

AGENDA

Ordinary Council Meeting

on

MONDAY

30 AUGUST 2021

at

09:00



MUNICIPALITY OF SWAKOPMUND



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Ref No 5/2/1/1/2

Enquiries: Uanjenguaije Tjiurutue

18 August 2021

The Mayor and Councillors
Municipality
SWAKOPMUND

Dear Sir / Madam

NOTICE: ORDINARY COUNCIL MEETING

Notice is hereby given in terms of Section 14(1)(c) of the Local Authorities Act of 1992, Act 23 of 1992 as amended, of an **ORDINARY COUNCIL MEETING** to be held:

DATE : MONDAY, 30 AUGUST 2021

**VENUE : COUNCIL CHAMBERS, MUNICIPAL OFFICE BUILDING,
C/O RAKOTOKA STREET AND DANIEL KAMHO AVENUE,
SWAKOPMUND**

TIME : 09:00

**A Benjamin
CHIEF EXECUTIVE OFFICER**

AK/-

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6.1	Long Service Awards.				
7.	<u>PETITIONS</u> None.				
8.	<u>MOTIONS OF MEMBERS</u> None.				
9.	<u>ANSWERS TO QUESTIONS OF MEMBERS OF WHICH NOTICE WAS GIVEN</u> None.				
10.	<u>REPORT OF THE MANAGEMENT COMMITTEE REFERRED TO IN SECTION 26(1) (E) OF THE ACT</u>				
10.1	<u>REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING AUGUST 2021</u>				
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11. **RECOMMENDATION OF THE MANAGEMENT COMMITTEE**11.1 **MANAGEMENT COMMITTEE MEETINGS HELD ON 12 AND 19 AUGUST 2021**

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11.1.11	Application For Relaxation Of Lateral Building Lines On Erf 2345, Swakopmund	19.03.09.2345, E 2345	87
11.1.12	Application For Consent Use To Operate A Pension On Erf 1283, Swakopmund Extension 3	19.03.08.1283, E 1283	105
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12. **REPORTS AND RECOMMENDATIONS OF COMMITTEES OR THE CHIEF EXECUTIVE OFFICER**

None.

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

None.

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MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 29 July 2021 at 09:00.**

PRESENT:

Councillor L N Kativa	:	Mayor
Councillor D Am-!Gabe	:	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 MC
Councillor M Henrichsen	:	Alternate Member of MC
Councillor E Shitana	:	Member of Council
Councillor S Kautondokwa	:	Member of Council
Councillor H H Nghidipaya	:	Member of Council

OFFICIALS:

Mr A Benjamin	:	Chief Executive Officer
Mr C McClune	:	GM: Engineering and Planning Services
Mr H !Naruseb	:	GM: Finance
Mr A Plaatjie	:	Acting GM: Corporate Service &HC
Ms L N Mutenda	:	Acting GM: Health Services & SWM

ALSO PRESENT:

None.

1. SCRIPTURE READING AND OPENING BY PRAYER

Ms L N Mutenda opened the meeting with a prayer.

2. ADOPTION OF THE AGENDA OF THE MEETING OF COUNCIL

On proposal of Councillor B R Goraseb seconded by Councillor P N Shimhanda, it was:

RESOLVED:

That the agenda be adopted.

CO: A Acting GM: CS&HC

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

3.1 Application for leave of absence:

None.

3.2 Declaration of interest:

None.

4. **CONFIRMATION OF MINUTES**

(C/M 2021/07/29 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 01 JULY 2021**

On proposal of Councillor C-W Goldbeck seconded by Councillor M Henrichsen, it was:

RESOLVED:

CO: A
Acting GM: CS&HC

That the minutes of the Ordinary Council Meeting held on 29 July 2021, be confirmed as correct.

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

(C/M 2021/07/29 - A 2/3/5)

Honourable Councillors, The Chief Executive Officer, Mr Alfeus Benjamin, General Managers, Managers, Officials, Members Of The Media, Ladies And Gentlemen, All Protocol Observed

Good morning and welcome to the council meeting and announcements for the month of July.

Honourable Councillors, Ladies and Gentlemen

On the 16th of July 2021, 16 shacks burnt down in the DRC location. according to our internal fire report, the fire was caused by the lighting of match sticks and throwing this towards the LPG gas bottle which exploded as a result.

This is a sad situation which caused the families to be homeless as all their belongings were destroyed by this fire. fortunately, no fatalities were recorded.

Ladies and Gentlemen

I wish to commend the Municipality, specifically the Fire Response Team for a quick response to the site and controlling the situation.

As Council, we held a debriefing meeting where the key learnings were discussed. As Council, we wish to reassure the community of our commitment to deliver quality service for our residents.

The victims were relocated to the Mondesa stadium and provided with tents, blankets and mattresses. Council further has purchased building materials worth N\$81 000.00 to assist the victims to rebuild their structures.

Ladies and Gentlemen

The response from the community of Swakopmund has indeed been remarkable. and therefore, i wish to thank each and every stakeholder which was involved in ensuring that the victims are assisted swiftly.

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Please allow me to express our heartfelt gratitude to the following stakeholders for their generous donation towards this cause:

- The Office of the Governor
- The Office of the Constituency Councillor
- The Ministry of Home Affairs for Facilitating the Registration Documents for the Victims
- The Office of the Mayor: Walvisbay Council
- Standard Bank for Their Generous Donation of Food Parcels and Blankets
- Namibia Breweries Company
- The Women Empowerment Group from DRC
- Mr. Richard van der Ploeg and Various Community Members.

may the almighty richly bless you for your selflessness and eagerness to assist those in need.

Honourable Councillors, Ladies and Gentlemen,

Furthermore, Council provided the victims with an opportunity to decide whether they would like to remain at the old site or whether they wish to move to the Wagdaar location. we are pleased to inform you that this process has been completed.

Honourable Councillors, Ladies and Gentlemen

It is imperative to note that we are living in trying times and we all feel hopeless. many families have lost their loved ones and many are still battling with Covid-19 related infections. Therefore, as Council, we wish to urge our community members to please get vaccinated. The office of the governor has implemented a vaccination campaign and thus, I encourage our residents to get vaccinated in order to avoid serious symptoms and hospitalisation which could result from the Covid-19 infection.

Please stay safe and let us continue to adhere to the regulations set out to ensure the safety of ourselves and those around us.

That is all we had for today.

Louisa Kativa
Mayor

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

None.

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

11. RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE MEETINGS HELD ON 15 AND 20 JULY 2021

10. REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS MANAGEMENT COMMITTEE MEETINGS HELD DURING JULY 2021

RESOLVED:

CO: A
Acting GM: CS&HC

That the Management Committee resolutions of 15 and 20 July 2021 be noted.

11. RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE

11.1 MANAGEMENT COMMITTEE MEETING HELD ON 15 AND 20 JULY 2021

11.1.1 TERMINATION OF A LEASE AGREEMENT OF MESSRS KAZAK AFRICAN EXPERIENCE CULTURAL TOURISM CC FOR LEASING A PORTION OF ERF 1316 AND ERF 2747, SWAKOPMUND
(C/M 2021/07/29 - E 2747, 1316)

RESOLVED:

CO: P
GM: F
Acting GM: CS&HC

- (a) That Council takes note that all outstanding rental arrears owed by Kazak African Experience Cultural Tourism CC in respect of leasing a portion of Erf 1318 and Erf 2747, Swakopmund are written off in terms of the incorrectly worded decision passed under point (b) of Council's decision of 29 April 2021, Item 11.1.1.

- (b) That point (b) of Council's decision of 29 April 2021, Item 11.1.1. be repealed and amended to read as follows:

That the Finance Department endeavours to recover the outstanding arrears less the amount written off by Council per resolution dated 29 August 2019 under item 11.1.2 point (d).

- (c) That Council invites development proposal from the public to lease a portion of Erf 2747 and Erf 1316, Swakopmund as resolved by Council on 29 April 2021 under point (e) of Item 11.1.1.

11.1.2 CANCELLATION OF A TRANSACTION: ERVEN 2747 AND 2748, EXTENSION 13 TO BLACK RIVER INVESTMENT CC
(C/M 2021/07/29 - E 2747 M, E 2748 M)

RESOLVED:

CO: P
GM: F
Acting GM: CS&HC

- (a) That Council takes note that Messrs Black River Investment CC did not provide proof of financial support to date as required in terms of the Management Committee decision passed on 21 April 2021, item 5.10 and that the sale of Erf 2747 and 2748, Matutura to Messrs Black River

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Investment CC is cancelled accordingly in terms of Clause 11 of the Deed of Sale.

- (b) That the remainder of the deposit paid, in the amount of N\$10 000.00 for registration fee and N\$30 000.00 in respect of rates and taxes be forfeited in terms of clause 11.2 of the signed sale agreement.
- (c) That Messrs Black River Investment CC be informed of the cancellation by Council.
- (d) That Erven 2747 and 2748, Matutura be sold by closed bid on the date to be determined by Council at the upset price of N\$755 782.65 for both erven.

