

# AGENDA

Ordinary Council Meeting

on

**THURSDAY**

28 MARCH 2019

at

19:00



MUNICIPALITY OF SWAKOPMUND



## MUNICIPALITY OF SWAKOPMUND

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Ref No A 2/3/5

Enquiries: Aloysia Katulika

18 March 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 March 2019 AT 19:00,**

  
 A Benjamin  
 CHIEF EXECUTIVE OFFICER  
 AO:

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

None.

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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, 28 February 2019 at 19:00.

**PRESENT:**

|                           |   |                                |
|---------------------------|---|--------------------------------|
| Councillor P Nashikondo   | : | Mayor                          |
| Councillor E Shitana      | : | Chairperson of the MC          |
| Councillor K N Jason      | : | Alternate Chairperson of MC    |
| Councillor A M Marsh      | : | Member of Management Committee |
| Councillor W O Groenewald | : | Alternate Member of MC         |
| Alderman E. (Rhoaseb)     | : | Member of Council              |

**OFFICIALS:**

|                 |   |   |
|-----------------|---|---|
| Mr A Benjamin   | : | Chief Executive Officer                 |
| Mr M N Ipinge   | : | GM: Community Development Services      |
| Mr C McClure    | : | GM: Engineering Services                |
| Mr H Nauseb     | : | GM: Finance                             |
| Mr A Plaatzje   | : | Acting GM: CS&HR                        |
| MS L Mutenda    | : | Acting GM: Health Services              |
| 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 J Helja      | : | Manager: Town Planning                  |
| Mr A Strauss    | : | Manager: Works                          |
| Mr U Tjunutue   | : | Corporate Officer: Administration       |
| Ms A Gebhardt   | : | Corporate Officer: M & C                |
| Ms A Kahuka     | : | Administration Officer: Administration  |
| Ms L Shangadi   | : | Job Attachment Student: M & C           |

**ALSO PRESENT:**

Also present was the Constituency Councillor, Honourable Juso Kambueshe, two (2) member of the Media, Three (3) staff members receiving Long Service Awards, Fifty-eight (58) Members of the public and 39 small contractors from Swakopmund to receive their commencement letters.

**1. OPENING BY PRAYER**

Pastor Philander opened the meeting with scripture reading and a prayer.

**2. ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL**

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

**RESOLVED:**

That the agenda be adopted.

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3. **APPLICATIONS FOR LEAVE OF ABSENCE AND DECLARATION OF INTEREST BY MEMBERS OF COUNCIL**

3.1 Application for leave of absence:

|                        |     |          |
|------------------------|-----|----------|
| Councillor M Elago     | ... | Approved |
| Councillor N N Salomon | ... | Approved |
| Councillor U Kaapehi   | ... | Approved |
| Councillor E K Hangula | ... | Approved |

3.2 Declaration of interest:

|                           |   |              |
|---------------------------|---|--------------|
| Councillor P N D Nashundu | - | Item 11.1.23 |
|---------------------------|---|--------------|

4. **CONFIRMATION OF MINUTES**

(C/M 2019/02/28 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 31 JANUARY 2019**

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

**RESOLVED:**

That the minutes of the Ordinary Council Meeting held on 31 January 2019, be confirmed as correct.

5. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**

(C/M 2019/02/28 - A 2/3/5)

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

**Council Meeting 28 February 2019**

Honourable Councillors, Patsy Phisoane, The Chief Executive Officer, Mr Athius Benjamin, General Managers, Managers, Officers, Junior Town Council, Members of the Community, Members of the Media, Ladies and Gentlemen, All Present observed

A very good evening, and welcome to our council meeting. Before I proceed with my speech please allow me to quote from the book of wisdom out of 1 Peter 5:8 "Humble yourselves therefore under the mighty hand of God, so that he may exalt you in due time."

Honourable Councillors, Ladies and Gentlemen

The Mayor's office is a public office our purpose here remains that of serving our community and as a result this office always needs to attend to other duties and we have been involved in the following engagements for the month:

- Councillors visited the Family of Late Chief Seth Koohe
- Courtesy visit to the City of Windhoek with a delegation of Windoor, Jamaica
- National Mayor's Forum Meeting
- Various appointments with Community Members
- Various Official meetings and affairs with presentation on various proposals
- Street Naming & Advisory Committee Meeting
- Launch of the Erongo Regional Council Sub-National Government forum / Agenda Setting
- Conference on networks of women elected officials of sub-national and local governments of Africa in Erongo - Establishing of the Erongo Chapter

Again thank you Honourable Councillors for the team work and the support fulfilling some of the duties of the Mayor's Office

Ladies and Gentlemen

The Development Municipality is pleased to inform the community of Swakopmund of the completion of an Investment Profile for Swakopmund. The Investment Profile aims to increase awareness of the town's unique beauty and encourage active commercial opportunities in and around the Swakopmund locale.

The Swakopmund Investment profile will cover topics essential for potential investors in making an initial investment decision in Swakopmund and its surrounding areas, and these include the rich economic

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**History of Development, facts and demographics, transportation links, economic outlook, commercial potential, business context and living in Duskyness.**

**Ladies and Gentlemen**

In pursuit of fast tracking the making available of affordable housing to the low to middle income residents of Duskyness in line with its Land and Housing Action Plan adopted by its Council on 31 May 2018, the Municipality has agreed to enter into a mutually beneficial agreement with Developer in terms whereof:-

- the Municipality shall make a duly proclaimed but hitherto un-serviced "township" (within the meaning of the Township and Subdivision of Land Ordinance) available for development;
- the Developer shall develop and service infrastructure of the township as well as to construct dwelling houses on some of the areas of the township, for its own account and without any financial contribution by the Municipality;
- in consideration of the capital expended by the Developer in the construction of service infrastructure of the township, the Municipality shall give ownership of a certain number of designated areas in the township to the Developer for its free disposal subject to certain terms and conditions.

The Municipality and the Developer have reached consensus as to the terms and conditions which shall govern the agreement.

**Ladies and Gentlemen**

Council also went through a lengthy process to ensure that all legislation has been set in place and tonight we finally can announce that 28 small contractors have been identified to build 40 houses each which will result a total of 1 120 houses. The areas are earmarked for credit link and social housing construction, whereby the type of houses are split 40% credit link and 60% social houses. This means that each contractor will construct 16 credit link houses and 24 social houses. The credit link houses will be linked to rental value between R2750-300.00 and R3000-000.00. For the credit link houses applicants will be able to obtain financing from any financial institution. The construction of the credit link houses will commence immediately and we call upon the following 28 contractors that have been invited to build the credit link house for Council to receive their letters of commencement. These are the ones that have submitted their designs, the balance of 12 are encouraged to submit their designs as soon as possible. The building of social houses will follow in due course after the signing of the agreement.

- Magnolia Investments CC
- BAY Engineering & Construction
- African Developers CC
- Matlure Investment CC
- Nedago Investments cc
- Gauth's Maintenance
- Numbia Property Group ( NPC)
- Ntate Investments CC
- Kuthona Properties CC
- PD Sitata & Property
- Oregate Trading Investment CC
- Sekane Enterprise CC
- Theron Pty Ltd
- Vemate Trading CC
- Opaka Investment (Pty) Ltd
- Ntshi Trading
- Fawa Business Solutions CC
- JONK Trading Enterprises CC
- Doka Group Holdings
- NCO Investments Number Eight (Pty) Ltd
- Ehangeni Building Construction CC
- Lile House One Investment (Pty) Ltd
- Duf Investment CC
- Kanyath Investment CC
- Finkanda Investments CC
- Dama Estates

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

### 6.1 Long Service Awards

**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 this Municipality and Eindhoven.



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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:

#### 22 Years of Service

Clarence McClure                      22                      1 February 2001

#### 21 Years of Service

Netsape O Netsape                      21                      8 February 1999

#### 20 Years of Service

Melissa Ameyemba                      20                      1 February 1999

Obaidi Tjane                      20                      1 February 1999

#### On Retirement

Retirement is not about giving up, leaving yourself, slowing down or feeling old. Retirement is about enjoying the longest holiday of life.

Mr Frederick Kufesha worked at the Municipality of Development for 23 years and 8 months giving his devoted service to the community ensuring 24/7 days that every household always has running water, ensured that water reservoirs are full even in arid times of major pipe burst on the Namwala pipeline, he constantly monitored the reservoirs even during on holidays far away from his home town. Also to mention the major sewerage infrastructure problems experienced - hours of non-stop work to ensure that it did not turn in to a major disaster. He really fashioned the so-called machine.

Mr Kufesha, we thank you for the proven track towards the Development community, the dedication and hard work to serve your community for so many years, you deserve the best retirement ever. Enjoy the new journey of your life. Observe every moment and have fun!

Carlton & Carolann

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

Philo Naphalene

Mayor

## 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 28(1)(E) OF THE ACT

### 10.1 REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING FEBRUARY 2019

10. Minutes of Special Management Committee meetings held on 29 January 2019, 19 February 2019 and Ordinary Management Committee meeting held on 14 February 2019.

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**11.1.1 TIDLE WAVE INVESTMENTS ELEVEN (PTY) LTD: APPLICATION TO LEASE LAND AT THE MOLE**

(CM 2019/02/28 - N 7/2/1)

**RESOLVED:**

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

**11.1.2 MESSRS ZHONG MEI ENGINEERING GROUP (PTY) LTD: APPLICATION FOR AN ADDITIONAL LEASE PERIOD**

(CM 2019/02/28 - G 4/1/1)

**RESOLVED:**

- (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 m<sup>2</sup> 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/m<sup>2</sup> 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) (c) 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.

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

(CM 2019/02/28 - Hangar 61)

**RESOLVED:**

- (a) That the existing lease agreement with Messrs Bataleur 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.



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- (c) That the approval be subject to the lease account of Messrs Kallie Investment Number Six Hundred and Fourteen CC being paid up to date.

**11.1.4 NEED AND DESIRABILITY FOR THE SUBDIVISION OF ERF 3597, MONDESA EXTENSION 8 INTO FIFTEEN (15) PORTIONS AND REMAINDER**  
(C/M 2019/02/26 - M 3597)  
**RESOLVED:**

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 Sasegond Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 19 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 2019/02/26 - M 3595)  
**RESOLVED:**

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,

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- (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.

11.1.6 NEED AND DESIRABILITY TO SUBDIVIDE ERF 1994, MONDESA EXTENSION 3 INTO THIRTY PORTIONS AND REMAINDER  
(CIM 2019/02/28 - M 1994)

RESOLVED:

- (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.*



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**11.1.7 APPLICATION BY KARADIX INNOVATIVE INVESTMENT CC FOR 36 HA OF LAND; AND ALLOCATIONS OF LARGE PORTIONS OF LAND IN GENERAL**

(C/M 2019/02/28 - G 4/1/1, 15/1/4/2/1/5)

**RESOLVED:**

That the application by Messrs Karadix Innovative Investment CC to present a proposal to acquire a portion of 36ha for townships development be turned down.

**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)

**RESOLVED:**

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.

**11.1.9 REQUEST FOR SPONSORSHIP: SCREENING AND ADVERTISING OF THE MOVIE XENOPHOBIA**

(C/M 2019/02/28 - D 5)

**RESOLVED:**

- (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.

**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)

**RESOLVED:**

- (a) That 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 be granted.

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- (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.

**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)

**RESOLVED:**

- (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:
  - Simeon Tjengerere
  - James Sheya
  - Reverend Petrus Kimm
  - Katrina Maashakile
- (c) That the list of names below be approved for street names for Matutura Extensions 7:
  - Sylvanus Numbala
  - Ambrosious Ndaholele
  - Isabella Dock
  - Andreas Ekandjo
  - Paul //Kwesh
  - Martha Goringa
  - Werner //Kwesh
  - Daniel //Naabob
  - Aune Kandombo
  - Hendrico Vraagie
  - Kauna Asino
- (d) That the list of names below be approved for street names for Matutura Extensions 8:

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- Lukes Nyand
- Salome Otta
- Reinhardine Khosa
- Guelat /Demi-nah
- Chief Aron Kahika
- Lina Rastie Green
- Immanuel Toubab

(e) That the list of names below be approved for street names for Matutara Extensions 9:

- Martha Kinkelo
- Firoda Mupondja
- Helena /Rhoswa
- Benjamin Mungwa
- Martha Karone
- Martha Mtembo
- Elias Nyand
- Ezeki Shitani
- Sarafine Dinko
- Leonard Kapira

(f) That the list of names below be approved for street names for Matutara Extensions 10:

- Namene Gwini
- Lina Edward
- Ndumoni Elias
- Simon Petoja
- Loke Ya Fene
- Eregiel Gwini
- King /Elphas Kaulama
- Reverend Salome /Kali
- Gibson Shalelele
- Bishop Ernst /Gamaenab
- Matika Shitani

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

(CIM 2015/02/28 - E 1/4/1)

##### RESOLVED:

- (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:

|          |   |   |
|----------|---|---|
| R2500.00 | - | Monthly tariff for an area bigger than 10m² |
| R2107.50 | - | 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 returned to its original condition and to the satisfaction of the Swakopmund Municipality after the function.



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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 (NT\$5.50 per bin and NT\$15.00 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.

**11.1.13 WRITING OFF: OLD AND REDUNDANT EQUIPMENT  
- ENGINEERING SERVICES DEPARTMENT**

(CM 2019/02/28 - L 2)

**RESOLVED:**

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

| Equipment                                 | Total | Reason |
|---|-------|--------|
| Apps MWT 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 REPRESENTATIVE TO SERVE ON  
ERONGO RED'S CONSUMER LIASION COMMITTEE**

(CM 2019/02/28 - A 4/3/1/15/1, A 4/3/1/16)

**RESOLVED:**

That this item be referred back and be resubmitted to the next Council meeting with the names of the nominees.

**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"**

(CM 2019/02/28 - E 5236)

**RESOLVED:**

- (a) That Baobab Street (the Remainder of Portion B of Swakopmund Town and Townlands No. 41) be subdivided into Portion A (2660m<sup>2</sup> in extent) and Remainder as per the subdivision plan (on file).



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- (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.

**11.1.16 RESPONSE TO THE PETITION FROM BUILD TOGETHER BENEFICIARIES**

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

**RESOLVED:**

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

**11.1.17 SALE OF ERF 610, TAMARISKIA**

(C/M 2019/02/28 - T 610, 19/03/03)

During the discussion of this item Councillor W O Groenewald proposed that the property be sold to Ministry of Safety and Security, this proposal was not seconded hence it was not accepted.

**RESOLVED:**

- (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.

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- (f) That the Engineering Services Department renovate / upgrade the building.

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11.1.18 ESTABLISHMENT OF A ROCK GARDEN ALONG DUNESIDE AVE, KRAMERSDORF, SWAKOPMUND  
(C/M 2019/02/28 - G 4/1/1 (15), N 7/4/1)

RESOLVED:

- (a) That Mr D Holloway be permitted to spread the rocks along an the 1400m 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 D 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 the area be administered like other community 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.
-



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

RESOLVED:

- (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.

- 
- 11.1.20 BLOCK 9 ENDOWMENT TRUST: APPLICATION TO WAIVE THE ESCALATION OF THE PURCHASE PRICE FOR SELLABLE LAND OF EXTENSION 38  
(C/M 2019/02/28 - G 3/9/9)

RESOLVED:

That it be recorded that this item was replaced with item 11.1.24.

- 
- 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)

RESOLVED:

- (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:

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- (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.

OR

- (b) That the developer buy land at a mutually agreed location in Mondesa 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 4333, Mondesa only be considered on condition that the developer agrees to one of the above options.

**11.1.22 APPLICATION TO WAIVE PRE-EMPTIVE RIGHT: ERF 1123, TAMARISKIA**  
(CM 2019/02/28 - T 1123)

**RESOLVED:**

- (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.

**11.1.23 REQUEST FOR EXTENSION OF TIME TO SECURE THE PURCHASE PRICE FOR ERF 7159, MONDESA BY MESSRS ANGELIQUE INVESTMENT CC**  
(CM 2019/02/28 - E 7159)

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

**RESOLVED:**

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.



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

(CIM 2019/02/28 - G 3/9/9)

**RESOLVED:**

- (a) That Council takes note that the Minister of Urban and Rural Development has approved the sale of Extension 39 measuring approximately 101 224m<sup>2</sup> to Messrs Block Nine Endowment Trust at a total purchase price of N\$17 005 632.00 (N\$168.00/m<sup>2</sup>) subject to the Council resolutions passed as follows:

- (i) Item 11.1.7 of 28 January 2014  
 (ii) Item 11.1.15 of 27 February 2014  
 (iii) Item 11.1.2 of 31 July 2014

- (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 the size of saleable land of Extension 39, Swakopmund be corrected in all Council resolutions to read 95 072m<sup>2</sup> 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) be approved.
- (e) That Council waives the escalation and the requirement to obtain new valuations, due to the 3 year plus delay caused by the Ministry and the cost the developer has expended already i.e. that the purchase price is calculated at N\$168.00/m<sup>2</sup> and that it be motivated to the Ministry accordingly.

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

None.

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The meeting adjourned: 19:48

Minutes confirmed on: 28 March 2019

Councillor P N D Nashilundo  
 MAYOR

A Benjamin  
 CHIEF EXECUTIVE OFFICER

ak/

11. RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE MEETINGS HELD DURING MARCH 2019
10. REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS MANAGEMENT COMMITTEE MEETINGS HELD DURING FEBRUARY AND MARCH 2019
- 

- 10 (A) MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 28 FEBRUARY 2019

- 5.2 MS M NAWESSES: APPLICATION TO PARTICIPATE IN AN EXCLUSIVE CLOSED BID SALE OF ERF 4336, MONDESA ZONED "GENERAL BUSINESS"

(S/M/C 2019/02/28 - M 4336)

RESOLVED:

That it be noted, that the Chief Executive Officer granted permission to Ms M Nawesses to participate in the Closed Bid Sale of Erf 4336, Mondesa scheduled for 08 March 2019.

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- 10 (B) MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 15 MARCH 2019

2. CONFIRMATION OF MINUTES  
(M/C 2019/03/15 - A 2/3/5)

- 2.1 MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 14 FEBRUARY 2019

On proposal of Councillor N N Salomon seconded by Councillor A M Marsh it was:

RESOLVED:

That the Minutes of the Ordinary Management Committee meeting held on 14 February 2019 be confirmed as correct.

- 2.2 MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 19 FEBRUARY 2019

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

RESOLVED:

That the Minutes of the Special Management Committee meeting held on 19 February 2019 be confirmed as correct.



2.3 MINUTES OF A SPECIAL MANAGEMENT COMMITTEE MEETING  
HELD ON 28 FEBRUARY 2019

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

RESOLVED:

That the Minutes of the Special Management Committee meeting held on 28 February 2019 be confirmed as correct.

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5. REPORTS: HEADS OF DEPARTMENTS

5.5 FINANCE

5.5.1 TOTAL EXPENDITURE

(M/C 2019/03/15 - D 7/3/2/1)

RESOLVED:

That the total expenditure of N\$32 748 6254.34 and total revenue of N\$32 337 768.08 for the period 01-28 February 2019 be accepted and approved as correct.

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

7.1 INTERIM VALUATION COURT 2019

(M/C 2019/03/15 - D 22)

RESOLVED:

(a) That the General Manager: Corporate Service & HR in consultation with the General Manager: Engineering Services Department compile a list of all major developers to be considered for nominations as nominees for the Valuation Court.

(b) That Ms Tandeka Gebhardt be approached for possible nomination.

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7.9 APPLICATION BY MESSRS SWAKOPMUND PRACTICAL SHOOTING  
CLUB TO EXTEND THE CURRENT LEASE AREA

(M/C 2019/03/15 - G 4/1/1 (21))

RESOLVED:

That this item be withdrawn from the agenda.

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7.11 CANCELLATION CONFIRMATION: ERF 356, EXTENSION 1, MILE 4

(M/C 2019/03/15 - M4 E 356)

RESOLVED:

That the General Manager: Corporate Services & HR follow up with the applicant and provide feedback before the Council Meeting.

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**8. POLICY MATTERS****8.1 APPLICATION FOR AN EXTENSION OF TIME TO SECURE PURCHASE PRICE FOR ERF 613, EXTENSION 2, MATUTURA: MS B !GONTES**  
(M/C 2019/03/15 - Mat 613)

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

- (a) That Council remains with the conditions of sale for the sale of 94 erven zoned "Single Residential" located in Extension 2, Matutura i.e. requiring the purchase prices to be secured by the final due date of 25 February 2019 (an additional 21 days' notice period will be issued), by either a cash payment, or electronic fund transfer or bank guarantee.
- (b) That Ms B !Gontes be informed that the purchase price for Erf 613, Extension 2, Matutura must be secured by cash payment or an electronic fund transfer or a bank guarantee (subject to penalty interest being levied from 26 February 2019).
- (c) That failure to secure the purchase by 30 April 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.

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**8.8 ANNUAL PROCUREMENT PLAN 2018-2019**  
(M/C 2019/03/15 - 6/P)

**RESOLVED:**

That the revised 2018/2019 annual procurement plan report provided be noted.

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**9. PERSONNEL MATTERS****9.1 ICLEI: INVITATION TO THE MAYOR TO ATTEND RESILIENT CITIES 2019 CONGRESS, BONN, GERMANY**  
(M/C 2019/03/15 - A 2/3/1/4/1)

**RESOLVED:**

- (a) That permission be granted to the Mayor to attend the ICLEI, Resilient Cities 2019 - 10<sup>th</sup> Global Forum on Urban Resilience and Adaptation Congress in Bonn, Germany, 26-28 June 2019, subject to approval from the Minister.
- (b) That the intended travel of the Mayor be submitted to the Minister to obtain the necessary approval.
- (c) That the following estimated expenditure for registration, travelling, accommodation as well as daily subsistence be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$140 000.00 is available:



|   |     |         |           |
|---|-----|---------|-----------|
| TOTAL ESTIMATED EXPENDITURE   |     |         | 49 388.90 |
| Contingencies (Fluctuation of the Exchange Rate etc.) @ 10%         |     |         | 4 462.90  |
| TOTAL   |     |         | 44 926.00 |
| Congress Registration   |     |         | 12 480.00 |
| Air Fare (Return)   |     |         | 16 624.00 |
| Accommodation   |     |         | 7 972.00  |
| Subsistence & Travelling  |     |         | 7 850.00  |
| Lunch Tariff  | 1 x | 350.00  | 350.00    |
| Overnight Allowance<br>(Visiting beyond SADC Countries e.g. Sweden) | 5 x | 1500.00 | 7 500.00  |

**9.2 PROPOSAL: AWARDING EMPLOYEES FOR UNINTERRUPTED EXCELLENT SERVICES RENDERED WITH PROMOTIONAL GIFTS**  
(M/C 2019/03/15 - B 1/1)

**RESOLVED:**

That this item be referred back and that the value of the gifts be improved.

**9.3 INVITATION TO THE 11<sup>th</sup> OKAHANDJA TOURISM AND TRADE EXPO 2019**  
(M/C 2019/03/15 - B 1/1/2/1, 4/2/4/1/1)

**RESOLVED:**

- That the invitation to participate in the Okahandja Tourism and Trade Expo scheduled to take place from 1-4 May 2019 in Okahandja be noted.
- That the General Manager: Community Development Services identify two (2) Swakopmund based SMEs to exhibit at the expo and that N\$1 600.00 be paid for the two SME Tents by Council.
- The costs for the expenses mentioned above in (b), be defrayed from the Corporate Services Publicity Vote: 102010212700 where N\$58 297.34 is available.
- That permission be granted to the Economic Development Officer to attend the 11<sup>th</sup> Okahandja Tourism And Trade Expo 2019 from 1- 4 May 2019.
- That the Subsistence & Traveling allowance defrayed from the relevant vote where sufficient funds are available.
- That special leave be granted to the Economic Development Officer during this period.

**9.4 FEEDBACK: MALMO CITY COOPERATION / CIRCULAR CITIES PROJECT**  
(M/C 2019/03/15 - 5/2/4/5)

**RESOLVED:**

That the report by the Manager: Corporate Services regarding his visit to Malmo City be noted.

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

10.2 MUNICIPAL CELEBRATION OF INDEPENDENCE DAY

(M/C 2019/03/15 - J 9/6)

RESOLVED:

- (a) That permission be granted to Municipal employees to celebrate the 29<sup>th</sup> Independence celebrations by dressing in their traditional attire on Wednesday, 20 March 2019.
- (b) That all the Municipal employees report for duty on 7:30 at the Council chambers and only leave at 13H00 after the closing of the event.
- (c) That permission be granted to close the Municipal Offices on 20 March 2019, except for essential and emergency services that should be on standby.
- (d) That the public be informed about the closing of Municipal Offices via the different media platforms.
- (e) That the Council Chambers be used for the formal proceedings.
- (f) That permission be granted to all employees to create traditional groups and prepare themselves to perform a traditional dance and explain about their culture.
- (g) That a live music band be hired, in terms of the Public Procurement Act, to perform during the event and that noise levels not to be more than 85 dB (Decibel) at the noise source and not more than 60 dB at a distance of 200m.
- (h) That the different traditional groups prepare and sell traditional cuisines at a maximum price of N\$10.00 per portion.
- (i) That permission be granted for the use of the foyer outside the Municipal Head Office for the live music band and cultural performances and the bus / truck parking area be used for traditional cuisine stands and other activities.
- (j) That the staff members be informed accordingly, at least three weeks prior to the date in order for the traditional groups to practise and prepare for the event.
- (k) That three hundred (300) chairs and twenty (20) tables be arranged outside for the seating of the audience.
- (l) That the Health Services Department provides sufficient bins for the event and ensures that the area is kept clean at all times.
- (m) That a floating trophy and medals be purchased and be awarded to the best three (3) performing traditional groups.
- (n) That a panel of judges for the best performing traditional groups be as follows:



- Deputy Mayor
- Alternate Chairperson of MC
- Councillor E K Hangula

- (o) That the costs for the trophy and medals be defrayed from the Corporate Gifts & Promotional Items vote 102010212000 where N\$86 439.63 is available.
- (p) That the costs for the hiring of the music band, be defrayed from the Corporate Services Publicity Vote: 102010212700 where N\$58 297.34 is available.

#### 10.5 KOSMOS 94.1 RADIO ANTI-CRIME REALITY PROGRAM

(M/C 2019/03/15 - A 16/2/9/1/3, B 1/1/9)

##### RESOLVED:

- (a) That Council supports the Anti-Crime Reality Program initiated by Messrs Radio Kosmos 94.1 in Swakopmund.
- (b) That the Traffic Section takes part in the Anti-Crime Reality Program "Cops 94.1" on Friday nights from 20h00 until 24h00.
- (c) That the applicant Messrs Radio Kosmos 94.1 be advised to liaise with the Station Commanders of the Namibian Police to commit themselves in participating in the Anti-Crime Reality Program to cover the Police functions.

#### 10.11 INVITATION TO THE FUNDRAISING GALA DINNER AND NKURENKURU EXPO 2019

(M/C 2019/03/15 - J 10/2, J 9/3)

##### RESOLVED:

- (a) That Council takes note of the invitation to the fundraising gala dinner taking place on 27 April 2019 and the Nkurenkuru Expo taking place from 24-30 June 2019 in Nkurenkuru.
- (b) That the available councillors attend the event.
- (c) That it should be noted that the Mayor and Chairperson of Management Committee will be attending the Annual Luderitz Crayfish festival from 25-30 April 2019.
- (d) That the travelling & subsistence allowance be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$140 000.00 is available.

#### 10.12 REQUEST FOR CONTRIBUTION IN KIND: INTERNATIONAL REGION 5 GOLF TOURNAMENT

(M/C 2019/03/15 - 5/5/1, 3/15/1/3/1)

##### RESOLVED:

- (a) That the request from the Namibian Amateur Golf Union, for a contribution "in kind" towards the International Region 5 Golf



Tournament scheduled to take place from 7-11 April 2019 at the Rossmund Golf Course, Swakopmund be noted.

- (b) That Council contributes N\$9 165.50 "in kind" towards the winning prizes and that the funds be defrayed from the Corporate Services Publicity Vote: 102010212700 where N\$58 297.34 is available.
- (c) That the Mayor delivers a speech at the opening ceremony on 7 April 2019 and to present the winners with the awards at the closing ceremony on 11 April 2019.
- (d) That the organizers recognize Council as a sponsor by branding the medals, shields and trophies with the Municipal emblem.
- (e) That the General Manager: Community Development Services arranges for the delivery of the mobile podium at the Rossmund Golf Course on or prior to the date of the opening and closing ceremony.

10.13 **PRESENTATION: MESSRS DELTA GROUP HOLDINGS REQUEST FOR AUDIENCE**

(M/C 2019/03/15 - H 5, H 5/4, H 5/5)

**RESOLVED:**

That the presentation by the representatives of Messrs Jaties and Delta Group Holdings regarding the change to jointventure name on the award letter for the construction of 40 houses, be noted.

