

01 / 2021

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 28 January 2021 at 09:00.**

PRESENT:

| | | |
|---------------------------|---|--------------------------------|
| Councillor L N Kativa | : | Mayor |
| Councillor D Am-!Gabeb | : | Deputy Mayor |
| Councillor W O Groenewald | : | Chairperson of MC |
| Councillor C-W Goldbeck | : | Alternate Chairperson of MC |
| Councillor P N Shimhanda | : | Member of Management Committee |
| Councillor B R Goraseb | : | Member of Management Committee |
| Councillor M Henrichsen | : | Member of Council |
| Councillor E Shitana | : | Member of Council |
| Councillor S Kautondokwa | : | Member of Council |

OFFICIALS:

| | | |
|-----------------|---|--|
| Mr A Benjamin | : | Chief Executive Officer |
| Mr M P C Swarts | : | General Manager: Corporate Service &HC |
| Mr V S Kaulinge | : | GM: Economic Development Services |
| Mr C McClune | : | GM: Engineering and Planning Services |
| Mr C Lawrence | : | General Manager: Health Services & SWM |
| Ms G Mukena | : | Acting GM: Finance |

ALSO PRESENT:

Also present was eight (8) members of the Media and (2) two members of the public.

1. **SCRIPTURE READING AND OPENING BY PRAYER**

Mr M P C Swarts opened the meeting with a prayer.

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

On proposal of Councillor W O Groenewald seconded by Councillor P N Shimhanda it was:

RESOLVED:

That the agenda be adopted.

CO: A
GM: CS&HC



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

3.1 Application for leave of absence:

Councillor H H Nghidipaya- Approved

3.2 Declaration of interest:

None.

4. **CONFIRMATION OF MINUTES**

(C/M 2020/01/28 - A 2/3/5)

4.1 **MINUTES OF AN SPECIAL COUNCIL MEETING HELD ON 30 NOVEMBER 2020**

On proposal of Councillor W O Groenewald seconded by Councillor P N Shimhanda it was:

RESOLVED:

CO: A
GM: CS&HC

That the minutes of the Special Council Meeting held on 30 November 2020, be confirmed as correct.

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

(C/M 2020/11/19 - A 2/3/5)

~~Honorable Councillors, The Chief Executive Officer, Mr. Alfeus Benjamin, General Managers, Managers, Officials, Members of the Community, Members of the Media, Ladies and Gentlemen, All Protocol observed~~

~~Good morning and welcome to the first council meeting and announcements for the year 2021.~~

~~Ladies and gentlemen~~

~~First and foremost, i wish to extend a warm welcome to each and every one of you. I hope the year 2021 will be an impactful as we continue to work together to serve our community members.~~

~~I would also like to use this opportunity to express my gratitude to our ceo, general managers, managers and all the staff members of the municipality for their contribution towards the realization of quality service delivery to the people of Swakopmund and wish them a productive year ahead.~~

~~I am sure we will all agree that last year was indeed challenging and unpredictable, but yes we made it with the grace of god. So let us gear up and work together in unity to achieve our set goals.~~

~~Honorable councillors,
Ladies and gentlemen,~~

~~I am indeed proud to announce that we kick start our year on a positive note with the launch of one of our projects.~~

~~On the 22nd of january 2021, the municipality of Swakopmund held a groundbreaking ceremony of the 8 block development project.~~

The municipality of Swakopmund adopted the housing development model in which it strategically outlines 11 developmental projects which is focused on providing affordable and decent housing to the residents of Swakopmund.

The block 8 development is one of these strategic goals envisaged towards expediting the delivery of serviced land and housing at affordable prices to the community. These private developers will be responsible for the financing as well as the installation of services to 8 townships and the construction of houses.

Council's contribution to these projects is the provision of unserviced land. A total of 1300 erven are expected to be generated from this project. Upon completion, Council will receive about 39 percent from the total serviced erven from the respective developers located in various townships, which amounts to 513 from the 1300.

Ladies and gentlemen

I am looking forward to more impactful projects as we make every effort to improve our community and our service to the people.

Ladies & gentlemen

The municipality of Swakopmund intends to formulate the Swakopmund micro and small enterprises development and promotion policy and strategy to guide in creating an enabling business environment for local micro and small business owners and to ensure development of competitive dynamic and innovation.

