

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 30 January 2020 at 19:00.**

PRESENT:

Councillor N N Salomon	:	Mayor
Councillor A M Marsh	:	Deputy Mayor
Councillor E Shitana	:	Chairperson of MC
Councillor K N Jason	:	Alternate Chairperson of MC
Councillor P Nashilundo	:	Member of Management Committee
Councillor A Jonas	:	Member of Management Committee
Alderman E //Khoaseb	:	Alternate Member of MC
Councillor W O Groenewald	:	Member of MC
Councillor U Kaapehi	:	Member of Council
Councillor E K Hangula	:	Member of Council

OFFICIALS:

Mr A Benjamin	:	Chief Executive Officer
Mr MPC Swarts	:	GM: Corporate Service & HC
Mr C McClune	:	GM: Engineering Services
Mr C Lawrence	:	GM: Health Services
Mr V Kaulinge	:	Acting GM: Economic Development
Ms G Mukena	:	Acting GM: Finance
Ms L Mutenda	:	Manager: Health Services
Ms M Bahr	:	Manager: Human Capital
Mr M Cloete	:	Manager: Traffic
Mr A Strauss	:	Manager: Works
Ms D Hanes	:	Personal Assistant: Office of the Mayor
Ms A Kahuika	:	Administrative Officer: Administration
Mr U Tjiurutue	:	Corporate Officer: Administration
Mr J Namhunja	:	Contract Worker: Marketing & Communication

ALSO PRESENT:

Also present was Swakopmund Constituency Councillor Juuso Kambueshe, Five (5) members of the Media, and twenty two (22) Members of the public.

1. OPENING BY PRAYER

Pastor Kevin Mwashuma opened the meeting with scripture reading and a prayer.

2. ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL

On proposal of Councillor A M Marsh seconded by Councillor E Shitana it was:

RESOLVED:

That the agenda be adopted.

CO: A
GM: CS&HR



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

3.1 Application for leave of absence:

None

3.2 Declaration of interest:

Councillor A M Marsh - Item 11.1.25

4. **CONFIRMATION OF MINUTES**
(C/M 2019/11/29 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 NOVEMBER 2019**

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

RESOLVED:

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

4.2 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 16 DECEMBER 2019**

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

RESOLVED:

That the minutes of the Ordinary Council Meeting held on 16 December 2019, be confirmed as correct.

5. **OFFICIAL ANNOUNCEMENTS, STATEMENTS AND COMMUNICATIONS**
(C/M 2019/01/31 - A 2/3/5)

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

Honourable Councilors, Pastor Kevin Mwashuma, 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 evening and welcome to the first Council meeting and Announcements for the year 2020.

Ladies and Gentlemen

The year 2019 has indeed been an impactful one as Council undertook various activities. First and foremost, I would like to use this opportunity to heartily express my gratitude to all the Councilors, the CEO, General Managers, managers and all the staff members for their contribution towards the realization of quality service delivery to the people of Swakopmund and wish them a productive year ahead.

Your dedication and commitment towards Council's work and that of the community of Swakopmund is highly remarkable and noteworthy. So thank you once again and we are proud of you.

NMS

I hope that the year 2020 will be the year of excellence, dedication, hard work, focus and result driven. I am sure that we all have set priorities for this New Year, let us align our personal goals with our careers and work harder every day to become better than what we were before.

Ladies and gentlemen,

In the same vein, allow me to thank the members of the public and businesses alike for being good citizens in this community of ours. Your support rendered towards the work of Council is much appreciated and special thanks to the senior citizens and everyone who continuously attends the Council meetings held monthly.

Honourable Councilors, Ladies and gentlemen,

In efforts to enhance its proactive service delivery, Council embarked on the SMS Notifications which is used to inform its customers about their Municipal account balances and as well as making it easier for those who prefer to do their payments without having to obtain a statement or que up at the Enquiries desk for the balance and asks the account number. The SMS Notification provides the total outstanding balance along with the relevant Municipal account number and the due date for payment.

Therefore, the Finance department is calling on its customers to update their information through completing the necessary form available at the Information/ Enquiries Desk for this type of service.

Ladies and gentlemen,

As some of you are aware, there has been various videos and audios circulating on social media with regard to the Mass Housing Development Programme. The community members have been advised to illegally occupy the vacant houses at the DRC outskirts. The Ministry of Urban and Rural Development, which is the line Ministry of the Council has issued a media release in which they have explicitly explained the government stance as well provide clear progress update of the situation at hand.