10.14 **NAMIBIA'S 29<sup>TH</sup> INDEPENDENCE CELEBRATION**

(M/C 2019/03/15 - 9/3/1/1)

**RESOLVED:**

- (a) That be permission granted to the Mayor and Councillors to attend the Independence Celebration in Windhoek schedule to take place on the 21 March 2019.
- (b) That the Mayoral vehicle and Hyundai bus be used for the purpose.
- (c) That subsistence and traveling allowance be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$140 000.00 is available.

10.15 **PRESENTATION: MESSRS CHEETAH CAPITAL PROJECTS: REQUEST FOR AUDIENCE**

(M/C 2019/03/15 - H 5, H 5/4, H 5/5)

**RESOLVED:**

That the presentation by Mr Silvester Shipanga of Messrs Cheetah Capital Projects regarding the withdrawal of the award letter for the construction of 40 houses be noted.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **ORDINARY AND SPECIAL MANAGEMENT COMMITTEE MEETINGS HELD ON 14 FEBRUARY 2019 AND 15 MARCH 2019**
- 11.1.1 **ERONGO RED: CALL FOR REPRESENTATIVE TO SERVE ON ERONGO RED'S CONSUMER LIAISON COMMITTEE**  
(C/M 2019/03/28 - 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 the following Swakopmund Community members represents the 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:

- Ms Nella Mukellongo
  - Mr Brain Pillay
-





Reg. No 2004/074

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

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

| Document Control |                                  |                  |
|------------------|----------------------------------|------------------|
| Revision         | Record 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
- Kuisbmond
- Namaville
- Swakopmund Town
- Mondesa
- Arandis
- Henties Bay
- Usakos
- Karibib
- Uis
- Ex-NamPower (Ficks)
- EHC settlements (Omashepa, Otjoherongo, Tufusis, Okombuhe, Anigab)



(Opembingen, Spitzkoppe 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/harm 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. Committees 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**

---



From: Annalize Swart  
 Sent: 26 February 2019 09:00 AM  
 To: Alfeus Benjamin  
 Cc: Marco Swarts; Uanjenquale Tjunutue; Aloysia Kahuka  
 Subject: FW: AWAIT NOMINATIONS : SWK COMMUNITY MEMBERS // ERONGORED  
 CONSUMER LIASION COMMITTEE

Dear Mr Benjamin

The Mayor this morning provided the following names proposed after their caucus:

1. Ms Hella Mukwillongo
2. Mr Brain Pillay

To represent the community on Erongo RED's Consumer Liaison Committee

Kind regards



**Annalize Swart** | Executive Assistant to the Chief Executive Officer  
 Audit & Risk Committee | Filming | Events | Aesthetics  
 Municipality of Swakopmund  
 c/o Rakotoka Street & Daniel Kameho Avenue, Swakopmund, Namibia  
 Office: +264 64 4104100 | Fax: +264 64 4104120 | [aswart@swakomun.com.na](mailto:aswart@swakomun.com.na) | [swakomun@swakomun.com.na](mailto:swakomun@swakomun.com.na)  
 Mobile: +264 811406702  
 Website: [www.swakomun.com.na](http://www.swakomun.com.na)  
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## REMINDER

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.



**Annalize Swart** | Executive Assistant to the Chief Executive Officer  
 Audit & Risk Committee | Filming | Events | Aesthetics  
 Municipality of Swakopmund  
 c/o Rakotoka Street & Daniel Kameho Avenue, Swakopmund, Namibia  
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 Mobile: +264 811406702  
 Website: [www.swakomun.com.na](http://www.swakomun.com.na)  
 Thank you for considering the environmental impact of printing emails.

From: Annalize Swart  
 Sent: 22 February 2019 09:28 AM  
 To: # Councillors, Erkkie Shitana ( External Contact ) : [NNSKambinda@gmail.com](mailto:NNSKambinda@gmail.com), Nehemiah Ndara Salomon  
 Cc: Alfous Benjamin  
 Subject: AWAIT NOMINATIONS : SWK COMMUNITY MEMBERS # ERONGORED CONSUMER LIASION COMMITTEE

Dear Mayor & Councillor

Kindly remember to submit your nominations of 2 community members as per resolution below.

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

(M/C 2018/03/14 - A 4/3/16/1, A 4/3/1/16)

RESOLVED:

That the Councillors submit the nominations before the Council meeting.

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 Liasion 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.

Kind regards



**Annalize Swart** | Executive Assistant to the Chief Executive Officer

Audit & Risk Committee | Filming | Events | Aesthetics

Municipality of Swakopmund

on Rakotoka Street & Daniel Kamoh Avenue, Swakopmund, Namibia

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



**11.1.2 RENEWAL OF LEASE AGREEMENT FOR A PORTION OF ERF 2747, SWAKOPMUND BY DESERT TAVERN**  
(C/M 2019/03/28 - E 2747)

Ordinary Management Committee Meeting of 15 March 2019.  
Addendum 7.2 page 05 refers.

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

This application was discussed at the Planning Forum of 12 February 2019 under item 5.7.

**1. Introduction**

The matter is now being submitted to Council to consider the renewal of the lease agreement entered into between Council and Mr Peter Schneider trading as Desert Tavern for leasing a building located on a Portion of Erf 2747, Swakopmund.

Mr Schneider has been leasing a building located on a portion of Erf 2747, Swakopmund (municipal bungalows) measuring  $\pm 428.8 \text{ m}^2$  as a restaurant for the past 9 years and 11 months.

The lease agreement commenced on **01 August 2009** and will lapse on **30 June 2019**. The agreement is terminable by either party giving or receiving six (6) months written notice of termination. After Mr Schneider was served with a six month notice, he confirmed as per **Annexure "A"** that he intends to renew the lease agreement for a further period.

A copy of the signed lease agreement for the period of **01 August 2009** to **30 June 2019** is attached as **Annexure "B"**. The locality map is attached as **Annexure "C"**.

**2. Background**

During 2009, proposals were invited from the public to lease the building and only once proposal was received from Mr P Schneider. The proposal of Mr Schneider was approved by Council on **26 February 2009** under item 11.1.3 subject to the following conditions:

- (a) That Mr P Schneider be given the opportunity to lease the Pizza Box on Erf 2747, Swakopmund for a period of 9 years and 11 months.
- (b) That the monthly rental shall be N\$8 962.13 + 15% VAT = N\$8 546.46 and be paid monthly in advance, with a 10% escalation annually as from July 2009.
- (c) That Mr P Schneider be responsible for all municipal services.
- (d) That any extension or renewal of the lease will be entirely at Council's discretion and on such terms as Council may prescribe.
- (e) That Council reserves the right to cancel the lease if valid objections from the public are received.
- (f) The lease is terminable by either party given or receiving 6 months notice.
- (g) That the applicant shall indemnify Council and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.
- (h) That any of the permanent / fixed structures to be erected (with prior approval from Council) at the cost of Mr P Schneider be donated to Council, without any compensation to Mr P Schneider, irrespective whether the lease is terminated or lapses by effluxion of time.
- (i) That the Lessee not be allowed to cede or assign this agreement or any portion thereof, nor shall he be allowed to sublet in any manner any portion of the Property, without the written consent of the Lessor first being had and obtained.

Subsequent to the above resolution, Mr Schneider requested an alteration to be done to the building and Council on **30 July 2009** under item 11.1.6 approved the alteration as follows:

*That approval be granted to Mr P Schneider to execute the alterations to the building (Pizza Box) as per plans submitted for his own account subject thereto:*

- (i) That all alterations be donated to Council after completion thereof without any compensation to Mr P Schneider, irrespective whether the lease is terminated or lapses by effusion of time.*
- (ii) That no changes, specifically to the lease amount, be considered.*

Council entered into a lease agreement with Mr Schneider on **13 August 2009** for a period of nine (9) years and 11 months commencing on **1 November 2009**.

### 3. Similar Applications

Similarly, Council on **31 May 2017**, under item 11.1.5 renewed the lease agreement of Messrs Wurstbude for another 9 years and 11 months.

### 4. Current situation

The lease agreement between Mr Schneider and Council for the leasing of the building situated on a portion of Erf 2747, Swakopmund will expire on **30 June 2019**. Council must consider whether to renew the lease or not. In terms of the existing lease agreement, the lease is terminable by either party giving or receiving six (6) months written notice of termination.

Mr Schneider is currently paying a monthly rental tariff of **N\$17 977.54** (**N\$15 632.64 + 15% VAT N\$2 344.90**). To date no complaints have been received from the general public and Mr Schneider is up to date in terms of the monthly rental fee, it is proposed that Council considers approving the renewal of the lease period for another 9 years and 11 months to Mr Schneider trade as Desert Tavern.

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

#### RECOMMENDED:

- (a) That Council approves the renewal of the lease agreement of Mr Peter Schneider trading as Desert Tavern for leasing a building measuring  $\pm 428.8 \text{ m}^2$  for restaurant purposes situated on a portion of Erf 2747, Swakopmund for a further period of 9 years and 11 months commencing 1 July 2019.
- (b) That the lease period be nine (9) years and 11 months at a rental amount of **N\$17 195.90 + 15% VAT N\$2 597.38** with 10% annual escalation on 1<sup>st</sup> July annually (the first to be from 01 July 2020).
- (c) That Mr Schneider be informed that the lease terms and conditions remain the same as in the current lease agreement.
- (d) That the lease as set-out in (a) to (c) above be advertised in terms of section 63 (2) of the Local Authorities Act, Act 23 of 1992, as amended at the cost of the lessee.



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



11.1.3 **INTERIM VALUATION COURT 2019**  
C/M 2019/03/28 - D 22)

Ordinary Management Committee Meeting of 15 March 2019,  
Addendum 7.1 page 03 refers.

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

**1. Introduction**

- 1.1 In order to commence with the statutory procedures required for the interim valuation of 2019, a submission was tabled to the Management Committee of **10 January 2019**. Council on **31 January 2019** under item 11.1.17 resolved that the item be withdrawn from the agenda.
- 1.2 Concerns were raised at the Management Committee of **10 January 2019** that the Council representative has been for a number of years either Mr Abel Schoeman or Mr Frank Lohnert as representative or secundi. It was proposed that other members of the community also be given the opportunity to represent Council.
- 1.3 In terms of the Local Authorities Act the requirements for Council representative are as follows in terms of section 68 (1):

*Establishment of valuation court.*

- 68 (1) There is hereby established a valuation court for the area of every local authority, consisting of -
- (a) The magistrate of the district in which the area of such local authority council is situated, who shall be the presiding officer of the valuation court;
  - (b) One person appointed by the Minister; and
  - (c) One person other than a member of the local authority council, as the case may be, appointed by the local authority council when it becomes necessary for purposes of a valuation of rateable property in terms of the provisions of section 65.

**2. Interim Valuation of 2019**

- 2.1 Section 66 (3) of Local Authorities Act (Act 23 of 1992) as amended, makes provision that:

*There shall be an interim valuation of any rateable property in any local authority area to be held on a date during any period of five years referred to in subsection (2) as may be determined by the local authority council as its own motion or when directed by the Minister by notice in writing to a local authority council.*

An Interim Valuation is an assessment of rateable properties' value that made alterations (additions / demolition / new properties created) to the existing buildings / newly created properties during a period of five years after a general valuation roll was approved by the local magistrate. Council had a General Valuation on **22 June 2015**.

- 2.2 In order for the Local Authority to levy rates and taxes as required in terms of Section 73 of the Local Authorities Act 23 of 1992, as amended, a valuer appointed by Council must determine the value

of rateable properties that improved / changed in value during the period since the General Valuation. Mr D Hite of The Trust & Estate Co (Pty) Ltd was appointed by the Tender Board on **28 March 2014** to act on behalf of Council for the execution of valuation services for a period of five (5) years ending **30 June 2019** including the interim valuation for 2019.

In the above regard, the Property Section is attending to the compilation of the required documentation to procure the services of a valuer for the next 5 year period.

- 2.3 As in the past, Council arranges an interim valuation court annually, for 2019 the interim valuation court is scheduled for **June 2019** (at a date to be confirmed with the local magistrate).

- 2.4 In terms of the stipulations of Section 68 (1) of the Local Authorities Act, Act 23 of 1992, as amended, an Interim Valuation Court for the area consists of three members. The members for the 2018 Valuation Court were:

- ① The Local Magistrate - Mrs N P Brown
- ② Appointee by the Ministry of Urban and Rural Development - Mr J Ishile
- ③ Council's Representative - Mr A Schoeman
- ④ Council's Valuator - Mr D Hite

- 2.5 Council on **24 March 2011** passed the following resolution:

*That the compensation for Council's representative on the Valuation Court be N\$300.00 per sitting per day.*

- 2.6 The following valuers were contacted during **December 2018** and they have indicated their willingness to act as Council representative for the Interim Valuation Court 2019, subject to Council's approval.

- Mr Abel Schoeman
- Mr Frank Lohmert

### 3. Proposal

It is proposed that Council nominates a Council representative and secundi to represent Council at the interim valuation court scheduled for **June 2019**. That both these persons have some knowledge of property valuations. The Council representative or alternatively the secundi (in the event the representative cannot attend) is entitled to payment of N\$300.00 for the sitting.

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

#### RECOMMENDED:

- (a) That the following persons be nominated as Council's representative and secundi for the Interim Valuation Court for 2019:

- Mr F Loenhert
- Mr A Schoemans (Secundi)

- (b) That the Ministry of Urban and Rural Development be requested to nominate a representative for the Interim Valuation Court 2019.

- (c) That the increase compensation for Council's representative at the Valuation Court be N\$500.00 per sitting, per day.



- (d) That the cost be defrayed from the Assessment Rates:  
Valuation Court Vote: 101010215900.
  - (e) That in terms of Section 69 of the Local Authorities Act 23 of 1992, as amended, a notice be published in at least two newspapers on a date not later than 30 days before the date of the Valuation Court.
  - (f) That requirements regarding the interim valuation as prescribed in the Local Authorities Act 23 of 1992, (as amended) be dealt with successfully.
-



#### 11.1.4 EXTENSIONS 1, MILE 4 AND 14, SWAKOPMUND: AVAILABILITY OF GENERAL RESIDENTIAL ERVEN

(C/M 2019/03/28 – E 342, E 343, E 366, E 367, E 368, E 4908, E 4909, E 4910)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 7.3 page 12 refers.

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

##### 1. Introduction

The purpose of this submission is to report to the Management Committee on the availability of erven zoned "General Residential 2" located in Extensions 1, Mile 4 and 14, Swakopmund. The sale of 6 "General Residential 2" erven was held on 09 March 2018.

Of the six erven, only one transaction was successfully completed. Therefore, in addition to Erven 342 and 368 (reserved for future sale) 5 erven might remain available (7 in total). Should erven remain unsold after the list of next qualifying bidders has been exhausted, such must be submitted to Council to decide on the method of sale in terms of the Property Policy. The outcome of the sale is listed under point 3 below.

##### 2. Brief Background

As was resolved by Council on 22 February 2018 under item 11.1.16, the sale of 6 Erven zoned "General Residential 1 - 1:250" was held on 09 March 2018.

That the Management Committee resolution under item 10.5 as quoted below be condoned:

- (a) That a closed bid sale be scheduled in terms of the Local Authorities Act 23 of 1992 for the sale of 6 of the 8 "General Residential" erven located in Extension 1, Mile 4 and Extension 14; subject to Council's standard conditions of sale for closed bid sales.
- (b) That the following 6 erven be approved for sale by closed bid sale at an upset price of N\$850 000<sup>1</sup>:

| Extension 1, Mile 4 |       |              |
|---------------------|-------|--------------|
| Erf                 | Size  | Upset Price  |
| 343                 | 3 238 | 2 752 300.00 |
| 366                 | 3 408 | 2 895 100.00 |
| 367                 | 3 829 | 3 254 650.00 |

| Extension 14 |      |              |
|--------------|------|--------------|
| Erf          | Size | Upset Price  |
| 4908         | 2034 | 1 728 900.00 |
| 4909         | 5141 | 4 369 850.00 |
| 4910         | 4119 | 3 501 150.00 |

- (c) That allocation be done to the highest qualifying bidder on the basis of 1 erf per person / entity (married couples, irrespective of the marital regime are regarded as one entity).
- (d) That the registration fee be determined at .75% of the highest upset price for the respective zonings:
- N\$32 500.00 for the 6 "General Residential" erven.
- (e) That payment of the registration fee entitles a person / entity to submit 5 bids for different erven.
- (f) That should erven remain unsold at the date of the sale, such erven be offered to the registered bidders who are present and may then bid on a second erf.
- (g) That the purchase price be paid within 90 calendar days from the dates of sale date of sale.
- (h) That the following 2 erven zoned "General Residential" located in Extension 1, Mile 4 be reserved for future sale by closed bid at which time an upset price be determined:

| Erf | Size  |
|-----|-------|
| 342 | 3 012 |
| 358 | 2 759 |

- (i) That future applicants for these two erven for sale by private treaty be informed of point (b) above.

### 3. Outcome

The outcome of the sale of 09 March 2018 was as follows:

|   |   |                  |
|---|---|------------------|
| Number of Erven Available                         | : | 6                |
| Number of Bidders                                 | : | 11               |
| Cost for Installation of Services /m <sup>2</sup> | : | N\$234.00        |
| Upset Price /m <sup>2</sup>                       | : | N\$850.00        |
| Average /m <sup>2</sup> obtained at the sale      | : | N\$947.00        |
| Total expected income from the sale               | : | N\$20 518 825.00 |

### 4. Current Situation

| Erf # | Size  | Price / Upset Price | Finalized | Bidders List  | Applications Received             |
|-------|-------|---------------------|-----------|---|-----------------------------------|
| 343   | 3 238 | 3 244 476           | yes       | n/a   | none                              |
| 366   | 3 406 | 2 895 100           | no        | exhausted   | none                              |
| 367   | 3 829 | 3 254 650           | no        | exhausted   | none                              |
| 4908  | 2 034 | 1 733 900           | no        | current purchaser<br>has separate<br>submission regarding<br>this erf | 2<br>Annexure "A"<br>Annexure "B" |
| 4909  | 5 141 | 4 369 850           | no        | exhausted   | None                              |
| 4910  | 4 119 | 3 501 150           | no        | exhausted   | 1<br>Annexure "C"                 |

#### Brief Summary of Attachments:

- Annexure "A":** INP Development Trust dated 28 September 2018  
The applicant applies to purchase Erf 4908 by private treaty in the amount of N\$1 500 000.00 (the upset price of the erf is N\$1 728 900.00).
- Annexure "B":** Goodness Properties CC dated 08 October 2018 Erf 4908 was allocated to the applicant as a next qualifying bidder. The 21 days' notice period lapsed on 21 September 2018 at which date the purchase price was not secured. The transaction was cancelled accordingly. The applicant requested that the transaction be re-instated which amounts to a private treaty. Following the cancellation the erf was allocated to the current purchaser (Mr S A Angula).
- Annexure "C":** Jitavi Trading Enterprises CC dated 14 November 2018. Subsequent to the cancellation of Erf 4910 (N\$3 501 150.00), Jitavi Trading Enterprises was the next qualifying bidder for Erven 4909 (N\$4 369 850.00) and Erf 367 (N\$3 254 650.00). She failed to pay the deposit for either erf within the required period (14 December 2018).

### 5. Proposal

It is proposed that Council does not consider the following applications to purchase the available erven by private treaty:

- Erf 4908 - INP Development Trust dated 28 September 2018
- Erf 4908 - Goodness Properties and INP Development Trust dated 08 October 2018
- Erf 4910 - Jitavi Trading Enterprises CC dated 14 November 2018

That it be noted that of the 6 erven sold on the closed bid of 09 March 2018, only one transaction was successfully finalized. That the following erven be reserved for sale by closed bid as and when the market determines the need:



| Extension 1, Mile 4 |       |              | Extension 14 |      |              |
|---------------------|-------|--------------|--------------|------|--------------|
| Erf                 | Size  | Upset Price  | Erf          | Size | Upset Price  |
| 343                 | 2 238 | 2 752 300.00 | 4908 *       | 2034 | 1 728 900.00 |
| 366                 | 3 406 | 2 895 100.00 | 4909         | 5141 | 4 369 850.00 |
| 387                 | 3 829 | 3 254 650.00 | 4910         | 4119 | 3 501 150.00 |

\* Depends of the Council decision whether to grant extension of time to Mr S A Angula as submitted under cover of a separate submission.

That the conditions of sale and upset price remain as resolved by Council on 22 February 2018 under item 11.1.6. That it also be noted that the following two erven were reserved in terms of the above Council resolution for future sale:

- (h) That the following 2 erven zoned "General Residential" located in Extension 1, Mile 4 be reserved for future sale by closed bid at which time an upset price be determined:

| Erf | Size  |
|-----|-------|
| 342 | 3 012 |
| 368 | 2 759 |

- (i) That future applicants for these two erven for sale by private treaty be informed of point (h) above.

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

**RECOMMENDED:**

- (a) That the following applicants be informed that Council considered their applications to purchase erven remaining after the finalization of the closed by sale of 09 March 2018 by private treaty, but decided that the cancelled erven be reserved for sale by closed bid:

- ⊗ JNP Development Trust
- ⊗ Goodness Properties CC
- ⊗ Jetavi Trading Enterprises CC

- (b) That a closed bid sale be scheduled as and when the market determines in terms of the Local Authorities Act 23 of 1992 for the sale of the following 5 "General Residential" erven located in Extension 1, Mile 4 and Extension 14; subject to Council's standard conditions of sale for closed bid sales.

- (c) That the following 5 erven be approved for sale by closed bid sale at an upset price of N\$850.00/m<sup>2</sup>:

| Extension 1, Mile 4 |       |              | Extension 14 |      |              |
|---------------------|-------|--------------|--------------|------|--------------|
| Erf                 | Size  | Upset Price  | Erf          | Size | Upset Price  |
| 366                 | 3 406 | 2 895 100.00 | 4909         | 5141 | 4 369 850.00 |
| 387                 | 3 829 | 3 254 650.00 | 4910         | 4119 | 3 501 150.00 |
| 4908 *              | 2034  | 1 728 900.00 |              |      |              |

\* Separate submission in this regard is tabled to Council.

- (d) That allocation be done to the highest qualifying bidder on the basis of 1 erf per person / entity (married couples, irrespective of the marital regime are regarded as one entity).
- (e) That the registration fee be determined at .75% of the highest upset price for the respective zonings:

\* N\$32 500.00 for the 6 "General Residential" erven.



- (f) That payment of the registration fee entitles a person / entity to submit 5 bids for different erven.
- (g) That should erven remain unsold at the date of the sale, such erven be offered to the registered bidders who are present and may then bid on a second erf.
- (h) That the purchase price be paid within 90 calendar days from the date of sale.
- (i) That the closed bid sales be subject to Council's standard conditions of sale for closed bid sales; subject to the following amendment and addition approved by Council on 22 November 2018, in cases where the purchaser provides a valid pre-approval or pre-qualification from a registered bank:

*That the condition that penalty interest is levied from the date of sale until date of transfer (in the case of a bank guarantee) or until date of payment within the notice period (in the case of cash payment); be amended to be calculated from the date of default, and not backdated from the date of sale; in instances where the purchaser provided a valid pre-approval from a bank.*

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



**11.1.5 EXTENSION 14, SWAKOPMUND: APPLICATION FOR EXTENSION OF TIME  
- ERF 4908  
(C/M 2019/03/28 - E 4908)**

Ordinary Management Committee Meeting of 15 March 2019,  
Addendum 7.4 page 22 refers.

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

**1. Introduction**

The purpose of this submission is for Council to consider an application dated **15 February 2019 (Annexure "A")** from Mr S A Angula for an extension of time to secure the purchase price for Erf 4908, Swakopmund.

Erf 4908, Swakopmund was allocated to Mr S A Angula as next qualifying bidder in the amount of N\$1 733 900.00. The due date to secure the purchase price was **20 February 2019**. The standard 21 days' notice period to rectify the breach will lapse on Thursday, **15 March 2019**.

Erf 4908 was one of the 6 "General Residential 2" erven which were sold by closed bid on **09 March 2018**. Of the six erven, only one transaction was successfully completed.

No extensions of time to secure the purchase prices were considered. Six bids were received for Erf 4908 of which Mr S A Angula is the last bidder.

Two applications to purchase the erf by private treaty were received as follows:

|                     |   |
|---------------------|---|
| <b>Annexure "B"</b> | <i>IMP Development Trust dated 28 September 2018</i><br>The applicant applies to purchase <b>Erf 4908</b> by private treaty in the amount of N\$1 500 000.00 (the upset price of the erf is N\$1 728 900.00).   |
| <b>Annexure "C"</b> | <i>Goodness Properties CC dated 08 October 2018</i> Erf 4908 was allocated to the applicant as a next qualifying bidder. The 21 days' notice period lapsed on 21 September 2018 at which date the purchase price was not secured. The transaction was cancelled accordingly. The applicant requested that the transaction be re-instated which amounts to a private treaty. |

For information, listed below the bidders for Erf 4908, Swakopmund:

| # | Bidder              | Bid Amount   | Comments  |
|---|---------------------|--------------|---|
| 1 | Zigma Investment    | 2 282 148.00 | Accepted at the sale. Subsequently cancelled by the purchaser on 15 May 2018. |
| 2 | Theart Oswald       | 2 263 842.00 | Declined  |
| 3 | Theart Cornelia C   | 2 038 068.00 | Accepted Erf 343.   |
| 4 | Burger B Kile       | 1 850 000.00 | Withdrew from the deadlock allocation with Goodness Properties CC.            |
| 5 | Goodness Properties | 1 850 000.00 | Cancelled on 21 September 2018 due to non-performance.                        |
| 6 | Shivute Angula      | 1 733 900.00 | Allocated on 22 November 2018 as next qualifying bidder.                      |

**2. Brief Background**

Attached as Annexure "D" is the resolution passed by Council on **22 February 2018** under item 11.1.6 for the closed bid sale of the 6 erven zoned "General Residential 1" - 1:250; as well as the outcome of the sale held on **09 March 2018**.

### 3. Current Situation

The notice period to secure the purchase price of Erf 4908, Swakopmund will lapse on **15 March 2019**. An application dated **15 February 2019** was received from Mr S A Angula for an extension of time to secure the purchase price by **31 July 2019**.

The table below indicates the interest applicable to the said transaction:

|              |  |
|--------------|--|
| 22-Nov-18    | date of sale   |
| 31-Jul-19    | extended due date considered by MPC of 15 March 2019 |
| 251          | from date of sale until date of payment              |
| 1 733 900.00 | Purchase Price                                       |
| 30 000.00    | Registration Fee paid (forfeit if cancelled)         |
| 1 703 900.00 | balance  |
| 178 909.50   | total interest for a year                            |
| 490.16       | daily interest                                       |
| 123 030.92   | interest for 251 days                                |
| 1 826 930.92 | balance of purchase price + interest                 |

### 4. 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.

### 5. Proposal

It is proposed that the Management Committee considers whether to approve the application by Mr S A Angula for the extension of the due date until **31 July 2019** to secure the purchase price of Erf 4908, Swakopmund, subject to interest as indicated above.

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

#### RECOMMENDED:

That the application by Mr S A Angula for the extension of the due date until **31 July 2019** to secure the purchase price of Erf 4908, Swakopmund, subject to interest, be approved.







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

**11.1.6 REQUEST FOR EXTENSION TO PERFORM: ERF 4889 (INDUSTRIAL AREA)**  
(C/M 2019/03/28 - E 4889)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 7.5 page 30 refers.

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

**1. INTRODUCTION**

This application is submitted following the letter dated **01 February 2019 Annexure "A"** received from Mr Paul Reynardt Ockhuizen of P.R.O Housing CC.

The applicant is requesting an extension of time until **28 February 2019** to secure the payment of the purchase price of Erf 4889, of which the final due date for payment was **31 January 2019**.

|                                   |   |                  |
|-----------------------------------|---|------------------|
| Date of sale                      | : | 23 July 2018     |
| Due Date                          | : | 20 November 2018 |
| Notice to Rectify Breach Due Date | : | 31 January 2019  |

The deed of sale expired on **31 January 2019** and the transaction is therefore cancelled and of no further effect. The application is dated **1 February 2019** and based on an agreement which is no longer valid.

**2. BRIEF BACKGROUND**

Erf 4889, Swakopmund was allocated to P.R.O Housing CC as a next qualifying bidder after the cancellation of the sale to VG Developers CC.

The purchase price for the erf is N\$2 600 000.00 (excluding 15% VAT). The purchaser was granted 120 days to secure the purchase price, i.e. by Tuesday, **20 November 2018**. In addition to the 120 days, a notice to rectify the breach of not securing the purchase price was granted dated **21 November 2018**. Therefore the final due date was Thursday, **31 January 2019** (additional days were granted due the annual closure of the Deeds Office). The purchaser had 192 days to secure the purchase price.

