

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 23 May 2019** at **19:15**.

PRESENT:

Councillor P Nashilundo	:	Mayor
Councillor M Elago	:	Deputy Mayor
Councillor K N Jason	:	Alternate 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 E K Hangula	:	Member of Council
Councillor U Kaapehi	:	Member of Council
Alderman E //Khoaseb	:	Member of Council

OFFICIALS:

Mr A Benjamin	:	Chief Executive Officer
Mr M N Ipinge	:	GM: Community Development Services
Mr M P C Swarts	:	GM: Corporate Services & HR
Mr C McClune	:	GM: Engineering Services
Mr H !Naruseb	:	GM: Finance
Mr C Lawrence	:	GM: Health Services
Mr L Mutenda	:	Manager: Health
Ms M Bahr	:	Manager: Human Resources
Mr A Plaatjie	:	Manager: Corporate Services
Mr V S Kaulinge	:	Manager: Community Development Services
Mr J Heita	:	Manager: Town Planning
Ms A Gebhardt	:	Corporate Officer: M & C
Ms L Shangadi	:	Job Attachment Student: M & C
Ms A A Kahuika	:	Administrative Officer

ALSO PRESENT:

Also present was the seven (7) staff members receiving long service awards, three (3) members of the Media, members of Beach Ambassadors receiving awards, members of the Sports Club Receiving Metals and Toffees for the NALASRA Games which took place during May and Twenty Nine (29) Members of the public.

1. **OPENING BY PRAYER**

Mr A Benjamin opened the meeting with a prayer.

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

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

RESOLVED:

That the agenda be adopted.

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

3.1 Application for leave of absence:

Councillor E Shitana

3.2 Declaration of interest:

None.

4. **CONFIRMATION OF MINUTES**

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

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 25 April 2019**

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

RESOLVED:

That the minutes of the Ordinary Council Meeting held on 25 April 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 Mayor, also announced as follows:

Honourable Councillors, Reverent Rose Langenhoven, The Chief Executive Officer, Mr Alfeus Benjamin, General Managers, Managers, Officials, Junior Town Council, Members of the Community, Members of the Media, Ladies and Gentlemen, All Protocol observed

A very good evening, and welcome to our May Council meeting. Many of you have made a huge effort to join us this evening. On behalf of Council, we are deeply appreciative and offer you our most grateful welcome. Before I commence I wish to share quote from the book of wisdom - Psalm 37: 5 – 6 “Commit your way to the Lord; trust in Him and He will do this: He will make your righteousness reward shine like the dawn, your vindication like the noonday sun”.

Honorable Councillors, Ladies and Gentlemen

The Office of the Mayor is tasked with various official engagements, myself and the Councillors attend to the following during May:

- *Participated in the Kuska Karneval Clean-up campaign on 1 May*
- *Meetings with the Minister of Urban and Rural Development in Windhoek on the Mass Housing Master list*
- *Meeting with the Governor of Erongo Region on the Ministry’s Food Bank Roll out Consultations in the Erongo Region.*
- *Working lunch with the Governor of Erongo Region and the Finnish Ambassador*
- *Structure Plan Brainstorming Session on Council envisaged Strategic Plan*
- *Various in-house meetings*
- *Also various official engagements has been confirmed for the following days until the end of the month*

Thank you Honourable Councillors for the work and the support fulfilling some of the duties of the Mayor’s Office.

Ladies & Gentlemen

Swakopmund in 2009 developed a long term plan and Council wishes to finalize the plan and are busy consulting various stakeholders. Additionally, a new plan aimed at a time-horizon is needed. In order to overcome that challenge, the Swakopmund Municipal Council has decided to prepare an updated structure plan with policy guidelines that will build upon the foundations set by the current structure plan.

In order to create a sense of ownership of the Swakopmund Structure Plan, it is important to make sure that affected and interested parties are afforded an opportunity to contribute and this past week during May, Council's Town Planning division and Council's Consultant engaged in discussions with various focus groups to give their input to ensure that it is aligned with the relevant legislation and supporting policies.

It is also imperative to note that the Swakopmund population growth rate is at 5.4% per annum, which translates to the more than doubling of the population by the year 2040. The aforesaid growth presents a challenge in terms of infrastructure, housing and services provision.

In order to overcome the challenge, proactive planning is desired so as to make sure that development is geared towards accommodating the ever-growing population, demand for services, infrastructure and well-coordinated spatial development.

The main objective is to prepare the Swakopmund Structure Plan to guide and direct long term spatial development planning and the making of informed and consistent decisions.

The formulation of the Swakopmund Structure Plan 2020 – 2040 has an ultimate goal of guiding and directing long term spatial development planning over this twenty year horizon. It is also aimed at assisting Council in making informed and consistent decisions. The plan will also serve as a tool for the promotion of economic and integrated development, which is one of the roles of the Swakopmund Municipal Council in the national development.