Therefore, as the Council, we wish to share with our esteemed communities what has transpired and the way forward as mentioned by the Executive Director, Mr. Nghidinua Daniel in the Media release.

Honourable Councillors, Ladies and gentlemen

The Mass Housing Development Programme was implemented by the Government of the Republic of Namibia with the aim to up-scale the provision of housing products for all different categories of groups of the population through better coordinated planning and investment in the housing sector. To date, a total of 4000 houses have been constructed of which 2796 are fully completed and handed over in various local authorities in all regions.

Moreover, in Swakopmund, the Council availed three construction sites under the Mass Housing Development Programme and three contractors were appointed through the National Housing enterprise (NHE) to carry out the work. A total of 1521 houses were expected towards the end of the project, and to date, only 1016 have been completed and handed over. Of the three contractors, one of the contractors sub-contracted, two other companies to complete the construction of the remaining houses, however, a dispute over non-payment between the main contractor and the sub-contractors aroused and this led to court interdict.

It was also clearly stated that the government does not owe any money to a contractor as that the main contractor was fully paid. But in return the main contractor did not pay the subcontractors. The verdict of the court was in favor of the subcontractor and thus has the right to keep possession of the property until debt owed is honored or discharged.

Thus, work can only resume after or on condition that the main contractor first settle the money it owes its subcontractors. Despite efforts and actions by the Government to engage the main contractor to remedy the situation, the matter has not been finalised and as a result, government has taken necessary steps to hold the main contractor fully accountable and have the work resumed in order to complete the project.



Ladies and gentlemen,

We therefore, implore on our community members to reject and disengage themselves from occupying land illegally as there are legal repercussions for doing so.

Let us please allow the Ministry of Urban and Rural Development with the Office of the Attorney General to complete their negotiations with the subcontractors and come to an agreement or amicable solution.

Ladies and gentlemen

Council has scheduled various public meetings for the next month. The purpose of these meetings are to create an interactive platform where members of the community will be accorded an opportunity to listen to feedback from Council as well as to probe the information presented to them and raise their challenges for future consideration.

These meetings are intended to be consultative and therefore we urge the members of the community to attend and gauge Council's projects during these meetings.

The meetings are scheduled for the following dates and venues:

Venue	Date & Time
Mondesa: Meduletu Hall	Sunday, 09 February 2020, 14:00
DRC: Open area behind the DRC Fire Station	Monday, 10 February 2020, 18:00
Matutura: Erf 2310, (New satellite pay point)	Tuesday, 11 February 2020, 18:00
Tamariskia: Tamariskia Town Hall	Wednesday, 12 February 2020, 18:00
Council Chambers	Thursday, 13 February 2020, 18:30

Council used various platforms to notify the community of this meetings, however, we implore that you please share this information as attendance is crucial.

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

6.1 Long Service Awards

Long service Award

Ladies & Gentlemen

We hereby would like to acknowledge the following staff members, who have been serving at the Municipality for many years. This is in an indication of your loyalty and dedication and we are immensely grateful for the invaluable contribution that you make towards the success of this organization.

10 YEARS SERVICE

Leonardo Williams
Hans Lukas

15 YEARS SERVICE

Stefanus Ngwena
Otto Goseb

RETIREMENT

Ms. Mirjam Valombola has worked for Municipality for approximately 3 years and serving her community with integrity and honor. We would like to wish her all the best for her retirement. You embody hard work and optimism will always be admired. We would like to thank her for her dedication during her time served at this institution.

Ladies & Gentlemen

Thank you for your undivided attention.

Nehemiah Salomon
MAYOR



7. PETITIONS

None.

8. MOTIONS OF MEMBERS

None.

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

None.