Calculated until **31 January 2019** the interest on the purchase price at a rate of 10.75% from **23 July 2018** (date of sale) amounts to **N\$ 147 024.66**. Upon cancellation of the transaction on **31 January 2019**, the purchaser will forfeit the N\$27 000.00 registration fee paid.

At the day of the closed bid sale, the bids were received and next qualifying bidders for the specific erf were as follows:

| # | Bidder                          | Bid Amount   | Comments                        |
|---|---------------------------------|--------------|---------------------------------|
| 1 | Aiden Patrick Jeremiah De Lange | 4 312 800.00 | Already allocated an Erf (4873) |
| 2 | VG Developers cc                | 4 000 000.00 | Second allocated (cancelled)    |
| 3 | Shacman Investment Namibia cc   | 3 773 700.00 | No attached proof of payment    |
| 4 | Chari Frederick Baard           | 3 342 420.00 | Already allocated an Erf (4874) |
| 5 | Imperat Fifty Six cc            | 3 217 500.00 | Decline                         |
| 6 | Geralt John Glessien            | 3 021 900.00 | Already allocated an Erf (4871) |
| 7 | Nordt- Uwe Weimann              | 2 720 000.00 | Already allocated an Erf (4892) |
| 8 | Stella Trust                    | 2 706 000.00 | Decline                         |



| #  | Bidder                                       | Bid Amount   | Comments                                   |
|----|--|--------------|--|
| 9  | West Coast Engineering & Welding Services CC | 2 895 500.00 | Successful bidder (cancelled)              |
| 10 | PPO Housing                                  | 2 800 000.00 | Current purchaser                          |
| 11 | Quiver Tree Investment                       | 2 587 680.00 | Unsuccessful bidder                        |
| 12 | Gideon Kapolo                                | 2 393 604.00 | Unsuccessful bidder                        |
| 13 | Albertus Van Niekort                         | 2 194 000.00 | Already allocated an erf (4890)            |
| 14 | DG Friess Joinery                            | 2 187 182.00 | Already allocated an erf (4870)            |
| 15 | Leigh-Jean Skoppeltus                        | 2 144 675.00 | Unsuccessful bidder                        |
| 16 | CVC Investment Six cc                        | 2 114 350.20 | Bid form not placed in a separate envelope |
| 17 | Northern Carriers cc                         | 2 102 063.00 | Unsuccessful bidder                        |
| 18 | Quantum Investment Number Fourteen cc        | 2 100 000.00 | Already allocated an erf (4891)            |
| 19 | Atlantic Seaboard Property Development       | 2 069 870.00 | Unsuccessful bidder                        |
| 20 | The Old Power Station Investment             | 2 027 016.00 | Unsuccessful bidder                        |
| 21 | B Construction                               | 2 011 111.99 | Unsuccessful bidder                        |
| 22 | Gareth Mouton                                | 2 005 450.00 | Already allocated an erf (4887)            |
| 23 | Steven Skoppeltus                            | 2 000 500.00 | Unsuccessful bidder                        |
| 24 | Samuel Verder                                | 2 000 000.00 | Already allocated an erf (4893)            |
| 25 | Isack J Visser (Alpe)                        | 2 000 000.00 | No attached proof of payment               |

\* All the above bidders submitted bids above the upset price of R1 994 760.00.

### 3. DISCUSSION

An application dated **01 February 2019** has now been received from P.R.O Housing CC requesting an extension of time until **28 February 2019** to perform and secure the purchase price of Erf 4889 Swakopmund.

Mr Paul Reynardt Ockhuizen states in his letter that he was working on projects with the intention to access the money to secure the purchase price for Erf 4889, Swakopmund and his expectation was that money would have been paid in from abroad on the **24 January 2019**, however there were some delays; Mr Ockhuizen is still waiting for a positive response. Furthermore he stated that the delay was also due to the poor economic situation locally as well as internationally.

In this regard, with reference to the application to reinstate the cancelled transaction for Erf 359, Mile 4, Council on **31 January 2019** under item 11.1.2 passed the following resolution in principle:

- That Council takes note of the cancellation to sell Erf 359, Mile 4 to Mr Mesag Miska due to failure to comply with the due date to secure the purchase price.
- That Mesag Miska 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.

The basis of the above decision is that The Municipality has built up a very good relationship with the public in respect of sales of properties over a number of years. This is due to the open and transparent manner that the process of the sale is conducted. The consistent communications 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 public trust and breaking down the relations which needs 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.

For transparency and consistency purposes, it is proposed that Council does not reinstate the cancelled transaction of Erf 4889, Swakopmund allowing extension of time to P R O Housing CC to secure the purchase price for Erf 4889, Swakopmund as the letter for extension was only received after the final due day which was on **31 January 2019**. Therefore the transaction be cancelled and will offered to the next qualifying bidder on the list.

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

**RECOMMENDED:**

- (a) That Council approves the extension of due date for P.R.O Housing to secure the purchase price for Erf 4889 Swakopmund.
  - (b) That exception be made due to the challenging financial situation in the country.
  - (c) That the applicant confirm that funds are available.
  - (d) That the General Manager: Corporate Services & HR forward any cancellation item to Council.
  - (e) That the applicant be informed to settle the purchase price within 14 days from the date of the Council Resolution.
-



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



# 11.1.7 REQUEST FOR EXTENSION TO PERFORM: ERF 4873 (INDUSTRIAL AREA)

(C/M 2019/03/28 - E 4873)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 7.6 page 36 refers.

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

### 1. Introduction

The purpose of this submission is for Council to consider a second additional period for Magnetize Investments CC to secure the purchase price of Erf 4873, of which the extended due date for payment was **28 February 2019**.

A letter dated **22 February 2019** was received from Ms Naomi N Kefas of Magnetize Investment CC requesting Council to consider extending their payment due date from **28 February 2019** until Saturday, **31 August 2019** (therefor until Monday, **02 September 2019**). Council on **22 November 2018** under item 11.1.34 passed the following resolution:

- (a) That Messrs Magnetize Investment CC be granted an extension of time to secure the purchase price for Erf 4873, Swakopmund, until **28 February 2019**.
- (b) That Messrs Magnetize Investments CC be informed that the purchase price for the property is N\$1 780 421.50 and interest calculated from **02 July 2018** until **28 February 2019** amounts to N\$126 373.34 (15% VAT excluded).
- (c) That Messrs Magnetize Investment CC be informed that the purchase price must be secured by **28 February 2019** as no further extensions will be granted.

Considering a further extension of time to secure the purchase price will be as follows:

| Extension of Time | Due Date          | Interest Until Due Date |
|-------------------|-------------------|-------------------------|
| 1 <sup>st</sup>   | 28 February 2019  | N\$ 126 373.34          |
| 2 <sup>nd</sup>   | 02 September 2019 | N\$ 223 906.30          |

### 2. Brief Background

- 2.1 Erf 4873, Swakopmund was allocated to Magnetize Investments CC as a next qualifying bidder after the cancellation of the sale to Mr Martin Esau.

The purchase price for the erf is N\$1 780 421.50 (excluding 15% VAT). The purchaser was granted 120 days to secure the purchase price, i.e. by Tuesday, **30 October 2018**. In addition to the 120 days, 21 days was granted by notice dated **01 November 2018** to rectify the breach of not securing the purchase price by **30 October 2018**. Therefore the final due date was Thursday, **22 November 2018**. As indicated above, Council on **22 November 2018** approved an extended due date until **28 February 2019**. At the time an application was received from Mr Mino Gariseb of Magnetize Investments CC

- 2.2 At the day of the closed bid sale, the bids were received and next qualifying bidders for the specific erf were as follows:

| # | Bidder                   | Bid Amount    | Comments                     |
|---|--------------------------|---------------|------------------------------|
| 1 | I J Visser               | R3 669 555.00 | No attached proof of payment |
| 2 | Aidan Patrick J de Lange | 3 331 350.00  | Cancelled                    |

| #  | Bidder                                    | Bid Amount   | Comments                        |
|----|---|--------------|---------------------------------|
| 3  | V G Developers cc                         | 2 800 000.00 | Already allocated an Erf (4870) |
| 4  | Gerald John Classen                       | 2 074 800.00 | Already allocated an Erf (4871) |
| 5  | Shacman Investment Namibia                | 2 072 840.00 | No attached proof of payment    |
| 6  | Lumeris Investment t2 cc                  | 2 000 000.00 | Already allocated an Erf (4868) |
| 7  | T Y Investment Pty Ltd                    | 2 000 000.00 | Unsuccessful bidder             |
| 8  | Gregory Dean Vringer                      | 1 903 881.08 | Unsuccessful bidder             |
| 9  | West Coast Engineering & Welding Services | 1 800 750.00 | Already allocated an Erf (4869) |
| 10 | Martin John Essau                         | 1 800 750.00 | Cancelled                       |
| 11 | Quatum Investment Fourteen cc             | 1 800 001.00 | Already allocated an Erf (4891) |
| 12 | Gideon Kapoko                             | 1 780 421.50 | Already allocated an Erf (4890) |
| 13 | Magnolia Investment cc                    | 1 780 421.50 | Current Purchaser               |
| 15 | Triangular Construction cc                | 1 805 000.00 | Unsuccessful bidder             |
| 16 | Quiver Tree Investment t2 cc              | 1 554 830.00 | Unsuccessful bidder             |
| 17 | Gino Eckert Meyer                         | 1 551 999.00 | Unsuccessful bidder             |
| 18 | DO Polze Joinery                          | 1 525 018.00 | Unsuccessful bidder             |
| 19 | CYC Investment Six cc                     | 1 520 206.05 | Unsuccessful bidder             |
| 20 | Leigh Jean Skoppellus                     | 1 519 555.00 | Unsuccessful bidder             |
| 21 | Paxon Investment t2 cc                    | 1 506 510.50 | Unsuccessful bidder             |
| 22 | Stella Trust                              | 1 501 000.00 | Unsuccessful bidder             |
| 23 | P R O Housing                             | 1 500 000.00 | Unsuccessful bidder             |
| 24 | Samuel Verder                             | 1 480 800.00 | Already allocated an Erf (4893) |
| 25 | Willem Andries Alberts                    | 1 480 800.00 | Unsuccessful bidder             |
| 14 | Steven Skoppellus                         | 1 475 000.00 | Unsuccessful bidder             |
| 26 | S F Skoppellus                            | 1 444 555.00 | Unsuccessful bidder             |
| 27 | Hendrick C norg Van Nester                | 1 415 100.00 | Unsuccessful bidder             |
| 28 | B Construction                            | 1 411 111.95 | Unsuccessful bidder             |
| 29 | Garth C Mouton                            | 1 406 570.00 | Unsuccessful bidder             |
| 30 | Gabriel Stephaneus de Toit                | 1 400 000.00 | Unsuccessful bidder             |
| 31 | Gerrit Christo John Mouton                | 1 391 764.00 | Unsuccessful bidder             |
| 32 | Frans Sikize Namuhuya                     | 1 370 701.25 | No attached proof of payment    |

\* All the above bidders submitted bids above the upset price of N\$1 369 555.00

2.3 Calculated until **02 September 2019** the interest on the purchase price at a rate of 10.75% from **02 July 2018** (date of sale) will amount to **N\$ 223 906.30**. Should the transaction be cancelled, the purchaser will forfeit the N\$27 000.00 registration fee paid.

### 3. Previous Similar Applications Approved by Council for the Erven Located in Extension 10

3.1 With reference to an application by Mondesa Property CC for an extension of time to secure the purchase price of Erf 4874, Council on **30 November 2017** under item 11.1.23 passed the following resolution:

(a) That Council approves the final extension of the payment due dates for the following transactions until 01 April 2018 and that the applicants submit monthly reports on the financing of the transactions:

- Erf 8928 - Phurap Investments CC
- Erf 8930 - Mr J Kamukache
- Erf 8938 - P/V Investments CC
- Erf 4874 - Mondesa Property CC



- (b) That it be recorded that should there be non-performance the transactions will be cancelled.

The purchaser did not perform by the due date and Council granted a further extension on **31 May 2018** under item 11.1.3:

- (a) That Council approves an extension of the payment due dates for the following transactions for the period of 5 (six) months:
- Erf 8029, Swk
  - Erf 4874, Swk
- (b) That the notice given to Mr H A Nekomba be withdrawn.
- (c) That Messrs Phatlap Investment CC and Messrs Mondesa Property CC be provided with all relevant documentation related to the transaction.

**3.2 With reference to Mr Gideon Kapolo application, Council on 22 February 2018 resolved as follows under item 11.1.11:**

- (a) That Mr Gideon Kapolo be granted an extension of time to secure the purchase price for Erf 4890, Swakopmund, until 01 April 2018.
- (b) That Mr G Kapolo be informed that the purchase price for the property is N\$2 511 708.00 and interest calculated from 08 September 2017 until 01 April 2018 amounts to N\$126 497.20 (15% VAT excluded).
- (c) That Mr Kapolo be informed that the purchase price must be secured by 01 April 2018 as no further extensions will be granted.

The transaction with Mr G Kapolo was cancelled due to non-performance at the extended due date.

**3.3 The previous bidder for Erf 4873, Swakopmund also applied for an extension of time to secure the purchase price and Council approved an extension as follows on 28 March 2018 under item 11.1.23:**

- (a) That Mr Martin Esau be granted an extension of time to secure the purchase price for Erf 4873, Swakopmund, until 03 April 2018 and no further extensions will be granted.
- (b) That Mr Martin Esau be informed that the purchase price for the property is N\$1 850 750.00 and interest calculated from 31 August 2017 until 10 April 2018 amounts to N\$115 012.70 (15% VAT excluded).

**4. 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.



5. Discussion

An application has now been received from Magnetize Investments CC requesting Council to grant an extension of time until, **02 September 2019** to perform and secure the purchase price of Erf 4873 Swakopmund. The following interest amount will be applicable:

|              |  |
|--------------|--|
| 02-Jul-18    | date of sale   |
| 02-Sep-19    | extended due date considered by MCC of 15 March 2019 |
| 427          | from date of sale until date of payment              |
| 1 788 421.50 | Purchase Price                                       |
| 0.00         | no amounts paid                                      |
| 1 788 421.50 | balance  |
| 191 390.31   | total interest for a year                            |
| 524.37       | daily interest                                       |
| 223 806.36   | interest for 427 days                                |
| 2 004 227.80 | balance of purchase price + interest                 |

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

RECOMMENDED:

That a further extension of time be granted to Messrs Magnetize Investments CC to secure the purchase price of Erf 4873, Swakopmund by 02 September 2019, subject to interest.

THE SUBDIVISION OF 1000 4007, SWANCOMB EXTENSION 18 INTO  
 GIVEN 4702-4902, 4903 STREET, 4904-4905/POB  
 AND REMAINING STREET  
 SITUATE ON 4007, SWANCOMB EXTENSION 18



| AREA |      | AREA |      |
|------|------|------|------|
| Lot  | Area | Lot  | Area |
| 4702 | 1.00 | 4902 | 1.00 |
| 4703 | 1.00 | 4903 | 1.00 |
| 4704 | 1.00 | 4904 | 1.00 |
| 4705 | 1.00 | 4905 | 1.00 |
| 4706 | 1.00 | 4906 | 1.00 |
| 4707 | 1.00 | 4907 | 1.00 |
| 4708 | 1.00 | 4908 | 1.00 |
| 4709 | 1.00 | 4909 | 1.00 |
| 4710 | 1.00 | 4910 | 1.00 |
| 4711 | 1.00 | 4911 | 1.00 |
| 4712 | 1.00 | 4912 | 1.00 |
| 4713 | 1.00 | 4913 | 1.00 |
| 4714 | 1.00 | 4914 | 1.00 |
| 4715 | 1.00 | 4915 | 1.00 |
| 4716 | 1.00 | 4916 | 1.00 |
| 4717 | 1.00 | 4917 | 1.00 |
| 4718 | 1.00 | 4918 | 1.00 |
| 4719 | 1.00 | 4919 | 1.00 |
| 4720 | 1.00 | 4920 | 1.00 |
| 4721 | 1.00 | 4921 | 1.00 |
| 4722 | 1.00 | 4922 | 1.00 |
| 4723 | 1.00 | 4923 | 1.00 |
| 4724 | 1.00 | 4924 | 1.00 |
| 4725 | 1.00 | 4925 | 1.00 |
| 4726 | 1.00 | 4926 | 1.00 |
| 4727 | 1.00 | 4927 | 1.00 |
| 4728 | 1.00 | 4928 | 1.00 |
| 4729 | 1.00 | 4929 | 1.00 |
| 4730 | 1.00 | 4930 | 1.00 |
| 4731 | 1.00 | 4931 | 1.00 |
| 4732 | 1.00 | 4932 | 1.00 |
| 4733 | 1.00 | 4933 | 1.00 |
| 4734 | 1.00 | 4934 | 1.00 |
| 4735 | 1.00 | 4935 | 1.00 |
| 4736 | 1.00 | 4936 | 1.00 |
| 4737 | 1.00 | 4937 | 1.00 |
| 4738 | 1.00 | 4938 | 1.00 |
| 4739 | 1.00 | 4939 | 1.00 |
| 4740 | 1.00 | 4940 | 1.00 |
| 4741 | 1.00 | 4941 | 1.00 |
| 4742 | 1.00 | 4942 | 1.00 |
| 4743 | 1.00 | 4943 | 1.00 |
| 4744 | 1.00 | 4944 | 1.00 |
| 4745 | 1.00 | 4945 | 1.00 |
| 4746 | 1.00 | 4946 | 1.00 |
| 4747 | 1.00 | 4947 | 1.00 |
| 4748 | 1.00 | 4948 | 1.00 |
| 4749 | 1.00 | 4949 | 1.00 |
| 4750 | 1.00 | 4950 | 1.00 |
| 4751 | 1.00 | 4951 | 1.00 |
| 4752 | 1.00 | 4952 | 1.00 |
| 4753 | 1.00 | 4953 | 1.00 |
| 4754 | 1.00 | 4954 | 1.00 |
| 4755 | 1.00 | 4955 | 1.00 |
| 4756 | 1.00 | 4956 | 1.00 |
| 4757 | 1.00 | 4957 | 1.00 |
| 4758 | 1.00 | 4958 | 1.00 |
| 4759 | 1.00 | 4959 | 1.00 |
| 4760 | 1.00 | 4960 | 1.00 |
| 4761 | 1.00 | 4961 | 1.00 |
| 4762 | 1.00 | 4962 | 1.00 |
| 4763 | 1.00 | 4963 | 1.00 |
| 4764 | 1.00 | 4964 | 1.00 |
| 4765 | 1.00 | 4965 | 1.00 |
| 4766 | 1.00 | 4966 | 1.00 |
| 4767 | 1.00 | 4967 | 1.00 |
| 4768 | 1.00 | 4968 | 1.00 |
| 4769 | 1.00 | 4969 | 1.00 |
| 4770 | 1.00 | 4970 | 1.00 |
| 4771 | 1.00 | 4971 | 1.00 |
| 4772 | 1.00 | 4972 | 1.00 |
| 4773 | 1.00 | 4973 | 1.00 |
| 4774 | 1.00 | 4974 | 1.00 |
| 4775 | 1.00 | 4975 | 1.00 |
| 4776 | 1.00 | 4976 | 1.00 |
| 4777 | 1.00 | 4977 | 1.00 |
| 4778 | 1.00 | 4978 | 1.00 |
| 4779 | 1.00 | 4979 | 1.00 |
| 4780 | 1.00 | 4980 | 1.00 |
| 4781 | 1.00 | 4981 | 1.00 |
| 4782 | 1.00 | 4982 | 1.00 |
| 4783 | 1.00 | 4983 | 1.00 |
| 4784 | 1.00 | 4984 | 1.00 |
| 4785 | 1.00 | 4985 | 1.00 |
| 4786 | 1.00 | 4986 | 1.00 |
| 4787 | 1.00 | 4987 | 1.00 |
| 4788 | 1.00 | 4988 | 1.00 |
| 4789 | 1.00 | 4989 | 1.00 |
| 4790 | 1.00 | 4990 | 1.00 |
| 4791 | 1.00 | 4991 | 1.00 |
| 4792 | 1.00 | 4992 | 1.00 |
| 4793 | 1.00 | 4993 | 1.00 |
| 4794 | 1.00 | 4994 | 1.00 |
| 4795 | 1.00 | 4995 | 1.00 |
| 4796 | 1.00 | 4996 | 1.00 |
| 4797 | 1.00 | 4997 | 1.00 |
| 4798 | 1.00 | 4998 | 1.00 |
| 4799 | 1.00 | 4999 | 1.00 |
| 4800 | 1.00 | 5000 | 1.00 |

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



**11.1.8 APPLICATION FOR EXTENSION OF LEASE PERIOD: THE DECK AREA**  
(C/M 2019/03/28 - E 2809)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 7.7 page 41 refers.

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

This item was discussed at the Planning Forum of 12 February 2019 under item 5.6 and was recommended for submission to the Management Committee meeting.

**1. Introduction**

The agreement entered into by and between the Swakopmund Municipality and the Tug Restaurant CC for the following portions of land will lapse **31 May 2019**:

- ① A certain unimproved portion of land measuring  $\pm 78m^2$ , being a portion of Erf 2809, Swakopmund located between The Tug Restaurant and the Jetty, (Annexure "A")
- ② And an additional portion of land measuring  $\pm 17m^2$  of Erf 2809, Swakopmund (Annexure "A").

Attached is a copy of the site plan, (Annexure "B").

Also, attached as Annexure "C" a copy of the signed lease agreement.

**2. The Background**

Council sold Erf 913 (a portion of erf 2809) to Messrs Holloway and Robert CC during 1996. Mr D H Holloway on **14 September 2006** applied for a portion of land on Erf 2809 Swakopmund adjacent to The Tug Restaurant for extension of the balcony to construct an elevated wooden deck to provide seating for the clients. Council on **30 November 2006** under item 11.1.23 resolved the following:

- (a) That a portion of land on Erf 2809 adjacent to The Tug (size still to be determined) be leased to Mr D H Holloway for a period of three years to Mr DH Holloway subject to the following conditions:
  - (i) That the rent be calculated at N\$14-33 + 10% = N\$15-76/m<sup>2</sup> (VAT excluded) escalating at 10% per annum.
  - (ii) That Council reserves the right to cancel the lease if valid objections from the public are received.
  - (iii) That the lease be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended).
  - (iv) The lease is terminable by either party given or receiving 6 months notice.
- (b) That the applicant shall indemnify Council and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.
- (c) That building plans for the development proposals only be approved after all statutory disciplines have been completed.
- (d) That no permanent structures be erected on the leased area.

Ministerial approval was granted on **15 November 2007** to lease the portion of land to the Tug Restaurant CC. A lease agreement was entered into by and between the two parties. The size is  $\pm 78m^2$  in extend.

On **13 August 2008** the applicant applied to lease an additional portion of land to extend the balcony whereafter Council on **27 November 2008** under item 11.1.11 resolved the following:

- (a) That a portion of land approximately 17m<sup>2</sup> in extent on Erf 2809 adjacent to The Tug be leased to Mr D H Holloway subject to the following conditions:
- (i) That the rent be calculated at N\$17.05/m<sup>2</sup> (VAT excluded) escalating at 10% per annum.
  - (ii) That Council reserves the right to cancel the lease if valid objections from the public are received.
  - (iii) That the lease be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended).
  - (iv) The lease is terminable by either party given or receiving 6 months notice.
- (b) That the applicant shall indemnify Council and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.
- (c) That building plans for the development proposals only be approved after all statutory disciplines have been completed.
- (d) That no permanent structures be erected on the leased area.
- (e) That the portion be included in the existing lease agreement.

An addendum to the lease agreement was compiled and signed to incorporate the additional portion of land into the existing lease agreement at the time.

The Tug Restaurant CC on 2 March 2016 applied to renew the lease of ±95m<sup>2</sup> (±78m<sup>2</sup> and ±17m<sup>2</sup> onto which the deck encroaches) for a 5 year period. Council at its meeting of 31 May 2016 under item 11.1.21 approved a lease period of 3 years:

- (a) That the application received from the Tug Restaurant CC to extend the lease for a portion of Erf 2809, Seakop ground measuring ±95m<sup>2</sup> (combined two areas of ±78m<sup>2</sup> and ±17m<sup>2</sup>), being the area the terrace encroaches onto, for a 3 year period be approved: at a monthly rental amount of N\$40.87/m<sup>2</sup> + 15% VAT and an annual 10% escalation starting July 2017, with an option to renew.
- (b) That it be noted that the current rental period at a tariff per month of N\$37.15 will lapse 31 May 2016; whereafter the following rental tariff will be effective, 1 July 2017:
- $$\bullet \pm 95m^2 \times N\$40.87/m^2 = N\$3\ 882.65 + N\$582.40 (15\% \text{ Vat}) = N\$4\ 465.05$$
- (c) That the lease agreement be subject to the conditions as contained in the existing lease agreements and any further conditions that Council may require upon consideration.
- (d) That the lease be advertised in terms of Section 63 (2) of the Local Authorities Act, Act 23 of 1992, (as amended).
- (e) That Council reserves the right to cancel the lease if valid objections from the public are received.
- (f) That the applicant shall indemnify Council and keep Council indemnified during the full period of this agreement against possible claims, which may arise from the use of the leased area.
- (g) That the lease is terminable by either party given or receiving 6 months' notice.

With reference to the above resolution the lease period will lapse on 31 May 2019.

### 3. For Information

#### Application to enclose Top and Bottom Terrace

An application dated 22 November 2017 (Annexure "D") was received from the Tug Restaurant seeking Council's approval to enclose the top and bottom terrace of the restaurant to enhance the positive experience of



their clients by increasing their safety and protecting them against adverse weather conditions.

Council on **28 March 2018** under item 11.1.2 approved the following:

- (a) That the proposal of The Tug Restaurant CC to make minor alterations to the structure encroaching onto a portion of Erf 2809, Swakopmund be approved; subject to:
  - (i) That the Tug Restaurant CC obtains approval from the Aesthetics Committee and the Heritage Council by submitting the works / alterations.
  - (ii) That the Tug Restaurant submits the required building plans to Council's Engineering Services for approval.
  - (iii) That due to wind impact on the structure, structural engineer confirms that it is structurally sound under the altered load conditions / configuration.
  - (iv) That the Manager Town Planning appraise the proposed development for compliance with the Town Planning Scheme.
  - (v) That, if required, the lessee provides additional abutment facilities.
  - (vi) That the value of any and all structural additions and alterations be donated to Council.
  - (vii) That the tug contributes to the upgrading of the parking area in line with the number of bays required.
  - (viii) That an addendum to the lease agreement be drafted once all the necessary conditions are met.
  - (ix) That a guardrail be erected on the seaside of the walkway for the length of the area enclosed.
- (b) That the Tug Restaurant CC adheres to the requirements of the Town Planning Scheme and Standard Building Regulations.
- (c) That no changes, specifically to the lease amount, be considered.

Attached as Annexure "E" memo's to Engineering Services to give their comments regarding the offer by the Tug Restaurant to contribute N\$3 000.00 per parking bay to upgrade the entire parking area and to erect a handrail at their cost.

#### 4. Current Situation

A notice dated **18 December 2018** was sent to the Tug Restaurant CC notifying them of the expiry of the lease period. A reply letter dated **02 January 2019** attached as Annexure "F" was received confirming they wish to renew the lease period for a further 3 years.

#### 5. Proposal

During the past years no complaints were received from the general public and no arrears on the rental account has been identified. It is a very popular restaurant in Swakopmund.

It is proposed that Council considers the application of the Tug Restaurant CC for the combined areas measuring  $\pm 95\text{m}^2$  (combined two areas of  $\pm 78\text{m}^2$  and  $\pm 17\text{m}^2$  onto which the deck encroaches). It is thus further proposed that Council consider renewing the lease agreement for 5 years, commencing **1 June 2019** to **31 May 2024** to reduce the administrative burden of immensely short periods. The lease agreement will be subject to Council's standard lease conditions and any additional conditions Council may deem fit.

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



**RECOMMENDED:**

- (a) That the application by the Tug Restaurant CC to extend the lease for the following portions of Erf 2809, Swakopmund measuring  $\pm 95\text{m}^2$  (combined size):

- ⊙ A certain unimproved portion of land measuring  $\pm 78\text{m}^2$ , being a portion of Erf 2809, Swakopmund located between The Tug Restaurant and the Jetty
- ⊙ And an additional portion of land measuring  $\pm 17\text{m}^2$  of Erf 2809, Swakopmund

for a 5 year period be approved.

- (b) That the lease be for a period from 01 June 2019 to 31 May 2024.

- (c) That the lease amount be  $\text{N\$}49.46/\text{m}^2$  per month  $\times \pm 95\text{m}^2 = \text{N\$}4\,698.70 + \text{N\$}704.81$  (15% VAT) =  $\text{N\$}5\,403.51$ , with an annual escalation of 10% starting 1 July 2019.