The main objective of the envisaged policy is to promote local micro and small enterprises through mentoring and support to deliver the necessary products and services.

The policy also aims to address challenges faced by local micro and small enterprises in infrastructure, marketing, skills development and institutional support.

This policy will further guide the interventions geared to uplift local micro and small entrepreneurs.

Ladies and gentlemen

As council, we recognize the important role in job creation and income generation, thus we contribute to improving the livelihood of many Namibian people.

The Swakopmund micro and small enterprises development and promotion policy and strategy is anticipated to be launched during the month of February 2021.

Ladies and gentlemen

That is all we had for today, thank you for your undivided attention.

We will now continue with our deliberations.

Thank you.
Louisa kativa
Mayor

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

- 6.1 That it be noted that these awards were handed out at a previous occasion by the Honourable Mayor.
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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 26(1) (E) OF THE ACT

10.1 REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING JANUARY 2021

RESOLVED:

That the report to Council on resolutions taken by Management Committee during January 2021, be approved.

11. RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE

11.1 MANAGEMENT COMMITTEE MEETINGS HELD ON 14 JANUARY 2021

11.1.1 OVAHIMBA CULTURAL VILLAGE AT MARTIN LUTHER HISTORICAL SITE

(C/M 2021/01/28 - 13/3/1/5)

RESOLVED:

- (a) That the Council revokes the utilization of the land of the Ovahimba Cultural Village.
- (b) That both groups (Mr Tjambiru and Mr Tjijerua) be informed of the Council decision and advised to remove the structures and vacate the area.
- (c) That the Economic Development Office plans for the demarcation of land earmarked for the Cultural Center.
- (d) That once the area has been demarcated, invitations for expression of interest from different cultural groups / cooperatives / individuals that want to lease a portion in the center, be compiled.

11.1.2 URBAN AGRICULTURE PROJECT - ALLOTMENT GARDEN PLOTS BENEFICIARIES

(C/M 2021/01/28 - 17/5/3)

RESOLVED:

- (a) That the selected beneficiaries be allocated an allotment plot due to compliance with the approved Council selection criteria:

| No | NAME | ID NUMBER | SWAKOP CONSTITUENCY VOTERS CARD | PROOF OF RESIDENCE | UNEMPLOYED | COMMENT | OUTCOME |
|----|----------------------|-------------|---------------------------------|--------------------|------------|------------------------|---------|
| 1 | Ms Reginalda Shivute | 58030100469 | X | Mondesa | X | All documents attached | Valid |
| 2 | Mr Logan Van Wyk | 40600057 | X | Vineta | X | All documents attached | Valid |
| 3 | Ms Johanna Cloete | 53031900146 | X | Mondesa | X | All documents attached | Valid |
| 4 | Mr Lukas Nauyoma | 65053000204 | X | Mondesa | X | All documents attached | Valid |
| 5 | Ms Ndahafa Abisaai | 96062900078 | X | Mondesa | X | All documents attached | Valid |

