

AGENDA

Ordinary Council Meeting

on

THURSDAY

25 July 2019

at

19:00



MUNICIPALITY OF SWAKOPMUND

**MUNICIPALITY OF SWAKOPMUND**

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Ref No A 2/3/5

Enquiries: *Aloysia Kahuka*

18 July 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, 25 JULY 2019 AT 19:00,

A Benjamin
CHIEF EXECUTIVE OFFICER

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(C/M 2019/07/25 - A 2/3/5)
- 4.1 Minutes of an Ordinary Council Meeting held on 27 June 2019.
(pp 78/2019 - 96/2018)

5. OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS

6. INTERVIEWS WITH DEPUTATIONS OR PERSONS SUMMONED OR REQUESTED TO ATTEND THE MEETING OF A COUNCIL
- 6.1 Long Service Awards.

7. PETITIONS
None.

8. MOTIONS OF MEMBERS
None.

9. ANSWERS TO QUESTIONS OF MEMBERS OF WHICH NOTICE WAS GIVEN
None.

10. REPORT OF THE MANAGEMENT COMMITTEE REFERRED TO IN SECTION 26(1) (E) OF THE ACT
- 10.1 REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING JUNE AND JULY 2019

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

None.

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

None.

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MINUTES

of an Ordinary Council Meeting held in the Council Chambers, Municipal Head Office, Swakopmund on Thursday, 27 June 2019 at 19:00.

PRESENT:

Councillor M Elago	:	Deputy Mayor
Councillor E Shitana	:	Chairperson of MC
Councillor A M Marsh	:	Member of Management Committee
Councillor N N Salomon	:	Member of MC
Councillor W O Groenewald	:	Alternate Member of MC
Councillor U Kaapehi	:	Member of Council

OFFICIALS:

Mr A Benjamin	:	Chief Executive Officer
Mr M P C Swarts	:	GM: Corporate Services & HR
Mr C McClune	:	GM: Engineering Services
Mr C Lawrence	:	GM: Health Services
Mr V S Kaulingo	:	Acting GM: Community Development Services
Ms G Mukena	:	Acting GM: Finance
Mr L Mutenda	:	Manager: Health
Ms M Bahr	:	Manager: Human Resources
Mr A Plaatje	:	Manager: Corporate Services
Mr H Karandjembo	:	Head: Procurement
Mr J Heita	:	Manager: Town Planning
Mr A Strauss	:	Manager: Works
Ms A Gethardt	:	Corporate Officer: M & C
Mr U Tjurutue	:	Corporate Officer: Admin
Ms D Hanes	:	P A to the Mayor
Ms A A Kahuka	:	Administrative Officer

ALSO PRESENT:

Also present was the constituency Councillor, Honourable Juuso Kambushe, three (3) staff members receiving long service awards, two (2) members of the Media, and forty one (41) Members of the public.

1. OPENING BY PRAYER

Pastor Gustav Kamatoto opened the meeting with scripture reading and prayer.

2. ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL

On proposal of Councillor A M Marsh seconded by Councillor W O Groenewald 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 P Nashilundo	-	Approved
Councillor K N Jason	-	Approved
Councillor E K Hangula	-	Approved
Alderman E i/Khoaseb	-	Approved

3.2 Declaration of interest:

Councillor M Elago	-	Item 11.1.6
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4. **CONFIRMATION OF MINUTES**

(C/M 2019/05/23 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 23 MAY 2019**

On proposal of Councillor U Kaapehi seconded by Councillor N N Salomon it was:

RESOLVED:

CD: A
GM: CS/HR

That the minutes of the Ordinary Council Meeting held on 23 May 2019, be confirmed as correct.

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

(C/M 2019/05/23 - A 2/3/5)

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

*Honorable Councillors, Pastor Gustav Kamutoto, The Chief Executive Officer, Mr. Afees Benjamin, General Managers, Managers, Officials, Junior Town Council, Members of the Community, Members of the Media, Ladies and Gentlemen
All Protocol observed.*

Good evening and a warm welcome to our June Council meeting. As Council, we are grateful to all of you who made effort to join us this evening.

Before we proceed, let me share with you a scripture from the Book of 1 Corinthians, Chapter 3 from verse 8-9, and it reads "The one who plants and the one who waters have one purpose, and each will be rewarded according to their own labor. For We are God's fellow workers; You are God's field, God's building."

Ladies and Gentlemen

The Office of the Mayor is tasked with various official engagements, therefore, the Mayor and the Councillors attended to the following engagements during June 2019:

- Karibib Travel and Tourism Expo's official opening ceremony, Karibib
- Mass Housing Development Programme Meeting at the Office of the Governor, Swakopmund
- Africa Cup In-line Hockey opening ceremony, Swakopmund
- Opening ceremony of Swakop Food festival, Swakopmund
- Memorial service of Late Honourable Dr. Nickey Iyambo, Former Vice President of Namibia, Windhoek
- Perivoll School Trust Graduation Ceremony, Swakopmund
- Launch of the Project Shine Campaign, Swakopmund
- State of the Region Address, Swakopmund

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- Namibia Tourism Expo official opening, Windhoek
- NNMFC Exco Meeting, Gobabis
- Lions Old Age Home Awards ceremony, Swakopmund
- Launch of the Human Rights Campaign, "The Journey", Windhoek
- Launch of the Refleks Chapter, ALAN, Otjivero
- The Prinsenzal of the Swakopmunder Jarmel
- We attended the official opening of the Etheo Cultural Festival in Okahao.
- Consultative meeting for the National Social Public Policy formulation with the Ministry of Poverty Eradication and Social Welfare, Swakopmund
- Resilient Cities 2019, Bonn, Germany
- Various in-house meetings

Thank you Honourable Councillors for your dedication and commitment in fulfilling some of the duties of the Mayor's Office.

Ladies & Gentlemen

The country has been confronted with severe drought and earlier this year, His Excellency, Dr. Hage Geingob, the President of the Republic of Namibia, has declared drought as a national crisis. Thus, it is critical that we manage this drought crisis by working together to save water. To do that, we each need to learn to value water.

Encouraging water conservation may be one of the most important things we can do to protect our vital natural resources and even our very existence on this earth. Every effort we take to conserve water will make a huge difference and will help to ensure that one of our most precious resources continues to be preserved for future generations. As Council, we hereby call on everyone to work with together to manage the water shortage crisis and to preserve our water! The Council at its meeting on 23 May 2019, approved the new basic tariff of N\$126,600 for water supply by Namwater and noted the importance to encourage our community to save water. Thus, we hereby announce that there will be an increase in water charges on your municipal account as from the 1 July 2019.

Ladies and Gentlemen,

On the 09th of June, we celebrated the 10 year anniversary of the Project Shine Campaign. The Campaign, which was launched on World Environmental day 10 years ago, comprises of two components namely; the Clean-Up Campaign and an Awareness/Education Campaign. The Clean-Campaign was initially aimed at cleaning the main road from Swakopmund to Arandis, but has since been extended to the beaches from Swakopmund to Herdies Bay, the Swakop River and certain areas of the desert east of Swakopmund. The Awareness component of the project further focuses on creating awareness about understanding sustainability on a fundamental level and in that we continuously promote and accentuate the importance of a clean environment, the benefits of recycling and contributing to the social improvement of our town.

The Clean-Up Campaign commenced on the 1st of June 2019 and will end on the 30 November 2019 whilst the Awareness campaign is an ongoing activity. Eighty to ten (8-10) groups were selected from non-profit organizations to participate in cleaning the town of Swakopmund. Each participating group has been allocated a ward and they need to ensure that their ward is clean and maintained for a period of 6 months. These wards stretch from about 10-20km. All participating groups are expected to submit a monthly activity report on waste removed and this will be used as a tool by the evaluators during the monthly inspections. The evaluation team consists of representatives from the Ministry of Environment and Tourism, Municipality of Swakopmund, Rosing UrakuaHo Tiro, Roads Authority and NACOMA.

This initiative serves as evidence that as the community of Swakopmund, we are determined to work towards sustainability as we adopt systematic and strategic approaches in practicing sustainable principles.

Ladies and Gentlemen, Fellow Councillors

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May I, on behalf of Council, use this platform to express our heartfelt gratitude to our valuable sponsors, who since the launch of this Campaign have been committed to ensure its success.

These companies are; Namibia Breweries Ltd, Rio Tinto/Rössing Uranium, NACOMA Project, Bannerman Resources Namibia, First National Bank and Plastic Packaging Namibia joined forces and contributed immensely towards the growth of this Campaign. Their valuable contribution and participation in the Campaign is highly praiseworthy.

Ladies and gentlemen,

In our efforts to improve our payment services, the Council has compiled and is conducting a Customer Payment Survey for our valued clients, in order to find out which payment methods are convenient for their use. We observed the excessively long queues at the Cashier during a specific time frames in a month, thus we realized that it was important to share with the public, the various payment methods which are available to be used when paying for their Municipal bills. The current methods available range from:

- Cash / Debit / Credit Card (at the Cash hall)
- Call Phone Banking
- ATM Transfer / Payments
- Online / Internet Banking Payments (Electronic Fund Transfer)
- Debit Order
- Bank deposit inside the Bank
- Deposit at the ATM
- Cellphone App (pay Today)

We therefore encourage our valuable clients to peruse the Survey and enquire at the Cashier about the available payment methods.

As the Council, we strive to serve with excellence and thus we continuously try to improve on our service delivery.

Honourable Councillors, Ladies and Gentlemen

On a very delightful note, I am proud to announce that on the 16th of June 2019, Swakopmund was officially proclaimed as the Kavela Town of the Year ("dorp van die jaar") 2019. I was overjoyed about this great news and I believe that this is our time to extend our shining gleams to the global world. Council wishes to express its appreciation to all the Councillors, Management, staff, stakeholders, residents, fellow Namibians and visitors who worked diligently during this campaign, activations and for casting their votes for our town. We would specifically like to commend the Swakopmund Destination, Namibia Hospitality Association and our Marketing division, who worked tirelessly in ensuring that we won the award this year.

Competing against South African cities and towns was challenging due to the population size difference, but we as the Namibian nation once again proved that when united, we can reach higher elevations.

I would like to encourage my fellow Councillors and municipal staff to continue promoting our town to attract more visitors and investors as this is one of the ways in which we can boost our economy and create more job opportunities for our fellow Namibians.

The prize for being the Kavela Town of the Year is advertising airtime to the value of One million Namibian dollars (N\$1 000 000) on Kyknet. Please take note that the Council or the Swakopmund town will not receive the prize in cash, but it will be only be used to advertise and promote the local businesses which vary from SMEs, MSMEs and private organisations. These advertisements will contribute towards attracting more national and international visitors and investors for the town. The exposure will also assist in marketing our town as the best tourism hub and an increase in tourism activities could greatly benefit our economy.

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Moreover, the organisers (Homebrew Film) will host a big bash for Swakopmund. On behalf of Council, we are inviting the community to the Maki (Big Bash) featuring famous artists, entertainment, and different stalls for local entrepreneurs. The event will take place in December and we will share more details at a later stage through various communication methods available. Congratulations Swakopmund on your well-deserved wining.

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

6.1 Long Service Awards

Ladies & Gentlemen

We hereby would like to acknowledge the following staff members and present them with long service awards. These staff members in their respective positions have shown commitment and loyalty to the Municipality through their long service and we as Council would like to express our sincere gratitude for their time and contributions to develop this Municipality and transform it into what it is today. The staff members are as follows:

15 YEARS SERVICE

Lydia Mufenta

10 YEARS SERVICE

Annalize Jacobs

Alden Strauss

May you all continue to serve with loyalty and help us grow our institution as we jointly serve our community.

Ladies & Gentlemen

Thank you for your undivided attention. May you all have a wonderful evening ahead.

Maria Elago

7. **PETITIONS**

None.

8. **MOTIONS OF MEMBERS**

None.

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

None.

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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 JUNE 2019**
10. Minutes of Ordinary Management Committee meeting held on 13 June 2019 and Special Management Committee of 23 May 2019.

11.1.1 **EXTENSION 14, SWAKOPMUND, SALE OF 14 DECEMBER 2018:**

ⓐ **CANCELLATIONS**

ⓑ **APPLICATIONS FOR EXTENSION OF TIME**

(CAM 2019/06/27 - G 3/3/2/14, E 2623 V, E 4912, 4913, 4916, 4917, 4921, 4955, 4956)

RESOLVED:

CO: P
SAC: CS&HT

- (a) That the transactions in respect of the following erven sold on 14 December 2018, be cancelled due to non-performance by the due date of 13 May 2019:

Erf	Surname	Name	Comments	Purchase Price less M20 000.00 Reg. Fee
2623	Rambonde	Andreas Bakomondo	No Payment	907 000.00
4912	Olivier	Jaco Martin	No Payment	464 352.00
4913	Postgeler	Anita	No Payment	726 001.00
4916	Meyer	Trevor Douglas	No Payment	625 000.00
4917	Meyer	Edward	No Payment	625 000.00
4956	Juniza	Enrico Jürgen Venancio & C Margaret	No Payment	812 000.00

- (b) That the above cancelled erven be offered to the next qualifying bidders listed for as provided for in the Conditions of Sale.
- (c) That extension be given to the following bidders for payment of the purchase price, subject to interest:

Erf	Surname	Name	Comments	Purchase price - N\$5 000.00 Reg. Fee
4921	Thomas	Victory	Request Ext of Time until 20 Sept 2019, 3 months, Annexure "A"	496 999.99
4955	Iyambo	Leana Nahenda	Made Part Payment of N\$79 875.30, Request Ext of Time until 20 Sep 2019, 3 months, Annexure "B"	627 877.72

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11.1.2

CANCELLATION CONFIRMATION: VARIOUS ERVEN OF THE SALES OF EXTENSIONS 34 AND 35 (2017)

(C/M 2019/06/27 - E 9027, E 9037, E 9094, E 8953, E 9089, 9073)

CO: P
GM: CLM/H**RESOLVED:**

- (a) That Council confirms the cancellation of the following transactions and the erven be offered to the next qualifying bidders:

	Erven #	Purchaser
1	9027	Ms L Shipikw
2	9037	Mr S Unzob
3	9094	Ms C De Joy
4	8953	Ms D V Dandago
5	9073	Ms J Kazombanyu

- (b) That Council accepts the payment of the balance on 10 May 2019:

	Erven #	Purchaser	Initial Due Date	Status
1	9089	Ms A K Uushona	12 Mar 2019	Made part payment before 30 April 2019, and paid the balance and interest on 10 May 2019.

11.1.3

MESSRS POWERCOM (PTY) LTD: APPEAL TO COUNCIL REGARDING NEW RENTAL AND WAIVER OF BACKDATED INVOICE

(C/M 2019/06/27 - T 507, G 4/2/2/2)

CO: P
GM: CLM/H**RESOLVED:**

- (a) That Messrs PowerCom (Pty) Ltd be informed that Council considered their application to be levied the rental tariff applicable to the expired lease period but resolved to remain with its decision passed on 26 July 2018 under item 11.1.3 and on 22 November 2018.
- (b) That the increased lease tariff not be applicable from lapsing of the previous lease period of 31 May 2017, but from the date when Council approved the renewal, being 26 July 2018.
- (c) That Messrs PowerCom (Pty) Ltd be advised to consider reducing the size of land they are currently leasing in order to acquire lower tariff.
- (d) That Messrs PowerCom (Pty) Ltd be requested to pay the required advertising cost in order to proceed with the publication of the intention to renew the lease period as required in terms of the Local Authorities Act, Act 23 as amended.

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- 11.1.4 PROPOSAL TO CANCEL THE SALE OF A PORTION OF THE REMAINDER OF ERF 577, TAMARISKIA TO BRG BIOKINETICS INC.
(C/M 2019/05/27 - T 577, 19.03.03)

CD: P SM: CS&HR

RESOLVED:

That the sale transaction of BRG Biokinetics Inc. to purchase a Portion of the Remainder of Erf 577, Tamariskia be cancelled.

- 11.1.5 ALLOCATION OF ERF 1239, EXTENSION 3, TAMARISKIA TO A QUALIFYING INSTITUTION
(C/M 2019/06/27 - T 1239)

CD: P GM: CS&HR

RESOLVED:

- That Council takes note of all development proposals received.
- That Council takes note that only two development proposals were received on time (of the four, two were delivered after the closing time).
- That Council allocates Erf 1239, Tamariskia to Namibia Training Foundation.
- That the purchase price for Erf 1239, Ext 3, Tamariskia be N\$158 550.00 as provided for in the Property Policy.
- That the institution nominated develop either a private school, pre-primary school, kindergarten or a crèche.

- 11.1.6 EXTENSION 13, MATUTURA; MESSRS MATSI INVESTMENT CC
(C/M 2019/05/27 - 16/1/4/2/1/14, 19.03.12, 14/1/1/4)

During the discussion of the item, Councillor Marie Etage declared her interest and left the chamber.

CD: P GM: CS&HR

RESOLVED:

- That the request by Messrs Matsi Investment CC for the allocation of additional 3 erven located in Extension 13, Matutura be turned down.
- That Council remains with its decision passed on 22 November 2018 under item 11.1.35 in terms of which 48 erven zoned "Single Residential" were allocated to them.
- That Messrs Matsi Investment CC be advised to re-apply once they have performed in terms of their current objectives.

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- 11.1.7 **EXTENSION 26, SWAKOPMUND: AMENDMENT OF COUNCIL RESOLUTION AND RESERVATION OF ERVEN FOR BUILD TOGETHER PROJECT**
(C/M 2019/06/27 - H 5/7, M 7101, M 7102, M 7104)

RESOLVED:CC: P
GSE: CL&H

- (a) That points (b) and (c) of Council's resolution under item 11.1.3 of 31 March 2016 be repealed:

- (b) That the Engineering Services Department attends to the rezoning of Erf 7101, 7102, 7104 to 'Local Business' and it be sold by Closed Bid sale to the public following the completion of this process.
- (c) That the Engineering Services Department attends to the rezoning of Erf 7103 to 'Local Authority'.

- (b) That Erven 7101, 7102 and 7104 (once vacated by Messrs Mervin Dennis Domestic Solution CC) located in Extension 26 be allocated to the Build Together Project.
- (c) That the allocation of Erven 7101, 7102 and 7104 to build together beneficiaries be re-submitted to Council.

- 11.1.8 **REQUEST TO REDUCE SELLING PRICE FOR THE DECENTRALISED BUILD TOGETHER ERVEN SITUATED AT EXTENSION 26 MONDESA**
(C/M 2019/06/27 - H 5/3)

RESOLVED:

Acting GM: CDS

- (a) That Build Together Beneficiaries recognize the reduction on their erf prices given by Council from N\$109.91/m² to N\$65.00/ m².
- (b) That Council remains with the rates provided for the sale of erven at Extension 26, Mondesa for Build Together beneficiaries as per resolution of 31 August 2016 which rates have been projected considering the increased development costs as well as the loan Council used to service the erven in question which also have to be reimbursed.

- 11.1.9 **SURRENDERING OF BUILD TOGETHER ERF BY APPLICANT WHO BENEFITED FROM MASS HOUSING DEVELOPMENT PROGRAMME**
(C/M 2019/06/27 - H 5/3)

RESOLVED:Acting GM: CDS
GSE: J

- (a) That Council takes note of the written confirmation by Ms Nontrite Naris to cancel her agreement with regard to Erf 7121, Mondesa because she bought a house on Erf 2419, Matutura under the Mass Housing Development Programme.
- (b) That all Municipal charges pertaining to Erf 7121 Mondesa for the period 26 January 2018 to 11 January 2019 be transferred to erf 2419, Matutura.

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- (c) That the loan and Erf 7121 Mondesa, initially allocated to Ms N Naris be allocated to Ms Gustafine Kharuxas, (ID 77090710173).
- (d) That should the deed search prove that Ms Gustafine Kharuxas is not a first time property owner, all transactions between Council and her be cancelled and she be ordered to return the erf to Council.

11.1.10 ERF 8932, SWAKOPMUND: APPLICATION FOR EXTENSION OF TIME TO PERFORM
(C/M 2019/06/27 - M 8932)

CO: P
GM: CS&H

RESOLVED:

That Council grants Ms H Shilumbu an extension of time until 31 August 2019 to secure the purchase price for Erf 8932, Swakopmund subject to interest.

11.1.11 APPLICATION BY COASTAL VETERINARY CLINIC CC TO PURCHASE A PORTION OF THE REMAINDER OF ERF 577, TAMARISKIA
(C/M 2019/06/27 - T 577; 19.03.03)

CO: P
GM: CS&H

RESOLVED:

- (a) That Council approves the application by Coastal Veterinary Clinic CC to purchase a portion of the Remainder of Erf 577, Tamariskia measuring approximately 2 200m².
- (b) That the sale of the portion of land be for the development and establishment of a Medical / Para-medical Facility.
- (c) That the purchase price of a portion of the Remainder of Erf 577, Tamariskia be N\$1 815 000.00 (N\$825.00/m² x 2 200m² = N\$1 815 000.00), 15% VAT excluded.
- (d) That the transaction 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 sale and 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 all costs related to the transaction be for the account of the purchaser.
 - (v) That upon finalization of the statutory process in point (b) (ii) below, 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.

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- (vi) 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.
 - (vii) 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 in terms.
 - (ab) Should the purchase price be secured by a bank guarantee the transfer must be effected on / before the 120th 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.
 - (viii) 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.
 - (ix) 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.
 - (x) 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.
 - (xi) That no development or construction be permitted to commence until the statutory processes have been completed and the erf is transferred.
 - (xii) That the purchaser constructs 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.
 - (xiii) That the said improvements be completed within 24 months (2 years) from date of transfer.
 - (xiv) That the property may not be alienated unless a completion certificate is issued in respect of the structural improvements, referred to in (xii) above. This restraint of alienation is to be registered against the title deed of the property.
 - (xv) The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof by the purchaser.
 - (xvi) That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.
 - (xvii) 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 remains the same until the transfer takes place and they have complied with all conditions of sale.
- (e) That the following special conditions of sale approved by Council on 31 May 2017, item 11.1.18 and 26 July 2018, item 11.1.5; be applicable:
- (i) That Coastal Veterinary Clinic CC extends all services from the existing infrastructure to the newly created erf at their own expense.

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- (ii) That a Right of Way servitude be registered in favour of the newly created erf against the existing access road giving access to the Remainder of Erf 577, Tamariskia.
- (iii) That the following statutory processes be finalized by the developer upon acceptance of the conditions of sale and purchase price by Coastal Veterinary Clinic CC at the cost of the purchaser:
- (1) Closure of a portion of the Remainder of Erf 577, Tamariskia in terms of Section 50 of the Local Authorities Act.
 - (2) Subdivision of Erf 577, Tamariskia into a newly created Erf.
 - (3) Re-zoning of the newly created Erf from "Local Authority" to "General Business"; that no betterment fee be charged as the purchase price was determined assuming a zoning of "General Business".

11.1.12 **INTERLOCK PAVING OF THE APRON**

(C/M 2019/06/27 - 18/1)

GM: IS
GM: F

RESOLVED:

- (a) That permission be granted to the General Manager: Engineering Services to use the funds from the following votes to pave the Apron at the Aerodrome:
- 202631635600 - Upgrading of terminal building
 - 202631635700 - Fence replacement
 - 202633032200 - Upgrading ablution facilities & electricity
- (b) That the General Manager: Finance be granted permission to transfer the amount of N\$375 818.52 in vote 202631635600 - Upgrading of terminal building from the 2018/2019 financial budget to the 2019 / 2020 financial budget.
- (c) That the General Manager: Finance be granted permission to transfer the amount of N\$500 000.00 in Vote 202631635700 - Fence replacement from the 2018/2019 financial budget to the 2019 / 2020 financial budget.
- (d) That the General Manager: Finance be granted permission to transfer the amount of N\$410 916.51 in Vote 202633032200 - Upgrading ablution facilities & electricity from the 2018/2019 financial budget to the 2019 / 2020 financial budget.

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11.1.13 CESSION OF THE RIGHT TO HANGAR 67

(C/M 2019/06/27 - Hangar 67)

CO: P
GM: CS&HR**RESOLVED:**

- (a) That Council approves the cession of the rights of Hangar 67 from Mr Jurgen Paul Gossow to Mr A P Ferreira, subject to the standard lease conditions for hangars at the aerodrome.
- (b) That the approval be subject to Jurgen Paul Gossow's lease account is up to date (at the closing date for submissions the hangar rental account was fully paid up).

11.1.14 ENCROACHMENT OF THE STREET RESERVE BY A BALCONY OF THE BUILDINGS ON ERF 301, SWAKOPMUND

(C/M 2019/06/27 - E 301)

GM: ES

RESOLVED:

That the Council Resolution of 22 November 2018, under Item Number 11.1.14 be revoked and be replaced with this Council Resolution:

- (a) That Council condones the actions of the General Manager: Engineering Services.
- (b) That it be noted that the Swakopmund Town Planning Scheme allows for encroachments only for the sites which are zoned "General Business".
- (c) That only encroachments that are minor in nature and do not extend more than 0.5 metres over a street or other public space be accepted and permitted for sites which are zoned "General Business" during construction or approval of building plans.
- (d) That Sam Nujoma Avenue be subdivided into Portion A approximately 11,31m² in extent and Remainder Street as shown on the Subdivisional Plan dated May 2019.
- (e) That Otavi Street be subdivided into Portion B approximately 5m² in extent and the Remainder as shown in the Subdivisional Plan dated May 2019.
- (f) That the owner of Erf 301, Swakopmund be informed and allowed to purchase Portions A of Sam Nujoma Avenue and B of Otavi Street.
- (g) That the owner of Erf 301, Swakopmund be responsible for the Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007, as amended.
- (h) That Portions A of Sam Nujoma Avenue and B of Otavi Street be permanently closed as "Street" in terms of Section 50 (1) of the Local Authorities Act, Act 23 of 1992, as amended.
- (i) That the owner of Erf 301, be responsible for the advertisement procedures which include preparing the adverts and inserting the notices in the media, including the Government Gazette, placing copy on site and distribution to affected neighbours and costs pertaining to these procedures be for the purchaser's account.