- (d) That the lease be subject to the standard conditions and the following:

- (i) That a deposit equal to 1 months lease be paid in advance by the applicant.
- (ii) That a notice of termination period of six (6) months for both parties be applicable.
- (iii) That the lessee not operates later than 22:00.
- (iv) That the LESSEE shall be permitted to sell food and liquor at the open-air café subject to the conditions contained in the applicable license required by the LESSOR and subject to the applicable Health Regulations.
- (v) That the LESSEE is responsible to keep and maintain the HIRED PROPERTY in a proper condition and to maintain and deliver the same at the termination of this lease in good order and condition, reasonable wear and tear that the LESSOR shall determine, excluded.
- (vi) That during any maintenance work at / to the HIRED PROPERTY, Council takes no responsibility for any loss or damage incurred by the LESSEE arising from such maintenance work or delays in connection with such works.
- (vii) That no improvement or changes, or any other work on the HIRED PROPERTY may be done by the LESSEE without the written permission of the LESSOR first had and obtained.
- (viii) That no sub-letting is permitted to cede or assign this agreement or any portion thereof, nor shall it be allowed to sublet in any manner any portion of the PROPERTY, without the written consent of the LESSOR first being had and obtained.
- (ix) That the LESSOR or his duly authorized representative, shall at all reasonable time have the right to enter the PROPERTY for the purpose of carrying out an inspection and to ensure that all applicable regulations and by-laws are being adhered to by the LESSEE.
- (x) That the LESSEE shall indemnify and keep indemnified the LESSOR during the full period of this agreement against possible claims, which may arise from the use of the PROPERTY by the LESSEE.

- (e) That all costs involved (inclusive of advertising cost) be for the LESSEE's account.

- (f) That should the LESSEE cease operating or terminates the lease they must reinstate the area to its original layout at their own cost.
  - (g) That Council reserves the right to terminate the lease if valid objections from the public are received.
  - (h) That upon acceptance of the lease conditions, the lease be advertised in terms of Section 63 of the Local Authorities Act 1992 whereafter the renewal be advertised in terms of the Local Authorities Act, (Act 23 of 1992) as amended.
  - (i) That the Engineering Services Department determine the rehabilitation deposit to be paid by the lessee from 01 June 2019 on the commencement of the new lease period.
-





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

11.1.9 **EXTENSION 14: APPLICATION TO PURCHASE ERVEN BY PRIVATE TREATY**

(C/M 2019/03/28 - G 3/3/2/14, E 5002, E 5003, E 5004, E 5005)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 7.8 page 67 refers.

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

The applicant made a presentation to the Planning Forum on **12 February 2019** under item 5.3 and the matter is now resubmitted to the Management Committee for consideration.

**1. Introduction**

Council considered an application by Ane's Guesthouse CC trading as Atlantic Villa Guest House (hereinafter referred to as "AVG") dated **12 July 2018** to purchase various erven located in Extension 14 by private treaty. The following decision was passed by Council on **27 September 2018**:

- (a) That the application by Messrs Ane's Guesthouse CC trading as Atlantic Villa Guesthouse to purchase Erven 5002, 5003, 5004 and 5005 by private treaty be declined.
- (b) That Messrs Ane's Guesthouse CC trading as Atlantic Villa Guesthouse be informed to take part in the closed bid sales for the properties.

The applicant was informed accordingly per letter dated **03 October 2018**, whereafter a reply requesting an audience was received dated **31 October 2018** (Annexure "A"). The applicant presented their application to the Planning Forum on **12 February 2019**.

**2. Application Considered by Council on 27 September 2018**

An application dated **12 July 2018** was received from AVG to purchase by private treaty various erven located adjacent to their accommodation establishment.

- ↳ They intend to use the erven for parking and the future expansion of their guesthouse.

The item was discussed at the Planning Forum on **07 August 2018** under item 5.5 and was submitted to the Management Committee of **13 September 2018** under item 7.1 for consideration. The application was declined by Council on **27 September 2018**. Following a request for an audience, AVG presented their proposal to the Planning Forum on **12 February 2019**.





**Attachments:**

- Annexure "A" - request for an audience dated 31 October 2018  
 Annexure "B" - Application by Atlantic Villa Guesthouse dated 12 July 2018  
 Annexure "C" - Zoning Map of Extension 14.

**3. Erven Applied For**

The erven that AVG applies for are located in Extension 14 and are identified as the following erven:

| Erf No | Size  | Upset Price | Zoning             |
|--------|-------|-------------|--------------------|
| 5002   | 1 324 | 662 000.00  | Single Residential |
| 5003   | 714   | 357 000.00  | Single Residential |
| 5004   | 815   | 407 500.00  | Single Residential |
| 5005   | 939   | 469 500.00  | Single Residential |

With reference to the sale of these erven, Council passed the following resolution on **28 March 2018** under item 11.1.11:

- That closed bid sales be scheduled in terms of the Local Authorities Act 23 of 1992 for the 118 "Single Residential" erven located in Extension 14, as necessitated by the flexible / fluctuating market demand, subject to Council's standard conditions of sale for closed bid sales be approved.
- That the erven listed in Annexure "B" (on file) be approved for sale by closed bid sales at the following upset prices of N\$500.00/m<sup>2</sup>.
- That allocation be done to the highest qualifying bidder on the basis of 1 Erf per person / entity (married couples, irrespective of the marital regime are regarded as one entity).
- That the registration fee be determined at .75% of the highest upset price for the respective zonings:
  - N\$5 000.00 for the "Single Residential" erven
- That payment of the registration fee entitles a person / entity to submit 5 bids for different erven.
- That should erven remain unsold at the date of the sale, such erven be offered to the registered bidders who are present and may then bid on a second Erf.
- That the purchase price be paid within 90 calendar days from the date of sale.



#### 4. Private Treaty Sales approved by Council in the Vicinity

- 4.1 Extension 14 is located south of Extension 1, Mile 4. Council approved two private treaty sales in Extension 1, Mile 4 as follows:

##### 4.1.1 Erf 365, Ext 1, Mile 4 to Namibia Desert Giant Group (Pty) Ltd

Council on **27 April 2017**, under item 11.1.35 in principle approved the sale of Erf 365, Extension 1, Mile 4 measuring 8 993m<sup>2</sup> to Messrs Desert Giant for the establishment of tourism related accommodation.

The allocation was regarded as an exception and points (b) and (e) of Council's resolution passed on **27 April 2017** is quoted:

- (b) That Council considers only the 2 (two) applications received for single erven in Extension 1 and Extension 14, Mile 4 for private treaty.
- (e) That the remaining erven in Extension 1 and Extension 14, Mile 4 be sold by closed bid and be advertised in terms of the Local Authorities Act, Act 23 of 1992.

Council on **28 March 2018** under item 11.1.24 approved the purchase price at N\$7 419 225.00.

##### 4.1.2 Erf 406, Ext 1, Mile 4 to Trecon Development (Pty) Ltd

Based on the same principle as indicated above, Erf 406, Extension 1, Mile 4 was also approved by Council on **27 April 2017** as a private treaty sale as an exception. In this regard points (b) and (e) of item 11.1.31:

- (b) That Council considers only the 2 (two) applications received for single erven in Extension 1 and Extension 14, Mile 4 for private treaty.
- (e) That the remaining erven in Extension 1 and Extension 14, Mile 4 be sold by closed bid and be advertised in terms of the Local Authorities Act, Act 23 of 1992.

Council on **28 June 2018** under item 11.1.3 approved the purchase price at N\$7 565 400.00.

In addition to the above, Council's Property Policy reads as follows:

#### 7. ALIENATION

*It is the intention of Council<sup>1</sup> 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.*

*Council may sell land by private transaction, tender or public auction, whichever method Council may elect at its entire discretion, as per the provisions of the Local Authorities Act, Act 23 of 1992, as amended. Also refer to Annexure "A" - Ministerial Directive on the Sale of Land.*

*The location, zoning and targeted or earmarked income group and proposed development will be taken into consideration in determining the method of sale.*

<sup>1</sup> Refers to Management Committee's Resolution passed on 10 March 2011 under item 8.27, point (c) - G.4/1/1



4.2 Council sold "Single Residential" erven located in Extension 1, Mile 4 and Extension 14 as follows:

- 15 December 2017, 34 erven at N\$870.00 / m<sup>2</sup>
- 02 February 2018, 36 erven at N\$970.00 / m<sup>2</sup>
- 14 December 2018, 42 erven at N\$810.00 / m<sup>2</sup>

## 5. Proposal

The Planning Forum on 12 February 2019 discussed the application of Ane's Guesthouse CC trading as Atlantic Villa Guesthouse and proposed that of the four erven only Erf 5002, Swakopmund measuring 1 324, be sold by private treaty to Ane's Guesthouse CC.

In terms of the latest amendment to the Local Authorities Act 23 of 1992, the alienation of an established erf is published in terms of section 63 (2) (b). In respect of whether or not objections were received, the approval of the Ministry of Urban and Rural Development must be obtained to proceed with the alienation in terms of section 30 (1) (i).

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

### RECOMMENDED:

- (a) That Council's resolution passed on 27 September 2018 under item 11.1.1 be repealed.
- (b) That Council approves the allocation of Erf 5002, Swakopmund measuring 1 324m<sup>2</sup> by private treaty to Ane's Guesthouse CC trading as Atlantic Villa Guesthouse, as an exception.
- (c) That valuations be obtained to determine the purchase price of Erf 5002, Swakopmund for purposes of parking.
- (d) That the purchaser be responsible for the rezoning of Erf 5002, Swakopmund for the purposes of parking.
- (e) That should Ane's Guesthouse CC trading as Atlantic Villa Guesthouse in future use the erf for the expansion of their guesthouse an application for the rezoning thereof be submitted and the required betterment fee be paid.
- (f) That the sale be subject to Council's standard conditions of sale by private treaty:
  - (i) That the purchaser pays a deposit of N\$10 000.00 towards the statutory costs relating to the transaction including, but not limited to advertising cost, compilation of the agreement of sale, as well as any legal costs that may arise from this transaction.
  - (ii) That the above deposit be paid within 90 days from the Council resolution approving the purchase price, failing which Council's resolution will be revoked at the next Council meeting following the expiry of the 90 days.
  - (iii) That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the transfer of the erf.
  - (iv) That upon acceptance of the purchase price by the purchaser, Council's intention to sell the erf be advertised for possible objections as required in terms of the Local Authorities Act, Act 23 of 1992 at the cost of the purchaser.

- (v) That the transaction be concluded within 120 days from approval being granted by the Ministry of Urban and Rural Development to proceed with the intended transaction.
  - (vi) That payment of the purchase price be secured either in cash or formal bank guarantee in favour of the Swakopmund Municipality within 120 days from the honourable Minister's favourable response.
    - (aa) Failure to secure the purchase price within the required period will result in cancellation without the need to place the purchaser on terms.
    - (bb) Should the purchase price be secured by a bank guarantee the transfer must be effected on / before the 120<sup>th</sup> day, else interest will be levied as from the date of Ministerial approval (date of sale) until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale.
  - (vii) That the purchasers accept that no rights will accrue to them from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.
  - (viii) The erf is sold "voetstoots" or "as is" with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.
  - (ix) That the property or any portion thereof may not be alienated without being offered to Council at the purchase price such was obtained from Council.
  - (x) That no development or construction of the proposed parking be permitted to commence until the statutory processes have been completed and the erf is transferred.
  - (xi) The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.
  - (xii) That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.
  - (xiii) That the purchaser being an entity provides the registration documentation of the entity (Council resolution of 27 April 2017 under item 11.1.10) and that the shareholders / members must be cautioned that the entity remain the same until the transfer takes place and they have complied with all conditions of sale when name change of the entity is requested.
-





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



- 11.1.10 **MR P J SCHOLTZ: DETERMINATION OF THE PURCHASE PRICE FOR ERF 411, MILE 4 KNOWN AS "PUBLIC OPEN SPACE"**  
(C/M 2019/03/28 - E 411,M 4)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 7.10 page 105 refers.

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

This item was discussed at the Planning Forum of 27 February 2019 under item 5.6 and was recommended for submission to the Management Committee meeting.

**1. Introduction**

The purpose of this submission is to consider and determine the purchase price of Erf 411, Mile 4 measuring 274m<sup>2</sup>, zoned "Public Open Space", to Mr P J Scholtz owner of Erf 302, Mile 4.

**2. Background**

Mr P J Scholtz wants to consolidate his property, Erf 302, Mile 4 with Erf 411, Mile 4, measuring 274m<sup>2</sup>.

The application to purchase Erf 411, Mile 4, zoned "Public Open Space" was submitted to Council and on 22 November 2018 the following resolution passed under item 11.1.7:

- (a) That Council approves the sale of Erf 411, Mile 4, zoned "Public Open Space", measuring 274m<sup>2</sup> to Mr Scholtz owner of Erf 302, Mile 4.
- (b) That Council's valuator and 2 additional valuers evaluate Erf 411 to determine the purchase price.
- (c) That the requirements regarding the alienation of immovable property as prescribed in the Local Authorities Act, Act 23 of 1992, (as amended), and the Townships and Division of Land Ordinance 11 of 1963 respectively, be dealt with successfully.
- (d) That Council approves the permanent closure of Erf 411, Mile 4 (as indicated on the attached map) in terms of section 50 (2) of the Local Authorities Act, 1992.
- (e) That Mr P J Scholtz appoints a Town Planner at his cost to attend to the statutory processes.
- (f) That Mr P J Scholtz appoints a Consultant to attend to the Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007 as amended.
- (g) That all costs relating to the transaction and statutory processes be for the account of the purchaser, such as (but not limited to) the advertising of the closure of Erf 411, Mile 4, advertising of the sale, consolidation, EIA, the appointment of the land surveyor and the payment of the transfer costs.
- (h) That the following standard conditions be applicable:
  - (i) 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, if applicable.

- (ii) A deposit of N\$10 000.00 shall be required of the purchaser to cover all fees and costs to Council, prior to attending to the statutory processes.
- (iii) Should a balance remain after Council's costs have been covered, it will be refunded by the Finance Department to the purchaser.
- (iv) That Mr J Scholtz pays the above deposit within 90 days from the Council resolution approving the purchase price, failing which Council's resolution will be revoked at the next Council meeting following the expiry of the 90 days.
- (i) That a 4 metre "Right of Way" servitude be registered over Erf 178, Mile 4 along the northern boundary of Erf 302, Mile 4 to secure a right of access to Mr P J Scholtz, owner of Erf 302, Mile 4.
- (j) That all cost for the exercise in (i) be for Council's account.

The above decision was communicated to the applicant on **27 November 2018** and he accepted the conditions on **4 December 2018** as per attached Annexure "B".

### 3. Location of Erf 411, Mile 4 Ext. 1

Erf 411, Mile 4 is adjacent to Erf 302, Mile 4 on the north-western side and Mr P J Scholtz intends to consolidate it with Erf 302, Mile 4. Erf 411 was clearly designed along with Erf 178 to be a corridor providing access to the beach for public. However due to the construction of the electrical kiosk, the corridor is blocked off and Erf 411 serves no purpose and as a result it is unusable for its original purpose. The open space now forms a place for collection of windblown litter and anti-social activities as other corridors have proven over the years. The public also have access to the beach just 100m away (as can be seen from Annexure "A").

### 4. Comparison with a Similar Sale in the Area

On **31 January 2019** Council approved the application of Mr De Wet Geringer to purchase a portion of the street located between Erf 40 and 41, Mile 4 to increase the size of his property as follows:

- (a) That Council approves the purchase price of a portion of Abalone Avenue located between Erf 40 and 41 Mile 4 at N\$800.00/m<sup>2</sup> (N\$800.00/m<sup>2</sup> x 1293m<sup>2</sup> = N\$1 034 400.00), excluding 15% VAT to Mr Jacobus De Wet Geringer for the extension of his property.

### 5. Probable Market Value To Determine the Purchase Price

Valuations were requested on **20 December 2018** from two valuers to determine a market related purchase price, based on an assumed zoning of "Single Residential", and was received as per Annexure "C" and "D" respectively.

The average price of the "Erf 411, Mile 4 ("Public Open Space"), measuring 274m<sup>2</sup>, located adjacent to Erf 302, Mile 4 is calculated as follows:

| Valuator                         | Price/m <sup>2</sup>   | Total price               |
|----------------------------------|------------------------|---------------------------|
| The Trust & Estate Co            | N\$ 1 250.00           | N\$ 342 500.00            |
| Ludwig Schroder Estate Agents CC | N\$ 1 500.00           | N\$ 411 000.00            |
|                                  | <b>N\$2 750.00 / 2</b> | <b>N\$ 753 500.00 / 2</b> |
| Average                          | <b>= N\$1 375.00</b>   | <b>= N\$ 376 750.00</b>   |



Applying the above average price it is estimated to be sold at a purchase price of:

$$\bullet \text{ N\$1 375.00} \times 274\text{m}^2 = \text{N\$376 750.00}$$

#### 6. Proposal

The price based on the valuations received is fairly low considering the average price obtained for seafront erven on 15 December 2017 and 2 February 2018 that is,  $\text{N\$2 440.00/m}^2 + \text{N\$2 758.13/m}^2 = \text{N\$5 198.13} \div 2 = \text{N\$2 599.06/m}^2$

This is a very clear difference in price at seafront erven located one or two rows away from the seafront, for interest an indication below:

| Date of Sale | Number of Erven | Bidders | Average / m <sup>2</sup> at Sale (excluding seafront erven) | Actual Average / m <sup>2</sup> (due to cancellations) | Actual Income to date |
|--------------|-----------------|---------|---|--|-----------------------|
| 15 Dec 2017  | 34              | 165     | N\$475.00   | N\$478.00  | 27 699 862.00         |
| 02 Feb 2018  | 38              | 243     | N\$970.00   | N\$975.00  | 32 303 483.09         |

Since Erf 411, Mile 4 is located at the seafront and for fairness and consistency, it is proposed that Council considers approving the purchase price as follows:

$$\bullet \text{ N\$2 599.06/m}^2 \times 274\text{m}^2 = \text{N\$712 143.81}$$

Upon acceptance of the purchase price, Mr P J Scholtz will be responsible to appoint a Town Planner to commence with the statutory process of closing of the erf as a "Public Open Space" as required in terms of Section 50 of the Local Authorities Act 23 of 1992, as amended; as well as any required processes.

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

#### RECOMMENDED:

- (a) That Council approves the purchase price for Erf 411, Mile 4 located adjacent to Erf 302, Mile 4 on the north-western side as follows:

$$\bullet \text{ N\$1 375.00/m}^2 \times 274\text{m}^2 = \text{N\$376 750.00} \text{ to Mr P J Scholtz, the owner of to Erf 302, Mile 4.}$$

#### Or Alternatively

That Council approves the purchase price for Erf 411, Mile 4 located adjacent to Erf 302, Mile 4 on the north-western side as follows:

$$\bullet \text{ N\$2 599.06/m}^2 \times 274\text{m}^2 = \text{N\$712 143.81} \text{ to Mr P J Scholtz, the owner of Erf 302, Mile 4.}$$

- (b) That it be noted that Mr Scholtz paid N\$10 000.00 deposit as required in terms of Council's resolution passed on 22 November 2018, item 11.1.7, point (h) (ii), under receipt number #350770 (Annexure "E").
- (c) That the duly appointed Town Planner upon acceptance of the purchase price by the purchaser attends to the required statutory processes.



- (d) That, Erf 411, Mile 4 be permanently closed in terms of Section 50 of the Local Authorities Act of 1992 by Council.
- (e) That in addition to the conditions approved by Council on 22 November 2018 under item 11.1.7 the following standard conditions be applicable:
- (i) *The erf is sold "voetstoots" 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 erf diagram for the consolidation of Erf 411, Mile 4 with Erf 302, Mile 4, Council's intention to sell the erf be advertised for possible objections as required in terms of Section 63 (2) of the Local Authorities Act, 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 Honourable Minister's favourable response. Failure to secure the purchase price will result in cancellation.*
  - (iv) *Should the purchase price be secured by a formal bank guarantee the transfer must be effected on or before the 120<sup>th</sup> day, else interest will be levied as from date of Ministerial approval until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale.*
  - (v) *The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.*
  - (vi) *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.*
  - (vii) *That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.*
-





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

**11.1.11 CANCELLATION CONFIRMATION: ERF 356, EXTENSION 1, MILE 4**  
(C/M 2019/03/28 - M 4 E 356)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 7.11 page 119 refers.

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

**1. Introduction**

The purpose of this submission is to inform Council of the standard cancellation of the transaction of Erf 356, Mile 4, Extension 1 due to non-performance by the purchaser. Mr Ageshe-Pombili A Shapumba was allocated Erf 356 as a next qualifying bidder following the sale of 15 December 2017 in the amount of N\$573 760.00.

The date of sale for the erf was 27 September 2018 and the due date to secure the purchase price was 31 January 2019. The purchaser was given a notice of 21 days (25 February 2019) to rectify the breach of not securing the purchase price.

The purchaser was also called on 11 February 2019 and was explained that the transaction will be cancelled upon expiry of the notice period.

In terms of Annexure "B" of the signed agreement, the transaction is accordingly cancelled.

**2. Relevant Council Resolution**

Council on 31 January 2019 resolved that all cancellations be submitted to the Management Committee. Point (b) of Item 11.1.3 is quoted:

(d) That, in future, all close bid auction cancellations be submitted to Council for approval.

**3. Allocation of Erf 356, Extension 1, Mile 4**

Erf 356, Extension 1, Mile 4 formed part of the 34 erven sold on a closed bid on 17 December 2017. Subsequent to the cancellation of the transaction to the successful bidder the property was offered to the next qualifying bidders.

Quoted below the bidders listed at the sale for Erf 356, Extension 1, Mile 4:

| #  | Bidder                       | Bid Amount | Comments                                     |
|----|------------------------------|------------|--|
| 1  | Meyer, Edward                | 660 000.00 | Allocated Erf 312                            |
| 2  | Beutlin, Maria Magnetha      | 660 000.00 | Accepted - subsequently cancelled            |
| 3  | Beudenhooft, Geylorn R       | 750 000.00 | Allocated Erf 335                            |
| 4  | Mijo, Marlene                | 728 500.00 | Allocated Erf 323                            |
| 5  | Thomas, Monica Ntshwanda     | 704 000.00 | Allocated Erf 363                            |
| 6  | Kotze, Reginald L            | 610 895.55 | Offered - cancelled                          |
| 7  | Pumpel, Marin                | 600 000.00 | Offered - cancelled                          |
| 8  | Abraham, Hileasus Ntshwene   | 580 500.00 | Allocated Erf 364                            |
| 9  | Ades, Christopher Ludolf     | 575 000.00 | Allocated Erf 379                            |
| 10 | Shapumba, Alex Ageshe        | 573 760.00 | Current purchaser - cancelled on 25 Feb 2019 |
| 11 | Edwin Tinage (77051800132)   | 551 001.04 | Unallocated                                  |
| 12 | Boles, Charl Ludolf          | 550 000.00 | Unallocated                                  |
| 13 | Nakafinga, Erwin             | 548 238.99 | Unallocated                                  |
| 14 | Dit, Günther F               | 548 000.00 | Unallocated                                  |
| 15 | Geldenhuys, Benett Friedrich | 536 804.00 | Unallocated                                  |



| #  | Bidder                   | Bid Amount | Comments    |
|----|--------------------------|------------|-------------|
| 16 | Burger, Fredrik          | 533 000.00 | Unallocated |
| 17 | Booyse, Christiaan       | 521 860.00 | Unallocated |
| 18 | Swart, JP (R30221)       | 501 000.00 | Unallocated |
| 19 | Mason, Andrew            | 500 000.00 | Unallocated |
| 20 | Shindange, Gabriel       | 500 000.00 | Unallocated |
| 21 | Stiller, Dorothea        | 500 000.00 | Unallocated |
| 22 | Ramboos, Anemari Joubert | 500 000.00 | Unallocated |

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.

#### 4. Current Status of the Sale held on 17 December 2017

At the sale of 17 December 2017, 34 erven were offered for sale.

The current status of the sale is as follows:

|    |   |  |
|----|---|--|
| 34 | : | total erven offered for sale   |
| 31 | : | transferred  |
| 02 | : | available for inclusion in the sale of the 3 batch of erven located in Extension 1, Mile 4 (Erven 318 and 334) |
| 01 | : | Erf 356, Extension 1, Mile 4 available for allocation to next qualifying bidder.                               |

#### 5. Discussion

The transaction of Mr Ageshe-Pombili A Shapumba for Erf 356, Extension 1, Mile 4 was automatically cancelled upon expiry of the 21 days' notice period on 25 February 2019.

Therefore in terms of the conditions of sale for the public sale held on 17 December 2017 the erf will be offered to the next qualifying bidder listed.

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

#### RECOMMENDED:

- That Council confirms the cancellation of Erf 356, Extension 1, Mile 4 to Mr Ageshe-Pombili A Shapumba in terms of the standard deed of sale.
- That Erf 356, Extension 1, Mile 4 be offered to the next qualifying bidder for the sale of 17 December 2017.





**11.1.12 APPLICATION FOR AN EXTENSION OF TIME TO SECURE PURCHASE PRICE FOR ERF 613, EXTENSION 2, MATUTURA: MS B IGONTES**  
(C/M 2019/03/28 - Mat 613)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 8.1 page 03 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 Ms B IGontes received on **15 February 2019** requesting Council to consider allowing her extension of time for 2 months to secure the purchase price for Erf 613, Extension 2, Matutura. The due date to secure the purchase price was **25 February 2019**.

The purchase price is N\$160 000.00 and the sale is subject to interest at 10.5% from **26 February 2019** until date of transfer in the case the transfer is not registered on lapsing of the additional 21 days' notice period (a notice still to be sent). Failure to comply with the aforesaid will result in a cancellation of the transaction.

**Annexures:**

|                     |   |   |
|---------------------|---|---|
| <b>Annexure "A"</b> | : | Letter received on 15 February 2019 from Ms B IGontes |
| <b>Annexure "B"</b> | : | Map of Extension 2, Matutura                          |

**2. Short Back Ground**

**2.1 Closed Bid Sale of 26 October 2018**

Ms B IGontes took part in the auction of **26 October 2018** at which sale 94 erven zoned "single residential" were sold. She was the successful bidder for Erf 613, Extension 2, Matutura at a purchase price of N\$160 000.00.

The due date for securing the purchase price was **25 February 2019**.

**2.2 Application received from the Purchaser**

Ms B IGontes motivates her request for an extension of time due to a mistake by Old Mutual on her policy. Standard Bank will only reconsider her loan application by the end of **March 2019**.

**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:

- ① A cash payment or
- ② An electronic fund transfer or a
- ③ Bank guarantee (subject to penalty interest being levied should the property not be transferred by the lapsing of the 21 days' notice period to be issued after 25 February 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 that the Property Section has interpreted the timelines and conditions strictly and implemented them 100% consistently to be fair to all the participants at the closed bid. Council has built up a very good relationship with the public over a number of years as a result. This is due to the open and transparent manner that the process of the public sale is conducted. The consistent communication with 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. This also provides a measure of certainty for the Finance Department to be able to do financial forecasting and plan accordingly.

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 613, Extension 2, Matutura, which is zoned "Single Residential" and forms part of a public sale of 94 erven.



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

|    | Date      | Erven  |
|----|-----------|--|
| 1  | 27 Jan 17 | 50 single residential erven in Ext 34 & 35   |
| 2  | 24 Feb 17 | 50 single residential erven in Ext 34 & 35   |
| 3  | 31 Mar 17 | 49 single residential erven in Ext 34 & 35   |
| 4  | 28 Apr 17 | 50 single residential erven in Ext 34 & 35   |
| 5  | 02 Jun 17 | 59 single residential erven in Ext 34 & 35   |
| 6  | 15 Dec 17 | 34 single residential erven in Ext 1, Mile 4 |
| 7  | 02 Feb 18 | 36 single residential erven in Ext 1, Mile 4 |
| 10 | 26 Oct 18 | 94 Erven in Ext 35 and Ext 2                 |
| 11 | 09 Nov 18 | 4 Replacement Houses in Mondesa              |
| 13 | 14 Dec 18 | 43 Erven in Ext 8 and Ext 14                 |

Transactions have been 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 Ms B !Gontes to secure the purchase price for Erf 613, Extension 2, Matutura and should the applicant not secure the purchase price by the lapsing of the 21 days' notice (notice to be issued after 25 February 2019), the transaction accordingly be cancelled.

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

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

- That Council remains with the conditions of sale for the sale of 94 erven zoned "Single Residential" located in Extension 2, Matutura i.e. requiring the purchase prices to be secured by the final due date of 25 February 2019 (an additional 21 days' notice period will be issued), by either a cash payment, or electronic fund transfer or bank guarantee.
- That Ms B !Gontes be informed that the purchase price for Erf 613, Extension 2, Matutura must be secured by cash payment or an electronic fund transfer or a bank guarantee (subject to penalty interest being levied from 26 February 2019).
- That failure to secure the purchase by 30 April 2019 will result in cancellation of the transaction.
- 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.**

- 11.1.13 ERF 4892, SWAKOPMUND: APPLICATION TO WAIVE PRE-EMPTIVE RIGHT  
(C/M 2019/03/28 - E4892)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 8.2 page 09 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 **12 February 2019** under item 5.11 and is now submitted to the Management Committee for consideration.

