a Build Together loan and Erf 6959, Mondesa be noted.
 - (b) That the Build Together loan and Erf 6959, Mondesa, be allocated to Mrs Rosalia Shikongo since the applicant did not previously benefit from the Build together Program.
 - (c) That it be recorded that Ms R Shikongo applied for a build together loan before she got married.
-

5.3 PURCHASER OF ERF 115, MONDESA

(S/M/C 2019/01/29 - 115 M)

RESOLVED:

- (a) That it be recorded that Mr S Maletzky could not attend the meeting.
 - (b) That Mr S Maletzky be invited to the next Special Management Committee Meeting.
-

5.4 ESTABLISHMENT OF A ROCK GARDEN ALONG DUNESIDE AVE, KRAMERSDORF, SWAKOPMUND

(S/M/C 2019/01/29 - G 4/1/1 (18), N 7/4/1)

RESOLVED:

That the presentation by Mr D Holloway regarding the development of a rock garden, be noted.

5.5 ALAN // COMMISSIONING OF THE REFELA CHAPTER IN ERONGO

(S/M/C 2019/01/29 - 5/6/1)

During the discussion of this item, Councillor M Elago declared her interest and left the chambers.

RESOLVED:

- (a) That the Management Committee Room be made available on 26 February 2019 from 11:00 - 14:00 for the REFELA Erongo commissioning.
- (b) That Swakopmund Municipal Women Councillors attend the commissioning of the REFELA Erongo Chapter on 26 February 2019.
- (c) That Council invoice ALAN for the provision of refreshments and drinks provided by Messrs Tyetu Trading Enterprise at the Municipal Cafeteria to the value of N\$598.00.

- (d) That ALAN invites all the Local Authorities in Erongo Region to participate.
- (e) That requests or queries from Councillors directly to staff members be channeled through the Head of Department to the Chief Executive Officer to deal with before action is taken.
- (f) That Council's letterhead not be used for unofficial correspondences.

5.6 NALAO 18TH ANNUAL CONFERENCE AND ANNUAL GENERAL MEETING

(S/M/C 2019/01/29 - 5/6/2)

RESOLVED:

- (a) That Council be represented by either the Mayor or the Chairperson of the Management Committee at the 18th Annual Conference and Annual General Meeting to be held at Henties Bay from 13-15 March 2019.
- (b) That additionally two officials attend of which one should be a female staff member (a Manager).
- (c) That the registration, travelling and subsistence be defrayed from Council's General Expenses Training Vote: 100510215700 where the amount of N\$70 000.00 is available.

5.7 FINANCIAL ASSISTANCE // TOPNAAR TRADITIONAL AUTHORITY // LATE CHIEF SETH KOOITJIE'S FUNERAL

(S/M/C 2019/01/29 - 3/15/1/6/1)

RESOLVED:

- (a) That the support to the Topnaar Traditional Authority for the funeral preparations by providing water and cool drinks to the mourners, be condoned.
- (b) That the cost of N\$2 016.00 be defrayed from the Mayor's Entertainment Vote 100510208300 where N\$12 000.00 was available, be condoned.

5.9 BLOCK 9 ENDOWMENT TRUST: APPLICATION TO WAIVE THE ESCALATION OF THE PURCHASE PRICE FOR SELLABLE LAND OF EXTENSION 39

(S/M/C 2019/01/29 - G 3/9/9)

RESOLVED:

That valuations be obtained from the Municipal valuer and an additional valuer, to determine a market related purchase price for unserviced saleable land measuring 95 072m² in Extension 39.

5.10 INVITATION TO THE CRAYFISH FESTIVAL GALA DINNER

(S/MC 2019/01/29 - A 2/3/2/1, D 5)

RESOLVED:

- (a) That the invitation to the Annual Luderitz Crayfish Festival 2019 - Gala Dinner taking place on 22 February 2019 at the Nest Hotel in Luderitz be noted.
 - (b) That the Mayor and the Chairperson of Management Committee attend the Annual Luderitz Crayfish Festival 2019 from 25-30 April 2019.
 - (c) That subsistence and traveling allowance be defrayed from the relevant vote.
-

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY AND SPECIAL MANAGEMENT COMMITTEE MEETINGS HELD ON 14 FEBRUARY 2019 AND 19 FEBRUARY 2019**
- 11.1.1 **TIDLE WAVE INVESTMENTS ELEVEN (PTY) LTD: APPLICATION TO LEASE LAND AT THE MOLE**
(C/M 2019/02/28 - N 7/2/1)

Ordinary Management Meeting of 14 February 2019, Addendum 7.1 page 03 refers.

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

1. **Introduction**

- 1.1 An application received from Tidle Wave Investments Eleven (Pty) Ltd was discussed at the Planning Forum of **22 January 2019** under item 5.9 and it is now submitted to the Management Committee for consideration.

The Planning Forum concluded as follows:

That the Management Committee considers whether they intend to develop the Mole area at this stage; whereafter

- An assessment be done regarding the stability of the Mole point; and
- Development proposals be invited in terms of the Public Procurement Act 15 of 2015.

- 1.2 Following an application for an audience, Tidle Wave Investments Eleven (Pty) Ltd presented their proposal to the Planning Forum of **21 August 2018**; whereafter the following was concluded under item 5.2:

- (a) That the presentation by Messrs Tidle Wave Investments Eleven (Pty) Ltd be noted.
- (b) That the General Manager: Engineering Services determines the boundaries of the Strand Hotel and establish whether the project encroaches on state land.
- (c) That General Managers submit their comments to the Acting General Manager: Corporate Services & HR before the item is submitted to the Management Committee.

Their proposal is attached as **Annexure "A"**.

In terms of point (c) comments were requested from the relevant departments via e-mail dated **30 August 2018 (Annexure "B")**. With reference to the comments, a meeting was held with the applicant on Friday, **07 September 2018** and it was concluded that the applicant will submit a detailed application.

- 1.3 The application was subsequently resubmitted to the Planning Forum of **20 November 2018** under item 5.3:

That the request of Messrs Tide Wave Investment Eleven (Pty) Ltd to lease land at the Mole be resubmitted and that the Engineering Services Department include all the issues / conditions to be considered.

Comments were requested and is discussed under point 4 below.

2. Content of Presentation / Proposal (Annexure "A")

2.1 Messrs Tide Wave Investment Eleven (Pty) Ltd consists of pre-disadvantaged Namibians and is owned 100% by Namibians. The company is mostly involved in the tourism industry.

2.2 The company applies to lease:

- 4 200m² of the Mole and
- 1 000m² of the parking area

for a lease period of 30 years, to be renewed for a further 30 years.

2.3 The areas applied for is prime area and can be used for creating commercial viable opportunities and will remain accessible to the public.

2.4 The company intends to develop small shops along the promenade by using the existing structures.

2.5 The walkway will be widened and improve by street furniture; a new boardwalk will be constructed on the water edge.

2.6 It is envisaged to develop the end of the promenade as restaurants and entertainment.

2.6 The parking area will be developed for secure and easy parking.

2.7 Employment will be created by different tenants (approximately 30 jobs).

2.8 Benefits for Council

- No financial capital strains.
- Low financial and technical risk.
- Short time span between planning and implementation.
- Private and public sectors benefit.
- Long term relationships making future developments faster.
- Positive economic and social impact.
- Boost income of Council.
- Contribute to annual remittance on rates and taxes.
- Boost tourism sector.

⇒ No information was provided on the anticipated cost of the development, neither is a rental amount proposed.

3. Previous Applications received to Develop the Mole Point

For ease of reference quoted from Annexure "B", below resolutions passed in the past with reference to applications to develop the end of the Mole walkway (point):

Council's resolution passed on **29 May 2008** under item 11.1.5:

That the application received from Mr C Labuschagne to permanently moor a fishing boat at the end of the Mole to operate a Coffee Shop be turned down due

to the impending construction activities related to the new hotel and the possible unattractive appearance of such an old fishing boat moored at the Mole.

Council's resolution passed on **31 May 2011** under item 11.1.14 following an application for the construction of a 360 degree restaurant on the point of the Mole:

That the applicant be informed that in terms of the Master Development Plan, the beach areas must remain accessible to all and that Council will not permit any private development on Municipal land.

4. Discussion of Current Application

On **18 October 2018** the lay-outs attached as Annexure "C" were received. No covering letter was provided explaining the application and intended development of the area.

4.1 Following the Planning Forum Meeting of **20 November 2018**, the following was summarized:

The lease application is essentially combined for three areas indicated below. The comments obtained from the Engineering Services Department are listed under the relevant points in italics:

- ⊙ The **walkway** for line shops which they intend to extend the existing walkway into the ocean (again ownership of the area in the ocean is relevant):

The walkway between the Strand hotel and the Mole: There were already objection from the public because the new and extended hotel blocks the direct access from the Arnold Schad Promenade to the sea wall along the Mole basin. The proposed shops will form an extension of this barrier since it will also block the view from the parking area onto the Mole (basin). At least there are north-facing restaurants in front of the Strand Hotel which offer this view, but with a row of kiosks and vending stalls the atmosphere will be further commercialised.

- ▶ With reference to the applicant's proposal to extend the existing walkway over the ocean, it should be kept in mind that development below the high water mark requires approval from the Government.

On **03 March 1992** the President of the Republic of Namibia in terms of the powers vested in him of the Namibian Constitution declared the boundaries of Swakopmund as defined in the schedule to Proclamation AG 9 of 1990. The western point is indicated as "the point where the "high-water mark" of the Atlantic ocean intersects the northern boundary of the Farm 163 in a general easterly, south-easterly and then westerly direction along the boundaries of the following farms and portions of land so as to include them in the area of the said Municipality."

- (b) *redefine the boundaries of the said Municipality as follows:*

From the point where the high-water mark of the Atlantic Ocean intersects the northern boundary of the Farms 163 in a general easterly, south-easterly and then westerly direction along the boundaries of the following farms and portions of land so as to include them in the area of the said Municipality

- ② **The parking area** (to the west of the hotel parking area which is regularly being flooded by spring / high tides);

These stalls and the proposed other components of the intended development will put further strain onto the parking area. This would need to be extended southwards onto the still gravelled portion. During spring tides and winter storms the parking area does get flooded occasionally and parking capacity is further restricted. Even the Jetty restaurant was at least once over-run by a freak wave which caused significant damage. Whether one accepts global warming as an environmental factor or not, the sea remains an unpredictable element. And if the sea-levels will rise, freak waves will become a more frequent occurrence. Is it worth the risk to place more infrastructure into harm's way?

- ③ **The mole point** for a restaurant (previous applications were discussed and Engineering Services commented on the stability and maintenance of the mole point).

Mole Point: As mentioned there is no empirical survey on the settlement process, a fact which I confirmed with Christo Pieterse, the Land Surveyor. Neither the Scientific Society (Sam Cohen Library) nor the Ministry of Fisheries could furnish information to date. It is a fact that the rocky sea walls and structures are sinking. This settlement is certainly not constant, but varies depending on storms and tides. Based on my observations and indicators which were related to me I estimate the settlement to be around one centimetre per year in average for the Mole Head. Increasing the load by allowing structures to be build or placed on the rocks will accelerate this settling process.

In addition to the factors above one must keep in mind that the Mole enjoys the highest possible rating for Historical Structures in Swakopmund, being Grade A.

Any development proposal must be submitted to the National Heritage Council for evaluation.

DOWN PLANNING SCHEME NO. 12

ANNEXURE B: HERITAGE USE

Ref No	Est/No	Street	Date Built	Present Use	Grade
10	Block 1	Strand Promenade	1929-32	Strand Promenade	B II
11	Block 1	Wine	1929-1930	Public Event Area	A III
12	Block 1	Gardens	1929	Garden and Park	C II

It is assumed that the viability of the project was determined by the applicant taking into account the lease of all three areas.

4.2 Following a discussion after the meeting with the applicant on **07 September 2018**, the following points were raised:

- ① Various benefits of developing the area, such as public safety and visitors spending more time and money at Swakopmund.
- ② The requirements of the Public Procurement Act 15 of 2015:
The selling and leasing of land is currently still done in terms of the Local Authorities Act 23 of 1992 as amended.
- ③ Comments from the Town Planning Section (**Annexure "B"**):

Zoning

"The proposed area is zoned Beach Area. The Swakopmund Town Planning Scheme defines beach area as" any land which has been reserved in terms of this scheme for use by the public for beach activities. Any building erected here may only be carried out with the consent of the Council.

All beach area should be accessible to the general public and should not be privatised. These areas create a sense of place and harmony for the general public. It creates places for escaping the day to day working environment. They are areas where people can go and relax, and they also contribute dearly to the number of visitors to Swakopmund who ultimately increase the economic standing of the town. If this type of proposals continue to be approved. We will find Swakopmund without a beach area. Has the public been consulted on this matter? If so, how was this done?

Lease Period of 30 years plus additional 30 years

This lease will last a life time. Which means that the public will be deprived from accessing freely the beach area for a total of 60 years. How and where is the proposed hotel to be constructed?

Building lines (metres from the boundary of the walkway bordering the ocean) on the proposed public area for the construction of various small shops

The Swakopmund Town Planning Scheme does not make provision for building lines on the beach area.

Comments in General

The Central Government is not in support of public places being privatised.

The proposed area falls within the Swakopmund Conservation area and approvals from the Aesthetics Committee as well as the National Heritage are required.

Town Planning does not recommend the proposal.

5. **Proposal**

It is proposed that the Management Committee discusses the application by Tide Wave Investment Eleven (Pty) Ltd. The application is submitted to the Management Committee to consider the development of the Mole area in principle.

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

RECOMMENDED:

- (a) That the application by Messrs Tide Wave Investments Eleven (Pty) Ltd to lease land at the Mole, be turned down.
 - (b) That an assesment be done regarding the stability of the Mole point.
-



Due to the voluminous content - the attachments are available on file.

11.1.2 **MESSRS ZHONG MEI ENGINEERING GROUP (PTY) LTD:
APPLICATION FOR AN ADDITIONAL LEASE PERIOD**
(C/M 2019/02/28 - G 4/1/1)

Ordinary Management Committee Meeting of 14 February 2019,
Addendum 7.3 page 47 refers.

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

1. **Introduction**

Council on 25 January 2018 under item 11.1.8 resolved to extend the lease agreement of Messrs Zhong Mei Engineering Group (Pty) Ltd (hereinafter referred to as ZMEG) for an additional twelve months period (01 March 2018 - 28 February 2019) subject to the same lease conditions of the initial lease agreement on file. The current lease period will lapse on 28 February 2019.

Following the lease agreement that will lapse on 28 February 2019, on 08 January 2019 (Annexure "A") Council received an application from ZMEG requesting for an extension of their lease agreement for another lease period of 12 months (01 March 2019 - 29 February 2020)

Thus, this submission serves to consider a new lease period for ZMEG. As per their original application to Council on 14 December 2015, ZMEG were awarded a tender for the construction of the Swakopmund-Henties Bay-Uis road. It is necessary for them to secure the lease of the current site in order to ensure finalizing the tender within the tender period.

2. **Brief Background**

Council on 26 February 2015 under item 11.1.14 approved to lease a portion of land measuring ±22 500m² to Messrs ZMEG for the NamWater pipeline project. The monthly rental was approved at N\$1.50/m² for a fixed rental period commencing on 1 March 2015 and terminating on 29 February 2016.

The site is mainly used to store equipment and to oversee the work being done as well as for workshops. No complaints were received from the public with regarding the activities of ZMEG.

In addition to the above and in terms of the lease agreement Messrs ZMEG paid a deposit equal to the monthly rental and N\$100 000.00 deposit should they fail to rehabilitate the lease area upon expiry of the lease period.

On 02 February 2016 Council approved the extension of the lease period for a further two years being until 28 February 2018 for the execution of their tender for the construction of the road. The Ministry of Urban and Rural Development gave permission on 07 March 2016 to proceed with the lease agreement.

Council further on 25 January 2018 under 11.1.8 passed a resolution for the current lease period that will lapse on 28 February

2019. However the respective lease agreements (**Annexure "B"**) was not signed to date, due to the agreement was never collected for signing by the company's representatives, and recently was requested to collect the lease agreement for signing. The ZMEG's municipal rental account is currently in arrears amount to N\$67,785.60 (**Annexure "C"**).

3. Terms and Conditions

ZMEG applied for a period of 12 months that ends **28 February 2020**, following the proposal that was made to approve a 12 month period lapsing **28 February 2019**. The additional 2 months was proposed as Council is in recess during December months and will not be able to approve an extended lease period on short notice during **December 2019** for a further period. The lease can be terminated by either party by giving 3 calendar months' notice.

The terms and conditions will be the same as approved by Council on **02 February 2016 (Annexure "D")**.

The lease area will be the same as per **attached** diagram and measures 14 736m². (**Annexure "E"**).

4. Proposal

It is proposed that Council approved the extension of the lease period with Messrs ZMEG for a lease period of 12 months, subject to the conditions as per Council's resolution passed on **02 February 2016** under item 11.1.5, as well as subject thereto that the arrears rental in the amount of **N\$67 785.60** is paid. In addition to the above conditions, Council's standard conditions prescribe an annual increase of 10% on the lease amount which will be effective **1 July 2019**.

That Messrs ZMEG ensure that they have a valid environmental clearance certificate in terms of the Environmental Management Act of 2007, as the construction of public road is listed under 10.1 (b) of activities that may not be undertaken without an environmental clearance certificate.

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

RECOMMENDED:

- (a) That the application by Messrs Zhong Mei Engineering Group (Pty) Ltd to enter into a new lease agreement for the current lease site measuring 14 736 m² for the exclusive purpose of a construction site to store equipment and establish a workshop necessary for the execution of their project for the construction of the Swakopmund-Henties Bay-Uis road be approved; subject to the following conditions:

- (i) The conditions approved by Council on 02 February 2016 under item 11.1.5.
- (ii) For a lease period commencing on 01 March 2019 and lapsing on 29 February 2020.