Hereafter, the Swakopmund Structure Plan 2020 - 2040 will become one of Council's important reference documents.

Ladies and Gentlemen

The Deputy Mayor during April 2019's Council announcements announced that the Volunteers Beach Ambassador Program is our mission of promoting our beach conservation through education and awareness during high festive seasons.

Volunteer Beach Ambassadors, being High School Learners acting as beach ambassadors has been appointed for the programme during the past Easter Weekend.

This is a very special time designated to thank our volunteers. There are not enough words to describe how amazed and grateful we are for their dedication, compassion and generosity of these individuals who have given of themselves to report for duty and participating in Council's Beach Ambassador campaign.

This Beach Ambassador Project would not be possible without the donation of funds and time from you, our "Army of Blue Shirts" who have seen the plight of the underserved and have decided to help informing the public on the beach and cleaning the beaches. You, our dedicated and compassionate volunteers, have decided to not only "talk the talk" but also "walk the walk" and give of yourselves in a most precious way, your time.

On behalf of our Council and the Swakopmund Community, I would like to say thank you for your unwavering support and generosity. I also would like to thank you for being my inspiration and for helping us actually change the world, starting on our beaches. Thank you for your kindness, compassion, and caring for our environment, our beaches and our town.

Swakopmund's Volunteers have been as follows:

- ❖ Senia Mwoonde
- ❖ Eliliana Iikuyu
- ❖ Johanna Nambahu
- ❖ Vistorina Impwaakena
- ❖ Tresia Moses
- ❖ Mohamed Benhard
- ❖ Elvelina Haukongo

Ladies and Gentlemen

This past weeks Council's staff members represented various sports codes participated in the NALASRA GAMES 2019 which was held in Walvis Bay from 06 May 2019 - 10 May 2019. Swakopmund Municipality achieved 3rd place overall. A total of 37 Local Authorities (Municipalities / Town / Village Councils) participated.

The following results achieved by the Swakopmund Municipal sports club members:

Netball	-	Silver
Volleyball Male	-	Silver
Volleyball Mixed	-	Silver
Ring Board	-	Bronze
Fun walk	-	Gold, Silver and Bronze
Darts Team	-	Bronze
Tug of War	-	Gold

Swakopmund Municipality was also represented in the following sports codes: soccer, pool, golf and fishing. Unfortunately no medals were awarded for Fishing and Golf because only two local authorities participated in both sport codes, thus their participation was regarded as exhibitions.

We thank you for representing Swakopmund, for your time and effort you put in for practicing achieving such amazing results for fostering a real sense of team spirit.

Congratulations on the tremendous success you've achieved.

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

6.1 Long Service Awards

Ladies & Gentlemen

We acknowledge the following staff members and present them with long service awards, we want to thank them for their time and contributions to develop this Municipality and transform it into what it is today.

The staff members are as follows:

10 YEARS SERVICE

Abel Katoindorozu

15 YEARS SERVICE

Justus Kaaronda

Julia Hedimba

Nicolaas Goliath

20 YEARS SERVICE

Phillipus Kambenge

25 YEARS SERVICE

Engelhardt Amporo

Ndeutapo Hamunjela

Jackson Matheus

Ladies & Gentlemen

Thank you for your undivided attention may our deliberations be fruitful during this evening.

Pauline Nashilundo

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 MAY 2019**

10. Minutes of **Ordinary Management Committee** meeting held on **09 May 2019**.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**

11.1 **ORDINARY MANAGEMENT COMMITTEE MEETINGS HELD DURING MAY 2019**

11.1.1 **CONFIRMATION OF STATUS OF JOINT VENTURE BETWEEN DELTA GROUP AND JATTIES GROUP**

(C/M 2019/05/23 - A 2/3/15, H 5, H 5/7, G 3/9, G 4/1/1)

RESOLVED:

That Council withdraws the initial letter of offer directed to Messrs Delta Group Namibia to construct 40 houses and instead issue a new letter of offer directed to both Messrs Delta Group Namibia and Jatties Group.