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- (j) That proof of advertisement be provided to the General Manager: Engineering Services before the sale agreement is signed.
- (k) That Portions A of Sam Nujoma Avenue and B of Otavi Street be consolidated with Erf 301, Swakopmund.
- (l) That Portions A of Sam Nujoma Avenue and B of Otavi Street assume the same zoning as Erf 301, Swakopmund.
- (m) That a right of way servitude equivalent to Portions A of Sam Nujoma Avenue and B of Otavi Street in favour of the public be registered over the newly consolidated erf.
- (n) That the owner of Erf 301, Swakopmund be responsible for all town planning and cadastral procedures such as application to Townships Board, land surveying and registration of the newly consolidated erf and a right of way servitude.
- (o) That the current Title Deed conditions registered against Erf 301, Swakopmund be retained and be registered against the newly consolidated erf.
- (p) That upon agreement and acceptance of the Council conditions, a purchase price for the Portions A of Sam Nujoma Avenue and B of Otavi Street be determined by the Council's valuator and any other competent valuator to be nominated by the owner of Erf 301, Swakopmund.
- (q) That the owner of Erf 301, Swakopmund be granted a Power of Attorney to act on behalf of the Swakopmund Municipality Council to lodge all necessary planning, closure and cadastral procedures pertaining to the subdivision of Sam Nujoma Avenue and Otavi street and consolidation thereof.
- (r) That all cost involved should be for the account of the owner of Erf 301, Swakopmund.
- (s) That delegated powers be granted to the General Manager: Engineering Services and Manager: Town Planning, to condone minor encroachments (not more than 0.5 m in depth) for the purpose of Sectional Title Schemes registration on sites zoned "General Business".

11.1.15 **ENCROACHMENT OF THE STREET RESERVE BY A BALCONY OF THE BUILDINGS ON ERF 113, SWAKOPMUND**

(C/M 2019/06/27 - E 113)

RESOLVED:

GM: ES

That the Council Resolution of 31 August 2017, under Item 11.1.19 be revoked and be replaced with this Council Resolution:

- (a) That Council condones the actions of the General Manager: Engineering Services.
- (b) That it be noted that the Swakopmund Town Planning Scheme does not allow for encroachments for the sites which are not zoned "General Business".

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- (c) That only encroachments that are minor in nature and do not extent more than 0.5 metres over a street or other public space be accepted and permitted for sites which are zoned "General Business" during construction or approval of building plans.
- (d) That Werft Street be subdivided into Portion A approximately 2.28m² in extent and Remainder Street as shown on the subdivisional Plan dated May 2019.
- (e) That the owner of Erf 113, Swakopmund be informed and allowed to purchase Portion A of Werft Street.
- (f) That the owner of Erf 113, Swakopmund be responsible for the Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007, as amended.
- (g) That Portion A of Werft Street be permanently closed as "Street" in terms of Section 50 (1) of the Local Authorities Act, Act 23 of 1992, as amended.
- (h) That the owner of Erf 113, be responsible for the advertisement procedures which include preparing the adverts and inserting the notices in the media, including the Government Gazette, placing copy on site and distribution to affected neighbours and costs pertaining to these procedures be for the purchaser's account.
- (i) That proof of advertisement be provided to the General Manager: Engineering Services before the sale agreement is signed.
- (j) That Portion A of Werft Street be consolidated with Erf 113, Swakopmund.
- (k) That Portion A of Werft Street venue assume the same zoning as Erf 113, Swakopmund.
- (l) That a right of way servitude equivalent to Portion A of Werft Street in favour of the public be registered over the newly consolidated erf.
- (m) That the owner of Erf 113, Swakopmund be responsible for all town planning and cadastral procedures such as application to Townships Board, land surveying and registration of the newly consolidated erf and a right of way servitude.
- (n) That the current Title Deed conditions registered against Erf 113, Swakopmund be retained and be registered against the newly consolidated erf.
- (o) That upon agreement and acceptance of the Council conditions, a purchase price for the Portion A be determined by the Council's valuator and any other

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competent valuator to be nominated by the owner of Erf 113, Swakopmund.

- (p) That the owner of Erf 113, Swakopmund be granted a Power of Attorney to act on behalf of the Swakopmund Municipality Council to lodge all necessary planning, closure and cadastral procedures pertaining to the subdivision of Werft Street and consolidation thereof.
- (q) That all cost involved should be for the account of the owner of Erf 113, Swakopmund.

11.1.16 APPLICATION FOR THE RELAXATION OF ON-SITE PARKING ON ERF 3815 SWAKOPMUND

(C/M 2019/06/27 - E 3815)

RESOLVED:

GM: IS

- (a) That the application by Messrs Brynard Kotze Architects Incorporated for parking relaxation on Erf 3815, Swakopmund be turned down.
- (b) That the developer takes note that it is his responsibility to provide parking for the proposed development, preferably on-site as per the requirements of the Swakopmund Town Planning Scheme.
- (c) That no building plans shall be approved if parking provision is insufficient.
- (d) That the parking site on Erf 3815, Swakopmund has already been exhausted therefore no further additions to the development.

11.1.17 WRITING OFF OF REDUNDANT AND DAMAGED FURNITURE AND GOODS - CORPORATE SERVICES DEPARTMENT

(C/M 2019/06/27 - A 1/3/6, L 2)

RESOLVED:

CIO
CO: A
GM: CS/HR

- (a) That the following furniture and goods from the Corporate Services Department be written off:

No	Quantity	Object	Remarks
1.	4	Wooden Visitors' Chairs with Grey Seating	Chairs were replaced.
2.	1	Wooden Visitors' Chair with Brown Seating	Chair was replaced.
3.	2	Wooden Chairs with Maroon Seating	Chairs obsolete.
4.	5	Typist's / Operator's Chairs	Broken
5.	2	Desk	Broken
6.	1	Standing Fan	Broken
7.	1	Projector	Obsolete
8.	1	Asbestos Heater	Obsolete
9.	2	Heater / Cooler	Broken
10.	1	2 Door Steel Cabinet with Shelves	Obsolete

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		(Grey)	
11.	2	Waste Paper Bins	Obsolete
12.	1	HP Dealer 5443, S/N: H58C16065	Obsolete

- (b) That the Chief Executive Officer and the Chairperson of the Management Committee determines the upst prices for the furniture and goods.

11.1.18 DETERMINATION OF A FEE FOR STREET CLOSURE FOR WEDDINGS, FUNERAL AND MEMORIAL SERVICES
(C/M 2019/06/27 - N 8/10/2)

RESOLVED:

GM: CDS
GM: F

- (a) That Council approves street closure for weddings, funeral and memorial services.
- (b) That a refundable deposit be applicable for the different road surfaces as follows:
- Gravel - N\$ 750.00
 - Interlocks - N\$1 500.00
 - Bitumen - N\$2 000.00
- (c) That Council approves a rental / lease fee of N\$99.00 (Vat exclusive) per day for street closures to be escalated by 10% per year.
- (d) That the repair costs for the road surface as mentioned in (b) be defrayed from the refundable deposit.

11.1.19 MS H MUPUPA: SALE OF A PORTION OF THE REMAINDER OF PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS NO 41;
(C/M 2019/06/27 - H 5/1)

RESOLVED:

GM: P
GM: CASH

- (a) That the Management Committee resolution passed on 23 May 2019 under Item 5.7 be repealed.
- (b) That Ms H Mupupa replaces one of the non-performing developers which were allocated land as per the Action Plan approved by Council on 31 May 2019 under item 11.1.25 and on 22 November 2018 under item 11.1.35.
- (c) That it be noted that the application of Ms H Mupupa applied for land during 2014 and regarded as an exception based on the directive received from the Ministry of Urban and Rural Development stating that an alternative portion of land be allocated to her. Therefore, although she does not appear on the list of applicants submitted to Council on 30 November 2017, land be allocated to her.

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11.1.20 **PURCHASER OF ERF 115, MONDESA**
(C/M 2019/06/27 - 115 M)

CO: P
GM: CSEHR

RESOLVED:

That this item be withdrawn from the Agenda.

11.1.21 **EXEMPTION FROM PAYMENT OF ASSESSMENT RATES**
(C/M 2019/06/27 - D 3/2)

CO: P
GM: F
GM: CSEHR

RESOLVED:

- (a) That exemption from payment of assessment rates in terms of Section 75 of the Local Authorities Act, Act 23 of 1992 (as amended), be granted in respect of the following properties:

Erf Number	Organisation / Body	Purpose for which the Erf is Used
Erf 2708, S	Seventh Day Adventist Church	place of worship
Erven 4204, 508 & 2824, S	Rev. Genel Kerk Swakopmund	place of worship and rectory
Erf 4368, W Erven 1544 & 4347	Whoreag Church of Namibia COSODC Swakopmund	place of worship Training
Erven 306 & 396, F	Congregational Church Swakopmund	place of worship and rectory
Erven 4235, 4236, 4237 & Erf 21, S&B	Pro-Cat Akademie	Educational
Erf 1108, S	Nederduitsch Hervormde Kerk	place of worship
Erf 3845, S	Bethany Fellowship Church	place of worship
Erf 776	African Methodist Episcopal Church Swakopmund Awards & Herites	place of worship
Erf 389 & 763	New Apostolic Church	place of worship
Erf 4064 & 1729	Swakopmund Baptist Church	place of worship and rectory
Re of 24763, W	Mondeva Youth Opportunities	Educational
Erf 8889	A O S Pilschalla	place of worship
Erf 3824	Shofar Christian Church	place of worship
Erf 2648	Swakopmund Methodist Church	place of worship
Erf 7171	Evangelical Mission Church	place of worship
Erf 614 & 547 & 4833	A.F.M Church	place of worship and rectory
Erf 6845, W	DBC Womens Project	charitable institution
Erf 1736, S	Evangelische Stadtmission Swakopmund	place of worship
Erf 4171, W	Evangelical Bible Church	place of worship
Erf 801, 2781 & 4200	Lions Old Age & Retirement Village	retirement village / old age home
Erf 803, M	Evangelical Lutheran Church	place of worship
Erven 182 & 491	Deutsche Evang-Luth Gemeinde	place of worship & kindergarten
Erven 4368, M	Chinese Pentecostal Church of Namibia	place of worship
Erf 3758	S.P.C.A (Tierschutzvereins)	animal care / charitable
Erven 3876, 247, 284, W	Sigil Piosenze Catholic	place of worship
Erf 821, S	Blood Transfusion Services of Namibia	collecting blood from blood donors
Erf 3335, S	Palm Court Retirement Village	retirement village / old age home
Erf 3634 & 4334	Deutsche Heilinder	youth organisation
Erven 728, 724, 738, 728 & 728	Deutscher Schulverein Swakopmund	hotel, kindergarten and backpackers
Erf 3689	Antoniuss Residence Trust	old age home
Re of Erf 196	Stella Maris	Convent
Erf 488	St. Boniface Anglican Church	place of worship

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Erf Number	Organisation / Body	Purpose for which the Erf is Used
Erf 820	The Rossing Foundation	after school classes
Erf 205, 801, 800 & 588, 7	Unity Reformed Church	place of worship and rectory
Erf 181 & 191, 8005, 2004, 2003	The Missionary Benedictine Sisters	convent & rectory
Erf 657, 7	Christian Assembly Church Swakopmund	place of worship
Erf 792, 7	Jehovah's Witnesses	place of worship
Erven 2894	Emanuel Church Swakopmund	place of worship
Erven 449	Osado Elio Parish Church	place of worship
Erven 1772 - 1774, 5	Private School Swakopmund	Educational
Erven 827, 1012 & 800	Scientific Society Swakopmund	educational
Erf 1512, 5	Die Voortrekkers	youth organisation
Erf 2405	West Side High School	Educational
Erf 1824	Namib High School	Educational
Erf 481	Swakopmund Secondary School	Educational
Erf 247	Namib Primary School	Educational
Erf 21, 7	Tamarisla Primary School	Educational
Erf 1	Uraak Aaak Primary School	Educational
Erf 1	Fezile Gontse Primary School	Educational
Erf 246	Mangweni Primary School	Educational
Erf 240	Atlantic Primary School	Educational
Erf 1888	Swakopmund Primary School	Educational
Erf 428	Norman Gonsalves School	educational
Erf 127	Teachers Resource Centre	educational
Erf 487	House Akasia	school hostel
Erf 255	Ernst Rumpf Hostel	school hostel
Erf 1208	Wiermanns House	Hostel
Erf 487	Neusch Hostel	school hostel
Erf 1824	House Bunt Hostel	school hostel
Erf 255 & 258	Holtmeyer Hostel	school hostel
Erf 1227, 1948 & 2539	Regional Director of Education, Arts and Culture	educational

- (b) That the exemption of payment of assessment rates be credited with effect 1 July 2019 where applicable.
- (c) That the following application not be exempted as it does not comply with the requirements of Section 75 of the Local Authorities Act 1992, as amended:

Erf Number	Organisation / Body	Purpose for which the Erf is Used
Erf 110	ELCRM Erholungsheim	accommodation & self-catering apartment

13. DRAFT REGULATIONS AND TARIFFS, IF ANY

None.

The meeting adjourned: 19:53

Minutes confirmed on: 25 July 2019

Councillor M Elago
DEPUTY MAYOR

A Benjamin
CHIEF EXECUTIVE OFFICER

ab/

11. RECOMMENDATIONS OF THE SPECIAL MANAGEMENT COMMITTEE MEETINGS HELD ON 27 JUNE 2019 AND 17 JULY 2019 AND ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 11 JULY 2019
10. REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS MANAGEMENT COMMITTEE MEETING HELD DURING JUNE AND JULY 2019

10 (A) MINUTES OF THE SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 27 JUNE 2019

5. DISCUSSION POINTS

5.1 AUDIENCE: TIDLE WAVE INVESTMENTS ELEVEN (PTY) LTD

(S/M/C 2019/06/27 - N 7/2/1, 14/1/5/1)

RESOLVED:

- (a) That it be recorded that Messrs Tidle Wave Investments Eleven (Pty) Ltd tendered an apology.
- (b) That Messrs Tidle Wave Investments Eleven (Pty) Ltd be invited to a Special Management Committee to be held on a date to be determined by the Chief Executive Officer.

5.2 THE REVIEW AND AMENDMENT OF THE SWAKOPMUND TOWN PLANNING SCHEME (CS/RP/SM-001/2018) PROGRESS REPORT AND PRESENTATION BY TELIOS NAMIBIA CONSULTING ENGINEERS (PTY) LTD

(S/M/C 2019/06/27 - G 3/2/2)

RESOLVED:

- (a) That the presentation by the consultant of Messrs Telios Namibia Consulting Engineers (Pty) Ltd, be noted.
- (b) That the progress made with respect to the review and amendment of the Swakopmund Town Planning Scheme, be noted.
- (c) That the Engineering Services Department investigates the feasibility of introducing pedestrian fly-over bridges in the Central Business Area.

5.7 APPLICATION TO PURCHASE 50HA OF LAND NEXT TO HENTIES BAY ROAD: MR PAUL ROOJ

(S/M/C 2019/06/27 - G 4/1/1)

RESOLVED:

That this item be withdrawn from the Agenda.

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

6.1 REPORT ON ISSUES CONCERNING OVAHIMBA CULTURAL VILLAGE AT MARTIN LUTHER HISTORICAL SITE

(S/M/C 2019/06/27 - 13/3/1/5)

RESOLVED:

That Mr Marikondjo Tjambiru and a representative from the Office of the Governor be invited to an audience on a date to be determined by the Chief Executive Officer.

6.2 PROPOSAL TO DEVELOP SOUTH BEACH AREA

(S/M/C 2019/06/27 - G 3/3/2)

RESOLVED:

That the presentation of Messrs Swakopmund Tourism Forum be noted.

6.5 INVITATION FROM MTC TO ATTEND SMART CITIES AFRICA SUMMIT IN JOHANNESBURG

(S/M/C 2019/06/27 - J 10/2)

RESOLVED:

- (a) That permission be granted to the Chief Executive Officer to join MTC Namibia and other Stakeholders to attend the Smart Cities Africa Summit in Johannesburg, South Africa from 3-4 July 2019.
- (b) That special leave be granted to the Chief Executive Officer for the period 2-5 July 2019.
- (c) That the following expenditure for travelling and daily subsistence be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$30 000.00 is available.

Lunch Tariff	@	350,00/day			x	1 day	=	350,00
Overnight allowance (Visiting SADC Countries)	@	800,00/night			x	3 nights	=	2 400,00
Transport Cost Travelling	@	3,80/km	740km	Travelling			=	2 812,00
			From Swakopmund to Windhoek & Return					
TOTAL EXPENDITURE FOR COUNCIL								5 562,00

10 (B) MINUTES OF THE ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 11 JULY 2019

2. CONFIRMATION OF MINUTES

(M/C 2019/07/11 - A 2/3/5)

2.1 MINUTES OF AN ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 13 JUNE 2019

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

RESOLVED:

CO: A GM: CS&HR

That the Minutes of the Ordinary Management Committee meeting held on 13 June 2019 be confirmed as correct.

2.2 **MINUTES OF AN SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 27 JUNE 2019**

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

RESOLVED:

CO: A GM: CS&HR

That the Minutes of the Special Management Committee meeting held on 27 June 2019 be confirmed as correct and that it be recorded that Councillor E K Hangula also attended the meeting.

5. **REPORTS: HEADS OF DEPARTMENTS**

5.5 **FINANCE**

5.5.1 **TOTAL EXPENDITURE**

(M/C 2019/07/11 - D 7/3/2/1)

RESOLVED:

GM: F

That the total expenditure of N\$32 019 926.84 and total revenue of N\$30 174 583.61 for the period 01-30 June 2019 be accepted and approved as correct.

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

7.1 **APPLICATION FOR DRY PORT TERMINAL: 20HA SITE BY ECOBOND SERVICES NAMIBIA CC**

(M/C 2019/07/11 - G 4/1/1)

RESOLVED:

CEO ALL GM'S

That an "In loco" inspection be conducted on a date to be determine by the Chief Executive Officer.

7.2 **APPLICATION FOR PROVISION OF SECURITY SERVICES AT ERF 610, TAMARISKIA: ERONGO DEVELOPMENT FOUNDATION**

(M/C 2019/07/11 - T 610, 19.03.03)

RESOLVED:

- (a) That Council agrees to provide security services at Erf 610, Tamariskia as from 12 July 2019 until the erf is transferred to Council at the costs of Messrs Erongo Development Foundation.

- (b) That the General Manager: Corporate Services & HR consult with Messrs Erongo Development Foundation for the cost to be deducted from the purchase price of N\$ 2 891 000.00 for Erf 610, Tamariskia.
- (c) That once Erf 610, Tamariskia is transferred to Council, the Erf be offered to the Ministry of Safety and Security to be leased by Police Officers.

7.4 PRESENTATION: CHIEF EXECUTIVE OFFICER: 6 MONTH REPORT

(M/C 2019/07/11 - 4/2/4/1/1)

RESOLVED:

CEO
ALL GM'S

That the 6 Month Feedback Report Presented by the Chief Executive Officer be noted.

8. POLICY MATTERS

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

(M/C 2019/07/11 - 11/1/4/28, 16/1/4/1/5)

RESOLVED:

GM: ES

That the following names be referred back to be reconsidered.

- Sunday
- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday

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

(M/C 2019/07/11 - 11/1/4/28, 16/1/4/1/5)

RESOLVED:

GM: ES

- (a) That should a community member decline a nomination, they forfeit the chance of having any other street in any other extension named after them.
- (b) That Mr A Gaweseb be informed of this resolution and be requested to revert back to Council in writing, as to whether or not he accepts or declines the nomination in order to enable the Engineering Services Department to attend to the placement or removal of the street name board.

8.8 SWAKOPMUND WWTW - FINAL FEE INVOICE
(M/C 2019/07/11 - N 6/1/3)

GM: ES

RESOLVED:

That this item be withdrawn from the agenda.

8.10 OUTPATIENT ADDICTION AND RECOVERY SERVICES PROGRAM - SWAKOPMUND MUNICIPALITY
(M/C 2019/07/11 - B 1/5/2)

RESOLVED:

That permission be granted to Dr Elsa van der Walt, to conduct information / awareness sessions free of charge to the employees, whereby the employees will make their appointments and the consultations to be covered by their medical aid funds.

8.12 FEEDBACK ON THE HEALTH AND SAFETY AUDIT CONDUCTED BY THE OFFICE OF THE AUDITOR-GENERAL
(M/C 2019/07/11 - N 9/1)

RESOLVED:

GM: ES

- (a) That the Chief Executive Officer invites the Directorate of Civil Aviation for a presentation on Council's legal obligations in order to operate an aerodrome.
- (b) That the Directorate of Civil Aviation be requested to conduct a baseline risk assessment at the aerodrome so that Council can develop a plan of action aimed at licensing the aerodrome.
- (c) That the Directorate of Civil Aviation provides the training to line management and staff members on:
- Amended Namibian Civil Aviation Regulations,
 - Aerodrome health and safety responsibilities, and
 - The operational aspects of managing and operating an aerodrome.
- (d) That the General Manager: Engineering Services provides sufficient funds on the 2020/21 Budget to ensure the promotion of safe operations at the Swakopmund Aerodrome.
-

8.14 LETTER OF APPRECIATION
(M/C 2019/07/11 - 5/2/4/1, B 1/1/9)

Acting GM: CDS

RESOLVED:

That the letter of appreciation received from Messrs Harley Davidson of Skeleton Coast Rally regarding the professional service rendered by the Traffic Section be noted.

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

10.2 REQUEST FOR PRICE REDUCTION FOR A MEDULETU HALL BY MR PAULUS JONAS

(M/C 2019/07/11 - M1802, 19.03.02)

RESOLVED:

That the applicant be requested to give an offer.

10.4 INVITATION TO THE 13TH WOMEN SUMMIT

(M/C 2019/07/11 - A 2/3/1/4/1)

RESOLVED:

- (a) That approval be granted for all female Councillors to attend the 13th Women Summit, scheduled to take place from 8-10 August 2019.
- (b) That subsistence and traveling allowance at a total of N\$41 400.00 be defrayed from the Council's Conference Expenses Vote 100510206500 where N\$30 000.00 is available.
- (c) That the President of the Namibia Women Summit be requested to submit a full event proposal to Council for consideration.

10.6 REQUEST FOR SPONSORSHIP: ERONGO GOT TALENT

(M/C 2019/07/11 - D 5)

Acting GM: CDS CO: CBM GM: CS & HR
--

RESOLVED:

- (a) That the request for sponsorship of the Swakopmund Town Hall towards the Erongo Got Talent Show be turned down because the halls are fully booked on the dates of the events.
- (b) That Council sponsors the trophies for the winners to the value of N\$667.00 and the expenses be defrayed from the Corporate Services Publicity Vote 102010212700 where N\$100 000.00 is available.
- (c) That the Youth Development Officer attend the auditions and coordinate with the organizers regarding any future youth related programmes and events.

10.7 SPONSORSHIP FOR EDUCATIONAL EXCURSION - GROOT AUB PRIMARY SCHOOL

(M/C 2019/07/11 - D 5)

CO: CBM GM: CS & HR

RESOLVED:

- (a) That of the request for sponsorship for accommodation at the Swakopmund Rest Camp for the 120 learners and 10 teachers from

the Groot Aub Primary School from 13- 16 August 2019 be turned down.

- (b) That Management remain with the resolution taken by Council on 23 February 2017 under item 11.1.12 (f) which reads as follows:

That it be recorded that, in future, Council will only offer donations to schools in Swakopmund.

10.10 OVAHIMBA CULTURAL VILLAGE

(M/C 2019/07/11 - 13/3/1/13)

RESOLVED:

- (a) That the presentation from the following stake holders be noted.
- | | | |
|-------------------------|---|--|
| • Mr Marikondjo Tjambir | - | Ovahimba Cultural Group. |
| • Mr J Gaingob | - | Office of the Erongo Regional Governor |
| • Councillor U Keepel | - | Council Representative. |
- (b) That the item be submitted to the next Management Committee meeting.

10 (C) MINUTES OF THE SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 17 JULY 2019

5. DISCUSSION POINTS

5.2 PURCHASER OF ERF 115, MONDESA

(S/M/C 2019/07/17 - 115 M)

CO: P CEO GM: CS&HR

RESOLVED:

That the following stakeholders be invited for an audience with the Management Committee on a date to be determined by the Chief Executive Officer:

- Mr S Maletzky
- Ms Auguste Maletzky
- NHE Representative

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **SPECIAL MANAGEMENT COMMITTEE MEETINGS HELD ON 27 JUNE AND 17 JULY 2019 AND ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 11 JULY 2019**
- 11.1.1 **APPLICATION FOR DRY PORT TERMINAL: 20HA SITE BY ECOBOND SERVICES NAMIBIA CC**
(C/M 2019/07/25 - G 4/1/1)

Ordinary Management Meeting of 11 July 2019, Addendum 7.1 page 03 refers.

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

1. Introduction

This item was discussed at the Planning Forum of 11 June 2019 under item 5.8 and is now submitted for consideration by Council.

The purpose of this submission is to report on the current status of the allocation of land to Ecobond Services Namibia CC and to consider a lease tariff and terms for the said portion of land.

Council on 22 November 2019 under item 11.1.37 passed the following resolution:

- (a) That the allocation of land to Messrs Ecobond Services Namibia CC for the establishment of a dry port be approved in principle.
- (b) That Messrs Ecobond Services Namibia CC be advised to discuss options with the General Manager: Engineering Services and consider an area located at the Nonidas Siding where the applicant will be able to either obtain water and electricity supply from Namwater and Nampower through Council's accounting system and possibly contribute pro rata to the construction of additional storage capacity.
- (c) That once confirmation about point (b) above is received, the conditions, location and size of the land be considered and submitted to Council.

The applicant was informed of the above decision in writing per letter dated 04 December 2018.

2. Current Situation

Following the execution of the above letter, Ecobond Services Namibia CC replied as per letter dated 18 February 2019 (Annexure "A"). In the said letter they indicated the possible location of the portion of land measuring approximately 20ha, that they prefer to first lease the portion of land (with an option to purchase) and that they are in discussions with various governmental stakeholders for the development of the land.

On 08 April 2019 a meeting was held between the Corporate Services Department and Engineering Services Department to

discuss the application. As the location was not clear, the applicant was requested to indicate the said area.

In reply the attached map (Annexure "B") was received from the applicant (indicating the dry port as a truck port). On 15 May 2019 Engineering Services provided the comments regarding the location attached as Annexure "C".

It is stated that the development fits in with the industrial activity planned for the general area. The development at this stage does not conflict with any approved structure plan and can be allowed. It is proposed that the development include a buffer zone to ensure that future developments in the area are safe.

3. Discussion

Council can lease a portion of land measuring approximately 20ha (200 000m²) to Ecobond Services Namibia CC for a period of 9 years 11 months as the business venture does not require permanent structures to be constructed. Should it be determined that due to the nature of the business permanent structures are required, Ecobond Services Namibia CC must submit a motivation and Council can consider selling the property.

It is therefore proposed to lease the portion of land subject to the standard lease conditions approved for Zhong Mei Engineering Group (Pty) Ltd and UNIK Construction Engineering (Pty) Ltd for construction camps.

In order to determine a lease tariff valuations were requested on 03 June 2019 from Council's valuer and an additional valuator. Once these valuations are available a submission will be tabled to consider a lease tariff.