| | | | | | | | |
|----|-------------------------|-------------|---|------------|---|------------------------|-------|
| 6 | Ms Anna Garises | 66053100072 | X | Mondesa | X | All documents attached | Valid |
| 7 | Mr Sacharias Goabab | 71102800279 | X | Mondesa | X | All documents attached | Valid |
| 8 | Ms Kavevarua Tjiposa | 91011701022 | X | DRC | X | All documents attached | Valid |
| 9 | Ms Martha Petrus | 86020100529 | X | DRC | X | All documents attached | Valid |
| 10 | Mr Fillemont Mundjanima | 88042100396 | X | Mondesa | X | All documents attached | Valid |
| 11 | Ms Justine Sechoge | 68011300768 | X | Mondesa | X | All documents attached | Valid |
| 12 | Mr James Kamho | 50011200189 | X | Mondesa | X | All documents attached | Valid |
| 13 | Ms Uakuramenua Tjirambi | 97121400847 | X | DRC | X | All documents attached | Valid |
| 14 | Mr Abisai Nakalamba | 97121600358 | X | DRC | X | All documents attached | Valid |
| 15 | Mr Romario Rooi | 95061000498 | X | Mondesa | X | All documents attached | Valid |
| 16 | Ms Klothilde Kudumo | 93090300346 | X | DRC | X | All documents attached | Valid |
| 17 | Ms Kebone Sechoge | 98040400104 | X | Mondesa | X | All documents attached | Valid |
| 18 | Ms Shivishi Carlitha | 84111210473 | X | Tulinawa | X | All documents attached | Valid |
| 19 | Ms Emelda Nangombe | 86022000084 | X | Mondesa | X | All documents attached | Valid |
| 20 | Mr Hadmuth Tsauseb | 86091100750 | X | Mondesa | X | All documents attached | Valid |
| 21 | Mr Ndjiviro Tjundu | 90042500834 | X | DRC | X | All documents attached | Valid |
| 22 | Mr Uatanaua Murumbua | 81041010157 | X | DRC | X | All documents attached | Valid |
| 23 | Ms Emilie Mwetako | 90042400015 | X | Tamariskia | X | All documents attached | Valid |
| 24 | Ms Rolien Naris | 80051900130 | X | Jabulani | X | All documents attached | Valid |
| 25 | Ms Vetjuukisa Tjiharuka | 79050700101 | X | DRC | X | All documents attached | Valid |
| 26 | Ms Regina Visser | 78061100037 | X | Mondesa | X | All documents attached | Valid |
| 27 | Ms Lovisa Gawases | 80062410288 | X | Matutura | X | All documents attached | Valid |
| 28 | Ms Naem Shuudi | 88103000744 | X | Tamariskia | X | All documents attached | Valid |
| 29 | Mr Ben. E.Hanaseb | 57022300194 | X | Vineta | X | All documents attached | Valid |
| 30 | Ms Theresia Fisch | 58011500481 | X | Matutura | X | All documents attached | Valid |

- (b) That Council allocates the above 30 allotment plots for a period of 24 months (commencing 01 February 2021) and rental fees be exempted for a period of 12 months.
- (c) That the applicants sign a memorandum of understanding with Council and heed to the call for Indemnification.
- (d) That a waiting list be compiled for future allocations and that the General Manager: Health Services & Solid Waste Management be exempted from calling for new applications until the qualifying list is exhausted.
- (e) That the same criteria for selection for the current groups be used for the appointment of qualifying groups.
- (f) That the listed beneficiaries be invited to attend the January Council meeting.



11.1.3 APPLICATION FOR RELAXATION OF STREET BUILDING LINES ON
ERF 2329, SWAKOPMUND, EXTENSION 8
 (C/M 2021/01/28 - E 2329)

RESOLVED:

- (a) That the application for "*Special Consent*" to relax the building line on Erf 2329, Swakopmund, Extension 8 from five (5) metres to zero (0) metres street boundary line be turned down.
- (b) That the applicant revise and submits amended drawings with the unit in question set to at least three (3) metres from the street boundary line in line with the provisions of the Swakopmund Town Planning Scheme.
- (c) That the applicant be informed of his rights to appeal to the Minister against Council's Resolution in respect of resolution (a) above in terms of Clause 8.7 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.

11.1.4 UPDATED STANDARD OPERATING PROCEDURES WITH
REGARDS TO PURCHASES, PAYMENTS, INSURANCE AND FUEL
ISSUE (STORES)
 (C/M 2021/01/28 - 3/P)

RESOLVED:

- (a) That Council approves the Standard Operating Procedures with regard to purchases, payments of Creditors, insurance processes and fuel issues on fleet vehicles for guidance and compliance thereof.
- (b) That Finance Services annually reviews the Standard Operating Procedures with regard to purchases, payments of Creditors, insurance processes and fuel issues on fleet vehicles for guidance and compliance thereof.

11.1.5 RENEWAL OF A LEASE AGREEMENT FOR AN
UNDEVELOPED OPEN AREA
 (C/M 2021/01/28 - 14/1/3/1)

RESOLVED:

- (a) That Council approves the renewal of lease for an open area measuring 1200m² in extent on Swakopmund Townland, north of the intersection of the Henties Bay / Windhoek road and railway for a rental fee of N\$468.00 per month (VAT exclusive) (i.e. N\$0.39/m² x 1200m²) to Messrs Golden Footsteps Investment for the storage of skip containers subject to the standard lease conditions.



- (b) That Messrs Golden Footsteps Investment be advised to submit a future plan with regards to his business, to avoid inconveniences that might be caused by future development of the area.