11.1.2 **CONDITION OF LEASE FOR MOBILE FOOD KIOSKS**

(C/M 2019/05/23 - F 21, G 3/10/2)

RESOLVED:

- (a) That the letter of the Food Truck Committee be noted.
- (b) That Council review section 9.2.6 of the Property Policy regarding demarcated mobile food kiosk sites to include bigger food carts / vans / trucks / semi-restaurant structures, and the following conditions be included:

- (1) *Bigger food kiosks be defined as any food cart, truck / semi-restaurant structure that requires area bigger than 16m² (including waiting /seating area)*
 - (2) *No food kiosk / van / truck stand will be allowed in the central business district (CBD).*
 - (3) *No food kiosk / van / truck stands are to be endorsed in front or next to formal shopping centres where similar products are provided for by existing formal businesses.*
 - (4) *Site must not be close to any source of contamination or pests.*
 - (5) *No food kiosk / van / truck stand are to be sanctioned within 15 meters of any intersection which might lead to hindrance of traffic flow.*
 - (6) *No food kiosk carts / van / truck stand will be endorsed along major roads, unless safe parking is available.*
 - (7) *Food kiosk / van / truck must be fitted with fat traps.*
 - (8) *Facilities must be provided for safely disposing of grease, used water and solid waste.*
 - (9) *These kiosks can provide folding outdoor seating facilities which can be packed away at the end of business day.*
 - (10) *The trading hours shall be between 06:00 and 20:00.*
 - (11) *The lease of the site must not be transferrable to a third party without written consent of the Lessor obtained.*
 - (12) *The food kiosk / van / truck may overnight on the facility subject to the condition that they are well maintained and not an eye sore to the community.*
 - (13) *Sound must be restricted to the immediate surrounding area. On receipt of any complaints due to noise or misbehaviour, the use of the area will be cancelled immediately.*
 - (14) *The area and immediate surrounding should be at all times kept in a clean and hygienic condition.*
- (c) **That bigger kiosks be categorised as vehicles / caravans / trucks / moveable structures that has been modified to be used as food stalls and redefined as semi restaurants (these exclude immovable structures such as containers, Wendy houses etc.).**
- (d) **That the structures of these food kiosks remain temporary and moveable.**
- (e) **That a monthly rental fee for the bigger food kiosks / vans / trucks / semi -restaurants be based on the rates for lease of Municipal Land (*Public Open Spaces*) as per required size.**
- (f) **That the Health Services Department investigates how these kiosks dispose of waste water and ensure that all mobile food kiosks adhere to Public Health Regulations.**

11.1.3 **CONSTRUCTION OF LOW COST HOUSES IN THE MATUTURA AREA BY SMALL CONTRACTORS**
(C/M 2019/05/23 - A 2/3/15, H 5, H 5/4, H 5/7, G 3/9, G 4/1/1)

RESOLVED:

- (a) **That Council takes note of the feedback report about the 39 contractors invited to participate in the construction of houses at Matutura.**
- (b) **That Council's offer to Messrs Motheo Construction, AAK Trading and Investment, Keller Zabel Investments cc and Bright Idea Construction, Tidle Wave Investments Sixty Seven (Pty) Ltd, Hardenberg Investment Namibia be cancelled, as these companies have failed to respond to letters sent to them by the stipulated date, being the 18 April 2018.**

- (c) That Council continues dealing with Namibia Property Group as the initial applicants, but should the members fail to resolve their respective differences, Council offer be revoked.
- (d) That Council takes note of the Amended Founding Statement of Messrs Ongoshi Trading Investment CC inter alia resignation of Edwin Beukes, AH Stefanus and Errol Beukes from the company, and continue doing business with the same entity.
- (e) That the offer to Messrs Namgreenwood Enterprises, be revoked, as they have failed to submit the required documents pertaining to the change of owners.
- (f) That the offer from Messrs JJPPS Trading Enterprise cc, Bawon and Aradio Concrete Developers Pty Ltd be cancelled, should they failed to submit their conceptual plans within 30 days.
- (g) That Council takes note of Messrs JDVK Trading Enterprises cc withdrawal from the project due to their commitments to other projects outside of Swakopmund.
- (h) That Council remains with its resolution dated 30 November 2017 item 11.1.22 (c) in respect of Messrs Uunongo Technology cc and Cheetah Capital Community Settlement Project to not allocate them land to construct houses in the places of contractors who failed to show up or perform.
- (i) That it be recorded that the following companies met the requirement for the construction of 40 houses:

- (1) *Magnetize Investments CC*
- (2) *BAY Engineering & Construction*
- (3) *Alfresco Developers CC*
- (4) *Matutura Investment CC*
- (5) *Hadago Investments cc*
- (6) *Guther's Maintenance*
- (7) *Namibia Property Group (NPG)*
- (8) *Haler Investments CC*
- (9) *Kashona Properties CC*
- (10) *PD Bricks & Property*
- (11) *Ongoshi Trading Investment CC*
- (12) *Selkan Enterprise CC*
- (13) *Trencon Pty Ltd*
- (14) *Versatile Trading CC*
- (15) *Oiputa Investment (Pty) Ltd*
- (16) *Yoshi Trading*
- (17) *Pewa Business Solutions CC*
- (18) *JDVK Trading Enterprises CC*
- (19) *Delta Group Namibia and Jatties Group*
- (20) *NCO Investments Number Eight (Pty) Ltd*
- (21) *Ehangano Building Construction CC*
- (22) *Life House One Investment (Pty) Ltd*
- (23) *Dalt Investment CC*
- (24) *Kenneth Investment CC*
- (25) *Embamba Investments CC*