- (iii) A rental tariff of N\$2.00/m² plus 15% VAT subject to an annual escalation of 10% applicable 01 July 2019; and
 - (iv) That their current arrears are settled.
 - (b) That permission be applied for from the Honourable Minister of Urban and Rural Development in terms of section 30 (1) (t) to proceed with the lease agreement.
 - (c) That it be stated in the lease agreement that Messrs Zhong Mei Engineering Group (Pty) Ltd rehabilitate the area according to National Regulations.
-

Due to the voluminous content - the attachments are available on file.

11.1.3 **HANGAR 61: CHANGE OF NAME OF ENTITY**

C/M 2019/02/28 - Hangar 61)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 7.4 page 56 refers.

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

1. Introduction

An application dated **20 December 2018** was received from Bateleur Helicopters CC (CC/2015/12804) requesting Council to change the name of the close corporation from Hallie Investment Number Six Hundred and Fourteen CC (CC/2015/12804) to Bateleur Helicopters CC.

2. Brief Background

Council on **30 November 2017** under item 11.1.18 passed the following resolution:

(a) That Council approves the cessation of the rights of Hangar 61 from Mr Ryno Du Preez to Mr Gunther Helmut Heimstadt subject to the standard lease conditions for hangars at the aerodrome.

(b) That the approval be subject to Mr Ryno Du Preez's lease account being paid up to date as per Annexure "C" (on file).

In addition to the above, the name was changed from the personal name of Mr Gunther Helmut Heimstadt on **25 January 2018** under item 11.1.1 as follows:

That point (a) of Council's resolution passed on 30 November 2017 under item 11.1.18 be amended to reflect the name of the lessee for Hangar 61 as Hallie Investment Number Six Hundred and Fourteen CC to Bateleur Helicopters.

3. Current Situation

Due to the change of membership as well as the name of the close corporation, Bateleur Helicopters CC is requesting for the change of name and of the entity details.

In this regard, the lease agreement entered into on 1 February 2018 provides the following:

Clause 14, being a non-waiver clause stipulating that:

14.1 Any amendments or additions to this Agreement shall be null and void if not reduced to writing and incorporated in an annexure to this agreement and signed by all parties.

In addition to the above, **Clause 19** is the surety clause that reads that the person who signed the lease agreement will be held as surety towards Council for the fulfilment of the lease conditions.

For the above reasons it is necessary to compile an addendum to the lease agreement to amend the name of the entity being the lessee as well

as the representative being the member of the entity as signatory and representative.

The lease period of the entity commenced on 1 February 2018 and will lapse on 31 December 2027.

Attached as Annexure "A" is a letter dated 20 December 2018 as well as the Amended Founding Statement of the close corporation indicating Mr Jan Izak Swart as the sole member.

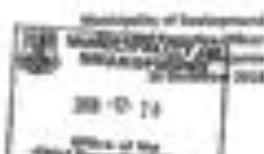
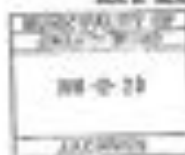
B. After the matter was considered, the following was:-

RECOMMENDED:

- (a) That the existing lease agreement with Messrs Bateleur Helicopters CC (CC/2015/12804) be amended to reflect the change of name of the lessee as well as the identity of the member (representative) of the close corporation signing the agreement.
 - (b) That the lease period remains from 01 February 2018 to 31 December 2027.
 - (c) That the approval be subject to the lease account of Messrs Hallie Investment Number Six Hundred and Fourteen CC being paid up to date.
-

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Annexure "A"



RE: CHANGE OF NAME & DIRECTORY - BATELEUR

We as Bateleur Helicopters (B), hereby would like to inform the Municipality of Saskatoon of the change of company name and request that these details be changed accordingly due to change of ownership. Contact Account Number: 000000110.

Previous name of company was Hells Investments Inc. Ltd (H) Bateleur Helicopters, Previous Owner was Mr. G.P. Hellewell.

The new company details are as follows:

Company Name:	Bateleur Helicopters (B)
P.O. Box:	495 Saskatoon, Sask
Email:	info@bteleur.com
Web Owner:	Mr. G.P. Hellewell

Attached to this request will be:
Approved founding statement
New Charter (B)

Yours Sincerely
Bateleur Helicopters (B)

P.O. Box 495, Saskatoon, Sask
Email: info@bteleur.com
Tel: 438-64 66341 Cell: 438-671 663 634

11.1.4 NEED AND DESIRABILITY FOR THE SUBDIVISION OF ERF 3597 MONDESA EXTENSION 8 INTO FIFTEEN (15) PORTIONS AND REMAINDER
(C/M 2019/02/28 - M 3597)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 7.5 page 67 refers.

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

1. Purpose

The purpose of this submission is to rectify errors on the Council Resolution of 22 February 2018 under item 11.1.2.

2. Background

On the 22nd February 2018, Council resolved that Erf 3597, Mondesa Extension 8 be subdivided into 15 Portions and Remainder as per resolution below.

- (a) That the Need and Desirability of the subdivision of Erf 3597, Mondesa into 17 Portions and Remainder be approved.
- (b) That Erf 3597, Mondesa be subdivided into 17 Portions and Remainder as depicted on the Plan Number SUB/3597/2017.
- (c) That special consent in terms of Clause 5 (c) (2.2) (b) for the construction of residential buildings on the newly created portions and remainder be granted.
- (d) That conditions registered against Erf 3597, Mondesa be cancelled and the following conditions be registered against new erven and Remainder of Erf 3597, Mondesa:
 - (i) The Erf shall only be used or occupied for purposes which are in accordance with 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.
 - (ii) The building value of the main building, excluding the outbuilding to be erected on the Erf shall be at least two (2) times the municipal Valuation of the Erf.
- (e) That the Engineering Services Department be authorized to make minor amendments to the plans in order to accommodate land-survey requirement and those of the Townships Board.
- (f) That the 17 Portions and Remainder of Erf 3597 be reserved for the Shack Dwellers Federation.

After Council Resolution, the Engineering Services Department submitted a subdivision application to Townships Board.

During evaluation of the application by the Townships Board, it was discovered that the Council decision had some technical errors. Approval of such application is not possible without these errors being first rectified.

The content of the Council Resolution indicates that Erf 3597, Mondesa Extension 8 is to be subdivided into 17 Portions and Remainder instead of 15 Portions and Remainder. As a result, the application cannot be considered until the Council Resolution is rectified.

It is against this background that this submission is brought before Council for consideration.

3. Correct version

The correct version of the Council Resolution for the subdivision of Erf 3597, Mondesa Extension 8 should read as recommended.

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

RECOMMENDED:

That the Council resolution of 22 February 2018 under item 11.1.2 be revoked and replaced with the following:

- (a) That the Need and Desirability of the subdivision of Erf 3597, Mondesa into 15 Portions and Remainder be approved,
 - (b) That Erf 3597, Mondesa be subdivided into 15 Portions and Remainder as depicted on the Plan Number SUB/3597/2017.
 - (c) That special consent in terms of Clause 5 (c) (2.2) (b) for the construction of residential buildings on the newly created portions and remainder be granted.
 - (d) That conditions registered against Erf 3597, Mondesa be cancelled and the following conditions be registered against new erven and Remainder of Erf 3597, Mondesa:
 - (i) *The Erf shall only be used or occupied for purposes which are in accordance with 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,*
 - (ii) *The building value of the main building, excluding the outbuilding to be erected on the Erf shall be at least two (2) times the municipal Valuation of the Erf.*
 - (e) That the Engineering Services Department be authorised to make minor amendments to the plans in order to accommodate land-survey requirement and those of the Townships Board.
 - (f) That the 15 Portions and Remainder of Erf 3597, Mondesa be reserved for the Shack Dwellers Federation.
-





11.1.5 **NEED AND DESIRABILITY FOR THE SUBDIVISION OF ERF 3595 MONDESA EXTENSION 8 INTO FIFTEEN (15) PORTIONS AND REMAINDER**
(C/M 2019/02/28 - M 3595)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 7.6 page 72 refers.

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

1. Purpose

The purpose of this submission is to rectify technical errors on the Council Resolution of 22 February 2018 under item 11.1.9.

2. Background

On the 22 February 2018, Council resolved that Erf 3595, Mondesa Extension 8 be subdivided into 15 Portions and Remainder as per resolution below:

- (a) That the Need and Desirability of the subdivision of Erf 3595, Mondesa into 17 Portions and Remainder be approved.
- (b) That Erf 3595, Mondesa be subdivided into 17 Portions and Remainder as depicted on the Plan Number SUB/3595/2017.
- (c) That special consent in terms of Clause 5 (c) (2.2) (b) for the construction of residential buildings on the newly created portions and remainder be granted.
- (d) That conditions registered against Erf 3595, Mondesa be cancelled and the following conditions be registered against new erven and Remainder of Erf 3595, Mondesa:
 - (i) The Erf shall only be used or occupied for purposes which are in accordance with and the use or occupation of the erf shall at all times be subject to the provisions of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.
 - (ii) The building value of the main building, excluding the outbuilding to be erected on the Erf shall be at least two (2) times the municipal Valuation of the Erf.
- (e) That the Engineering Services Department be authorised to make minor amendments to the plans in order to accommodate land-survey requirement and those of the Townships Board.
- (f) That the 17 Portions and Remainder of Erf 3595 be reserved for the Shack Dwellers Federation.

After Council Resolution, the Engineering Services Department submitted a subdivision application to Townships Board.

During evaluation of the application by the Townships Board, it was discovered that Council decision had some technical errors. Approval of such application is not possible without these errors being first rectified.

The content of the Council Resolution indicates that Erf 3595 Mondesa Extension 8 is to be subdivided into 17 Portions and Remainder instead of 15 Portions and Remainder. As a result, the application cannot be considered until the Council Resolution is rectified.

It is against this background that this submission is brought before Council for consideration.

3. **Correct version**

The correct version of the Council Resolution for the subdivision of Erf 3595, Mondesa Extension 8 should read as recommended.

4. **Conclusion**

The rectification of the aforesaid Council Decision is prominent to the approval of the Need and Desirability, and subsequent subdivision application for Erf 3595, Mondesa Extension 8.

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

RECOMMENDED:

That the Council Resolution of 22 February 2018 under item 11.1.9 be revoked and be replaced with the following:

- (a) That the Need and Desirability of the subdivision of Erf 3595, Mondesa into 15 Portions and Remainder be approved,
 - (b) That Erf 3595, Mondesa be subdivided into 15 Portions and Remainder as depicted on the Plan Number SUB/3595/2017.
 - (c) That special consent in terms of Clause 5 (c) (2.2) (b) for the construction of residential buildings on the newly created portions and remainder be granted.
 - (d) That conditions registered against Erf 3595, Mondesa be cancelled and the following conditions be registered against new erven and Remainder of Erf 3595, Mondesa:
 - (i) *The Erf shall only be used or occupied for purposes which are in accordance with 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.*
 - (ii) *The building value of the main building, excluding the outbuilding to be erected on the Erf shall be at least two (2) times the municipal Valuation of the Erf.*
 - (e) That the Engineering Services Department be authorised to make minor amendments to the plans in order to accommodate land-survey requirement and those of the Townships Board.
 - (f) That the 15 Portions and Remainder of Erf 3595, Mondesa be reserved for the Shack Dwellers Federation.
-



11.1.8 **NEED AND DESIRABILITY TO SUBDIVIDE ERF 1994 MONDESA EXTENSION 3 INTO THIRTY PORTIONS AND REMAINDER**
(C/M 2019/02/28 - M 1994)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 7.7 page 77 refers.

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

1. Purpose

The purpose of this submission is for Council to reconsider its decision of 26 April 2018 to accommodate the subdivision layout plan for the need and desirability to subdivide and a further subdivision of Erf 1994 Mondesa into 30 portions and Remainder in terms of Section 5 (5) (A) (1) and Section 21 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), as amended.

2. Introduction and Background

This application has served before Council and Council on 26 April 2018 resolved under item 11.1.10, as follows:

- (a) That the Need and Desirability for the subdivision of Erf 1994, Mondesa into thirty (30) portions and Remainder be approved.
- (b) That the following conditions shall be registered against the title deeds of all erven, except those reserved as public open space and those zoned for local authority purposes:
 - (i) The Erf shall only be used or occupied for purposes which are in accordance with and the use or occupation of the Erf shall at all times be subject to the provisions of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.
 - (ii) The building value of the main building, excluding the outbuilding to be erected on the Erf shall be at least two (2) times the municipal valuation of the Erf.

The initial application submitted by Stewart Planning Town and Regional Planners on behalf of the Hada Mai/Hao Housing Project Savings Scheme (Shack dwellers) to subdivide Erf 1994 Mondesa into thirty (30) erven and Remainder did not have the subdivision layout attached. Erf 1994, Mondesa Extension 3 was sold to the Hada Mai/Hao Housing Project Savings Scheme (Shack dwellers) by the Swakopmund Municipal Council in 2006. The area has been surveyed and Council has allowed the saving group to construct and occupy their houses, provided that they carry out the relevant town planning statutory.

Temporary water, sewerage and electricity connection points were provided to the site and costs were included in the purchase price of land. Development on site has already taken place prior to the planning permission; it is against this background that the Engineering Services Department seeks Council approval for the Need and Desirability to subdivide Erf 1994 Mondesa into thirty erven and Remainder, to regularize the existing development.

3. Zoning, Locality and Size

Erf 1994 measures approximately 10500m². Given the size of the site and the number of erven to be created, the parcel sizes will be 300m² and more in extent. This is within the required minimum erf size. Erf 1994 Mondesa is near the Mondesa Cemetery.



4. Discussion

The group wants to subdivide the block into single erven to accommodate houses built on each erf. The houses have been existing for more than ten years. The subdivision has to be undertaken to regularize the current situation and fulfil the condition of sale that the saving scheme group carries out the town planning procedures. The houses are built within the surveyed boundaries and the subdivision will yield the exact same number of erven that are currently occupied by the houses. It must be well noted that there no members going to lose their houses, neither houses will be demolished as a result of the subdivision.

Access to the site obtained from the existing street (Mandume ya Ndemufayo) and an internal street of 4 metre wide will be created as a result of the subdivision to facilitates the free movement of pedestrians and vehicles in and out of the residential block. In addition, five minor and short streets will be created as links and enable access to the houses at the back.

Land use & density	Number of erven	Area in m ²	Percentage area of total development
Single residential with a density of 1:300	30	9072	86.4%
Street	Remainder	1428	13.6%
TOTAL	31	10500	100%

5. Need

The residential block is within the built-up area. The low-income group housing backlog continues to rise if such initiatives are not supported by the line ministry and local authorities. This subdivision is sought to provide affordable housing to the ultra-low income group that are not accommodated in the housing market. Council has allocated a large piece of land to this saving group and it is not feasible to keep ownership of the property in the whole group. Helping low-income groups such as Hada Ma/Hao Housing Project Savings Scheme will prevent the proliferation of informal settlement.

6. Desirability

The subdivision is necessary as it will enable each group member to acquire freehold ownership of a piece of land, instead of collectively owning the land. Subdividing the block will further allow proper demarcation of erven which eliminates conflicts and disputes among group members on property boundaries.

7. Conclusion

Given the above, it is recommended that Council approves the Need and Desirability for the subdivision of Erf 1994 Mondesa into thirty (30) portions and Remainder.

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

- (a) That the Council resolution of 26 April 2018 under item 11.1.10 be amended to accommodate point (c) and (d).
 - (b) That the Need and Desirability for the subdivision of Erf 1994, Mondesa into thirty (30) portions and Remainder be approved.
 - (c) That the subdivision of Erf 1994 Mondesa into 30 portions and Remainder be approved.
 - (d) That the subdivision layout be approved.
 - (e) That the following conditions shall be registered against the title deeds of all erven, except those reserved as public open space and those zoned for local authority purposes.
 - (i) *The Erf shall only be used or occupied for purposes which are in accordance with and the use or occupation of the erf shall at all times be subject to the provisions of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), as amended.*
 - (ii) *The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least two (2) times the Municipal Valuation of the erf.*
-



Due to the voluminous content - the attachments are available on file.

11.1.7 **APPLICATION BY KARADIX INNOVATIVE INVESTMENT CC FOR 30 HA OF LAND; AND ALLOCATIONS OF LARGE PORTIONS OF LAND IN GENERAL**

(C/M 2019/02/28 - G 4/1/1, 16/1/4/2/1/5)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.1 page 03 refers.

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

1. Introduction

An application for audience from Karadix Innovative Investment CC for a large portion of land was discussed by the Planning Forum on 22 November 2019 under item 5.10.

Taking into consideration various applications for large portions of land in general, the Planning Forum concluded as follows:

- (a) That the application of Messrs Karadix Innovative Investment CC to acquire a portion of 30ha for townships development be submitted to the Management Committee.
- (b) That the Management Committee provides guidance as to how applications for large portions of land be dealt with, considering:
- Structural Development Plan of Council
 - Future development of Swakopmund
 - The current area already allocated to private developers.
 - The time periods required for developing land
 - The land available to Council for development.

The attached letter dated 24 October 2018 (received on 05 November 2018) was received from Karadix Innovative Investment CC (Annexure "A") requesting an audience with the Management Committee to present their development proposal.

They apply to purchase a portion of land measuring 30ha of either serviced or unserviced land for the construction of medium and high income housing (two bedroom house will cost approximately N\$800 000.00). They also envisage constructing a shopping mall and other amenities in the suburb.

2. Ministerial Directive, Provisions of the Property Policy and Council Resolutions

2.1 Directive from the Ministry of Urban and Rural Development

The Minister of Urban and Rural Development as per letter dated 04 June 2015 directed local authorities to stop allocating many even to one individual or entities for residential development purposes (attached as Annexure "B")

Currently, Council is prohibited by the memorandum issued by the Ministry of Urban and Rural Development from selling large portions of land for residential development.