11.1.6 CONSTRUCTION OF 5 COMMUNITY LED TOTAL SANITATION (CLTS) AT ERF 161-163 FOR DEMONSTRATION PURPOSES

(C/M 2021/01/28 - 14/2/8/2)

RESOLVED:

- (a) That Council enters into a joint venture with Development Workshop in constructing the five (5) Community Led Total Sanitation (CLTS) facilities for demonstration purpose.
- (b) That the Engineering & Planning Services Department assist the Development Workshop Namibia in designing the toilets.
- (c) That construction sites for the ablution facilities be identified and approved and prepared by the General Manager: Engineering & Planning Services.
- (d) That the General Manager: Health Services & Solid Waste Management coordinate the project initiative with Development Workshop Namibia.
- (e) That a Cleaning and Maintenance Plan for the toilets be formulated and that contract workers be appointed to maintain the facilities in a clean and hygienic condition.

11.1.7 BAD DEBT WRITE-OFF AND PROVISION FOR BAD DEBT (IMPAIRMENT OF DEBTS) POLICY

(C/M 2021/01/28 - 3/P)

RESOLVED:

- (a) That Council approves the Bad Debt Write-off and Provision for Bad Debt (Impairment of Debt) Policy.
- (b) That the Bad Debt Write-off and Provision for Bad Debt (Impairment of Debt) Policy be reviewed annually when so required.
- (c) That the General Manager: Finance compiles a letter to be submitted to the Constituency Councillor, requesting to take up the outstanding water accounts with the responsible Ministry.



- 11.1.8 REZONING OF ERF 5371, SWAKOPMUND FROM “SPECIAL” FOR THE PURPOSES OF SPORTS, OFFICES, SHOPS, PLACE OF ASSEMBLY AND ACCOMMODATION TO “SPECIAL” FOR THE PURPOSE OF SPORTS, OFFICES, SHOPS, PLACE OF ASSEMBLY AND ACCOMMODATION AND INSTITUTIONAL
(C/M 2021/01/28 - 19.03.08, E 5371)

RESOLVED:

- (a) That Erf 5371, Swakopmund be rezoned from “Special” for the purpose of sports, offices, shops, place of assembly and accommodation to “Special” for the purpose of sports, offices, shops, place of assembly and accommodation as well as institutional use and be approved by Council.
- (b) That the rezoning of Erf 5371, Swakopmund be included in the next Swakopmund Zoning Scheme.
- (c) That all the parking be provided on-site in line with the Swakopmund Zoning Scheme.
- (d) That all statutory requirements be comply with.

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- 11.1.9 APPLICATION FOR THE REZONING OF ERF 8673 (PORTION OF ERF 923) SWAKOPMUND FROM “STREET” TO “PARKING”
(C/M 2021/01/28 - E 8673, E 923)

RESOLVED:

- (a) That the rezoning of Erf 8673, Swakopmund from “Street” to “Parking” be granted.
- (b) That the rezoning of Erf 8673, Swakopmund be included in the next Swakopmund Zoning Scheme.

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- 11.1.10 APPLICATION FOR RELAXATION OF STREET BUILDING LINES ON ERF 72, MYL 4 PROPER
(C/M 2021/01/28 - 19.03.09, M4 72)

RESOLVED:

- (a) That the application for “Special Consent” to relax the building line on Erf 72, Myl 4 Proper from five (5) metres to zero (0) metres street boundary line be turned down.
- (b) That the applicant revise and submits amended drawings with the garage in question set at least three (3) metres from the street boundary line in line with the provisions of the Swakopmund zoning Scheme.
- (c) That the applicant be informed of his rights to appeal to the Minister against Council’s Resolution in respect of resolution (a) above in terms of Clause 8.7 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.



11.1.11 **APPLICATION FOR THE RELAXATION OF THE HEIGHT RESTRICTIONS OF THE STREET BOUNDARY WALL ON ERF 3559, SWAKOPMUND**

(C/M 2021/01/28 - 19.03.08, E 3559)

RESOLVED:

- (a) That the street boundary wall height restriction for Erf 3559, Swakopmund be relaxed from 1.8 meters to 3.3 meters higher subject to certification of a Structural Engineer.
- (b) That no completion certificate be issued without the structural engineer certification first being presented and be to the satisfaction of the General Manager: Engineering and Planning Services.