10. REPORT OF THE MANAGEMENT COMMITTEE REFERRED TO IN SECTION 26(1) (E) OF THE ACT

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

10. Minutes of Ordinary Management Committee meeting held on 14 November 2019.

11. RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE

11.1 SPECIAL MANAGEMENT COMMITTEE MEETING HELD ON 28 NOVEMBER 2019 AND THE ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 16 JANUARY 2020

11.1.1 REQUEST BY MS C ABEL TO SELL ERF 7233, EXTENSION 26, MONDESA TO A THIRD PARTY (LOW MIDDLE AND MIDDLE INCOME)

(C/M 2020/01/30 - 19/03/20, 7233, M)

RESOLVED:

CO: P
GM: CS&HC

- (a) That the presentation given by Ms Clementine Abel to the Management Committee, be noted.
 - (b) That Council accepts the merit of the application by the owner of Erf 7233, Extension 26, Mondesa, Ms Clementine Abel to sell her property to a third party; waives the pre-emptive right and permits the sale of the property.
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1.1.2

CONFIRMATION OF CANCELLATION OF SALE OF ERF 4917, EXTENSION 14, SWAKOPMUND

(C/M 2020/01/30 - E 4917)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council confirms the cancellation of Erf 4917, Extension 14, Swakopmund to Mr Willibard Uushona Shiimi in terms of the standard deed of sale conditions.
- (b) That Erf 4917, Extension 14, Swakopmund be offered to the next qualifying bidder for the sale of 14 December 2018.

11.1.3

PERFORMANCE REVIEW OF THE 40/40 HOUSING PROJECT

(C/M 2020/01/30 - 14/2/1/1)

RESOLVED:

CO: P
GM: CS&HC

- (a) That beneficiaries be allowed to choose their own preferred contractor (among the 28 selected contractors) which will encourage competitive house prices among contractors.
- (b) That the request from some beneficiaries to construct their own houses not be allowed to ensure quality and timely completion of the project.
- (c) That the request by contractors to revise their prices after their proposals were approved NOT be considered.
- (d) That any contractor found guilty of any dishonest practices in this project be blacklisted by Council.
- (e) That contractors who performed poorly be given 3 months to construct houses, failing which their erven be re-allocated to other contractors.
- (f) That all future consultations with beneficiaries be done by the Corporate Services & Human Capital Department to avoid dishonest practices by some of the contractors.
- (g) That all transfers be affected by Council's conveyancers and payable by the beneficiaries.
- (h) That Council remain with the current 28 contractors until all remaining erven earmarked for the program are available for allocation.
- (i) That the Municipality accelerate the servicing of Block 161 - 163 in order to re-allocate excess residents within the DRC Settlement to that area.

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11.1.4 **SKYDIVE NAMIBIA SWAKOPMUND: BID TO PURCHASE THE AIRPORT**

(C/M 2020/01/30 - N 9/1)

RESOLVED:

CEO
GM: ES&TP

- (a) That the application by Skydive Namibia Swakopmund to purchase the airfield be turned down.
- (b) That the Chief Executive Officer, General Manager: Engineering Services & Town Planning and the General Manager: Finance reconsider the viability of the management and operation of the airfield and provide a full report of the advantages and disadvantages to Council, for consideration.

11.1.5 **AMENDED LAYOUT FOR THE DEVELOPMENT OF ERF 673, TAMARISKIA**

(C/M 2020/01/30 - T 673, RE T 624)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council's resolution passed on 25 October 2018 under item 11.1.3, point (a) be amended with the following:

(a) *That the lay-out plan presented at the Management Committee of 20 August 2019, under item 5.3 be approved subject to the following conditions:*

1. *Messrs Eddy Angola Trust pays a premium based on the difference in value of the price paid in the amount of N\$34.52 / m² for the size of the golf driving range to that of the current land value for townships development (i.e. change of the land use of the golf driving range zoned "Private Open Space" to the "Residential" zoning).*
2. *That Council ablution facilities and boundary wall on Erf 673, Tamariskia be demolished at the cost of Council (point (b) (i) of the resolution passed on 25 October 2018).*

- (b) That Messrs Eddy Angola Trust be granted extension of time of 18 months from the date of Council's resolution to commence with statutory process and complete the installation of services on Erf 673, Tamariskia; subject to point (b) (iv) of Council's resolution passed on 25 October 2018.

11.1.6 **REQUEST FOR AN EXTENSION FOR PAYMENT OF PURCHASE PRICE: NAMIBIA DESERT GIANT GROUP (PTY) LTD**

(C/M 2020/01/30 - Erf 365, M4)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council approves the application by Namibia Desert Giant Group (Pty) Ltd for a further extension of

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the due date until 31 August 2020, to secure the purchase price of Erf 365, Mile 4, subject to interest.