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

RECOMMENDED:

- (a) That the application by Ecobond Services Namibia CC to lease a portion of land measuring approximately 20ha (200 000m²) (including a buffer zone) for the establishment of a dry port be approved:
 - (i) That Engineering Services obtains a diagram indicating the location of the lease area and the required buffer zone.
- (b) That once valuations are obtained a lease tariff for the areas to be used respectively for administration and placement of containers, be considered.
 - (i) That the total size of the buffer zone be excluded from the above calculation.
 - (ii) That the lease tariff escalates annually by 10% on 1 July.
- (c) That the lease period be 9 years and 11 months with an option to renew.

- (i) That the option to purchase during the lease period not be considered at this stage as such is not provided for in Council's Property Policy.
 - (ii) That should it be determine that due to the nature of the business permanent structures are required, the lessee must submit a motivation and Council at that stage consider the sale of the lease area (see (h) (viii)).
- (d) That approval be applied for from the Ministry of Urban and Rural Development as required in terms of the Local Authorities Act to proceed with the intended lease.
- (e) That the lease period commences 1 month after notice was given to Ecobond Services Namibia CC that the Ministry of Urban and Rural Development approved the lease and the necessary EIA is approved (see (h) (ix) 8.).
- (f) That as required in terms of Council's resolution passed on 22 November 2018 under Item 11.1.37, Ecobond Services Namibia CC consults the following entities for approvals / supply of services at their cost: Roads Authority, Environmental Impact Assessment, NamWater, NamPower and Erongo RED.
- (g) That all services be installed to the satisfaction of the General Manager: Engineering Services and at the cost of Ecobond Services Namibia CC.
- (h) That the following conditions be applicable:
- (i) That a refundable deposit, equal to one month's rent be paid and be adjusted annually.
 - (ii) That a rehabilitation deposit of N\$100 000.00 be paid for the rehabilitation of the area, if required.
 - (iii) That, if applicable, Ecobond Services Namibia CC be required to pay a refundable electricity deposit equal to the monthly rental which shall be applied and used only if an outstanding account remains with Messrs Erongo RED upon termination of the lease.
 - (iv) That the remainder of (iii) be refunded to the lessee on presentation of proof to the General Manager: Finance that the electricity account from Messrs Erongo RED in the name of the lessee has been paid in full.
 - (v) That, if required, Council gives consent to Ecobond Services Namibia CC in terms of the Town Planning Amendment Scheme 12 to engage in the business of establishing a dry port.
 - (vi) That either party can give 3 calendar months' written notice of the cancellation of the agreement.
 - (vii) That Council's standard conditions of lease be made applicable to the agreement.
 - (viii) That no permanent structures be constructed; unless required by the nature of the business, in which case building plans be submitted to the Engineering Services Department for approval.
 - (ix) That the following special conditions be applicable:
 1. That the lessee shall be responsible for the cleanliness and tidiness of the property.
 2. That there is no guarantee that the property is suitable for the

lessee's purposes.

3. That written permission be obtained, should the lessee wishes to erect any sign or advertising material outside the property.
4. That no subletting be allowed.
5. The Council be indemnified against any claim from whatever cause arises.
6. That the area be properly fenced in.
7. That no person is allowed to overnight or to reside on the premises, except for bona fide security services engaged in operating during a night shift.
8. That an environmental clearance certificate be obtained in terms of the Environmental Management Act of 2007.

(i) That Ecobond Services Namibia CC must take possession and commence with the approved activity within 1 year of the approval of the lease by the Ministry of Urban and Rural Development; or the completion of the installation of services, whichever is the earliest, failing which the lease will be terminated on 3 months' notice.

(ii) That the Messrs Ecobond be required to commence substantive commercial activities within 24 months, failing which the agreement be cancelled.



18 Bauer Street Windhoek North Windhoek 7900 Swakopmund | Tel: 0915870000 | e-mail: ecobond@ecobond.com

18 February 2019

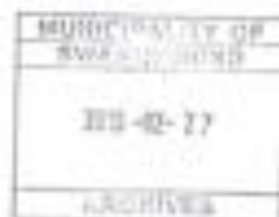
Letter No. EC/Type

The Municipality Of Swakopmund
Private Bag 53
Swakopmund
Namibia

Communicated via email: ecobond@ecobond.com.na

The General Manager, Engineering Services

Dear Mr. Clarence McClure



RE: Request to be provided with (20) hectares of industrial land near Dry Port Terminal.

First allow me to register our gratitude for the invited time at your office today, indeed it was a productive meeting.

Our letter refers as per the above title and as per Council Resolution of 22 November 2018, under Item No. 11.1. 37 of which was summarized in your letter dated 04 December 2018.

For that same during our meeting on this day hereby resolved that, The Ecobond Services Namibia should forward a letter to the office of the General Manager Engineering Services, to work on a final submission to council with regard to size of the land, offer terms and conditions that will come with that same offer. Land in question was identified east of the Town boundary with MTC antenna as well alongside the railway lines opposite or at Hainzels, present during our site visit was the Town Planning Manager, Mr. J Hella.

We therefore praying the following to the council, considering their resolution as referenced here above, to be offered with twenty (20) hectares or as it suit the range after the measurements of that same have been carried out by the Engineering Services Department.

RE:- Offer should be made lease with intend to purchase as the business take off.

We shall, after awarded or offered that same commit to fence of the and make it safe, by recruiting locals. Without any permanent structure at first we shall commit to interlock the surfaces for above container storage, and provide portable water and temporary waste amenities for workers.

For the entire project as per our proposal and presentation made last year to Council as well shared with you, we are already in contact with the following parties namely:

- Road Safety Council and Road Authority for the development of a Cycle Intersection of the main road with the turn off junction terminal.
- We are in advance stage discussions with our Environmentalist Consultants who are awaiting for the permission to form Council in a form of authorization to conduct Environmental Impact Assessment (EIA) via the Ministry Of Environment.
- We shall engage with NAMWATER to facilitate water supply at our facility.
- We shall engage the NAMPCOER and the Eronga Red for the provision of Electricity services in the area.

Finally, this same should be made known that our commitment towards the alleviation of unemployment stand a priority in this regard within Swakopmund Town as well the Eronga Region.

We look forward to your usual prompt and speed consideration of this same matters.

We remain esteem as we anticipate to develop and render services to your clients beyond Africa Continent.

Yours faithfully

Elia Tapelo

Elia Tapelo
Managing Member



11.1.2 **OBJECTIONS AGAINST THE SALE OF ERF 72, MILE 4 ARE REFERRED BACK BY THE HONOURABLE MINISTER OF URBAN AND RURAL DEVELOPMENT**

(C/M 2019/07/25 - Erf 72, WF 4 AND G 4/1/1 (10))

Ordinary Management Committee Meeting of 11 July 2019.
Addendum 7.3 page 14 refers.

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

1. **Purpose**

The purpose of this submission is for Council to discuss the objections that were received for the sale of Erf 72, Waterfront and provide comments to the Ministry of Urban and Rural Development (herein after referred to as MURD) for consideration.

2. **Introduction**

Following the objections received for the sale of Erf 72, Waterfront, on **22 November 2018**, Council under item 11.1.19 resolved that objections together with the developer's legal opinion be forwarded to MURD for consideration. Subsequent to the above an application attached (**Annexure "A1"**) was made to MURD requesting the Minister's approval for Council to proceed with the sale of Erf 72, Waterfront to 37 entities in addition to Messrs Safari Investments Namibia (Pty) Ltd.

The attached letter dated **23 April 2019 (Annexure "A2")** was received from the MURD requesting Council to provide own comments regarding the objections lodged for the sale of Erf 72, Waterfront to 37 entities in addition to Messrs Safari Investments Namibia (Pty) Ltd for the Minister's consideration.

According to the Ministry, Council did not comply with Section 63 (3) (i) of the Local Authorities Act, Act 23 of 1992 as amended therefore the Ministry requires Council's comments and not the opinion of the developer's legal representative before the Ministry can pronounce itself thereon.

3. **Background**

Council's intention to sell Erf 72, Waterfront (formerly street) was published for possible objections (Notice 34 of 2018) as required in terms of the Local Authorities Act 23 of 1992 as amended.

At the closing date the following objections were received:

- 1.1 *Mr Pierre le Roux (Annexure "A")*
- 1.2 *Dr Anja Kriner (Annexure "B")*
- 1.3 *Ms Buffy Tebbit (Annexure "C")*

Council after considering the objections and legal opinions of Dr Weder, Kauta & Hoveka Inc passed the following resolution on **22 November 2018** under item 11.1.19:

- (a) That the objections received against the sale of Erf 72, Waterfront to 38 entities as resolved by Council on 31 May 2018 under item 11.10 be noted.
- (b) That Council does not support the three objections received as these are without merit and are based on speculative and incorrect legal conclusion as explained under point 3 above.
- (c) That Council's comments be submitted to the Ministry of Urban and Rural Development as required in terms of Section 63 (3) (b) of the Local Authorities Act 23 of 1992.
- (d) That the Acting Chief Executive Officer obtains a response from the line ministry regarding coastline developments.

4. Objections

For information, the objections are based on the following points:

	Objection	Comments
1.	By proceeding with the publication of the notice to sell Erf 72, Waterfront to 38 entities Council acted against the instructions of the Attorney-General not to act in any way as the owners/custodians of affected portions.	The transaction relates to the existing building not a new project.
2.	That ownership of Erf 72, Waterfront is not yet confirmed and Council illegally traded with state land; that the specific erf is in existence due to unlawful activity. The consolidation process to create the erf is also questioned.	Erf 72 WF, is part of Portion 74 in terms of approved GP120- SGA 836/2003 and declared by Government Gazette as an approved township within the Swakopmund municipal boundary by GRN Gazette no N.3012 of 21 June 2004. Erf 72 was also approved by the Surveyor General on 09 December 2017 as per diagram No A619/2017 and consolidation thereof. Erf 72 is not part of sea-shore. The history of the Swakopmund boundary and on the western boundary indicated as "high-water mark" is explained under point 5.1 and township establishment of Portion 74 where Erf 72 was created is also explained in detail under 5.2.
3.	That standing previous objections still need to be attended to.	This objection is vague and cannot be considered. The previous objections were not submitted in response to an official notice published by Council. There were objection against the concept of the development which have been overtaken by time as the building already stands. This is not relevant to the sale of this portion.
4.	That the process preceding the publication of the notice of the intended sale is not legitimate.	Council resolutions were in place authorizing the sale. Council resolutions (24 September 2018, item 11.1.4, 22 February 2018, item 11.1.18 & 31 May 2018, item 11.1.10)
5.	The period since the Council resolution in 2015 until the publication of the notice is questioned.	It is assumed that this objection refers to the delay since the decision was passed on 24 September 2015 until the notice was published on 14 and 21 September 2018. The publication of the sale was pending the establishment of the erf.
6.	The developer built on land zoned "street" and it is questioned whether the correct procedures were followed for the closure of the street portion.	The procedures for street closure of Erf 72 WF was done and followed correctly. The Closure was also confirmed and approved by Township Board on 22 August 2017, item 143/2016.
7.	The height of the building is not within the prescriptions of the Town Planning Scheme.	The height of the building is within the prescription of the Town Planning Scheme 81. Height restrictions have been varied by the Amendment Scheme Number 81. All

	Objection	Comments
		development that are zoned "general business" and situated within the municipal area of jurisdiction as depicted on maps of the Amendment Scheme Number 12 are subject to a maximum height of 40 metres. Thus any rights and duties accruing to a title holder in the terms and conditions of Scheme 87 replaced those under Scheme 12. Therefore this objection is invalid.
8.	The developer charged rental for land that does not belong to them.	Although Erf 72 is not yet transferred to the developer, Council approved the building plan meaning permission was granted for the developer to build on Council land with no limitation put on the developer to trade with third parties. Council also resolved to exchange the portion of land for the paving of a portion of land adjacent to the Waterfront to the same value, meaning Council received its <i>quid pro quo</i> .
9.	The developer breached various conditions of the agreement with Council therefore the whole agreement is invalid.	The objector did not specify what conditions in the agreement were breached thus the statement is denied and cannot be responded to.
10.	The sale of Erf 72, Waterfront presents a danger and jeopardy to the public due to the construction of the break water and the retaining wall not being up to standard.	The objection does not relate to the sale of Erf 72. The objector has not provided proof that during the construction that the designs were not followed and that the thus integrity of the structure can be questioned.

From the objections received against the alienation of Erf 72, Waterfront only the following 4 principle topics are relevant:

- ① The application of the Sea-Shore Ordinance 37 of 1958 and the locality of the contemporaneous high-water mark along the Atlantic Ocean at Swakopmund which relates to ownership of Erf 72 Waterfront.
- ② The history of the township known as Swakopmund Waterfront and specifically Erf 72.
- ③ The Powers and Functions of the Office of the Attorney-General.
- ④ Merits of the objections received.

These points are discussed under point 5 below incorporating the comments received from Dr Weder, Kauta & Hoveka Inc.

5. Discussion of the Objections Received based on response from WKH

5.1 The application of the Sea-Shore Ordinance 37 of 1958 and the locality of the contemporaneous high-water mark along the Atlantic Ocean at Swakopmund which relates to ownership of Erf 72 Waterfront

5.1.1 Diagram SG A 50/38

The boundaries of Portion B of the Farm Swakopmund Town and Townlands No 41 was approved (does not mean fixed) by the Surveyor-General in 1935 and was referred to as "coastline". The definition "coastline" is not subject to any fixed coordinates which are capable of location. The boundary was also not set by way of the Sea-Shore Ordinance of 1958.

5.1.2 Sea-Shore Ordinance 37 of 1958

On **26 June 1968** the Sea-Shore Ordinance was promulgated and was used as a guide to determine the normal "high-water mark" which was in certain cases fixed based on the Administrator having used his/her discretion to fix the position thereof subject to compliance with prescribed procedures.

The term "high-water mark" is defined as "the highest line reached by the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abhorrent floods."

In terms of the Namibian Constitution, the Namibian President is now the Administrator and has the discretion to decide whether to appoint a commission to determine a high-water mark. This discretion is exercised upon application by persons or entities if they choose to apply to have the high-water mark determined to a fixed position in order to avoid a line which changes from week to week or year to year depending on the movement of the ocean and currents. Therefore, in the absence of such fixed boundary being determined, the high-water mark remains variable and can be fixed at a specific point in time only based upon where the highest line reached by the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abhorrent floods.

As no fixed "high-water mark" has been determined in terms of the Sea-Shore Ordinance, the said ordinance is not applicable to any consideration of the high-water mark at Swakopmund.

5.1.3 The Constitution of the Republic of Namibia

On **03 March 1992** the President of the Republic of Namibia in terms of the powers vested in him of the Namibian Constitution declared the boundaries of Swakopmund as defined in the schedule to Proclamation AG 9 of 1990. The western point is indicated as the point where the "high-water mark" of the Atlantic Ocean intersects the northern boundary of Farm 163 in the general easterly, south-easterly and westerly direction along the boundaries of the following farms and portions of land as to include them in the areas of the Municipality- the Farm 163, the road reserve of the main road 44 over farm 163, the Farm 163, the rail way reserve of trunk road 2, section 2 over Farm 163..... to the point where the said Farm's southern boundary intersect with the high-water mark of the Atlantic ocean, hence in a general northern direction along the high-water mark of the Atlantic ocean to the point of beginning.

Therefor in terms of Proclamation AG 9 of 1990 the western boundary was only indicated as being the

"high-water mark" of the Atlantic Ocean, which since 1935 and until 1990 move and which has moved again.

The result is that the approved boundaries of Erf 72, Waterfront are located within the Municipal boundaries of Swakopmund in terms of the relevant diagrams approved in terms of the Land Survey Act of 1993 by the Surveyor-General and owned as is certified by the Registrar of Deeds in terms of the Deeds Registries Act of 1937.

The State only owns the area defined as the "sea-shore" in the Sea-Shore Ordinance which is the area located at any given time between the low-water mark and the high-water mark.

5.2 The history of the township known as Swakopmund Waterfront and specifically Erf 72

The honourable Minister of Urban and Rural Development and Housing (at the time) in Government Notice No 124 in Government Gazette No 3212 of 1 June 2004 declared the area situated on Portion 74 (a Portion of Portion B) of the Swakopmund Town and Townlands No 41, located in the Municipal Area of Swakopmund as an approved township to be known as Swakopmund Waterfront (GP 120 - SG A 836/2003). Therefore all erven located in the township are located within the municipal area of Swakopmund, including Erf 72, Waterfront.

Council on 24 September 2015 under item 11.1.4 approved the sale of Erf 72, Waterfront and the Townships Board on 22 August 2017 approved the consolidation of Erf 72, Waterfront with Erf 71 (belonging to Messrs Safari Investments (Pty) Ltd). The Surveyor-General on 09 December 2017 approved the diagrams for the consolidation.

The prescribed procedures dealing with the closure of the portion which was formerly a street were also followed.

5.3 The Powers and Functions of the Office of the Attorney-General

The Office of the Attorney-General is established in terms of Article 86 of the Namibian Constitution and the powers and function are prescribed in Article 87. In terms of Article 87 it appears the Attorney-General has no power whatsoever to act at the behest of private parties, but only on behalf of the President and Government. The same applies vis-a-vis its power to direct the developer to act in any specific manner.

5.4 Merits of the objections received.

In conclusion, taken from the Annexure "E", the following:

- 5.4.1 It is disputed that Erf 72 is located below the contemporaneous high-water mark and the objections based on a different argument fail to be dismissed.
- 5.4.2 The Sea-Shore Ordinance of 1958 has no application to the approved boundaries of the approved township of Swakopmund Waterfront as no commission ever fixed the "high-water mark".
- 5.4.3 Erf 72 does not constitute unregistered state land, but belongs to the Municipal Council of Swakopmund.
- 5.4.4 The western boundary of the Swakopmund Town and Townlands are approved in terms of the Namibian Constitution as the "high-water mark" of the Atlantic Ocean.
- 5.4.5 All the relevant statutory processes were followed and legislation complied with.

6. Relevant Council Resolutions

For ease of reference, quoted below the following resolutions:

Council Resolution of 24 September 2015 under Item 11.1.4

- (a) That the subdivision of the Remainder of Portion 74 (a Portion of Portion B) of the Farm Swakopmund Town and Townlands into Portion A and Remainder be approved.
- (b) That the permanent closure of Portion A of the Remainder of Portion 74 as a street be approved.
- (c) That the consolidation of the closed street Portion A with Erf 71, Swakopmund Waterfront, into Consolidated Erf X (Erf with a new number) be approved.
- (d) That the construction of parking area and street to the value of N\$2 058 046.00 on Portions A-D as per Annexure "A" (on file), the sale of Portion A of the remainder of Portion 74 (a portion of Portion B) of the Swakopmund Town and Townlands No. 41 (Street) to Safari Investments (Pty) Ltd be approve.
- (e) That the construction of the identified street and parking areas on Council property be approved.
- (f) That the construction shall include paved sidewalks on both sides of the street and fully paved street with all road markings and signage and fully paved parking areas complete with road markings and signage to the specifications of the General Manager: Engineering Services.
- (g) That all costs pertaining to the construction of the street and parking areas be for the account of the developer Safari Investments Namibia (Pty) Ltd.
- (h) That all costs pertaining to the statutory processes pertaining to the closure, subdivision, consolidation to effect (a) to (c) above be for the account of the developer Safari Investments Namibia (Pty) Ltd.
- (i) That the statutory processes pertaining to the closure, subdivision, consolidation to give effect from (a) to (c) above be executed by Safari Investments Namibia (Pty) Ltd, with the process monitored by the Manager: Town Planning.
- (j) That on completion of the construction of the two parking areas and street on Portions A-D on Council property, the public be guaranteed full access to these areas.
- (k) That on completion of the construction of the street, the maintenance of the street becomes Council's responsibility.

- (i) That on completion of the parking areas on Council property, the maintenance of the parking areas remains with Safari Investments Namibia (Pty) Ltd or their successors in title.
- (ii) That the Corporate Services Section provides an Addendum to the Development Agreement between Council and the developer, Safari Investments Namibia (Pty) Ltd, to effect the various costs and responsibility allocations as described herein.
- (iii) That the developer guarantees public access to the ocean along the western boundary of the development and that it be part of the addendum to the agreement.

Council's Resolution passed on 22 February 2018 under Item 11.1.18

- (a) That Council approves the transfer of Erf 72, Swakopmund Waterfront to the 37 close corporations listed under Annexure "B" (on file) being the owners of Erf 72, Swakopmund Waterfront (known as "Platz am Meer Mall").
- (b) That Council resolutions indicating the purchaser of Erf 72, Swakopmund Waterfront as Safari Investments Namibia (Pty) Ltd be replaced by the registered owners of Erf 71, Swakopmund Waterfront.
- (c) That Messrs Kington Associates be informed to incorporate the names of the closed corporation in the addendum to the deed of sale.

Council's Resolution passed on 31 May 2018 under Item 11.1.10

That point (a) of Council resolution, item 11.1.18 be amended and be replaced with the following:

That Erf 72, Swakopmund Waterfront be transferred to 37 entities listed under Annexure "A" in addition to Messrs Safari Investments Namibia (PTY) Ltd as owners of Erf 71, Swakopmund Waterfront (known as "Platz am Meer Mall").

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

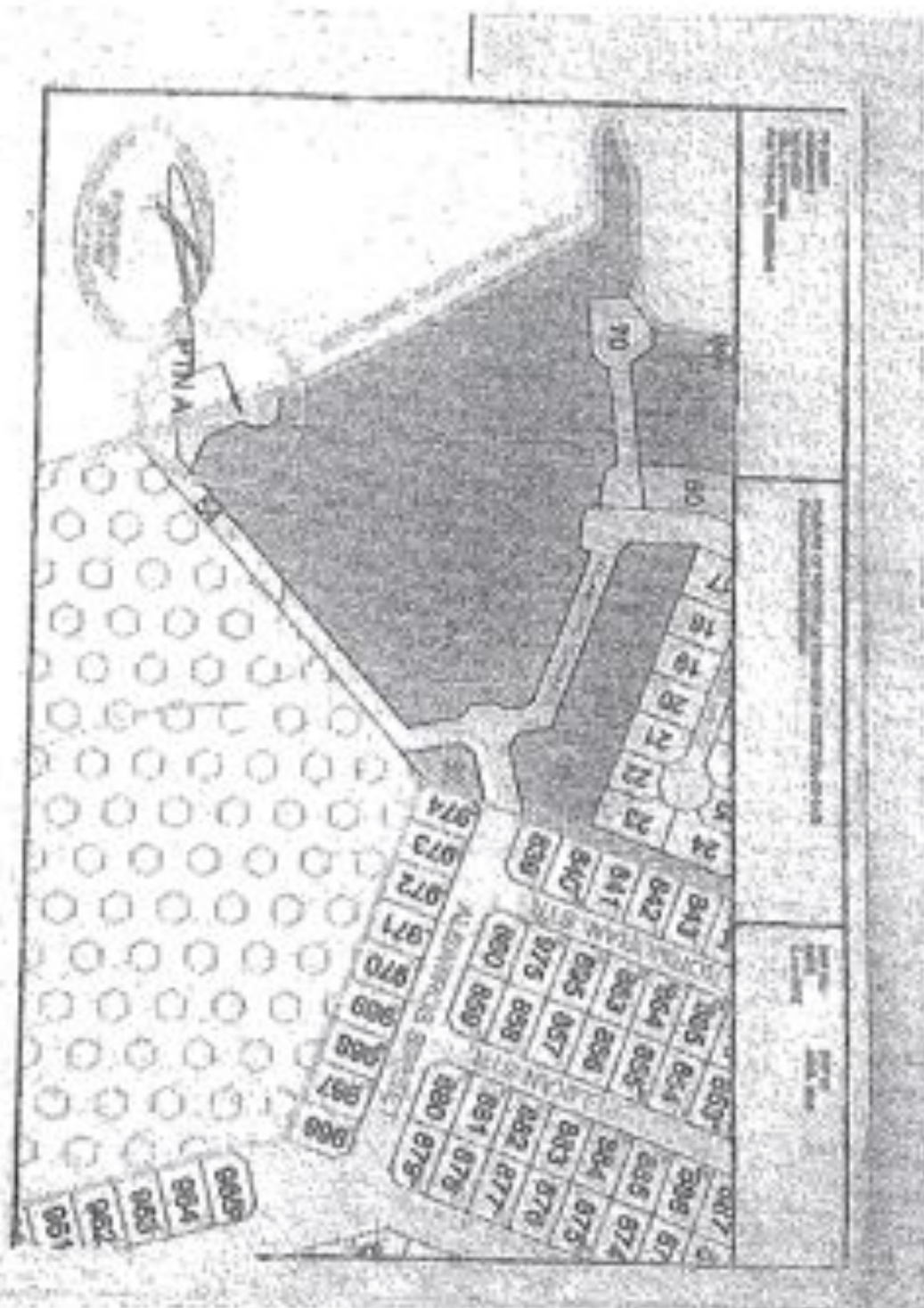
RECOMMENDED:

- (a) That it be noted that the Ministry of Urban and Rural Development as per their letter dated 23 April 2019 Annexure "A2" (on file) requested Council's comments regarding objections against the sale of Erf 72, Waterfront.
- (b) That the following Council's comments be submitted to the Ministry of Urban and Rural Development as required in terms of Section 63 (3) (b) of the Local Authorities Act 23 of 1992:


	Objection	Comments
1.	By proceeding with the publication of the notice to sell Erf 72, Waterfront to 38 entities Council acted against the instructions of the Attorney-General not to act in any way as the owners/custodians of affected portions.	The transaction relates to the existing building not a new project.
2.	That ownership of Erf 72, Waterfront is not yet confirmed and Council illegally traded with state land, that the specific erf is in existence due to unlawful activity. The	Erf 72 RP, is part of Portion 74 in terms of approved GP120- SGA 836/2003 and declared by Government Gazette as an approved township within the Swakopmund municipal boundary by GRN Gazette as N.2172 of 01 June 2004. Erf 72 was also approved by the

Objection	Comments
consolidation process to create the erf is also questioned.	Surveyor General on 09 December 2017 as per diagram No A819/2017 and consolidation thereof. Erf 72 is not part of sea-shore. The history of the Swakopmund boundary and on the western boundary indicated as "high-water mark" is explained under point 5.1 and township establishment of Portion 74 where Erf 72 was created is also explained in detail under 5.2.
3. That standing previous objections still need to be attended to.	This objection is vague and cannot be considered. The previous objections were not submitted in response to an official notice published by Council. There were objection against the concept of the development which have been overtaken by time as the building already stands. This is not relevant to the sale of this portion.
4. That the process preceding the publication of the notice of the intended sale is not legitimate.	Council resolutions were in place authorizing the sale. Council resolutions (24 September 2015, item 11.1.4, 22 February 2018, item 11.1.18 & 31 May 2018, item 11.1.10)
5. The period since the Council resolution in 2015 until the publication of the notice is questioned.	It is assumed that this objection refers to the delay since the decision was passed on 24 September 2015 until the notice was published on 14 and 21 September 2018. The publication of the sale was pending the establishment of the erf.
6. The developer built on land zoned "street" and it is questioned whether the correct procedures were followed for the closure of the street portion.	The procedures for street closure of Erf 72 WF was done and followed correctly. The Closure was also confirmed and approved by Township Board on 22 August 2017, item 143/2018.
7. The height of the building is not within the prescriptions of the Town Planning Scheme.	The height of the building is within the prescription of the Town Planning Scheme 81. Height restrictions have been varied by the Amendment Scheme Number 81. All development that are zoned "general business" and situated within the municipal area of jurisdiction as depicted on maps of the Amendment Scheme Number 12 are subject to a maximum height of 40 metres. Thus any rights and duties accruing to a title holder in the terms and conditions of Scheme 81 replaced those under Scheme 12. Therefore this objection is invalid.
8. The developer charged rental for land that does not belong to them.	Although Erf 72 is not yet transferred to the developer, Council approved the building plan meaning permission was granted for the developer to build on Council land with no limitation put on the developer to trade with third parties. Council also resolved to exchange the portion of land for the paving of a portion of land adjacent to the Waterfront to the same value, meaning Council received its quid pro quo.
9. The developer breached various conditions of the agreement with Council therefore the whole agreement is invalid.	The objector did not specify what conditions in the agreement were breached thus the statement is denied and cannot be responded to.
10. The sale of Erf 72, Waterfront presents a danger and jeopardy to the public due to the construction of the break water and the retaining wall not being up to standard.	The objection does not relate to the sale of Erf 72. The objector has not provided proof that during the construction that the designs were not followed and that the thus integrity of the structure can be questioned.