11.1.4 **MESSRS NAMIBIA OYSTERS (PTY) LTD: APPLICATION TO DEVELOP A TOWNSHIP**

(C/M 2019/05/23 - G 4/1/1(7))

RESOLVED:

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

11.1.5 **APPROVAL OF THE REVIEW AND AMENDMENT OF THE SWAKOPMUND TOWN PLANNING SCHEME (CS/RP/SM-001/2018)**

(C/M 2019/05/23 - G 3/2/2)

RESOLVED:

That this submission before Council be approved, to include the following items:

- (i) *That the application be made in terms of Section 16(2) of the Town Planning Ordinance, 1954, to compile Swakopmund Town Planning Amendment Schemes No's 71 to 80.*
- (ii) *That application be made for exemption from the provisions of Section 7(2) and Section 15 of the Town Planning Ordinance, 1954, (Ordinance 18 of 1954) in terms of Section 27(1) of the said Ordinance.*
- (iii) *That exemption be granted from the following provisions of the Town Planning Regulations promulgated under Government Notice No. 102 of 1st June 1974 in terms of Regulation 8:*
 - (a) *Regulation 2 and 5 in their entirety,*
 - (b) *Regulation 3 in respect of the provision that a civic survey map to be*

11.1.6 **REZONING OF ERF 5 VINETA, FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF 1:600M² TO "GENERAL BUSINESS"**

(C/M 2019/05/23 - V 5)

RESOLVED:

- (a) That Erf 5 Vineta, be rezoned from "*Single Residential*" with a density of 1:600m² to "*General Business*".
- (b) That the rezoning of Erf 5 Vineta, be included in the next Swakopmund Amendment Scheme.
- (c) That Erf 5 Vineta, 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, and
- (e) That all the parking be provide on-site in line with the Swakopmund Town Planning Scheme.

11.1.7 **ESTABLISHMENT OF THE NONIDAS INDUSTRIAL TOWNSHIP
ON PORTION 23 OF FARM NUMBER 163 SWAKOPMUND AND
APPROVAL OF THE LAYOUT**
(C/M 2019/05/23 - G 2 (23))

RESOLVED:

- (a) That the Need and Desirability for the Township Establishment on Portion 23 of Farm 163 Swakopmund be approved.
- (b) That the layout as indicated on Plan Number SWB_SUB25-re2 for the township establishment on Portion 23 of Farm 163 Swakopmund be approved.
- (c) That the future proposal that falls outside of Portion 23 of Farm 163 Swakopmund be turned down and the applicant revise the layout plan to be confined to Portion 23 of Farm 163 Swakopmund only before submission to the Namibia Planning Advisory Board (NAMBAP).
- (d) That approval be granted for application to be made in terms of Section 5 of the Township and Division of Land Ordinance No. 11 of 1963 for the establishment of a new township on Portion 23 of Farm 163 as shown on the subdivisional plan.
- (e) That a fifty (50) meters wide servitude to be registered over the Remainder of Farm 163, Swakopmund be approved.
- (f) That the Engineering Services Department be authorized to consent for minor amendments to the plans in order to accommodate land surveyor requirement, those of the Townships Board and infrastructure accommodation.
- (g) That an Environmental Clearance Certificate from the Environmental Commissioner for the proposed township establishment on Portion 23 of Farm 163, Swakopmund be obtained prior to the submission of the application to the Namibia Planning Advisory Board (NAMBAP) and Townships Board.
- (h) That the conditions of establishment be as follows:

The following conditions shall be registered against the title deeds of all erven, except those reserved as "Public Open Space":

- (i) *That the erven shall only be used or occupied for purposes which are in accordance with and the use or occupation of the erven shall at all times be subject to the provisions of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954).*
- (ii) *The building value of the main building, excluding the outbuilding to be erected on the erf shall be at least four times the municipal valuation of the erf.*

- (j) That all services design and construction be done to the satisfaction of the General Manager: Engineering Services.
- (k) That all costs involved for the proposed development be for the applicant's account.