2.2 Provisions of the Property Policy

For completeness sake, Council's Property Policy guides as follows with reference to the minimum requirement for the consideration of the sale of land:

6.2.4 Council intends to only consider the sale of portions of land once a Surveyor-General approved diagram is in place in order to be able to transfer the land, depending on such other factors Council may consider relevant as further set out in this policy.

7. ALIENATION

It is the intention of Council¹ to take responsibility for all aspects of town planning (as set-out under point 6.2 above) before land is sold; meaning that Council will decide on the layout and design of all future development of townships and the townlands up to the registration of erven in the Deeds Office, irrespective of whether it is a project initiated by Council or by a member of the public.

Council shall be under no moral or legal obligation to allocate any property for sale to any private individual, entity or institution based on a request to purchase, due to a precedent arising from a previous similar alienation of property.

2.3 Council Resolutions

Council on **24 April 2014** under item 11.1.1 passed the following decision regarding the purchasing of large portions of land:

- (a) That Council remains with its resolution of 30 January 2014 under item 11.1.6 (b);
- (b) That once Council decides on the future development and sale of these subdivided blocks and a Surveyor-General approved diagram is in place, Council will advertise its intention in two newspapers circulating locally as required in terms of the Local Authorities Act, Act 23 of 1992, as amended, thereby affording the general public transparent, fair and equal opportunity to participate by either submitting a development proposal or closed bids (as will be decided by Council at the time);
- (c) That all future applications received for township development be informed of the decision in (a) above;
- (c) That, in future, a standard response be issued to all applicants for land in excess of 5 000m², for especially private township development, informing them that there is no land available and that this resolution be explained to the public;
- (d) That applications received for major or extra-ordinary developments such as schools or hospitals be subject to calling for such development proposals in order to enable Council to make the best selection.

¹ Refers to Management Committee's Resolution passed on 10 March 2011 under item 6.27, point (c) - G 4/1/1

Subsequent to the directive issued by the Ministry of Urban and Rural Development Council passed the following resolution on **25 June 2015** under item 11.1.15:

That Council complies with the directive from the Ministry of Urban and Rural Development dated 04 June 2015 by not selling large portions of land to private developers.

With reference to the application of The Kandume Housing Group to purchase a portion of land in Mondesa to build houses for their members during 2015, Council on **29 October 2015**, under item 11.1.30 passed the following resolution:

That the Kandume Group be officially informed that Council will offer even directly to the public without "middlemen" in terms of current policies and directives of the Minister.

With reference to public private partnership applications which are essentially for large portions of land, Council on **22 February 2018**, under item 5.1 passed the following resolution regarding the Public Private Partnership applications:

- (a) That the Acting Chief Executive Officer arranges for a delegation to meet the Minister of Urban and Rural Development or his Deputy regarding Public Private Partnership applications.*
- (b) That Council only considers the current listed Public Private Partnership applications until they are exhausted, before consideration is given to new applications.*
- (c) That new Public Private Partnership applications received be placed on file and only be considered in terms of (b) above.*

3. Current Situation with Reference to the Availability of Land

3.1 The extensions located to the north eastern side of the town were allocated to either private developers or the mass housing project for development.

3.2 In addition to the above, no other areas are available. In this regard, Council passed the following resolution on **26 July 2018** under item 11.1.7 with reference to the newly established townships to the east of Kramersdorf:

- (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 35 are promulgated and serviced, they be sold by closed bid sales.

- 3.3 In conclusion, with reference to the land located to the east of the Herties Bay Road (north of Extension 2, Matutura); Council on **30 November 2017** considered an application (bulk submission) of Embamba Investments CC dated **12 October 2017** which entity was not allocated land to develop.

Following the above, the Management Committee on **13 September 2018** under item 7.14 passed the following resolution (among other) with reference to an application by Mr P Rooi:

(a) That the applicant be invited to make a presentation to the Management Committee on a date to be determined by the Acting Chief Executive Officer.

The application of Mr Paul Rooi is dated **17 April 2018** to purchase a portion of land measuring 50ha located to the east of the Herties Bay Road. He intends to construct affordable houses for the working class residents of Swakopmund. The land will be used for residential, business and educational purposes.

4. Proposal

It is proposed that Management Committee considers whether to entertain the application for an audience with Karadix Innovative Investment CC.

That the Management Committee provides guidance on how applications for large portion of land be dealt with.

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

RECOMMENDED:

That the application by Messrs Karadix Innovative Investment CC to present a proposal to acquire a portion of 30ha for townships development be turned down.

Due to the voluminous content - the attachments are available on file.

11.1.8 **APPLICATION TO PURCHASE A PORTION OF HEUSCHNEIDER STREET AND CONSOLIDATE WITH ERF 1329, SWAKOPMUND**
(C/M 2019/02/28 - E 1329, 19/03/08)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.2 page 11 refers.

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

This item was submitted to and discussed at the Planning Forum of **06 November 2018** under item 5.1 and is now submitted to the Management Committee for consideration not to approve the application.

1. **Introduction**

The attached application (Annexure "A") dated **20 June 2018** was received from Mr. Anthony C Dreyer (owner of Erf 1329, Tobias Haiyeko Street) to purchase a portion of Heuschneider Street and consolidate the said portion with his Erf 1329, Swakopmund.

Mr Anthony C Dreyer (hereinafter referred as Mr Dreyer) has indicated to purchase the portion with two options in size as follows:

- 1st option - 542.30m²
- 2nd option - 417.98m²

A map indicating the location of the portion is attached as Annexure "B".

The application of Mr Dreyer was acknowledged on **05 July 2018** and was informed that the application will be submitted to Council's internal forums for discussion.

2. **Discussion**

Mr Dreyer applied to purchase the street portion between Erf 1329 and 1342, Swakopmund. In his letter, he indicated that he intend to consolidated the required portion with Erf 1329, Swakopmund of which he is the owner. Mr Dreyer did not motivate his application why he applies to purchase the street portion apart from wanting to consolidate the portion with his erf. Should it be consolidated with the applicant erf, it will increase the total size and the value of the consolidated erf.

Engineering Services and Traffic Services were requested to provide comments whether the street portion can be sold to the applicant. Traffic Services have no objections.

Engineering Services Department as per memo dated **26 September 2018 (Annexure "C")** stated that they are not in favour of the street closure and cannot support the sale of the street portion. They advise that the street must remain open as through-way for the public.

No comments regarding the location of services on the portion were provided and therefore it is assume that no services is located on the portion

Should Council support the sale of the street portion to Mr Dreyer, the street will leave a cul-de-sac as Heuschneider Street provides access to

Tobias Haiyeko Street for the following erven: Erf 1331, 1344, 1346, 2831, Swakopmund and the public. Erf 1342 will also not have access to their property if the larger portion is sold to Mr Dreyer.

3. Proposal

Based on the comments of Engineering Service Department it is proposed that the application of Mr Dreyer to purchase a portion of Heuschneider Street and consolidate the said portion with Erf 1329, Swakopmund not be approved.

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

RECOMMENDED:

That the application of Mr A C Dreyer to purchase a portion of Heuschneider Street and to consolidate it with Erf 1329, Swakopmund not be approved as the street must be retained as a through-fare.

Annexure
"B"

Due to the voluminous content - the attachments are available on file.

11.1.9 **REQUEST FOR SPONSORSHIP: SCREENING AND ADVERTISING OF THE MOVIE XENOPHOBIA**
(C/M 2019/02/28 - D 5)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.4 page 33 refers.

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

Planning Forum on 22 January 2019 under item 5.6 resolved as follows:

That the request from Messrs GrandPix Entertainment Films for sponsorship towards the screening and advertising of the film Xenophobia on 15 February 2019, be turned down.

Attached E-mail received from Mr Matheus Mbundu, the Film Director at Messrs GrandPix Entertainment Films requesting for sponsorship from the Swakopmund Municipality to screen and advertise their movie called Xenophobia on 15 February 2019. In their letter they are also requesting for Council to provide them with the venue where the movie will be screened.

The film Xenophobia was shot in **November 2018** and has been released, but not yet screened. It demonstrates the hatred of foreign people and Child Trafficking which Africa and other parts of the world are facing today. The main aim why Xenophobia was produced is to create awareness of xenophobic attacks and Child trafficking and to show people how serious the issues have become in our society.

The ticket prices will be N\$60,00 and the profits made from the ticket sales will be split between Messrs GrandPix Entertainment Films, The Hope for a Better Future Trust and Swakopmund Municipality so as to cover for the municipal facilities which will be used. Council is hereby requested to screen and advertise the film; methods of advertising include poster adverts on street poles and notice boards, including giving flyers to the public. The artwork will however be provided by Messrs GrandPix Entertainment Films. With technical aspects the producers of the film do not have a projector for the screening of the film to the public of Swakopmund.

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

RESOLVED: (For Condonation by Council)

- (a) That the request from the Messrs GrandPix Entertainment Films for sponsorship towards the screening and advertising of the film Xenophobia on 15 February 2019 be noted.
- (b) That Messrs GrandPix Entertainment Films be informed that Council will sponsor the Hall at the Multipurpose Center on a date to be determine by the applicant and that income generated from the event need not to be shared.
- (c) That the applicant explains to the viewers that the acts of xenophobia contained in the movie, are being used to demonstrate undesirable behavior and that the public is urged not to display xenophobic behavior.



Alli Gebhardt | Corporate Officer: Marketing & Communication |
Corporate Services
Municipality of Swakopmund
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Website: www.swakopmund.na

Thank you for considering the environmental impact of printing emails.

From: Mathew Mbundu [mailto:mathewmbundu@img.com.na]
Sent: 14 December 2018 12:05 PM
To: Annette Swart
Subject: Youth Film Screening Sponsorship Request

Gooday, greetings,

We the GrandPa Entertainment Films in Association with The Hope for a Better Future Trust is a small young youth group that Creates Film Content that gives out a Positive message to Viewers/Audiences we are a youth empowerment group that also works with other youth groups to make a difference.

We shot a Film last month November 2018 titled Xenophobia, the Film is based on the Hatred or Dislike of Foreign people and Child Trafficking which we are mainly facing in Africa and also in some parts of the World.

In Namibia also its becoming a bit sever, when it comes to Child Trafficking also, the main aim why we shot this Film is to reach the Awareness of Xenophobic Attacks and Child Trafficking.

What we did was just to put the story into Motion Picture so that people can see for themselves that Xenophobia and Child Trafficking is a Serious Issue.

Our Request is that we want the Swakopmund Municipality to Sponsor this Movie by Screening it to the Public in Swakopmund including the Advertisement, and then a Split in Ticket sales from the Profit the Movie will make may be done between us and the Swakopmund to cover our Facilities.

Your help and Support will be highly Appreciated in viewing local African Movies.

Waiting for your response soon

Regards

Mathew

Due to the voluminous content - the attachments are available on file.

- 11.1.10 **APPLICATION FOR THE REZONING OF ERF 328 MYL 4, EXTENSION 1 FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF ONE PER ERF TO "GENERAL RESIDENTIAL 2" WITH A DENSITY OF 1:250M²**
(C/M 2019/02/28 - M4 328)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.7 page 46 refers.

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

1. Purpose

The purpose of this submission is for the Council to consider the application for the rezoning of Erf 328 Myl 4, Extension 1 from "Single Residential" with a density of one per Erf to "General Residential 2" with a density of 1:250m².

2. Introduction and Background

An application for the rezoning of Erf 328, Myl 4, Extension 1 from "Single Residential" with a density of one per Erf to "General Residential 2" with a density of 1:250m² was received by the Engineering Services from Dunamis Consulting on behalf of the registered owner Mr Natanael Tuyoleni Samuel. The application is attached as **Annexure A**.

3. Zoning, Locality and Size

Erf 328 Myl 4 is zoned "Single Residential" with a density of one per Erf and measures 1040m² in extent. The Erf is situated in Myl 4 Extension 1, in a predominately residential area.

4. Ownership

Ownership of Erf 328, Myl 4, Extension 1 vest with Natanael Tuyoleni Samuel as indicted in the Deed of Transfer T1537/2018.

5. Access and parking

Access to Erf 328, Myl 4, Extension 1 is obtained from Emerald Street. Parking for the proposed development will be provided on-site in accordance with the provision of the Swakopmund Town Planning Scheme.

6. Proposal

The owner of Erf 328 Myl 4, Extension 1 intend to rezone the property from "Single Residential" with a density of one per Erf to "General Residential 2" with a density of 1:250m² in order to construct and accommodate 4 dwelling units.

7. Advertisement

The proposed rezoning of Erf 328, Myl 4, Extension 1 was advertised on the 19th and 26th **October 2018**, in The Observer and the New Era newspapers respectively. An onsite notice was placed on the Erf for public comments and neighbouring property owners were notified by hand

delivered letters informing them of the intent. The closing dated for objections to the proposal was **15th November 2018**. No objections were received by closing time of objection.

8. Discussion

The applicant applied to Council for two reasons, the first is to rezone Erf 328, Myl 4 from single residential to either "General Residential 1" or 2 as deemed fit by Council, and the second is for consent to erect 4 dwelling units for residential purposes while the rezoning is in progress.

Given that Erf 328, Myl 4 measures only 1040m² in extent, a rezoning to "General Residential 2" can be granted because of the provision in clause 5C (2.3) of the Swakopmund Town Planning Scheme which allows for a minimum Erf size of 900m² for the construction of townhouses and 1000m² for residential buildings and blocks of flats, as opposed to the provision in 5B (2.3) for general residential 1 with a minimum Erf size of 1500m² for flats and licensed hotels and 1000m² for residential buildings, town houses and institutions. Consent to erect 4 dwelling units whilst the rezoning is in progress cannot be granted by Council because the current zoning does not make provision for the construction of flats or town houses under consent uses as per the scheme.

9. Conclusion

The request for consent to erect dwelling units whilst the rezoning is in progress is not in line with the Scheme and can therefore not be supported. The proposed rezoning however is in line with the Swakopmund Town Planning Scheme and can therefore be supported.

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

RECOMMENDED:

- (a) That the rezoning of Erf 328 Myl 4, Extension 1 from "Single Residential" with a density of one per Erf² to "General Residential 2" with a density of 1:250m² be granted.
 - (b) That the consent to erect 4 dwelling units for residential purposes on Erf 328 Myl 4, Extension 1 while the rezoning is in progress be turned down.
 - (c) That the rezoning of Erf 328 Myl 4, Extension 1 be included in the next Swakopmund Amendment Scheme.
 - (d) That Erf 328 Myl 4, Extension 1 be subject to a betterment fee calculated according to the betterment fee policy of 2009 and be paid by the applicant before any submission of building plans to the Engineering Services Department for approval.
 - (e) That all the parking be provided on-site in line with the Swakopmund Town Planning Scheme.
 - (f) That the applicant be informed of his/her right to appeal the Council decision to the Minister of Urban and Rural Development with valid reasons within twenty eight (28) days from the date of the decision in accordance with clause 8 of the Swakopmund Town Planning Scheme.
-



Due to the voluminous content - the attachments are available on file.

11.1.11 APPROVAL OF PROPOSED STREET NAMES BY THE NAMING OF STREETS, PUBLIC PLACES, NATURAL AREA AND COUNCIL-OWNED BUILDINGS / FACILITIES ADVISORY COMMITTEE
(C/M 2019/02/28 - N 8/1/2)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.8 page 75 refers.

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

1. Purpose

The purpose of this submission is for the Council to consider the names for the Multi-purpose centre as well as the Tamariskia Community Town Hall, together with street names as per the recommendation of the Naming of Streets, Public Places, Natural Area and Council-owned Buildings/Facilities Advisory Committee for streets in Matutura Extensions 6, 7, 8, 9 and 10.

2. Introduction and Background

The Naming of Streets, Public Places, Natural Area and Council-owned Buildings / Facilities Advisory Committee held its meeting on the 11th September 2018 and 20th November 2018 in the Management Committee Room, where it resolved and subsequently confirmed the minutes respectively. Minutes of the meeting are herewith attached as **Annexure A**.

The Naming of Streets, Public Places, Natural Area and Council-owned Buildings / Facilities Advisory Committee proposed street names for Matutura Extensions 6, 7, 8, 9 and 10 and endorsed the resolution of the Management Committee, M/C 2017/04/12, that the Multi-purpose Centre and the Tamariskia Community Town Hall be named after the two former Swakopmund Mayors as follows:

- o Multi-purpose Centre - Germina Ndaposhiho Shitaleni
- o Tamariskia Community Town Hall - Rosina //Hoabes

The Management Committee minutes are attached as **Annexure B**.

In terms of the naming of streets, public places and Council owned buildings guidelines, the committee proposes names for consideration by Council. It is against this back ground that the proposed street names are being submitted before Council for consideration.

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

RECOMMENDED:

- (a) That the Multi-purpose Centre be named Germina Ndaposhiho Shitaleni Multi-purpose Centre and that the Hall within the Multipurpose Center be named Alderwoman Rosina //Hoabes Community Hall.
- (b) That the list of names below be approved for street names for Matutura Extensions 6:

- *Simson Tjongarero*
- *Junias Sheya*
- *Reverend Petrus Kimm*
- *Katrina Mwashekele*

(d) That the list of names below be approved for street names for Matutura Extensions 7:

- *Sylvanus Numbela*
- *Ambrosious Ndatshalele*
- *Isabella Bock*
- *Andreas Ekandjo*
- *Past /Khacab*
- *Martha Gorinas*
- *Werner /Awarab*
- *Daniel /Nacob*
- *Aune Kandombo*
- *Hendrico Visagie*
- *Keuna Aaino*

(e) That the list of names below be approved for street names for Matutura Extensions 8:

- *Lukas Nyandl*
- *Salome /Ulras*
- *Reinhardine /Khexas*
- *Gustaf /Owos-cab*
- *Chief Aron Kahilko*
- *Lilina Hassie Goses*
- *Immanuel Tsuseb*

(f) That the list of names below be approved for street names for Matutura Extensions 9:

- *Martha Ketekele*
- *Frieda Nijendja*
- *Helena /Khoases*
- *Benjamin Hangula*
- *Martha Karime*
- *Martha Nitembo*
- *Elias Nyandl*
- *Erkki Shitana*
- *Sarafina Lunko*
- *Leonard Kapjiru*

(g) That the list of names below be approved for street names for Matutura Extensions 10:

- *Namene Goses*
 - *Linsa Edward*
 - *Ndamona Elias*
 - *Simon Pedaya*
 - *Loise Ye Frans*
 - *Esegiel Gulseb*
 - *King Eliphas Kauluma*
 - *Reverend Sakeus /Keib*
 - *Gideon Shakafela*
 - *Bishop Ernst /Ganramub*
 - *Matakia Shitaleni*
-

Due to the voluminous content - the attachments are available on file.