- (c) That Council does not support the three objections received as these are without merit and are based on speculative and incorrect legal conclusion.



APPROVED		No. A619/2017			
<i>Sistans</i>					
for SURVEYOR-GENERAL					
SIDES	ANGLES OF	CO-ORDINATES		Designation	
metres	DIRECTION	of System 103375			
	Constants				
aA	57,58,40	a			
AB	5,13	A	+48 589,84	+71 584,85	57d
BC	3,88	B	+48 584,32	+71 585,13	58m
CD	5,77	C	+48 581,23	+71 580,83	58
DE	5,87	D	+48 577,79	+71 571,44	58c
EF	7,05	E	+48 577,30	+71 579,49	59j
FG	18,04	F	+48 585,58	+71 582,38	58b
GH	18,06	G	+48 572,34	+71 588,27	58g
IJ	8,23	H	+48 585,80	+71 608,84	new1
JK	15,81	J	+48 581,79	+71 611,47	54b
Kb	82,18,00	K	+48 574,67	+71 612,30	54a
		⊕	-48 582,58	+71 548,48	RM73
		⊕	-48 512,88	+71 340,98	RM74


 SCALE 1 : 750

Description of beacons:
 All beacons 30mm iron peg in cast iron


Area calculation:
 Rectangular Area 418
 Curvilinear Area 358

 776m²

The figure ABCDEFGHJKb (lighter mark) represents 777 square metres of land being
ERF 72, Swakopmund Waterfront

Situate in the Municipality of Swakopmund
 Registration Division G, Erongo Region, Namibia

Compiled in June 2017


 C.G. Pretorius
 Land Surveyor

This diagram is annexed to No. 4/d Register of deeds	The original diagram is as quoted above Transfer/Grant	S.R. No.: Compiled Gen. Plan No.: Noting Plan: MD-SCAM0 File No.: Sw. WF. A
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Due to the voluminous content - the attachments are available on file.

11.1.3 **APPLICATION FOR OPEN AIR SEAFOOD RESTAURANT**
(C/M 2019/07/25 - 14/1/3/1)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.1 page 03 refers.

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

1. **Introduction**

The attached application (Annexure "A") was received via e-mail dated 10 April 2019 and was discussed on 11 June 2019 at the Planning Forum under item 5.7.

Mr Werner Verwey applies to establish an open air seafood restaurant as close as possible to the seafront.

He applies for a suitable area to lease on a long term basis and confirms that no permanent structures will be erected.

2. **Current Situation**

Council in the past received various applications for a variety of initiatives to develop the beachfront. Although such developments will result in a safer beach area, improved public facilities and generate income for the town as visitors will spend more time in Swakopmund, these applications were all turned down.

At the Planning Forum it was discussed that Council should identify areas along the beachfront for a variety of proposed developments. Whereafter development proposals be called for such on lease terms.

In the past the issue of a fish market was also discussed at the Planning Forum of 10 January 2017 under item 4.2 following an application by Dr R van Wyk (although Council passed a resolution regarding the application at the time, point (b) was not considered):

(a) That the application of Dr R van Wyk to acquire the triangular portion of land north of the NamPower Station not be supported

(b) That the Engineering Services Department submits draft designs of the proposed Fish Cleaning and Market Facility south of the Platz Am Meer Waterfront to the Planning Forum.

With reference to two recent applications at the Waterfront area, Council on 23 February 2017 under item 11.1.11 among other passed the following resolution:

(b) That Messrs Black Sea Investment CC and Mr Jan Traack be informed that Council is busy developing the areas.

3. **Other Applications for Developments along the Beach**

The following applications received in the past are listed for completeness sake.

3.1 Tidal Pool at Mile 4

An application was received from Messrs Mile 4 Caravan Park to establish a Tidal Pool, whereas Council passed the following resolution on **10 April 2008**:

- (d) That the applicant undertakes in writing not to interfere with access to the beach and the use and enjoyment of the beach by the public.

3.2 Restaurant at the Skateboard Half-Pipe

With reference to an application received from C V D W Borman to build a restaurant at the skateboard half-pipe, the Planning Forum on **28 September 2010** concluded the following:

- (a) That the requests of Mr. C Borman and Mr. R Callard not be supported as Council does not allow private development on the beach.
- (b) That all departments submit proposals to the Planning Forum with regard to the development of the beach area, e.g. beach volleyball area, climbing wall, kiosks etc.
- (c) Proposal to be submitted to Council for approval in principle before public comments/proposals are invited.

3.3 Lapa Restaurant at Mile 4

According to the application a structure was intended to be used as a "Lapa Restaurant" catering for in-house and local guests in front of the Hotel, where after Council on **25 November 2010** passed the following resolution:

That the application of Messrs Seaside Hotel and Spa for permission to extend their existing catering and recreational facilities by a wooden walkway and lapa across the beach up to the high water mark be turned down, as such structure would span across the beach forming a barrier and interfere with public access to the beach.

3.4 Beach Barns

An application was received from Messrs Beach Barns dated **24 April 2014** To build a series of simple, esthetically acceptable, rustic, raised, single story, wooden structures on poles as a semi-permanent structure. The land whether leased long-term or owned will be leased or owned by a Pty. Ltd. (consortium)."

The application was discussed by the Planning Forum on **24 June 2014** and it was concluded that the applicant be informed of the decisions passed on **13 September 2007** and **31 May 2011**.

3.5 Black Sea Investment CC and Mr Ian Izaaks

3.5.1 An application dated **08 September 2016** was received from Black Sea Investments to mainly establish

- An open air family restaurant
- Play park
- Beach sporting and family activities

Their concept focussed on a family orientated open-air facility consisting of removable structures to preserve the natural environment.

The proposed location was on the beach behind the Paddock Gardens and approximately 500m to the south of the Platz Am Meer development. The size of the area they required was not stated.

- 3.5.2 An application dated **03 November 2016** was received from Mr and Mrs Isaacs who applied to lease 100m² land for the establishment of a small kiosk / bistro to service the day visitors to the Klip Jetty area. The lease period they applied for was 3 years.

They intended to place two container units in an L-shape to block the south westerly wind from which the kiosk / bistro will operate. The one container will serve as a kitchen to prepare meals and snacks; and the other to display treats and cold drinks and as point of sale. Outside seating will be provided under shade netting or umbrellas.

The applicant wanted to create an environment where families can come spend the day with their children. Volleyball nets and mini soccer posts can be rented and during peak seasons they will be able to provide jumping castles on site.

The above applications were discussed by Council on **23 February 2017** under item 11.1.11 and the following was resolved:

- (a) That the applications received from Messrs Black Sea Investment CC and Mr Ian Isaacs for recreation activities at the area of the Paddock Gardens not be approved, keeping in mind that:
- Beach areas must remain accessible to all in terms of the Management Committee resolution passed on 13 September 2007 and Council's resolution passed on 31 May 2011, as well as in terms of the Master Development Plan.
- (b) That Messrs Black Sea Investment CC and Mr Ian Isaacs be informed that Council is busy developing the areas.

3.6 Tide Wave Investments Eleven (Pty) Ltd

On **28 February 2019** under item 11.1.1 Council considered an application by Tide Wave Investments Eleven (Pty) Ltd for the lease of various portions of land and the Mole Point for a business development.

The following was resolved:

- (a) That the application by Messrs Tide 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.

4. Discussion

From the various decisions passed in the past, it is evident that Council is not in favour of developments along the seafront. In addition to the above, the following should be kept in mind:

Council's resolution passed on **31 May 2011**:

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

Quoted from the Master Development Plan: *"The sea front is a fundamental part of the uniqueness of Swakopmund and it should be accessible to, and thus "owned" by all of the inhabitants of the town in perpetuity..."*

The above decision was passed in support of the Management Committee decision passed on **13 September 2007**, which reads as follows:

- (d) *That the applicant be informed that the Public Coastal Edge is not available for development.*

In addition to the above, please also take note of the following quoted from Council's Town Planning Amendment Scheme No 12:

"BEACH AREA" means any land which has been reserved in terms of this scheme for use by the public for beach activities. Any building erected here may only be carried out with the consent of the Council.

5. Proposal

At the Planning Forum of **11 June 2019** the various benefits of developing the beachfront were discussed and the recommendation below is proposed.

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

RECOMMENDED:

- (a) That the application received from Mr Werner Verwey for the establishment of an open air seafood restaurant at the seafront not be approved, keeping in mind that:

Beach areas must remain accessible to all in terms of the Management Committee resolution passed on 13 September 2007 and Council's resolution passed on 31 May 2011; as well as in terms of the Master Development Plan.

- (b) That the Engineering Services Department, together with the Corporate Services & HR Department identifies a portion of land for the establishment of an open air seafood restaurant at the seafront.
-

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Page 1 of 1

Mulboskern
West Coast - Garden of Eden



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Inside Mulboskern



The Sunset at Mulboskern



GALLERY

The Spectacular View



The Beautiful West Coast



Some of our Special Functions



Party Here



Website designed by www.mulboskern.co.za

The First & Original Open Air Restaurant in South Africa

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

11.1.4 **ERF 4342, MONDESA: EXTENSION OF TIME AND WAIVER OF PENALTY INTEREST**

(C/M 2019/07/25 - M 4342, 19.03.02)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.2 page 10 refers.

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

1. Introduction

The purpose of this submission is to consider waiving the penalty interest of **N\$8 840.32** for Erf 4342, Mondesa for the period from **19 March 2019 to 25 June 2019**.

The Original Title Deed (CRT No. T1264/1998) was lost by Council's previous conveyancer, Chris Mayumbelo & Co who did not file it permanently at the Deeds Office in Windhoek. Mr C Mayumbelo cannot be traced. Attached as **Annexure "A"** an e-mail dated **13 May 2019** from the Conveyancer, Koep & Partners informing the Property Officer dealing with the sale of Erf 4327, 4330, 4341 and 4342 of the situation.

2. Background

Erf 4342, Mondesa, zoned 'General Business' was sold at a Closed Bid Sale on **16 November 2018**. The locality map is attached as **Annexure "B"**. Mr S S T Amutenya was the successful bidder for Erf 4342, Mondesa (587m²) at a purchase price of **N\$313 577.86** (15% Vat excluded). Mr S S T Amutenya did not perform on the due date of **18 March 2019** to secure the purchase price. A default notice dated **25 March 2019** was sent to him to rectify the breach on / or before **15 April 2019 (Annexure "C")**. **Annexure "D"** is a Bank Guarantee dated **8 April 2019** in favour of the bidder that was provided on **11th April 2019**. The Power of Attorney was signed by Council's parties on **18 April 2019 (Annexure "E")**.

Conditions of Sale

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 18 March 2019).

Although the guarantee was submitted prior to the extended due date (**15 April 2019**), the transfer would definitely have taken place after the extended due date, therefore Council needs to give consent to an extension of time until the date of transfer.

3. Lost Title Deed

On **13 May 2019** Koep & Partners informed the Property Officer of the missing Title Deed and that as a result they could not proceed with the transfer of ownership of the property. Council gave consent

as per attached Annexure "F" to Koep & Partners to apply to the Registrar of Deeds in Windhoek for a certified copy of the lost document in terms of Regulation 53(1), which they have obtained in the meantime.

4. **Request to Wave a Portion Interest**

The sale is subject to interest at 10.5% from 19 March 2019 until date of transfer in the case where the transfer is not registered on 15 April 2019 (lapsing date of the additional 21 days' notice period).

A Bank Guarantee dated 8 April 2019 (Annexure "D") was submitted on 11th April 2019 i.e. before the extended due date, 15 April 2019. Council only became aware of the lost Title Deed on 13 May 2019. If the Title Deed had not been lost, the erf could have been transferred on 28 April 2019 (10 days for lodgement and registration of the property). It is thus reasonable that interest be levied for the period 19 March 2019 to 28 April 2019 which amounts to N\$3 608.29.

Attached, Annexure "G" an email from Koep & Partners notifying the Property Officer that the transaction was lodged at the Deeds Office on 14 June 2019. Confirmation was also received that registration of the property took place on 25 June 2019 (Annexure "I"). Since 19 March 2019 until 25 June 2019, interest accrued in the amount of N\$8 840.32. It will not be fair to hold Mr S S T Amunyele liable for the total interest accrued of N\$8 840.32, due to the delay caused by the lost Title Deed.

5. **Proposal**

In view of the above, it is proposed that Council waives interest in the amount of N\$5 232.03 for the period from 29 April 2019 up to date of registration (25 June 2019) and that Mr S S T Amunyele be held liable for the interest in the amount of N\$3 608.29 for the period 19 March 2019 to 28 April 2019 (given 10 days for registration). The calculation of the respective periods is attached as Annexure "H".

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

RECOMMENDED:

- (a) That Council consents to the extension of the due date for the transfer of Erf 4342, Mondesa to 25 June 2019.
 - (b) That Council takes note of the missing Original Title Deed (CRT No. T1264/1999) and that a copy was obtained by Koep & Partners.
 - (c) That it be noted that the interest applicable to the transaction for Erf 4342, Mondesa, calculated from 19 March 2019 until 28 April 2019 (the date the property could have registered) amounts to N\$3 608.29 and that it be defrayed from Council's Legal Fees Vote: 102010210500 where N\$450 245.00 is available.
 - (d) That the interest charges for the period from 29 April 2019 until date of registration, 25 June 2019 in the amount of N\$5 232.03, be waived.
-



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

11.1.5 APPROVAL OF SWAKOPMUND TOWN PLANNING AMENDMENT SCHEME NO. 68

(C/M 2019/07/25 - 16/1/4/1/1)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.3 page 23 refers.

A. The following item was submitted to the Management Committee for consideration:**1. Purpose**

The purpose of this submission is for Council to consider the Swakopmund Town Planning Amendment Scheme No. 68. The Amendment Scheme needs to be considered by Council first, in order to be submitted to the Ministry of Urban and Rural Development for final approval.

2. Introduction and Background

An application has been received from Stubenrauch Planning Consultants, who are compiling and submitting the Amendment Scheme No. 68, to the Ministry of Urban and Rural Development, on behalf of the Council.

3. Discussion

The following items will be included in the Swakopmund Amendment Scheme No. 68:

- Rezoning of Erven 605, 4373 and Remainder 604, Mondsee from "Undetermined" to "Institutional". (C/M 2017/10/26)
- Rezoning of Erf 3050, Swakopmund, from "Residential 1" with a density of 1:900 to "Residential 1" with a density of 1:600 (C/M 2017/01/26)
- Rezoning of Erven 7067 and 7068, Swakopmund Extension 26 from "General Residential 2" with density of 1:250 to "General Business" with a bulk of 2.0 (C/M 2018/06/28)
- Rezoning of Portion "A" (a Portion of Erf 286), Rossmund from "General Residential" with a density of 1:250 to "Single Residential" with a density of 1:600. (C/M 2018/09/27).

4. Conclusion

All items as contained in the Amendment Scheme Number 68 have been approved by Council through resolutions. The Engineering Services Department is therefore requesting Council to consider the Amendment Scheme Number 68 and to authorize Stubenrauch Planning Consultants to submit the Amendment Scheme to the Namibia Planning Advisory Board (NAMPAB) on behalf of the Council.

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

RECOMMENDED:

- (a) That Amendment Scheme Number 68 as submitted before Council be approved, to include the following items:
- (i) Rezoning of Erven 605, 4373 and Remainder 604, Mondesa from "Undetermined" to "Institutional" (C/M 2017/10/26).
 - (ii) Rezoning of Erf 3050, Swakopmund, from "Residential 1" with a density of 1:900 to "Residential 1" with a density of 1:600 (C/M 2017/01/26).
 - (iii) Rezoning of Erven 7067 and 7068, Swakopmund Extension 26 from "General Residential 2" with density of 1:250 to "General Business" with a bulk of 2.0 (C/M 2017/01/26).
 - (iv) Rezoning of Portion "A" (a Portion of Erf 286), Rossmund from "General Residential" with a density of 1:250 to "Single Residential" with a density of 1:600. (C/M 2018/09/27).
- (b) That Stubenrauch Planning Consultants be authorized to compile and submit the Amendment Scheme No. 68 to the Ministry of Urban and Rural Development for approval by the Honourable Minister.
-

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

11.1.6 **APPROVAL OF PROPOSED STREET NAMES BY THE NAMING OF STREETS, PUBLIC PLACES, NATURAL AREA AND COUNCIL-OWNED BUILDINGS / FACILITIES ADVISORY COMMITTEE**
(C/M 2019/07/25 - 11/14/28, 16/14/1/5)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.4 page 30 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 street names as per the recommendation of the Naming of Streets, Public Places, Natural Area and Council-owned Buildings / Facilities Advisory Committee.

2. Introduction and Background

The aforesaid Committee held its meetings on the 20th November 2018 and 22nd January 2019 in the Management Committee Room were its resolved and subsequently confirmed the minutes respectively. Minutes of the meetings are herewith attached as **Annexure A**.

The Naming of Streets, Public Places, Natural Area and Council-owned Buildings/Facilities Advisory Committee proposed names for the following townships and extensions:

- o Matutura Extensions 11 and 12
- o Swakopmund Extensions 24, 25 and 37.

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

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

RECOMMENDED:

- (a) That the list of names below be approved for streets in Matutura Extension 11, as depicted on the attached map, under the theme "Books of the Bible":
- Genesis
 - Exodus
 - Leviticus
 - Numbers
 - Deuteronomy

- (b) That the list of names below be approved for streets in Matutura Extension 12, as depicted on the attached map, under the theme "Uranium Mines":
- Husab
 - Langer Heinrich
 - Valencia Uranium
 - Areva
 - Reptile Uranium
- (c) That the list of names below be approved for streets in Swakopmund Extension 24, as depicted on the attached map, under the theme "Local Artists from Swakopmund":
- Stella Kavendji
 - Steven Naruseb
 - Big Ben Kandukira
 - John Narib
 - Lucky Gaseb
 - Stanely Hamaseb
 - Phura Duwe
 - Erwin Gawaseb
- (d) That the list of names below be approved for streets in Swakopmund Extension 25, as depicted on the attached map, under the theme "Motivational Words":
- Catalyst
 - Leadership
 - Progressive
 - Transformation
 - Visionary
 - Achiever
-

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

11.1.7 REZONING OF ERF 680, SWAKOPMUND, FROM "GENERAL RESIDENTIAL 2" WITH A DENSITY OF 1:250M² TO "GENERAL BUSINESS"

(C/M 2019/07/25 - E 680)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.5 page 36 refers.

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

1. Purpose

The purpose of this submission is for the Council to consider the application for the rezoning of Erf 680, Swakopmund, from "General Residential" with a density of 1:250m² to "General Business".

2. Introduction and Background

An application for the rezoning of Erf 680, Swakopmund, from "General Residential 2" with a density of 1:250m² to "General Business" was received by the Engineering Services from Urban Dynamics on behalf of the registered owner, Mrs Irmgard Erika Dietz. The application is attached as **Annexure A**.

3. Zoning, Locality and Size

Erf 680, Swakopmund is currently zoned "General Residential 2" with a density of one dwelling per 250m². The Erf is located in the Central Business District (CBD) on the north-eastern corner of Otavi Street, Lubbert Street and Libertina Amathila Avenue. Erf 680, Swakopmund measures 920m² in extent and currently accommodates a residential dwelling with two outbuildings.

4. Ownership

Ownership of Erf 680, Swakopmund vests with Irmgard Erika Dietz as indicted in the Deed of Transfer T2018/1994 (**Annexure B**).

5. Access, parking and Municipal Services

Access to the property is obtained via the existing streets, Lubbert Street which is 25 meter wide and a secondary access from Libertina Amathila Avenue. Parking for the proposed development will be provided on-site in accordance with the provision of the Swakopmund Town Planning Scheme. Erf 680 is connected to the existing municipal service reticulation of Swakopmund.

6. Proposal

The owner intends to develop the property to its full potential by constructing a mixed use building with business uses on the ground floor and residential buildings on the upper floors.

The proposed development will have no detrimental impacts on the existing character of the area as the proposed uses are compatible and can coexist. Business zoned erven are predominant in the CBD.

7. Advertisement

The proposed rezoning was advertised in the Namibian and New Era of the 16th and 23rd July 2018. Neighbouring property owners were notified via registered mails and a notice was also placed on site and on the requisite notice board of the Municipality of Swakopmund. The closing date for objections to the proposal was on 6 August 2018, and a total of twenty two (22), ten (10) collectively, objections were received by closing time of objections.

8. Objections received

Repetitive and collective objections received are centred around three major concerns. Firstly, there is believed to be insufficient information regarding the development intension of the owner. The objectors argued that the information provided with regards to the development is vague, hence they could not do a proper assessment the proposed rezoning would have on the surrounding area.

The second objection raised is the fear of possibly erecting a forty metre high building due to the unlimited bulk according to the Swakopmund Town Planning Scheme No. 61.

Lastly, people objected to the proposed development because of the possible negative impacts on the neighbourhood, such as noise pollution, exhaust fumes and parking space. They further argued that once business rights is granted to the property owner of Erf 680, Swakopmund the number of cars in the area will increase resulting in an increase in noise and exhaust fumes which are unacceptable in residential areas.

9. Evaluation

The argument against the proposed rezoning on the basis of insufficient information on the intended development cannot be regarded as valid. Instead, the objector should have worried about the maximum development potential and rights the proposed zoning has. Property ownership changes so as the intentions of the currently owner is likely to change should the property be sold to the next person.

According to scheme 61, the current rights of the property allow the owner to construct a building of 40 metres maximum height. In other words, general business and general residential zoned properties have similar height restriction.

The objectors themselves reside on a property zoned "general business" and it is not really conceivable how could they argue that the right should not also be extended to the owner of Erf 680, Swakopmund, especially since the land use in the area is mostly business zoned in any case.

The Environmental Impact assessment was done as required in terms of the Environmental Management Act, Act 7 of 2007, of which approval has been granted by the Environmental Commissioner and it was found that the proposed development does not have environmental effects on the neighbourhood. Environmental Clearance Certificate is attached as (Annexure C).

10. Conclusion

Erf 680, Swakopmund is located in the Central Business District where there is a variety of land uses. Denying similar rights for a property in the same area will be regarded as inequitable practice. The proposed zoning is in line with the Swakopmund Town Planning Scheme and it can be supported.

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

- (a) That Erf 680, Swakopmund be rezoned from "General Residential 2" with a density of 1:250m² to "General Business".
 - (b) That the rezoning of Erf 680, Swakopmund be included in the next Swakopmund Amendment Scheme.
 - (c) That Erf 680, Swakopmund be subject to a betterment fee calculated according to the Betterment Fee Policy of 2009 and be paid by the applicant before any submission of building plans to the Engineering Services Department for approval.
 - (d) That the objectors be informed of their rights to appeal against the Council decision (in terms of Clause 8 of the Swakopmund Town Planning Scheme) to the Minister, within 28 days of this notice against Council's decision, provided that written notice of such an appeal shall be given to the Ministry, as well as the Council within the said period.
 - (e) That all the parking be provide on-site in line with the Swakopmund Town Planning Scheme.
-

Rezoning of Erf 680 Seokopmund



Figure 1: Locality Plan

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

11.1.8 **AMENDMENT AND RECTIFICATION OF PORTION NUMBERS AS PER NAMIBIA PLANNING ADVISORY BOARD (NAMPAB APPROVAL) CERTIFICATE UNDER ITEM NUMBER 146/2013 (C/M 2019/07/25 - 16/1/4/1/3)**

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.6 page 57 refers.

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

1. Purpose

The purpose of this submission is for the Management Committee to consider the amendment and rectification of portion numbers as per the NAMPAB Approval Certificate in terms of Item Number 146/2013 so as to coincide with the Office of the Surveyor General reserved portion numbers.

2. Background

Matutura Extension 1 was proclaimed on the 14 September 2018 as per attached **Annexure A**. During the registration process of the township in the Deeds Office, it was discovered that portion numbers as per NAMPAB approval do not correspond with the reservation of portion numbers plan in the Surveyor General's Office.

As a result, Matutura Extension 1 could not pass examination by the Deeds Examiners in the Deeds Office due to non-correspondence on what appears of the NAMPAB approval and portions plan by the Surveyor General.

In an effort to rectify the issue, the Town Planning Division investigated the matter, so as to determine the variations and sources of such variations. It has been discovered that when the appointed consultant submitted the application to NAMPAB, its heading was reading as follow:

"Subdivision of the Remainder of Portion B of the Farm Swakopmund Town and Townlands No. 41 into Portions 129 to 131 and the Remainder; subdivision of the Remainder of Portion 5 of the Farm Swakopmund Town and Townlands No. 41 into Portions 132 and the Remainder; subdivision of the Remainder of Portion 27 of the Farm Swakopmund Town and Townlands No. 41 into Portions 133 to 135 and the Remainder; consolidation of Portions 132 and 129 into Portion 137, Portions 133 and 130 into Portion 136, Portion 134 and 131 into Portion 138; subdivision of Portion 137 of the Farm Swakopmund Town and Townlands No. 41 into Portions 140 to 152 and the Remainder and the Need and Desirability for the Township Establishment on Portions 135 to 138, 140 to 152 and the Remainder of Portion 27 of the Farm Swakopmund Town and Townlands No. 41"

According to the NAMPAB approval, dated 20 July 2015, Matutura Extension 1 and 2 are to be established on Portions 136 and 138, respectively. See attached Annexure B.