11.1.3

EXTENSION OF THE TERM OF THE DECENTRALISED BUILD TOGETHER COMMITTEE SWAKOPMUND

(C/M 2021/07/29 - 14/2/1/2, E 3322)

CO: H
CEO
All GMs
Acting GM: CS&HC

RESOLVED:

- (a) That Council approves the extension of the term of office of the following Build Together Beneficiaries of the Decentralized Build Together Committee for a further 3 years:
 - Mr Jesaja Herberth Aibeb
 - Ms Diana Eises
 - Ms Janette Fredericks
- (b) That the following members serves on the Decentralized Build Together Committee for a period of three (3) years:
 - Chief Executive Officer
 - General Manager: Corporate Service & HC
 - General Manager: Economic Development Services
 - General Manager: Engineering and Planning Services
 - General Manager: Finance
 - General Manager: Health Services and SWM
 - One Community Activist
- (c) That Management Committee considers approving the extension of the term of the NGO / CBO representatives as identified by NANGOF:
 - Ms M D Booysen
 - Ms S Simon
 - Ms H Mauha
- (d) That Ministry of Urban and Rural Development be informed of the decision.

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11.1.4

EXEMPTION FROM PAYMENT OF ASSESSMENT RATES

(C/M 2021/07/29 - 3/4/1/2)

RESOLVED:

CO: P
GM: F
Acting GM: CS&HC

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

Erf Number	Organisation / Body	Purpose For Which The Erf Is Used
Erf 6647, M Ext 25	DRC Women's Community Project	Community Project
Erf 603, M	St. Raphael Church	Place Of Worship
Erf 3355, Swk	Palm Court Retirement Village	Retirement Village
Erf 356, S	Marie Douglass Helm	Old Age Home
Erven 4264 & 1729	Swakopmund Baptist Church	Place Of Worship
Erven 1772 & 1774	Private School Swakopmund	Educational
Erf 5158	Nederduitsch Hervormde Church	Place Of Worship
Erf 1512, S	Voortrekkers	Educational
Ext 21	Pro-Ed AKademie	Educational
Erf 776	A.M. E Church	Place Of Worship
Erf 4368	Ebenezer Gemeente	Place Of Worship
Erf 598,206	Swakopmund Congregational Church	Place Of Worship
Erven 4347 & 1544 M	Swakopmund COSDEC	Training Institution
Erf 1613	Scientific Society Swakopmund	Scientific Development & Educational
Erf 5845	Believer's Fellowship Ministry	Place Of Worship
Erven 2108 & 681	The Old Apostolic Church	Place Of Worship
Erf 1111	Evangelical Mission Church	Place Of Worship
Erf 602, M	Evangelical Lutheran Church	Place Of Worship
Erf 4371	Evangelical Bible Church	Place Of Worship
Reminder of Erf 1759	Evangelische Stadtmission	Place Of Worship
Erven 614 & 567	A F M Tamariskia	Place Of Worship
Erf 3572, S	Reiterverein Swakopmund	Horse Riding Club
Erf 508	NG Kerk Swakopmund	Place Of Worship
Erf 622,783 T & 4688 S	Rhenish Church	Education & Training Of Youth
Erf 449	Owato Parish	Place Of Worship
Erf 4551	St. Boniface Anglican Church	Place Of Worship
Erf 7041	Uhili Necessity wellness trust	Community Supervision Centre
Erf 521	Blood Transfusion Service	Collecting Blood From Donors & Distributing To Hospitals
Erf 4650	Stepping Stone School	Educational
Erf 8680	A G S Filadelfia Swakopmund	Place Of Worship
Erf 782, T	Jehovah's Witnesses	Place Of Worship
Erf 3534 & 4234	Deutsche Pfadfinder	Youth Organisation
Erf 4633	AFM of Namibia	A Pastor's Residence
Erven 236, 612,	Full gospel church of God	Place Of Worship
Erf 2649	Swakopmund Methodist Church	Place Of Worship
Erf 2605	West Side High School	Educational
Erf 1624	Namib High School	Educational
Erf 461	Swakopmund Secondary School	Educational
Erf 247	Namib Primary School	Educational
Erf 47, T	Tamariskia Primary School	Educational
Erf 1	Vrede rede Primary School	Educational
Erf 1	Festus Gonteb Primary School	Educational
Erf 3646	Hanganeni Primary School	Educational
Erf 540	Atlantic Primary School	Educational
Erf 1968	Swakopmund Primary School	Educational
Erf 629	Herman Gemelner School	Educational
Erf 127	Teachers Resource Centre	Educational
Erf 461	House Akasia	School Hostel
Erf 3565	Ernst Rumpf Hostel	School Hostel
Erf 1308	Woermann House	Library
Erf 461	Namib Hostel	School Hostel
Erf 1624	House Romi Hostel	School Hostel
Erf 255 & 256	Hofmeyer Hostel	School Hostel
Erven 1327,1949 & 2599	Regional Director of Education, Arts and Culture	Educational
Erven 183 & 491	Deutsche Evang-Luth Gemeinde	Kindergarten & Church Service

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Erf Number	Organisation / Body	Purpose For Which The Erf Is Used
Erf 3758 & E 10035	Tierschutzverein (S. P. C. A) Swakopmund	Looking After Stray / Homeless Dogs
Erf 4367	Oruano Church	Community Service
Erven 723, 724, 725, 726 & 728	Deutscher Schulverein Swk	Hostel
Erf 2781, 801 & 4200	Wo13 Lions Old age home	Old Age Home
Erf 763, 309	New Apostolic Church	Place Of Worship
Erf 910, 779	Pentecostal Assemblies of God	Place Of Worship
Erf 4324	Happy Du Children Charity Organisation	Welfare Purposes
Erven 3669, 3668	Antonius Residence Trust	Old Age Home
Erf 949, S 24, T & 284, M	Sigill Ecclesine Catholic	Worship Service
Erf 63	Mondesa Youth Opportunities Trust	Worship Services
Erf 620	Rossing Foundation	Educational
Erven 195 & 196 A, 5065, 5064, 5063	The mission Benedictine Sister's	Sisters Living Quatres
Re of Erf 196	House Stella Maris	Living Quarters Of Holy Cross Community
Erf 305, 801, 800, 588	United Reformed Church	Place Of Worship
Erf 986	Shalom Pentecostal Church	Place Of Worship
Erf 5824	Shofar Christian Church	Place Of Worship

- (b) That the exemption of payment of assessment rates be credited with effect 1 July 2021 where applicable.

11.1.5 **OBJECTIONS AGAINST THE SALE OF ERF 4770, (PORTION OF ERF 4326) MONDESA TO HAFENI TOURISM GROUP (PTY) LTD**
(C/M 2021/07/29 - M 4770)

During the discussion of this item, Councillor H H Nghidipaya declared his interest in the matter and left the Chambers.

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council takes note of the objection received against the sale of Erf 4770 (portion of Erf 4326) Mondesa to Hafeni Tourism Group (Pty) Ltd for the development of a hotel and traditional restaurant.
- (b) That Council rejects the objection received as it is without merit, with the following comments:
- The objection does not reveal any new grounds to counter or review the cancellation of the sale of Erf 4326, (portion of Erf 63) Mondesa
 - The transaction which Mr Kambueshe is referring to was cancelled more than 6 years ago and Mr Kambushe had more than enough opportunity to act on it.
- (c) That Council's comments be submitted to the Ministry of Urban and Rural Development as required in terms of Section 63 (3) (b) of the Local Authorities Act 23 of 1992 as amended for consideration.
- (d) That the Acting General Manager: Corporate Services & HC investigates the accusations and allegations and responds as appropriate including consulting Council's Attorney, where necessary.

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- 11.1.6 **APPLICATION FOR EXTENSION OF TIME TO SETTLE DEPOSITS REQUIRED FOR PRIVATE TRANSACTIONS: PS HSE CONSULTING AND TRADING ENTERPRISES CC**
(C/M 2021/07/29 - M 1152, E 8440, E 8441, E 8442)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council approves the application by PS HSE Consulting and Trading Enterprises CC for an extension of time to settle the 2 deposits in the total amount of N\$20 000.00 required for the private treaty sales of Erven 8440 and 8441 in terms of Council's decision passed on 25 March 2021 under item 11.1.4, point (k) (i) and (ii).
- (b) That an extension of time until 31 August 2021 be granted to settle the deposits in the amount of N\$20 000.00.