The **attached** letter dated **14 January 2019 (Annexure "A")** was received from Robberts Legal Practitioners & Notaries on behalf of Mr Horst-Uwe Weimann, the owner of Erf 4892, Swakopmund (hereinafter referred as Mr Weimann) requesting Council's consent to:

- *Waive the pre-emptive right registered against the title of Erf 4892, Ext.10 Swakopmund*
- *Cancel the condition of providing a completion certificate for the improvements on the property and allow them to exchange the property with a third party;*

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

**2. Background**

Mr Weimann bought Erf 4892, Swakopmund measuring 5 922m<sup>2</sup> at the closed bid sale on **02 December 2016** in the amount of N\$2 120 000.00 plus N\$318 000.00 (15% VAT). The erf was transferred to them on **06 September 2017** in the deeds office.

Industrial erven in Extension 10 have a pre-emptive right condition registered in favour of Council in order to avoid speculation by purchasers. The properties cannot be transferred to 3<sup>rd</sup> parties prior to Council issuing a completion certificate for the improvement thereon. Should the purchaser intend to sell the undeveloped property, he / she must first offer it to Council to purchase.

Following are conditions that were registered against the title and shall be binding on any successor-in-title:

- 7.1.3 That the ERF may not be alienated unless it has been improved at the minimum value stipulated in **paragraph 4 of Annexure "A"**. "Improved" shall be construed to mean the construction of a building or buildings designed commensurate with the use-zoning of the Erf. In the case of the PURCHASER being a corporate entity or a trust, "alienate" in the context of this clause shall include the alienation of the equity in the corporate entity, or any part thereof, or the replacement of the majority trustees and / or the beneficiaries or changing the aim of the trust.
- 7.3 The PURCHASER is obliged prior to or on the date referred to in **paragraph 4 of Annexure "A"** hereto, to erect and complete a main building together with necessary boundary fence in accordance with approved plans and specifications in terms of the SELLER'S building regulations. The building value of such main building (outbuilding and fencing excluded) shall be at least the amount referred to in the aforementioned **paragraph 4 and Annexure "A"** hereto and shall thereafter be maintained at the said value. The improvement of the ERF shall not be considered completed until such time as the SELLER has issued a Completion Certificate in respect of the improvements at the ERF.



### 3. Similar application

An application was received from Messrs Beucorp Property Developers (Pty) Ltd on **28 June 2017** to subdivide Erf 4887, Swakopmund Extension 10 in order to sell one portion of the erf to a 3<sup>rd</sup> party. The erf was also sold with the condition not to be alienated unless it is developed. The applicant was advised that although the property may be subdivided, the conditions that prohibit the alienation as referred in clause 7.1.3 of the deed of sale will apply to the additionally created erven and permission will not be granted to sell the erven unless they are developed.

Another application dated **09 July 2018** was received from KS Properties Namibia (PTY) Ltd requesting that Council waives the conditions of sale and allow them to sell Erf 4812, Swakopmund to a 3<sup>rd</sup> party as they are unable to develop the erf due to the current economic crisis and downscaling in uranium mines. Their application was submitted to Council who on **25 October 2018** under item 11.1.13 passed the following resolution:

- (a) That Council does not waive its condition by allowing Messrs KS Properties Namibia (Pty) Ltd to sell Erf 4812, Swakopmund to a 3<sup>rd</sup> 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).

Messrs KS Properties is still to confirm whether they have accepted the Council's resolution.

In addition to the industrial and business erven in Extension 10, Swakopmund, various erven in Mondesa were sold with a pre-emptive right of 5 years which Council does not waive unless the period of 5 years has lapsed.

Council on **28 June 2016** under item 11.1.14 did not approve the application of Mr B Geingob to sell Erf 3950, Mondesa to a third party.

That Mr B Geingob 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 12 February 2020.

The above application was submitted to Council twice; Council maintained its decision. Ms Ismarelda Ruhumba also made a similar application, whereafter Council on **22 November 2018** under item 11.1.6 resolved as follows:

That Ms Ismarelda 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.

### 4. Current Situation

Mr Weimann applies to exchange Erf 4892, Swakopmund (undeveloped) in return for a 1/3 share of Erf 625 Mondesa (Extension 1). He is now requesting permission to proceed with the exchange of Erf 4892, Swakopmund to a third party.

Quoted from their letter:

"Our client wishes to exchange his property, in return for the 1/3 share held by Horst Gunter Fritze in the partnership trading under the name and style of Investment 625 over Section No. 1, Investment 625, situated on Erf 625 Mondesa (Extension 1).

*This mean that Mr and Mrs Fritze will become the sole owners of Erf 4892, Swakopmund and Horst-Uwe Weimann and Charl F Louw will become the sole owner of section No.1 investment 625, situated on Erf 625, Mondosa.*

*Mr Weimann has no intention to develop Erf No. 4892, Swakopmund, whereas Mr and Mrs Fritze have intention to develop the said property, as they already have developed the adjacent Erf 4896, Swakopmund.*

Although the application of Mr Weimann is for an exchange of the erf it is the same as a sale; therefore Council should not support the waiving of the pre-emptive right in respect of Erf 4892, Swakopmund as it will be unfair for others that were denied in the past.

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

**RECOMMENDED:**

That Robberts Legal Practitioners & Notaries on behalf of Mr Horst-Uwe Weimann be informed that Council does not waive its pre-emptive right in respect of Erf 4892, Swakopmund until the property is developed and a building completion certificate is in place.

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THE SUBDIVISION OF EBF 4007, SWANCOMB EXTENSION 10 INTO  
 (SHOWN 4700-4802, ARCADE STREET), 4004-4006 (POS)

AND REMAINDER STREET

SITUATE ON EBF 4007, SWANCOMB EXTENSION 10



| Lot | Area | Area | Area |
|-----|------|------|------|
| 1   | 1.00 | 1.00 | 1.00 |
| 2   | 1.00 | 1.00 | 1.00 |
| 3   | 1.00 | 1.00 | 1.00 |
| 4   | 1.00 | 1.00 | 1.00 |
| 5   | 1.00 | 1.00 | 1.00 |
| 6   | 1.00 | 1.00 | 1.00 |
| 7   | 1.00 | 1.00 | 1.00 |
| 8   | 1.00 | 1.00 | 1.00 |
| 9   | 1.00 | 1.00 | 1.00 |
| 10  | 1.00 | 1.00 | 1.00 |
| 11  | 1.00 | 1.00 | 1.00 |
| 12  | 1.00 | 1.00 | 1.00 |
| 13  | 1.00 | 1.00 | 1.00 |
| 14  | 1.00 | 1.00 | 1.00 |
| 15  | 1.00 | 1.00 | 1.00 |
| 16  | 1.00 | 1.00 | 1.00 |
| 17  | 1.00 | 1.00 | 1.00 |
| 18  | 1.00 | 1.00 | 1.00 |
| 19  | 1.00 | 1.00 | 1.00 |
| 20  | 1.00 | 1.00 | 1.00 |
| 21  | 1.00 | 1.00 | 1.00 |
| 22  | 1.00 | 1.00 | 1.00 |
| 23  | 1.00 | 1.00 | 1.00 |
| 24  | 1.00 | 1.00 | 1.00 |
| 25  | 1.00 | 1.00 | 1.00 |
| 26  | 1.00 | 1.00 | 1.00 |
| 27  | 1.00 | 1.00 | 1.00 |
| 28  | 1.00 | 1.00 | 1.00 |
| 29  | 1.00 | 1.00 | 1.00 |
| 30  | 1.00 | 1.00 | 1.00 |
| 31  | 1.00 | 1.00 | 1.00 |
| 32  | 1.00 | 1.00 | 1.00 |
| 33  | 1.00 | 1.00 | 1.00 |
| 34  | 1.00 | 1.00 | 1.00 |
| 35  | 1.00 | 1.00 | 1.00 |
| 36  | 1.00 | 1.00 | 1.00 |
| 37  | 1.00 | 1.00 | 1.00 |
| 38  | 1.00 | 1.00 | 1.00 |
| 39  | 1.00 | 1.00 | 1.00 |
| 40  | 1.00 | 1.00 | 1.00 |
| 41  | 1.00 | 1.00 | 1.00 |
| 42  | 1.00 | 1.00 | 1.00 |
| 43  | 1.00 | 1.00 | 1.00 |
| 44  | 1.00 | 1.00 | 1.00 |
| 45  | 1.00 | 1.00 | 1.00 |
| 46  | 1.00 | 1.00 | 1.00 |
| 47  | 1.00 | 1.00 | 1.00 |
| 48  | 1.00 | 1.00 | 1.00 |
| 49  | 1.00 | 1.00 | 1.00 |
| 50  | 1.00 | 1.00 | 1.00 |
| 51  | 1.00 | 1.00 | 1.00 |
| 52  | 1.00 | 1.00 | 1.00 |
| 53  | 1.00 | 1.00 | 1.00 |
| 54  | 1.00 | 1.00 | 1.00 |
| 55  | 1.00 | 1.00 | 1.00 |
| 56  | 1.00 | 1.00 | 1.00 |
| 57  | 1.00 | 1.00 | 1.00 |
| 58  | 1.00 | 1.00 | 1.00 |
| 59  | 1.00 | 1.00 | 1.00 |
| 60  | 1.00 | 1.00 | 1.00 |
| 61  | 1.00 | 1.00 | 1.00 |
| 62  | 1.00 | 1.00 | 1.00 |
| 63  | 1.00 | 1.00 | 1.00 |
| 64  | 1.00 | 1.00 | 1.00 |
| 65  | 1.00 | 1.00 | 1.00 |
| 66  | 1.00 | 1.00 | 1.00 |
| 67  | 1.00 | 1.00 | 1.00 |
| 68  | 1.00 | 1.00 | 1.00 |
| 69  | 1.00 | 1.00 | 1.00 |
| 70  | 1.00 | 1.00 | 1.00 |
| 71  | 1.00 | 1.00 | 1.00 |
| 72  | 1.00 | 1.00 | 1.00 |
| 73  | 1.00 | 1.00 | 1.00 |
| 74  | 1.00 | 1.00 | 1.00 |
| 75  | 1.00 | 1.00 | 1.00 |
| 76  | 1.00 | 1.00 | 1.00 |
| 77  | 1.00 | 1.00 | 1.00 |
| 78  | 1.00 | 1.00 | 1.00 |
| 79  | 1.00 | 1.00 | 1.00 |
| 80  | 1.00 | 1.00 | 1.00 |
| 81  | 1.00 | 1.00 | 1.00 |
| 82  | 1.00 | 1.00 | 1.00 |
| 83  | 1.00 | 1.00 | 1.00 |
| 84  | 1.00 | 1.00 | 1.00 |
| 85  | 1.00 | 1.00 | 1.00 |
| 86  | 1.00 | 1.00 | 1.00 |
| 87  | 1.00 | 1.00 | 1.00 |
| 88  | 1.00 | 1.00 | 1.00 |
| 89  | 1.00 | 1.00 | 1.00 |
| 90  | 1.00 | 1.00 | 1.00 |
| 91  | 1.00 | 1.00 | 1.00 |
| 92  | 1.00 | 1.00 | 1.00 |
| 93  | 1.00 | 1.00 | 1.00 |
| 94  | 1.00 | 1.00 | 1.00 |
| 95  | 1.00 | 1.00 | 1.00 |
| 96  | 1.00 | 1.00 | 1.00 |
| 97  | 1.00 | 1.00 | 1.00 |
| 98  | 1.00 | 1.00 | 1.00 |
| 99  | 1.00 | 1.00 | 1.00 |
| 100 | 1.00 | 1.00 | 1.00 |

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



**11.1.14 DISSATISFACTION REGARDING COUNCIL'S RESOLUTION PASSED ON 22 NOVEMBER 2018 UNDER ITEM 11.1.32: MATUTURA HARAMBEE INVESTMENT CC**  
(C/M 2019/03/28)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 8.3 page 14 refers.

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

**1. Introduction**

The attached letter dated 18 December 2018 was received from Matutura Harambee Investment CC expressing their unhappiness with reference to Council's decision passed on 22 November 2018 under item 11.1.32.

The applicant is of the opinion that they should have been allocated Erven 2747, 2748 and 2809 located in Extension 13, Matutura. The applicant refers to Council's resolution passed on 24 November 2016 under item 11.1.20. This resolution is quoted below under point 3.1.

Subsequent to the above Council resolution, another application for the construction of a service station and one stop convenience shop was received from Urban Edge Properties dated 05 December 2018 (Annexure "C").

Therefore this submission is to consider the following:

- whether to remain with Council's resolution passed on 22 November 2018 under item 11.1.32 in terms of which Matutura Harambee Investment CC, Black River Investment CC and ThinkDirect Imports and Distributions CC competes by closed bid for land still to be identified in Extension 13, Matutura; and
- whether to consider future similar applications received after the date of the Council resolution passed on 22 November 2018 (such as the application from Urban Edge Properties).

**Attachments:**

**Annexure "A"** : Letter dated 18 December 2018 received from Matutura Harambee Investment CC.

**Annexure "B"** : Council's letter dated 26 November 2018 informing the three entities of Council's resolution passed on 22 November 2018 under item 11.1.32.

**Annexure "C"** : Letter received from Urban Edge Properties dated 05 December 2018.

**2. Brief Background**

After considering various applications for the construction of a shopping mall and fuel station in the northern suburbs of Mondsburg, Council passed the following decisions on 22 November 2018:

**Item 11.1.32:**

During the discussion of this item Alderman E J Khosaseb seconded by Councillor U Kaapeli moved that the application of Messrs Matutura Harambee Investment CC be approved. A counter proposal was moved by Councillor N N Salomon seconded by Councillor A M Marsh to approve the recommendation as submitted. ...

**RESOLVED:**

That a "Business" Erf at Extension 13, Matutura be sold by closed bid sale to the following applicants only:

- Messrs Matutura Harambee Investment CC
- Messrs Black River Investment CC
- Messrs ThinkDirect Imports and Distributions CC

**Item 11.1.35:**

- (a) That Extension 13, Matutura, Swakopmund be allocated to Messrs Matsu Investment CC in terms of the Public Private Partnership principle.
- (b) That Messrs Matsu Investment CC services the entire Extension 13, Matutura, Swakopmund and only be allocated 48 "Single Residential" to construct houses after the servicing is completed.

The applicants were informed in writing of the above Council resolution per letter dated 26 November 2018 (attached as Annexure "B"). The remainder of the submission deals with the reply received from Matutura Harambee Investment CC.

3. **Discussion**3.1 **Council Resolutions Relevant to the Sale of Business Land**

Quoted for ease of reference the following Council resolutions relevant to applications for business land:

**Item 11.1.20 of 27 October 2016**

- (a) That Council enters into Private Treaty sales agreements with applicants who applied for a particular erf for which no other person or entity applied for
- (b) That closed bid sales be held for even where two or more applicants applied for the same even and that the closed bid auction be held amongst the applicants only.
- (c) That all applicants for business land in Mondesa be informed that such even only become available after being serviced and proclaimed as townships.

**Item 11.1.2 of 26 January 2017**

- (a) That Council remains with its decision passed on 27 October 2016 under item 11.1.20.
- (b) That no new applications for land be entertained in Extensions that are planned but not serviced.
- (c) That it be recorded that point (b) above is only applicable to residential and business even.
- (d) That applications from investors with sufficient capital / funds to service land at their own cost be considered.

**Item 11.1.2 of 25 January 2018**

- (A) That this application be regarded as special due to the essential service rendered to the community and that no applications for business land in the DRC be considered until the statutory processes are finalised.

With reference to the above, the following two points are emphasised:

- that no new applications for land be entertained in extensions that are planned but not serviced (decision of 26 January 2017); and
- that no applications for business land in the DC be considered until the statutory processes are finalized (decision passed on 25 January 2018)



The applications for the construction of a shopping mall and fuel station were submitted to Council following a request by the Management Committee (08 November 2018) and enquiries by Messrs Black River Investment CC.

### 3.2 Erven referred to in the Letter of Matutara Harambee

Although the applicant requests to be solely allocated Erven 2747, 2748 and 2809, Matutara; for completeness sake all the erven listed in his letter are listed below with comments:

| Erft | Application                     | Date of Application | Status   |
|------|---------------------------------|---------------------|--|
| 2747 | Matutara Harambee Investment CC | 03 Aug 2018         | <ul style="list-style-type: none"> <li>Located in Ext 13, Matutara which Council allocated to Matsi Investment CC for servicing.</li> <li>Extension 13 is not yet proclaimed as a township.</li> </ul> |
| 2748 | Matutara Harambee Investment CC | 03 Aug 2018         |  |
|      | Omega Cleaning Services         | 16 Aug 2018         |  |

| Erft | Application                     | Date of Application | Status  |
|------|---------------------------------|---------------------|---|
| 2809 | Matutara Harambee Investment CC | 18 Dec 2018         | <ul style="list-style-type: none"> <li>Located in Ext 13, Matutara which Council allocated to Matsi Investment CC for servicing.</li> <li>Extension 13 is not yet proclaimed as a township.</li> <li>This specific erf is reserved for the Government of Namibia. The applicant was informed of this in the letter dated 26 November 2018.</li> </ul> |

The following erven are listed for completeness sake:

| Erft | Application             | Date of Application | Status  |
|------|-------------------------|---------------------|---|
| 2348 | Mr Benny Shimi          | 06 Jun 2018         | <ul style="list-style-type: none"> <li>Located in Ext 11, Matutara which is allocated to the National Mass Housing Project.</li> <li>Extension 11 is not yet proclaimed as a township.</li> </ul> |
|      | ThomaDirect             | 12 Jun 2018         |   |
|      | Omega Cleaning Services | 16 Aug 2018         |   |
| 2349 | Mr Benny Shimi          | 06 Jun 2018         |   |
|      | ThomaDirect             | 12 Jun 2018         |   |

⇒ No application from Matutara Harambee Investment CC could be found on the above two erven files.

| Erft | Application                     | Date of Application | Status  |
|------|---------------------------------|---------------------|---|
| 1014 | Matutara Harambee Investment CC | 08 Aug 2018         | <ul style="list-style-type: none"> <li>Located in Ext 8, Matutara which is allocated to the National Mass Housing Project.</li> <li>Extension 8 was proclaimed as a township on 14 Sept 2018 in Government Gazette 6710.</li> </ul> |
| 1015 | Matutara Harambee Investment CC | 08 Aug 2018         |   |

- At the time of their applications these erven were identified as Erven 7 & 8 on an attached map.

## 4. Proposal

- 4.1 It is proposed that the Management Committee considers whether to remain with the Council resolution passed on 22 November 2018 under item 11.1.32 flowing from a request that applications for the construction of a shopping mall and fuel station be submitted:

That a "Business" Erf at Extension 13, Matutara be sold by closed bid sale to the following applicants only:

- Messrs Matutara Harambee Investment CC

- Messrs Black River Investment CC
- Messrs ThinkDirect Imports and Distributions CC

⇒ Should Council revert to its earlier resolution of 27 October 2016 it may have consequences since right may have accrued to the applicants in terms of the resolution of 22 November 2018.

The above decision was not based on the resolutions passed by the Council on 27 October 2016 under item 11.1.20 and 26 January 2017 under item 11.1.2 quoted under point 3.1 above.

The applications for the construction of a shopping mall and fuel station can be regarded as special and therefore Council considered these as an exception as with the application passed for Mervin Dennis Domestic Solution CC, quoted below

**Item 11.1.2 of 25 January 2018**

(iv) That this application be regarded as special due to the essential service rendered to the community and that no applications for business land in the DRC be considered until the statutory processes are finalised.

- 4.2 It is also necessary that the Management Committee considers whether to include applications received after 22 November 2018 for the construction of a fuel station and shopping be added to the list of the three entities. Various similar applications might be received.

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

**RECOMMENDED:**

- (a) That Matutura Harambee Investment CC be informed that Council considered their application dated 18 December 2018 and remains with its decision passed on 22 November 2018 under item 11.1.32.
- (b) That the applicant be informed that as per Council's letter dated 26 November 2018, Erf 2809, Matutura is zoned "Institutional" and belongs to the Government of Namibia.
- (c) That applicants for business land in the northern suburbs be informed of Council's latest decision passed on 25 January 2018 under item 11.1.2:  
*That no applications for business land in the DRC be considered until the statutory processes are finalised.*
- (d) That Council informs the public that no ranking list (as per date of application) will be maintained in future.
- (e) That the Council considers whether to add applications received (such as the application by Urban Edge Properties dated 05 December 2018) after 22 November 2018 (date of the Council Meeting approving the closed bid sale to three entities) to the list of the three entities to take part in the closed bid sale for land in Extension 13, Matutura which land still needs to be identified.



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

- 11.1.15 **MR AND MS N & J HANGULA: APPLICATION TO PURCHASE THE REMAINDER OF A STREET LOCATED ON THE CORNER OF ERF 358, MILE 4 AND TO CONSOLIDATE IT WITH ERF 358, MILE 4**  
(C/M 2019/03/28 - M4 E358, 19/03/09)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 8.4 page 25 refers.

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

This item was discussed at the Planning Forum of 27 February 2019 under item 5.5 and was recommended for submission to the Management Committee meeting.

**1. Introduction**

The attached complete application (Annexure "A") dated 5 October 2018 was received from Mr N and Ms J Hangula (owner of Erf 358, Mile 4) to purchase a portion of the street located on the corner of Emerald Street and Baobab Avenue. The intention is to consolidate the said portion with their Erf 358, Mile 4.

The receipt of the application was acknowledged on 26 November 2018 and the applicant was informed that it will be submitted to Council's internal forums for discussion.

**2. Discussion**

Mr N and Ms J Hangula applied to purchase the street portion on the corner of Emerald Street and Baobab Avenue, Mile 4 to consolidate it with Erf 358, Mile 4 of which they are the owner. The applicant motivates their application as follows:

- Members of the public can use the area for parking of vehicles, loitering and create food stands for builders in the area.
- They believe it will result in disturbance and attract unnecessary attention to their property.

Should it be consolidated with the erf of the applicant, it will increase the total size and the value of the consolidated erf.

**3. Comments from Engineering Services**

Engineering Services was requested to provide comments whether the street portion can be sold to the applicant. Engineering Services Department as per memo dated 24 January 2019 (Annexure "B") stated that they do not support the application to sell a portion of the street adjacent to Erf 358, Mile 4 for the following reasons:

- (i) Sight distance will not be sufficient
- (ii) Insufficient sight distance may hamper vehicular and pedestrian safety.

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

**4. Proposal**

Based on the comments from the Engineering Service Department it is proposed that the application of Mr N and Ms J Hangula to purchase a portion of the street located on the corner of Emerald Street and Baobab Avenue and to consolidate the said portion with Erf 358, Mile 4 Swakopmund not be approved.



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

**RECOMMENDED:**

That the application of Mr N and Ms J Hangula to purchase a portion of the street located on the corner of Emerald Street and Baobab Avenue and to consolidate the said portion with Erf 358, Mile 4 Swakopmund not be approved, due to the following reasons:

- (i) Sight distance will not be sufficient
  - (ii) Insufficient sight distance may hamper vehicular and pedestrian safety.
-

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



- 11.1.16 **APPLICATION FOR THE SUBDIVISION OF THE REMAINDER OF PORTION B OF THE SWAKOPMUND TOWN AND TOWNLANDS NUMBER 41 INTO PORTION 164 AND REMAINDER, THE TOWNSHIP ESTABLISHMENT ON PORTION 164 OF SWAKOPMUND TOWN AND TOWNLANDS NUMBER 41 AND APPROVAL OF THE PROPOSED TOWNSHIP LAYOUT**  
(C/M 2019/03/28 - G 3/2/2)

Ordinary Management Committee Meeting of 15 March 2019.  
Addendum 8.5 page 29 refers.

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

**INTRODUCTION**

This item was discussed by the Planning Forum on 08 January 2019 under item 5.3.

**1. Purpose**

The purpose of this submission is to obtain Council approval for the subdivision of the Remainder of Portion B of the Swakopmund Town and Townlands Number 41 in terms of Section 21 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) into Portion 164 and Remainder. Need and Desirability for the Township establishment in terms of Section 5(5) (a) (i) of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), as amended, on Portion 164 of Swakopmund Town and Townlands Number 41 and the approval of the layout for the township establishment on Portion 164 of Swakopmund Town and Townlands Number 41.

**2. Background and Motivation**

An industrial society is a society driven by the use of technology to enable mass production whilst supporting a large population with a high capacity for division of labour. Furthermore, industrial development plays an integral role in the economic growth of any area and Swakopmund is no exception.

The Swakopmund Municipality is proactive in its provision for General Industrial erven; however, the demand for small scale (light industrial) erven has increased to great extent. Additionally, the Swakopmund Airport boundaries also need to be formalised so as to improve security and attract investments.

It is against this background that the Swakopmund Municipality is establishing a light industrial township in response to the shortage of light industrial erven as well as to formalise the Airport boundaries.

**3. Zoning, Locality and Size**

Portion 164 of Portion B of the Swakopmund Town and Townlands Number 41 is zoned "Undetermined" and is located east of Swakopmund Extension 10 as depicted on the attached locality plan. It is approximately 282.1472 Hectares in extent.

**4. Ownership**

The Remainder of Portion B of the Swakopmund Town and Townlands No. 41 vests with Swakopmund Municipality as per the Government Grand No. 25/1935.

**5. Environmental Clearance**

An Environmental Impact Assessment is being undertaken and the Environmental Clearance Certificate would be submitted with the application to Townships Board.

**6. Need and Desirability**

Swakopmund is a fast growing town and being surrounded by the mines and in proximity to the nation's main harbour, the demand for light industrial erven and the formalisation of the Airport constitute is a major need for the proposed development. There is a need to extend the current Airport boundaries resulting from ample applications to lease hangars at the airport. Currently, there are no new hangars available for leasing. More space can then be made available for an additional row of hangars.

The proposed development will also provide for industrial choices within the town. This in turn will ensure that the Town makes optimal use of its scarce resources by allowing for increases in the quantity and quality of goods manufactured by different industries. In addition, the provision of these light industrial erven would increase the chances of employment, contribute to reducing the high unemployment rate challenging the country at large and improve the local economy.

**7. Proposed Development**

The proposed development is indicated on the attached layout plans. It comprises of a range of erf sizes as well as land uses in order to provide for choices and contribute to balanced viable developments. The design is conscious of the need to supply light industrial erven and complies with the Swakopmund Long Term Plan.

**7.1 Access and Street Width**

The proposed development will be accessed via Swakopmund Extension 10, Mondesa Extension 6 as well as the Trunk Road to Windhoek. The development accommodates one major road which measures 30 metres and the rest of the internal roads measure 25 metres. The width of the roads has been chosen in order to provide for easy movement of trucks.

**7.2 Infrastructural Provision**

There are water pipes currently running through the proposed development and the rest of the services will be provided by extension of the existing networks.

**7.3 Servitudes**

There are a number of services currently accommodated on Portion 164 of Swakopmund Town and Townlands Number 41. These services include a Namwater waterline, an underground telecom cable, as well as Erongo RED'S electrical cables and substations.



Provision is made in the proposed development to accommodate these services by registration of servitudes in favour of the parastatals.

The thirty two (32) metres wide servitude will be surveyed and registered over the proposed Erf 122 of Portion 164 of Swakopmund Town and Townlands No. 41 in favour of Namwater.

Another three (3) metres wide servitude will be surveyed and registered over the proposed Erven 1, 93, 101, 102, 110, 111, 113, 118, 119, 122, 123 and 125 of Portion 164 of Swakopmund Town and Townlands No. 41 in favour of Telecom Namibia.

A three (3) metres wide servitude will be surveyed and registered over proposed Erven 1, 82, 83, 84, 85, 100, 101, 102, 103 and 123 of Portion 164 of Swakopmund Town and Townlands No. 41 in favour of Erongo Red.

#### **7.4 Light Industrial**

There is a total of one hundred and thirteen (113) erven ranging from 1500m<sup>2</sup> to 12 334m<sup>2</sup> in extent. The light industrial erven makes up the majority of the proposed development.

#### **7.5 General Business**

A commercial node has been created at the southern entrance of the establishment in order provide and create an activity node in the area as well as supplement the stock of business sites in the town.

#### **7.6 Local Authority**

A number of Local Authority sites have been provided. Most of these sites currently accommodate existing facilities that belong to the Municipality such as the water reservoirs.

#### **7.7 Public Open Space**

Public open spaces have been created to serve multi-purpose areas for extensive recreational activities. Because of the size of the airport which is approximately 207.6679 ha, the percentage for the open spaces only amounts to 3% of the total area. However, for an industrial area, the open spaces provided for a sufficient to serve the general public and local off-duty employees.