11.1.12 **APPLICATION TO UTILIZE THE COURTYARD OF THE WOERMANN HAUS FOR VOCAL GALORE ORGANIZATION'S EVENTS: DRUMMING CIRCLE**

(C/M 2019/02/28 - E 1/4/1)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.10 page 89 refers.

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

This item was submitted to and discussed at the Planning Forum of **22 January 2019** under item 5.8 and is now submitted to the Management Committee for consideration to approve the application.

1. Introduction

The attached letter dated **03 October 2018 (Annexure "A")** was received from the Vocal Galore Choral Organization (hereinafter referred to as "VGCO") requesting permission from Council to host events; such as drumming to be able teach both locals and tourists in the courtyard of the Woermann Haus.

2. Background

The VGCO is a registered youth entity under the Ministry of Youth, Sports and National Services. It strives to improve and advance choral music through clinics, workshops and festivals and its main objective is to provide a platform where cultural groups and sub-groups can exchange music, ideas and initiatives to further advance cultural heritage.

VGCO motivates its request by stating that given the current economic status which is detrimental to youth employment opportunities, the VGCO believes that now is the right time to implement this initiative in Swakopmund as the town is known as the tourism 'mecca' of Namibia and employment opportunities through this initiative are endless and self-sustaining. The initiative will be successful for a number of reasons, namely;

- *Having a good relationship with Council's Community Development Services Department and the community at large.*
- *Cast a positive light on Swakopmund Council as a progressive local authority that is at the forefront of empowering youth initiatives for self-reliance.*
- *Give tourists and locals a unique tourist attraction and venue that is the only of its kind in Namibia.*
- *Encourage creativity amongst the youth to use their talent to create employment for themselves, thereby spearheading a generational (mental) paradigm shift towards progressive self-dependency.*

3. Discussion

An application has now been received from VGCO requesting the Swakopmund Municipality to utilize the Woerman Haus courtyard for hosting its events, namely its facilitated Djembe drumming circle to teach both locals and tourists at given times of the day(s), subject

to approval, for a stipulated fee, thereby creating youth employment among the local youth of Swakopmund.

Subject to approval, the VGCO shall further engage with the Department of Community Development Services and Property Section to draw up a comprehensive schedule.

VGCO has made a schedule of selected days and times as follows:

Tuesdays	:	18:00 - 19:30
Thursdays	:	18:00 - 19:30
Saturdays	:	15:00 - 17:00
Sundays	:	15:00 - 17:00

They are also aware of the tariffs to be paid to Council for the utilization of the Woermann Courtyard but the organization is requesting to be given a discount on the rates, particularly to mitigate the inception of the proposed initiative until such a time as it can financially sustain the program. VGCO is also requesting exemption from paying tariffs for the first three months. Whereafter tariffs shall be paid as required and stipulated by law and regulations.

With reference for leasing of public areas, Council on 26 April 2012 resolved the following under item 11.1.11:

- (a) That ~~part (a)~~ of Council's resolution of 24 November 2009 under item 11.1.3 be repealed and replaced with the following:
- (a) That the tariffs for use of Municipal land including, but not limited to the Mole Area, Amphitheatre, Central Beach Area and Northern Beach Recreational Area, be as follows for all users (15% VAT excluded):
- | | | |
|--|----------|-----------|
| For an area of 15m ² or less | | |
| (i) | Only | N\$ 50.00 |
| (ii) | Weekends | N\$ 75.00 |
| (iii) | Weekly | N\$100.00 |
| (iv) | Monthly | N\$300.00 |
| For an area bigger than 15m ² | | |
| (i) | Only | N\$ 75.00 |
| (ii) | Weekends | N\$150.00 |
| (iii) | Weekly | N\$125.00 |
| (iv) | Monthly | N\$500.00 |
- (b) That the remaining conditions of Council's resolution passed on 24 November 2009 under item 11.1.3 remain unchanged, except the payment of the refundable deposit which was approved by Management Committee on 07 September 2010 in the amount of N\$357.50.
- (c) -
- (d) That it should be noted that the installation of a temporary electricity connection is costly.

4. Proposals

It is therefore proposed that permission be granted to the VGCO's to utilize the Woermann Haus courtyard subject thereto that they confirm in advance the use for the following month.

That with reference to their request to pay special tariffs, it is proposed that they be offered:

- They be offered exemption on the first three month's tariff. The Special Management Committee passed the following decision with reference to a request for the reduction in the standard rental tariff on **11 September 2018** under item 5.4:

(iv) That the rental amount be waived until 31 December 2018 and that the lessee must provide feedback on a 6 monthly basis until the project is self-sustaining.

- The monthly tariff of N\$500.00 be offered to them to allow other members of the community equal opportunity such as the Junior Town Council that hosts movie nights and other lessees that pay the rental tariffs.

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

RECOMMENDED:

- (a) That permission be granted to Vocal Galore Choral Organization to host a drumming circle at the courtyard of the Woermann Haus.
- (b) That Council exempts Vocal Galore Choral Organisation from paying the tariff for the first three months, whereafter the standard tariff shall be paid as required.
- (c) That Council's standard tariff for the lease of public places be applicable, being:

N\$500.00	-	Monthly tariff for an area bigger than 16m ²
N\$157.50	-	refundable deposit

- (d) That the following conditions be applicable:

1. Council must be indemnified against any claims that may arise from using the area.
2. The area must be restored to its original condition and to the satisfaction of the Swakopmund Municipality after the function.
3. Sound must be restricted to the immediate surrounding area. On receipt of any complaints due to noise or misbehavior, the use of the area will be cancelled immediately.
4. If required, the applicant is responsible to provide and arrange for public ablution facilities on site.
5. If required, the applicant is responsible to provide and pay for the lease of refuse bins as well as the removal afterwards (N\$15.50 per bin and N\$415.00 per truckload for the removal (15% VAT excluded)).
6. No one is allowed to stay on the property overnight.
7. Council reserves the right to cancel the use of the area should Council need the area for its own purposes.
8. The applicant must make prior arrangements with Erongo-RED for an electricity connection at their cost.
9. No trade in alcoholic beverages be allowed.
10. That the applicant confirms the use of the courtyard monthly in advance in order for other entities to also be allowed the opportunity to use the facility.



13/3/13 X
E 1/4/1

P.O. BOX 2012
VENETA
SWAZILAND
E-MAIL: vocalgalore@gmail.com
CELL: 081 447 4894

1 OCTOBER 2018

TO:
MR M. SWARTZ
THE ACTING CHIEF EXECUTIVE OFFICER,
SWAZILAND MUNICIPALITY,

100 BARDONIA STREET &
DANIEL SAMBO AVENUE
SWAZILAND



**PROPOSAL FOR THE UTILIZATION OF THE
WOERMAN HAUS COURTYARD**

FOR VOCAL GALORE ORGANIZATION'S EVENTS:

DRUMMING CIRCLE

ABOUT

Vocal Gales Choral Organization, i.e. V.G.C.O, was founded 16 April 2011, coded from the Vocal Gales group founded 16 June 2006 by youth from Swakopmund and is a registered youth entity under the Ministry of Youth, Sports and National Services. The groups that constitute the umbrella body of the Organization are then: Vocal Gales Ensemble, Swakopmund Youth Choir, Swakopmund Jazz Ensemble, Swakopmund Children's' Choir and other groups still in their infancy of initiation.

GENERAL INFORMATION**1.1 Mission Statement**

- 1.1.1 To strive to become a respected choral organisation
- 1.1.2 V.G.C.O is an organisation which shall strive to improve and advance choral music within and without the boundaries of Namibia through clinics, workshops and festivals

1.2 Vision Statement

- 1.2.1 To inspire, encourage and motivate creativity, promote culture entrepreneurship and celebrate cultural diversity through music

1.3 Aims and Objectives

- 1.3.1 To be a recognised (youth) choral body in Namibia, Sub-region and Internationally
- 1.3.2 To provide a platform where cultural groups and sub-groups can exchange music, ideas and initiatives to further advance cultural heritage
- 1.3.3 To raise standards of choral music and its sub-groups through:
 - 1.3.3.1 Educating choirs, conductors and sub-groups
 - 1.3.3.2 Introduce International (choral) music to all respective participating members of the organisation
 - 1.3.3.3 Organise events annually to monitor choral development in Namibia

WOERMAN HAUS COURTYARD

V.G.C.O wishes to kindly request the Swakopmund Municipality, the utilisation of the Woerman Haus courtyard for hosting its events, namely its Facilitated Djembe drumming Circle to teach both locals and tourists at given times of the day (s), subject to approval, for a stipulated fee, thereby creating youth employment among the local youth of Swakopmund.

Definition of Djembe drumming circle:

A drum circle is any group of people playing (usually) hand-drums and percussion in a circle. ... They can range in size from a handful of players to circles with thousands of participants. Drum circles are related to other community-based music gatherings such as flute circles or vocal improvisation groups.

This initiative is not unique to Namibia, and given the economic status quo detrimental to youth employment opportunities, VGCO believes that now is the right time to implement this initiative in Swakopmund as the town itself is known as the tourism "mecca" of Namibia and employment opportunities through this initiative are endless and self-sustaining. However, as is the norm, ideal venues are at times not of reach for locals to host events to create self-employment. Hence the VGCO's plea to the Swakopmund Town Council for assistance regarding this matter.

This initiative will work/be successful for a plethora of reasons, namely:

- Forge closer ties/working relationship between the Council's Community Development Department and the community
- Create a platform offer youth employment in Swakopmund
- Cast a positive light on the Swakopmund Town Council as a progressive local authority that is at the forefront of empowering youth initiatives for self-reliance
- Create a unique atmosphere where old and new history of the Swakopmund town symbiotically cohabits and coexists
- Give visitors and locals of Swakopmund a unique tourist attraction and venue that is the ONLY one of its kind in the Whole of Namibia
- Furnish a unique adaptability to correct economic headwinds through acceptance of cultural diversity and traditional tolerance in the modern world
- Create a new favourite past-time for all interested parties in an ultra-safe environment that will break down societal barriers
- Encourage creativity amongst the youth to use their talents to create employment for themselves, thereby spearheading a generational (mental) paradigm shift towards progressive self-dependency

PERFORMING SCHEDULE

Subject to approval, the VGCO shall further engage with the Department of Community Services and/or Properties Department to draw up a comprehensive schedule, in consultation with all relevant stakeholders within the local tourism market in order to maximise the effectiveness of the proposed drumming circle. Selected days and times will be as follows:

- | | |
|--------------|---------------|
| ➤ Tuesdays: | 18:00 – 19:00 |
| ➤ Thursdays: | 18:00 – 19:00 |
| ➤ Saturdays: | 11:00 – 13:00 |
| ➤ Sundays: | 11:00 – 13:00 |

Given the fact that the VGCO's research indicates that daily tariffs are to be paid to the Swakopmund Municipality, it is the Organisation's kind request to please be given discounts of the charged rates, particularly in that mitigating the inception of the proposed initiative until such a time as it can financially sustain the program. Where possible, a tariff exemption is requested within the first 3 months of commencing this initiative, wherefrom which tariffs shall be paid as required and stipulated by law and regulations.

The VGCO has already acquired the equipment to commence with the drumming circle as soon as its request is approved. It is not the vision of the VGCO to waste time regarding such matters or even

before approaching the Council without already having acquired the necessary tools to ensure that such initiatives are implemented at the speed of light, should council give the proverbial green light.

Having already submitted to Council a previous in-depth proposal that highlights the current and future projects of the VCCO, this request is thus a follow-up specification to the multitude of envisioned initiatives that the Organization has planned to indicate to the Council that VCCO is adamant and persistent in its mandate to create employment through cultural entrepreneurship.

Our sincerest of appreciation to Her Worship, the Mayor; Chairperson of the Management Committee; Swakopmund Town Council and Swakopmund Municipality for the opportunity and consideration of this proposal/request for the advancement of the community of Swakopmund.

Our kindest regards,

VOCAL GALORE CHORAL ORGANIZATION

11.1.13 WRITING OFF: OLD AND REDUNDANT EQUIPMENT -
ENGINEERING SERVICES DEPARTMENT
 (C/M 2019/02/28 - L 2)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.12 page 101 refers.

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

The following old and redundant equipment in the Engineering Services Department needs to be written off:

Equipment	Total	Reason
Ross MW7 Distance Measuring Wheels 1000mm	1	Broken
Office Chair (TP)	1	Broken

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

RECOMMENDED:

- (a) That the following equipment in the Engineering Services Department be written off and sold at the next Public Auction:

Equipment	Total	Reason
Ross MW7 Distance Measuring Wheels 1000mm	1	Broken
Office Chair (TP)	1	Broken

- (b) That the Chief Executive Officer and the Chairperson of Management Committee determine the upset prices for the above.

- 11.1.14 **ERONGO RED: CALL FOR RERESENTATIVE TO SERVE ON ERONGO RED'S CONSUMER LIASION COMMITTEE**
(C/M 2019/02/28 - A 4/3/1/16/1, A 4/3/1/16)

Special Management Committee Meeting of 14 February 2019, Addendum 9.2 page 10 refers.

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

1. Purpose

The purpose of Erongo RED Consumer Liaison Committee is to provide a forum for the discussion, consultation, advice and feedback to the Management of Erongo RED on matters of common concern, interest and to exchange information and views. Also to give direction on its policies, procedures and processes as they affect the community.

2. Objectives

The objectives of the Consumer Liaison Committee are:

- 2.1 To act as a resource to the Management of Erongo RED on planning, implementation and evaluation of service and activities.
- 2.1 To serve as a formal platform to exchange ideas and concerns as identified by committee members.
- 2.2 To serve as a communication vehicle to the community on the work plans of Erongo RED and its impact on the community.
- 2.3 Assist in advising on policy issues for services regarding the interest of customers
- 2.4 To inform the public about electricity related issues.
- 2.5 To assist with speedy resolution of consumer complaints.
- 2.6 Creating awareness among consumers of their rights and responsibilities as well as the roles and functions of the service providers and the Regulator.

3. Composition

- 3.1 The committee shall consist of representatives from the community of the respective towns within the Erongo region.
- 3.2 Membership of this committee shall be available to those interested on a voluntary basis.
- 3.3 The Chairperson of the Consumer Liaison Committee will be a permanent employee of Erongo RED. In his / her absence an alternate in acting capacity shall act as Chairperson.
- 3.4 Committee will be represented by two volunteer members of the community of Swakopmund.

4. Qualifications of members:

- 4.1. Be resident in an area serviced by Erongo RED.
- 4.2. Have a good record of paying their Erongo RED bills.

- 4.3. Have demonstrated experience in consumer or community work and exhibit and willingness to work on a voluntary basis.
- 4.4 Have a good understanding of the official language and local language(s) in the Area.
- 4.5 Should not have any criminal record.
- 4.6 Be willing to undergo training.
- 4.7 Be at least 21 years and older.
- 4.8 Basic knowledge of Erongo RED Tariffs.
- 4.9 Computer Literacy will be an advantage.

Attached, Erongo RED's draft Consumer Liaison Committee Terms of Reference

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

RECOMMENDED:

That Council nominates two (2) Swakopmund Community members that fulfil the required qualifications of members to represent Swakopmund Community on a voluntary basis on Erongo RED's Consumer Liaison Committee on matters of common concern, interest and to exchange information and views and to give direction on its policies, procedures and processes as they affect the community of Swakopmund.



Reg. No 2004/074

**ERONGO REGIONAL ELECTRICITY
DISTRIBUTOR COMPANY (PTY) LTD**

**CONSUMER LIAISON COMMITTEE (CLC)
TERMS OF REFERENCE**

Document Control		
Revision	Reason of change	Date
1	First Draft - Management	17 February 2017
2	Stakeholder Engagement Committee	
3	Approved by the BOARD	

Authorized by.....
CHIEF EXECUTIVE OFFICER

Approved by the BOD: 2018

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1. Purpose

The purpose of Erongo RED Consumer Liaison Committee is to provide a forum for the discussion, consultation, advice and feedback to the Management of Erongo RED on matters of common concern, interest and to exchange information and views. Also to give direction on its policies, procedures and processes as they affect the community.

2. Objectives

The objectives of the Consumer Liaison Committee are:

- 2.1 To act as a resource to the Management of Erongo RED on planning, implementation and evaluation of service and activities.
- 2.1 To serve as a formal platform to exchange ideas and concerns as identified by committee members.
- 2.2 To serve as a communication vehicle to the community on the work plans of Erongo RED and its impact on the community.
- 2.3 Assist in advising on policy issues for services regarding the interest of customers
- 2.4 To inform the public about electricity related issues.
- 2.5 To assist with speedy resolution of consumer complaints.
- 2.6 Creating awareness among consumers of their rights and responsibilities as well as the roles and functions of the service providers and the Regulator.