- 11.1.7 **APPLICATION TO DEVELOP PARKING SPACE ON A "PUBLIC OPEN SPACE" IN LIEU OF THE ON-SITE PARKING DEFICIT ON ERF 8926, SWAKOPMUND**
(C/M 2021/07/29 - 19.03.08.8926,9083)

GM: EPS

RESOLVED:

- (a) That the applicant takes note that it is the property owner's responsibility to provide adequate on-site parking as per the provisions of the Swakopmund Zoning Scheme.
- (b) That the application for the construction of thirty (30) parking bays on Erf 9083, Swakopmund Extension 35 in lieu of on-site parking bays provision on Erf 8926, Swakopmund Extension 35 be turned down.
- (c) That the developer instead be instructed to scale down the development to a size that will accommodate the required number of on-site parking bays or find a suitable alternative site where parking provision would be adequate as indicated herein.
- (d) That Council deems the proposed business venture significant in terms of economic value for the future of Swakopmund, and the applicant be offered the option below:
- (i) The applicant reduces the deficiency in parking bays to a maximum of six (6) to be accommodated on Erf 9083, and leased by the owner of Erf 8926, Swakopmund and the rest be provided on-site.
 - (ii) In addition, the developer develops the rest of Erf 9083, Swakopmund as a recreational park with adequate parking provision to the satisfaction of the General Manager: Engineering and Planning Services.
- (e) That the current developmental proposal on Erf 8926, Swakopmund only be considered on condition that the developer agrees to the above offer.
- (f) That the building plans only be approved if the General Manager: Engineering and Planning Services is satisfied that the parking provision is compliant with this resolution

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11.1.8 **APPLICATION BY GROUPS FOR LAND (LOW COST HOUSING)**
(C/M 2021/07/29 - 14/2/1/2)

RESOLVED:

CO: H
Acting GM: CS&HC

- (a) That it is proposed for Portion 182 and 183 to be considered for allocation to the groups:

- Harambe Housing Group (Annexure "B")
- Movement Housing Group (Annexure "C")
- Build Together Housing Group (Annexure "D")

based on the Flexible Land Tenure Act. No 4 of 2012.

- (b) That the groups submit a constitution establishing a minimum level of oversight over their operations.
- (c) That the groups join the Namibia Housing Action Group (NHAG) for application under the People Housing Processes (Community Self-Help Housing) sub-programme which targets communities participating in housing savings schemes.
- (d) That should the application by the three groups be approved, the conditions of sale be submitted for approval.
- (e) That it be noted that a total of 59 of the 739 names listed do not have ID Numbers for verification purposes and that they be given reasonable time to submit ID Numbers, otherwise they cannot be part of this group.
- (f) That it be noted that some members do not appear on the master list.
- (g) That should the application of the groups be approved; Council enters into a Memorandum of Understanding with all parties.

11.1.9 **AVAILABILITY OF INDUSTRIAL ERVEN IN EXTENSION 10, SWAKOPMUND**
(C/M 2021/07/29 - E 4813 R0, E 4843 R0, E 4809, E 4873, E 4874, E 4875)

RESOLVED:

CO: P
GM: EPS
Acting GM: CS&HC

- (a) That Council takes note that the sale of 9 erven located in Extension 10 (industrial area) is published in terms of Notice 30/2021 and the sale is scheduled for Friday, 06 August 2021.
- (b) That Council amends point (f) (ii) of its decision passed on 25 March 2021 under item 11.1.18 to read as follows:
- “(f) (ii) ~~No rates and taxes be levied for a period of 24 months from date of sale / until date of a completion certificate being issued (whatever is later in time).~~
- (f) (ii) That Council obtains permission from the Ministry of Urban and Rural Development in terms of section 75A of the Local Authorities Act 23 of 1992 to reduce the rates

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and taxes (exclusive of services) on the erven and to refund the purchasers of the 9 industrial erven up to a maximum of 80% of the rates and taxes upon application by the purchaser levied from date of sale and calculated over a maximum period of 24 or 36 months; subject thereto that the purchaser obtains a completion certificate within 24 months from date of transfer.

(aa) That the reduction be based on how quickly the purchaser completes the improvements, the value of improvements, when the purchaser applies for this incentive.

(bb) That a rebate be applicable for 24 months from date of sale as follows:

1. Completion Certificate must be issued within 24 months from date of transfer (in addition to point (p) of Council's resolution passed on 25 March 2021 under item 11.1.18), the rebate on rates and taxes will be as follows if a Completion Certificate is issued:

• within 6 months	=	40%
• within 12 months	=	30%
• within 18 months	=	20%
• within 24 months	=	10%

11.1.10 APPLICATION FOR A HANGAR SPACE: HANGAR 30

(C/M 2021/07/29 - 18/1/1/2, Hangar 30)

RESOLVED:

CO: P
Acting GM: CS&HC

(a) That point (c) of item 11.1.28 of Council's resolution passed on 28 November 2019 be amended as follows:

(c) That the rental tariffs be for the 2019 / 2020 Financial Year: commercial use (N\$5.68/m²) and private use (N\$4.44/m²).

(b) That Hangar 30 at the airport be leased to Bain Family Trust subject to Council's standard lease conditions contained in the lease agreement.

11.1.11 TRANSFER OF BUILD TOGETHER ERF OF THE LATE MS HILKA TUUFILWA JOHANNES

(C/M 2021/07/29 - M 1716)

CO: H
Acting GM: CS&HC

RESOLVED:

(a) That Council takes note of the court order dated 28 February 2014 and transfer Erf 1716 to Mr Allen Tuhafeni Shapwa ID No: 950824 0103 4.

(b) That Mr Allen Tuhafeni Shapwa be kept liable for the transfer costs.

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- 11.1.12 **MR F ANJAMBA: REQUEST FOR AN ERF**
(C/M 2021/07/29 - M 1994)

CO: H
GM: EDS
Acting GM: CS&HC

RESOLVED:

- (a) That Mr F Andjamba reports the matter to the Divisional Head of Drug Law Enforcement or the Regional Co-ordinator in Walvis Bay or the Head of Nampol.
- (b) That Mr Andjamba be informed that Council does not have a house available.
- (c) That the Neighborhood Watch be requested to expand their services to all parts of Swakopmund.

- 11.1.13 **APPLICATION BY DR CHRIS FOURIE FOR A HANGAR SITE: HANGAR 74**
(C/M 2021/07/29 - 18/1/1/2, Hangar 74)

CO: P
Acting GM: CS&HC

RESOLVED:

- (a) That point (c) of item 11.1.28 of Council's resolution passed on 28 November 2019 be amended as follows:
 - (c) That the rental tariffs be for the 2019 / 2020 Financial Year: commercial use (N\$5.68/m²) and private use (N\$4.44/m²).
- (b) That Hangar 74 at the airport be leased to Dr Chris Fourie subject to Council's standard lease conditions contained in the lease agreement.

- 11.1.14 **APPLICATION FOR BUILDING LINE RELAXATION ON ERF 4949, SWAKOPMUND, EXTENSION 14**
(C/M 2021/07/29 - 19.03.08.4949, E 4949)

GM: EPS

RESOLVED:

- (a) That the relaxation of the lateral building line on Erf 4949, Swakopmund from three (3) metres to zero (0) metres be approved.
- (b) 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.

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11.1.15 **TRANSFER OF FUNDS - CAPITAL BUDGET 2021/ 2022:
ECONOMIC DEVELOPMENT SERVICES DEPARTMENT**

(C/M 2021/07/29 - 3/1/1/1/1, 14/2/3/3/5)

GM: EDS
GM: F

RESOLVED:

That funds budgeted for the following capital projects be transferred to the 2021 / 2022 financial year, so that the projects can be completed:

Project Description	Amount Approved	Vote Number/s	Progress
Businesses Database and Industrial Assessment Surveys (Economic Development Services)	600 000.00	450031010800 450031010900	Awarded
Construction of Basketball, Netball & Volleyball Courts	1 500 000.00 462 700.00	400531002600 400531003300	Awarded and in progress
Construction of Sewer line connection Tamariskia cemetery ablution block	1 500 000.00	250031003900	To be re-advertised
Architectural and Interior Decoration Consultancy Services to Revamp the Municipal Rest Camp	200 000.00	850031011000	Awarded and in progress

11.1.16 **REQUEST TO TRANSFER FUNDS AS CONTINUATION PROJECT TO THE CAPITAL BUDGET 2021/22: HEALTH SERVICES AND SOLID WASTE MANAGEMENT DEPARTMENT**

(C/M 2021/07/29 - 14/2/8/2)

GM: HSSWM
GM: F

RESOLVED:

That permission be granted to the General Manager: Finance to transfer the amount of N\$3 028 870.00 as continuation project for 2021 / 2022 financial year.

11.1.17 **APPLICATION TO PURCHASE AN ERF BY PRIVATE TREATY: MS D VAN RENSBURG**

(C/M 2021/07/29 - M4 E 399, M4 E 400, M4 E 373, M4 E 372)

RESOLVED:

CO: P
Acting GM: CS&HC

That Ms D van Rensburg be informed that Council considered her application dated 16 June 2021 and decided to remain with its decision passed on 30 November 2017 to sell the remaining erven zoned "Single Residential" located in Extension 1, Mile 4 by public closed bid sale.