### **8. Aviation**

Given the location of the proposed development, an approval from the Namibian Civil Aviation Authority was required. After their review of the proposal, the following condition was set:

- (a) *The maximum building heights in Portion 164 should not exceed 5 metres considering the Obstacle Limitation Surfaces of Swakopmund Aerodrome.*

### **9. Conditions of Establishment**

- A. The following conditions shall be registered against the title deeds of all erven except those reserved as public open space and those zoned Local Authority:

The erf must only be used or occupied for purposes which are in accordance with and the use or occupation of the erven shall at all times



be subject to the provision of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.

- B. The following conditions be registered against the title deeds of Light Industrial Erven:

The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least Equal the municipal valuation of the erf.

- C. The following conditions shall be registered against the title deeds of Business Zoned Erven:

The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four (4) times the municipal valuation of the erf.

#### 10. Conclusion

The proposed development is in line with the long term vision of Council and should be supported. In the view of the motivation, it is recommended that Council favourably consider the need and desirability for the subdivision of the Remainder of Portion B of Swakopmund Town and Townlands No. 41 into Portion 164 and the Remainder, the township establishment on Portion 164 of Swakopmund Town and Townlands Number 41 and approval of the proposed layout on the aforesaid portion.

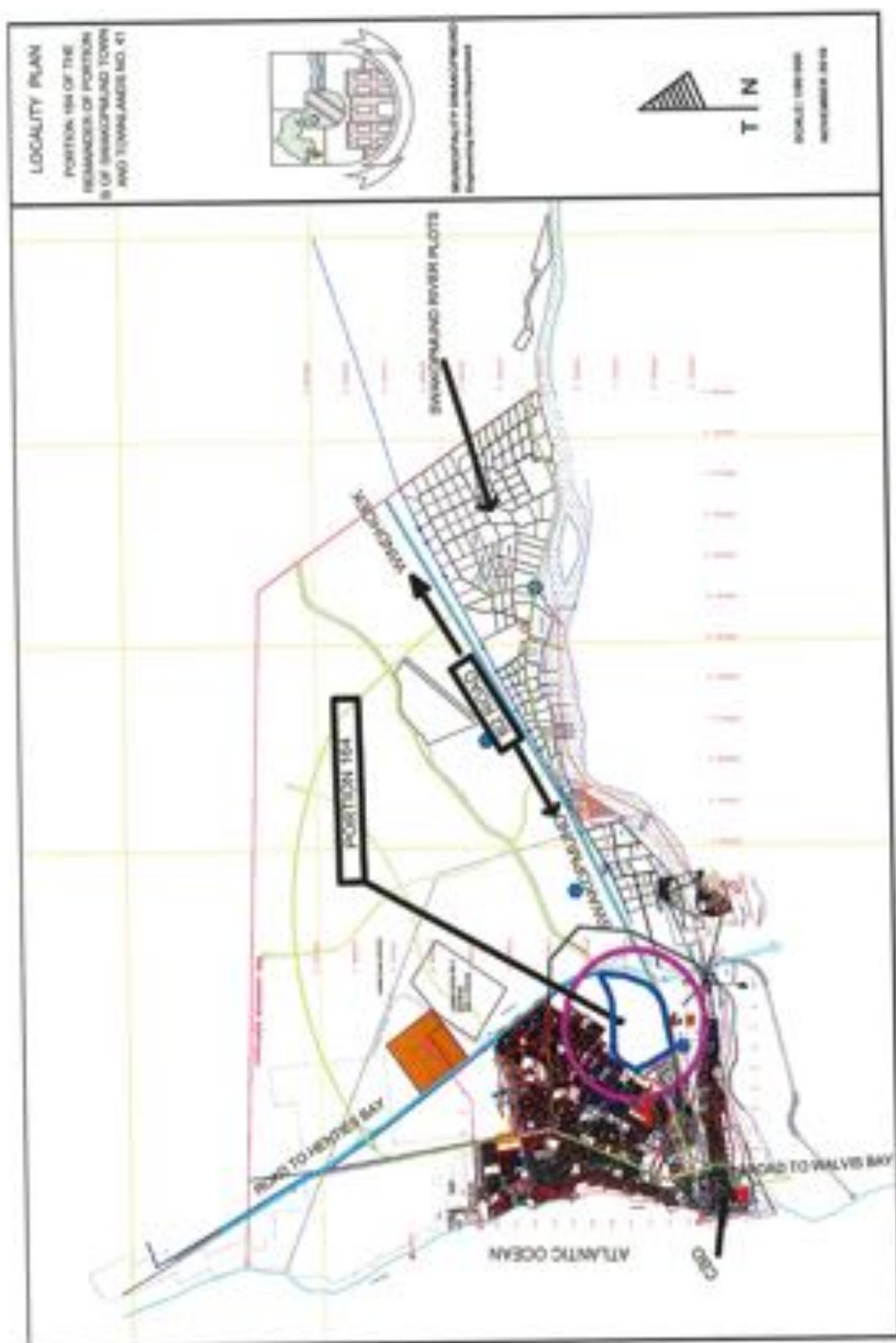
- B. After the matter was considered, the following was:-

#### RECOMMENDED:

- (a) That the Remainder of Portion of Portion B of the Swakopmund Town and Townlands No. 41 be subdivided into Portion 164 (±282.1472 ha) and Remainder in terms of Section 21 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), free of conditions.
- (b) That the Need and Desirability for the township establishment on Portion 164 of Swakopmund Town and Townlands No. 41 in terms of Section 5(5) (a) (i) of Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) be approved.
- (c) That approval be granted for application to be made in terms of Section 5 of the Township and Division of Land Ordinance No. 11 of 1963 for the establishment of an extension of Swakopmund (to be allocated by Surveyor General) on Portion 164 as shown on the subdivisional layout plan (on file).
- (d) That the Engineering Services Department be authorized to make minor changes to the layout, to accommodate infrastructure, improve layout dimensions or meet Townships Board and NABPAB requirements should it be necessary.
- (e) That a thirty two (32) metres wide servitude be surveyed and registered over the proposed Erf 122 of Portion 164 of the Remainder of Portion B of the Swakopmund Town and Townlands No. 41 in favour of Namwater.



- (f) That a three (3) metres wide servitude be surveyed and registered over the proposed Erven 1, 93, 101, 102, 110, 111, 113, 118, 119, 122, 123 and 125 of Portion 164 of Swakopmund Town and Townlands No. 41 in favour of Telecom Namibia.
- (g) That a three (3) metres wide servitude be surveyed and registered over the proposed Erven 1, 82, 83, 84, 85, 100, 101, 102, 103 and 123 of Portion 164 of Swakopmund Town and Townlands No. 41 in favour of Erongo RED.
- (h) That the zoning shown on the layout plan tabled at the meeting be approved.
- (i) That the maximum building heights of all building structure on Portion 164 should not exceed 5 meters.
- (j) That the conditions of Establishment be as follows:
- (i) *The following conditions shall be registered against the title deeds of all erven except those reserved as public open space and those zoned Local Authority:*
- *The erf must only be used or occupied for purposes which are in accordance with and the use or occupation of the erven shall at all times be subject to the provision of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.*
- (ii) *That the following conditions shall be registered against the title deeds of "Light Industrial" erven:*
- *The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four (4) times the municipal valuation of the erf.*
- (iii) *The following conditions shall be registered against the title deeds of "Business" erven:*
- *The building value of main building, excluding the outbuilding to be erected on the erf shall be at least four (4) times the municipal valuation of the erf.*
-





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

- 11.1.17 SUBDIVISION OF ERF 4326, MONDESA, INTO PORTION A AND THE REMAINDER; REZONING OF PORTION A OF ERF 4326, MONDESA, FROM "LOCAL BUSINESS" TO "GENERAL BUSINESS" WITH A BULK OF 1.20, FOR THE PURPOSE OF A LICENCED HOTEL, AND CONSENT TO COMMENCE WITH CONSTRUCTION WHILE THE REZONING IS IN PROCESS  
(C/M 2019/03/28 - M 4326)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 8.6 page 62 refers.

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

**1. Purpose**

The purpose of this submission is for Council to consider the application for the Subdivision of Erf 4326, Mondesa, into Portion A and the Remainder, the Rezoning of Portion A of Erf 4326, Mondesa, from "Local Business" to "General Business" for the purpose of a licenced hotel and Consent to commence with construction while the rezoning is in process.

**2. Introduction and Background**

An application for the subdivision of Erf 4326, Mondesa, into Portion A and Remainder, the Rezoning of Portion A of Erf 4326, Mondesa, from local business to general business with a bulk of 1.20 for the purpose of a licenced hotel and consent to commence with construction while the rezoning is in process was received from Stubenrauch Planning Consultants cc on behalf of the purchaser of Portion A/4326, Mondesa. The application has been attached as **Annexure A**.

**3. Ownership**

The ownership of Erf 4326, Mondesa vests with the Municipal Council of Swakopmund as held by Certificate of Registered Title No. T 1045/2013. Council at its Ordinary meeting held on the **28<sup>th</sup> June 2018**, resolved to sell a portion of Erf 4326, Mondesa to Messrs Hafeni Tourism Group (Pty) Ltd, on whose behalf the application is lodged.

**4. Zoning, Locality and Size**

Erf 4326 is located at the corner of Masilo and Justus Goseb Street in Mondesa. According to the Swakopmund Town Planning Scheme, Erf 4326 is currently zoned "Local Business" and is  $\pm 17453\text{m}^2$  in extent. Portion A of Erf 4326, Mondesa, is  $\pm 3000\text{m}^2$  in extent.

**5. Access and parking**

Access to Erf 4326, Mondesa is obtained via three streets namely, Masilo, Justus Goseb as well as Hangamba Street which are all approximately 12 meters in width. Access to newly created Portion A will be obtained via the existing access points being Masilo and Justus Goseb streets respectively. Parking for the proposed development on Portion A will be provided on-site in accordance with the provision of the Swakopmund Town Planning Scheme.



## 6. Subdivision

The subdivision of Erf 4326, Mondesa, into Portion A and the Remainder will enable Council to complete the sale of Portion A to the applicant. This application is therefore submitted in fulfillment of Council's resolution. The proposed subdivision will yield erven of the following sizes:

| Erf No.          | Size m <sup>2</sup> | Current Zoning | Proposed Zoning  |
|------------------|---------------------|----------------|------------------|
| 4326             | 17453               | Local Business | Local Business   |
| Portion A / 4326 | 3000                | Local Business | General Business |
| Remainder        | 14453               | Local Business | Local Business   |

## 7. Proposal

Once Erf 4326, Mondesa is subdivided into Portion A and the Remainder, and rezoned from "Local Business" to "General Business", it is the intention of the Owner of the newly created Portion A, Mondesa to establish a hotel and traditional restaurant on the Erf. According to the Swakopmund Town Planning Scheme, a licenced hotel refers to:

*"a building designed and or used for the business of providing accommodation and meals for reward, as defined in, and which complies with the provisions of the Accommodation Establishment and Tourism Ordinance, 20 of 1973 (as amended) and the Liquor Act, Act No. 8 of 1998"*

According to the applicant, Mondesa can be described to be dull and dormitory, lacking facilities, identity, vibrancy and a sense of place. Operating a licenced hotel and a traditional restaurant in a residential area like Mondesa has the capacity to uplift the character of the surrounding as it creates a sense of identity. This will in turn attract not only locals but tourists too. The proposed development is described to be the first of its kind in the area and can be likened to the Xwama Traditional Restaurant situated in Wanaheda, Windhoek. The applicant has requested for the Special Consent of the Council to commence with construction while the rezoning is in process.

## 8. Advertisement

The proposed rezoning of a portion of Erf 4326, Mondesa, was advertised on the 5<sup>th</sup> and the 12<sup>th</sup> December 2018 in the Namibian and New Era newspapers. A notice was also placed on site and the comments of neighbouring property owners were requested via registered mail. The closing date for objections to the proposal was the 26<sup>th</sup> December 2018. No objections were received.

## 9. Discussion

Erf 4326, Mondesa is currently zoned "Local Business" and is located in an area that is predominantly residential in nature. There is however a few sites zoned for the same purpose in close proximity to Erf 4326, Mondesa. The proposed zoning does not diverge from the initial purpose for which the erf was created; it simply makes room for more activities of a business nature.

Mondesa is one of the oldest townships in Swakopmund which boasts a great wealth of history. The proposed development for a traditional restaurant and a licenced hotel are therefore unique and will not only enrich the township but the town as a whole by offering visitors a cultural experience and a history lesson whilst at it. Although Swakopmund is known to be a tourist town, most tourists who come to the town never get an opportunity to tour the townships, and are unaware of the historical



significance of these areas. The proposed development will therefore offer that and will further contribute to the economy of the town. The proposed development is not foreseen to have any significant negative impacts on the area as no objections were received from neighbouring property owners and the general public.

The Special consent of the Council can however not be granted. Although Erf 4326, Mondesa, is currently zoned "Local Business" and the proposed zoning is "General Business", which are arguably similar in nature, the desired use of Portion A/4326, Mondesa is not accommodated as a consent use on the current zoning of the Erf. The special consent of Council to commence with construction while the rezoning is in process can therefore not be substantiated with any legal backing as the Swakopmund Town Planning Amendment Scheme does not make provision for it.

#### 9.1 Betterment Fees

The Council at its Ordinary meeting held on 28 June 2018 under item 11.1.16, (b) resolved:

- (a) That Council approves the purchase price of N\$ 975 000.00 (N\$325.00/m<sup>2</sup> x 3 000m<sup>2</sup> x N\$975 000.00, 15% VAT excluded for the sale of a portion of Erf 4326, Mondesa to Hellen Tourism Group (Pty) Ltd to develop a Mondesa Hotel and Traditional Restaurant subject to the condition as approved by Council on 27 April 2017 under item 11.1.16.
- (b) That in terms of point (a) the purchaser is paying a purchase price calculated and based on the assumption that the erf is zoned "General Business". If it is not necessary to charge a betterment fee, it is therefore required to amend by deletion the following points of Council's resolution passed on 27 April 2017 under item 11.1.6:
- (f) That valuations be obtained from 3 valuers based on a "General Business" zoning and that the betterment fee be levied accordingly.
- (g) That the purchase price, the relevant betterment fee and the conditions of sale be submitted for consideration.

In terms of (b) of the above stated resolution, a betterment fee should not be charged as the price of Portion A/4326 Mondesa, was determined based on the assumption that the Erf was zoned "General Business", which is the zoning that is being applied for. Furthermore, ownership of Erf 4326 currently vest with Council.

#### 10. Conclusion

The proposed subdivision of Erf 4326, Mondesa into portion A and Remainder was initiated in order to enable Council to finalise the sale of Portion A/ Erf 4326, Mondesa to the applicant. The proposed subdivision of Erf 4326, Mondesa into portion A and Remainder and the Rezoning of Portion A of Erf 4326 from "Local Business" to "General Business" is therefore not foreseen to have any significant negative impacts. Furthermore, no objections have been received for the proposed rezoning. It is a clear indication that the general public support the proposal.

The special consent of the Council to commence with construction while the rezoning is in process cannot be considered at this stage given the fact that the proposed use is not accommodated as consent use under the current zoning. There is no legal backing to validate an approval of this nature.

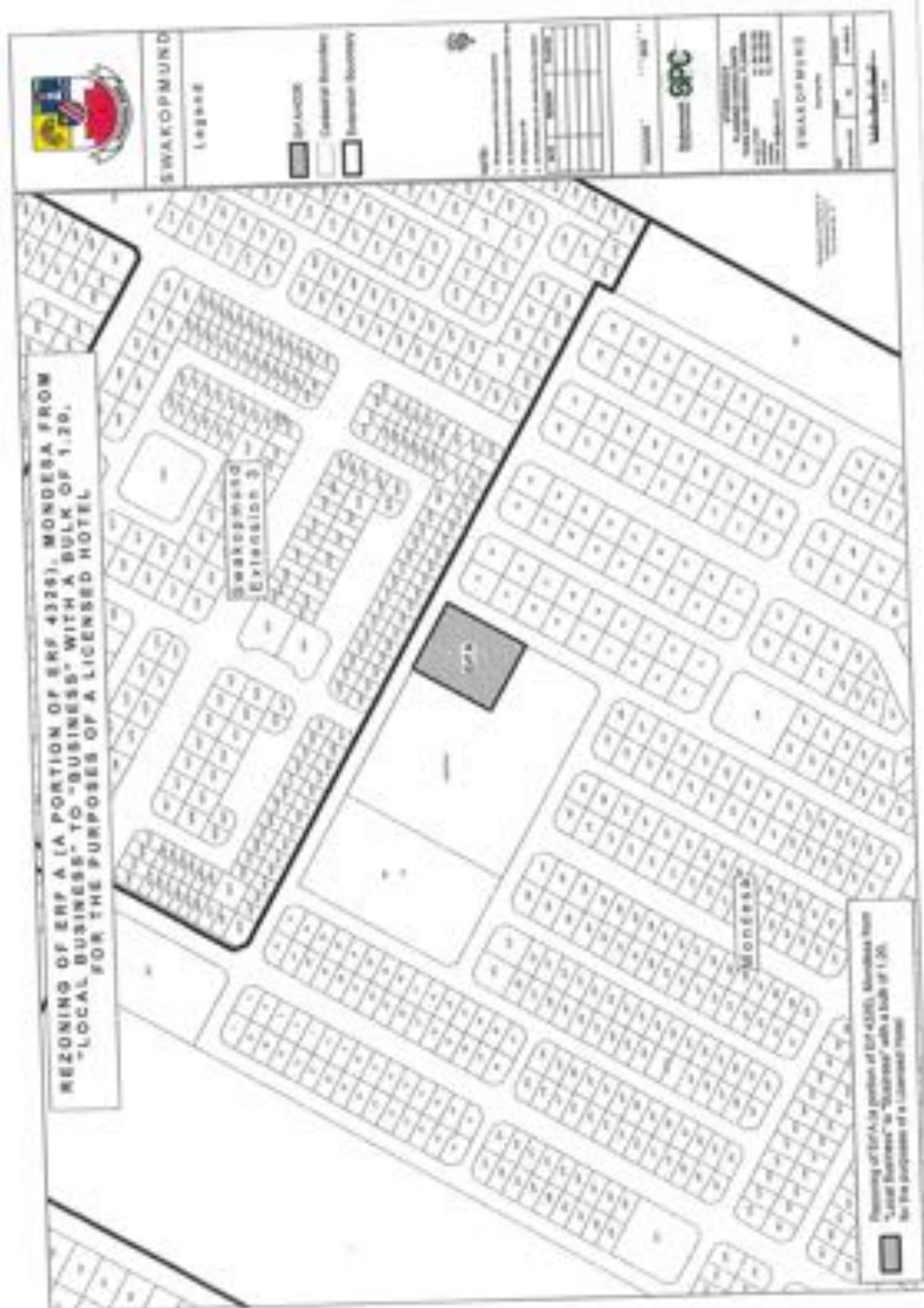
B.

After the matter was considered, the following was:-



RECOMMENDED:

- (a) That the subdivision of Erf 4326, Mondesa into Portion A and the Remainder be approved.
  - (b) That no endowment fee is payable.
  - (c) That no betterment fee is applicable as the property belongs to Council.
  - (d) That the rezoning of Portion A of Erf 4326, Mondesa from "Local Business" to "General Business" be approved.
  - (e) That the rezoning of Portion A/ 4326 be included in the next Swakopmund Town Planning Amendment Scheme;
  - (f) That Special Consent to commence with construction while the rezoning is in process be turned down.
  - (g) That parking be provided on-site in line with the Swakopmund Town Planning Scheme.
  - (h) That the applicant be informed of their right to appeal in terms of (f) of 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.
-







SERIAL MAP OF ERF A & REMAINDER (OF ERF 4326), MONDESA

此乃本報之第一版也

**THE UNIVERSITY OF CHICAGO**

| Unit No.     | ± Area (m <sup>2</sup> ) | Roofing         |
|--------------|--------------------------|-----------------|
| A            | 3000                     | Local Rainwater |
| 4526/Path    | 14507                    | Local Rainwater |
| <b>Total</b> | <b>17507</b>             |                 |

|                                     |                   |                                     |  |
|-------------------------------------|-------------------|-------------------------------------|--|
| <b>SWAKOPMUND</b><br><b>Legende</b> |                   |                                     |  |
| <input checked="" type="checkbox"/> | SWA-B. Regionaler | <b>SWAKOPMUND</b><br><b>Legende</b> |  |
| <input type="checkbox"/>            | Commuter Boundary |                                     |  |
| <input type="checkbox"/>            | Commuter Boundary |                                     |  |
| <b>SWAKOPMUND</b><br><b>Legende</b> |                   | <b>SWAKOPMUND</b><br><b>Legende</b> |  |

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



**11.1.18 INCORPORATION OF DISTRICT ROAD 4002 INTO THE SWAKOPMUND TOWN PLANNING SCHEME AREA**  
(C/M 2019/03/28 - 16/1/4/1/1)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 8.7 page 128 refers.

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

**1. Purpose**

The purpose of this submission is to incorporate District Road 4002 into the Swakopmund Town Planning Scheme Area in terms of Section 29 (1) of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963).

**2. Background**

A letter dated 20 August 2018 was received from the Roads Authority informing the Municipal Council of Swakopmund of its decision to close the District Road 4002, attached as Annexure A. The District Road 4002 was closed by the Roads Authority as per attached Government notice that was published in the Government Gazette on the 31<sup>st</sup> August 2018, attached as Annexure B.

**3. Classification**

District Road 4002 was classified as a National Road situated within the area of jurisdiction of the Swakopmund Municipality but never formed part of the scheme. The closure of the DR 4002 road as a district forces the Municipal Council into either abandoning the road or take its management and maintenance. Since the road serves as a main access into the Town and lies along a route of future development, it seems unavoidable but that it should become part of the Town's infrastructure. It is therefore proposed that the Municipal Council to take over the road, subdivide Townlands and survey the road so that it can be incorporated it into its street network system.

**4. Locality and length**

District Road 4002 is located north of Swakopmund and is connected to the road networks leading to Henties Bay as per attached Annexure C. The Road is ±7.8 km in length.

**5. Financial Implications**

The financial implications for the incorporation of the District Road 4002 include the application fees to the Namibian Planning Advisory Board of N\$250.00, plus N\$20.00 per portion of land created (possibly two portions). Surveying at a cost of approximately N\$150 000.00 as well as future road maintenance which can only be quantified upon assessment by the engineers.

**6. Conclusion**

The incorporation of District Road 4002 into the Swakopmund Town Planning Scheme Area is essential for the management and maintenance of the already existing Road.

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

**RECOMMENDED:**

- (a) That the District Road 4002 be incorporated into the Swakopmund Town Planning Scheme so as to form part of the existing street network.
  - (b) That the application fees for the incorporation of the Road into the Swakopmund Town Planning Scheme Area and the surveying cost be defrayed from Vote 103034020800: Town Planning and Surveys- New Development, where an amount of N\$1 651 506.45 is available.
-





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



- 11.1.19 **CLOSURE OF PUBLIC OPEN SPACE BETWEEN ERF 639, 640, 647 AND 648, MONDESA**  
(C/M 2019/03/28 - M 639, M 640, M 647, M 648)

Ordinary Management Committee Meeting of 15 March 2019.  
Addendum 8.9 page 146 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 objection received against the closure of the Public Open Space (mostly referred to as a corridor) located between Erven 639, 640, 647 and 648 Mondesa.

2. Introduction and Background

Council on 28 April 2011, under item 11.1.6 resolved as follows:

- (a) Council in principle approves to:
- Sell the identified corridors/walkways to the adjacent owners at full recovery of all costs here there are no services located in the corridor.
    - Council to attend to the statutory processes (closure as public open space, subdivision, consolidation and registration of servitudes over the services); the cost thereof be recovered from the purchaser.
    - Purchase price to be determined by Council.
    - The purchaser is also responsible for the transfer cost.
  - AND
  - to donate the land where there are services located in the corridor.
    - Council to attend to the statutory processes (closure as public open space, subdivision, consolidation and registration of servitudes over the services); the cost to be recovered from the purchaser.
    - No purchase price is payable.
    - Council also be responsible for the transfer cost.
- (b) That subject to (a) above, adjacent Erf owners be requested to indicate whether they are interested to purchase the adjoining corridors; and where services cross the middle of the corridors, they must decide between themselves who will purchase the corridor.
- (c) That if there are no services or services parallel to the corridors' boundaries approval be granted to the adjacent Erf owners to share the portion of land equally, if they wish to do so.
- (d) That Council closes all corridors / walk ways as per site plans (Annexure "A" on file) in terms of Section 50 of the Local Authorities Act, Act 23 of 1992, as amended.
- (e) That the Engineering Services Department attends to the statutory procedures of subdivision, consolidation and registration of servitudes.
- (f) That no permanent structures be erected on the portion of land on which services are located.
- (g) That valuations be obtained from the Municipal Valuers in respect of the relevant portions of land.

The Town Planning section is facilitating the permanent closure of all the identified public open spaces and streets in terms of Section 50 of the Local Authorities Act 1992, (Act 23 of 1992).

### 3. Ownership

Legally, all streets and public open spaces belong to Council. These public open spaces and streets will be subdivided and consolidated with abutting properties which belong to different owners.

### 4. Advertisement

Closure of some of the public open spaces was handled by Corporate Services in 2012. The remaining public open spaces and streets were advertised for closure in the Observer of the **28<sup>th</sup> September 2018** and Confidante of the **27<sup>th</sup> September 2018** and in the Government Gazette of the **1<sup>st</sup> October 2018**. The neighbouring property owners were notified in writing and one objection was received from the owner of Erf 640 Mondesa. The objection is attached as **Annexure B**.

### 5. Objection

#### 5.1 Objections

The objector has given reasons as to why he is against the closure of the public open space between Erven 639, 640, 647 and 648 Mondesa. Amongst the other reasons, he stated that he constructed his main gate at the borders of the public open space. He further stated that he is already utilizing part of the public open space as a garden/flowering and that there is already constructed main bedroom plus another additional room for children towards the same public open space area.

#### 5.2 Communications, Council actions and development

According to the records on file, Council had been contacting the owners of Erven 639 and 640 Mondesa on several occasions, in **March 2011**, **May 2011** and **August 2011**, respectively, requesting them to indicate whether they are interested to take the corridor situated between their properties. In **January 2012**, Council had to send another reminder to the owners to indicate their interests in getting a portion or full part of the public open space. The owner of Erf 639 Mondesa replied in September 2015 only, expressing her interest in taking the public open space. It was however accepted by Council, according to the Council's letter of November 2015. Contrary, the owner of Erf 640, Mondesa did not revert back to Council and it was assumed he/she is not interested, hence the subdivision plans were designed in such a way that the whole portion of the public open space between Erven 639 and 640 Mondesa goes to the Owner of Erf 639, Mondesa and consolidation thereof.

A site visit was done to confirm the structures. It was discovered that the owners of Erven 639 and 640, Mondesa have shared the public open space illegally among themselves by constructing a boundary wall in-between. There are municipal services on the public open space, hence the



decision by Council to donate and not to sell. There is an Erongo RED kiosk box and the water pipe running through at the back of the public open space. According to the building plans on file, the owner of Erf 640 Mondesa envisaged to build a secondary dwelling unit, of which more than half part of it is on the public open space.



*Picture showing Municipal services*

The owner of Erf 640 extended / encroached his southern boundary and constructed on Council's property. His objection that the public open space should not be closed because he has constructed on the area / portion is not valid. Council had on several occasions tried to draw the owner's attention to get the portion of the public open space free of charge but no response was received.



*Physically, no public open space*

## 6. Conclusion

The way forward: although the owners of Erven 639 and 640 Mondesa have physically closed the public open space, the paper works still need to be done to legally close the public open space, subdivide the closed public open space into Portion A, B and Remainder and consolidate Portion A with Erf 640, Mondesa and Portion B with Erf 639, Mondesa and the Remainder with the abutting properties.

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

**RECOMMENDED:**

- (a) That the objection received against the closure of the public open space between Erven 639, 640, 647, 648, Mondesa be disregarded.
  - (b) That the public open space between Erven 639, 640, 647 & 648 Mondesa be closed in terms of Section 50 of the Local Authorities Act 1992, (Act 23 of 1992).
  - (c) That the public open space between Erven 639, 640, 647, 648 Mondesa be subdivided into Portion A, B, C and Remainder.
  - (d) That Portion A be consolidated with Erf 639, Mondesa.
  - (e) That Portion B be consolidated with Erf 640, Mondesa.
  - (f) That Portion C be consolidated with Erf 647, Mondesa.
  - (g) That the Remainder of the concerned "Public Open Space" be consolidated with Erf 648, Mondesa.
  - (h) That the objector be informed of their right to appeal to the Minister against Council's Resolution above in terms of Clause 8 of the Swakopmund Town Planning Scheme within 28 days of receipt of notice of this Resolution, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.
-



30 October 2018

To: Town Planning,

Municipality of Swakopmund

ATT: Mrs Johanna Angopole

- **Objection for the public open space to be consolidated with Erf 639 into one Erf "X" due to the following reasons.**

I, Carol Dausab, owner of Erfen 640 in extension 2, Mondesa hereby object the consolidation of the public open space between my Erf (640) and Erf no. 639 as referred to as Portion A into one Erf "X" measuring approximately 1240 square metres due to reasons below.