It is also imperative to note that at the Surveyor General's Office, Matutura Extension 1 is not earmarked on Portion 136 as per the

NAMPAB approval Certificate but it is rather reserved on Portion 139. Portion 139 is made up by the consolidation of Portions 134 and 131. Please see attached **Annexure C**.

Although in terms of the NAMPAB approval, Portion 136 has been reserved for the establishment of Matutura Extension 1, the records at the Surveyor General Office varies and no reservation was made. See attached **Annexure D**.

With respect to Matutura Extension 2, although the NAMPAB Approval Certificate indicates that it is to be established on Portion 138, which would have to be formed up by the consolidation of Portions 134 and 131. According to the Surveyor General's records, the reservation in terms of the portion number coincides; however, the portions that are to be consolidated to form Portion 138, are Portions 130 and 133. See attached **Annexure E**.

It is now evident to conclude that both Portions 138 (Matutura Extension 2) and 139 (Matutura Extension 1) would be formed up by consolidation of Portions 134 (a Portion of Portion 27) and 131 (a Portion of Portion B), which is impossible.

The Surveyor General's Office suggested that the NAMPAB Approval Certificate's heading be reviewed to read as follows:

"Subdivision of the Remainder of Portion B of the Farm Swakopmund Town and Townlands No. 41 into Portions 129 to 131 and Remainder; Subdivision of the Remainder of Portion 5 of the Farm Swakopmund Town and Townlands No. 41 into Portions 132 and Remainder; Subdivision of the Remainder of Portion 27 of the Farm Swakopmund Town and Townlands No. 41 into Portions 133 to 135 and Remainder; Consolidation of Portions 132 and 129 into Portion 137, Portions 133 and 130 into Portion 138, Portion 134 and 131 into Portion 139; Subdivision of Portion 137 of the Farm Swakopmund Town and Townlands No. 41 into Portions 140 to 152 and Remainder and the Need and Desirability for the Township Establishment on Portions 136 to 139, 140 to 152 and the Remainder of Portion 27 of the Farm Swakopmund Town and Townlands No. 41.

The amendments are highlighted for ease of reference. See attached letter from the Surveyor General's Office. See **Annexure F**.

It is against this background that this submission is made before the Management Committee to consider the proposed amendment and rectification of portion numbers as per the NAMPAB Approval Certificate of the **20 July 2015**, to conform to the Office of the Surveyor General's records.

3. Required Actions

Matutura Extension 1 cannot be registered in the Deeds Office without first amending the NAMPAB Approval Certificate. An application for the amendment and rectification of the portions should be made to the Board.

Since first submission was done by a consultant, it is appropriate and protocol correct that the consultant responsible be the one to request for the required amendments and rectification of the portions numbers.

Therefore, Ritta Khiba Planning Consultants should be instructed to request the Namibia Planning Advisory Board to amend and redefine portion members as per heading suggested by the Surveyor General's Office.

4. Financial Implications

Financial implications for the action required are not known but deemed not to be excessive. Therefore, Council should cover if any; all the costs that may be incurred. Where and when applicable, funds should be defrayed from Vote: 1030 340 208 00 where an amount of N\$1 594 059.57 is available.

5. Conclusion

The amendment and rectification of the NAMPAB Approval Certificate is critical to allow for the registration of Matutura Extension 1 by the Deeds Office and ultimately for the land delivery process in terms of both housing provision and revenue generation.

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

RECOMMENDED:

- (a) That the NAMPAB Approval Certificate under item Number 146/2013 be amended and portion numbers be rectified for the heading to read as follows:

"Subdivision of the Remainder of Portion 8 of the Farm Swakopmund Town and Townlands No. 41 into Portions 129 to 131 and Remainder; Subdivision of the Remainder of Portion 5 of the Farm Swakopmund Town and Townlands No. 41 into Portions 132 and Remainder; Subdivision of the Remainder of Portion 27 of the Farm Swakopmund Town and Townlands No. 41 into Portions 133 to 135 and Remainder; Consolidation of Portions 132 and 129 into Portion 137, Portions 133 and 130 into Portion 138, Portion 134 and 131 into Portion 139; Subdivision of Portion 137 of the Farm Swakopmund Town and Townlands No. 41 into Portions 140 to 152 and Remainder and the Need and Desirability for the Township Establishment on Portions 135 to 139, 140 to 152 and the Remainder of Portion 27 of the Farm Swakopmund Town and Townlands No. 4"

- (b) That Council instruct Messers Ritta Khiba Planning Consultants to apply to the Ministry of Urban and Rural Development (NAMPAB) for the amendment of Approval Certificate as per Item Number 146/2013.
- (c) That all costs pertaining to the amendment and rectification of portion numbers to conform to the Surveyor General's Office records be defrayed from Vote: 103034020800 where an amount of N\$1 594 059.57 is available.
-

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

11.1.9

TRANSFER OF FUNDS

(C/M 2019/07/25 - 16/2/6/3)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.9 page 90 refers.

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

Purpose

The purpose of this submission is to get permission from the Management Committee to transfer a number of in progress projects from the 2018 / 2019 financial budget to the 2019 / 2020 financial year as continuation projects.

Background

Engineering Services embarked on a number of Council's capital projects, with some in the procurement process and others awarded and purchase orders that have been issued but due to time complications with the compilation documentations, the delays in the awards and the period for delivery has resulted or will result in the loss of budgeted funds for these projects.

An example to mention is the delivery of the Refuse Collector Truck where the bidder indicated a twenty two (22) week delivery period which means that the truck will be delivered towards the end of **October 2019**. Below is a list of projects and their status with regard to the procurement process.

Vote	Description	Value R\$	Reason
1020326273 00	New Corporate Vehicle	100,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
1020326194 00	New Corporate Vehicle	100,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
1030326275 00	New G.I.S. Vehicle	105,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
1030326196 00	New G.I.S. Vehicle	105,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
1035326278 00	New Animal Control LDV	175,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
103532619700	New Animal Control LDV	175,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
3010340 27100	New Refuse Compactor Truck	1,250,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October

			2019 respectively
301032012600	New Refuse Compactor Truck	1,250,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
3025340282 00	New Jetvac Truck	1,750,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
3025320131 00	New Jetvac Truck	1,750,000.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
3025340236 00	New "Honey Sucker" Truck	782,500.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
3025320124 00	New "Honey Sucker" Truck	782,500.00	Purchase orders issued, delivery in 8-10 and 18-22 weeks which will be end August and October 2019 respectively
102533033200	De-rust & Re-spray of vehicles	70,000.00	Purchase order issued, delivery in 10-12 which will be end August / September
3025330326 00	De-rust & Re-spray Vehicles	215,000.00	Purchase order issued, delivery in 10-12 which will be end August / September
3063330335 00	De-rust & Re-spray Grader N134718	150,000.00	Purchase order issued, delivery in 10-12 which will be end August / September
6005330338 00	Anti-rust Treatment of Vehicle	60,000.00	Purchase order issued, delivery in 10-12 which will be end August / September
104531634500	New Rota-Vator	75,000.00	Awaiting PC minutes to generate purchase order
1045316346 00	New Ride-on Mower	250,000.00	Awaiting PC minutes to generate purchase order
2025340266 00	Replace Blinds in Council Chambers	250,000.00	Purchase order issued, delivery in 10-12 which will be end August
5005330337 00	COIS Office Partitioning	150,000.00	Purchase order issued, delivery in 10-12 which will be end August
1020330330 00	Partitioning of Production Room	65,000.00	Purchase order issued, delivery in 10-12 which will be end August
2015340267 00	Walkway Extension - Waterfront / Vrede Rede	489,683.00	The evaluation report was submitted to Procurement Committee, awaiting PC minutes to generate purchase order
3025320723 00	Trailer Mounted Sludge Pump	522,000.00	The evaluation report was submitted to Procurement Committee, awaiting PC minutes to generate purchase order.
3025340221 00	Trailer Mounted Sludge Pump	522,000.00	The evaluation report was submitted to Procurement Committee, awaiting PC minutes to generate purchase order
3025333119 00	Upgrade Waterfront Pump Station Pumps	200,000.00	Order issued, delivery in 8-10 weeks which will be end August 2019
3025333117 00	New Personal Air Supply Respirators	200,000.00	Order issued, delivery in 8-10 weeks which will be end August 2019
3025333118 00	Replace Chemical Pump at Scrubber	90,000.00	The evaluation report was submitted to Procurement Committee

3025333115 00	Back-up Spares: VSD Drives	300,000.00	The evaluation report was submitted to Procurement Committee
3025333116 00	Replace Jetvac High Pressure Hoses	120,000.00	Order issued, delivery in 8-10 weeks which will be end August 2019
3025340223 00	Sewer Line Inspections	260,000.00	Initial Emergency Procurement was approved by Chief Executive Officer but requested to rather follow the formal process

CONCLUSION

By granting permission to the General Manager: Finance to transfer the above listed votes will ensure that the planned 2018 / 2019 projects are successfully completed.

It is therefore:

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

RECOMMENDED:

That permission be granted to the General Manager: Finance to transfer the following projects to the 2019 / 2020 Financial Year as continuation projects:

Vote	Description	Value R
1020 328 273 00	New Corporate Vehicle	100,000.00
1020 325 194 00	New Corporate Vehicle	100,000.00
1030 328 275 00	New G.I.S. Vehicle	105,000.00
1030 325 196 00	New G.I.S. Vehicle	105,000.00
1035 328 278 00	New Animal Control LDV	175,000.00
1035 328 197 00	New Animal Control LDV	175,000.00
3010 340 271 00	New Refuse Compactor Truck	1,250,000.00
3010 320 126 00	New Refuse Compactor Truck	1,250,000.00
3025 340 282 00	New Jetvac Truck	1,750,000.00
3025 320 131 00	New Jetvac Truck	1,750,000.00
3025 340 236 00	New "Money Sucker" Truck	782,500.00
3025 320 124 00	New "Money Sucker" Truck	782,500.00
1035 330 332 00	De-rust & Re-spray of vehicles	70,000.00
3025 330 326 00	De-rust & Re-spray Vehicles	215,000.00
3063 330 335 00	De-rust & Re-spray Grader N134715	100,000.00
6005 330 338 00	Anti-rust Treatment of Vehicle	60,000.00
1045 316 345 00	New Ride-Valor	75,000.00
1045 316 346 00	New Ride-on Mower	250,000.00
3025 340 266 00	Replace Blinds in Council Chambers	250,000.00
6005 330 337 00	CDS Office Partitioning	150,000.00
1020 330 330 00	Partitioning of Production Room	65,000.00
2015 340 261 00	Walkway Extension - Waterfront Vrede Rede	489,683.00
3025 320 123 00	Trailer Mounted Sludge Pump	522,000.00
3025 340 221 00	Trailer Mounted Sludge Pump	522,000.00
3025 333 119 00	Upgrade Waterfront Pump Station Pumps	200,000.00
3025 333 117 00	New Personal Air Supply Respirators	200,000.00
3025 333 118 00	Replace Chemical Pump at Scrubber	90,000.00
3025 333 115 00	Back-up Spares: VSD Drives	300,000.00
3025 333 116 00	Replace Jetvac High Pressure Hoses	120,000.00
3025 340 223 00	Sewer Line Inspections	260,000.00

11.1.10 **RECYCLING AND WASTE MANAGEMENT IN SWAKOPMUND -
RENT-A-DRUM PRIVATE PARTNERSHIP AGREEMENT**
(C/M 2019/07/25 - M 2)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.11 page 97 refers.

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

The **attached** email correspondence was received from Messrs Rent-A-Drum (RAD) in which some concerns were raised that impacts on the companies' mission to make the sorting plant in Swakopmund a viable project.

The correspondence highlighted some challenges which included;

- *Limit to certain waste management agreements with private clients;*
- *Increase from household recycling not as expected;*
- *Informal areas not participating;*
- *Recycling received from landfill under their budget;*
- *No control and involvement to manage the recyclables at the landfill site.*

The following were suggestions raised by Rent-A-Drum (RAD);

- *Private business clients must have the choice who they use for their waste management;*
- *Suggest that the Municipality charges a smaller fee when private business clients make use of Rent-A-Drum/ Current rate for a businesses that makes use of the deep collection system offered by RAD equals;*

**Tariff (f) Emptying of a Bulk Refuse Container (i) twice weekly @
1615.00 plus VAT**

- *Municipality enforces recycling at all premises;*
- *Municipality and Rent-A-Drum share costs to promote recycling on a monthly basis;*
- *Rent-A-Drum have sole right to manage recycling activities at the landfill site and control the recycling staff on site;*
- *Rent-A-Drum must also have the opportunity to quote for municipally skips to be removed at all departments.*

One can conclude that the above suggestions are aimed at increasing the companies' share of the Solid Waste Management System in Swakopmund.

Considering some of the suggestions will however have a negative economic impact on the services rendered by Council. Council is nonetheless obliged by law to provide these waste management services and must therefore ensure that a reliable service is rendered to the residents of Swakopmund.

The renting of property to RAD was based on the companies' initial objective to create a "Material Recovery Plant" at their own cost and the takeover of refuse collection and removal was never part of the initial contract.

Council did however commit to participate in improving waste management systems in Swakopmund but had no official commitment to any joint ventures.

Having consideration for the suggestions made by RAD

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

RECOMMENDED:

- (a) That the concerns raised by Rent-A-Drum (RAD) be noted.
 - (b) That the existing lease agreement with RAD be reviewed and that consultations be entered into that will result in being mutually beneficial to both parties.
 - (c) That Council continues to raise awareness among the residents of Swakopmund about the benefits of recycling but that no formal venture on advertising be entered into with RAD.
 - (d) That Council continues to levy the basic fee as approved by Council for businesses that make use of the services of private waste entrepreneurs as an "availability of service fee".
 - (e) That Rent-A-Drum continues with the collection of recyclables at their own cost and that the company registers all other waste management services in consultation with and approval by Council.
 - (f) That RAD be advised that Council procures services from the best economically beneficial service providers at all times subject to availability and quality of services rendered.
 - (g) That RAD be advised that Council approved the appointment of Informal Recyclers to qualifying candidates so that they can recycle for their own benefit and market and that they be supervised by the appointed Landfill Site Management.
-

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

11.1.11 **OLD AND REDUNDANT ITEMS: COMMUNITY DEVELOPMENT SERVICES, MUNICIPAL REST CAMP**
(C/M 2019/07/25 - N 7/3/1/2)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 8.13 page 103 refers.

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

The following old and redundant items and material need to be written off and sold at the next Public Auction:

Quantity	Description
	Loose materials from kitchen cupboards
22	Mesh wires
22	Loose poles (Large)
48	Loose poles (Small)
373	Duvel covers single
215	Fitted sheets
865	Pillow cases
7	Duvel covers - double
8	Fitted sheets - double
2	Duvel inner - double
56	Duvel inners - single
38	Chair covers
1	Defy Stove
1	Fridge - large
1	Fridge - small
1	Wooden bed - single
2	Wooden table - small
7	Wooden window frames
1	Wooden cupboard
1	Wardrobe
1	Metal table
	Loose wooden material from the store room after renovation
2	Old geysers
173	Brooms
34	Broken Brooms
6	Broken rakes
12	Mops
12	Broken sticks
285	Electrical kettles
47	Pots
8	Fans

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

RECOMMENDED:

- (a) That the following redundant items be written off and sold at the next public auction:

Quantity	Descriptions
	Loose materials from kitchen cupboards
22	Mesh wires
22	Loose poles (Large)
48	Loose poles (Small)
373	Duvet covers single
215	Fitted sheets
865	Pillow cases
7	Duvet covers - double
8	Fitted sheets - double
2	Duvet inner - double
56	Duvet inners- single
38	Chairs covers
1	Defy Stove
1	Fridge - large
1	Fridge - small
1	Wooden bed - single
2	Wooden / table - small
7	Wooden window frames
1	Wooden cupboard
1	Wardrobe
1	Metal table
	Loose wooden material from the store room after renovation
2	Old geysers
173	Brooms
34	Broken Brooms
6	Broken rakes
12	Mops
12	Broken sticks
285	Electrical kettles
47	Pots
8	Pans

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

11.1.12 APPLICATION FOR EXTENSION OF TIME FOR ERF 4341, MONDESA

(C/M 2019/07/25 - M 4341, 19.03.02)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 10.1 page 03 refers.

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

1. Introduction

The application dated 7 March 2019 of Mr L T Shitumbapo requesting extension of time until 30 July 2019 to secure the purchase price was tabled to the Management Committee meeting of 23 May 2019 and the following was resolved under item 7.2:

- (a) That Council remains with the conditions of sale for the sale of 4 even zoned "General Business" located in Mondesa i.e. requiring the purchase price to be secured by the final due date of 15 April 2019 (an additional 21 days' notice period given), by either a cash payment, or electronic fund transfer or bank guarantee.
- (b) That Alexander J Trading CC (Erf 4327, Mondesa) and Mr L T Shitumbapo (Erf 4341, Mondesa) be informed that their transactions are cancelled on 15 April 2019 due to failure to comply with the conditions of sale.
- (c) That Council honours its undertaking to the next qualifying bidders and that the General Manager: Corporate Services and HR continues with the allocations of the cancelled transactions accordingly.

On 24 June 2019, Mr L T Shitumbapo collected the letter dated 19 June 2019, (Annexure "A") informing him the above resolution.

2. Applications for Extension of Time to Perform

Following receipt of the said letter resolution, Mr L T Shitumbapo, submitted a letter (Annexure "B") from First National Bank (herein refer to as FNB).

The Branch Manager of FNB, Mr Matheus on behalf of Mr L T Shitumbapo appeal to Council to consider allowing an extension of time to secure the purchase price of Erf 4341, Mondesa. He motivates the appeal due to the lengthy process to approve an application. He further confirms that it will take up to 6 weeks to approve application. Also, that the Conveyancer Attorneys for the bond registration sometimes takes longer than expected to finalise their part of the transaction.

For Info:

The purchase price (NS 410 000.00 plus 15% (VAT) NS 61 500.00 = NS471 50.00). The following bidders are listed as next qualifying bidders for the specific erf:

#	Bidder	Bid Amount	Comments
1	Alexander Josef Trading CC	600 001.00	Allocated M 4327
2	Lucas Tshafeni Shitumbapo	410 000.00	Accepted
3	Linus D Kayemela	372 590.00	
4	Ama Ntshafeni Pa Opuwo Gambling House	358 555.00	Allocated M

			4330
5	Bank Workers Union of Namibia	330 000.00	
6	Dyoye Accounting Services CC	320 000.00	
7	Leonard T Amathila	316 010.95	
8	Sakaria Shikongo T Amutenya	313 455.16	
9	Victory Thomas	310 000.99	
10	Adamic Christian Ministries	310 000.00	
11	Evo N Mulokozi	305 000.00	
12	COM Investments CC	301 000.00	

3. Discussion

The Property Section has not yet commenced with the allocation of the next qualifying bidder in line since challenges were expected.

Taking into consideration the difficult economic situation in our country and the lengthy process by the bank to approve the loan application of Mr L T Shitumbapo, it is proposed to allow extension of time until **31 July 2019** to secure the purchase price for Erf 4341, Mondesa, subject to interest charges from **19 March 2019** until date of registration.

It is proposed that point (b) of the Management Committee of **23 May 2019**, item 7.2 be repealed and amended to read:

"That Council allow extension of time to Mr L T Shitumbapo to secure the purchase for Erf 4341, Mondesa until 31 July 2019".

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

RECOMMENDED:

- (a) That the appeal and motivation by First National Bank (FNB) to allow extension of time for Mr L T Shitumbapo to secure the purchase for Erf 4341, Mondesa be noted.
- (b) That point (b) of Council resolution of 23 May 2019, item 7.2 be repealed and replaced with the following:

Current wording:

- (b) That Alexander J Trading CC (Erf 4327, Mondesa) and Mr L T Shitumbapo (Erf 4341, Mondesa) be informed that their transactions are cancelled on 15 April 2019 due to failure to comply with the conditions of sale.

Amended wording:

- (b) That Council allow extension of time to Mr L T Shitumbapo to secure the purchase for Erf 4341, Mondesa until 31 August 2019.
- (c) That interest be applicable at a rate of 10.5% for the period 19 March 2019 until date of registration.
-

ANNEXURE "C"



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

11.1.13 **REQUEST FOR PRICE REDUCTION FOR A MEDULETU HALL BY MR PAULUS JONAS**

(C/M 2019/07/25 - M1802, 19.03.02)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 10.2 page 09 refers.

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

This item was discussed at the Planning Forum on 11 June 2019, under item 5.9 and it was concluded that it be submitted to Council recommending that Council remains with the approved purchase price of N\$ 1 381.00 /m².

1. **INTRODUCTION**

The attached letter (**Annexure "A"**) dated 14 May 2019 has been received from Mr Paulus Jonas requesting Council to consider granting him a discount on the purchase price for the Meduletu Hall on Erf 1802, Mondesa. The price of N\$1 381/m² (1 438m² x N\$1 381/m² = N\$1 987 525.00 excluding 15% VAT) was approved by Council for the land and the building based on the average valuations determined by two valuers as indicated under point 3 below.

Mr P Jonas further proposed to change the name of the purchaser of Erf 1802, Mondesa to PJJ Investment (Pty) Ltd and not Paulus Jonas as previously approved by Council.

2. **BACKGROUND**

On 25 April 2019, Council under item 11.1.4 approved the purchase price for the sale of the Meduletu hall on Erf 1802, Mondesa to Mr Paulus Jonas:

- (a) That Council approves the sale of Erf 1802, Mondesa for the land and building as "voetstoots" at an average purchase price of N\$1 381.00/m² x 1 438m² = N\$1 987 525.00 (15% VAT excluded) to Mr Paulus Jonas.
- (b) That Mr Paulus Jonas confirms in writing the acceptance of the purchase price whereafter the sale be advertised as required in terms of the Local Authorities Act, Act 23 of 1992, as amended, at his cost.
- (c) That the purchaser be responsible for the rezoning of Erf 1802, Mondesa from "institutional" to "Local Business".
- (d) That the sale be subject to Council's standard conditions of sale by private treaty.
 - (i) That the purchaser pays a deposit of N\$10 000.00 towards the statutory costs relating to the transaction including, but not limited to advertising cost, compilation of the agreement of sale, rezoning as well as any legal costs that may arise from this transaction.

Mr Jonas was informed of the above resolution on 30 April 2019 (**Annexure "B"**) and was requested to indicate whether he accepts the conditions and the purchase price.

He responded as per letter dated 14 May 2019 confirming acceptance and requesting a discount. He states that they are open for any proposal that Council can offer. He also confirmed acceptance of the other conditions as per Council resolution.

3. DISCUSSION

3.1 Valuation & Purchase Price

Council's Property Policy provides that the purchase price is determined based on the probable market valuations of the probable market value, obtained from Council's appointed municipal valuer and an additional valuer.

Council obtained valuations from the valuers in order to determine the purchase price for the property zoned "General Business". The table below indicates the results.

Size	The Trust & Estate Co	Ludwig Schröder Estate Agents CC
Land - 1 439m ²	N\$650/m ² = N\$935 350.00	N\$590/m ² = N\$850 000.00
Building - 340m ²	N\$2 000/m ² = N\$1 020 000.00	N\$3440/m ² = N\$1 169 700.00
Total	N\$1 955 350.00	N\$2 019 700.00
Average Value	N\$1 987 525.00 / 1 439m ² = N\$1 381/m ²	

Based on the above two valuations, the average price is N\$1 381.00/m².

Messrs Ludwig Schröder Estate Agents CC, used the Depreciated Replacement Cost method to calculate the improvement value and comparable sale method for land value. Their valuation assumes that the services and structures are in satisfactory state of repair and condition.

The Trust & Estate Co (Pty) Ltd used the comparable method of "General Business" land sold in 2017 in the vicinity as a basis.

Municipal Value

In the General Valuation roll of 2015, the value of the property is recorded as follows:

Land value	N\$	174 000.00
Improvement value	N\$	960 000.00
Total Value:	N\$	1 134 000.00 / 1 439m ² = N\$ 788.05/m ²

It is general practice that the Municipal value of a property used to calculate rates and taxes thereon, is much lower than the market price.

3.2 Comparison with business erven sold in the neighbouring areas

Property Sold with a Building Thereon:

- On 15 March 2019, the building located on Erf 4336, Mondosa (Old New Start Centre) zoned "General Business" was sold at the closed bid sale in the amount of N\$ 1 501 000.00 (N\$840.00/m²).

- On 14 October 2010, under item 7.15 Council approved the sale of Erf 4349, Mondesa (Old Municipal office) measuring approximately 5 728m² to Messrs Khomas Properties CC at a purchase price of N\$2.8 million (N\$488.83/m²) for them to provide medical services.

The structures can be compared with the old Municipal building on Erf 4349, Mondesa that Council sold nine (9) years back at N\$ 2.8 million (N\$ 488.83/m²).

If the price is escalated with 5% as per the Property Policy, the price per m² in 2019 would be N\$ 722.00/m²:

year	Price/m ²	5% escalation
2011	488.83	24.44
2012	513.27	25.66
2013	538.93	26.95
2014	565.88	28.29
2015	594.17	29.71
2016	623.88	31.19
2017	655.07	32.75
2018	687.82	34.38
2019	722.21	

Property Bought by Council

Council on 22 November 2018, under item 11.1.31 approved the purchase of the Erongo House of Safety on Erf 610, Tamariskia (measuring 4 227m²) and zoned "Institutional" from Erongo Development Foundation at the purchase price of N\$2 891 000.00 (N\$ 683.94/m²) based on municipal valuation as per General Valuation roll of 2015.

Vacant Property Sold:

- On 16 November 2018, 4 General Business erven located in Mondesa were sold by closed bid at an average price of N\$ 700.00/m².
- On 23 February 2017 Council approved the purchase price for the sale of Erf 8928 (2 353m²), Ext 35 zoned General Business to Mr S S Nuyoma at N\$ 425.00/m² by private transaction.
- Council also approved the sale of a business Erf 6683, Mondesa (7 823m²), zoned Business on 27 April 2017 to Mr S S Nuyoma at N\$ 350.00/m² by private transaction.
- On 31 May 2017 Council approved the purchase price for Erf 4342, Mondesa zoned "General Business" to Messrs Uunongo Technologies CC at N\$987.00/m² (N\$ 579 598.95 = N\$987.00 x 587m²).
- On 16 December 2016 two General Business erven (Ext 35) were sold at an average of N\$ 971.00/m².
- Council on 13 February 2015 sold 5 general businesses in Mondesa by closed bid sale at an average of N\$ 319.00/m².

3.3 Recent Applications considered by Council for the Reduction in Purchase Prices

3.3.1 Council on 28 February 2019, under item 11.1.24 waived the 5% escalation and the requirement to get new valuations due to the motivation provided by Messrs Block Nine Endowment Trust. This can also be regarded as a reduction in the price.