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- 11.1.18 **CHANGE OF OWNERSHIP OF AVIATION FUEL ASSETS AT THE SWAKOPMUND AIRFIELD FROM SHELL TO SOUTHERN ENERGY COMPANY**
(C/M 2021/07/29 - N 9/1)

<p>Acting GM: CS&HC GM: F</p>

RESOLVED:

- (a) That the lease agreement (on file) be approved *in principle*.
- (b) That the General Manager: Finance calculates the appropriate amount to be levied in respect of arrear rental for the occupation of the site and royalties since 2010 and that the lessee be requested to make acceptable arrangements for the payment of the resulting amount.
- (c) That once agreement has been reached on the payment of the amount in (b) above, an environmental clearance certificate is in place, and the necessary changes have been made, the lease agreement (on file) be signed.
- (d) That the company provides Council with the quantities of fuel dispensed from commencement of operations to date.

-
- 11.1.19 **PROPOSAL RECEIVED FOR ESTABLISHMENT OF A UNIVERSITY**
(C/M 2021/07/29 - 16/1/4/2/1/15)

RESOLVED:

<p>CO: P Acting GM: CS&HC</p>

- (a) That Council approves the merits of the application by Omavala Trading & Enterprises to substantiate the amendment of Council's decisions to call for development proposals by allocating the Western half of the Martin Luther Wedge to Omavala Trading and Enterprise *in principle*.
 - (b) That the conditions of sale be re-submitted for approval along with the draft site layout of the proposed university to be provided the General Manager: Engineering & Planning Services Department.
 - (c) That the application for approval to commence with brickmaking be approved and that the General Manager: Engineering and Planning Services submits a site plan indicating the preferred site of the brickmaking project for Council's approval, along with the lease conditions.
 - (d) That other applicants for tertiary land be submitted for consideration.
-

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11.1.20 FEEDBACK: IMPLEMENTATION OF IPSAS REPORTING STANDARDS

(C/M 2021/07/29 - 3/3/2/2)

RESOLVED:

GM: F

That Council approves the Implementation of IPSAS Reporting Framework, and that budgetary provision be made accordingly, as set out hereunder:

PHASES	FINANCIAL YEAR	AMOUNT (N\$)
1	2021/2022	2 823 044.58
2	2022/2023	3 948 113.21
3	2023/2024	3 582 409.58
4	2024/2025	3 572 711.58
5	2025/2026	3 771 586.64

11.1.21 MESSRS HDF ENERGY (RENEWSTABLE ENERGY): APPLICATION FOR LAND

(C/M 2021/07/29 - 16/2/12/1/1)

RESOLVED:Acting GM: CS&HC
GM: EPS

- (a) That the Council takes note of the application by Messrs HDF Energy Renewable Swakopmund and the information (on file):

Annexure "A" : Letter dated 25 June 2021 referring to their letter dated 25 April 2021.
 Annexure "B" : Letter dated 25 April 2021.
 Annexure "C" : A presentation regarding the envisaged project.
 Annexure "D" : A presentation regarding the location of the site.
 Annexure "E" : The Curriculum Vitae of Mr Nicolas Lecomte.
 Annexure "F" : Letter of support from the Electricity Control Board.
 Annexure "G" : Letter of support from the Environmental Investment Fund of Namibia.
 Annexure "H" : Council's resolution of 27 February 2020 approving the sale of land by Private Treaty for the establishment of a dry port.

- (b) That Council approves the application *in principle* on condition:

- (i) That Messrs HDF Energy Renewable Swakopmund explain their application and the need for 400 ha portion of land in person.
- (ii) That Messrs HDF submit a letter of intent to enter into an off-take agreement, in respect of the energy to be generated, from Messrs Erongo RED and/or Nampower
- (iii) That the area be clearly identified by survey at the cost of Messrs HDF submit
- (iv) That Messrs HDF agree that no land will be transferred or leased until acceptable proof from the relevant organisations is submitted
- (v) That the finance options for the property be negotiated with the developer.

- (c) That once the conditions in (b) above have been met, a submission be tabled to Management Committee to determine a purchase or lease price and further conditions of the transaction.

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11.1.22 **PROPOSAL FOR PARTNERSHIP TO ACQUIRE AND DEVELOP INSTITUTIONAL LAND FOR A RESEARCH CENTER**

(C/M 2021/07/29 - Mat 519 and 5/4/2/5)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council approves the sale of Erf 519, Extension 2, Matutura to the International University of Management at a purchase price of N\$120.50 / m² = N\$1 711 220.50; which is a 50% subsidized price of the cost of installation of services in the amount of N\$241.00 / m².
- (b) That Council repeals points (e) and (f) of the Council resolution passed on 30 July 2020 under item 11.1.2:
 - (e) — That new valuations be requested for Erf 519, Matutura.
 - (f) — That once a purchase price is determined, Erf 519, Matutura be sold by closed-bid sale.
- (c) That the sale be subject to the standard conditions of sale for land to educational institutions as per Annexure "C" (on file) to this submission.
- (d) That the International University of Management be given 3 months from the date of the resolution to accept the purchase price and conditions of sale for Erf 519, Matutura.
- (e) That the proposed Memorandum of Understanding not be approved as Council offers to sell Erf 519, Extension 2, Matutura to the International University of Management which sale will be governed by a deed of sale in terms of the requirements set-out in Annexure "C" (on file).

11.1.23 **REPORT ON THE PERFORMANCE OF THE CONTRACTORS OF THE 40/40 HOUSING PROJECTS**

(C/M 2021/07/29 - 14/2/1/2)

RESOLVED:

CO: H
Acting GM: CS&HC

- (a) That Council takes note of the report on the 40/40 Housing Project.
- (b) That once the current list of contractors is exhausted, the General Manager: Corporate Services and HC must review the project e.g.:
 - (i) Allowing the beneficiaries to select their own bank approved contractors before an erf is allocated to them.
 - (ii) Determining design and building specifications.
 and submit to Council for consideration.
- (c) That the reviewed project plan be submitted to the Ministry of Urban and Rural Development for approval.
- (d) That the Ministry of Urban and Rural Development be approached to obtain permission for Council to construct houses.

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11.1.24 **TRANSFER OF RIGHTS: HANGAR 8**
(C/M 2021/07/29 - Hangar 8)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council approves the transfer of the rights of Hangar 8 from Strauss Group Construction CC to Mr Mr Gerhardus Daniel Jakobus Van Zyl, subject to the standard lease conditions for hangars at the aerodrome.
- (b) That the approval be subject to Messrs Strauss Group Construction CC's lease account is up to date.
- (c) That authority be delegated to the Chief Executive Officer to approve cessions and report to the Management Committee on a monthly basis.

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

None.

The meeting adjourned: 09:35.

Minutes to be confirmed on: 30 September 2021.

Councillor L N Kativa
MAYOR

A Benjamin
CHIEF EXECUTIVE OFFICER

11. RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE MEETINGS HELD ON 12 AND 19 AUGUST 2021

10. REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY PREVIOUS MANAGEMENT COMMITTEE MEETING HELD DURING AUGUST 2021

10 (A) MINUTES OF THE MANAGEMENT COMMITTEE MEETING HELD ON 12 AUGUST 2021

2.1 MINUTES OF THE ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 12 AUGUST 2021

On proposal of Councillor C-W Goldbeck on and seconded by Councillor P N Shimhanda it was:

RESOLVED:

CO: A
GM: CS&HC

That the Minutes of the Ordinary Management Committee meeting held on 15 July 2021 be confirmed as correct.

2.2 MINUTES OF THE ORDINARY MANAGEMENT COMMITTEE MEETING HELD ON 12 AUGUST 2021

On proposal of Councillor C-W Goldbeck on and seconded by Councillor P N Shimhanda it was:

RESOLVED:

CO: A
GM: CS&HC

That the Minutes of the Special Management Committee meeting held on 20 July 2021 be confirmed as correct.

7.2 BUSINESS DEVELOPMENT IN DRC
(M/C 2021/08/12 - EXT 28-31)

RESOLVED:

That the General Manager: Economic Development Services investigates the zoning aspect and report back to the Management Committee.

8.1 APPLICATION - SKATING RINK IN PARKING LOT BELOW CAFÉ ANTON AND NEXT TO TENNIS COURTS
(M/C 2021/08/12 - 16/2/9/1/2)

RESOLVED:

That the General Manager: Economic Development Services provide a diagram of location.

8.10 ERONGO RED: BOARD OF DIRECTORS REPORT ENDING JUNE 2021

(M/C 2021/08/12 - 11/1/4/17)

RESOLVED:

CEO

That the report submitted by Council's Erongo RED Board of Directors ending June 2021, be noted.