11.1.12 **APPLICATION FOR SPECIAL CONSENT TO OPERATE A HOME SHOP ON ERF 536, TAMARISKIA EXTENSION 2**

(C/M 2021/01/28 - 19.03.03, T 536)

RESOLVED:

- (a) That special consent to operate a Home Shop on Erf 536, Tamariskia, Extension 2 outside the demarcated area, subject to the placement of the newspaper advertisements, be approved.
- (b) That the approval be subjected to the following conditions that apply to consent given in terms of Councils "Home Shop Policy":
 - (i) That the erf owner must also be the licensee;
 - (ii) That the erf owner must be a resident on the site;
 - (iii) That they conform to the Town Planning Scheme and Building regulations;
 - (iv) That the percentage of the building used for the Home shop does not exceed 40% of buildings on the erf. The primary use as a residential erf must be retained.
 - (v) That consent is not transferable.

11.1.13 **APPOINTMENT OF HEALTH AND SAFETY REPRESENTATIVES**

(C/M 2021/01/28 - 11/1/4/27)

RESOLVED:

- (a) That the Council acknowledges the elected Health & Safety Representatives as portrayed in the table below:

| Department / Work Area | Sections |
|-------------------------------|--|
| Economic Development Services | Cemeteries / Fire Brigade & Rest Camp Ms Rosalia Ndalililwa |
| Economic Development Services | Parks & Gardens Ms Gloria Links |
| Municipal Head Office | CEO's Office / HS & SWM / CS & HC Ms Wellencia Kauripeke |
| Municipal Head Office | E&PS / E & LEU / EDS & Finance |

| | |
|---|---|
| | <i>Ms Rachel Eiki</i> |
| <i>Engineering & Planning Services</i> | <i>Workshops & Waterworks Mr Marcelino Beukes</i> |
| <i>Engineering & Planning Services</i> | <i>Labour Pool & Municipal Stores Ms Martha Shinedima & Mr Moses Jonas</i> |
| <i>Engineering & Planning Services</i> | <i>Sewerage Plant Mr Axel Mandume</i> |
| <i>Health Services & Solid Waste Management</i> | <i>Cleansing Services Mr Daniel Malala & Mr Johannes Matheus Mr Petrus Mufita & Mr Roberto Pakara</i> |

- (b) That the Council supports the initiative by the Health & Safety Officer to offer informal training to the elected Health & Safety Representatives.
- (c) That the General Manager: Health Services & Solid Waste Management provides sufficient funds on the 2021 / 2022 Operational Budget for the accredited training for Supervisory personnel and the elected Health & Safety Representatives.

11.1.14

INTERIM VALUATION COURT 2021

(C/M 2021/01/28 - 3/6/3)

RESOLVED:

- (a) That Ms Katrina Emvula and Ms Diana McClune be appointed as Council's representative and *secundi* respectively for the Interim Valuation Court for 2021.
- (b) That should any of the above nominated persons be unavailable to attend the Interim Valuation Court for 2021, Mr A Schoeman and or Mr F Lohnert be contacted to assist.
- (c) That the Ministry of Urban and Rural Development be requested to nominate a representative for the Interim Valuation Court 2021.
- (d) That the compensation for Council's representative at the Valuation Court be N\$500.00 per sitting, per day.
- (e) That the cost be defrayed from Vote 101010215900 (Assessment Rates: Valuation Court).
- (f) That in terms of Section 69 of the Local Authorities Act 23 of 1992, as amended, a notice be published in at least two newspapers on a date not later than 30 days before the date of the Valuation Court.
- (h) That requirements regarding the interim valuation as prescribed in the Local Authorities Act 23 of 1992, (as amended) be dealt with successfully.

11.1.15

01: RESUBMITTED: EXTENSIONS 34 & 35, SWAKOPMUND - TWO PENDING TRANSACTIONS

(C/M 2021/01/28 - 9027, 9073)

RESOLVED:

- (a) That the cancellation of the sale of Erf 9027, Swakopmund be put on hold and that a policy first be compiled which must make provision for payment in instalment. Council to keep in mind that there is a next qualifying bidder as per the conditions of sale.
- (b) That Council confirms the cancellation of the sale of Erf 9073, Swakopmund as the due date for the transaction lapsed on 14 October 2019 without having a signed deed of sale and all efforts were made to contact the person without any success.
- (c) That the following erf be added to the available erven for sale of Extension 1, Matutura
 - (i) Erf 9073, S measuring 545m² (upset price was N\$198 925.00)