- (b) That Namibia Desert Giant Group (Pty) Ltd be reminded that the purchase price for the property is N\$7 419 225.00 (excluding 15% VAT in the amount of N\$1 112 883.75); and interest calculated from 01 June 2018 until 31 August 2020 amounts to N\$1 754 392.63, and that both amounts are due on 31 August 2020.
- (c) That no further extensions will be granted.

11.1.7

PUBLIC MEETINGS

(C/M 2020/01/30 - 5/2/1/2/3)

CO: P
GM: CS&HC

RESOLVED:

- (a) That Council promotes community involvement and public participations with various targeted community groups by hosting sessions of public meetings.
- (b) That the following approved scheduled sessions of public meetings for 2020 be as follows:

Month	Day& Date	Target Audience	Venue	Time
February 2020	Sunday, 9	Residents of Mondesa	Meduletu Hall	14H00
	Monday, 10	Residents of DRC	Open area behind the DRC Fire Station	18H00
	Tuesday, 11	Matutura	At New pay point in Matutura	18H00
	Wednesday, 12	Residents of Tamariskia	Swakopmund Town Hall (Tamariskia)	18H00
	Thursday, 13	Residents living in the CBD, Kramersdorf and Vineta	Municipal Head Office (Council Chambers)	18H30

- (c) That Heads of Departments identify and prepare matters to be discussed at these public meetings.
- (d) That the members of the public be invited via advertisement and notices on various print, social media, analogue platforms, churches and loudspeakers.
- (e) That the Marketing and Communications Section be responsible for arranging such meetings.

11.1.8

ERF 9037, SWAKOPMUND: MS BEATA A O VENONDUBO - WAIVING OF INTEREST CHARGE

(C/M 2020/01/30 - M 9037)

CO: P
GM: CS&HC

RESOLVED:

- (a) That the request by Ms B A O Venondubo to waive interest charged in terms of paragraph 2 of Annexure "B" of the deed of sale (on file), be noted.



- (b) That Council waives the payment of the interest for Erf 9037, Swakopmund on the purchase price of N\$300 000.00.

11.1.9

MR GABRIEL SHIYOVA: REFUND OF REGISTRATION FEE PAID IN RESPECT OF ERF 545, MATUTURA, EXTENSION 2

(C/M 2020/01/30 - E 545 M)

RESOLVED:

CO: P
GM: CS&HR

- (a) That the amount of N\$3 000.00 paid on 20 August 2019 (receipt number 228258) be refunded to Mr G Shiyova as Erf 545, Extension 2, Matutura was erroneously allocated to him.
- (b) That Erf 545, Extension 2, Matutura be offered to the next qualifying bidder listed.

11.1.10

CONSOLIDATION, SUBDIVISION, CLOSURE AND REZONING OF ERVEN E379, 380, 402, 403, 404, 410, 411 AND 448 SWAKOPMUND

(C/M 2020/01/30 - E 379, E 380, E 402, E 403, E 404, E 410, E 411, E 448)

RESOLVED:

GM: ES

That the Council Resolution of 25 June 2009 under item 11.1.7 be revoked and be replaced by this Council Resolution:

- (a) That Erven 379, 402, 403, 404 and 410, Swakopmund be permanently closed as "*Public Open Space*" in terms of 50 (1) of the Local Authorities Act, Act No. 23 of 1992, as amended.
- (b) That Erven 379, 402, 403, 404 and 410, Swakopmund be rezoned from "public open space" to "*Private Open Space*".
- (c) That Council be responsible for the *preparation of adverts of the closure and rezoning, insertion of the notices in the media, including the Government Gazette, placing a copy on site and distribution to affected neighbours.*
- (d) That the rezoning of Erven 379, 402, 403, 404 and 410, Swakopmund be included in the next Swakopmund Town Planning Amendment Scheme.
- (e) That Erven 379, 402, 403, 404 and 410, Swakopmund be consolidated into Erf X.
- (f) That Erf X, Swakopmund be subdivided into five (5) Portions and Remainder as depicted on the attached subdivision plan.