3. Composition

- 3.1 The committee shall consist of representatives from the community of the respective towns within the Erongo region.
- 3.2 Membership of this committee shall be available to those interested on a voluntary basis.
- 3.3 The Chairperson of the Consumer Liaison Committee will be a permanent employee of Erongo RED. In his/her absence an alternate in acting capacity shall act as Chairperson.
- 3.4 Committee will be represented by two volunteer members from the following towns:

- Walvis Bay Town
- Kusebmond
- Namak
- Swakopmund Town
- Mondesa
- Arandis
- Herries Bay
- Usakos
- Karibib
- Uis
- Ex-NamiPower(Plots)
- ERNC settlements (Ormsjete, Otjoherongo, Tubusia, Okombaha, Arigab

(Ojibingwe, Tzitzikoppe etc.)

4. Qualifications of members:

- 4.1. Be resident in an area serviced by Erongo RED, where a need for a Consumer Liaison Committee is established.
- 4.2. Have a good record of paying their Erongo RED bills.
- 4.3. Have demonstrated experience in consumer or community work and exhibit and willingness to work on a voluntary basis.
- 4.4. Have a good understanding of the official language and local language (s) in the Area.
- 4.5. Should not have any criminal record.
- 4.6. Be willing to undergo training.
- 4.7. Be at least 21 years and older.
- 4.8. Basic knowledge of Erongo RED Tariffs.
- 4.9. Computer Literacy will be an advantage.

5. Termination of Membership:

- 5.1. Death of a member.
- 5.2. Missing three consecutive CLC meetings without valid reasons; and
- 5.3. Any other reasons that deemed by Erongo RED to be likely to compromise/undermine the operations of the CLC.

6. Orientation of Consumer Liaison Committee (CLC) members:

- 6.1. The induction of CLC members will be carried out by a team constituted for that purpose in line with Terms of Reference developed by Erongo RED.

7. The CLC will be inducted on the following:

- 7.1. Roles and functions of the Erongo RED, CLC
- 7.2. Objectives, functions of CLC;
- 7.3. Complaints handling procedures;
- 7.4. Training on relevant policies and procedures.
- 7.5. Interaction with consumers and Erongo RED.
- 7.6. Any other relevant information that Erongo RED deems fit.
- 7.7. Erongo RED Tariffs.
- 7.8. Consumer Education on electricity safety
- 7.8. Awareness about electricity saving tips
- 7.10. Information on the status of projects in their respective areas

8. Composition of the CLC

For co-ordinated engagement with the communities, where possible, CLC may have small committees within responsible for the following:

- 8.1 Community Sensitisation.
- 8.2 Complaints handling, and any other committee required to enhance effectiveness.
- 8.3 Each of the committees will be responsible for consumer interests in their respective areas and shall report to the Chairperson of the CLC on a regular basis.

9. Meetings

- 9.1 Meetings will be held on a quarterly basis or at the call of the Chairperson. An agenda will be set by Erongo RED representatives and inputs from the committee members will be requested. The agenda will be circulated two weeks prior to the meeting.
- 9.2 The committee may establish task forces, as agreed to or requested by Erongo RED Management, to investigate and address specific issues and to report thereon to the Committee.
- 9.3 Each town shall be represented by the agreed members during the sitting of a meeting.

10. Reporting

- 10.1 The Consumer Liaison Committee will report quarterly to the Erongo RED Management and the Stakeholder Engagement Committee of the Board.

11. Quorum

- 11.1 A majority of 50% plus 1 of all members shall constitute a quorum for the meetings of the Consumer Liaison Committee.

12. Venue for meetings

- 12.1 Venues for the meeting will be communicated to all in advance.
- 12.2 Should the need arise to discuss issues relating to a specific town, a meeting will be arranged with the representatives of the specific town.

13. Meals

- 13.1 Meals if necessary will be provided by Erongo RED.

14. Accommodation

- 14.1 The committee will be eligible for Subsistence & Travelling (S&T) as per the Erongo RED policy.
-

15. Allowances

- 15.1 The committee will be eligible for sitting allowance.
- 15.2 However, an incentive may be provided as determined by the Erongo RED and so paid out as transport reimbursement. This incentive shall be part of the Yearly planning budget submitted to Erongo RED by the CLC Chairperson. The incentive is meant to cover travel costs incurred while attending to CLC business.
- 15.3 No other transport refunds or allowances shall be paid to members.

16. Amendments to the Terms of Reference

- 16.1 This Terms of Reference is subject to change from time to time with such changes effective upon announcement to the users of Erongo RED and appointed Vendors.

17. Review of the Terms of Reference

- 17.1 The Terms of Reference will be reviewed every second year.

18. APPENDIX

11.1.15 APPLICATION FOR THE SUBDIVISION BAOBAB STREET INTO PORTION A AND REMAINDER, INCORPORATION OF PORTION A INTO SWAKOPMUND EXTENSION 15 AND SUBSEQUENT CONSOLIDATION OF PORTION A WITH ERF 5236, SWAKOPMUND INTO ERF "X"

(C/M 2019/02/28 - E 5236)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 10.1 page 03 refers.

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

1. Purpose

The purpose of this submission is for the Council to consider the application for the subdivision of Baobab Street (Remainder of Portion B of Swakopmund Town and Townlands No. 41) into Portion A and Remainder, incorporation of Portion A into Swakopmund Extension 15, and subsequent consolidation of Portion A with Erf 5236, Swakopmund Extension 15 into Erf "X".

2. Introduction and Background

An application for the subdivision of Baobab (Remainder of Portion B of Swakopmund Town and Townlands No. 41) into Portion A and Remainder, incorporation of Portion A into Swakopmund Extension 15, and subsequent consolidation of Portion A with Erf 5236, Swakopmund Extension 15 into Erf "X" has been received by the Engineering Department from Stewart Town and Regional Planners, applying on behalf of Dr Raimo N Naanda. The application is attached as **Annexure A**.

Council in its meeting held in **January 2017** under item 11.1.16 resolved as follows:

- (a) That Council approves the purchase price of N\$609 000.00 (600m² x N\$1 015.00) of a portion of Wild Olive Street in Extension 15 situated between Erf 5236 and 5281 and 5282, Swakopmund (Annexure "C") (on file) to Dr Raimo Naanda being the owner of Erf 5236, Swakopmund subject to the conditions of sale approved by Council on 31 August 2016 under item 11.1.15.
- (b) That Dr Raimo Naanda 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 subject to point (b) above, Dr R Naanda proceeds with the statutory process of permanent closure, subdivision and consolidation of the portion with Erf 5236, Swakopmund.
- (d) That the sale transaction be concluded within 3 months after the statutory process is finalized."

3. Locality, Zoning and Size

The proposed Portion A of Remainder of Portion B of Swakopmund Town and Townlands forms part of Baobab Avenue, situated adjacent to Erf 5236, Swakopmund Extension 16, and Erven 5381 and 5382, Swakopmund Extension 16 at eastern end of Wild Olive street. It is zoned "Undetermined" and measures 600m² in extent.

Erf 5236, Swakopmund, Extension 15 is located in Wild Olive Street adjacent to the proposed Portion A of Portion B of the Swakopmund Town and Townlands Number 41. It is zoned "single residential" and measures 803m² in extent.



4. Ownership

Ownership of the proposed Portion A of the Remainder of Portion B of Swakopmund Town and Townlands No.41 vests with the Municipal Council of Swakopmund as endorsed in the Certificate of Registered Title (CRT) 25/1935.

Erf 5236, Swakopmund Extension 15 belongs to Raimo Ndapewa Hifilua Hifila Naanda as depicted in the Title Deed No. T 1731/2016. Proofs of ownerships are **attached** herewith as **Annexure B**.

5. Access

Access of to Erf 5236, Swakopmund is taken from Wild Olive Street where access to the proposed Portion A of the Remainder of Portion B of Swakopmund Town and Townlands also be obtained. No access will be obtained from the Baobab Street, being the major arterial street.

6. Proposal

The intention is to subdivide the Baobab Street (Remainder of Swakopmund Town and Townlands Number 41) into Portion A of approximately 600m² in extent and consolidate Portion A of the Remainder of Portion B of Swakopmund Town and Townlands Number with Erf 5236, Swakopmund into Erf X.

7. Discussion

Council previously resolved under item 11.1.16 (C/M2017/01/26 - E 5236) with the understanding that the piece of land in question has a "Street" zoning and it is part of the Wild Olive Street within Swakopmund Extension 15, which is not the case.

It is now discovered that the concerned piece of land is not an Erf but a split remainder of the Remainder of Portion B of Swakopmund Town and Townlands Number 41, which forms most of Baobab Street and identified as "street" in the town's zoning plan. Remnants of the Town and Townlands that forms streets are handled the same way as those with a street zoning. Street closure procedures for aforesaid portion have been concluded.

Since the ultimate objective of the owner of Erf 5236, Swakopmund is to consolidate the proposed Portion A of the Remainder of Portion B of the Swakopmund Town and Townlands Number 41; the following procedures must then be undertaken:

- (a) Subdivision of the Baobab Street (Remainder of Portion B of Swakopmund Town and Townlands Number 41) into portion A and Remainder, as well as surveying and registration on the newly created portion,
- (b) Incorporation of the subdivided portion into Swakopmund Extension 15 (extension of the Swakopmund Extension 15 township boundaries),
- (c) Consolidation of the aforesaid portion with Erf 5236, Swakopmund into Erf X.

Portion A should first exist so as to enable the proceeding steps. Upon creation of Portion A of the Remainder of Swakopmund Town and Townlands Number 41, the portion should be incorporated into Swakopmund Extension 15 in accordance with Section 29 of the Townships and Division of Land Ordinance 11 of 1963.

The current zoning of Portion A of the Remainder of Swakopmund Town and Townlands Number 41 is defined in terms of the zoning scheme as "Street" while Erf 5236, Swakopmund Extension 15 is zoned "Single Residential". Portion A of Baobab (Remainder of Swakopmund Town and Townlands Number 41) should assume the same zoning as 5236, Swakopmund upon consolidation.

8. Conclusion

The application for the subdivision, incorporation and subsequent consolidation of Portion A of the Remainder of Portion B of Swakopmund Town and Townlands Number 41 with Erf 5236,

Swakopmund Extension 15 is possible, provided that all the processes are undertaken in a sequence as required by law.

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

RECOMMENDED:

- (a) That Baobab Street (the Remainder of Portion B of Swakopmund Town and Townlands No. 41) be subdivided into Portion A (±600m² in extend) and Remainder as per the attached subdivision plan.
 - (b) That Portion A of Baobab Street (the Remainder of Portion B of Swakopmund Town and Townlands No. 41) be incorporated into Swakopmund Extension 15.
 - (c) That upon completion of the cadastral, sale transaction and incorporation procedures, Portion A of Baobab Street (the Remainder of Portion B of Swakopmund Town and Townlands No. 41) be consolidated with Erf 5236, Swakopmund Extension 15 into Erf X.
 - (d) That Portion A of Baobab Street (the Remainder of Portion B of Swakopmund Town and Townlands No. 41) assume the same zoning with Erf 5236, Swakopmund upon consolidation
 - (e) That all costs incurred be for the account of the applicants.
-

ANNEXURE B



Due to the voluminous content - the attachments are available on file.

11.1.16 RESPONSE TO THE PETITION FROM BUILD TOGETHER BENEFICIARIES

(C/M 2019/02/28 - H 5/3)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 10.2 page 21 refers.

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

1. A group of beneficiaries from the Build Together Programme staged a demonstration on **17 January 2019** to hand over a petition to the Swakopmund Municipality in which they are demanding feedback on the construction of their houses (**Annexure "A"**).
2. On **31 March 2016**, Council availed 120 erven to the applicants of the Build Together Programme. At that time, the Ministry of Urban and Rural Development (MURD) had terminated the Build Together Programme.
3. During **July 2016**, the Ministry of Urban and Rural Development (MURD) lifted the moratorium on the Build Together Programme and instructed all local authorities to reactivate the scheme.
4. On **13 October 2016** the 120 applicants on the Build Together Programme Waiting List elected their representatives to serve on the Build Together Committee as per the Build Together Guidelines.
5. On **24 November 2016**, Council endorsed the names of the committee where after the 120 erven were allocated to qualifying beneficiaries on the waiting list.
6. The Build Together Committee is fully operational and has set a number of times, attending to the Build Together allocations, questions and queries.
7. The Community Development Services has already administered the signing of all Deeds of Sale by the beneficiaries concerned, and most beneficiaries have taken possession of their erven. In the meantime, a letter was written to the Ministry requesting permission to utilise the Build Together Revolving Fund to construct houses for beneficiaries (**Annexure "B"**). After various correspondences, permission was eventually granted in a letter dated **6 September 2018 (Annexure "C")**.
8. As demonstrated above, administrative obligations (election of the committee, allocation of erven, signing of the deeds of sale, permission to utilise Build together Funds) have all been completed and thus only waiting for the construction of houses to commence.
9. The brick making machine has also been offered to beneficiaries in an attempt to bring down construction costs for beneficiaries. Subsequently beneficiaries attended a training session offered by

the Turkish Embassy on **5 September 2018** and used the remaining material to construct their own bricks, which are still at the site.

10. With regard to the construction of the 150 houses, Engineering Services called for Open National Bids, W/ONB/SM-002/2018 - Construction of Build Together Houses, during **April 2018** which closed on **18 July 2018**. A total of 31 bids were received however during the evaluation of bids, it was found that only 1 quotation was compliant in relation to all professional and technical specifications however it was not financially beneficial to Council. Bid prices went up to N\$19,181 203.26 which exceeds N\$12 000 000.00, the total recoverable loan amount of beneficiaries (N\$80 000.00 per amount).
11. The Procurement Committee therefore resolved that a new bid invitation be compiled. The scope of work in the new document thus needed to be revised and this change resulted in an amendment to procurement document.
12. According to the Engineering Department, the current status is that two bid documents have been made available to the public, G/ONB/SM-001/2019: Supply and Delivery of Building Material for Build Together House Construction and NCS/ONB/SM-001/2019: Provision of Labour for the Construction of Build Together Houses, on **01 February 2019** closing on **01 March 2019**.
13. Thereafter bid evaluation will be scheduled for a maximum of 30 days after which it should be submitted to the Procurement committee during **April 2019**. Should there be successful bidders, it is anticipated that construction could start during mid **May 2019**.
14. The construction of houses will be financed from the Build Together Revolving Fund.
15. The information above has been discussed at the Build Together Committee meetings on various occasions to keep the committee members informed and be on par with the progress pertaining to the construction of their houses.

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

RECOMMENDED:

That the feedback report regarding the petition from Build Together Beneficiaries be noted.

Annexure "A"

(Petition to be delivered to CEO of Swakopmund Municipality)

Mr. J H Abelo (Secretary)
0813490832
jabelo@swakopmund.com



Mrs. J Fredericks(Chairlady)
081 233 1577

Build Together beneficiary 2005

We have applied for the programme since 2005 and have been allocated by 2016 November. Waiting for 12 consecutive years Municipality of Swakopmund has allocated us with plots only, and of course we have built ghettos.

- Which is very unsafe for us and our children, it can burn easily and up to 5 to 8 ghettos on the spot can burn down.
- Dust are blown in at east wind start or landing even from roof as we did not put proper roof structure.
- Burglars take advantage as windows and doors are not properly locked.
- As Street are not paved or hard enough all dust are going inside the ghettos as cars are driving.
- We are been charge by both Erimgo fee and Municipality at bulk services delivery while we demand to have prepaid services.
- We only qualify 80,000.00 dollar as beneficiary, Municipality will deduct +/- 25,000.00 to 26,000.00 depending on the size of EM. Meaning the amount of 54,000.00 is the amount which will cover container house or seven shops house, according to Municipality standard building plan (luxury excluded).
- We have never requested Municipality to construct houses for us but prior to the unfortunate failure of the previous build together program Municipality has implemented to build for us properly constructed houses.
- We have suggested that we can have hydro-type contractors rather than conventional type to have bigger and better size houses as they! Municipality (are in financial constrain, this has been turn down and nothing has been done till now.
- Different mechanism has been tried to make building process cheaper and better.
 - 1.1 Brick making machine has been initiated but it does not work.
 - 1.2 Plan programmed to buy building material on bulk and used local (SME) Contractor to build houses, it has not been implemented.
 - 1.3 We need prepaid water system as tariffs are increasing annually, and as low cost income citizens we would not be able to afford at a later stage
- All we want to know is when is Municipality ready to construct for us houses???
- If our demands are not meet, we need our money to build ourselves.

Building together committee: Mrs. J Fredericks, Mr. J H Abelo



Ref No: 115

Annexure "B"

MUNICIPALITY OF SWAKOPMUND

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 ☎ 006519130
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 NAMIBIA
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Expedient: LC Du Plessis

07 February 2017

The Permanent Secretary
 Ministry of Regional and Local Government,
 Housing and Rural Development
 Private Bag 13280
 WINDHOEK
 Namibia

Dear Sir/Madam

PERMISSION TO USE BUILD TOGETHER FUNDS

The subject matter refers.

Council on 31 March 2016 resolved amongst others:

That Council approves the allocation of the 100 smallest "Single Residential" units in Extension 25, Windhoek to the Build Together Programme as per Annexure "B" (at 5/6) to ensure that the units are captured for as possible.

In light of the resolution above we hereby sought your permission to utilise the Build Together funds to allocated loans to the next beneficiaries on our Build Together waiting list.

For any further queries please feel free to contact us at the contact details provided above.