11.1.16

② RESUBMITTED: EXTENSIONS 34 & 35, SWAKOPMUND - REPORT AND OBSERVATIONS

(C/M 2021/01/28 - G 3/3/2)

RESOLVED:

- (a) That Council takes note of the report on the 2017 sales of 259 erven zoned "*Single Residential*" located in Extensions 34 & 35.
- (b) That it be noted that due to many bidders registering for purposes of speculation, it resulted in delays in the payment of the purchase prices of many months.
- (c) That it be further noted that due to the speculation and delays, Council lost expected income in the amount of N\$12 568 388.00.
- (d) That in order to avoid speculation and lengthy delays for Council to receive the purchase price; Council repeals its decision passed on 22 November 2018 under item 11.1.25, point (c) and adds the compulsory requirement to provide proof of financing to take part in a closed bid sale.

11.1.17

EXTENSION 1, MATUTURA - FUTURE SALES

(C/M 2021/01/28 - 16/1/4/2/1/8)

RESOLVED:

- (a) That Council takes note of the anticipated sales scheduled for the sale of the remaining 215 erven zoned "*Single Residential*" located in Extension 1, Matutura.



(b) That the following amendments be made to the Council resolution passed on 22 November 2018 under item 11.1.25:

(i) Point (c) (i) be repealed and be replaced with the following compulsory condition:

(c) (i) That in order to avoid speculation and lengthy delays for Council to receive the purchase price; that it is a compulsory requirement to provide proof of financing to take part in a closed bid sale.

(ii) Point (f) be amended:

Current wording - That each bidder be restricted to submit 5 bid forms only; and that no bidder may submit more than 1 bid per erf.

Amended wording - That each bidder be restricted to submit 3 bid forms only; and that no bidder may submit more than 1 bid per erf.

(iii) Point (g) be amended

Current wording - 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.

Amended wording - That should erven remain unsold at the date of the sale, such erven be added to the list of erven for the next closed bid sale.

(c) That a bidder may only purchase one erf from the combined sales of 215 erven.


11.1.18 APPLICATION FOR EXTENSION OF TIME TO PAY THE REGISTRATION FEE: ERF 4916, EXTENSION 14, SWAKOPMUND
(C/M 2021/01/28 - E 4916)

RESOLVED:

- (a) That Council takes note of the late payment of the registration fee by Mr C W Markus.
- (b) That Council condones the late payment of the registration fee (N\$5 000.00) and permits Mr C W Markus to purchase Erf 4916, Ext 14, Swakopmund.

11.1.19 SALE OF ERVEN ZONED "GENERAL RESIDENTIAL":
① EXTENSION 1, MILE 4
② EXTENSION 14
(C/M 2021/01/28 - N 7/3/2/2; E 342 M4, E 343 M4, E 366 M4, E 357 M4 & E 368 M4; E 4908, E 4909 & E 4910)

RESOLVED:

- (a) That points (b) until (i) of Council's decision passed on 28 March 2019 under item 11.1.4 be repealed (see Annexure "B").
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- (b) That the following 4 erven zoned “*General Residential*” located in Extension 1, Mile 4 and Extension 14, Swakopmund be sold out of hand:

| | <i>Erf #</i> | <i>Size</i> | <i>Purchase Price Calculated at N\$950.00/m²</i> |
|---|--------------|-------------|---|
| 1 | 366 | 3 406 | 3 235 700.00 |
| 2 | 367 | 3 829 | 3 637 550.00 |
| 3 | 4909 | 5 141 | 4 883 950.00 |
| 4 | 4910 | 4 119 | 3 913 050.00 |

- (c) That applications for these erven only be accepted after publication of the public notice to this effect in terms of section 63 of the Local Authorities Act (of which submission of objections forms part).
- (d) That allocation be done to the first applicant who secures the purchase price by bank guarantee or electronic fund transfer to reflect as available funds on Council’s bank account.
- (e) That the erven be allocated on the basis of 1 erf per person / entity (a person may not purchase an erf in his / her personal name as well as in an entity in which he / she holds an interest). Married couples be regarded as one entity irrespective of the marital regime.
- (f) That prior to signing deeds of sale, approval be obtained from the Ministry of Urban and Rural Development in terms of section 63 of the Local Authorities Act irrespective whether objections are received.
- (g) That the purchasers be cautioned that due to point (f) above the transactions might not be approved and / or may be subject to lengthy delays.
- (h) That should the sale of the above 4 erven prove successful, Council’s resolution passed on 22 February 2018 under item 11.1.16 be repealed and the following 2 erven be sold accordingly:

| <i>Erf</i> | <i>Size</i> |
|------------|-------------|
| 342 | 3 012 |
| 368 | 2 759 |