11.1.8 **REZONING OF ERF 5831, SWAKOPMUND EXTENSION 18, FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF 1:600M² TO "GENERAL RESIDENTIAL 2" WITH A DENSITY OF 1:100M² AND CONSENT TO OPERATE A SELF-CATERING ACCOMODATION ESTABLISHMENT FROM ERF 5831, SWAKOPMUND, EXTENSION 18 WHILE THE REZONING IS IN PROCESS**

(C/M 2019/05/23 - E 5831)

RESOLVED:

- (a) That Erf 5831, Swakopmund be rezoned from "*Single Residential*" with a density of one dwelling per 600m² to "*General Residential*" with a density of one dwelling per 100m² in terms of Section C: General Residential 2 Zone, paragraph 2, sub-paragraph 2.3 (b).
- (b) That Consent to operate an accommodation establishment on Erf 5831, Swakopmund while the rezoning is in process be turned down.
- (c) That the rezoning of Erf 5831, Swakopmund be included in the next Swakopmund Amendment Scheme.
- (d) That the rezoning of Erf 5831, Swakopmund be subject to a 75% betterment fee calculated according to the betterment fee policy of 2009 and be paid by the applicant before any approval of the AS-built plans by the Engineering Department.
- (e) That parking be provided on-site in line with the Swakopmund Town Planning Scheme.
- (f) That the applicant be informed that he may appeal the Council decision to the Minister of Urban and Rural Development with valid reasons within twenty eight (28) days from the date of the decision in accordance with clause 8 of the Swakopmund Town Planning Scheme.

11.1.9 **REQUEST FOR SPONSORSHIP: SWAKOPMUND FOOD TRUCK FESTIVAL**

(C/M 2019/05/23 - D 5)

RESOLVED:

- (a) That the request for sponsorship towards the Swakopmund Food Truck Festival scheduled to take place from 31 May 2019 to 01 June 2019 in Swakopmund, be noted.

- (b) That permission be granted to Messrs DJS & CO to utilize the Amphitheater from 31 May 2019 to 01 June 2019 and the Council cover the cost of N\$618.00 (= 2 x N\$309.00 daily rental rate) for the venue.
 - (c) The costs mentioned above in (b), be defrayed from the Corporate Services Publicity Vote: 102010212700 where N\$58 297.34 is available.
 - (d) That the noise level of the music not to be more than 85 dB (Decibel) at the noise source (thus the speakers) and not more than 60 dB at a distance of 200m and should valid complaints be received, permission can be withdrawn forthwith.
 - (e) That Messrs DJS & CO ensure that the facilities including the parking area are cleaned within 48 hours be restored to their original conditions and to the satisfaction of the Swakopmund Municipality after the event.
 - (f) That Council be indemnified against any claims that may arise from using the venue.
 - (g) That Messrs DJS & CO be responsible for the provision and arrangement of public ablution facilities on site, if required.
 - (h) That Messrs DJS & CO make prior arrangements with Erongo-RED for electricity connection at their own cost should it be required.
 - (i) That food vendors be registered with the Health Services Department, similar to the Christmas Fair registration.
 - (j) That Messrs DJS & CO be required to pay a refundable deposit on N\$724.00 for the cleaning of the Amphitheater after the event.
 - (k) That Messrs DJS & CO submit proof that the following arrangements have been made:

 - *Emergency Services*
 - *Traffic Control and Parking*
 - *Waste removal*
 - *Security Services*
 - *Liquor license (if required)*
-

11.1.10 **TRANSFER OF FUNDS**
(C/M 2019/05/23 - 16/2/6/3)

RESOLVED:

That the General Manager: Finance be granted permission to transfer an amount of N\$45 000.00 from Vote: 305932828300 - Replace TATTA Tipper N13134S and N\$45 000.00 from Vote: 305932828400 - Replace TATTA Tipper N15969S to Vote: 302533032600, this will ensure that sufficient funds are available to complete the planned project.

11.1.11 **ERONGO RED: BOARD OF DIRECTORS: APPOINTMENT OF AN ALTERNATE**
(C/M 2019/05/23 - A 4/3/1/16/1)

RESOLVED:

- (a) That Council appoints Mr Paul Rooi as an alternate member for Ms Natalia //Goagoses to represent Council as non-executive members on the Board of Directors of Erongo RED.
 - (b) That the Chief Executive Officer invites the Directors on a regular basis to give feedback to council on matters of importance.
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11.1.12 **APPLICATION BY MESSRS CHEETAH CAPITAL COMMUNITY RESETTLEMENT PROJECT FOR THE REFUND OF COSTS INCURRED FOR THE TERMINATED LEASE**
(C/M 2019/05/23 - H 5)

RESOLVED:

- (a) That Council does not approve the application of Messrs Cheetah Capital Community Resettlement Project for the refund of monies paid in respect of the termination of allocated "Site J" at the Light Industrial Incubation Area as the claim is no longer valid in terms of the Prescription Act, Act 68 of 1969.
 - (b) That Messrs Cheetah Capital Community Resettlement Project's request to write off the outstanding balance on the rental account and the claim for the refund of N\$63.10 in respect of courier costs not be approved.
 - (c) That Messrs Cheetah Capital Community Resettlement Project be informed to settle the outstanding balance of N\$1 374.00 on the rental account for Site J at the Light Industrial Incubation Area, failure of which, legal action will be taken against them.
-

11.1.13 **CURRENT STATUS OF TRANSACTIONS OF CLOSED BID SALE OF 16 NOVEMBER 2018: APPLICATIONS FOR EXTENSIONS OF TIME TO PERFORM**
(C/M 2019/05/23 - M 4327, M 4330, M 4341, M 4342, 19.03.02)

RESOLVED:

That this item be withdrawn from the agenda.