Yours Faithfully,


 M. SPINGE
 GM: COMMUNITY DEVELOPMENT SERVICES
 Ldp

Annexure "C"



Republic of Mauritius

Ministry of Urban and Rural Development

Office of the Minister

Particulars	Amount (MUR)	Year	Year
2018-19	100,000,000	2018-19	2018-19
2019-20	100,000,000	2019-20	2019-20

Mr. Pradyumn, Teller of the Budget

Date

Particulars

MUR

Year

Year

Year

Subject: ACCOUNT OF EXPENDITURE ON THE BUDGET ALLOCATIONS TO FUND THE CONTRIBUTION OF THE GOVERNMENT TO THE CONSTRUCTION OF INFRASTRUCTURE PROJECTS FOR THE DEVELOPMENT OF RURAL AREAS IN AGRICULTURAL DISTRICTS IN 2018 AND 2019. (PART OF THE BUDGET FOR 2018 AND 2019)

Reference is made to your letter dated 20 July 2018, and the letter of reading sent on the 27 September 2018 with the view, however, that a clarification from the background Ministry is required in order to facilitate the Ministry of Urban and Rural Development.

Account of the expenditure is attached herewith for reference.

I, Pradyumn, Teller of the Budget, in the presence of the Minister, hereby certify that the account of the expenditure is correct and true, and that the same is in accordance with the records of the Ministry of Urban and Rural Development.

6. That a resolution is passed that any of the above mentioned expenditure be allocated for the construction of the infrastructure projects for the development of rural areas in agricultural districts in 2018 and 2019.

7. That the Minister of Urban and Rural Development is requested to ensure that the expenditure is allocated for the construction of the infrastructure projects for the development of rural areas in agricultural districts in 2018 and 2019.

8. Approval of the Council is requested for the allocation of the expenditure for the construction of the infrastructure projects for the development of rural areas in agricultural districts in 2018 and 2019.

9. That the expenditure is requested to be allocated for the construction of the infrastructure projects for the development of rural areas in agricultural districts in 2018 and 2019.

I, Pradyumn, Teller of the Budget, hereby certify that the above is a true and correct copy of the minutes of the meeting of the Council of Ministers held on 28 February 2019.

Pradyumn

Pradyumn
Teller of the Budget
Ministry of Urban and Rural Development



10. The Council of Ministers is requested to ensure that the expenditure is allocated for the construction of the infrastructure projects for the development of rural areas in agricultural districts in 2018 and 2019.

11.1.17 **SALE OF ERF 610, TAMARISKIA**
(C/M 2019/02/28 - T 610, 19/03/03)

Ordinary Management Committee Meeting of 14 February 2019,
Addendum 10.3 page 26 refers.

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

1. **Introduction**

The purpose of this submission is for Council to determine the future of Erf 610, Tamariskia. Council on **22 November 2018**, under item 11.1.31 approved the purchase of Erf 610, Tamariskia from Erongo Development Foundation (hereinafter referred to as EDF). Erf 610, Tamariskia measures 4 227m² and a map indicating the locality of Erf 610, Tamariskia is attached as **Annexure "B"**.

2. **Brief Background**

Following the application of Messrs Haufiku & Associates on behalf of EDF dated **16 November 2017** requesting consent to sell their Erf 610, Tamariskia to the 3rd party, Council on **22 November 2018**, under item 11.1.31 passed the following resolution:

- (a) That the presentation by Messrs Erongo Development Foundation with reference to the sale of Erf 610, Tamariskia be noted.
- (b) That Messrs Erongo Development Foundation be offered the following for the purchase of Erf 610, Tamariskia by Council:

• Land value	=	N\$ 506 000.00
• Improvement	=	N\$ 2 385 000.00
Total	=	N\$ 2 891 000.00

EDF were informed of the above decision as per letter dated **26 November 2018 (Annexure "C")** and were also requested to confirm whether they have accepted the Council resolution.

A letter dated **07 December 2018 (Annexure "A")** was received from EDF confirming the acceptance of the Council's resolution.

3. **Discussion**

Since EDF has confirmed the acceptance of the Council resolution Council should confirm the future of Erf 610, Tamariskia before proceeding with the process of purchasing it. The best option is to sell the Erf in order to recover the costs of acquiring the Erf from EDF. Council will have to source the purchase price in the amount of N\$2 891 000.00 plus other costs including transfer cost from own sources. This is a considerable drain on the capital budget. In order to minimise Council's loss, the sale must happen as soon as possible.

Notwithstanding of the above Section 64 of the Local Authorities Act, Act 23 of 1992 as amended stipulate the power of the Minister in relation to approval for acquisition of immovable property by local authority councils as follows:

The Minister may, before considering his or her approval contemplated in section 30(1) (i) or (ii) for the buying, hiring or acquisition of immovable property by a local authority council, direct the local authority council in question to publish a notice in at least two newspapers circulating in its area—” whereupon the Minister may grant or refuse such approval.

If Council decides to resell the Erf it must be stated in the application to the Ministry requesting approval to purchase the Erf from EDF.

The other option is to offer the property to the Ministry of Safety and Security to use for Nampol housing. The property can then be exchanged for other government property of similar value in Swakopmund. It is therefore proposed that Council sells Erf 610, Tamariskia by public closed bid once it is transferred back to Council at an upset price to be determined once all costs incurred by Council are known.

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

RECOMMENDED:

- (a) That Council takes note that Messrs Erongo Development Foundation has accepted Council's offer to purchase Erf 610, Tamariskia.
 - (b) That the intention of Council to purchase Erf 610, Tamariskia from Messrs Erongo Development Foundation be advertised in terms of Section 64 of the Local authorities Act, Act 23 of 1992 as amended.
 - (c) That Ministerial approval be applied for in terms of Section 64 of the Local Authorities Act, Act 23 of 1992, as amended in order for Council to proceed with the purchase of Erf 610, Tamariskia from Messrs Erongo Development Foundation.
 - (d) That the transfer costs be for Council's account.
 - (e) That once Erf 610, Tamariskia Swakopmund is transferred to Council, the Erf be offered to the Ministry of Safety and Security to be leased by Police Officers.
 - (f) That the Engineering Services Department renovate / upgrade the building.
-



Due to the voluminous content - the attachments are available on file.

11.1.18 **ESTABLISHMENT OF A ROCK GARDEN ALONG DUNESIDE AVE, KRAMERSDORF, SWAKOPMUND**
(C/M 2019/02/28 - G 4/1/1 (16), N 7/4/1)

Special Management Committee Meeting of 19 February 2019, Addendum 5.4 page 23 refers.

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

The purpose of the submission is to give feedback on surveys done to test the support for establishing a rock garden along an approximately 400 m section of Duneside Avenue [Annexure A].

Background

This item serves before the Planning Forum meeting of 26 August 2018, under item 5.7.

Desert Breeze Lodge - Margaret Moolman / Mr Holloway were informed of the above recommendation in writing with a letter dated 04 October 2017. They submitted an undated form giving five names in support of the project [See Annexure B and C].

No explanation was furnished of how many people had been approached. Some respondents submitted only P O Box numbers. It is therefore difficult to establish whether in fact they are residents of the neighbourhood.

The Manager, Design Office and Building Control therefore approached the Corporate Officer, Marketing & Communication to launch a survey in the municipal Newsletter the "Lightbeams". This article appeared in the June to September 2018 issue and the Municipal Facebook page with a deadline for responses by 30 July [Annexure D].

Three responses were received from readers who made use of the question and response section of the article. Of the three responses two were in favour and one was against the establishment of a rock garden [Annexure E].

One of the discussions on facebook started with a conditional support, as long as it would not become a financial burden to all residents of Swakopmund. [Annexure F].

Consideration

The outcome of the surveys is 15 votes for the project and three against it.

Among the supportive voices 5 were conditional supporters, who say that the idea will complement the already stunning view, but establishing the rock garden should not become an additional financial burden to the general residents of Swakopmund.

Only 5 of 15 responses answered the three question of the survey fully.

No budgetary provision has been made to provide the area along Duneside Avenue with purified effluent, but some degree of irrigation is necessary even if desert plants and succulents are to be planted in the rock garden.

Windhoek experiences problems with cacti which behave like invader plants by overgrowing natural vegetation and become obstacles and traps for wildlife. The rock garden is situated relatively close to the Swakop River bed. Hikers and their pets may inadvertently carry invader cacti into the riverbed, causing uncontrolled spreading of such plants. Therefore no such plants may be planted in the rock garden.

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

RECOMMENDED:

- (a) That Mr D Holloway be permitted to spread the rocks along an the ±400m section of Duneside Avenue as depicted in Annexure A (on file) and create footpaths at intervals between the rock patches to allow pedestrians access to the river and the dunes to the satisfaction of the General Manager: Engineering Services.
 - (b) That the applicant ensures that the sidewalk is cleaned afterwards and any damages be for the applicant's account. Should he decline the rocks will be removed at his account.
 - (c) That Mr Holloway forms an interest group willing to support the project financially for the provision of effluent water, excess use of water, maintenance and cleaning of the rock garden.
 - (d) That an agreement be put in place similar to the agreement entered between Council and the residents responsible for the "Paddock Gardens".
 - (e) That no plants which require irrigation be planted until purified effluent is available.
 - (f) That any main feeder pipe(s) site and the irrigation network are laid to the specifications of the General Manager: Engineering Services and that such pipes become part of the municipal infrastructure.
 - (g) That the water infrastructure mentioned in (e) above be maintained by the Municipal Parks and Gardens Section.
 - (h) That the water consumption be metered and managed according to standard practice.
 - (i) That the donation of plants from the Municipal Nursery be negotiated.
 - (j) That no foreign or problem cacti species or other invader plants be planted in the rock garden.
 - (k) That the applicant submits layout plans to be approved by the Engineering Services Department.
-



Due to the voluminous content - the attachments are available on file.

11.1.19 **APPLICATION FOR AN EXTENSION OF TIME TO SECURE PURCHASE PRICE FOR ERF 326, EXTENSION 1, SWAKOPMUND: G R McNAB**
(C/M 2019/02/28 - M4 E 326)

Special Management Committee Meeting of 19 February 2019, Addendum 5.8 page 52 refers.

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

1. **Introduction**

This submission is tabled following the letter **Annexure "A"** received from Mr G R McNab requesting Council to consider allowing him extension of time for 3 months to secure the purchase price for Erf 326, Extension 1, Mile 4. The due date to secure the purchase price was **31 January 2019**.

The purchase price amounts to N\$650 000.00 and the sale is subject to interest being charged at 10.5% from **28 September 2018** until date of transfer in the case the transfer is not registered on **31 January 2019**. A notice dated **4 February 2019** was sent to Mr McNab to remedy the breach, by providing cash payment or by formal bank guarantee on or before the due date of the 21 days' notice period lapse, being **25 February 2019**. Failure to comply with the aforesaid will result in a cancellation of the transaction.

Annexures:

Annexure "A"	: Letter dated 25 January 2019 received from Mr G R McNab
Annexure "B"	: Copy of the notice to rectify the breach dated 4 February 2019
Annexure "C"	: Our letter dated 7 February 2019

2. **Short Back Ground**

2.1 **Allocation as Next Qualifying Bidder**

Mr G R McNab took part in the auction of **15 December 2017** at which sale 34 erven zoned "Single Residential" were sold. He was allocated Erf 326, Extension 1, Swakopmund as a next qualifying bidder following the cancellation of the sale to the successful bidder on the date of the sale.

The date of sale was **28 September 2018** and the purchaser had 90 days to secure the purchase price, being **27 December 2018**. The sale agreement was signed and the due date for payment or to secure payment was **31 January 2019** as per the signed agreement. The additional 35 days are due the annual closure of the Deeds Registry Office.

On **4 February 2019**, a letter **Annexure "B"** was sent to Mr McNab granting him the standard 21 days' notice period to secure payment on or before Monday, **25 February 2019**. For

monitoring of the transactions, auditing purposes and in terms of the conditions of sale notices must be sent to the purchasers in breach.

2.2 Application received from the Purchaser

Mr G R Mc Nab motivates his request that he is busy finalising a project in Otjetekua PCLD at the Ministry of Land and Reform which will enable him to honour his commitment (letter dated 25 January 2019 (Annexure "A")).

3. Conditions of Sale

With reference to securing the purchase price the standard conditions of sale provide that the purchase price be secured by either:

- ⓐ A cash payment or
- ⓑ An electronic fund transfer or a
- ⓒ Bank guarantee (subject to penalty interest being levied should the property not be transferred by 31 January 2019).

The conditions further provide as follows:

No negotiations will be entered into after the bids have been opened and prospective purchasers are cautioned to make adequate provision with their financial institutions prior to the proceedings, as no other arrangement will be accepted than indicated herein.

- ⓖ The provision of a loan application or final approval of a home loan at a registered bank is not regarded as compliance with the above payment options as such was not a requirement; only a bank guarantee can be used to register transfer.

4. Applications for Extension of Time to Secure the Purchase Price

Council in the past, and most recently on 31 January 2019, approved various applications for the extension of time for Private Treaty Sales. Applications for public sales of small numbers of erven zoned "General Business", "Industrial" and "General Residential" were also approved in the past.

5. Similar Issue for a Previous Sale of Erven zoned "Single Residential"

On 28 September 2017 Council considered a similar request by Mr Ashipala for Erf 8996, Matutura and passed the following decision under item 11.1.25:

- (a) That Council remains with the conditions of sale for Extensions 34 and 35 (i.e. requiring the purchase prices to be secured by the final due date of 20 September 2017, by either a cash payment, or electronic fund transfer or bank guarantee.
- (b) That the transactions for those purchasers who have not complied with the contractual requirement be cancelled.
- (c) That Council honours its undertaking to the next qualifying bidders and that the Property Section continues with the allocations of the cancelled transactions accordingly.

The basis of the above decision is; Council has built up a very good relationship with the public in respect of the sale of properties over a number of years. This is due to the open and transparent manner that the process of the public sale is conducted. The consistent communication with the possible as well as the regular consultations has caused the public to believe the officials and to trust the process. Part of the process is that if a person has not complied with the time periods the transaction will be cancelled and allocated to the next qualifying bidder. If we do not adhere to this process we risk losing the public's trust and breaking down the relations which need to be maintained considering the large number of erven to be sold.

In addition to the above, the public was assured that next qualifying bidders will be considered for allocation immediately after the final due date for payment lapses.

All bidders for each erf were listed according to the bid amounts and are therefore eligible for consideration in cases where the initial purchaser did not perform in terms of the conditions of sale. The allocation of erven to the next qualifying bidders is also a condition of the sale document.

6. Discussion

The applicants, who were granted extension of time by Council to secure the purchase price, are Private Treaty transactions or sales for a few erven zoned other than "Single Residential"; unlike Erf 326, Extension 1, Mile 4 that is zoned "Single Residential".

The decision of **28 September 2017** was consistently applied by Council to the transactions of the following "Single Residential" erven:

	Date	Erfen
1	27 Jan 17	50 single residential erven in Erf 24 & 25
2	24 Feb 17	50 single residential erven in Erf 24 & 25
3	21 Mar 17	48 single residential erven in Erf 24 & 25
4	28 Apr 17	50 single residential erven in Erf 24 & 25
5	02 Jun 17	50 single residential erven in Erf 24 & 25
6	15 Dec 17	34 single residential erven in Erf 1, Mile 4
7	02 Feb 18	26 single residential erven in Erf 1, Mile 4
10	26 Oct 18	94 Erven in Erf 28 and Erf 2
11	09 Nov 18	4 Replacement Houses in Mondree
13	14 Dec 18	42 Erven in Erf 8 and Erf 14

Numerous other transactions were automatically cancelled due to non-performance in which cases the purchaser might have also been able to provide information regarding their financial ability (other than required in terms of the Deed of Sale).

For transparency and consistency purposes, it is proposed that Council does not consider allowing extension of time to Mr McNab to secure the purchase price for Erf 326, Mile 4 and should the applicant not secure the purchase price by **25 February 2019**, the transaction accordingly be cancelled.

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

RESOLVED: (For Condonation By Council)

- (a) That Council remains with the conditions of sale for Extensions 1, Mile 4 i.e. requiring the purchase prices to be secured by the final due date of 25 February 2019, by either a cash payment, or electronic fund transfer or bank guarantee.
 - (b) That Mr G R McNab be informed that the purchase price for Erf 326, Extension 1, Mile 4 must be secured by cash payment or an electronic fund transfer or a Bank Guarantee (subject to penalty interest being levied from 28 September 2018 since 31 January 2019 is past).
 - (c) That failure to secure the purchase price on 25 February 2019 will result in cancellation of the transaction.
 - (d) That Council honours its undertaking to the next qualifying bidders and that the Property Section continues with the allocations of the cancelled transactions accordingly.
-

Due to the voluminous content - the attachments are available on file.

11.1.20 **BLOCK 9 ENDOWMENT TRUST: APPLICATION TO WAIVE THE ESCALATION OF THE PURCHASE PRICE FOR SELLABLE LAND OF EXTENSION 39**

(C/M 2019/02/28 - G 3/9/9)

Special Management Committee Meeting of 19 February 2019, Addendum 5.9 page 61 refers.

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

1. Introduction

Approval has been granted by the Minister of Urban and Rural Development as per letter dated 25 January 2019 attached Annexure "1" for Council to proceed with the sale of saleable land in Extension 39 (previously known as Block 9 / Extension 24), measuring 101 224m² to Messrs Block Nine Endowment Trust at a total purchase price of N\$ 17 005 632.00 (N\$ 168.00/m²) for the purpose of township establishment subject to the following Council Resolutions:

- (j) Item 11.1.7 of 28 January 2014
- (k) Item 11.1.15 of 27 February 2014
- (l) Item 11.1.2 of 31 July 2014

In terms of Council resolution of 27 February 2014, item 11.1.5, the purchase price be escalated with 5% per annum from the date Council approved it.

The approval of the Minister was conveyed to Messrs Block Nine Endowment Trust as per letter dated 7 February 2019 attached Annexure "2". The purchaser responded as per letter dated 12 February 2019 Annexure "3" requesting Council to amend the following Council resolutions:

- point (d) (j) of 27 February 2014 and;
- point (b) of 31 July 2014

and to consider a fixed purchase price of N\$ 168.00/m² with no 5% escalation per annum as well as waiving the condition of obtaining fresh valuation should the period of 5 years lapse.