11.1.20

01: LEASE APPLICATION FOR CONSTRUCTION SITE BY CHINA GEZHOUBA GROUP COMPANY LIMITED

02: CANCELLATION OF LEASE AGREEMENT WITH LUKA ROADS, RAILS AND CIVILS

(C/M 2021/01/28 - 13/3/1/5)

RESOLVED:

- (a) That the lease agreement for the construction and accommodation site for Luka Roads, Rails and Civils be cancelled and that Luka Roads, Rails and Civils settles the outstanding rental in the amount of N\$177 597.40.



- (b) That the application by China Gezhouba Group Company Limited (as subcontractor of Project C001: Upgrading of the Railway Line between Walvis Bay and Kranzberg) to lease a portion of land measuring 7 390.24m² be approved as per coordinates (on file), for the exclusive purposes:
- (i) Of establishing a contractor's camp, engineer's offices and site laboratory; and
 - (ii) Accommodation of their 30 workers.
- (c) That permission be applied for from the Honourable Minister of Urban and Rural Development in terms of section 30 (1) (t) to amend the lease agreement to reflect China Gezhouba Group Company Limited as the lessee.
- (d) That China Gezhouba Group Company Limited be granted permission to occupy the lease site whilst point (c) is being attended to.
- (e) That the following conditions be applicable:
- (i) That the lease term be set for 30 months, without an option to renew.
 - (ii) That either party can give 3 calendar months' written notice of the cancellation of the agreement.
 - (iii) That the lease of the land be at a rental amount of:
 - ⌘ 7 390.24m² - total area being used at N\$2.42 / m² / month = N\$ 17 884.38 / month + 15% VAT (N\$ 2 682.66) = N\$ 20 567.04.
 - ⌘ Accommodation units / unit / month = N\$332.75 / month + 15% VAT (N\$49.91) = N\$382.66 per unit (the number of staff units to be confirmed from drawing CGGC-2020-004).

The first 7% escalation will be on 1 June 2021.
 - (iv) That a refundable deposit, equal to one month's rent be paid.
 - (v) That a deposit of N\$100 000.00 be paid for the rehabilitation of the area, if required.
 - (vi) That, if applicable, China Gezhouba Group Company Limited 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.
 - (vii) That the remainder of (vi) 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.
 - (viii) That China Gezhouba Group Company Limited makes arrangements for the provision and usage of electricity with Messrs Erongo RED at its own cost.
 - (ix) That, if required due to the zoning of the lease area being "Undetermined", Council gives consent to China Gezhouba Group Company Limited in terms of the Town Planning Amendment Scheme 12 to engage in construction and manufacturing activities required for the road tender.
 - (x) That China Gezhouba Group Company Limited register as a business with the Health Services & Solid Waste Management.
 - (xi) That Council's standard conditions of lease be applicable to the agreement as per Property Policy:
 - 1. that all costs for the lease transaction be for the lessee's account, inclusive of, but not limited to the cost of advertising Council's intention



to lease in terms of the Local Authorities Act, Act 23 of 1992, as amended and the cost of compiling a lease agreement

2. *Council to be indemnified by the lessee against any possible claims for damage by anyone or person arising from the use of the property by the lessee.*
3. *no construction of permanent structures will be permitted*
4. *the lessee has no option to purchase the lease site*
5. *no subletting without Council's approval*
6. *the lease agreement is not transferable and will not form part of an estate*
7. *that Council be informed of any change in shareholding of the company*
8. *that the lessee accepts 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.*

(xii) 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 erect any sign or advertising material on the outside of the Property.*
4. *That no subletting be allowed.*
5. *That a site specific environmental management plan be provided.*

(f) That the following conditions be applicable specifically to the accommodation of personnel:

- (i) *The accommodation facilities shall be fenced off from the working area.*
- (ii) *Suitable firefighting equipment shall be installed in all facilities and shall be inspected by Fire Fighting Section prior to occupation.*
- (iii) *That before occupation of the accommodation units, the facility shall be inspected by Health Services & Solid Waste Management Department and only if found fit for habitation, may it be occupied.*
- (iv) *As an alternative to the sewage treatment system, a containment tank may be used, with the tank emptied regularly with a water-truck and the sewage disposed to the municipal disposal works with prior arrangement with the Swakopmund Municipality.*
- (v) *If meals are prepared on site, and food stored on site, a fully functional kitchen shall be provided, complete with suitable refrigeration / freezers to maintain food in safe condition. This facility shall be inspected by Health Services & Solid Waste Management Department at regular intervals.*
- (vi) *An area shall be prepared for personnel recreation after hours / outside working time.*
- (vii) *All accommodation facilities, and all walking areas shall be provided with sufficient lighting.*
- (viii) *It is also recommended that:*
 - *no pets be kept at the accommodation*
 - *alcohol not be allowed*
 - *walkways provided with gravel to keep the accommodation clean*
- (ix) *Potable water for residential purposes be provided at the cost of the lessee to the satisfaction of the Health Services & Solid Waste Management*



11.1.21

AUDIENCE REQUEST: MR J KAMBUESHE REPRESENTING VARIOUS TRANSACTIONS

(C/M 2021/01/28 - 19.03.08.8929, E 8930, E 8939, E 4874, E 4899, Swk)

RESOLVED:

- (a) That Council takes note of the total outstanding amount of approximately N\$29 Million for the past 3 years in respect of the erven.
- (b) That all the transactions below be cancelled:

| <i>Erf</i> | <i>Purchaser</i> | <i>Purchase Price</i> | <i>Interest at 31 Jan 2021</i> |
|------------|--------------------------------|-----------------------|--------------------------------|
| 8929 | Pharlap Investments CC | N\$ 4 199 999.99 | N\$ 1 624 163.01 |
| 8930 | PJV Investment CC | N\$ 2 899 999.99 | N\$ 822 507.53 |
| 8939 | Mr J Kambueshe | N\$ 3 399 999.99 | N\$ 694 419.18 |
| 4874 | Mondesa Property Investment CC | N\$ 3 450 999.00 | N\$ 1 253 209.00 |
| | | N\$ 13 950 998.97 | N\$ 4 394 298.72 |

- (c) That Council confirms that the transaction for Erf 4899, Swakopmund with Messrs Erf Two Eight Two Seven Swakopmund CC lapsed on 05 December 2016 (no deed of sale was signed by the purchaser) and is therefore cancelled.
- (d) That Erf 4899, Swakopmund be offered for sale by a closed bid sale together with other available business / industrial erven (current purchase price for private treaty amounts to N\$684.78/m²).

11.1.22

REQUEST BY WATO INVESTMENTS CC FOR AN ADDITIONAL EXTENSION OF TIME TO PERFORM: ERF 4108, EXTENSION 10, MONDESA

(C/M 2021/01/28 - M 4108)

RESOLVED:

- (a) That Council takes note that Messrs Wato Investments CC paid the outstanding rates and taxes on 02 December 2020 in terms of point (b) of Council's resolution passed on 31 August 2020 under item 11.1.9, which payment was a condition for the extension of time granted to perform by 30 September 2020.
- (b) That the transaction be cancelled and Messrs Wato Investments CC be refunded the sum of N\$86 956.52 and 15% VAT amount paid (N\$100 000.00 in total).
- (c) That subject to point (b) above, Erf 4108, Mondesa be added to the list of available erven located in Extension 10, Mondesa approved for sale by closed bid by Council on 31 January 2019, under item 11.1.12 and 19 November 2020 under item 11.1.4, if and when the market determines the need.



11.1.23

CONTAINER UNIT FOR HOUSING OFFICE AT MATUTURA
(C/M 2021/01/28 - E 2310 M)

RESOLVED:

- (a) That Council approves the establishment of a satellite office for the Housing Section adjacent to the pay point on Erf 2310, Matutura.
- (b) That a converted container similar to the Finance pay point be sourced.
- (c) That the costs for this project be either sourced from own funds or donor funds.

13.

DRAFT REGULATIONS AND TARIFFS, IF ANY

None.

The meeting adjourned: **09.45**

Minutes to be confirmed on: **25 February 2021**


Councillor L N Kativa
MAYOR


A Benjamin
CHIEF EXECUTIVE OFFICER