- (g) That all newly created portions and remainder of Erf X, Swakopmund only be available for sale upon completion of all town planning, environmental and cadastral procedures.
- (h) That Portion A of Erf X, Swakopmund be offered for sale to the owners of Erven 380, 411 and 448, Swakopmund, for consolidation purposes.
- (i) That the owner of Erven 380, 411 and 448, Swakopmund be advised close his or her erven as "*Public Open Space*" and to rezone them to "*Private Open Space*".
- (j) That the owner of Erf 380, Swakopmund be informed that structures on his site encroach on both Erven 402 and 1058, Swakopmund, owned by Council and the State respectively.
- (k) That the owner of Erf 380, Swakopmund be requested to rectify the encroachments, be responsible for all town planning, environmental and cadastral procedures and all associated costs be for her or his own account.
- (l) That the closure and rezoning of Erven 379, 402, 403, 404 and 410, Swakopmund be subject to an Environmental Impact Assessment as provided for by the Environmental Management Act, Act 7 of 2007, as amended.

11.1.11

APPLICATION FOR CONSENT TO OPERATE A PUB AND GRILL ON ERF 989, SWAKOPMUND

(C/M 2020/01/30 - E 989)

RESOLVED:

CO: P
GM: CS&HC

- (a) That consent to operate a Pub and Grill on Erf 989, Swakopmund be approved subject to the following conditions:
 - (i) *That Council reserves the right to cancel a consent use should there be valid complaints.*
 - (ii) *That the Pub and Prop Pub and Grill registers with the Health Services Department and that the standard Health Regulations will apply.*
 - (iii) *That the applicant must operate within the Town Planning Scheme regulations.*
 - (iv) *That the consent granted is not transferable.*
- (b) That the objectors be informed of Council's decision and their right to appeal to the Minister against Council's Resolution in respect of resolution (a) 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.

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11.1.12

REZONING OF ERF 2575, SWAKOPMUND EXTENSION 8 FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF ONE DWELLING PER 900M² TO "GENERAL RESIDENTIAL 1" WITH A DENSITY OF ONE DWELLING PER 100M² AND CONSENT TO START THE CONSTRUCTION OF A BED AND BREAKFAST WHILE THE REZONING IS BEING FORMALLY PROCESSED

(C/M 2020/01/30 - E 2575)

GM: ES & TP

RESOLVED:

- (a) That Erf 2575, Swakopmund Extension 8 be rezoned from "*Single Residential*" with a density of one dwelling per 900m² to "*General Residential 2*" with a density of one dwelling per 100m², instead of "*General Residential 1*" with a density of one dwelling per 100m².
- (b) That consent to start the construction of a Bed and Breakfast while the rezoning is being processed be turned down.
- (c) That the rezoning of Erf 2575, Swakopmund Extension 8 be included in the next Swakopmund Amendment Scheme.
- (d) That the rezoning of Erf 2575, Swakopmund, Extension 8 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 & Town Planning Department for approval.
- (e) That all the parking provided on-site be in line with the Swakopmund Town Planning Scheme.
- (f) That the applicant applies for consent to operate a Bed and Breakfast as set out in the Accommodation Establishment Policy.
- (g) That the applicant be informed that she or 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.



11.1.13

REZONING OF ERF 153, MONDESA FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF ONE DWELLING PER 300M² TO "GENERAL BUSINESS" WITH A BULK OF ONE AND CONSENT TO COMMENCE RETAIL OPERATIONS WHILE THE REZONING IS BEING FINALIZED

(C/M 2020/01/30 - M 153)

GM: ES & TP

RESOLVED:

- (a) That Erf 153, Mondesa be rezoned from "*Single Residential*" with a density of one dwelling per 300m² to "*General Business*" with a bulk of 0.6, instead of "*General Business*" with a bulk of 1.0.
- (b) That consent to commence retail operations while the rezoning is being finalized be approved.
- (c) That the rezoning of Erf 153, Mondesa be included in the next Swakopmund Amendment Scheme.
- (d) That the rezoning of Erf 153, Mondesa be subject to a betterment fee calculated according to the betterment fee policy of 2009 and be paid by the applicant before the item is included in the next Swakopmund Amendment Scheme.
- (e) That all the parking be provided on-site in line with the Swakopmund Town Planning Scheme.
- (f) That the applicant be informed that she or 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.