8.11 MAYORAL DEVELOPMENT FUND REPORT: JUNE AND JULY 2021

(M/C 2021/08/12 - 5/5/5/2)

RESOLVED:

CEO

That the Report of the Mayoral Development Fund for the month of June and July 2021 be noted.

10.1 REMOVAL OF WINDOW BUILT IN THE BOUNDARY WALL BETWEEN ERVEN 1276 AND 4036, SWAKOPMUND

(M/C 2021/08/12 - E 4036)

RESOLVED:

Acting GM: EPS

- (a) That permission be granted to the General Manager Engineering and Planning Services to follow the legal procedures and obtain a demolition order from the court to remove the window built in the boundary wall.
- (b) That all costs incurred during this process to be debited against Ms Nederolf's Municipal service account.

10.3 MARKETING PARTNERSHIP PROPOSAL: "DISCOVER SWAKOPMUND" NAMIBIA'S FIRST SMART CITY

(M/C 2021/08/12 - 14/1/4/2)

RESOLVED:CO: MC
Acting GM: CSHC

- (a) That the presentation by Messrs Discover Swakopmund Team be noted.
- (b) That Messrs Discover Swakopmund Team be requested to write a cover letter explaining their proposal for submission to Management Committee meeting of September 2021.

10.4 AUDIENCE: MR COLIN BROWN - CREMATORIUM

(M/C 2021/08/12 - 16/2/6/2/2)

RESOLVED:CO: P
Acting GM: CSHC

- (a) That the presentation by Mr Colin Brown for the establishment of a crematorium be noted.

- (b) That Mr Colin Brown be advised that they may use private land for their venture on condition that they comply with the Crematorium Regulations.
- (c) That if they want Municipal land the application will be considered together with the previous applications.
- (d) That upon receipt of confirmation of their decision regarding © above the applications be resubmitted to the Management Committee.

10.5 **PRESENTATION: CONSUMPTION OF SWAKOPMUND MUNICIPAL BUDGET BY ECONOMIC DEVELOPMENT SERVICES**

(M/C 2021/08/12 - 6/1/3/1)

GM: EDS

RESOLVED:

That the presentation by the General Manager: Economic Development Services be noted.

11. **RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE**
- 11.1 **MANAGEMENT COMMITTEE MEETINGS HELD ON 12 AND 19 AUGUST 2021**
- 11.1.1 **REQUEST TO RE-INTRODUCE SPECIAL RATES AT THE SWAKOPMUND MUNICIPAL REST CAMP**
(C/M 2021/08/30 - 14/2/7/1/14)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 7.1 page 03 refers.

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

1. **Introduction**

This submission seeks to obtain Council's approval to re-introduce special rates for the Swakopmund Municipal Rest Camp (SMRC) from **1 August 2021 to 30 September 2021**.

2. **Background**

Council on **25 February 2021** while discussing the request by the Municipal Rest Camp Management to extend the special rates, resolved amongst others:

That Council approves the extension of special rates offered at the Swakopmund Municipal Rest Camp (SMRC) from 1 March 2021 to 30 June 2021 according to the rates below:

Unit Type	Current Rate	Proposed COVID-19 Rate	% Discount
Fish	N\$ 562.00	N\$ 350.00	37.72%
Gecko	N\$ 652.00	N\$ 400.00	38.65%
Welwitschia	N\$ 681.00	N\$ 400.00	41.26%
Dune	N\$ 903.00	N\$ 500.00	44.63%
Dune A	N\$ 846.00	N\$ 500.00	40.90%
Spitzkoppe	N\$ 947.00	N\$ 550.00	41.92%
Brandberg A	N\$ 1 058.00	N\$ 700.00	33.84%
Brandberg B	N\$ 1 225.00	N\$ 750.00	38.78%
Moon Valley	N\$ 1 336.00	N\$ 850.00	36.38%

The above rates were only applicable for the period of **1 March 2021 - 31 June 2021** as a marketing tool to attract visitors to the SMRC. Although income received was slightly lower due to the reduced tariff, the occupancy of the establishment has increased as locals opted to travel to take advantage of the specials. The table below indicates the income generated as well as unit occupancies for the duration of the special.

	Mar-21		Apr-21		May-21		Jun-21	
	Occup. %	Income	Occup. %	Income	Occup. %	Income	Occup. %	Income
Fish	53.23	126 872.50	50.15	115 850.00	58.5	139 650.00	25.45	58 800.00
Gecko	14.84	18 400.00	19.33	23 200.00	28.39	35 200.00	7	8 400.00
Welwitschia	34.41	51 050.00	35.28	50 800.00	52.96	78 800.00	27.5	39 600.00
DuneA	38.71	6 345.00	46.67	7 000.00	61.29	9 500.00	50	7 500.00
Dunes	17.56	122 429.17	22.22	148 400.00	25.45	177 500.00	7.78	52 500.00
Spitzkoppe	12.19	103 950.00	11.2	92 400.00	4.52	39 700.00	1.73	14 300.00
Brandberg A	6.8	37 900.00	20.95	114 200.00	22.81	135 850.00	2.74	16 100.00
Brandberg B	21.86	93 875.00	30.19	120 550.00	45.34	189 750.00	10.37	42 475.00
Moon Valley	25.81	27 200.00	34.17	34 850.00	48.39	51 000.00	6.67	6 800.00
Totals		588 021.67		707 250.00		856 950.00		246 475.00

It is also visible in the table that during the month of June 2021 the occupancy as well as income generated has drastically reduced although we still had the special. This was mainly because the Delta variant was detected in Namibia during the said month, and consequently Namibia was regarded a high risk travel destination by most countries.

Regional travel restrictions imposed throughout the country has further worsened the situation for accommodation/tourism establishments. Travelling for recreational purposes from one region to the other is not allowed, thus only people permitted to travel are holders of essential permits or people travelling for funerals. Travelling within regions for any purpose is however allowed.

Most tourism establishments were forced to drastically reduce their prices while some were forced to temporarily close as there are no people to make use of the facilities.

Below are the statistics of guests that made use of the Swakopmund Municipal Rest Camp for the period 1-19 July 2021:

	July	
	Occup. %	Income
Fish	6.82	14 050.00
Gecko	4.44	4 759.60
Welwitschia	2.31	3 336.90
DuneA	5.56	761.40
Dunes	1.6	11 016.60
Spitzkoppe	0	-
Brandberg A	1.19	1 058.00
Brandberg B	2.47	9 325.00
Moon Valley	0	-
Totals		44 307.50

3. Proposal

Given the huge loss of income in the tourism sector, many establishments have offered discounted rates in order to attract visitors. It is against the same principal that the SMRC seeks to re-introduce the previous special/discounted rates for the period 1 August to 30 September 2021 to attract locals. The current regional travel restrictions are valid until 31 July 2021 and a lot of the

locals/Namibians will want to travel from their respective regions to the coast. Thus the re-introduction of the special rates will be beneficial towards increasing the occupancy and subsequently the income generated by the SMRC.

Unit Type	Current Rate	Proposed COVID-19 Rate	% Discount
Fish	N\$ 562.00	N\$ 400.00	28.83%
Gecko	N\$ 652.00	N\$ 450.00	30.98%
Welwitschia	N\$ 681.00	N\$ 450.00	33.92%
Dune	N\$ 903.00	N\$ 550.00	39.09%
Dune A	N\$ 846.00	N\$ 550.00	34.99%
Spitzkoppe	N\$ 947.00	N\$ 600.00	36.64%
Brandberg A	N\$ 1,058.00	N\$ 750.00	29.11%
Brandberg B	N\$ 1 225.00	N\$ 800.00	34.69%
Moon Valley	N\$ 1,336.00	N\$ 900.00	32.63%

According to the above table, the previous special rates can re-adjusted by adding an additional N\$50.00 on each unit type. It is also proposed that these tariffs be reviewed monthly after the special ends and re-adjusted pending the Covid-19 situation and the revival of the tourism sector nationally.

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

RECOMMENDED:

- (a) That council re-introduce the approved special rates of the Swakopmund Municipal Rest camp (SMRC) for the period 1 September to 31 October 2021:

Unit Type	Current Rate	Proposed COVID-19 Rate	% Discount
Fish	N\$ 562.00	N\$ 400.00	28.83%
Gecko	N\$ 652.00	N\$ 450.00	30.98%
Welwitschia	N\$ 681.00	N\$ 450.00	33.92%
Dune	N\$ 903.00	N\$ 550.00	39.09%
Dune A	N\$ 846.00	N\$ 550.00	34.99%
Spitzkoppe	N\$ 947.00	N\$ 600.00	36.64%
Brandberg A	N\$ 1,058.00	N\$ 750.00	29.11%
Brandberg B	N\$ 1 225.00	N\$ 800.00	34.69%
Moon Valley	N\$ 1,336.00	N\$ 900.00	32.63%

- (b) That the above rates be reviewed and re-adjusted (if necessary) on a monthly basis pending the revival of the tourism sector nationally.
-

11.1.2 **BUSINESS DEVELOPMENT IN DRC**
(C/M 2021/08/30 - Ext 28-31)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 7.2 page 06 refers.