3.3.2 Council approved a reduction in price to Messrs Andrico Investments Number Twelve CC for two vacant general business erven (3346 and 3352 Swakopmund) on 28 September 2017 under item 11.1.4 as follows:

- (i) $\text{N\$}1\,200.00/\text{m}^2 \times 3\,952\text{m}^2 = \text{N\$}4\,742\,400.00$ (15% VAT excluded) for Erf 3346, Swakopmund.
- (ii) $\text{N\$}1\,200.00/\text{m}^2 \times 4\,820\text{m}^2 = \text{N\$}5\,784\,000.00 + \text{N\$}500.00$ (being previous costs incurred) = $\text{N\$}5\,784\,500.00$ (15% VAT excluded) for Erf 3352, Swakopmund.

3.3.3 Council on 27 October 2016 under item 11.1.5 approved not to grant a reduction in the purchase price from $\text{N\$}825.00/\text{m}^2$ to $\text{N\$}650.00/\text{m}^2$ for the sale of a portion of Erf 5360, Swakopmund measuring $\pm 26\,036\text{m}^2$ to Messrs Vineta Development (Pty) Ltd.

4. CONCLUSION

Since the building is in a relatively good condition, it is concluded that the purchase price determined based on the average valuation is fair.

In comparison with the approved purchase price for Erf 4342, Mondesa (vacant) that was offered to Messrs Lunongo Technologies CC at $\text{N\$}987.00/\text{m}^2$, a $\text{N\$}1\,381.00/\text{m}^2$ for the property that is improved is a reasonable price for the sale of Meduletu Hall.

Considering that the purchaser did not have to compete at a public sale, where Council could possibly have gotten a higher price, it is proposed that the Council's decision passed on 25 April 2019, item 11.1.4 remains.

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

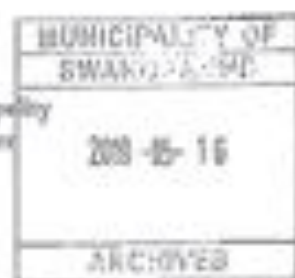
RECOMMENDED:

That Council approves the change of the name of the entity to purchase Erf 1802, Mondesa from Paulus Jonas to PJN Investment (Pty) Ltd and the purchaser provides the registration documentation of the entity.

ANNEXURE "A"

P.O. No.
M 001

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



Dear Sir

RE: SALE OF MEDULETH HALL ON ERF 1805, NONDISA AND DETERMINATION OF THE PURCHASE PRICE THEREFORE

We refer your letter on 30 April 2019. As per council resolution that was passed on 25 April 2019 we accepted, but we just want outline the following.

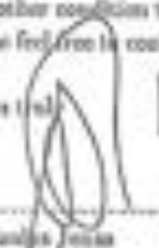
- a. That Council approve the sale of Erf 1802 Nondisa for the land and building as vacant. At average purchase price of N\$ 1381,00m x 1438 = N\$ 1987525,00 (15% Vat excluded) Mr Paulus Jonas.

We humbly asked if the Council reconsider to give us discount on the purchase, we are open on the proposal of Council.

If it's possible to put this sale under the following company **Mosses P/JN Investment Pty**.

The other condition that it has not we accepted it and for any information regarding this please feel free to contact us.

Yours truly


Mr Paulus Jonas
Member
Mosses P/JN Investment Pty

ANNEXURE "D"



PTA = ± 437m² *467m²*
 RE / 1803 = ± 1280m²

Scale: 1/1500

DATE: DEC 2011

PLAN NO. 1003030



SUBDIVISION OF ERF 1803 MONDESA
 INTO PORTION A & RE/1803

PLANNING CONSULTANTS

100 AILE
 WINDERS

TEL: 011 515 1000
 CELL: 082 310 1000



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

11.1.14

EXTENSION 13, MATUTURA:

- BLACK RIVER INVESTMENT (PTY) LTD

- EXCLUSIVE CLOSED BID

(C/M 2019/07/25 - E 2747 M, E 2748 M, 14/1/1/4)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 10.3 page 19 refers.

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

1. Introduction

On 09 May 2019 whilst considering whether to add Urban Edge Properties to the three approved bidders and include them in the exclusive closed bid for either Erf 2747 or 2748, the Management Committee passed the following resolution under item 7.2:

- (a) That the upset price for the "Business" Erf at Extension 13, Matutura be submitted to the next Special Management Committee meeting to be held on a date to be determined by the Chief Executive Officer.
- (b) That as the various extensions are serviced and the erven returned to Council, Council approves the future sale thereof by closed bid sale as resolved by Council on 30 August 2018 under item 11.1.5.

Therefore, in terms of the above decision, Council has to decide the following:

- which of the following two erven will be allocated for the exclusive closed bid sale:
 - Erf 2747, measuring 1 742m²; or
 - Erf 2748, measuring 1 093m²
- Taking into consideration the location and sizes of the two erven, parking requirements and the scale of the development of a shopping mall and fuel station; it could also be considered to sell both erven at the exclusive closed bid to one entity on condition that such be consolidated.
- approve an upset price keeping in mind that the successful bidder has to provide services up to the boundary of the erf.

This submission further deals with the following.

- ① On 23 April 2019 a letter was received from Black River Investment (Pty) Ltd requesting Council to proceed with the closed bid sale of one of the "general business" erven although not yet serviced (**Annexure "A"**). In this regard Council passed decisions on 22 November 2018 and 28 March 2019; and
- ② whether to include Urban Edge Properties to take part in the exclusive closed bid approved by Council on 22 November 2018. The application of Urban Edge Properties was received after the decision on 05 December 2018 (**Annexure "B"**). The applicant does not identify a specific erf. The application was tabled to Council on 25 April and again to the Management Committee on 09 May 2019. Neither Council

nor the Management Committee clearly expressed itself, hence this resubmission.

2. Decisions Passed by Council in respect of Extension 13, Matutura

- 2.1 On 22 November 2018 Council under item 11.1.32 considered various applications for business erven in Extension 13 Matutura for the construction of a mall and fuel station; the following resolution was passed:

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

Please also note that after the closed bid sale, the allocation to the successful bidder must be published in terms of the Local Authorities Act 23 of 1992 as amended for possible objections.

- 2.2 Council at the same meeting under item 11.1.35 passed the following resolution:

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

- 2.3 Below a map indicating the location, lay-out and zonings of Extension 13, Matutura.



Erf 2809, Extension 13, Matutura is zoned "institutional" and is an endowment erf reserved for the Government of Namibia.

Extension 13, Matutura was proclaimed as a township on 14 December 2018 (Government Gazette 8794).

3. Discussion

3.1 The installation of services in Extension 13 is not yet finalised, therefore the General Manager: Engineering Services as per Annexure "C" proposed that the development cost for Extension 1, 2, 34 and 35, Matutura be used be used as the cost is anticipated to be the same with paved roads. The cost for the installation of services to Extensions 1, 2, 34 and 35, Matutura was determined as set-out below:

- Extensions 1 and 2, Matutura - N\$ 241.18/m²
- Extension 34 & 35 - N\$ 292.00/m²

The average per square meter for Extension 1, 2, 34 & 35 calculated thus be N\$ 266.59 (N\$ 241.18 + N\$ 292= 533.18/2). It is proposed that Council approves the upset price of N\$266.59 for the sale of Erf 2748, Matutura measuring 1093m² for the exclusive closed bid sale

Council opts to allocates Erf 2748 (1 093²) which is the smaller erf but located on the corner, to the exclusive closed bid sale at an upset price of N\$ 266.59. For interest sake, on 27 April 2017 Council approved the purchase price of Erf 6683, Mondesa to Mr S Nuuyoma at N\$350.00/m². Alternatively it could be considered to make both erven available for the exclusive closed bid sale for sale to one entity as indicated under point 1 above.

3.2 It is further proposed that the exclusive closed bid sale be subject to the standard conditions of sale (quoted in the recommendation below).

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

RECOMMENDED:

- (a) That Urban Edge Properties be informed of Council's resolution passed on 28 March 2019 under item 11.1.14 that no applications for business land in the northern suburbs be considered until all statutory process are finalized and that no ranking list will be kept.
- (b) That Erf 2747 (measuring 1 742m²) OR Erf 2748 (measuring 1 093m²) located in Extension 13 Matutura be allocated for the exclusive closed bid sale approved by Council on 22 November 2018 under item 11.1.32.
- (c) That the upset price be determined at N\$ 266.59.
- (d) That the purpose for the acquisition of the erf is for the development of a fuel station and shopping mall and that the normal town planning procedures apply for the intended activities.
- (e) That the three approved bidders pay a refundable registration fee of N\$10 000.00 to take part in the closed bid sale and register by providing the registration documentation of their entities.
- (f) That the following standard conditions be applicable:

1. That upon allocation of the erf to the successful 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.
 2. 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.
 3. 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.
 4. Failure to secure the purchase price within the required period will result in cancellation without the need to place the purchaser on terms.
 5. Should the purchase price be secured by a bank guarantee the transfer must be effected on / before the 120th 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.
 6. That the purchaser accepts that no rights will accrue to it from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.
 7. The erf is sold "voetslote" 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.

That where the General Manager: Engineering Services determines that the purchaser must upgrade or extend the existing services to the erf, the purchaser must do so at its own cost and to the satisfaction of the General Manager: Engineering Services.
 8. 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.
 9. That no development or construction be permitted to commence until the statutory processes have been completed and the erf is transferred.
 10. That the purchaser must construct structural improvements worth at least 4 times the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property.
 11. That the said improvements must be completed within 24 months (2 years) from date of transfer.
 12. That the property may not be alienated unless a completion certificate is issued in respect of the structural improvements, referred to in point 11 above. This restraint of alienation is to be registered against the title deed of the property.
 13. That the purchaser provides the registration documentation of the entity (Council resolution of 27 April 2017 under item F1.1.10) 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.
 14. That the agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof by the purchaser.
 15. 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.

11.1.15 **ERF 1123, TAMARISKIA: MR S G JANUARY**
(C/M 2019/07/25 - T 1123)

Ordinary Management Committee Meeting of 11 July 2019,
Addendum 10.5 page 00 refers.

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

1. Introduction

The Special Management Committee on 23 May 2019 under item 5.2 passed the following resolution:

- (a) That the Management Committee takes note of the presentation by Mr S January.
- (b) That before Council waives the pre-emptive right registered against Erf 1123, Tamariskia, Mr January first consult with his purchaser and provide proof of such a sale that exist.
- (c) That this matter be resubmitted to Management Committee for final consideration.

Attached a copy of a deed of sale concluded by and between Mr S G January and a third party for the sale of Erf 1123, Tamariskia as required in terms of point (b) above (**Annexure "A"**).

2. Discussion

It is proposed that Council waives the pre-emptive right registered against Erf 1123, Tamariskia in order to allow Mr S G January to proceed with the sale transaction of the said erf.

With reference to a similar application, the Special Management Committee on 27 June 2019 under item 5.4 recommended the following decision to Council:

That Council accepts the merit of the application by the owner of Erf 1225, Tamariskia, Mr Z Kazombiase to sell his property to a third party; being that he is unemployed, in arrears at his financial institution for which he received a letter of demand, waives the pre-emptive right and permits the sale of the property.

As per the presentation by Mr S G January to the Special Management Committee of 23 May 2019, he is experiencing grave financial difficulties of which the repossession of the property by his financier is imminent.

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

RECOMMENDED:

- (a) That the deed of sale provided by Mr S G January concluded with a third party for the sale of Erf 1123, Tamariskia, be noted.
- (b) That Council accepts the merit of the application by the owner of Erf 1123, Tamariskia, Mr S G January to sell his property to a third party; being that he is unemployed and in arrears at his financial institution; and waives the pre-emptive right and approves the sale of the property.

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

11.1.16 PROPOSAL TO HOST THE NAMIBIAN ANNUAL MUSIC AWARDS 2019 IN SWAKOPMUND

(C/M 2019/07/25 - D 5, N 7/3/1/2)

Ordinary Management Committee Meeting of 11 July 2019, Addendum 10.8 page 40 refers.

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

1. **Attached** letter from Mr T Ekandjo, the Chief Human Capital and Corporate Affairs Officer requesting Council to partner and become the official accommodation sponsor of the Namibian Annual Music Awards (NAMAs) for three consecutive years (2019-2021). The date for the 2019 event has been tentatively confirmed for **7 September 2019** at the Dome in Swakopmund.
2. The Namibian Annual Music Awards (NAMA) exists to recognize the accomplishment of Namibian artists in the music industry by celebrating those groups and individuals who have excelled in the past year. This event is one of the biggest social events on the Namibian music calendar and is mainly organised by Mobile Telecommunications Ltd (MTC) and Namibian Broadcasting Corporation (NBC).
3. The NAMAs is one of the biggest social events on the Namibian music calendar. Music and Sports are the key elements that unify any community, considering the varying culture and differences that may exist. Not only will this event benefit our economy and expose and promote the town but it will give an opportunity to all Swakopmund residents and the neighboring coastal town's residents the opportunity to participate. More than 4 000 people are expected to attend the event.
4. During **2014, 2015 and 2018** the awards were hosted in Swakopmund at the Swakopmund Indoor Sports Centre (The Dome). Since Swakopmund hosted the event successfully in previous years, the organisers wanted to host the event in Swakopmund during 2019 (and for the next two years).
5. A provisional booking was made at the Municipal Rest Camp for the 250 people Camp (for the crew, performers, media, dancers and nominees participating at the Namibia Annual Music Awards) and the estimated costs are N\$301 678.00.
6. The organisers request that Council sponsors the total cost of N\$301 678.00. this account can be funded from the Council's Surplus funds, if council approves.
7. Council on **22 February 2018** under item 11.1.14 resolved as follows:
 - (a) That Council takes note of the intention of the organisers of the Namibia Annual Music Awards (NAMAS) 2018 to host the event on 28 April 2018 at The Dome in Swakopmund.

- (b) That Council becomes the co-sponsor, contributing in the following manner:
- (i) N\$245 519.00 towards accommodation at the Municipal Rest Camp to the crew, performers, media, dancers and nominees participating at the Namibia Annual Music Awards from 16-30 April 2018.
 - (ii) N\$80 000.00 towards the rental of The Dome where the event will be held.
 - (iii) That the total cost of N\$325 519.00 be funded from the Council's Surplus funds.
- (c) That the organizers be informed that Council will not permit any changes to the booking such as extra chalets, extension of dates, increase of pax, etc., and if such changes should occur, it will be for the organizer's expenses.
- (d) That Council request that the Namibia Annual Music Awards be requested to provide will sponsor the following to Council in return:
- (i) 158 (3) seconds TV commercials on NBC
 - (ii) 160 (3)seconds radio commercials
 - (iii) One nominated official of the Council to present an award.
 - (iv) Municipal logo on all Namibia Annual Music Awards (NAMA) marketing material.
 - (v) Special press conference with Municipality to announce our partnership in Swakopmund.
- (e) That MTC be informed to confirm their acceptance of the offer in (b) above within 14 days.
- (f) That MTC be informed to assist with social responsibilities such as food packets for the Elderly during the Christmas.

B. Proposal by Council

As per the resolution taken on **22 February 2018** under item 11.1.14 (f), which reads as follows:

- (f) That MTC be informed to assist with social responsibilities such as food packets for the Elderly during the Christmas.

It should be noted that Messrs MTC did not assist with the food packets for the elderly during 2018.

Council is proposing that Messrs MTC, as part of their social responsibility, be responsible to assist with the purchasing and set-up of the mobile pay point (container) including other technical fees and furniture which are as follows:

1. Messrs Business Connexion (Licences fees and soft and hardware) - N\$ 17 655.98
2. Messrs Erongo RED (connection fees) - N\$ 1 632.00
3. Furniture - (estimate) - N\$ 5 000.00
4. The total costs for container pay point is N\$ 194 507.78

Council will grant Messrs MTC permission to brand the container with their corporate colours and logo.

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

RECOMMENDED:

- (a) That Council becomes the official accommodation sponsor of the Namibia Annual Music Awards (NAMAs) 2019 to host the event on 07 September 2019 at The Dome in Swakopmund.
- (b) That the sponsorship towards accommodation at the Municipal Rest Camp for the crew, performers, media, dancers and nominees participating at the Namibia Annual Music Awards be for three consecutive years (2019-2021).
- (c) That Council approves the sponsorship of N\$301 678.00 towards the accommodation (NAMAs 2019) for a total of 250 people consisting of the dancers, performers, nominees and media.
- (d) That the total cost of N\$301 678.00 be funded from the Council's Surplus funds.
- (e) That the organizers be informed that Council will not permit any changes to the booking such as extra chalets, extension of dates, increase of pax, etc., and if such changes should occur, it will be for the organizer's expenses.
- (f) That Messrs Mobile Telecommunications Ltd (MTC) as part of their social responsibility, be responsible for the set up and furnishing the mobile pay point container in lieu with the sponsorship for accommodation at the following costs:
- | | | |
|-------|---|------------------|
| (i) | The total costs for container pay point - | N\$ 194 507.78. |
| (ii) | Licences fees and soft and hardware - | N\$ 17 655.98 |
| (iii) | Electrical connection fees | - N\$ 1 632.00 |
| (iv) | Furniture | - N\$ 5 000.00 |
| | Total value | = N\$ 218 795.76 |
- (g) That MTC be granted permission to brand the mobile pay point container with their corporate colour and logo.
- (h) That MTC be informed to confirm their acceptance of the offer in (b) above within 14 days.
-

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

11.1.17

REQUEST FOR DONATION TO FIRE VICTIMS

(C/M 2019/07/25 - 3/15/1/6/1)

Special Management Committee Meeting of 17 July 2019, Addendum 5.6 page 40 refers.

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

On the 14 of June 2019, there was a fire accident which took place in Mondesa, Moshitla Street, where three houses burnt. The home owners of these houses visited the Office of the Mayor, requesting for assistance as they had lost most of their belongings in this fire accident.

The fire victims through the coordination of the Fire Brigade division, received food hampers. They also received various donations such as clothing, blankets and tents from other institutions and community members. However, they are urgently in need of building material to renovate their houses as they currently sleep in tents.

Moreover, the affected parties also applied for assistance/donation of building materials from the Mayoral Development Fund (MDF), but their requests is outside the scope of the MDF criteria and thus it could not be considered. Thus it was further recommended that the requests be submitted to the Management Committee for consideration.

Each fire victim sourced three different quotations (please see attached quotations) from various suppliers and below is the breakdown with the cheapest amount of costs to be incurred.

SUMMARY OF EXPENDITURE			
Item	Description of request	Costs extracted from Cheapest quotation	Name of supplier
Fransiska Tjilani	Building material to renovate the entire house	N\$36118.55	Hardware and Building Supplies Pty Ltd
Julius Kahengo	Building material to renovate two bedrooms	N\$ 29284.95	Pupkowitz Megabuild
Toemuz Kapembe	Building material for the renovation of the one bedroom	N\$1656.70	Swakopmund Building Supplies CC t/a Built #
TOTAL EXPENDITURE ON COSTS			N\$67060.2

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

RECOMMENDED:

- (a) That the request to support the three fire victims at a total cost of N\$67 060.20 as stipulated in the table below be approved:

SUMMARY OF EXPENDITURE			
Item	Description of request	Costs extracted from Cheapest quotation	Name of supplier
Fransiska Tjlandi	Building material to renovate the entire house	N\$38 118.55	Hardware and Building Supplies Pty Ltd
Julius Kahengo	Building material to renovate two bedrooms	N\$29 264.95	Papkewitz Megabuild
Toemus Kapembe	Building material for the renovation of the one bedroom	N\$1 656.70	Swakopmund Building Supplies CC via Build It
TOTAL EXPENDITURE ON COSTS			N\$67 040.2

- (b) That the payment be made directly to the selected suppliers.
- (c) That the General Manager: Finance source funds for the payment of the donation.
-

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

11.1.18

**PROGRESS ON THE SALES OF EXTENSION 2, MATUTURA:
EXTENSIONS GRANTED**

(C/M 2019/07/25 - 0 3/2, 8996, 534, 536, 542, 544, 545, 548,
549, 550, 561, 565, 576, 579, 580, 591, 592,
599, 601, 607, 608, 609, 611, 613, 617, 620, 623)

Special Management Committee Meeting of 27 June 2019,
Addendum 5.3 page 15 refers.

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

1. **Introduction**

Council on 26 April 2019 under item 11.1.20 granted extension of time until 31 May 2019 for 26 of the 94 purchaser of the sale held on 26 October 2018.

2. **Current Situation**

On the final due date of 31 May 2019 an assessment was done of the 26 purchasers and the following is reported:

	Erf No	Purchaser	Purchase Price (incl R33 000 deposit)	Comments
1	8996	L R & F F Petersen	395 871.63	Guarantee provided dtl 30 April 2019 and transfer documents signed on 21 May 2019.
2	534	J S Amukoa	250 000.00	No payment and no response from the purchaser.
3	536	A A & V Khuatso	400 198.00	The purchaser cancelled the transaction on 18 March 2019 as at the time they were in the process to acquire a constructed house (Annexure "A"). At the time of the submission Council still required that "all cancellations" be submitted to Council for approval. Therefore this cancellation was included in the submission. Council on 26 April 2019 granted extension of time to perform until 31 May 2019. On 15 May 2019 Bank Windhoek confirmed that no application was done for the property therefore they cannot issue a guarantee. The sale of the house from a third party did not materialize.
4	542	M Sam	362 900.00	Transfer registered on 14 May 2019.
5	544	O Ithusa	290 999.99	No payment and no response from the purchaser.
6	545	L Afrikaans	253 000.00	Submitted a letter dated 20 May 2019 cancelling the transaction.
7	548	M Albus	299 999.99	No payment and no response from the purchaser.

	Erf No	Purchaser	Purchase Price (incl R53 000 deposit)	Comments
8	548	A Gwamas	326 010.00	Transfer lodged at Deeds Office on 06 June 2019.
9	550	E Mtsho	200 000.00	Transfer registered on 05 June 2019.
10	561	M Mayira	275 000.00	No payment and no response from the purchaser.
11	565	M M van Wyk	320 900.00	Guarantee and signed transfer documents on file.
12	578	M Tjipose	200 000.00	Guarantee on file.
13	579	R G Claassen	220 000.00	Transfer registered on 06 May 2019.
14	590	M Hendricks	289 999.99	Paid in full, transfer pending.
15	591	F Azeb	280 000.00	Guarantee on file.
16	592	P Lukas	210 990.99	No payment and no response from the purchaser.
17	599	D Nengombe	300 010.99	No payment and no response from the purchaser.
18	601	B P Zanzuka	300 000.00	No payment and no response from the purchaser.
19	607	S Mchutale	232 000.00	No payment and no response from the purchaser.
20	608	C U-Nuses	164 000.00	No payment and no response from the purchaser.
21	609	M F Pahula	171 111.10	Paid part of price & guarantee on file. Transfer expected on 14 June 2019.
22	611	I N Vabokweni	253 999.99	No payment and no response from the purchaser.
23	613	B Gontse	160 000.00	Guarantee issued after due date of 31 May 2019 on 04 June 2019.
24	617	E L Kuzajike	250 000.00	Submitted a letter dated 23 May 2019 requesting an additional period until 31 August 2019. The reason being that the bank requires 6 months' statements and the purchaser only has 4 months' statements as he was only recently appointed (Annexure "B").
25	620	J N Steurje	200 805.35	Paid in full. Purchaser to signed transfer documents at the conveyance.
26	623	A N Hlopodoka	244 400.00	No payment and no response from the purchaser.

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 15 April 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 being secured after the due date.

4. Discussion

Of the 26 extensions granted it be noted that 11 purchasers managed to secure their transactions by 31 May 2019.

That the action of accepting the guarantee issued on 04 June 2019 for Erf 613, Matutura be condoned and the transfer be proceeded with.

The purchaser of Erf 545, Matutura (listed as point 6 in the table) cancelled the transaction in writing.

It is proposed to cancel the following transactions due to non-performance by due date of 31 May 2019 keeping in mind that no further actions were taken by the following 11 purchasers:

	Erf No	Purchaser	Purchase Price (incl R12 000 deposit)	Comments
2	534	J S Antulwa	250 000.00	No payment and no response from the purchaser.
5	544	O Duhut	290 999.99	No payment and no response from the purchaser.
7	549	M Aftus	299 999.99	No payment and no response from the purchaser.
10	561	M Moya	275 000.00	No payment and no response from the purchaser.
16	592	P Lukas	210 990.99	No payment and no response from the purchaser.
17	599	D Nengande	300 010.99	No payment and no response from the purchaser.
18	601	B P Zaenka	300 000.00	No payment and no response from the purchaser.
19	607	S Mntshali	232 000.00	No payment and no response from the purchaser.
20	608	C La-Ntseke	194 000.00	No payment and no response from the purchaser.
22	611	J N Vabokweni	253 999.99	No payment and no response from the purchaser.
26	623	A N Njondaka	244 400.00	No payment and no response from the purchaser.

Furthermore, that the following two purchasers not be granted extensions of time to secure the purchase prices as they have not yet complied with the bank's requirements to be considered for a home loan:

	Erf No	Purchaser	Purchase Price (incl R12 000 deposit)	Comments
3	536	A A & Y Khoselwa	400 199.00	See comments listed under point 2 above.
24	617	E L Kuzajike	250 000.00	See comments listed under point 2 above.

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

RECOMMENDED:

- (a) That the transactions in respect of the following erven sold on 26 October 2018, be cancelled due to non-performance by the extended due date of 31 May 2019:

	Erf No	Purchaser	Purchase Price (incl N\$3 000 deposit)	Comments
2	524	J S Amukwe	250 000.00	No payment and no response from the purchaser.
5	544	O Ikhutse	290 999.99	No payment and no response from the purchaser.
7	548	M Alfeus	290 999.99	No payment and no response from the purchaser.
10	561	M Wayne	275 000.00	No payment and no response from the purchaser.
16	582	P Lukas	210 990.99	No payment and no response from the purchaser.
17	599	D Nangombe	300 010.99	No payment and no response from the purchaser.
18	601	B P Zaaruka	300 000.00	No payment and no response from the purchaser.
19	607	S Ndeutale	232 000.00	No payment and no response from the purchaser.
20	608	C Li-Nuxes	164 000.00	No payment and no response from the purchaser.
22	611	I N Votakuelesi	253 999.99	No payment and no response from the purchaser.
26	623	A N Mpondoka	244 400.00	No payment and no response from the purchaser.