11.1.14 **APPLICATION TO PURCHASE LAND ADJACENT TO ROSENDAL FARMING, SMALLHOLDING 180**
(C/M 2019/05/23 - G 2, G 2 (15))

RESOLVED:

- (a) That Council approves the sale of a portion of land measuring approximately 4.1 ha located adjacent to Portion 180 to Rosendal Farming CC.
- (b) That the purchase price be determined at N\$90 000.00 / ha x 4.1 amounting to N\$370 000.00, subject to the standard increase prescribed in Council's Property Policy.
- (b) That Mr S Nolte of Rosendal Farming CC confirms in writing the acceptance of the purchase price whereafter Ministerial approval be obtained in terms of the Local Authorities Act, Act 23 of 1992, as amended.
- (c) That the purchaser be responsible for appointment of a town planner to attend to the required statutory processes with regard to the subdivision of the portion and subsequent consolidation thereof with Portion 180, the surveying of the subdivided portion; and rezoning to "Agriculture".
- (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.*
 - (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 the transaction be concluded within 120 days from the date of a Surveyor-General diagram being issued.*
 - (v) *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 date on which a Surveyor-General approved diagram is issued.*
 - *Failure to secure the purchase price within the required period will result in cancellation without the need to place the purchaser on terms.*

- *Should the purchase price be secured by a bank guarantee the transfer must be effected on / before the 120th day, else interest will be levied as from the date of the Surveyor-General approved diagram being issued (date of sale) until the date or registration of transfer at a rate as confirmed with Council's bank on the date of sale.*
- (vi) *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.*
- (vii) *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.*
- (viii) *That the property or any portion thereof may not be alienated without being offered to Council at the purchase price it was obtained from Council.*
- (ix) *The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof.*
- (x) *That the purchaser be informed that should it be determined that the portion of land is located within the floodline of the Swakop River, section 90 of the Local Authorities Act, Act 23 of 1991, as amended will be applicable.*

11.1.15 **CANCELLATION CONFIRMATION: ERF 4889, SWAKOPMUND - PRO HOUSING CC (INDUSTRIAL AREA)**
(C/M 2019/05/23 - E 4889)

RESOLVED:

- (a) That Council takes note of the cancellation of Erf 4889, Swakopmund to P. R. O Housing CC due to failure to comply with the due date to secure the purchase price.
- (b) That P.R.O Housing CC be encouraged to take part in the future closed bid sale of industrial erven.
- (c) That Erf 4889, Swakopmund be offered chronologically to the next qualifying bidders listed.

11.1.16 **APPLICATION TO ACQUIRE A BUSINESS ERF LOCATED IN EXTENSION 25**
(C/M 2019/05/23 - E 6949 M)

RESOLVED:

- (a) That Optimum Trading Enterprises CC be informed that their application to lease Erf 6949, Mondesa was turned down as the erf is located in Extension 25 which is being serviced by a third party in terms of an agreement whereby serviced erven will be returned to Council.
- (b) That Optimum Trading Enterprises CC be informed that Council on 30 August 2018 under item 11.1.5 (d) resolved that the erven being returned to Council by the private developers be sold by closed bid sale.

11.1.17 **MESSRS OKAHEKE INVESTMENT CC: EXTENSION OF TIME TO PAY N\$10 000 DEPOSIT**

(C/M 2019/05/23 - T 626)

RESOLVED:

- (a) That Messrs Okaheke Investment CC be given an extension until 30 June 2019 to commit to the sale of the Remainder of Erf 626, Tamariskia by paying the N\$10 000.00 deposit.
- (b) That the purchaser provides proof of his attempts to obtain funding for the project.
-

11.1.18 **UNIK CONSTRUCTION ENGINEERING (PTY) LTD: RENEWAL OF LEASE**

(C/M 2019/05/23 - G 4/1/1)

RESOLVED:

- (a) That Council approves the application by UNIK Construction Engineering Namibia (Pty) Ltd for an additional lease period of 3 years commencing on 1 July 2019 until 30 June 2022, subject to the lease conditions approved by Council on:
- 30 June 2016, item 11.1.16;
 - 31 August 2017, item 11.1.24 and
 - 31 May 2018, item 11.1.5.
- (b) That the lease tariffs applicable from 1 July 2019 amounts as follows:
- 14 250m² - total area being leased at N\$2.00 / m² / month = N\$28 500.00 / month
 - 6 x accommodation units at N\$302.50 / unit / month = N\$1 815.00 / month
-