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

1. Introduction

This submission aims to report back to Council on the survey that was carried out in DRC Proper (Ext 27, 29 and 30) on business development and potential to acquire business properties (**Annexure "A"**).

2. Background

One of the key performance areas for Local Economic Development officer is business retention in town. Businesses can only be retained if the Local Authority take cognisance of their efforts and support them by creating a conducive environment for their businesses to prosper.

It was recognized that there are numerous people that have established businesses in DRC proper (i.e. Ext 27, 29 and 30). Although most of these businesses were developed using non-permanent structures, they have grown over years and have been contributing to the socio-economic condition of the inhabitants in DRC. These businesses are however unable to grow due to various factors such as the absence of land ownership, and building restrictions as the area was not fully serviced by then. Some of these businesses have set up big structures where they are retailing as mini markets as well as liquor outlets.

Council on the **25 March 2021** resolved under item 11.1.16:

- (a) *That Council approves Economic Development Services to conduct a registration of business owners in DRC and assess their potential in terms of acquiring business property and expanding their businesses.*
- (b) *That this data be presented to Council once the exercise is completed.*
- (c) *That first preference to buy business properties in Extensions 28, 29, 30 & 31 be given to business owners that have established business in DRC Extensions 28, 29, 30 & 31.*
- (d) *That alienation of the business even in Extension 28, 29, 30 & 31 be done through invitation of business proposals by business owners in DRC.*

Business Development Survey findings

The survey was carried out from **01-30 June 2021** by two officials (i.e. Intern & SME Administrator). These officials physically identified the businesses located in DRC Proper (see **attached** map below) and asked questions through a questionnaire and recorded the answers. A total of 44 businesses were visited, however only 31 business owners took time to respond to the questionnaires as interviewed by the research officials. It was found out that among the 31 businesses that responded, the market is dominated by male owned businesses and only 2 businesses owned by female. The age categories of businesses owners range from 30-59.

It was found out approximately 12 businesses have been registered with the Municipality, the rest are not registered. Respondents were further requested to indicate the size of their businesses in terms of numbers of employees based on the following categories:

- **Micro** - (Total number of employees between 0-10)
- **Small** - (Total number of employees between 10-50)
- **Medium** - (Total number of employees between 50-250)
- **Large** - (Total number of employees more than 250)

It was recorded that approximately 28 businesses are micro enterprises and only 3 were recorded as small businesses, no medium or large business recorded.

A total number of 118 people are employed by these micro and small businesses in DRC. Most of these businesses are retailing (traders) either as a mini market, a combination of market and liquor or liquor outlet. Respondents were also requested to indicate the average monthly revenue, of which the majority indicated that they get approximately N\$8 400.00 per month. To assess the financial capacity and potential to acquire businesses, the following categories of affordability were used

- > N\$ 200 000
- N\$ 200 000-N\$ 300 000
- N\$ 300 000-N\$ 400 000
- N\$ 400 000-N\$ 500 000
- N\$ 500 000-N\$ 600 000

Approximately 20 businesses owners indicated that they can afford business property costing between N\$200 000 - N\$300 000, three (3) have indicated that they can afford up to N\$400 000 and two indicated an affordability of up to N\$600 000.

All of the 31 business owners prefer getting land at their current location or in the close proximity of where they are trading from reasoning that their customers are already used to the area. The following factors were identified as prohibiting business growth in DRC settlement:

- *Financial Accessibility (unable to acquire funding etc.)*
- *No Basic Services (Water, Electricity & Sanitation)*
- *Lack of Land Ownership*
- *Lack of Equipment*
- *Lack of Business Skills*
- *Competition*

The majority of business owners proposed the following solutions to their challenges as outlined by the table below:

Solution to challenges that are prohibiting business growth in DRC	Responses
Provision Of Electricity	97%
Provision Of Water	77%
Provision Of Land	55%
Provision Of Equipment	3%
Increase Time Operation	3%
Provision Of Toilets	13%
Business Skills Training	10%

DISCUSSION

The Economic Development Services has noted that installation of services in some of the extensions in DRC Proper (i.e. Ext 27, 29 & 30) has been completed. Extension 28 is not serviced yet due to the fact that the area is occupied by shacks and extension 31 is in the process of being serviced. Most of the businesses in DRC are however concentrated along Ondjaba Street which is the current main street in DRC. One can compare the Ondjaba Street with the famous Eveline Street in Windhoek, where you have a trail of liquor outlets and mini markets creating a business hub. It is also noted that most of the erven along Ondjaba Street are zoned as "Single Residential" erven leaving only few business erven.

The properties listed on the table below zoned as "General Business" are located in located in DRC as outlined.

Extension	Erf No	Size m ²	Zoning
Extension 28	7540	1975	General Business
Extension 28	7543	1952	General Business
Extension 28	7544	1395	General Business
Extension 28	7545	1355	General Business
Extension 28	7650	1904	General Business
Extension 28	7651	1997	General Business
Extension 28	7652	1529	General Business
Extension 28	7653	1525	General Business
Extension 29	7892	1471	General Business
Extension 29	7979	762	General Business
Extension 29	7980	750	General Business
Extension 30	8263	1326	General Business
Extension 30	8293	428	General Business
Extension 31	8440	1424	General Business
Extension 31	8441	2088	General Business
Extension 31	8442	2989	General Business
Extension 31	8465	2167	General Business
Extension 31	8468	1166	General Business
Extension 31	8469	1291	General Business
Extension 31	8470	705	General Business

Economic Development Office has also engaged the housing section under Corporate Services, Mr C Awaseb, to gather more information regarding ownership of land on which most businesses are trading from. Through this consultation, it has been identified that approximately 9 businesses owners that are registered with the Municipality are trading from the land (residential) that has been provisionally registered on their names. The rest (i.e. 22) of the businesses are either trading from an illegal area or from a plot that has been provisionally registered in owner of the shack that was initially residing that specific area, and the majority of these people are a paying rent to the said owner of the shack. Most of those that are renting or trading from illegal area have indicated their willingness to acquire business property and formalize their businesses.

Objection letter from Mr. E Khoaseb

Attached letter (Annexure "B") was received from Mr Khoaseb in which he is objecting to the Council resolution which gives preferences to the business owners in DRC to acquire business properties in DRC. Mr Khoaseb recommends that development of the erven in DRC should be open to all in the interest of fairness, so that the existing or expanding and

new business owners are all granted the fair chance and equal treatment with regards to acquisition of land.

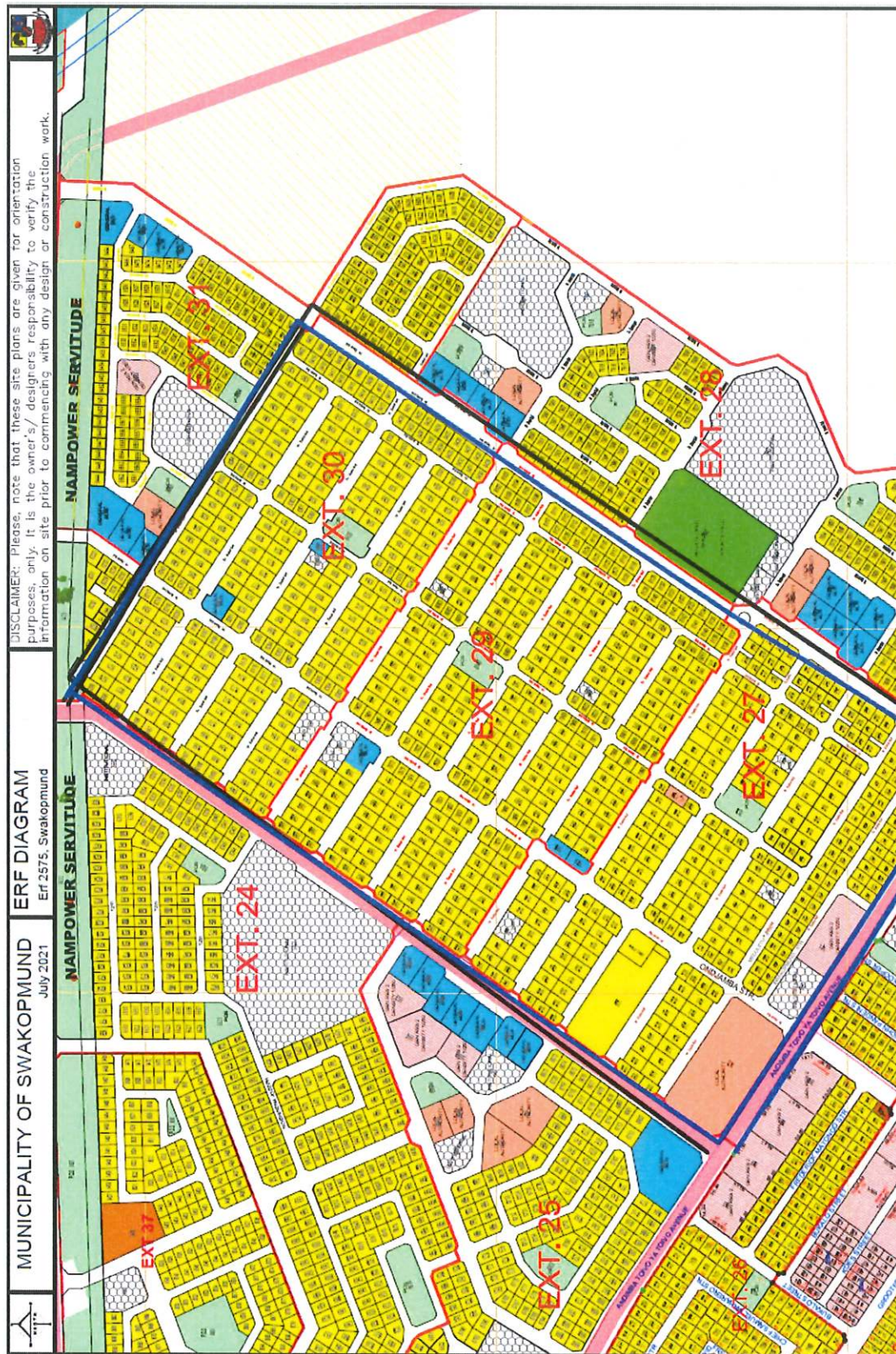
However, the aim of the business development survey and the proposal to give preferences to the existing businesses in DRC proper is not necessarily to discriminate others from participating in the economic development of the area. The overall objective of the exercise was to consider the businesses that made a socio-economic impact in DRC over the years. We are also trying to avoid conflicts which arise mostly in a situation where the existing businesses are requested to move or be relocated elsewhere.