11.1.14

APPLICATION FOR THE SUBDIVISION OF THE REMAINDER OF ERF 577 TAMARISKIA EXTENSION 2 INTO PORTION A AND REMAINDER, PERMANENT CLOSURE OF PORTION A AS PUBLIC PLACE AND THE REZONING OF PORTION A FROM "LOCAL AUTHORITY" TO "GENERAL BUSINESS"

(C/M 2020/01/30 - T 577)

GM: ES & TP

RESOLVED:

- (a) That the subdivision of the Remainder of Erf 577, Tamariskia into Portion A measuring 2231m² and Remainder be approved.
- (b) That the permanent closure of Portion A (a portion of the Remainder of Erf 577, Tamariskia, Extension 2) as public place be granted.
- (c) That the rezoning of Portion A (a portion of the Remainder of Erf 577, Tamariskia, Extension 2) from "*Local Authority*" to "*General Business*" with a bulk of 2.0 be granted.

[Handwritten signature]

- (d) That the rezoning of Portion A (a portion of the Remainder of Erf 577, Tamariskia, Extension 2) be included in the next Swakopmund Amendment Scheme.
- (e) That all the parking be provided on-site in line with the Swakopmund Town Planning Scheme.
- (f) That no access be permitted to connect from Daniel Kamho Street.
- (g) That a right of way servitude be surveyed and registered over the Remainder of Erf 577, Tamariskia, Extension 2 in favour of Portion A (a portion of the Remainder of Erf 577, Tamariskia, Extension 2).
- (h) That a Power of Attorney be granted to the applicant upon Council's approval to submitted to Townships Board.
- (i) That Council amends points (a) and (c) of Council Resolution C/M 2019/06/27-T577;19.03.03 under item number 11.1.11 to approve the sale of Portion A at a calculated cost instead of 2200m², and that once the said Portion is surveyed, Council work out the purchase price accordingly.
- (j) That the applicant be informed of his/her right to appeal the Council decision (c) and (j) 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.

11.1.15

APPLICATION FOR THE RELAXATION OF ON-SITE PARKING ON ERF 4341, MONDESA AND CONSTRUCTION OF ADDITIONAL PARKING SPACES ON ERVEN 4340 OR 4343 MONDESA

(C/M 2020/01/30 - M 4341)

RESOLVED:

GM: ES & TP

- (a) That the General Manager: Engineering and Town Planning Services' proposal of distributing the 19 parking bays amongst the seven (7) owners as per item 11.1.4 of C/M 2014/10/02 - M 138 be approved.
- (b) That the application for relaxation of on-site parking on Erf 4341, Mondesa and permission to construct additional parking spaces on the reserved erven in order to supplement the deficit be approved on condition:
 - That the applicant construct the two (2) parking bays on Erf 4340, Mondesa, subject to Council's standards and other requirements that may need to be adhered to.



- That the applicant leases the remaining seven (7) from Council on the Rem Erf 138.
- (c) That the approval for relaxing parking provisions on Erf 4341 Mondesa as per the plans (on file) only become effective once ownership of the Erf is transferred into the name of Mr Lukas Tuhafeni Shitumbapo.
- (d) That if the applicant does not agree with the recommendation in (b) the applicant down scales their development proposal to accommodate the parking deficit.
- (e) That the construction of two (2) parking bays on Erf 4340, Mondesa be at the cost of the developer.
- (f) That the construction of two (2) parking bays on Erf 4340, Mondesa be by the constructor of the developer, however, subject to Council's standards and other requirements that may need to be adhered to.

11.1.16 **APPLICATION FOR THE BUILDING LINE RELAXATION ON ERF 4597, SWAKOPMUND**
(C/M 2020/01/30 - E 4597)

RESOLVED:

GM: ES & TP

- (a) That the objection by the owner of Erf 4598, Swakopmund is invalid and be disregarded.
- (b) That the building line on Erf 4597, Swakopmund Extension 9 be relaxed from three (3) meters to zero (0) meters away from Erf 4598, Swakopmund, Extension 9.
- (c) That the objector be informed of their right to appeal to the Minister against Council's Resolution 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.

11.1.17 **APPLICATION FOR RELAXATION OF LATERAL BUILDING LINES ON ERF 4929, SWAKOPMUND (EXTENSION 14)**
(C/M 2020/01/30 - E 4929)

RESOLVED:

GM: ES & TP

That this item be withdrawn and be resubmitted to the next Management Committee.