11.1.19 **ERF 4971, EXTENSION 14, SWAKOPMUND: WAIVER OF INTEREST CHARGES**

(C/M 2019/05/23 - Erf 4971)

RESOLVED:

- (a) That Council does not waive the payment of the interest for Erf 4971, Extension 14, Swakopmund on the purchase price of N\$520 400.00, in the amount of N\$18 236.69.
- (b) That it be noted that the transfer of ownership was delayed due to the sale of Erf 4971, Extension 14, Swakopmund to a third party, Mr D Shiponeni and Mr K Nghipevali can therefore claim the refund of the interest paid from the third party.
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11.1.20 **FEEDBACK REGARDING THE LEASE OF MS E CARSTENS AND MS O LABUSCHAGNE AT THE MARTIN LUTHER HISTORICAL SITE: CANCELLATION OF LEASE AGREEMENT**
(C/M 2019/05/23 - J 8/3, 13/3/1/13)

RESOLVED:

- (a) That Council takes note that Ms E Carstens and Ms O Labuschagne have not signed and returned the lease agreement for the Martin Luther Historical Site and the arrears on the rental account amounts to N\$15 525.00 as on 15 April 2019.
- (b) That Ms E Carstens and Ms O Labuschagne be given notice of termination and that they vacate the premises by 30 June 2019.
- (c) That the arrear rental from the commencement of the lease until the date the site is handed back to Council be recovered from Ms E Carstens and Ms O Labuschagne.
- (d) That lease proposals be invited in terms of the Local Authorities Act, Act 23 of 1992 from the public to express their interest to lease a portion of land measuring $\pm 2\ 000\ m^2$, where the historical steam engine is housed on the Remainder of a portion B of Swakopmund Town and Townlands No. 41, situated next to the B2 main Road to Windhoek.

11.1.21 **MOTORSPORT, COASTAL SPINNING & DRIFTING CLUB: ADJUSTMENT OF MONTHLY RENTAL CHARGE TO ANNUAL RENTAL CHARGE**
(C/M 2019/05/23 - G 4/1/1 (1))

RESOLVED:

- (a) That point (e) of the Council resolution passed on 2 February 2016 be amended as follows:
Current Wording
That a comparable rental amount be considered, i.e. N\$0.108/m², therefore 6 000m² x N\$0.108/m² = N\$648.00 + N\$97.20 (15% VAT) = N\$745.20 per month.
Amended Wording
That a comparable rental amount be considered, i.e. N\$0.108/m², therefore 6 000m² x N\$0.108/m² = N\$648.00 + N\$97.20 (15% VAT) = N\$745.20 per annum.
- (b) That upon approval of point (a) above, the Finance Department performs the necessary calculations to adjust the rental account and credit the account of Coastal Spinning & Drifting from February 2016 to date, accordingly.

11.1.22 **ERF 4829, SWAKOPMUND: APPLICATION TO WAIVE PRE-EMPTIVE RIGHT**

(C/M 2019/05/23 - E 4829)

RESOLVED:

That Mr Dirk Uys De Vos be informed that Council does not waive its pre-emptive right in respect of Erf 4829, Swakopmund until the property is developed and a building completion certificate is in place.

11.1.23 **PARATUS TELECOMMUNICATION PROPRIETARY LIMITED: APPLICATION FOR AN ERF**

(C/M 2019/05/23 - 13/3/1/5)

RESOLVED:

- (a) That a portion of land measuring 400m² located on the Remainder of Portion B of the Farm Swakopmund Town and Townlands No. 41. (located to the east of block 55), be leased to Paratus Telecommunication (Pty) Ltd.
- (b) That Messrs Paratus Telecommunication (Pty) Ltd adheres to the following requirements:
- *A maximum height of 25m*
 - *Consent letter from the neighbours*
 - *Environmental Impact Assessment (EIA)*
- (c) That the following standard lease conditions be applicable to the leasing of the lease portion in (a) above.
- (i) *Lease period of 9 years and 11 months, pending the subdivision of the lease area.*
 - (ii) *That building plans of all proposed buildings must be submitted to the Engineering Services Department.*
 - (iii) *That the portion of land is leased on the explicit condition that the lessee indemnifies Council against any claim for damages resulting from its occupation by the lessee.*
 - (iv) *That the lease be at the current tariff of N\$ 33.68/m²per month with an annual escalation of 10% every July (first being 1 July 2019).*
- (d) That the Engineering Services Department provides a layout plan for the exact location on the identified erf to be used for the tower.
- (e) That Messrs Paratus Telecommunication (Pty) Ltd installs their own electrical meter so that any expenses and costs generated be allocated to Messrs Paratus.
- (f) That the proposed lease of the site be published in terms of Local Authorities Act 23 of 1992 as amended.
- (g) That Council's standard lease conditions be made applicable to the lease.