Council takes note that the General Plan was approved by the Surveyor General on 28 August 2018 attached Annexure "4", therefore the correct size for the saleable land is 95 072m² and not 101 224m² as referred in the ministerial approval.

2. Background

2.1. On 03 August 2018, a letter was received Messrs Block Nine Endowment Trust from Block Nine Endowment Trust (hereinafter referred as Purchaser) requesting the following (Annexure "A"):

- ⊗ Council to waive the 5% escalation per annum on the purchase price in terms of Council's resolution dated 27 February 2014; and
- ⊗ the urgency of concluding the deed of sale with Block Nine Endowment Trust.

The Management Committee on **11 October 2018**, under item **10.3** resolved as follows:

- (a) That this item be kept in abeyance.
- (b) That it be recorded that the application was submitted to the Ministry of Urban and Rural Development on 19 March 2015 in terms of section 63 of the Local Authorities Act 23 of 1992, as amended.
- (c) That the Mayor inquire from the Minister of Urban and Rural Development regarding the delay to process this application.
- (d) That all other outstanding items be identified and be followed up with the Minister.

The submission that was tabled at the Management Committee is attached to this submission for information.

- 2.2 Council on **27 February 2014** under item 1.1.15 (Annexure "B") approved the sale of Block 9, measuring approximately 101 224m² to Messrs Block Nine Endowment Trust (Mr Silvanus Thikameni Kathindi) for township development, subject mainly to the following conditions:

- (d) That a purchase price per square meter in the amount of **N\$168.00 / m²** for sellable land be approved, subject to the following condition of the revised Property Policy which can be regarded as a premium for the reservation of Extension 24:
 - (i) Should a period of more than one year, but less than 5 years, lapse since Council approved a purchase price, the purchase price be escalated with 5% per annum and be submitted to Council for approval.
 - (ii) Should a period of more than five years lapse since approval by Council of the purchase price, fresh valuations be obtained and submitted to Council for approval.
- (e) –
- (f) That Council obtains 30% (meaning every third erf) of the sellable erven serviced by Mr S T Kathindi.

With reference to point (f) above, Council made a concession on **31 July 2014** under item 11.1.2 and waived the condition of 30% of the erven serviced by Mr S T Kathindi to be returned to Council, without increasing the purchase price per square metre (meaning Council sacrificed income which could be generated from the sale of the 30% erven while not increasing the purchase price).

Quoted below is Council's resolution passed on **31 July 2014** under item 11.1.2:

- (a) That the layout presented at the Management Committee meeting of 16 May 2014 in compliance to (c) of item 11.1.15 of the Council resolution of 27 February 2014 be accepted and approved.
- (b) That Council remains with its decision of 27 February 2014 under item 11.1.15 (d)(i) that should a period of more than one (1) year but less than five (5) years lapse since Council approved a purchase price, the purchase

- price be escalated with 5% per annum and be submitted to Council for approval.
- (c) That Council repeals the portion of its decision of 27 February 2014 under item 11.1.15 (f) requiring 30% (meaning every third erf) of the sellable even serviced by the purchaser, to be returned to Council.
- (d) That a change in name of the purchaser of Extension 24, known as Block 9, measuring ±101 224m² from Mr Silvanus Thikameni Kathindi to Messrs Block Nine Endowment Trust be allowed.
- (e) That a copy of the trust aim and beneficiaries be submitted to Council and that in the future approval from Council be required to affect any change in the trust aim or beneficiaries.
- (f) That the purchaser accepts the conditions of sale in writing no later than 30 October 2014 being 90 days from the date of the Council meeting of 31 July 2014.
- (g) That it be recorded that Councillor P V Steinkopf is not in support of resolution (c) above.

3. Discussion

3.1 Application and Issues Raised

Messrs Block Nine Endowment Trust is requesting approval from Council to purchase the saleable land at a fixed price of N\$ 168.00/m² and that Council waives the 5% escalation (per annum) and condition that fresh valuations must be obtained after 5 years have lapsed (i.e 27 February 2019) since the transaction will not be concluded within at that time period.

The applicant's request is based on the following reasons:

- An unforeseen bureaucratic delay by Council for almost 4 years and 11 months after Council Resolution of **27 February 2014** was out of our control.
- In the process of these delays, prices corrected themselves to 2014 levels in real terms and coastal property price contracted for the 24 consecutive months by 10% with more affordable land in the pipeline.
- The original purchase price with an escalation per annum approved by Council in 2014 was driven by the economic boom - time that is no longer feasible to deliver affordable land given the current economic realities.
- Testing the market with the 5% escalation as approved by Council, we experienced challenges in sale due to the current economic recession.
- We have sold enough properties to start the servicing of evens.
- In terms of our deeds of sale concluded with our clients, we are obliged to deliver services even within 8 months from now or by not later than **1 November 2019**.
- To meet the deadline above, the whole development of the site will begin in March 2019 and all engineering drawings are available for submission to Council for approval.

Following is the sequence of events indicating how the application was dealt by Council after the approval of the purchase price:

Item Date	Remarks
27 February 2014	Council approved the purchase price with escalation of the 5% per annum
28 February 2014	Mr Kathind of Block Nine Endowment Trust was informed the decision of 27 February 2014 and informed to accept the condition before 3 April 2014
03 April 2014	A letter was received from the Mr Kathind requesting an extension of time to accept the purchase price no later than 23 April 2014
10 April 2014	The request of 23 April 2014 was submitted to Management Committee and the Committee consider the extension until 30 May 2014
20 May 2014	Mr Kathind requested a reconsideration of some terms of the Council resolution 27 February 2014
21 May 2014	N\$ 50 000.00 refundable deposit was paid by Mr Kathind
12 June 2014	The submission for the request of 20 May 2014 was referred back by Management Committee to Special Management Committee of 17 June 2014
31 July 2014	Council waived the condition of 30% of the oven serviced
31 Oct - 18 Nov 2014	Advert running for the sale
12 February 2015	Objection received were tabled to MC
26 February 2015	Objections at Council meeting
19 March 2015	Objections were submitted to the Minister for consideration
26 June 2015	Approved minutes sent to the Minister
3 years and 6 months	Numerous enquiries and visits were made to the Ministry by Council
25 January 2019	Approval of the Minister was received

Based on the above, the delays for the transaction not having been finalized within the given period of 5 years cannot be accounted for by Council as the matter was with the Minister since **26 June 2015** until **24 January 2019** (being 3 years) during which period the purchaser and Council were unable to act.

Council must decide whether to waive the 5% escalation condition as well as the condition to obtain new valuations after **27 February 2019** as the transaction will be delayed for more than 5 years.

3.2 5% escalation on the Initial Purchase Price

Below is a calculation of the purchase price escalated over a period of 5 year.

	Year	Per m ² Price	5% Escalation	Total
0	Feb-14	168.00	-	-
1	Feb-15	176.40	8.40	176.40
2	Feb-16	185.22	9.82	185.22
3	Feb-17	194.48	9.26	194.48
4	Feb-18	194.48	9.72	204.21
5	Feb-19	204.21	10.21	214.42
	∴ The purchase price on the size of 95 072m² will be thus amount to N\$ 20 345 408.00 if the escalation is not waived.			

If Council waives the 5% escalation and obtaining new valuations, the purchase price for the saleable land on the size of 95 072m² at N\$168.00/m² will only be N\$15 972 096.00.

If Council agrees with the developer's request, it will result in a 5.75% increase in income for the developer, but a 21.5% decrease in income for Council in addition to the 30% serviced erven already waived.

The table below reflects the purchase prices (2014 vs. 2019) as well as the value of the 30% erven for the same two years based on the total size of saleable land of 66 425m² ("Single Residential" only):

	Value of Sellable Land 95 072m ²	Value of 30% of Single Residential Erven 66 425m ²
2014 at N\$168/m ²	15 972 096.00	3 347 820.00
Feb 2019 at N\$214/m ²	20 346 408	4 264 485.00

3.3 Comparison of erven sold in the surrounding neighbourhoods.

With reference to the erven located in Extension 1, Mile 4; the installation of services plus a provision for the payment of interest by Council to the financier calculated until 30 June 2018 amounts to approximately N\$233.67/m². Extension 14 is located to the south of Extension 1, Mile 4 and was serviced with the same loan.

Council sold "Single Residential" erven located in Extension 1, Mile 4 and Extension 14 at an upset price of N\$ 500.00/m². Although the upset price was determined at N\$ 500.00 the erven were sold at the following averages:

- 15 December 2017, 34 erven at N\$870.00 / m²
- 02 February 2018, 36 erven at N\$970.00 / m²
- 14 December 2018, 42 erven at N\$810.00 / m²

3.4 Determination of the value of saleable land for Extension 39, based on the purchase price

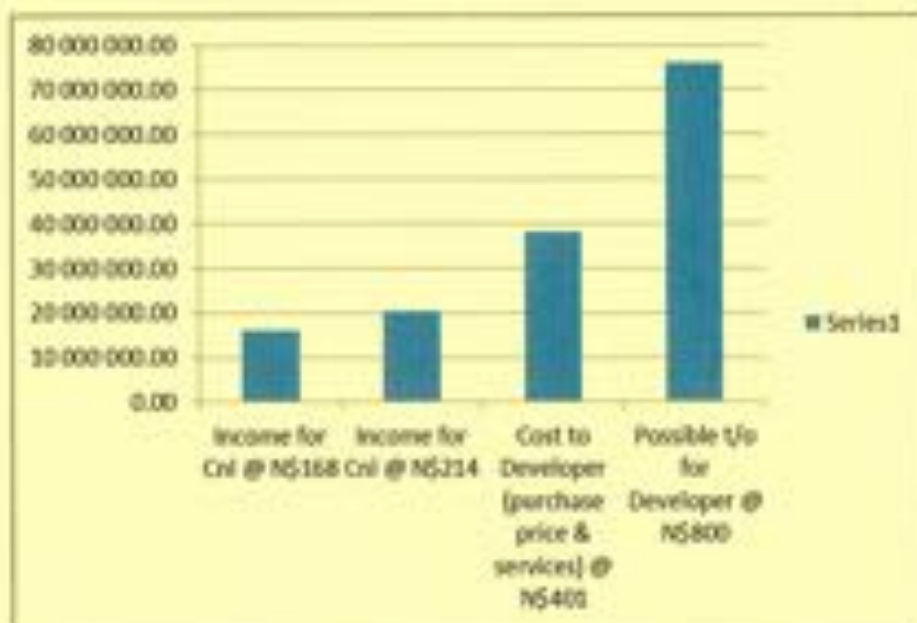
Since the developer has to install services, the cost of services can be added to the purchase price to be:

- N\$168.00 (purchase price) + N\$233.67 (services) = N\$401.67 (cost to developer)
- It is assumed that the developer will sell his erven to the public at cost of not less than N\$500.00/m²

Calculation based on the market price of N\$ 800.00/m² (purchase price), the land is being sold as follows:

	Value of Sellable Land 95 072m ²	Value of 30% of Single Residential Erven 66 425m ²
Sale of land at N\$800/m ²	76 057 600.00	15 942 000.

Therefore the following:



Income for Crf @ N\$168.00	15 972 095.00
Income for Crf @ N\$214.00	20 345 408.00
Cost to Developer (purchase price & services) @ N\$400	38 122 872.00
Possible Up for Developer @ N\$800.00	76 057 600.00

The purchaser will still gain at least (100%) should the land be offered to them at N\$168.00/m² and developer sells the erven at N\$800.00/m². Since the approval of the purchase price will lapse on **27 February 2019**, it is proposed that new valuation be obtained which will either confirm the applicant statement that the adverse economic climate has affected the property price or disprove it.

Below is the size of the township divided into land usage:

Township	No. of erven	Size m ²
Single Residential	122	66 425
General Residential 2	10	27 510
Institutional	1	2 144
Business	1	1 137
Local Authority	1	1 093
POS	10	14 709
Street		32 709
Total		145 727

Attached as Annexure "4" is the approved General Plan for Extension 39.

On **09 March 2018**, six erven zoned "general residential" located in Extension 14 and Extension 1, Mile 4 were sold. The average per square meter obtained from the sale amounts to **N\$950.00 / m²**, and the highest price per square meter was **N\$1 120.00**.

The developer is marketing the erven zoned "single residential" at **N\$820.00/m²**.

**BLOCK 9
ENDOWMENT TRUST
SWAKOPMUND**



**VACANT PLOTS
SELLING OUT FAST**

**EXTENSION 30,
SWAKOPMUND**

**ERF PRICE STARTING FROM
N\$492,000.00**

**ESTELLE GENIS
081 226 1494
estelle@tsp.com.na**

■ ROADWAY
 ■ GENERAL RESIDENTIAL
 ■ SMALL RESIDENTIAL
 ■ PUBLIC OPEN SPACE
 ■ RAIL

SITE PLAN



SWAKOPMUND PLOTS FOR SALE!
 P1 - Swakopmund, T 1814/18

Single residential Erven ranging from 1880m² to 1,200m² Starting from N\$492,000

40 General Residential Erven ranging from 1,000m² to 4,700m² Starting from N\$492,000

Construction to start October 2019. Expected completion September 2020

W&E

4. Proposal

Taking into account that Council already waived 30% of the land (N\$ 4 264 485.00) it is proposed to waive the 5% annual escalation and obtain new valuations to determine the purchase price as required in terms of the Councils' Property Policy.

If Council agrees to waive the condition, or change the purchase price, the Ministry of Urban and Rural Development must be requested to amend the letter in which approval of the sale has been given for the change in the purchase price as well as the size of saleable land as per general plan.

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

RECOMMENDED:

- (a) That Council takes note of the approval by the Minister of Urban and Rural Development for the sale of Extension 39 measuring $\pm 101\,224\text{m}^2$ to Messrs Block Nine Endowment Trust at a total purchase price of N\$17 005 632.00 (N\$168.00/m²) subject to the Council resolutions.
 - (b) That Council takes note that the General Plan for Extension 39, Swakopmund was approved by the Surveyor General on 28 August 2018.
 - (c) That all Council's resolutions indicating the size of saleable land of Extension 39, Swakopmund be repealed and replaced with the correct size of 95 072m² as per approved General Plan.
 - (d) That the application of Messrs Block Nine Endowment Trust to waive the 5% per annum escalation and also to waive the condition to obtain new valuation after 27 February 2019 (being 5 years after the purchase price was approved) not be approved.
 - (e) That, if the developer cannot proceed with the development due to the amended purchase price Council offers to refund Block Nine Endowment Trust the costs incurred to date amounting to $\pm\text{N}\$700\,000.00$ and that the transaction be cancelled.
-

Due to the voluminous content - the attachments are available on file.

11.1.21 **APPLICATION FOR THE RELAXATION OF ON-SITE PARKING ON ERF 4333 MONDESA AND PURCHASE OF ADDITIONAL PARKING SPACE**

(C/M 2019/02/28 - M 4333)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.5 page 35 refers.

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

1. **Purpose**

The purpose of this submission is for Council to reconsider the application for the relaxation of on-site parking on Erf 4333, Mondesa and purchase of additional parking space.

2. **Introduction and Background**

An application was received from Messrs Brynard Kotze Architects Incorporated on behalf of Messrs Ocean Property Developments cc, the owner of Erf 4333, Mondesa for the relaxation of on-site parking for the development of Erf 4333 Mondesa. The application is attached as **Annexure A**.

3. **Ownership**

Ownership of Erf 4333, Mondesa vests with Ocean Property Development cc as held by Deed of Transfer No. T 2108 / 2014. It is attached as **Annexure B**.

4. **Locality, Zoning and Size**

Erf 4333, Mondesa is located in Mondesa, along Independence Street. It is zoned "General Business" with a bulk factor of 2.0 and measures 3774m² in extent. The erf is currently vacant.

5. **Discussion**

5.1 The Proposal

It is the intention of the owner to construct a shopping centre with three shops on Erf 4333, Mondesa. The proposed building has a total floor area of two thousand, seven hundred and one point 8 square metres (2 371.8m²).

The main shop has a total floor area of 1 848m², shop 1 has a total floor area 211.9m² and shop 2, a floor area of 311.8m².

The Swakopmund Town Planning Scheme in Table D1 states that the parking requirement for shops and offices is 1 parking bay per 33.33m² of floor area. The proposed development of a floor area of 2 371.8m² will require 71 parking bays. According to the building (site) plans submitted, provision was made for 36 parking bays, however there is a deficit of 35 parking bays.

The applicant herewith applies for relaxation of the amount of parking required for the proposed development and alternatively to

purchase additional parking space from the municipality in lieu of the shortcoming.

In their application, the applicant motivated that the proposed development is situated in Mondesa where the majority of people are pedestrian based and do not necessarily access the area by vehicles.

5.2 Town Planning Scheme - Parking special provisions

The Swakopmund Town Planning Scheme made special provisions for parking in terms of Clause 8.20.3 and it reads as follow:

"Notwithstanding the provisions of this Scheme, the Council may relax the parking requirements applicable to any zone and enter into a written agreement with the owner of the erf concerned whereby the owner shall either:

- (a) *pay an amount to the Council which in the opinion of the Council is sufficient to enable it to provide and maintain the same number of parking spaces within reasonable walking distance from the erf as are required in terms of the parking requirement for that zone, or*
- (b) *transfer a suitable site to the Council and pay an amount to the Council which will, in the opinion of the Council, be sufficient to enable it to construct and maintain the number of parking spaces required in terms of the parking requirement for that zone; or*
- (c) *construct and maintain the number of parking spaces required in terms of the parking requirement for that zone on any other property which is considered to be suitable by the Council."*

Council currently does not have available parking to be allocated and purchased by the developer; therefore option (a) of the Town Planning Scheme provisions is out of consideration. Furthermore options (b) of the aforementioned scheme can also not be considered as it has been observed that there is a shortage of parking particularly in this area.