**Here are my objection reasons:**

- ◆ The public open space between Erfen 639 and 640 is already in utilisation as a gateway or driveway for the car as the main gate entry is constructed on the borders of the open space as approved in dwelling plans from building control board/Services and Engineering/Town planning Office dated 2012/03/08.
- ◆ The back side of the open space from my gate is however only used as flowerbed/gardening bedding as this portion of land is not suitable for constructions due to municipal pipelines underneath as well.
- ◆ Thirdly, there is an already approved dwelling towards the side of the open space area (in progress).
- ◆ In addition, there is an already constructed main bedroom plus another additional room for children towards the same public open space area as well; also sewer pipelines are aligned towards the side of the open space area here already thus makes it absolutely necessary to make use of the open space area as a drive way only.
- ◆ Besides, consequently it will be costly and time-consuming as well to consult professional architectural practices and draw up new dwelling plans for future developments as already existing plans are meanwhile evidently in remarkable progress as approved (for reference consult engineering department of Swakopmund Municipality for approved plans in progress).
- ◆ Readjusting my dwelling plans will bring tremendous financial implications as I am from low middle income group who simply or mainly depend solely from my income only.

Lastly, I do not own other properties like other residents, thus I positively trust that my humble objection reasons will be considered.

Kind regards



Mr C. Dausab



11.1.20 **WRITING OFF: OLD AND REDUNDANT EQUIPMENT -  
ENGINEERING SERVICES DEPARTMENT**

(C/M 2019/03/28 - L 2)

Ordinary Management Committee Meeting of 15 March 2019,  
Addendum 8.10 page 152 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 |
|---------------------------------------|-------|--------|
| PH Office jet 6313 All in One printer | 1     | Broken |
| Stamp Town Planning Section           | 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 |
|---------------------------------------|-------|--------|
| PH Office jet 6313 All in One printer | 1     | Broken |
| Stamp Town Planning Section           | 1     | Broken |

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



11.1.21 **REQUEST FOR EXTENSION OF TIME TO SECURE THE PURCHASE PRICE FOR ERF 8928, SWAKOPMUND BY MR SS NUUYOMA**  
(C/M 2019/03/28 - E 8928)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 10.1 page 03 refers.

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

1. **Application**

The attached letter dated 20 February 2019 (Annexure "A") was received from Mr SS Nuuyoma requesting Council to grant an extension of time to secure payment for Erf 8928, Swakopmund sold on 06 November 2018.

The initial due date for payment was Wednesday, 06 March 2019. Although a notice to rectify the breach will be issued after the said date (21 days), the purchaser is pro-actively applying for an additional period until 31 May 2019 to secure the purchase price.

The sale is subject to interest levied at 10.5% from 06 November 2018 until date of transfer.

2. **Background**

Council on 31 March 2016 under item 11.1.6 resolved to sell Erf 8928, Swakopmund by private treaty to Mr S S Nuuyoma. The purchase price was approved by Council on 23 February 2017 under item 11.1.4.

Mr S S Nuuyoma was informed of the purchase price and 120 days payment period in writing on 09 March 2017. On 10 April 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 43/2018. At the closing date of 06 November 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 07 February 2019. In terms of the deed of sale if the purchase price is not secured by 06 March 2019 the purchaser will receive 21 days' notice to rectify the breach. If not rectified the transaction would be automatically cancelled.

A letter dated 20 February 2019 was received from Mr S S Nuuyoma requesting Council to grant an extension of time until 31 May 2019 to secure payment for Erf 8928, Swakopmund sold on 06 November 2018.

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 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

Mr SS Nuuyoma is requesting an extension of the due date of **06 March 2019** until Friday, **31 May 2019**.

Calculated from **06 November 2018** until **31 May 2019**, the purchase price in the amount of N\$1 000 025.00 (excluding 15% VAT) will attract interest in the amount of **N\$59 261.76**.

|              |  |
|--------------|--|
| 06-Nov-18    | date of sale   |
| 31-May-19    | extended due date considered by MPC of 15 March 2019 |
| 206          | from date of sale until date of payment              |
| 1 000 025.00 | Purchase Price                                       |
| 0.00         | no amounts paid                                      |
| 1 000 025.00 | Balance  |
| 105 002.63   | total interest for a year                            |
| 287.68       | daily interest                                       |
| 59 261.76    | interest for 206 days                                |
| 1 059 286.76 | balance of purchase price + interest                 |

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

#### RECOMMENDED:

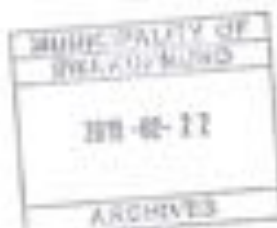
That the Management Committee considers the application by Mr SS Nuuyoma for an extension of time until 31 May 2019 to secure the purchase price of Erf 8928, Swakopmund, be approved subject to interest calculated from 06 November 2018.





7

Municipality of Swakopmund  
Chief Executive Officer  
P.O. Box 53  
Swakopmund  
Namibia



19-02-19  
E 8906 M

At: Mrs. Swaro, Corporate Services HR

Dear Mr. Benjamin, this letter serves to humbly request for an extension of date for the payment of the EY 8928 Maturus.

I supposed to conclude the deal on the 6<sup>th</sup> March 2019, but I might not meet the specific date, do to money that has to be transferred from thirty two (32) days and twelve month accounts. Thirty two account money will be mature and transferred to my current account at the end of March 2019, Bent Windhoek.

Twelve month investment will be maturing end of April 2019 (NCD Bank), thus I will only be able to pay my due on 25<sup>th</sup> May 2019. This is a direct cash transaction, the money will be appearing on Municipality account on 27 or 28 May 2019.

Thus I humbly requesting on extension on EY 8928 Maturus. This is a commitment that I have taken without any reservation.

Hope to hear from you.

Samuel Sheffer-Muuyoma

MR. Please forward to my email:  
sheffermuuyoma@gmail.com

FARMER: S.S. Muuyoma Family.

G. TOWNLANDS NO. 41

1249 (ROAD  
RESERVE)



11.1.22 **REQUEST TO EXCHANGE ERVEN 7037 AND 7038 MONDESA**  
(C/M 2019/03/28 - M 7037, M 7038)

Ordinary Management Committee Meeting of 15 March 2019,  
Addendum 10.3 page 13 refers.

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

1. **INTRODUCTION**

The purpose of this submission is to discuss the request from Messrs Brigitte Naobes and Ms. Calista Guriras to exchange erven 7037 and 7038 which was awarded to them at Extension 26 Mondesa.

This item was discussed at the Planning Forum on 12 February 2019 and is now submitted to the Management Committee for consideration.

2. **DISCUSSION**

On 26 January 2017, Council allocated Erf 7037 Mondesa to Ms Brigitte Naobes and Erf 7038 to Ms. Calista Guriras under the Build Together Programme.

Both beneficiaries signed the Deed of Sale reflecting their Erf numbers (**Annexure "A" & "B"**) which erven were presented to them by representatives from our Engineering Services Department. Unfortunately, Ms Naobes unknowingly occupied erf (Erf 7038) as she was one of the first occupants in the area. Subsequently, Ms. Guriras occupied Erf 7037, on the understanding that Ms. Naobes should be her neighbour but realised that her neighbour settled on her Erf instead. As a result, she consulted Ms. Naobes on the matter where after the two beneficiaries requested the Municipality to exchange their Erf numbers (**Annexure "C"**) so that Ms Guriras occupy Erf 7037 while Ms Naobes remains on Erf 7038 Mondesa (**Annexure "D"**).

In the meantime, Ms Naobes has already constructed a semi - permanent structure on Erf 7038 which she has occupied since 2017. In case this request is not granted, the structure has to be demolished and a new one erected at the correct erf which could lead to wastage of resources.

3. **CONCLUSION**

It is crucial that the request of Ms Naobes and Ms Guriras to exchange their erf numbers is favourably considered so that Ms. Guriras is allowed to occupy Erf 7037 Mondesa while Ms Naobes remains on Erf 7038 Mondesa.

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

**RECOMMENDED:**

- (a) That Council resolution taken on 26 January 2017 be rescinded to allow for the allocation of Erf 7038, Mondesa to Ms Brigitte Naobes and Erf 7037, Mondesa to Ms Calista Guriras.
- (b) That the Community Development Services Department compiles an addendum to the current Deeds of Sale signed by Ms Naobes and Ms Guriras to reflect the amendments mentioned in (a) above.







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

**11.1.23 APPROVAL OF PROPOSED RENAMING OF RIVERSIDE AVENUE, KRAMERSDORF AND THE SWAKOPMUND MEMORIAL CEMETERY BY THE NAMING OF STREETS, PUBLIC PLACES, NATURAL AREA AND COUNCIL-OWNED BUILDINGS / FACILITIES ADVISORY COMMITTEE**  
(C/M 2019/03/28 - N 8/1/2)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 10.7 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 renaming of River Side Avenue as well as the Swakopmund Memorial Cemetery as per the recommendation of the Naming of Streets, Public Places, Natural Area and Council-owned Buildings/Facilities Advisory Committee.

**2. Introduction and Background**

A proposal was received from Mr Kavenjama Ndjitaviua in a letter dated **23 October 2014**, for the renaming of Riverside Avenue after Dr Kuaima Riruako. The letter has been attached as **Annexure A**. It was brought to the attention of the Town Planning Division by the Office of the Chief Executive Officer that the item was not attended to. It was therefore tabled at the Naming of Streets, Public Places, Natural Area and Council-owned Buildings/Facilities Advisory Committee meeting which was held on the **12<sup>th</sup> February 2019** and **22<sup>nd</sup> February 2019** in the Management Committee Room, where the committee resolved and subsequently confirmed the minutes respectively. Minutes of the meeting are herewith attached as **Annexure B**.

The Naming of Streets, Public Places, Natural Area and Council-owned Buildings / Facilities Advisory Committee proposed that Riverside Avenue, Kramersdorf as well as the Swakopmund Memorial Cemetery be renamed after the late Dr Kuaima Riruako. Dr Riruako was the Paramount Chief of the Ovaherero people as well as a founding parliamentarian of the republic. Dr Riruako made an enormous contribution to the town of Swakopmund particularly towards the recognition of the Swakopmund Memorial Cemetery as a National Heritage Monument and a place of significant historical background.

**3. Locality of the Swakopmund Memorial Cemetery and Riverside Avenue**

Riverside Avenue is located in Kramersdorf and borders the Swakopmund Memorial Cemetery on the southern side. A map indicating the location of the two sites has been attached as **Annexures C1 and C2**.

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

**RECOMMENDED:**

- (a) That Riverside Avenue, Kramersdorf be renamed Dr Kuaima Riruako Avenue.
- (b) That the affected property owners in Riverside Avenue be informed of the Council's decision.



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

Dear Sir

# RENAMING OF RIVER STREET, KRANZSDORF TO DR KUJIMA RIJUKO STREET

1. The above subject matter refers.
2. River Street is strategically located and serves the purpose if consideration is given to rename it after Dr Kujiama Rijsko.
3. The late Dr Kujiama Rijsko was the Paramount Chief of the Ovaherero and presided over this community for a period stretching over 30 years. He is a founding member of the Constituent Assembly and a founding parliamentarian of our republic. Indeed a towering figure on our political and cultural landscape.
4. Our request is to rename River Street to Dr Kujiama Rijsko Street in remembrance of his enormous contribution to the town of Swakopmund and Namibia in general. It was through the unwavering and tireless efforts of Dr Kujiama Rijsko that the Swakopmund Memorial Cemetery was recognized as a National Heritage Monument and a place of significant historical background. Ironically, it was here in Swakopmund that the late Paramount Chief had the final touch with his ancestors before he passed on. To the surprise of everybody present and the event he recited a prayer and he unorthodoxly did not close the prayer with the customary "Amen" but just remained silent. The fact that he did not close the prayer with Amen can be interpreted to have a prophetic meaning.
5. River Street borders the Swakopmund Memorial Cemetery on the southern part and that will be a fitting recognition to name it after our late Paramount Chief Dr Kujiama Rijsko.
6. Plans are underway to convene the first commemoration of the passing away of the late Paramount Chief during March 2015, thus, it will be opportune to unveil the renaming of River Street during at the same event.

Yours faithfully

Kavejama Ndjitaviua  
 Cell No: 9810455558





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

**11.1.24 DETERMINATION OF PURCHASE PRICE FOR:**  
**@ FISCON INVESTMENT 23 CC**  
**@ MINISTRY OF FISHERIES AND MARINE RESOURCES**  
 (C/M 2019/03/28 - E 2747)

Ordinary Management Committee Meeting of 15 March 2019,  
 Addendum 10.8 page 10 refers.

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

This item was discussed at the Planning Forum of 12 February 2019 under item 5.5 and was recommended for submission to the Management Committee meeting.

**1. Introduction**

The purpose of this submission is to consider and determine the purchase price of a Portion of land measuring 17 961m<sup>2</sup> to Messrs Fiscon Investment 23 CC. In terms of Notice No 3/2015 it is a combined allocation for the development of a portion of the Remainder of Erf 2747, Swakopmund.

An arial photo is attached **Annexure "A"**. Attached **Annexure "B"** is a layout and the development proposal from Messrs Fiscon Investment 23 CC.

**2. Background**

Council on 26 July 2018 approved to sell two portions of Erf 2747, Swakopmund to Messrs Fiscon Investment 23 CC and the Ministry of Fisheries and Marine Resources respectively under item 11.1.10 as follows:

- (a) That the developer attends to the subdivision of the portion from the Remainder of Erf 2747, Swakopmund to create two separate erven with the assumed zoning.
- (b) That the combined allocation of the development of the Remainder of Erf 2747, Swakopmund in terms of Notice 3 / 2015 to Fiscon Investments 23 CC and the Ministry of Fisheries & Marine Resources can be regarded as an extension of the invitation of proposals.
- (c) That Council sells the portion of land to Messrs Fiscon Investment CC and the Ministry of Fisheries & Marine Resources at a price to be determined.
- (d) That Council decides whether the container development can be considered in terms of the requirements of the Aesthetics Guidelines (not within heritage area, but the development might exceed 800m<sup>2</sup>), the Town Planning Amendment Scheme and Building Regulations.
- (e) That 2 valuations for the property at the assumed zoning (General Business) be obtained to determine the purchase price.
- (f) That the standard conditions for sale be submitted to Council for approval simultaneously with the purchase price.

The approval was granted based on development proposals that were invited and received during 2015 for the development of a portion of the Remainder of Erf 2747, Swakopmund under Notice Number 3/2015.

The above resolution was communicated to Messrs Fiscon Investment 23 CC who accepted it as per attached email **Annexure "C"** and Ministry of Fisheries and Marine Resources, as **Annexure "D"**. A provisional diagram (**Annexure "E"**) was also received indicating the size as



15 583m<sup>2</sup> for Messrs Ficon Investments 23 CC and 2 378m<sup>2</sup> for the Ministry of Fisheries and Marine Resources. According to the attached layout a "Street" should also be created for access from Swakop Street and Strand Street.

Once the purchase price has been determined and Messrs Ficon Investment 23 CC and the Ministry of Fisheries and Marine Resources accept same, the portion of the Remainder of Erf 2747, Swakopmund will be subdivided into three separate erven that includes a "Street".

### 3. Comparison with Similar Properties

On 28 June 2018, Council sold Erf 406, Extension 1, Mile 4, measuring 4 203 m<sup>2</sup> with a zoning of, a "General Residential 2" to Messrs Trecon Development (Pty) Ltd at N\$1 800 00/m<sup>2</sup>.

- (a) That Council approves the purchase price of Erf 406, Mile 4 at N\$1 800 00 x 4 203m<sup>2</sup> = N\$7 565 400,00 to Messrs Namibia Trecon Development (Pty) Ltd.

#### 6 "General Residential" Erven in Ext. 14

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 / m<sup>2</sup>, and the highest price per square meter was N\$1 120.00

#### 4 Seafront Erven zoned "Single Residential", Ext. 1, Mile 4

Council sold two seafront erven on 15 December 2017 and another two 02 February 2018. These four seafront erven are zoned "single residential" and are located in Extension 1, Mile 4. The average purchase price obtained was N\$2 760.00 / m<sup>2</sup>, summarized below:

|   | Erf #     | Area m <sup>2</sup> | Purchase Price | Average / m <sup>2</sup> |
|---|-----------|---------------------|----------------|--------------------------|
| 1 | 306       | 1 279               | 3 280 000.00   | 2 564.67                 |
| 2 | 309       | 1 111               | 3 112 677.00   | 2 793.73                 |
|   | Sub Total | 2 390               | 6 392 677.00   | 2 674.75                 |
|   | Erf #     | Area m <sup>2</sup> | Purchase Price | Average / m <sup>2</sup> |
| 1 | 302       | 873                 | 2 800 000.00   | 3 207.33                 |
| 2 | 303       | 1 402               | 3 000 000.00   | 2 139.80                 |
|   | Sub Total | 2 275               | 5 800 000.00   | 2 549.19                 |
|   | Total     | 4 664               | 12 192 677.00  | 2 611.97                 |

#### Portion of Erf 2747, Swakopmund Adjacent to Erf 328, Swakopmund

Council on 30 August 2007 item 11.1.15 approved the sale of a portion of Erf 2747, Swakopmund with a zoning of "General Residential 2" at N\$819.90/m<sup>2</sup> to Hotel Gami Adler as follows:

- (a) That Council approves the alienation of a portion of Erf 2747 ± 2 136m<sup>2</sup>, in extent, adjacent to Hotel Gami Adler for the purpose of extending the hotel, at the following price, N\$819.90/m<sup>2</sup> x 2 136m<sup>2</sup> = N\$1 751 306.40 + 15% VAT (N\$262 695.95) total N\$2 014 002.30.

The price escalated since 2007 is attached as Annexure "F".

### 4. Valuations

Valuations were requested and received from two valuers on 2 October 2018 to determine a market related purchase price, based on an assumed zoning of "General Business".

The average price for the portion is calculated as follows:

| Valuator                         | Price/m <sup>2</sup> | Total price  | Annexures    |
|----------------------------------|----------------------|--|--------------|
| The Trust & Estate Co            | N\$ 1 000.00         | N\$ 16 000 000.00                                      | Annexure "G" |
| Ludwig Schröder Estate Agents CC | N\$ 2 500.00         | N\$ 45 000 000.00                                      | Annexure "H" |
| Average                          | N\$ 1 750.00         | $\frac{N\$ 61\,000\,000.00}{2}$<br>= N\$ 31 500 000.00 |              |

Applying the above average price it is estimated that the property be sold at a purchase price of N\$1 750.00/m<sup>2</sup>.

$$N\$31\,500\,000.00 \div 17\,961\,m^2 = N\$1\,750.00/m^2$$

#### 5. Proposed Purchase Price

Messrs Fiscon Investment 23 CC requires 15 583m<sup>2</sup> and the Ministry of Fisheries and Marine Resources 2 378m<sup>2</sup>, subject to the same conditions.

- b. Comparing the purchase price of the "single residential" erven sold where the highest price was N\$3 161.73/m<sup>2</sup> and considering this zoning is the most restrictive, the prices obtained from the sale of the other "general residential" erven and the valuers are not realistic for this specific erf. In this regard it should be kept in mind that valuers determine prices in terms of valuation principles without considering any special circumstances / conditions.

The valuations received are more or less in line with the recent sale of Seafront erven and also the escalation of the price per square meter for Hotel Gami Adler. It be kept in mind the portions of land allocated to Messrs Fiscon Investment 23 CC and the Ministry of Fisheries and Marine Resources are located in a well-established tourist and business hub which prime area.

In terms of Council's Property Policy the purchase price is based on the average of the valuations received. The average price per square meter is as follows:

##### 5.1 Fiscon Investments 23 CC

$$15\,583m^2 \times N\$1\,750.00/m^2 = N\$27\,270\,250.00 + (15\% \text{ VAT}) N\$4\,090\,537.50 \\ = N\$31\,360\,787.50$$

##### 5.2 Ministry of Fisheries and Marine Resources

$$2\,378m^2 \times N\$1\,750.00/m^2 = N\$4\,161\,500.00 + (15\% \text{ VAT}) N\$624\,225.00 = \\ N\$4\,785\,725.00$$

It is proposed that Council approves the purchase price be N\$1 750.00/m<sup>2</sup> as per point 5.1 and 5.2 above. The size of the street portion must be deducted from the above purchase price once a diagram is received. It is further proposed that Council's standard conditions of sale be applicable.

Annexure "I" is an extract of Section 10 of the Property Policy in terms of sale of land for specific purposes, such as national interest, to the benefit of the community or public.

#### 6. Conclusion

The portion of land must be subdivided from the Remainder of Erf 2747, Swakopmund to create three (3) separate erven of which one should be a street. The developers are responsible for all fees and cost of the transaction including but not limited to compilation of the agreement of sale as well as legal cost that may arise from the transaction to Council.



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

**RECOMMENDED:**

- (a) That Council approves the purchase price of a portion of the Remainder of Erf 2747, Swakopmund, measuring  $\pm 15\,583\text{m}^2$  to Messrs Fiscon Investment 23 CC as follows:

$$+ \frac{15\,583\text{m}^2}{\text{N\$3 623 947.50}} \times \text{N\$1 550.00/m}^2 = \text{N\$24 536 650.00} + (15\% \text{ VAT})$$

$$\text{N\$3 623 947.50} = \text{N\$28 159 697.50}$$

- (b) That Messrs Fiscon Investment 23 CC resells a portion of the Remainder of Erf 2747, Swakopmund, measuring  $\pm 2\,378\text{m}^2$  to the Ministry of Fisheries and Marine Resources as follows:

$$+ \frac{2\,378\text{m}^2}{\text{N\$4 238 785.00}} \times \text{N\$1 550.00/m}^2 = \text{N\$3 685 900.00} + (15\% \text{ VAT}) \text{ N\$552 885.00} =$$

$$\text{N\$4 238 785.00}$$

- (c) That the exact size of the portions of land be determined once a Surveyor-General approved diagram is issued; therefore the erf price might differ from the total amount in (a) and (b) above.
- (d) That upon acceptance of the purchase price the purchasers appoint a Consultant to attend to the Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007 as amended.
- (e) That the purchasers submit a layout for approval by the General Manager: Engineering Services.
- (f) That the purchasers attend to the subdivision of the portion of land to create new erven including a "Streef" at their cost.
- (g) That the transaction be concluded within 120 days from date when the Surveyor-General approved diagram is issued.
- (h) That the following standard conditions be applicable:
- (i) That the purchasers pay a deposit of N\$100 000.00 each to cover all fees and costs to the transaction including of, but not limited to advertising costs, compilation of the agreement of sale, as well as legal costs that may arise from the transaction to Council, prior to attending to the statutory processes. (To be decreased or increased by Council depending on the value of the development).
  - (ii) That any remainder of the deposit in (i) above be refunded to the purchasers on completion of the related statutory processes.
  - (iii) The prospective purchasers shall be required to pay the above deposit within 90 days from the Council resolution approving the purchase price, failing which Council's resolution will be revoked at the next Council meeting following after the expiry of the 90 days.
  - (iv) That the purchasers accept that no rights will accrue to them from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.
  - (v) The land is sold "voetstoots" or "as is" with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition



of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.

- (vi) That payment of the purchase price be secured either in cash or bank guarantee in favour of the Swakopmund Municipality within 120 days date of the Surveyor-General approved diagram is issued. Failure to pay the purchase price in cash or secure payment by formal bank guarantee on the 120<sup>th</sup> day will result in the transaction being cancelled without the need to place the purchasers on terms. Should the purchase price be secured by a formal bank guarantee the transfer must be effected on or before the 120<sup>th</sup> day, else interest will be levied as from the date sale until the date of registration of transfer at a rate as confirmed with Council's bank.
- (vii) That the purchasers must construct structural improvements worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property;
- (viii) That the said improvements must be completed within 24 months (2 years) from date of transfer.
- (ix) That the property may not be alienated unless a completion certificate is issued in respect of the structural improvements, referred to in (viii) above, prior to the expiry of the said 24 month period. This restraint of alienation is to be registered against the title deed of the property.
- (x) No development or construction will be permitted to commence until the statutory processes (at the cost of the developers) have been completed and the erven are transferred.
- (xi) The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.
- (xii) That the purchasers indemnify Council against any claims resulting from blasting, should blasting need to be done.
- (xiii) That the purchasers provide the registration documentation of their entities (Council resolution of 27 April 2017 under item 11.1.10 (c)) and that the shareholders / members must be cautioned that the company remain the same until the transfer takes place and they have complied with all conditions of sale when name change of the entity is requested.
- (xiv) In the event that the purchaser is a close corporation, a company or a trust, then, the members interest in the close corporation or shareholding in the company or interest in the trust, as the case may be, may not be changed without the prior written approval of Council during the 24 months (2 year) period of restraint on alienation.
- (xv) Council shall not accept under any circumstances any process whereby the purchaser of the property will be allowed to nominate a third party as the eventual purchaser of the property. To be more specific, the Council shall not accept any agent bidding on behalf of a principal or any nominee acting on behalf of a legal entity still to be incorporated.
- (xvi) A caveat will be registered against the title deed of the property to prevent any contravention of these conditions.



*(xvi) Availability services plus the relevant property taxes will be payable by the purchaser as from the month following the allocation of the erf.*

- (j) That Messrs Fiscon Investment 23 CC and the Ministry of Fisheries and Marine Resources take note that the development must complement and enhance present developments and uses, especially tourism related uses.
  - (k) That a caveat be registered against the title deed of the property for Messrs Fiscon Investment 23 CC to provide facilities to the Ministry of Fisheries and Marine Resources as per (b) above.
  - (l) That Engineering Services provide advice on point (d) of the Council resolution passed on 26 July 2018 under item 11.1.10.
  - (m) That Developers be informed that the Anchor Block on site is a national monument and they are responsible for the protection and beautification of it.
-





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

11.1.25 **ERF 357, MILE 4: INTEREST REFUND**  
(C/M 2019/03/28 - Erf 357, M4)

Ordinary Management Committee Meeting of 15 March 2019,  
Addendum 10.9 page 03 refers.

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

**1. INTRODUCTION**

The purpose of this submission is to request approval for the refund of the penalty interest paid for the transaction of Erf 357, Mile 4. Attached as Annexure "A" is the e-mail request dated 08 March 2019 from the conveyancer on behalf of the purchaser. Erf 357, Mile 4 was allocated to Mr D L and Ms M Miljo as next qualifying purchaser after the public closed bid sale held on 02 February 2018. The purchase price of the erf is N\$658 550.00.

The date of sale was 23 November 2018. As standard practice purchasers are given 120 days to secure the purchase price in cases where the period extends into or includes the period of the annual closure of the Deeds Registry Office. Due to an oversight the purchasers were only given the standard 90 day period, meaning the due date to secure the purchase price was Monday, 25 February 2019.

**2. Current Issue**

The transfer of the erf was registered in the Deeds Registry Office on 06 March 2019 (within the 21 days' notice period). The above registration of transfer after the due date of 25 February 2019 resulted in the purchasers paying interest in the amount of N\$18 800.75. Should the purchasers have been given the standard 120 days, the due date for securing the purchase price without any penalty interest would have been Monday, 25 March 2019.

**3. Proposal**

It is proposed to waive and refund the penalty interest paid in the amount of N\$18 800.75 as the purchaser should have been given 120 days to secure the purchase price, instead of 90 days.

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

**RECOMMENDED:**

- (a) That it be noted that Mr M Miljo as purchasers of Erf 357, Mile 4 should have been given 120 days to secure the purchase price due to the annual closure of the Deeds Registry Office; instead of 90 days.
- (b) That should the purchaser had the 120 days period to secure the purchase price, the due date would only be Monday, 25 March 2019 and the transaction would not have attracted any penalty interest charge.
- (c) That the penalty interest charge in the amount of N\$18 800.75 be waived and refunded to the purchaser.





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



- 11.1.26 **APPLICATION FOR AN EXTENSION OF TIME TO SECURE THE PURCHASE PRICE FOR ERF 543, EXTENSION 2, MATUTURA: S T EKONDO**  
(C/M 2019/03/28 - Mat 543)

Ordinary Management Committee Meeting of 15 March 2019, Addendum 10.10 page 67 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 Saitiel T Ekondo on 26 February 2019 requesting Council to consider allowing him extension of time to secure the purchase price for Erf 543, Extension 2, Matutura. The due date to secure the purchase price was 25 February 2019.