NMS

- 11.1.18 APPLICATION FOR THE HEIGHT RELAXATION OF THE RESTRICTIONS OF THE STREET BOUNDARY WALL HEIGHT ON ERF 651, SWAKOPMUND
(C/M 2020/01/30 - E 651)

RESOLVED:

GM: ES & TP

- (a) That the street boundary height restriction for Erf 651, Swakopmund be relaxed from 1.8 metres to 3.3 metres 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 Services & Town Planning.

- 11.1.19 SUBDIVISION OF PORTION 79 OF PORTION 71 OF FARM 163 SMALLHOLDING INTO PORTION A AND REMAINDER AND REZONING OF PORTION A FROM "AGRICULTURE" TO "LOCAL AUTHORITY"
(C/M 2020/01/30 - SM 79)

RESOLVED:

GM: ES & TP

- (a) That Portion 79 (a portion of Portion 71 of Farm 163) Smallholdings be subdivided into Portion A and Remainder.
- (b) That Portion A be rezoned from "Agriculture" to "Local Authority" to accommodate a potable water reservoir.
- (c) That the construction of the reservoir is subject to an Environmental Impact Assessment as a listed activity.
- (d) That the rezoning of Portion A be included in the next Amendment Scheme.
- (e) That by virtue of ownership, no betterment fee applicable.

- 11.1.20 EXTENSION 1, MATUTURA: RESERVATION OF STAFF ERVEN
(C/M 2020/01/30 - G 3/3/2, C 3/1, G 4/1)

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council randomly reserves 26 (10%) of the smallest erven located in Extension 1, Matutura for allocation to qualifying employees at a purchase price of N\$300.00 / m²; subject to the approval by the Ministry of Urban and Rural Development.
- (b) That the 26 erven in Extension 1, Matutura be allocated according to years of service.



- (c) That should the sale for an erf be cancelled, the erf be allocated to the next qualifying employee on the list according to years of service.
- (d) That permission to proceed with the sale of these erven be obtained from the honourable Minister of Urban and Rural Development, in terms of section 30 (1) (t) of the Local Authorities Act, Act 23 of 1992, as amended.

11.1.21

ERF 3978, EXTENSION 9, MONDESA: MR JOSEPHAT REINHOLD (STAFF MEMBER)

(C/M 2020/01/30 - M 3978, M 3696)

RESOLVED:

CO: P
GM: CS&HC

- (a) That the request of Mr J Reinhold dated 14 November 2019, to sell Erf 3978, Mondesa to a third party not be approved.
- (b) That it be noted that a house was not constructed on Erf 3978, Mondesa as required in terms of clause 8.5 of the deed of sale.
- (c) That a separate submission be tabled regarding the status of development by employees who were allocated erven in Extension 9, Mondesa during 2013.
- (d) That Council exercise it's right in terms of the title deed of Erf 3978, Mondesa and repurchase the erf from Mr J Reinhold at N\$50 181.00 plus all costs to retransfer the property to Council.
- (e) That approval be requested from the Ministry of Urban and Rural Development in terms of Section 64 of the Local Authorities Act 23 of 1992, as amended to purchase Erf 3978, Mondesa from Mr J Reinhold.
- (f) That the erf be offered to the employees according to years of service listed for the sale of 2013 Extension 9, Mondesa at a price including the costs incurred for the retransfer.
- (g) That it be noted that the Ministry of Urban and Rural Development on 22 August 2013 approved the reservation and sale of Erf 3978, Mondesa to an employee in terms of Council's resolution passed on 27 June 2013 under item 6.1.3 which provides for the re-allocation of the erf to a next qualifying employee according to years of service.

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11.1.22

AMENDMENT OF COUNCIL'S RESOLUTIONS RE THE SCIENTIFIC SOCIETY (MUSEUM):

- ① INDEFINITE PERIOD FOR THE MUSEUM AREA OF THE BUILDING
 ② NOTICE TO VACATE THE CAFÉ AREA OF THE BUILDING AND OUTSIDE SEATING

(C/M 2020/01/30 - 13/3/1/6, 19.03.08, E 10028)

RESOLVED:

CO: P
GM: CS&HC

- (a) That the Engineering Services and Town Planning Department provides a plan of Erf 10028, Swakopmund indicating the sizes of the Museum Area of the building, the Café Area of the building and the location of the Outside Seating Area.
- (b) That the following amendments be made to item 11.1.19 with regard to the Museum Area of the building on Erf 10028, Swakopmund:

(i) Point (a):

Current wording:

- (a) That the parties agree that indefinite lease period for the lease of the museum building on Erf 10028, Swakopmund by the Scientific Society be terminated upon date of last party signing the notarial lease agreement.