- (b) That although the following two purchasers have requested to proceed with their transactions, they did not comply with the requirements of the respective banks for the consideration of a home loan by 31 May 2019 and the transaction are cancelled accordingly:

	Erf No	Purchaser	Purchase Price (incl N\$3 000 deposit)	Comments
3	526	A A & V Khwaseb	400 199.00	Annexure "A"
24	617	E L Kuzajike	250 000.00	Annexure "B"

- (c) That the above cancelled erven (points (a) and (b)) and Erf 545, Matutura (cancelled by the purchaser) be offered to the next qualifying bidders listed for as provided for in the Conditions of Sale.
- (d) That the action of accepting the guarantee issued on 04 June 2019 for Erf 613, Matutura be condoned and the transfer be proceeded with.
-

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

11.1.19 **APPLICATION TO WAIVE PRE-EMPTIVE RIGHT: ERF 1225, TAMARISKIA**
(C/M 2019/07/25 - T 1225)

Special Management Committee Meeting of 27 June 2019, Addendum 5.4 page 22 refers.

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

1. **Introduction**

A letter dated **04 June 2019** (received on **13 June 2019**) was received from Mr Zebedeus Kazombiase applying to sell Erf 1225, Tamariskia to a third party (**Annexure "A"**).

Mr Z. Kazombiase states that he was retrenched from his work at Karibib Mining & Construction on 30 November 2018. He therefore struggles to pay his mortgage bond at First National Bank. A letter of demand dated **07 June 2019** from the said bank is attached stating that should he not comply within 21 days legal action will be taken and his details submitted to the Credit Bureau for listing (**Annexure "B"**). He is one month in arrears. He is struggling to find employment and due to the current economic situation does not secure a lessee for this property on Erf 1225, Tamariskia.

Erf 1225, Tamariskia (measuring 645m²) was sold at a public sale on **03 July 2015** in the amount of N\$178 998.45. In terms of the conditions of sale a pre-emptive period of 5 years were registered from date of transfer during which period the purchaser may not sell the property. The property was transferred to the owner on **16 December 2015** (the pre-emptive period will lapse **16 December 2020**). Council sold 103 erven zoned "Single Residential" located in Extension 3, Tamariskia in two batches on **29 May** and **03 July 2015**, subject to the same pre-emptive period.

2. **Conditions of Sale**

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

Clause 8.3 of the deed of sale provides as follows:

"The owner, his/her heirs or successors-in-title may not sell the aforesaid property for a period of 5 (five) years from date of first registration, except after offering it for sale in writing to the Municipal Council of Swakopmund at the same price the PURCHASER bought the property from the Municipal Council of Swakopmund and the Municipal Council of Swakopmund to accept or reject such offer within 60 (sixty) days of receipt of the PURCHASER's written offer made in terms hereof."

3. **Similar Application for the Sale of an Erf in Extension 3, Tamariskia Considered by Council**

Mr S.G. January also applied to sell his vacant Erf 1123, Tamariskia and following several submissions, resolutions and an audience on **23 May 2019** the following decision was passed under item 5.2:

(a) That the Management Committee takes note of the presentation by Mr S. January.

- (b) That before Council waives the pre-emptive right registered against Erf 1123, Tamariskia, Mr January first consult with his purchaser and provide proof of such a sale that exist.
- (c) That this matter be resubmitted to Management Committee for final consideration.

4. Discussions

With reference to a recent applications requesting Council's permission to sell subject to a pre-emptive right, Council passed the latest decision on **22 November 2018** under item 11.1.5:

That Mr Ismaelsa 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.

Ms I Ruhumba submitted another application for Council to reconsider her application which was submitted to the Management Committee of 13 June 2019. Council has a record of protecting the public and consistently refusing to waive the pre-emptive period for the sale of the property to third parties.

The primary purpose of the restriction of sale of properties is to prevent speculation and to educate the public on the importance of owning fixed property. However when there is clear evidence that a property owner has been overwhelmed by financial difficulties and is not speculating Council can relax its strict application of the rule in order to assist struggling families and prevent them from falling into poverty due to Council's rules.

Mr Z Kazombiase states he has tried alternative means of generating income including leasing out his house, however he is not able to comply with his obligations towards the bank. Under the circumstances and considering it often takes months to sell a house it appears that Mr Z Kazombiase's application is not speculative and should be considered.

5. Proposal

It is proposed that Council considers the merits of the application by Mr Z Kazombiase supported by the letter of demand issued by his financial institution threatening legal action due to his arrears.

That it be noted that a dwelling is constructed on the property and therefore will burden Council's budget by buying back the property and offering it for sale in the current bad economic climate.

Attachments

- | | | |
|--------------|---|---|
| Annexure "A" | - | attached a letter dated 04 June 2019 from Mr Z Kazombiase |
| Annexure "B" | - | a letter of demand from First National Bank dated 07 June 2019 addressed to Mr Z Kazombiase |
| Annexure "C" | - | a map indicating Extension 3, Tamariskia |

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

RECOMMENDED:

That Council accepts the merit of the application by the owner of Erf 1225, Tamariskia, Mr Z Kazombiase to sell his property to a third party; being that he is unemployed, in arrears at his financial institution for which he received a letter of demand, waives the pre-emptive right and permits the sale of the property.

Annexure "C"



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

11.1.20

EXTENSION 10, SWAKOPMUND: AVAILABILITY OF GENERAL INDUSTRIAL ERVEN

(C/M 2019/07/25 - E 4869, E 4873, E 4874, E 4889, E 4895, E 4901)

Special Management Committee Meeting of 27 June 2019, Addendum 5.5 page 35 refers.

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

1. **Introduction**

This item was discussed at the Planning Forum on 21 May 2019 under item 5.3 and is now submitted to the Management Committee for consideration.

The purpose of this submission is to report to the Management Committee on the current status of erven zoned "General Industrial" located in Extension 10, Swakopmund.

1.1 The sale of 18 "General Industrial" erven was held on **02 December 2016**. Of the 18 erven, 14 transactions were successfully completed and 4 allocations are still being processed.

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.

1.2 Apart from the above 4 erven Council approved that Erf 4869 and 4895 be sold by closed bid.

2. **Outcome of the Closed Bid Sale**

The outcome of the sale of **02 December 2016** was as follows:

Total Development Cost at N\$80 00/m ²	15,318,680.00
Total Income	61,106,130.01
Profit (to be shared with Erongo RED)	45,787,260.01
Upset price / m ²	80.00
Price obtained / m ²	319.00

Income generated to date (31 March 2019): N\$40 088 104.05

3. **Current Situation**

Below is the status of the sale of **02 December 2016**:

	erf	size	Purchase Price & 15% VAT	Status	Comments
1	4869	6 153	2 300 000.00	transferred	n/a

	erf	size	Purchase Price & 15% VAT	Status	Comments
2	4870	6 649	1 919 233.85	transferred	n/a
3	4871	8 260	2 302 562.70	transferred	n/a
4	4872	8 353	2 530 000.00	transferred	n/a
5	4873	7 403	2 047 484.73	in process	On 28 March 2019 under item 11.1.17 Council granted the purchaser an extension of time until 02 September 2019 to secure the purchase price.
6	4874	15 140	3 968 648.85	in process	Await purchaser to present at an audience. Apologised for not being able to make a presentation to the Special Management Committee meeting of 23 May 2019.
7	4882	13 640	5 750 000.00	transferred	n/a
8	4885	7 180	2 295 446.00	transferred	n/a
9	4887	18 174	3 887 418.60	transferred	n/a
10	4888	14 520	5 877 696.00	transferred	n/a
11	4889	10 782	2 990 000.00	in process	Council on 23 May 2019 under item 11.1.15 approved the cancellation of the sale to the current purchaser. Various bidders are listed as next qualifying bidders and the property will be offered accordingly.
12	4890	11 314	2 553 000.00	transferred	n/a
13	4891	5 992	2 656 500.01	transferred	n/a
14	4892	5 922	2 438 000.00	transferred	n/a
15	4893	5 851	2 355 027.50	transferred	n/a
16	4896	13 379	5 048 500.00	transferred	n/a
17	4897	19 475	4 158 415.00	transferred	n/a
18	4901	13 298	0.00	no bidders on the list	With reference to an application by Whale Flock Cement (Pty) Ltd dated 14 February 2019, this erf can consider for allocation in addition to the land Council approved 22 November 2018 under item 11.1.4. A separate submission in this regard will be tabled to the Management Committee.

In addition to the above erven the sale of the following erven were approved by closed bid

- ① Erf 4869, Swakopmund to Afreli (Pty) Ltd was cancelled on **31 May 2017** (item 11.1.17) by Council (part of resolution quoted):
- (a) That Council confirms the cancellation of the sale of Erf 4869, Swakopmund to Messrs Afreli (Pty) Ltd as the purchaser failed to

perform in terms of the conditions as approved by Council 26 February 2015.

- (b) That Council approves to sell Erf 4889, Swakopmund by closed bid sale at an upset price of $\text{N\$}185.00/\text{m}^2 \times 6\,428\text{m}^2 = \text{N\$}1\,189\,180.00$ (15% VAT excluded) subject to the following conditions:
- (a) That a refundable registration fee of $\text{N\$}9\,000.00$ be payable per bidder being 0.75% of the upset price of $\text{N\$}1\,189\,180.00$.

- ⓐ The allocation of Erf 4895, Swakopmund to Swakop uranium was cancelled on **28 September 2017** (item 11.1.7) by Council (part of resolution quoted):

- (a) That Council confirms the cancellation of the permission given to Messrs Swakop Uranium to lease Erf 4895, Swakopmund as the entity no longer intends to take up the lease.
- (b) That Council sells Erf 4895, Swakopmund by closed bid sale at an upset price of $\text{N\$}185.00/\text{m}^2 \times 5\,615\text{m}^2 = \text{N\$}1\,038\,775.00$ (15% VAT excluded) subject to the following conditions:
- (i) That a refundable registration fee of $\text{N\$}7\,500.00$ be payable per bidder being 0.75% of the upset price of $\text{N\$}1\,038\,775.00$.
-
- (c) That Erf 4895 and Erf 4889, Swakopmund be sold at a closed bid sale, subject to Council's standard conditions of sale which include one erf per natural person / entity (connected parties may only obtain 1 of the 2 erven).

4. Proposal

- 4.1 It is therefore proposed, that pending the finalization of the sale of the following 3 erven of the closed bid sale of **02 December 2016**, Council arrange a closed bid sale at the upset prices approved on **27 October 2016** under item 11.1.1:

	Erf	Size	Purchase Price & 15% VAT	Status	Comments
5	4873	7 403	2 047 484.73	in process	On 28 March 2019 under item 11.1.17 Council granted the purchaser an extension of time until 02 September 2019 to secure the purchase price.
6	4874	15 140	3 068 648.85	in process	Award purchaser to present at an audience. Apologised for not being able to make a presentation to the Special Management Committee meeting of 23 May 2019 .
11	4889	10 782	2 090 000.00	in process	Council on 23 May 2019 under item 11.1.15 approved the cancellation of the sale to the current purchaser. Various bidders are listed as next qualifying bidders and the property will be offered accordingly.

- 4.2 That the sale of the following two erven be included in the above closed bid sale:

- ⊖ Erf 4869, Swakopmund (6 428m²) at an upset price of N\$1 189 180.00
- ⊖ Erf 4895, Swakopmund (5 615m²) at an upset price of N\$1 038 775.00

4.3 That Erf 4901, Swakopmund (13 298m²) be considered for allocation to Whale Rock Cement (Pty) Ltd who applies for an industrial erf (letter dated 14 February 2019). A separate submission is tabled in this regard.

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

RECOMMENDED:

- (a) That pending the finalization of the sale of the following 3 erven of the closed bid sale of 02 December 2016, a closed bid sale be arranged at the upset prices approved on 27 October 2016 under item 11.1.1:

	Erf	Size	Upset Price	Current Status
5	4873	7403	1 369 535.00	Extended due date lapses 02 September 2019. Should the purchaser not perform the property will be offered to next qualifying listed bidders until the list is exhausted.
6	4874	15140	2 800 900.00	Await purchaser to present at an audience. Apologised for not being able to make a presentation to the Special Management Committee meeting of 23 May 2019.
11	4889	10782	1 994 670.00	Council on 23 May 2019 under item 11.1.15 approved the cancellation of the sale to the current purchaser. Various bidders are listed as next qualifying bidders and the property will be offered accordingly until the list is exhausted.

- (b) That the sale of the following two erven be included in the above closed bid sale:

- ⊖ Erf 4869, Swakopmund (6 428m²) at an upset price of N\$1 189 180.00
- ⊖ Erf 4895, Swakopmund (5 615m²) at an upset price of N\$1 038 775.00

- (c) That it be noted that a separate submission is tabled to consider the allocation of Erf 4901, Swakopmund (13 298m²) to Whale Rock Cement (Pty) Ltd who applies for an industrial erf (letter dated 14 February 2019).
-

THE SUBDIVISION OF ERF 4007, BRANCKMUND EXTENSION 19 B/19,
EDENBURGH 4793 4662-860257/STREET, 4304-4305/PCQ

AND REMAINDER STREETS

BY STATE OF ERF 4007, BRANCKMUND EXTENSION 19



4007		Area	Area
Lot	Plan	sqm	sqm
4301	132	481	64
4302	132	481	64
4303	132	481	64
4304	132	481	64
4305	132	481	64
4306	132	481	64
4307	132	481	64
4308	132	481	64
4309	132	481	64
4310	132	481	64
4311	132	481	64
4312	132	481	64
4313	132	481	64
4314	132	481	64
4315	132	481	64
4316	132	481	64
4317	132	481	64
4318	132	481	64
4319	132	481	64
4320	132	481	64
4321	132	481	64
4322	132	481	64
4323	132	481	64
4324	132	481	64
4325	132	481	64
4326	132	481	64
4327	132	481	64
4328	132	481	64
4329	132	481	64
4330	132	481	64
4331	132	481	64
4332	132	481	64
4333	132	481	64
4334	132	481	64
4335	132	481	64
4336	132	481	64
4337	132	481	64
4338	132	481	64
4339	132	481	64
4340	132	481	64
4341	132	481	64
4342	132	481	64
4343	132	481	64
4344	132	481	64
4345	132	481	64
4346	132	481	64
4347	132	481	64
4348	132	481	64
4349	132	481	64
4350	132	481	64
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4357	132	481	64
4358	132	481	64
4359	132	481	64
4360	132	481	64
4361	132	481	64
4362	132	481	64
4363	132	481	64
4364	132	481	64
4365	132	481	64
4366	132	481	64
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4380	132	481	64
4381	132	481	64
4382	132	481	64
4383	132	481	64
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4396	132	481	64
4397	132	481	64
4398	132	481	64
4399	132	481	64
4400	132	481	64
4401	132	481	64
4402	132	481	64
4403	132	481	64
4404	132	481	64
4405	132	481	64
4406	132	481	64
4407	132	481	64
4408	132	481	64
4409	132	481	64
4410	132	481	64
4411	132	481	64
4412	132	481	64
4413	132	481	64
4414	132	481	64
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4450	132	481	64
4451	132	481	64
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4460	132	481	64
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4489	132	481	64
4490	132	481	64
4491	132	481	64
4492	132	481	64
4493	132	481	64
4494	132	481	64
4495	132	481	64
4496	132	481	64
4497	132	481	64
4498	132	481	64
4499	132	481	64
4500	132	481	64

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

11.1.21 **EXTENSION 10, SWAKOPMUND: APPLICATION BY WHALE ROCK CEMENT (PTY)**
(C/M 2019/07/25 - E 4901)

Special Management Committee Meeting of 27 June 2019, Addendum 5.6 page 40 refers.

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

1. Introduction

This submission was discussed by the Planning Forum on **21 May 2019** under item 5.4 and is now submitted to the Management Committee for consideration.

The purpose of this submission is to consider an application by Whale Rock Cement (Pty) Ltd dated **14 February 2019** to acquire an erf in the industrial area to establish offices and warehouses from where their clients can collect cement (**Annexure "A"**).

2. Brief Background

Following an application by Whale Rock Cement (Pty) Ltd for industrial grinding purposes, Council on **22 November 2018** under item 11.1.7 passed the following decision:

- (a) That Messrs Whale Rock Cement (Pty) Ltd be advised to discuss options with the General Manager Engineering Services and consider an area located at the Nonidas Siding where the applicant will be able to either obtain water and electricity supply from Namwater and Nampower through Council's accounting system or contribute pro rata to the construction of additional storage capacity.
- (b) That once confirmation about point (a) above is received, the conditions be considered and submitted to Council.
- (c) That the application by Messrs Whale Rock Cement (Pty) Ltd to acquire a portion of land measuring 5 ha at Council's formalized industrial area not be approved.

Whale Rock Cement (Pty) Ltd confirmed per letter dated **14 February 2019** that the acquisition and establishment of the site at Nonidas Siding might still take a while to finalize. Therefore, they now apply to purchase an industrial erf to construct offices and warehouses for cement, in the meantime.

The application for an industrial erf is in addition to the land allocated at Nonidas Siding. Operations on the erf will be limited and controlled in terms of the land usage of "general industrial" zoning:

- Primary Uses:** Industrial Building, Light Industrial, Warehouse, Dry Cleaners, Laundrette, Scrap Yard, Building Yard.
Consent Uses: Public Garage, Service Stations, Office Buildings, Shop, Place of Amusement, Place of Instruction, Noxious Industry.

3. Discussion

Erf 4901, Swakopmund measures 13 298m² (see attached map indicating the location). No other applications have been received for this erf.

Following the closed bid sale of **02 December 2016** the list of bidders has been exhausted for Erf 4901, Swakopmund. This erf is therefore available for sale by closed bid or private treaty.

4. Proposal

It is proposed that Council considers the sale of Erf 4901, Swakopmund measuring 13 298m² by private treaty sale to Whale Rock Cement (Pty) Ltd subject to Council's standard conditions of sale for land by private treaty.

Council most recently sold Erf 4884, Swakopmund by private treaty sale at a purchase price approved on **31 May 2017** in the amount of N\$563.38/m². In terms of Council's property the purchase price must escalate by 5% for every subsequent year.

The above is regarded as a standard tariff for the sale of industrial land by private treaty keeping in mind that the applicant does not have to compete with other bidders to obtain the land.

The purchase price will therefore amount to N\$621.14/m² x 13 298 = N\$8 259 960.00 (excluding 15% VAT).

31-May-17	563.38
31-May-18	591.55
31-May-19	621.14

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

RECOMMENDED:

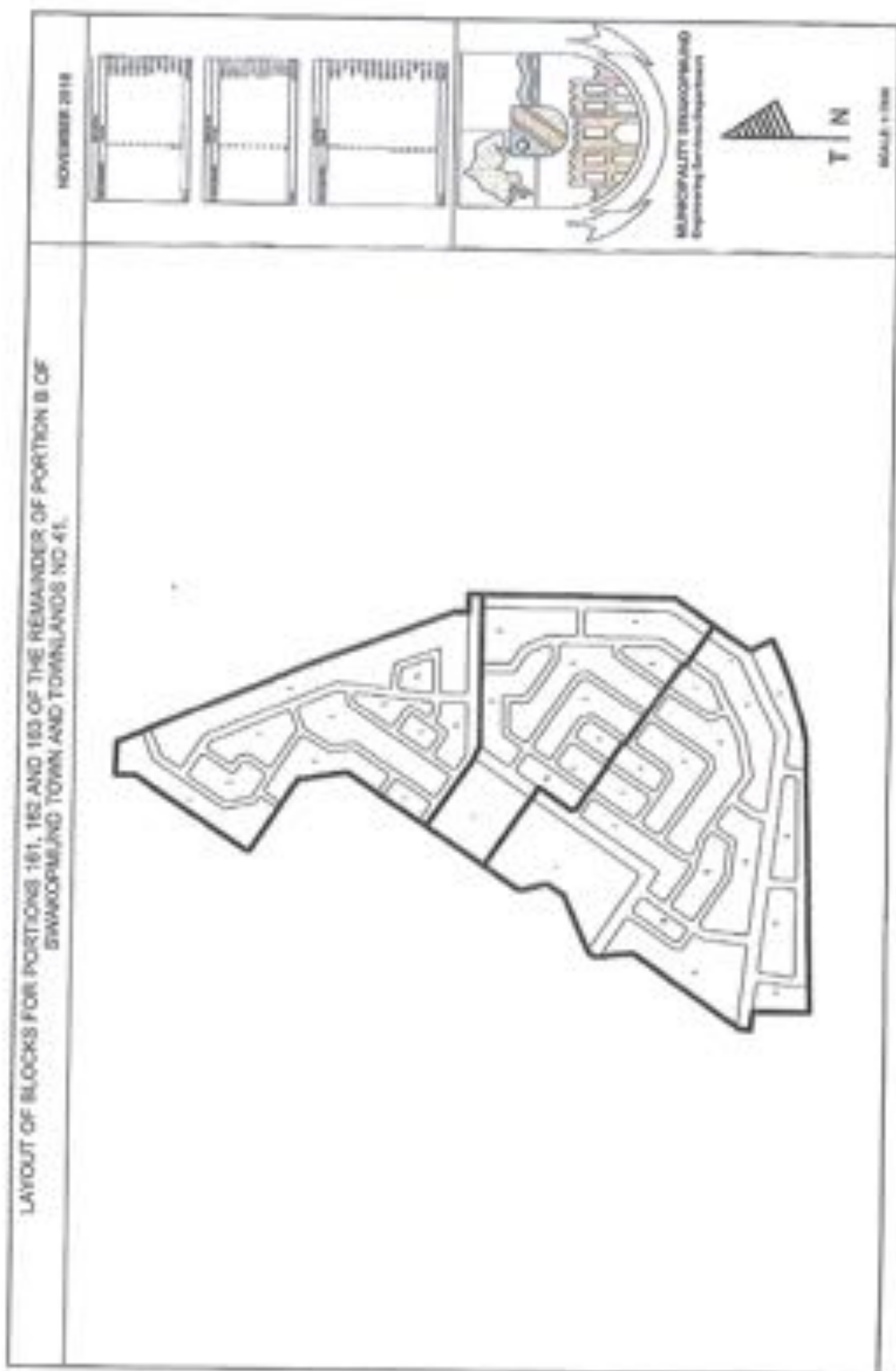
- (a) That Council takes note that the application for industrial land is in addition to the land allocated at Nonidas Siding on 22 November 2018 under item 11.1.7.
- (b) That Council approves the allocation of Erf 4901, Swakopmund measuring 13 298m² by private treaty to Whale Rock Cement (Pty) Ltd for the construction of offices and warehouses for the distribution of cement.
- (c) That the purchase price be N\$621.14/m² x 13 298 = N\$8 259 960.00 (excluding 15% VAT).
- (d) That the sale be subject to Council's standard conditions of sale by private treaty:
 - (i) That the purchaser pays a deposit of N\$10 000.00 towards the statutory costs relating to the transaction including, but not limited to



advertising cost, compilation of the agreement of sale, 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 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 120th 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 unless a completion certificate is issued in respect of the structural improvements. This restraint of alienation is to be registered against the title deed of the property.
 - (x) The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.
 - (xi) That the purchaser indemnifies Council against any claims resulting from blasting, should blasting need to be done.
 - (xii) That the purchaser 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 shareholders/members of 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.
-

Annexure "D"





PORTIONS 161, 162 & 163 OF THE REMAINDER OF PORTION B OF SWANCOULUND TOWN AND TOWNLANDS NO 41	<p data-bbox="252 360 272 517">NOVEMBER 2018</p>  <p data-bbox="660 293 703 562">MUNICIPALITY SWAKOPMUND Engineering Services Department</p>  <p data-bbox="1289 360 1310 472">SCALE 1:1000</p>
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Due to the voluminous content - the attachments are available on file.

11.1.22 REQUEST FOR PRESENTATION TO COUNCIL: MESSRS STREET BUZZ

(C/M 2019/07/25 - 14/1/3/1)

Special Management Committee Meeting of 27 June 2019, Addendum 6.3 page 00 refers.

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

The organizers plan to book the open space used by fresh produce vendors (either free of charge or paid) to host a market day for entrepreneurs (Banks, corporate companies).

The objective of the initiative is to create a frequent and visible platform for entrepreneurs to sell and market their businesses and create beneficial partnerships for future business ventures. The event is planned to be hosted for 8 hours, mobile facilities will be made available and safety and security will be taken care off. The inaugural event is planned to be held on the **31 August 2019** and will recur on a quarterly basis for 1(one) day only.

The organizers requested for the opportunity to present their business concept to Council. Ms Frieda Abraham from Messrs Street Buzz made a presentation at the Planning Forum on **11 June 2019** under item 5.1, which resolved:

- (a) That the presentation by Messrs Street Buzz be noted.
- (b) That the Community Development Services Department compile a submission whereby Messrs Street Buzz be invited to present their proposal to the Management Committee.

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

- (a) That the presentation by Messrs Street Buzz be noted.
 - (b) That Council approves for Messrs Street Buzz to host a market for one day on a quarterly basis, for entrepreneurs at the Open space along Daniel Kamilo Avenue, and such other sites as considered from time to time.
 - (c) That the applicant indemnifies Council against all and any claims in respect of damage to property and / or bodily injury to / loss of life of people that may arise from the utilization of the property.
 - (d) That Messrs Street Buzz pay a rental fee for the site based on the approved tariffs for lease of Municipal land (Public Open Spaces).
 - (e) That Messrs Street Buzz ensures that there is security during the event, and the place is restored into its original form before use after the event.
 - (f) That the second event be hosted in Mondesa.
-

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

11.1.23

APPLICATION TO PURCHASE 50HA OF LAND NEXT TO HENTIES BAY ROAD: MR PAUL ROOI

(C/M 2019/07/25 - G 4/1/1)

Special Management Committee Meeting of 27 June 2019, Addendum 6.4 page 00 refers.

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

1. **Introduction**

This submission was considered by the Management Committee on 09 May 2019 and the following was resolved under item 10.8:

- (a) That the Chief Executive Officer determines an alternative solution to the application of Mr Paul Rooi and report back to the Management Committee.
- (b) That consideration be given to reduce the size of land to 5 hectares.

This item is now resubmitted to consider the allocation of a portion of land which may become available when the non-performing Developers in Matutura is cancelled.

The Management Committee on 23 May 2019 also considered allocating an extension in Matutura Ms H Mupupa.

2. **Application**

An application dated 17 April 2018 attached as Annexure "A" was received from Mr Paul Rooi to purchase a portion of land measuring 50ha located to the east of the Henties Bay road. He intends to construct affordable houses for the working class. The land will be used for residential, business and educational purposes.

As per Annexure "A", Mr P Rooi proposes to acquire the land either by ① private treaty or a ② public private partnership agreement.

No map was attached to the application at the time and was only provided on 20 June 2018 (Annexure "B").

- ↳ The portion of land indicated on the map is planned, but not yet serviced or formalized. Engineering Services Department is attending to the subdivision of the portion of land into 12 portions of which among other one portions will be for a cemetery.