The balance of the purchase price is N\$ 194 967.99 and the sale is subject to interest at 10.5% from 26 February 2019 until date of transfer in the case the transfer is not registered on lapsing of the additional 21 days' notice period. Failure to comply with the aforesaid will result in a cancellation of the transaction.

**Annexures:**

- Annexure "A" : Letter received on 26 February 2019 from Mr Saitiel T Ekondo  
Annexure "B" : Map of Extension 2, Matutura

2. **Short Back Ground**

2.1 **Closed Bid Sale of 26 October 2018**

Mr Saitiel T Ekondo took part in the auction of 26 October 2018 at which sale 94 erven zoned "single residential" were sold. He was the successful bidder for Erf 543, Extension 2, Matutura at a purchase price of N\$347 967.99.

The due date for securing the purchase price was 25 February 2019.

2.2 **Application received from the Purchaser**

Mr Saitiel T Ekondo states that he is short on cash flow.

The following payments were made by the purchaser:

|            |  |
|------------|--|
| 26-Oct-18  | date of sale   |
| 25-Feb-19  | date from when interest is calculated                |
| 26-Feb-19  | interest on balance calculated                       |
| 1          | Days   |
| 344 967.99 | balance of purchase price after N\$3 000.00 deducted |
| 10 000.00  | in bank on 25 Feb (363818)                           |
| 90 000.00  | in bank on 25 Feb (363506)                           |
| 244 967.99 | balance on which to calculate interest               |
| 25 721.64  | full interest on balance for 1 year period           |
| 70.47      | interest per day                                     |
| 70.47      | interest for the period 26 Feb until 26 Feb = 1 day  |

|            |  |
|------------|--|
| 26-Oct-18  | date of sale   |
| 26-Feb-19  | date from when interest is calculated on the balance             |
| 25-Mar-19  | interest on balance calculated                                   |
| 27         | Days   |
| 244 967.99 | balance on 26 Feb 2019 (after various payments)                  |
| 50 000.00  | in bank on 26 Feb (363511)                                       |
| 194 967.99 | balance on which to calculate interest up until to 25 March 2019 |
| 20 471.64  | full interest on balance for 1 year period                       |
| 56.09      | interest per day   |
| 1 514.34   | interest for the period ending 25 March 2019 (27 days)           |
| 1 584.81   | total interest   |

Therefore the total outstanding amount payable by 25 March 2019 amounts to:

|            |  |
|------------|--|
| 194 967.99 | balance on which to calculate interest up until to 25 March 2019 |
| 70.47      | interest for the period 26 Feb until 26 Feb = 1 day              |
| 1 584.81   | total interest   |
| 196 623.27 | Total amount   |

### 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 the lapsing of the 21 days' notice period to be issued after 25 February 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 conditions of sale does not provide for payment in instalments.

### 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 that the Property Section has interpreted the timelines and conditions strictly and implemented them 100% consistently to be fair to all the participants at the closed bid. Council has built up a very good relationship with the public over a number of years as a result. This is due to the open and transparent manner that the process of the public sale is conducted. The consistent communication with 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. This also provides a measure of certainty for the Finance Department to be able to do financial forecasting and plan accordingly.

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 543, Extension 2, Matutura, which is zoned "Single Residential" and forms part of a public sale of 94 erven.

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 Ext 34 & 35   |
| 2  | 24 Feb 17 | 50 single residential erven in Ext 34 & 35   |
| 3  | 31 Mar 17 | 49 single residential erven in Ext 34 & 35   |
| 4  | 28 Apr 17 | 50 single residential erven in Ext 34 & 35   |
| 5  | 02 Jun 17 | 58 single residential erven in Ext 34 & 35   |
| 6  | 15 Dec 17 | 34 single residential erven in Ext 1, Mlle 4 |
| 7  | 02 Feb 18 | 36 single residential erven in Ext 1, Mlle 4 |
| 10 | 26 Oct 18 | 94 Erven in Ext 35 and Ext 2                 |
| 11 | 09 Nov 18 | 4 Replacement Houses in Mindise              |
| 12 | 14 Dec 18 | 43 Erven in Ext 8 and Ext 14                 |

Transactions have been cancelled due to non-performance in which cases the purchaser might have also been able to provide information regarding their financial ability or paid part of the purchaser price (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 Salil T Ekondo to secure the purchase price for Erf 543, Extension 2, Matutura and should the applicant not secure the balance of the purchase price by the lapsing of the 21 days' notice (25 March 2019), the transaction accordingly be cancelled.

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

**RECOMMENDED:**

- (a) That Council remains with the conditions of sale for the sale of 94 erven zoned "Single Residential" located in Extension 2, Matutura i.e. requiring the purchase prices to be secured by the final due date of 31 July 2019, by either a cash payment, or electronic fund transfer or bank guarantee.
  - (b) That Mr Saltiel T Ekondo be informed that the balance of the purchase price for Erf 543, Extension 2, Matutura must be secured by cash payment or an electronic fund transfer or a bank guarantee (subject to penalty interest being levied from 26 February 2019), by 25 March 2019.
-



To: whom it May Concern;

I Sahiel Tundao Elondo, M.No: 86062200505 have emerged as a success bidder for ERF 543 Extension 2, Mutara, Swakopmund on the 26 October 2018. As per agreement signed with the Municipality of Swakopmund the settlement for amount N\$344 967.89 for ERF 543 was supposed to be paid on the municipality account before Monday 25 February 2019.

My intention was to pay off this arrear (71st) cash, it has emerged that my expected cash inflow will extend beyond the February deadline provided. However I have managed to make some payments to the municipality account on the 25 February 2019 of total amount N\$130 000.00.

I'm here by appealing to the municipality council for extension period to give me a chance to settle the outstanding amount account. I trust you consider this genuine request and look forward to discussing favorable payment terms in respect of this agreement.

Find attached supporting documents for your consideration.

For any enquiries please do not hesitate to contact the undersigned.

Sincerely,

Sahiel T. Elondo  
Contact: 081 2222134

Signed on 26/03/2019

*Sahiel T. Elondo*

26 Feb 2019





11.1.27 **REINTRODUCTION OF DRC PLANNING COMMITTEE**  
(C/M 2019/03/28 - H 5/4)

Ordinary Management Committee Meeting of 15 March 2019.  
Addendum 10.4 page 31 refers.

---

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

1. **Purpose**

The purpose of this submission is to introduce a ward system through which information dissemination and participation with residents of informal areas can take place.

This item was presented at the Planning Forum on 27 February 2019 and is now submitted to the Management Committee for consideration.

2. **Background**

The objective of the DRC Planning Committee is to enhance participatory democracy and improve service delivery through an institutionalized channel of communication and interaction between communities and Council. The last election of DRC committee members took place during 2012. The new members were elected at a public meeting during 2012 and served for a period of 3 years after which their term expired. The role of the committee was as follows:

- Assist in handling the matters regarding new arrivals at the informal settlement
- Registration and approval of new arrivals
- Hold regular public meetings with the community members and address grievances raised by the community
- Discuss and present community grievances to authorities and provide feedback to the community
- Present the community's future aspirations and needs to the local authorities for consideration
- Gather concerns from the community and submit it as discussion points for the agenda prior to committee meetings
- Actively involved in community projects and development initiatives
- Install community accountability activities such as management of refuse, peace and harmony etc.

The roles of the DRC Planning Committee highlighted above have been revised to suit the growing needs of the residents of the informal settlement. With the huge influx to the informal settlement, it has become important to divide the settlement into different wards and assigning representatives to these wards in order to enhance the participation and present the interests of all groups in the settlement not only to the benefit of the Municipality but to all public service providers and the broader society as well.

### 3. Discussion

With the upgrading of the informal settlement mechanisms need to be introduced to optimize the dissemination of information as we respond positively and proactively to the development of sustainable human settlements. In light thereof it is necessary to re-introduce the idea of a DRC Planning Committee where representatives of different geographical areas (wards) will be elected to ensure the involvement and cooperation of the entire community. Considering the various areas occupied by informal households it is proposed that the committee consist of 10 members, 2 from each ward as illustrated below.



The presence of Committee members will enhance the quality of the service delivery especially during the allocation of land. To ensure that the Committee function and operate effectively and that they avoid derailing the decision-making process within the municipality, a guideline was prepared (**Annexure "A"**). This document provides the objectives, election procedures, functions and powers, composition and code of conduct amongst others for ward committee members and should be used as a guide for the implementation of ward committees.

Research has prevailed that the tradition of financial benefits to such committees creates more productivity and commitment as such the guideline also makes provision for financial support towards committees. This however, is a prerogative of Council.

### 4. Conclusion

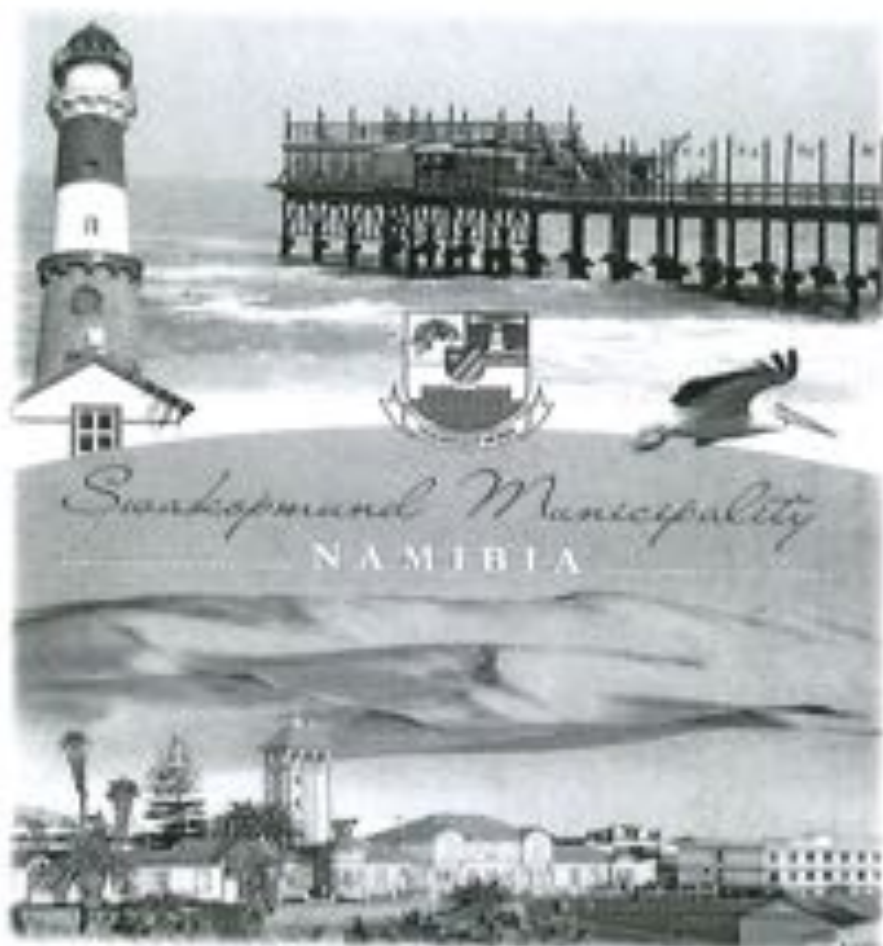
With the upgrading of the DRC settlement in full swing there is a need to optimize the dissemination of information between residents and Council. It is therefore proposed that the DRC Planning Committee be re-introduced to operate under new approved guidelines.



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

**RECOMMENDED:**

- (a) That the proposal by the Community Development Services Department regarding the re-introduction of the DRC Planning Committee, be approved.
  - (b) That the election of a Ward Committee which will ensure the information dissemination and participation of residents in the activities and development plans of Council for the DRC Settlement be approved.
  - (c) That the terms of reference, on file, be approved as the guide towards an effective Ward Committee with the deletion of paragraph 10.
  - (d) That the community be sensitized about the proposed elections and that elections be done on a ward basis.
  - (e) That the guidelines be reviewed before implementation.
  - (f) That the Ward Committee members not be remunerated.
  - (g) That in future consideration be given to provide an allowance to members of the public serving on the Committee.
-



## **DRC PLANNING COMMITTEE GUIDELINES**

Approved By: \_\_\_\_\_

Date approved: \_\_\_\_\_



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## PREAMBLE

With the upgrading of the DRC informal settlement the need to optimize the dissemination of information between residents and Council was identified. In light thereof the idea to reintroduce the DRC Planning Committee is proposed where representatives of different wards are elected to ensure the involvement and cooperation of the entire community.

Such a Committee is concerned with the services that the municipality provides, while the Municipality is required to ensure that all of the services are rendered in the most effective and efficient manner.

### 1. Objectives of the DRC Planning Committee

The objective of the DRC Planning Committee is to enhance participatory democracy and improve service delivery through an institutionalized channel of communication and interaction between communities and Council.

*"one way of achieving successful service delivery models is to ensure that citizen participation takes place through structured and institutionalised frameworks for participatory local governance."*

Department of Provincial and Local Government Republic of South Africa, 2008



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## 2. Establishment Process

The re-introduction and operations of the DRC Planning Committee will only take effect through a Council resolution and shall be effective from the date when Council adopts the guidelines for the DRC Planning Committee.

Election models will apply for the municipal area, which are based on Geographic representation

## 3. Election Procedures

- (a) The DRC Settlement will be divided in different wards after which an information meeting on the DRC Planning Committee and related processes and procedures should be conducted in each ward prior to the election of the DRC Planning Committee.
- (b) Only residents who are registered / residing in that respective ward are eligible to vote.
- (c) Geographic areas constituting the ward are requested to send their nominated representatives to serve as members of the Ward Committee.
- (d) Voting can take place by a majority show of hands or a formal ballot process if circumstances so dictate

## 4. Functions and Powers of the DRC Planning Committee

The following functions and powers may be delegated to the DRC Planning Committee by Council:-

- (a) To be an institutionalized channel of communication and interaction between the community and Council
- (b) To give the community members the opportunity to express their needs and opinions on issues that affect their lives and to have them heard at the municipal level via the DRC Planning Committee

- 
- (c) To be an advisory body to assist the Municipality in delivering services in the most effective and efficient manner possible.
  - (d) To serve as a mobilizing agent for community action
  - (e) To assist in handling the matters regarding new arrivals at the ward
  - (f) To assist the Municipality in the registration and approval of new arrivals
  - (g) To hold regular committee meetings with the community members and address concerns or needs raised by the community
  - (h) To present the community's future aspirations and needs to the local authorities for consideration
  - (i) To gather concerns from the community and submit it as discussion points for the agenda prior to committee meetings
  - (j) To be actively involved in community projects and development initiatives
  - (k) To instill community accountability activities such as management of peace and harmony

## 5. Composition of DRC Planning Committee

- (a) The DRC Planning Committee will be made up of not more than 10 representatives from the community.
- (b) The 10 elected people should represent different wards and in their quest for access to land, housing or services
- (c) The DRC Planning Committee may establish one or more sub-committees necessary for the performance of its duties, subject thereto that the operation of such sub-committee(s) may not have any financial implications to the Council.



- 
- (c) The Committee shall consist of Councillors with the Mayor as Chairperson and officials from Health, Engineering and Community Development Services.

## 6. General

- Council makes the rules for electing the DRC Planning Committee members.
- No executive powers will be delegated to the community representatives
- Council may consider giving the community members specific portfolios to manage effectiveness and ensure that the opinions of the public are taken into account.
- Adopting the practice of giving portfolios to the DRC Planning Committee members can be a prerogative of Council or the DRC Planning Committee.

## 7. Code of Conduct of Members

A member of the DRC Planning Committee:

- (a) Must perform the functions of the Committee in good faith and without fear, favour or prejudice.
- (b) Must adopt the principle of transparency to promote openness, sincerity and honesty in the participation process and promote the existence of trust and respect for the integrity of all community members.
- (c) Must adopt the principle of accountability to the community.

- 
- (d) Must be accessible for the community and ensure that community members understand the process and the issues at hand so that they are able to make valuable and appropriate input to the Committee.
  - (e) Must recognize diversity and understand cultural differences.
  - (f) May not use the position for privileges of a member for private gain, or to improperly benefit another person.
  - (g) May not act in any other way that compromises the credibility, impartiality, independence or integrity of the Committee.
  - (h) Must provide an apology with a valid reason to the Chairperson if a meeting cannot be attended.
  - (i) Must sign a Code of Conduct, attached as ANNEXURE A, which should be monitored.

## 8. Terms of Office

Members of the DRC Planning Committee are elected for a 3 year term of office as resolved by Council.

## 9. Termination of Membership of community Representatives

The following may serve as sufficient motivation to terminate the membership of the DRC Planning Committee members:-

- (a) Resignation
- (b) Election to position of Councillor
- (c) Failure to attend 3 consecutive Committee meetings without an apology
- (d) Proven involvement in corruption
- (e) Becomes involved in activities that undermine the Council's authority



- 
- (i) Ceases to live in the DRC settlement which he/she represents
  - (j) Is declared mentally incompetent by a competent court

## **10. Financial Support**

Council may decide on an allowance to be paid to the DRC Planning Committee members as follows.

- Monthly allowance of N\$300 for members
- Refreshments per meeting.
- Cost of venues and other equipment as required per meeting
- Capacity building and training programs for committee members.

## **11. Administrative Support**

- (a) Develop and provide capacity building and training programmes for the DRC Planning Committee on an on-going basis during their term of office.
- (b) facilitate the DRC Planning Committee elections, for which purpose the Municipal Manager must appoint an election officer to conduct such elections.
- (c) Issuing of formal identification cards to the DRC Planning Committee members so that they are recognized as legitimate DRC Planning Committee members amongst the community.
- (d) The permanent availability of administrative staff to assist with all scheduled/non-scheduled Committee meetings and to assist the members in fulfilling their clerical and administrative functions such as bookings, arrangements and minutes of meetings.
- (e) Identify/build/arrange central meeting places in the ward where communities have access to information and where the Committee can meet.

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(f) Assist the Committee in fulfilling their tasks.

## **12. Dissolution of the DRC Planning Committee**

Council may dissolve the DRC Planning Committee if it fails to fulfill its objective (duties).

The following may serve as indication that a committee may exceed its functions and fails to fulfill its objective:

- i. When it fails to meet three consecutive times.
  - ii. When members decide to resign
  - iii. When maladministration, fraud, corruption or any serious malpractice has occurred or is occurring in a committee
-



### 13. ANNEXURE A

#### ORC PLANNING COMMITTEE CODE OF CONDUCT

##### 1. Interest of the community

- (a) Committee members must at all times act in the interests of their community
- (b) Committee members must not use their position to promote personal or private interest.
- (c) Committee members should not be influenced or diluted by improper motives.
- (d) Committee members must not favour any individual groups or organisations in the execution of their functions.

##### 2. Committee meetings

- (a) Committee members must strive to attend all Committee meetings.
- (b) Committee members who are unable to attend a meeting must tender his or her apology stating reasons why he or she is unable to attend.
- (c) Committee members may not be absent from meetings 3 times in succession without a legitimate excuse.
- (d) Failure to attend 3 Committee meetings in succession without a legitimate excuse will result in a member losing his membership.
- (e) Committee members must refrain from engaging in disruptive behaviour during meetings.

##### 3. Political matters

- (a) Committee members should avoid political conflicts among themselves and Councillors.
- (b) In their interaction with the community committee members must not discriminate on the grounds of political affiliation, culture, race gender, sexual orientation, disability, religion, etc.
- (c) In the execution of their duties committee members must not advance the interest of any political party.
- (d) Committee members may not use the ORC Planning Committee meetings as a political platform or forum or to canvass for political support for re-election as a Committee member or as a Councillor in the next local government elections.

##### Declaration

Name of municipality \_\_\_\_\_

Number of Ward \_\_\_\_\_

I, \_\_\_\_\_ declare that I have read the Code of Conduct for Members of the ORC Planning Committee and that I understand it and agree to be bound by the Code of Conduct in the execution of my functions as a ORC Planning Committee member.

Signature \_\_\_\_\_

Date \_\_\_\_\_

- 11.1.28 **MINISTER OF URBAN AND RURAL DEVELOPMENT RESPONSE:  
OBJECTION TO THE SALE OF A PORTION OF PORTION 5 OF  
SWAKOPMUND TOWN AND TOWNLANDS NO. 41 TO MESSRS  
ELIZE INVESTMENTS (PTY) LTD**  
(C/M 2019/03/28 - H 5/1)

Ordinary Management Committee Meeting of 15 March 2019,  
Addendum 10.6 page 47 refers.

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

**1. Introduction**

The purpose of this submission is to inform the Management Committee of the decision passed by the Ministry of Urban and Rural Development with reference to the objection received against the sale of a portion of Portion 5 of Swakopmund Town and Townlands.

Attached as Annexure "A" is the reply received from the said Ministry dated 28 February 2019 reminding Council to implement the Minister's decision and directive communicated at the meeting of 06 December 2018, namely to give both applicants an equal opportunity to present their proposal.

**2. Brief Background**

Approval was granted by the Ministry of Urban and Rural Development in writing dated 31 May 2018 for Elize Investments (Pty) Ltd to be allocated a portion of Portion 5 of Swakopmund Town and Townlands No 41, but incorrect conditions were quoted in the said approval (Annexure "B").

Following various e-mail correspondences with an official at the said Ministry, a meeting was held on 06 December 2018. Subsequent to the meeting held on 06 December 2018 with the honourable Minister of Urban and Rural Development a submission was tabled to Council on 31 January 2019 to repeal Council's decision passed on 27 March 2014 under item 11.1.7. The following decision was passed under item 11.1.8:

*That Council repeals 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.*

The Ministry was informed of the above decision per letter dated 04 February 2019 (Annexure "C").

The above decision was passed based on the understanding from the meeting held on 06 December 2018 that Council needs to repeal its previous decision with reference to the future sale of the portion of land as part of the administrative process of finalizing the consideration of approval.

**3. Legal Position**

The letter dated 28 February 2019 does not record that the approval granted in terms of their letter dated 31 May 2018 is repealed. It is unclear what the status of the Minister's latest decision is and Council is advised to obtain a legal opinion thereon.



**4. Proposal**

The directive from the Ministry requires Council to invite the following applicants to present their proposals to a Special Management Committee for consideration:

1. *Messrs Elize Investment and Partners dated 28 May 2010*
2. *Ms Helvi Mupupa dated 22 January 2014*

It is further proposed that the Management Committee considers criteria according to which the valuations will be assessed.

Attached as Annexure "D" is a letter received from Ms H Mupupa dated 12 February 2019.

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

- (a) That the decision passed by the Ministry of Urban and Rural Development (letter dated 28 February 2019) with reference to the objection received to the proposed sale of a portion of Portion 5 of Swakopmund Town and Townlands No 41 to Messrs Elize Investments (Pty) Ltd, be noted.
  - (b) That it be noted that the letter dated 28 February 2019 does not state that the approval granted on 31 May 2018 is repealed and that the Ministry of Urban and Rural Development be requested to confirm that such is the intention.
  - (c) That Ms Helvi Mupupa be invited for a presentation to the next Management Committee Meeting.
-



Republic of Namibia

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**Ministry of Urban and Rural Development**


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Enquiries: F. Jibbe (Mr.)  
Tel: (+264-61) 2973300  
Fax: (+264-61) 2973300

Our Ref: 14/17/3/02  
Your Ref:

Date: 28 February 2019

Mr. A. Benjamin  
Chief Executive Officer  
Swakopmund Municipality  
P.O. Box 53  
SWAKOPMUND

Dear Mr. Benjamin,

**SUBJECT: SWAKOPMUND: OBJECTIONS RECEIVED AGAINST THE SALE OF A PORTION OF PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS TO ELIZE INVESTMENTS.**

Your letters dated 04 February 2019 and 11 December 2018 (attached) on the above subject matter have reference.

Your request for approval has not been granted by the Minister, and Council is hereby reminded to implement the Minister's decision and directive to Council as communicated during the meeting on the 6th December 2018, in Swakopmund, namely for Council to give both applicants an equal opportunity to present their proposals. This is in line with Article 18 of the Namibian Constitution which obliges public institutions to apply Administrative Justice.

Council's compliance to the Minister directive is urged.

Yours Sincerely,

  
  
 NKHOSINTSHA DAMM  
 EXECUTIVE DIRECTOR

Cc: Hon. Dr. P. Mubhelele, Minister  
 Hon. D. Klassen, Deputy Minister





Republic of Namibia

## Ministry of Urban and Rural Development

Enquiries: J. Mula (Mr)  
Tel: (+264-61) 297-3193  
Fax: (+264-61) 297-3305

Government Office Park  
Luder Street

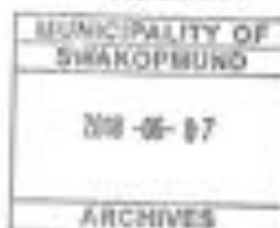
Private Bag 13289  
Windhoek, Namibia

Our Ref: 14/170/02  
Your Ref: H 51

Date: 31 May 2018

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

Attention: Mr. M. P. C Swart



**SUBJECT: OBJECTION AGAINST THE SALE OF A PORTION OF PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS TO ELIZE INVESTMENTS (PTY) LTD**

Your letter dated 01 December 2017 has reference.

The objections lodged are overruled in terms of Section 63 (1) (c) and approval has been granted in terms of section 30 (1) (i) of the Local Authorities Act, 1992 (Act 23 of 1992) as amended, to sell a remainder of Portion 5 of Swakopmund Town and Townlands No. 41 measuring about 15.4 ha (154 747.5576 m<sup>2</sup>), to Messrs Elize Investments (pty) Ltd for township establishment and housing development purposes at a purchase price of N\$ 120.00/m<sup>2</sup>, which translates into a total purchase price of N\$ 18 569 706.51 (VAT excluded), on the following conditions:

- The developer will be responsible for servicing cost.
- Upon the completion of the installation of services, 33.33% of the single residential road developed even should be returned to the Council, and
- Subject to the conditions set out in Council Resolution Number CM 2016/10/27, item no. 11.1.19. (c) and Council Resolution Number C/M2017/01/26, under item 11.1.20.

Yours faithfully,

PERMANENT SECRETARY





## MUNICIPALITY OF SWAKOPMUND

Ref No: H 5/3

Enquiries: Mr A Benjamin

Office of the Executive Director  
Ministry of Urban and Rural Development  
P O Bag 13289  
WINDHOCK

Attention: Mr John Ishila

Dear Sir,

### SALE OF A PORTION OF THE REMAINDER OF PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS NO41: RESCISSION OF THE PREVIOUS RESOLUTION

#### 1. Justification

Ministerial approval is herewith applied for in terms of section 30 (1) (3) of the Local Authorities Act 23 of 1992, to proceed with the sale of a Portion of the Remainder of Portion 5 of Swakopmund Town and Townlands no 41 to Elise Investments (Pty) Ltd in terms of Council's resolution passed on 26 January 2017, item 11.1.20.

Notwithstanding the above, reference is also made to the numerous written communication between your office and the Property Section.

#### 2. Introduction

Following a meeting with Honourable Minister of Urban and Rural Development, Honourable Governor of the Erongo Region, Honourable Councillors together with government and municipal officials on 6 December 2018 regarding the sale of a Portion of the Remainder of Portion 5 of Swakopmund Town and Townlands no 41 it was concluded that the Council resolution of 27 March 2014 under item 11.1.7 be repealed.

The matter was tabled to the Management Committee meeting of 18 January 2019 under item 7.4 whereafter Council at its meeting of 31 January 2019 under item 11.1.8 resolved the following:

*That Council repeals 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.*

The attachments to the submission that served before Council on 31 January 2019 under item 11.1.8 is marked **Annexure "A"**.

All correspondence must be addressed to the Chief Executive Officer

(064) 4104100  
080 014 014  
53 Swakopmund  
NAMIBIA  
[www.swakopmund.com.na](http://www.swakopmund.com.na)  
[abbenjamin@swakopmund.com.na](mailto:abbenjamin@swakopmund.com.na)

4 February 2019



3. Application to the Honourable Minister of Urban and Rural Development



The approval of the Honourable Minister of Urban and Rural Development is hereby sought in terms of section 30 (1) (f) of the Local Authorities Act 23 of 1992, as amended, to proceed with the sale of a Portion of the Remainder of Portion 6 of Sankwajane Town and Townlands no 41, measuring 15,4 hectares - 154 747,5576 m<sup>2</sup>) to Elze Investments (Pty) Ltd for township establishment and housing development purposes at a purchase price of N\$15 000 000,00 and based on Public Private Partnership concept.

Please take note that Council's minutes of the meeting held on 31 January 2019 are not yet approved and signed and it will be forwarded to your office as soon as it is done by the end of February 2019.

For any further enquiries, please do not hesitate to contact the undersigned at 054-410 4100.

Yours faithfully,

  
Mr A. Benda  
CHIEF EXECUTIVE OFFICER

Env  
HC  
Copy:    
Messrs Elze Investments (Pty) Ltd  
P O Box 670  
SWANDBURG  
✉ [andrew.kamari@elze.co.za](mailto:andrew.kamari@elze.co.za)