Various parking requirements for land use activities listed under "General Business" in terms of the Swakopmund Town Planning Scheme are illustrated on the table below.

TABLE D1: Provision of Parking

Residential buildings	1 per dwelling unit
Hotels Pension & Bed & Breakfast	1 per 50m ² of floor area A minimum of 2 plus 1.5 per room
Shops and Offices	1 per 33,33m ² of floor area, or as arranged with Council according to Clause 8.D/7/2
Places of Public Worship and Places of Instruction	1 parking bay per 10 seats or 10 members Min: 15 bays for funeral chapels, 8 bays for other uses
Institutional	1 per 2 beds or as determined by Council
Service Stations	At least one parking bay per 50 m ² of the total floor area provided that the parking bays be clearly indicated for visitors.
All other uses	1 per 33,33m ² of floor area

5.3 Evaluation

The Municipality of Swakopmund has an antiquated policy which accepts payment for missing parking bays. In January 2017, Council sold three parking for the development on Erf 776, Swakopmund, at N\$4 750.00 per parking bay. See **Annexure B**. This money is supposed to then be used to replace the deficit with parking at another nearby place.

At the time, an engineering estimate suggested that costs to replace a parking bay is possible N\$26 000.00 if placed on open land that can be purchased at about N\$800.00 per square metre or N\$100 000.00 to N\$125 000.00 per bay if they must be provided in a multi-story parking garage.

In 2017, Council turned down the application for the relaxation of parking on Erf 776 Swakopmund and the developer was expected to ensure that the parking requirements as stipulated in the Swakopmund Town Planning Scheme were adhered to.

In another case, an application for relaxation of on-site parking on Erf 204, Swakopmund served before Council on **22 November 2018** and the following was resolved under item 11.1.23:

- (a) That the developer take note that it is his responsibility to provide parking for the proposed development, preferably on-site;
- (b) That the application for relaxation of the parking requirements on Erf 204 Swakopmund and compensation of the deficiency be turn down;
- (c) That no building plans be approved if parking provision is insufficient;
- (d) That the developer buy land at a mutually agreed location in the CBD and build parking bays to cover the deficiency or construct parking garage on a suitably located Municipal erf to the satisfaction of the general Manager Engineering Services;
- (e) That development proposal on Erf 204, Swakopmund only be considered on condition that the developer agrees to point (d) above.

Given the two cases presented above, it is evident that Council currently does not have available parking to be allocated and purchased by developers. Council can also not afford accepting money and obligation for the provision of parking.

It should be the responsibility of the developer to provide adequate parking for proposed developments. Developers are however be afforded an opportunity to provide the deficit in parking elsewhere in accordance with section 5.2 (c) above as quoted from the Swakopmund Town Planning Scheme.

The following options are suggested as potential remedies to the deficiency in parking on Erf 4333, Mondesa:

- (i) That the proposed development be scaled down in order to ensure that adequate on-site parking is provided in terms of Table D 1 of the Swakopmund Town Planning Amendment Scheme;

OR

- (ii) That the developer buy land at a mutually agreed location in Mondesa in close proximity to the proposed development and build parking bays to cover the

deficiency or construct parking garage on a suitably located Municipal erf to the satisfaction of the General Manager Engineering Services.

In their motivation, the applicant stated that the proposed development is situated in Mondesa where the majority of people are pedestrian based and do not necessarily access the area by vehicles. This statement has not been backed up by any scientific evidence and can therefore not be accepted as a valid motivation. Irrespective of how the site is accessed, the parking requirement for the magnitude of the proposed development does not change. Furthermore, the applicant has not considered the fact that change is constant and socio-economic conditions change overtime as well as the standard of living of the people in the area. The establishment of the proposed development is evidence of that fact the area has potential to yield good revenue; car ownership can therefore not be used as an adequate motivation for the relaxation of parking bays as prospects of car ownership is also increased given the said potential.

6. Conclusion

The responsibility for the provision of on-site parking should be that of the developer. The developer should therefore be advised to either scale down the proposed development in order to ensure that adequate parking is provided or alternatively, should they agree, to provide the deficiency elsewhere by either buying a site for parking or constructing parking on a suitably located Municipal Erf to the satisfaction of the General Manager Engineering Services.

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

RECOMMENDED:

- (a) That the developer takes note that it is his responsibility to provide parking for the proposed development, preferably on-site.
 - (b) That the application for relaxation of the parking requirements on Erf 4333, Mondesa and alternatively apply to purchase additional parking space from the Municipality *in lieu* of the shortcoming be turned down.
 - (c) That no building plans be approved if parking provision is insufficient.
 - (d) That the applicant consider the following options:
 - (a) That the proposed development be scaled down in order to ensure that adequate on-site parking is provided as per the requirements of the Swakopmund Town Planning Scheme.
 - (b) That the developer buy land at a mutually agreed location in Mondesa and builds parking bays to cover the deficiency or construct parking garage on a suitably located Municipal erf to the satisfaction of the General Manager Engineering Services.
- OR**
- (e) That development proposal on Erf 4333, Mondesa only be considered on condition that the developer agrees to one of the above options.
-

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Due to the voluminous content - the attachments are available on file.

11.1.22 APPLICATION TO WAIVE PRE-EMPTIVE RIGHT; ERF 1123, TAMARISKIA
(C/M 2019/02/28 - T 1123)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 8.9 page 84 refers.

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

1. Introduction

The following submission was discussed at the Planning Forum on **08 January 2019** under item 5.5 and is now submitted to the Management Committee for consideration.

A letter dated **12 December 2018** was received from Mr Shaheed G January offering Erf 1123, Tamariskia to Council for sale in terms of clause 8.3 of the deed of sale; alternatively to sell it to a third party (**Annexure "A"**). The property measures 630m² and no buildings are constructed thereon.

Mr S G January was retrenched during July 2018 from Langer Heinrich Uranium, he is taking care of his parents and also has motor vehicle instalments to pay. His funds from the retrenchment package are depleted and he can no longer pay his home loan to the bank.

Erf 1123, Tamariskia (measuring 630m²) was sold at a public sale on **03 July 2015** in the amount of R174 500.00. In terms of the conditions of sale a pre-emptive period of 5 years were registered from date of transfer during which period the purchaser may not sell the property. The property was transferred to the owner on **05 October 2015**.

Council sold 103 erven zoned "single residential" located in Extension 3, Tamariskia in two batches on **29 May** and **03 July 2015**, subject to the same pre-emptive period.

Should Council allow the applicant to sell his property to a third party, it is likely that various similar applications from the remaining 102 owners might follow.

Below, similar applications received:

- to sell property to third parties; and
- property offered to Council for sale.

For ease of reference, the following differences are pointed out with reference to the recent decision regarding the sale of Erf 5827, to a third party:

Erf 5627, Swakopmund	Erf 1123, Tamariskia
<ul style="list-style-type: none"> • Sold as a reserved staff erf to a staff member at the time. • A house is constructed on the property. • Summons was issued by the bond holder of repossession due to default payment. 	<ul style="list-style-type: none"> • Sold as part of 100 erven by closed bid sale to a member of the public. • It is a vacant erf. • The owner anticipates that he will fall in arrears with payments.

The sale of Erf 1123, Tamariskia is comparable with the recent application by KS Properties Namibia (Pty) Ltd for the sale of Erf 4812, Swakopmund listed under point 3 below.

2. Similar Applications Received to Sell Property to Third Parties

Council in the past sold various erven at reasonable prices, subject to a five year pre-emptive period in order to avoid speculation and having thereby providing an opportunity for first time property owners to construct a dwelling, without being lured by speculators.

A similar sale was held on **25 October 2005** whereby 125 erven zoned "single residential" were sold publicly subject to a pre-emptive right. With reference to an application by a purchaser to sell a vacant erf due to financial hardship, Council on **24 August 2006** passed the following resolution:

- (a) That the Municipality exercises it's right to purchase Erf 4508, (Extension 9), Swakopmund measuring 800m² from Mr D A & Ms K J Bessinger for the price obtained at the auction, being N\$121 000.00 and all costs related to the transfer back into Council's name.
- (b) That Erf 4508, (Extension 9), Swakopmund be added to the list of erven available for sale by way of private transaction and be offered for sale to applicants on the waiting list at an increased purchase price in order to cover all Council's cost.
- (c) That the Municipal Council reserves the right of first refusal to obtain Erf 4508, (Extension 9), Swakopmund from successors-in-title.

For interest sake, a submission was tabled to the Management Committee of 16 February 2012 in order to provide statistics on the sale of 25 October 2005 after the 5 year period lapsed, the following is quoted as during 2012:

% of erven still in ownership of the first time property owner	58%
% of erven sold as vacant land within one year from the lapsing of the restrictive period	36%
% of erven sold as developed (house) land within one year from the lapsing of the restrictive period	6%

With reference to the sale of small holdings during 2008, following various applications to waive the pre-emptive right to sell the undeveloped property to third parties, Council on **25 February 2010** under item 11.1.14 passed the following decision:

- (a) That Mr W R Clarke be informed that Council will not waive the five (5) year restriction on alienation for Portion 95.

- (b) That the General Manager: Corporate Services informs all First Time Smallholding and Property owners that Council will not waive the five (5) year restraint on alienation on any property.
- (c) That the General Manager: Corporate Services conveys the decision in (b) above to the public through the media.

Furthermore, with reference to more recent applications requesting Council's permission to sell subject to a pre-emptive right, Council passed the latest decision on **22 November 2018** under item 11.1.5:

That Ms Imarenda Ruhumba be informed that Council does not waive its pre-emptive right and that the property may not be sold until the lapsing of the 5 year period on 06 May 2020.

With reference to the above property, a house is constructed and the owner can lease such for additional income.

From the above, Council consistently does not waive the pre-emptive period for the sale of the property to third parties.

3. Offer to Council to Purchase the Property

Council on **25 October 2018** under item 11.1.3 considered an offer to buy back an erf zoned "Industrial" which is also subject to a pre-emptive right of first refusal; the following resolution was passed:

- (a) That Council does not waive its condition by allowing Messrs KS Properties Namibia (Pty) Ltd to sell Erf 4812, Swakopmund to a 3rd party; unless it is developed.
- (b) That Council accepts the offer of Messrs KS Properties Namibia (Pty) Ltd to purchase Erf 4812, Swakopmund at the purchase price N\$1 173 000.00 plus N\$175 950.00 (15% VAT).
- (c) That Ministerial approval be obtained in terms of Section 64 of the Local Authorities Act, Act 23 of 1992, as amended in order for Council to proceed with the purchase Erf 4812, Swakopmund from Messrs KS Properties Namibia (Pty) Ltd.
- (d) That Erf 4812, Swakopmund be transferred to Council at Council's costs.
- (e) That Council sells Erf 4812, Swakopmund by closed bid sale at an upset price equal to the costs incurred of acquiring the property.

4. Application by Mr S G January

As per Annexure "A", Mr S G January offers the property to Council in terms of Clause 8.3 of the deed of sale; alternatively for permission to sell his property to a third party:

"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.

5. Proposal

It is proposed that Council does not waive its right and conditions to allow Mr Shaheed G January to sell Erf 1123, Tamariskia as it will create a precedent.

It is also proposed that Council accepts the offer made by Mr Shaheed G January to purchase Erf 1123, Tamariskia at the purchase price N\$174 500.00. Should Council accept the offer, the erf be transferred to Council at the cost of Council and be sold to the public at a closed bid sale.

Section 64 of the Local Authorities Act, Act 23 of 1992 as amended stipulate the power of the Minister in relation to approval for acquisition of immovable property by local authority councils as follows:

The Minister may, before considering his or her approval contemplated in section 30(1) (d) for the buying, hiring or acquisition of immovable property by a local authority council, direct the local authority council in question to publish a notice in at least two newspapers circulating in its area whereupon the Minister may grant or refuse such approval.

In view of the above, Council will required to obtain Ministerial approval to purchase Erf 1123, Tamariskia from Mr S G January.

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

- (a) That Council does not waive its condition by allowing Mr S G January to sell Erf 1123, Tamariskia to a third party.
 - (b) That Council accepts the offer of Mr S G January to purchase Erf 1123, Tamariskia at the purchase price N\$174 500.00.
 - (c) That Ministerial approval be obtained in terms of Section 64 of the Local Authorities Act, Act 23 of 1992, as amended in order for Council to proceed with the purchase Erf 1123, Tamariskia from Mr S G January.
 - (d) That Erf 1123, Tamariskia be transferred to Council at Council's costs.
 - (e) That Council sells Erf 1123, Tamariskia by closed bid sale at an upset price equal to the costs incurred of acquiring the property.
-



Due to the voluminous content - the attachments are available on file.

11.1.23 REQUEST FOR EXTENSION OF TIME TO SECURE THE PURCHASE PRICE FOR ERF 7159, MONDESA BY MESSRS ANGELIQUE INVESTMENT CC
(C/M 2019/02/28 - E 7159)

Ordinary Management Committee Meeting of 14 February 2019, Addendum 5.11 page 101 refers.

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

1. Application

The attached letter dated 08 February 2019 (Annexure "A") was received from Angelique Investment CC requesting Council to grant an additional extension of time of a further six months to secure payment for Erf 7159, Mondesa sold on 02 December 2017.

Council on 28 March 2018 under item 11.1.21 granted an extension of time to secure the purchase price as follows:

- (a) That Messrs Angelique Investments CC be granted an extension of time to secure the purchase price for Erf 7159, Extension 26, Swakopmund, until 01 March 2019.
- (b) That Messrs Angelique Investments CC be reminded that the purchase price for the property is N\$1 265 400.00 and interest calculated from 02 December 2017 until 01 March 2019 amounts to N\$165 264.87.
- (c) That Messrs Angelique Investments CC be informed that the purchase price must be secured by 01 March 2019 as no further extensions will be granted.
- (d) That an addendum to the deed of sale be compiled effecting the above extension of time.

The initial due date for payment was Monday, 02 April 2018 (Tuesday, 03 April 2018, Monday being a public holiday). In terms of the above Council resolution the extended due date is 01 March 2019.

An additional period of six months is now applied for, therefore until 01 September 2019.

The sale is subject to interest levied at 10.5% from 02 December 2017 until date of transfer in case the transfer is not registered on 01 September 2019.

2. Background

Council on 31 May 2017 under item 11.1.37 resolved to sell Erf 7159, Swakopmund by private treaty to Messrs Angelique Investment CC. The purchase price was approved by Council on 28 September 2017 under item 11.1.24.

Messrs Angelique Investment CC was informed of the purchase price and 120 days payment period in writing on 05 October 2017 (6 months prior to the payment due date). On 01 November 2017 the purchaser in writing confirmed acceptance of the conditions of sale and the purchase price.

The proposed sale was advertised as required in terms of the Local Authorities Act 23 of 1992 under Notice 59/2017. At the closing date of **02 December 2017** no objections were received. The closing date for objections is regarded as the date of sale from which date the 120 days are being calculated.

The deed of sale was signed on **17 January 2018**. In terms of the deed of sale if the purchase price is not secured by **03 April 2018** the purchaser will receive 21 days' notice to rectify the breach. If not rectified the transaction would be automatically cancelled.

A letter dated **02 March 2018** was received from Angelique Investment CC requesting Council to grant an extension of time of six months to secure payment for Erf 7159, Mondesa sold on **02 December 2017**.

As stated under point 1 above, Council on **28 March 2018** under item 11.1.21 granted an extension of time to secure payment until 01 March 2019.

3. Challenges with Long Extensions

It should be kept in mind that the granting of extensions of time to secure purchase prices negatively affects Council's financial position and places pressure on the cash flow for operating and capital expenditure. For example, Council paid N\$3 386 723.00 to NHE for the erven in Extension 10. The erven were sold by private treaty instead of closed bid whereafter extensions of time were granted for the payment of the purchase prices; resulting in Council not earning income for an extended period effectively subsidizing the purchase price to the private purchasers.

Council sells large numbers of erven and the granting of extensions can result in inconsistent treatment of the public and hampers the prompt finalization of transactions.

In addition to the above, Council charges penalty interests to compensate for the time that Council do not have the capital at its disposal. Although necessary to ensure Council's financial stability, it places a burden on the purchaser resulting in the property becoming unaffordable.

4. Discussion

Messrs Angelique Investment CC is requesting a further 6 months extension from **01 March 2019**, therefore until Monday, **02 September 2019**.

The purchase price in the amount of N\$1 265 400.00 will attract interest from **02 December 2017** until **02 September 2019**.

02-Dec-17	date of sale
02-Sep-19	extended due date considered by SMMC of Feb 2019
639	from date of sale until date of payment
1 265 400.00	Purchase Price
0.00	no amounts paid
1 265 400.00	Balance
1,02 867.00	total interest for a year
364.02	daily interest
232 606.25	interest for 639 days
1 498 006.25	balance of purchase price + interest

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

RECOMMENDED:

That the application by Messrs Angelique Investment CC for an additional extension of time of 6 months, i.e. from 01 March 2019 until 02 September 2019 subject to interest calculated from 02 December 2017, be approved.

Angelique Investment CC
 P O Box 2194
 Swakopmund

8 February 2019

The Chief Executive Officer
 Mr. Alfous Benjamin
 Swakopmund Municipality
 P O Box 11
 Swakopmund
 Namibia



Dear Mr Benjamin

RE: APPLICATION FOR EXTENSION OF THE PAYMENT DUE DATE (1 MARCH 2019)
 REF. 7118 MONDESA.

The above-mentioned subject has reference

I hereby humbly like to inform your esteemed office that I have approached my financier in this regard and I remain hopeful that the process might be finalized in due course.

Given the above, I am appealing to the Swakopmund Municipal Council to grant me an extension of additional six (6) months in order to allow ample time to my funders to finalize the process.

Trust that the above request will receive your favourable consideration.

Yours faithfully,

For Angelique Investment CC,

A handwritten signature in black ink, appearing to read 'PND NASHILINDO'.

PND NASHILINDO