3. **Applications for the Same Portion of Land**

Applications for the same portion of land were considered as follows:

On 12 October 2017 an application was received from <u>Embamba Investment CC</u> . Council on 30 November 2017 considered the application as part of a list of 72 applications for land development. The portion was not allocated to the applicant in terms of item 11.1.22.	On 17 April 2018 the application of <u>Mr Paul Rood</u> was received. This submission deals with his application.	On 24 October 2018 an application from <u>Karadix Innovative Investment CC</u> was received. On 28 February 2018 Council under item 11.1.7 turned down their application.
---	--	--

4. Brief Background

4.1 Relevant Council Resolutions and Ministerial Directive

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

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

In addition to the above, the Minister of Urban and Rural Development as per letter dated 04 June 2015 directed local authorities to stop allocating many erven to one individual or entities for residential development purposes (attached as Annexure "C").

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

Council passed the following resolution on **25 June 2015** under item 11.1.15:

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

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

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

Although related to existing even, Council on **26 October 2016** Council under item 11.1.20 passed the following resolution which is of relevance to the decision passed on **26 January 2017** under item 11.1.2:

- (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.*

On **26 January 2017**, Council under item 11.1.2 passed the following resolution:

- (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.*

Although an option of private treaty or public private partnership is offered by Mr P Rooi, with reference to partnership proposals the Management Committee at a special meeting on **22 February 2018**, under item 5.1 passed the following resolution:

- (a) ...

- (b) That Council only considers the current listed Public Private Partnership applications until they are exhausted, before consideration is given to new applications.
- (c) That new Public Private Partnership applications received be placed on file and only be considered in terms of (b) above.

Although the resolutions mention public private partnerships, it is actually a reference to development of extensions, meaning that it applies to Mr P Rooi's application.

On **28 March 2018** Council under item 11.1.6 confirmed to remain with its decision passed on 26 January 2017 under item 11.1.2:

- (a) That Council remains with its resolution passed on 26 January 2016 under item 11.1.2.
- (b) That theerven (except those zoned 'institutional') of Extensions 1 and 2 Matutura be sold by closed bid sale once the installation of services is finalized and the townships are proclaimed.
- (c) That Messrs Damara Tem Trading CC and future applicants be informed of point (b) above.

Damara Tem Trading CC Partnership with Meekulu Helvi Gwakondo Projects applied to purchase Erf 520 and 525, Matutura for business purposes

4.2 Decisions with reference to the application of Mr Paul Rooi

The application from Mr Paul Rooi was discussed at various meetings and the decisions passed are quoted below:

On 09 August 2018 under item 7.11

That the applicant be requested to provide proof of his financial capacity to complete the project and experience with similar projects

On 04 September 2018 under item 5.2

That this item be resubmitted to the next Management Committee meeting

On 11 September 2018 under item 5.1

- (a) That the presentation by representatives of Messrs O'B Davids Properties CC, be noted.
- (b) That the item be resubmitted to the Management Committee of 13 September 2018.
- (c) That Messrs O'B Davids Properties CC be advised to report the allegations regarding Mr A Marsh to the Anti-Corruption Commission.

- (d) That the Acting Chief Executive Officer investigates the allegations of Mr P Rooi regarding confidential information availed to a member of the public without Council's authority.

With reference to Mr Paul Rooi's request for a presentation, Management Committee on **13 September 2018** under item 7.14 resolved as follows:

- (a) That the applicant be invited to make a presentation to the Management Committee on a date to be determined by the Acting Chief Executive Officer.
- (b) That the appeal by the Chairperson of the Management Committee for Officials and Councilors to exercise maximum restraint in providing confidential information to members of the public be noted.
- (c) That the item referred back to obtain full information including layout of the area.
- (d) That the Acting Chief Executive Officer investigate the claims made by Mr P Rooi in his email.

An audience was arranged at the special Management Committee meeting scheduled for **14 November 2018**, whereafter the following decision was passed:

- (a) That it be recorded that Mr P Rooi tendered an apology.
- (b) That the matter be submitted to a next Special Management Committee meeting.

5. Provisions of the Property Policy

With reference to the planning, development and alienation of land, Council's Property Policy provides as follows:

7. ALIENATION

It is the intention of Council 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 even 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.

6. Discussion

Although the area applied for is reduced to 5 hectare, no indication was given of the applicant's financial ability.

In this respect, the Management Committee resolution passed on **22 February 2018** under item 5.1 is relevant (quoted above and in the recommendation below).

As no diagram is in place for the portion of land applied for, the application of Mr P Rooi cannot be considered. Having a diagram approved by the Surveyor-General is regarded as the minimum requirement in terms of Council's Property Policy for the consideration of an application to acquire a portion of land.

As stated above, the portion of land which Mr P Rooi applies for is partially planned as no layouts exist for the portions, it is not serviced and neither formalized.

Taking the above into consideration, it is proposed that Management Committee considers to allocate one of the extensions that possibly will be returned by the non-performing developers in Matutura.

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

RECOMMENDED:

That the application of Mr Paul Rooi be placed on the list of Developers in terms of the date of application.

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

11.1.24

MS I RUHUMBA, OWNER OF ERF 3657, MONDESA
(C/M 2019/07/25 - M 3657)

Special Management Committee Meeting of 17 July 2019, Addendum 5.1 page 04 refers.

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

1. Introduction

The application of Ms Ismerelda Ruhumba was discussed at the Management Committee on 13 June 2019 under item 7.8 and it was concluded as follows:

- (a) That it be noted that this will be the third application Ms Ismerelda Ruhumba is submitting to Council.
- (b) That Ms Ruhumba be invited for an audience to the Management Committee in July 2019.

Ms I Ruhumba has been invited for an audience with Council regarding her applications to waive the pre-emptive right on erf 3657, Mondesa.

2. Application

The attached letter dated 23 April 2019 (Annexure "A") was received from Ms I Ruhumba requesting permission from Council to sell Erf 3657, Mondesa to a third party.

This is the third application of Ms Ruhumba being submitted to sell her property. The latest submission tabled to Council is attached for ease of reference (Annexure "B"). On 22 November 2018 Council under item 11.1.5 considered an application from her where she offered the erf for sale to Council, whereafter the following resolution was passed:

That Ms Ismerelda 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.

3. Background

- 3.1 Council during 2013 sold the following erven to pre-qualified bidders being registered in different income groups. Council approved a purchase price of N\$129,00/m² for the 2013 allocation, although the actual development cost was N\$112,49/m².
- 3.2 Council previously received letters from Ms I Ruhumba with the intention to transfer the property to a third party.

Date of letter	Reason for Application	Council Resolution
22 February 2017	To settle home loan and moving out of Swakopmund. Was in the process of selling the house.	31 May 2017, Item 11.7.9
11 September 2018	Offered the property to Council	22 September

Date of letter	Reason for Application	Council Resolution
	in the amount of N\$900 000. Planned to venture into other business opportunity	2018, Item 11.1.5

Ms I Ruhumba bought Erf 3657, Mondesa through closed bid sale on **14 September 2012** and the erf was transferred to her on **06 May 2015**. Therefore the five year restriction period will lapse on **06 May 2020**.

Council has a pre-emptive right on the property and may not be sold within five years from the transfer date, without first offering it to Council.

The deed of sale prescribes as follows:

- 9.6 In order to avoid speculation, a **five year restriction on alienation** from date of transfer of the ERF to the PURCHASER, will be registered against the Title Deed of the ERF in favour to the Municipal Council of Swakopmund, namely:

"The owner, his / her heirs or successors-in-title may not sell the aforesaid property for a period of 5 (five) years from date of first registration, except after offering it for sale in writing to the Municipal Council of Swakopmund at the same price the PURCHASER bought the property from the Municipal Council of Swakopmund and the Municipal Council of Swakopmund to accept or reject such offer within 60 (sixty) days of receipt of the PURCHASER's written offer made in terms hereof.

4. Discussion

An application has now been received again from Ms I Ruhumba requesting Council to allow her to sell Erf 3657, Mondesa to a third party as she has been retrenched and she stated that she has financial difficulties to cover the cost of her bond over the property and to provide for her family's basic needs.

Ms I Ruhumba states in her letter that she is aware of the pre-emptive right registered over her property which will only expire on the **06 May 2020**. Therefore she is humbly requesting Council to grant her permission to be able to sell her property.

5. Previous similar decision by Council

With reference to a similar application of Mr Z Kazombiwe who requested Council to waive the pre-emptive right on Erf 1225, Tamariskia in order to allow him to sell the property to a third party; Management Committee recommended on **27 June 2019** under item 5.4 as follows:

That Council accept the merit of the application by the owner of Erf 1225, Tamariskia, Mr Z Kazombiwe to sell his property to a third party, being that he is unemployed and in arrears of his financial institution for which he received a letter of demand, and approves the sale of the property.

Council in the past turned down applications from owners who formed part of the same sale, list below for ease of reference;

- Mr B Geingob - Council resolution under item 11.1.14 of 28 June 2016.
- Mr H K A Spinge - Council resolution under item 11.1.15 of 26 April 2018.

None of the above applicants provided proof of their financial position, neither did they state to Council what other alternatives they attempted before concluding that the only option is to sell the property.

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

RECOMMENDED:

- (a) That the presentation by the spouse of Ms I Ruhumba be noted.
 - (b) That Council approves the application of Ms I Ruhumba to sell her house.
-

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

11.1.25 **APPLICATION TO HOST SME SWAKOPMUND MINI EXPO 2019
AT THE MULTIPURPOSE CENTER, MONDESA**
(C/M 2019/07/25 - M 4348)

Special Management Committee Meeting of 17 July 2019,
Addendum 5.3 page 20 refers.

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

Introduction

Attached (Annexure "A") is a letter from Messrs Nashville Investments cc seeking assistance from Council, by availing the following facilities at the Multipurpose centre in Mondesa to them at no charge for the purpose of hosting an SME mini expo in Mondesa.

- Community hall
- The open area around the Multipurpose centre

Background

Messrs Nashville Investment cc is a local SME owned by previously disadvantaged young Namibians (i.e. Nangula Nashandi, Priscilla Nashandi and Hofeni Kantewa) operating an event planning and marketing business in Swakopmund. In their presentation, they highlighted that the company has 5 years of experience in event consultancy where they organised several events including Swakopmund International Trade Exposition (SWAITEK) in 2015.

The company has identified a gap in SME promotion in Swakopmund, particularly when it comes to existing platforms such as SWAITEK. Nashville Investment cc therefore decided to fill this gap and empower upcoming Small Medium Enterprises in Namibia, those that cannot afford the fees charged at SWAITEK and as a result they are left behind. The main objective of Nashville Investment is to organise a second SME mini expo in Swakopmund.

Previous Council resolution

Council on the 26 July 2018 discussed the Messrs Nashville Investment cc's application and resolved the following:

- (a) That Council approves that Nashville Investment CC uses the Community Hall, Gym and open space outside of the Multipurpose centre between COSDEC and SME park, for the purpose of hosting the SME mini Expo for period of 8 days (from 23-30 September 2018).
- (b) That Messrs Nashville Investment CC be informed that the Library and restaurant will most likely be occupied by the time the expo is envisaged to take place and cannot be availed for this purpose.
- (c) That Council approves that the Health Services Department provides 30 wheelie bins and assists with the disposal of waste for the duration of the Expo (27-29 September 2018).

- (d) That Messrs Nashville investment cc be informed that the Council does not provide Skip containers, and the company can approach private businesses such as Rent a Drum.
- (e) That the request to use a tipper truck for marketing road show for one day, not be approved to avoid any liabilities that may arise.
- (f) That Messrs Nashville investment CC pay a refundable deposit of N\$8 000.00, to be utilized in case of breakages or damage to property during the expo.
- (g) That Messrs Nashville investment CC be responsible for ensuring that there is sufficient power supply for the event, and should additional electricity be required, it should be supplied at the cost of Nashville investment CC.
- (h) That the applicant indemnifies Council against all and any claims in respect of damage to property and / or bodily injury to / loss of life of people that may arise from the utilization of the property
- (i) That Messrs Nashville investment cc commit to the pledge of 30% of profit made from the event to be sponsored as cash prizes to 10 selected SME exhibitors, the process be transparent, and the company must report back to Council.
- (j) That Messrs Nashville investment cc commit to the pledge of 20% of profit made from the event to fund community projects which shall be selected together with Council.
- (k) That Messrs Nashville investment CC provides for security during the event, and that venue is restored to its original form before use after the event.
- (l) That all expenses (i.e. leasing of the hall, gym and open space outside of the Multipurpose Center) be defrayed from the Publicity Vote: 500510212700.

This year the SME mini expo is scheduled to take place for four days, from 26th to 29th September 2019. According to Ms Nangula Nashandi, the company will ensure that SME products and services are show cased and a platform is created for SME exposure. The company also aims to create links for SMEs and potential investors, provide platforms for networking between SMEs and other stakeholders such as financial institutions, established service providers etc. There are also plans to conduct information sessions through conferences and seminars during the expo. The company projected a total number of 150 (3x3 m) stalls at the center and 50 food stalls to be accommodated at the open space outside the Multipurpose Centre, between COSDEC AND the SME Park.

Events of such magnitudes requires a lot of resources, be it finances, human or logistics; thus the company would like to collaborate with the Municipality of Swakopmund and other stakeholders to ensure the success of the event.

2018 SME Mini Expo (27-29 September 2018) report

In 2018, Council sponsored SME Mini Expo in kind with a venue for 8 days and wheelie bins to the total value of about N\$ 35,000.00. In return Nashville Investment made financial pledges toward SMEs development.

According to the attached financial report and bank statement (**Annexure "B"**) submitted by Nashville Investment cc, the SME Mini Expo did not make profit last year (i.e. 2018). The financial report reflects a negative balance of **N\$165 013,96**. The company was therefore unable to fulfil the pledges it made (i.e. "pledge of 30% of profit made from the event to fund 10 SMEs and 20% for community projects) and heavily relied on sponsorships even after the event to settle some of the expenditures.

The event was however commended as a good initiative and a job well done, by most of the SMEs that participated as well as visitors and pleaded with Nashville to continue organising the event annually.

Discussion

Messrs Nashville investment cc indicated that the company does not have funds to organise the event, however they will seek for sponsorships and engage into fund raising activities to subsidize the SMEs in an effort to make the participation fee affordable for the intended beneficiaries (Participants). According to Messrs Nashville Investment CC, a maximum participation fee of N\$500.00 per stall will be charged which in turn envisaged to generate a total amount of N\$ 75 000 for 150 stalls. It is further stated that, to maximize community attendance so that the products of the SMEs get abundant exposure and the members of the community particularly in Mondesa can all afford to visit the Expo, there will be no entrance fee charge.

The Community Development Services (CDS) supports the initiative of Nashville Investment cc, as it is believed that it will make a positive impact on our informal traders and SMEs sector in Swakopmund. CDS will be ready to advocate and ensure youth and the SME sectors in Swakopmund are fully exposed and have been given the first preferences in participation.

Requested Council assistance

Messrs Nashville Investments CC is requesting the following facilities at the Multipurpose Centre and services, free of charge from Council:

- The Community Hall, to be utilized for the following:
 - o Swakopmund SME Expo SME Meeting on 18th - 20th July 2019
 - o Swakopmund SME Expo Stakeholder Dinner on 12th - 19th August 2019
 - o Swakopmund SME Expo on 20th September - 03 October 2019
- The open space outside the Multipurpose Centre, between COSDEC and the SME Park, for the entertainment and food stalls.
- 30 wheelie bins and disposal of waste during the expo

Cost estimation

The area is required for the period of thirteen days (13) as from **20th September - 03 October 2019**, including the site preparations; setting up and dismantling of stalls after the event.

Below is a table reflecting the cost analyses for the SME expo over the period of 13 days, including the preparatory dates:

Facility	Cost Per Day	Total Cost	Duration
Multipurpose Community Hall	N\$4 069.00	N\$32 552.00	8 DAYS
Open Spaces Greater than 16m ²	N\$268.00	N\$2 144.00	8 DAYS
30 Wheelie Bins @ 32.00 per bin	N\$ 960.00	N\$3 840.00	4 Days
Disposal of 30 Wheelie Bins		N\$768.00	4 days
Total		N\$39 304.00	

It is proposed that the applicant pays a refundable security deposit of **N\$6 000.00** to be used in case of breakages or vandalism of the property. The deposit amount has been determined based on the fact that the company is an SME, which is heavily relying on the donations, pledges and fundraising activities to fund all the expo expenses such as security, electricity, wages, fuel, partitioning of stalls and other services.

To minimize the cost implications of the event to the Council, it is proposed that the Council only sponsor the venue for 8 days (i.e. **22-30 September 2019**) as opposed to 13 days requested. It is further proposed that Nashville Investment cc should at least pay for rental fees of the community Hall in order to utilize it for the purpose of the SME meeting and Stakeholder Dinner.

Offer made by the company in return of Sponsorship

Nashville Investment cc in return of sponsorship offers the following:

- Media exposure and visibility of Municipality in the Namibian Market
- platform for creating new professional relationships with other sponsors, vendors, speakers and visitors.
- unique designed marketing package for the Municipality which include
 - branding in the Main Hall during the stakeholder and gala dinner
 - Branding in the Main Hall for the entire duration of the Expo
 - Municipality logos on the expo website, email promotion, all Expo publications, delegates invitations,
 - marketing on social media on a daily basis
 - Municipality logo on TV adverts
 - interviews and public announcements
 - placement of Municipality banners at all Brand Activation events
 - certificate of appreciation

Nashville Investment CC made a presentation to the Planning Forum on **11 June 2019**.

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

RECOMMENDED:

- (a) That Council approves sponsorship for Nashville Investment cc to make use of the Community Hall and open space outside of the Multipurpose centre between COSDEC and SME park, for the purpose of hosting the SME mini Expo for period of 8 days (from 22-30 September 2019).

- (b) That the request for Messrs Nashville Investment cc, to use the Community Hall for the SME Expo SME meeting and Swakopmund SME Expo Stakeholders Dinner free of charge be approved.
 - (c) That Council approves the Health Service Department to avail 30 wheelie bins and assist with the disposal of waste for the duration of the Expo (26-29 September 2019).
 - (d) That Messrs Nashville Investment cc pay a refundable deposit of N\$6 000.00, which can be utilized in case of breakages or damage to property during the Expo.
 - (e) That Messrs Nashville Investment CC be responsible for ensuring that there is sufficient power supply for the event, and should additional electricity be required, it should be supplied at the cost of Nashville Investment CC.
 - (f) That the applicant indemnifies Council against all and any claims in respect of damage to property and / or bodily injury to / loss of life of people that may arise from the utilization of the property
 - (g) That Messrs Nashville Investment cc ensures that there is security during the event, and the place is restored into its original after the event.
 - (h) That all expenses (i.e. leasing of the community hall, open space outside of the Multipurpose Center and services) be defrayed from the Publicity Vote: 500510212700 with an available balance of N\$50 000.00.
 - (i) That Messrs Nashville Investment cc be informed to submit a report to Council after the event.
-

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

11.1.26 **TRANSFER OF FUNDS - CAPITAL BUDGET 2019/2020**
(C/M 2019/07/25 - N 7/3/1/2)

Special Management Committee Meeting of 17 July 2019,
Addendum 5.4 page 32 refers.

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

1. This submission deals with the request to transfer funds for projects viz. cutlery and resurfacing of netball courts to the next financial year.
2. During the 2018/2019 financial year, it was anticipated that the following projects would be finalized by the end of the financial year. Unfortunately, this could not materialize either because there was no successful bidder or the contractor took long to finalize the project.
3. Meantime, a communiqué has been received from the Finance Department instructing all departments to submit outstanding invoices to their office before **25 July 2019**. It's for this reason that Council is requested to transfer these funds to 2019/20 financial year to enable CDS to pay contractors as soon as work is finalized.
4. The table below indicates the two projects for which funds are need to be transferred to the 2019/2020 financial year.

Description	Status	Amount N\$	Vote Number
Purchasing of Cutlery	To be re-advertized	67 095.35	60053163300
		59 100.00	600531630000
Conversion of Main Store room	Awarded	141 255.90	600531521400
Wardrobes at A - Frames	Awarded	550 000.00	600531632700
Purchasing of Chairs	Awarded	115 000.00	600532824500
Resurfacing of Netball Courts	Awarded	284 745.14	104531633900

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

RECOMMENDED:

That the funds budgeted for the capital projects below be transferred to the 2019 / 2020 financial year:

HEADING	DESCRIPTION	AMOUNT N\$	VOTE NUMBER
Bungalows Projects	Purchasing of Cutlery	67 095.35	600531633100
		59 100.00	600531630000
Bungalows Projects	Conversion of Main Store room	141 255.90	600531521400
Bungalows Projects	Wardrobes at A - Frames	550 000.00	600531632700
Bungalows Projects	Purchasing of Chairs	115 000.00	600532824500
Vineta Central Sportfield	Resurfacing of Netball Courts	284 745.14	104531633900

11.1.27

CLOSED BID SALES FOR EXTENSION 14

(C/M 2018/07/25 - G 3/3/2/14; E 2623, Swk, 318 M4, 334 M4)

Special Management Committee Meeting of 17 July 2019,
Addendum 5.5 page 35 refers.

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

1. Introduction

The purpose of this submission is to obtain approval from the Management Committee to schedule additional sales of erven located in Extension 14, Swakopmund as follows:

- 27 September 2019 - 18 erven (marked in blue on the map)
- 06 December 2019 - 23 erven (marked in orange on the map)

Attachments:

- Annexure "A"** - a map indicating the erf numbers
- Annexure "B"** - a list of the erven for the two sales



The sale of these erven were approved by Council in principle on **28 March 2018** under item 11.1.11 to the highest bidder due to the services being funded by external loan. Point (a) of the above resolution is quoted for ease of reference:

- (a) 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.

Of the 118 erven zoned "Single Residential", 42 were sold on 14 December 2018 and Erf 5002 was allocated for sale by private treaty for parking purposes.

2. Extension 14 and Upset Price Approved

Extension 14 is located to the south of Extension 1, Mile 4, is serviced and was promulgated on **15 December 2017**.

The cost for the installation of services to these two extensions was determined as set-out below:

- Mile 4 : Ext. 1 - N\$22 652 255.69 (VAT incl.)
- Ext. 14 - N\$26 996 478.72 (VAT incl.)

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

Council on **28 March 2018** approved the upset price for the erven zoned "Single Residential" located in Extension 14 at **N\$500.00/m²**.

3. Previous Resolutions for the Closed Bid Sale of Erven in Extension 14

For ease of reference, quoted below the resolutions passed during 2018 for the sale of erven in Extension 14.

Council Resolution of **28 March 2018** under item 11.1.11:

- (a) 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.
- (b) 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/m²**.
- (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\$5 000.00** for the "Single 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 date of sale.

Council Resolution of **27 September 2018** under item 11.1.10:

- (a) That it be noted that Council intends to sell 40 erven zoned "Single Residential", located in Extension 14 on Friday, 14 December 2018 as resolved by Council on 28 March 2018 under item 11.1.11.
- (b) That the sale of Erf 2623, Swakopmund measuring 1 333m² be added to the sale in point (a) above, at an upset price of N\$800 000.00.
- (c) That successful bidders be requested to provide proof of availability of funds on the date and at the venue of the closed bid sale.
- (d) That for the sale of 14 December 2018 and due to the annual closure of the Deeds Office, the payment period of 90 days be extended to 120 days.

In addition to the above, Council on **22 November 2018** passed the following resolution under item 11.1.25 in order to create an incentive for purchasers to provide proof of financing before being allocated an erf at the closed bid sale:

- (c) 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 in cases where the purchaser provides a valid pre-approval or pre-qualification from a registered bank:
 - (i) 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.

4. Further Amendments Proposed to the Standard Conditions of Sale

It is further proposed that the following standard conditions be considered:

- Instead of each bidder being allowed to submit 5 bids, bidders only be allowed to submit 3 bids; and
- Following the cancellation of the successful bidder at the sale, only the next qualifying 5 bidders listed for the specific erf be considered for allocation.

That should the next 5 bidders be exhausted, the property be submitted to Council for sale at a next closed bid.

5. Sale of Erf 2623, Swakopmund

It is proposed to add the sale of Erf 2623, Swakopmund to the sale scheduled for September 2019.

This erf was included in the sale of **14 December 2018** in terms of point (b) of Council's resolution passed on **28 September 2018**, but was subsequently cancelled and remains unsold.

The conditions of sale provides as follows:

6.8 Allocation of an Erf to the Next Qualifying Bidder

In the event of the cancellation of a transaction, the following will apply:

- (M) –
 (N) –
 (O) –
 (P) –
 (R) Should there be no further qualifying bidders, the property will be submitted to a Council meeting to determine the way forward.

Subsequent to various failed transactions, it is proposed that the upset price of Erf 2623, Swakopmund be reduced from N\$600.00/m² to N\$500.00/m², resulting in an upset price of N\$666 500.00 instead of N\$800 000.00.

6. Future Sale of 2 Erven Remaining Available after the Sale of 15 December 2017

The lists of next qualifying bidders for the following two erven located in Extension 1, Mile 4 is exhausted.

	Erf	m ²	Upset Price
9	318	1 179	N\$ 589 500.00
25	334	1 294	N\$ 647 000.00

It is proposed that the sale of these two erven also be added to the sale of September 2019 at the current upset prices (N\$500.00/m²).

7. Reservation of Erven for Staff Allocation

Pending approval by the Ministry of Urban and Rural Development, a submission will be tabled to Council to serve erven located in Extension 14 for allocation to staff members.

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

RECOMMENDED:

- (a) That it be noted that Council intends to sell the following erven zoned "Single Residential" as resolved by Council on 28 March 2018 under item 11.1.11 as per the list as Annexure "B" (on file):
- 27 September 2019 - 18 erven (marked in blue on the map)
 - 06 December 2019 - 23 erven (marked in cerise on the map)
- (b) That the sale of Erf 2623, Swakopmund measuring 1 333m² be added to the sale in point (a) above, at an upset price of N\$500.00/m², being N\$665 000.00.
- (c) That the following two erven remaining unsold after the closed bid of 15 December 2017 be added to the sale in point (a) above:

	Erf	m ²	Upset Price
1	318	1 179	N\$ 589 500.00
2	334	1 294	N\$ 647 000.00

- (d) That the two closed bid sales be advertised in terms of the Local Authorities Act 23 of 1992, as amended.
 - (e) That the closed bid sales be subject to Council's standard conditions of sale for closed bid sales.
 - (f) That allocation be done to the highest qualifying bidder on the basis of 1 erf per natural person (married couples, irrespective of the marital regime are regarded as one entity).
 - (g) That the registration fee be determined at N\$5 000.00.
 - (h) That each bidder be restricted to submit 3 bid forms only; and that no bidder may submit more than 1 bid per erf.
 - (i) That the allocation of cancelled erven only be limited to the next 3 qualifying bidders.
 - (j) 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.
 - (k) That the purchase price be paid within 120 calendar days from the date of sale.
-



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