Amended wording:

- (a) That the parties agree that the indefinite lease period for the lease of the Museum Area of the building on Erf 10028, Swakopmund by the Scientific Society be terminated upon date of last party signing the notarial lease agreement.

(ii) Point (c):

Current wording:

- (c) That approval be granted to Scientific Society Swakopmund to enter into a new lease agreement to lease Erf 10028, Swakopmund (new property description), measuring 2 660m² for a period of 15 years for the purpose of a museum and café area of ±69.50m² in size.

Amended wording:

- (c) That approval be granted to Scientific Society Swakopmund to enter into a new lease agreement to lease the Museum Area of the building located on Erf 10028, Swakopmund (new property description), for a period of 15 years for the purpose of a museum.

(iii) Point (e):

Current wording:

- (e) That Erf 10028, Swakopmund (2 660m²) be leased at a nominal fee of N\$500.00 per annum.

Amended wording:

- (e) That the Museum Area of the building located on Erf 10028, Swakopmund be leased at a nominal fee of N\$500.00 per annum.

- (iv) That point (j) of item 11.1.19 of Council's resolution passed on 31 October 2019 be deleted as Council under point 11.1.20 terminated the lease of the Café Area and Outside Seating Area.

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NNS

- (v) *That point (m) of item 11.1.19 of Council's resolution passed on 30 October 2019 be deleted as a nominal rental amount was decided under point (e) of the same item.*
- (c) That the following amendments be made to item 11.1.20 with regard to the Cafe Area and Outside Seating of the building on Erf 10028, Swakopmund:
- (i) *Point (b):*
- Current wording:*
- (b) *That Council invites expression of interest for the leasing of the Café Area from the public.*
- Amended wording:*
- (b) *That Council invites expression of interest for the leasing of the Café Area and Outside Seating Area (pavement) from the public.*
- (ii) *That the lease periods for the Scientific Society Swakopmund for these two areas terminates upon finalization of the process of inviting expressions of interest.*

11.1.23

CAFETERIA: PROPOSAL DOCUMENT

(C/M 2020/01/30 - E 1/1, 13/3/1/10)

RESOLVED:

CO: P
GM: CS&HC

- (a) That proposals be invited from the public for the lease and management of the Municipal Cafeteria based on similar conditions as per Annexure "A", (on file).
- (b) That the lease be for a period of five (5) years at a nominal rental of N\$1 147.99 + 15% VAT (N\$172.19) = N\$1 320.19 per month (including water and electricity), which amount escalates annually with 10% on 01 July, the first being 2021.
- (c) That it be a condition of lease that the lessee fumigates the premises every six months to ensure proper pest control to the satisfaction of Council.

11.1.24

REVISED PROGRAMME FOR ORDINARY MONTHLY MANAGEMENT COMMITTEE AND COUNCIL MEETINGS FOR 2020

(C/M 2020/01/30 - A 2/3/1/1)

RESOLVED:

CO: A
GM: CS&HC

That the revised programme for the Ordinary Management Committee and Council meetings for the period January until November 2020 as per Annexure "A" (on file), be approved.

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11.1.25

FOLLOW-UP ON THE OBJECTION AGAINST THE SALE OF A PORTION OF PORTION 5 OF SWAKOPMUND TOWN AND TOWNLANDS TO ELIZE INVESTMENTS (PTY) LTD (MS MUPUPA)

(C/M 2020/01/30 - 16/1/4/2/1/2)

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

RESOLVED:

CO: P
GM: CS&HC

- (a) That Council takes note of the letters received from the Honourable Minister of Urban and Rural Development directing Council to allocated land to Ms H Mupupa.
- (b) That Council remains with its decision passed on 27 June 2019 under item 11.1.19 as no unserviced land is available.
- (c) That in addition to point (b), Council commits to allocate a portion of land to Ms H Mupupa based on the instruction by the Honourable Minister of Urban and Rural Development once a portion of land is formalized.


13.

DRAFT REGULATIONS AND TARIFFS, IF ANY

None.

The meeting adjourned: 19:40

Minutes confirmed on: 27 February 2020


Councillor N N Salomon
MAYOR

AK/


A Benjamin
CHIEF EXECUTIVE OFFICER