In light of the above, it is proposed that Council take notes of business survey report and approve the proposal to assist businesses in DRC Extensions 27-31 to acquire business properties either through rezoning the current residential erven on which they are located to local businesses or granting special consent use for the people to utilize their residential erven for business purposes as an alternative and provision of business erven within the above mentioned extensions to those that are currently operating from illegal areas/ renting.

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

RECOMMENDED:

- (a) That Council takes note of the Business Development Survey report conducted in DRC proper (Ext 27-31).
 - (b) That the business owners trading from the residential erven provisionally registered on their name be allowed to purchase these properties.
 - (c) That those businesses trading from illegal area or renting from shack owners be given preferences through invitation of business proposal to acquire business erven in Extensions 27-31.
 - (d) That Mr. Khoaseb be informed that the Council intension is to assist the established businesses that are already operating from DRC along Ondjamba Street as part of the Local Economic Development Strategy to retain local businesses.
-



DRC Proper (Ext 27, 29 & 30) - area of survey/research focus

ANNEXURE "A"



Report

**SURVEY ON BUSINESS DEVELOPMENT AND PROSPECTS IN EXTENSIONS
27, 29 & 30, SWAKOPMUND (KNOWN AS DRC PROPER)**

Prepared for

Vilho Kaulinge

General Manager: Economic Development officer

Through

Rauna Shipunda

Economic Development officer

Prepared by

Erta K Heita

Intern: Economic Development officer

07 JULY 2021

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Identifying the number and types of businesses in DRC Informal Settlement, their problems, how to find solutions and by providing them with ownership

Section I

Introduction

The leading factors inhibiting business growth particularly the Micro, Small and Medium Enterprises in DRC settlement include the unavailability of serviced land, water, electricity, access to finance, sanitation, lack of business management skills among others. What is perceived as negative by businesses may also have a negative impact on government revenue and the society at large. The Economic Development section therefore needed to identify those businesses suffering from barriers of growth in order to devise strategies aimed at enhancing business growth and ultimately increase Municipal revenue as well as to improve the local economic development of the town.

There are numerous people that have established businesses in DRC (Ext 27, 29, and 30). Although most of these businesses were developed using non-permanent structures, they have grown over the years and have been contributing to the socio-economic condition of the inhabitants in DRC. Some of these businesses have set up big structures where they are trading as mini markets as well as liquor outlets. In an attempt to determine the number of businesses operating in the DRC (Ext 27, 29, & 30), a field study was conducted by the Economic Development Department from the 01st - 30th June 2021.

Statement of the problem

With the formalization of the DRC into various extensions of Swakopmund viz. Ext 27, 28, 29, 30 and 31, a number of business erven were also availed. Over the years, businesses in the DRC operated informally and formal growth was thus limited. In light thereof, the Economic Development Services Department identified the need to obtain factual data about the businesses of DRC and to assess their needs and challenges as well as their potential to grow. This information is fundamental in establishing the number and types of businesses operating in DRC Informal

Settlement with the aim to devise ways on how to address their needs, challenges and enhance growth.

Significance of the Study

The primary group which is benefiting from this study is Municipality of Swakopmund. Firstly, the study will be of significance in coordinating, planning and regulating sustainable economic development activities and creating a conducive, competitive environment for business development. Secondary, it will help by ensuring that business development is economically, social and environmentally sustainable and contributes to the empowerment of local people, and thus ultimately to the quality of life of DRC residents. Lastly it will help developing DRC in close cooperation with stakeholders, create a powerful and efficient business community that is constantly renewing itself to satisfy the needs and demand of the community.

Scope of the study

The survey was limited to the business owners that are operating in DRC settlement (Ext 27, 29 & 30) of Swakopmund because they bear relevance for the purpose of this study.

Methods of study

Data collection of this study was conducted by means of a questionnaire and structured interviews with business owners to analyze the collected data by interpreting the results and drawing conclusions. The questionnaire consisted of 21 questions, which were answered by the respondents. A copy of the questionnaire is attached as Appendix A.

Sample Selection

To make the findings economic and accurate, the respondents involved in this survey only involved business owners with businesses in DRC settlement (Ext 27, 29 & 30) of Swakopmund. The study did not include tuck shop owners but focused on the bigger businesses with semi-formal structures who bears relevance for the purpose of this study. A nonprobability, convenience sampling technique was used to collect primary data. Two members of the research team were responsible to

identify the relevant businesses and obtain permission to be interviewed. Although some business owners were not available, their contact details were provided by employees and they were interviewed via telephone. Moreover some business owners came to the office where the interview were conducted.

Statistical Methods

Simple Statistical techniques were used to analyze and tabulate the results of this study. The primary data were analyzed using number and percentage of response. To compute the percentage of responses, the number of responses of the survey were divided by the total respondents who have answered the questionnaires for instance question 3 (business owner's gender) and question 15 (willing to acquire business land). However for question 17 (the major challenges that are prohibiting the business growth) and question 18 (solution to the challenges that are prohibiting the business growth) the results were tabulated by totaling the respondents of each challenge or solution to the challenge and divide them by the total of respondents of the questionnaires then multiply with 100.

Limitation of the Study

This study was limited through the use of a questionnaire as a data collection instrument, because questionnaires must be brief. The study was also limited by the use of nonprobability and convenience sampling method. The sample of businesses located in DRC informal settlement study was chosen for convenience and may not be representative of the total population of business in DRC informal settlement. Care should be taken when generalizing these findings to the entire population. Finally, simple statistical techniques were used to introduce elements subjectivity into interpretation and analyzing of the data.

Section II

Findings, Conclusions, and Recommendations

Introduction

This study was designed to determine the number and types of businesses in DRC Informal Settlement, their problem, how to find solutions to their problems and by exploring the possibility of providing them with land ownership. Forty-four (44)

business owners in DRC settlement (Ext 27, 29 & 30) of Swakopmund were identified as participants for the survey, however only 31 representing 70.5% of the sample were interviewed through questionnaires. This section includes the findings, conclusions and recommendations obtained through these questionnaires. These findings have the potential to direct decision making in order to enhance business growth in the various extensions of DRC of Swakopmund.

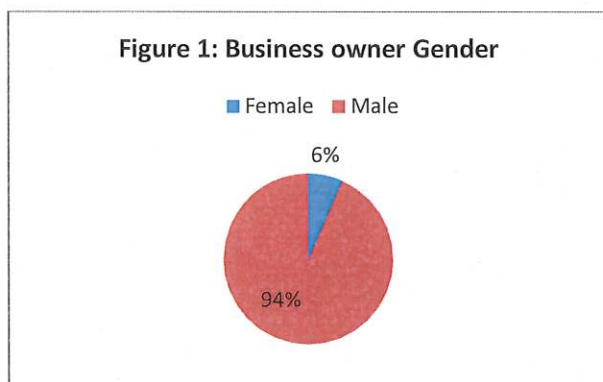
Findings

The findings has been presented in nine sections according to the following characteristics: demographic profile, business status, business size, number of staff/employees, business type, business monthly revenue, acquire business land, prohibiting the business growth and solutions to challenges that are prohibiting business growth. Below is a summary of the responses provided by interviews in the response to the questions posed:

Demographic profile

(i) What is the Business owner Gender?