- (h) That all costs relating to the lease, including, but not limited to advertising costs, be for the account of the lessee.
 - (i) That the following conditions be made applicable in addition to points (b) to (h) above to the lease:
 - (i) *That Council will not reimburse Paratus Telecommunication (Pty) Ltd for any costs relating to the installation or removal of its properties or any other expense incurred during or after the termination of the lease agreement.*
 - (ii) *That any damages that may be caused to the lease site be for the account of Paratus Telecommunication (Pty) Ltd and shall be repaired at their cost and on demand.*
 - (iii) *That Paratus Telecommunication (Pty) Ltd will be responsible for the proper maintenance of the equipment and should such equipment not be well maintained and thus rust and become unsightly, the lease be cancelled and equipment removed at the cost of the lessee.*
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11.1.24 **CESSION OF THE RIGHT TO HANGAR 28**
(C/M 2019/05/23 - Hangar 28)

RESOLVED:

- (a) That Council approves the cession of the rights of Hangar 28 from Mr Birgit Becker-Strolo to Mr Matthias Röttcher, subject to the standard lease conditions for hangars at the aerodrome.
 - (b) That the approval be subject to Birgit Becker-Strolo's lease account is up to date (at the closing date for submissions the hangar rental account was fully paid up).
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11.1.25 **CONSOLIDATION AND REZONING OF ERVEN 2847, 2848, 2849, 2878 AND 2879 SWAKOPMUND EXTENSION 9 FROM SINGLE RESIDENTIAL WITH A DENSITY OF ONE DWELLING PER 900M² TO GENERAL RESIDENTIAL 2 WITH A DENSITY OF ONE DWELLING PER 250M²**
(C/M 2019/05/23 - E 2847, E 2848, 2849, E 2879, E 2878)

RESOLVED:

- (a) That the consolidation of Erven 2847, 2848, 2849, 2878 and 2879 Rittersporn Street, Swakopmund Extension 9 into consolidated Erf X be approved.
- (b) That rezoning of consolidated Erf X from single residential with a density of one dwelling per 900m² to "General Residential 2" with a density of one dwelling per 250m² be turned down.
- (c) That consolidated Erf X be rezoned from single residential with a density of one dwelling per 900m² to "General Residential 2" with a density of one dwelling per 300m²,
- (d) That the rezoning of consolidated Erf X be included in the next Swakopmund Amendment Scheme.

- (e) That the rezoning of consolidated Erf X 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 Department for approval.
- (f) That all the parking provided on-site be in line with the Swakopmund Town Planning Scheme.
- (g) That the applicant be informed of their right to appeal to the Minister against Council's Resolution in respect of resolution (c) above in terms of Clause 8 of the Swakopmund Town Planning Scheme within 28 days of receipt of notice of this Resolution, provided that written notice of such an appeal shall be given to the Ministry, as well as Council within the said period.
- (h) That the objectors be informed of their right to appeal to the Minister of Urban and Rural Development with valid reasons within twenty eight (28) days from the date of the decision in accordance with clause 8 of the Swakopmund Town Planning Scheme.

11.1.26 **APPLICATION TO WAIVE PRE-EMPTIVE RIGHT: ERF 1124, TAMARISKIA**

(C/M 2019/05/23 - T 1124)

RESOLVED:

That Council does not waive its rights and conditions by allowing Mr P T Ndjambula to sell Erf 1124, Tamariskia to a third party prior to the expiry of the pre-emptive period which will lapse on 01 October 2020.

11.1.27 **ERF 9099, EXTENSION 35, SWAKOPMUND: WAIVER OF INTEREST CHARGES**

(C/M 2019/05/23 - Erf 9099)

RESOLVED:

- (a) That Council does not waive the payment of the interest for Erf 9099, Swakopmund on the purchase price of N\$200 000.00, in the amount of N\$11 488.07
- (b) That the purchaser be given an opportunity to pay off the outstanding penalty interest calculated from 20 August to the date of transfer in 36 equal monthly instalments as per the standard practice.

11.1.28 **INCREASED BULK PURCHASE PRICES BY MESSRS
NAMWATER**

(C/M 2019/05/23 - D 2 /1)

RESOLVED:

- (a) That Council Approves the New basic tariff amounts of N\$126.60 for water supply.
 - (b) That water saving campaigns be continuously placed in printed media and other social media plat forms.
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13. **DRAFT REGULATIONS AND TARIFFS, IF ANY**

None.

The meeting adjourned: **20:04**

Minutes confirmed on: **27 June 2019**

**Councillor P Nashilundo
MAYOR**

**A Benjamin
CHIEF EXECUTIVE OFFICER**

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