The result is represented in figure 1. The breakdown consisted of 6% female and 94% male who owns businesses in DRC Swakopmund.



(ii) What is the Business owner's age?

The result shows that, only 1 respondent is between the age of 20-29, while 12 respondents are between the age of 30-39, 15 respondent are between age of 40-

49 and 3 respondents are between the age of 50-59 among the sample that has been recorded, as clearly indicated in figure 2 below.

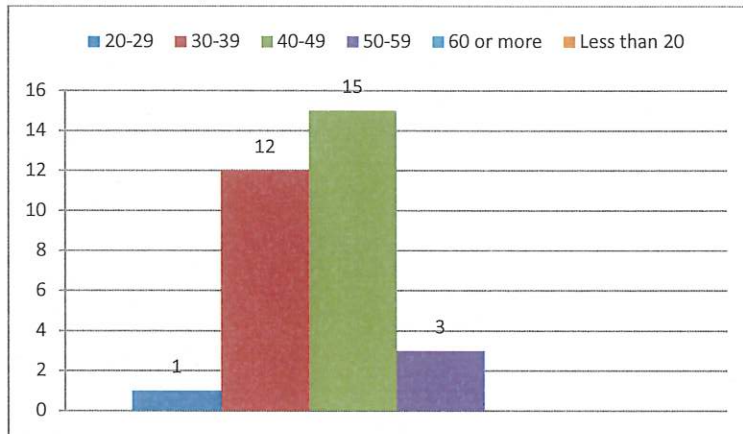


Figure 2: Age group of Respondents

Business status

(i) What is your Business Status?

The result shows that 12 of the businesses have been registered with the Municipality and 19 are informal (not registered). Figure 3 below shows the result.

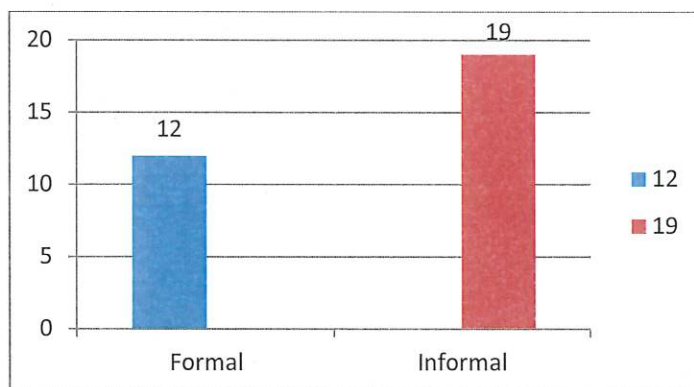


Figure 3: Business formal

Business size

(i) What is your business size?

Below are business sizes of which Business owners were supposed to choose.

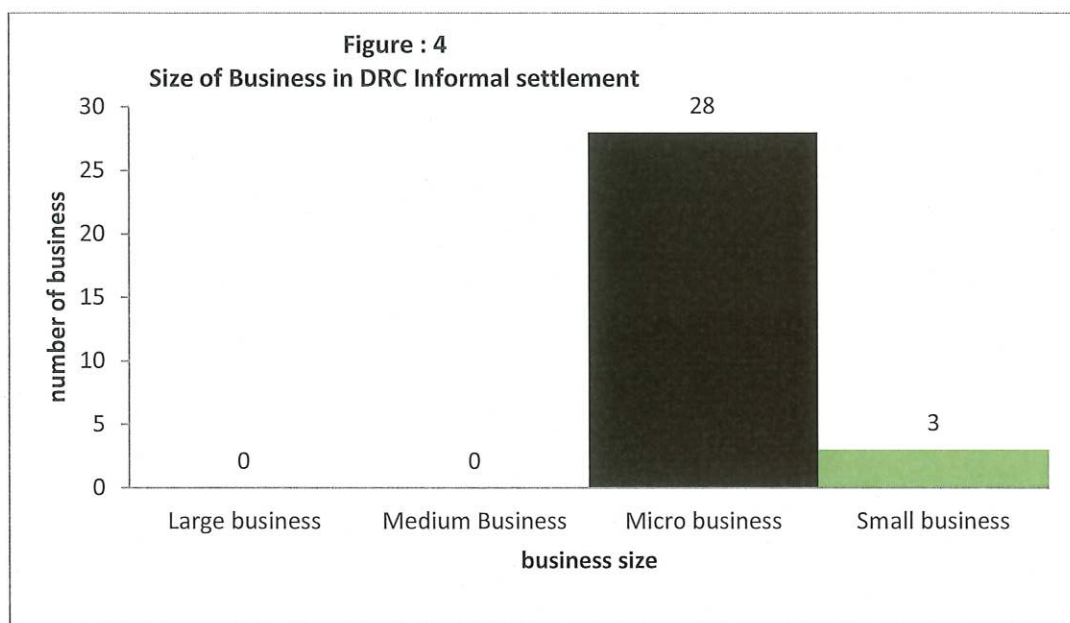
Micro - (Total number of employees between 0-10)

Small - (Total number of employees between 10-50)

Medium - (Total number of employees between 50-250)

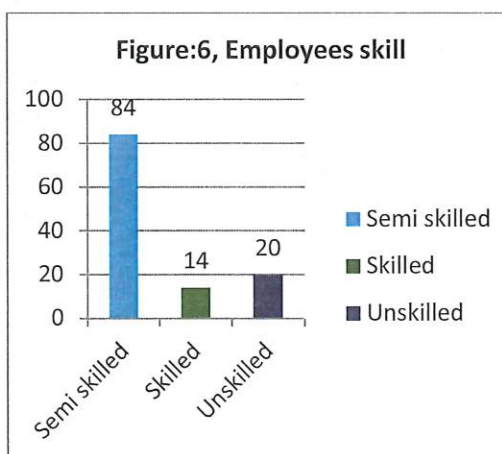
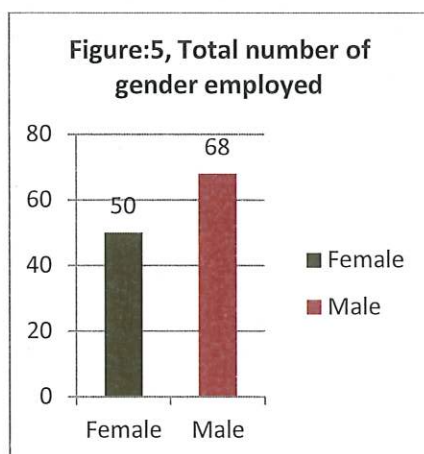
Large - (Total number of employees more than 250)

However the results in Figure 4 shows that 28 businesses are Micro, 3 are small and no medium and large businesses are located in DRC informal settlement.



Number of staff/employees

- (i) What is the total number of staff/ employees, their Gender and their skills?



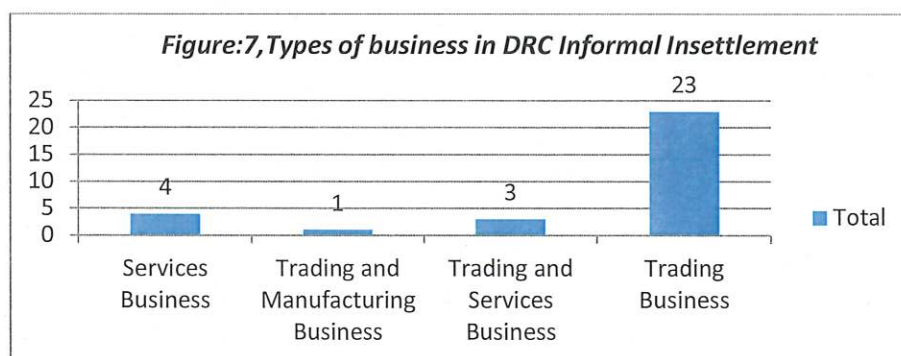
From the data obtained it shows that a total 118 number of employees are created from the DRC informal settlement businesses, of which 50 are female and 68 are male as shown above in figure 5.

Figure 6 shows that 84 employees are semi- skilled, 14 are skilled employees and 20 employees are unskilled as shown.

Business Type

(i) What Type of the Business?

From the data obtained it shows that DRC informal settlement has more trading business dominating with 23, services business with a total of 4, also there is trading & services business with a total of 3 and trading & manufacturing business with 1 total number. As summarized in figure 7.



Business Monthly Revenue

(i) Estimated Revenue amount generated Monthly?

Table 1: Estimated Revenue amount generated by Businesses in DRC Informal settlement

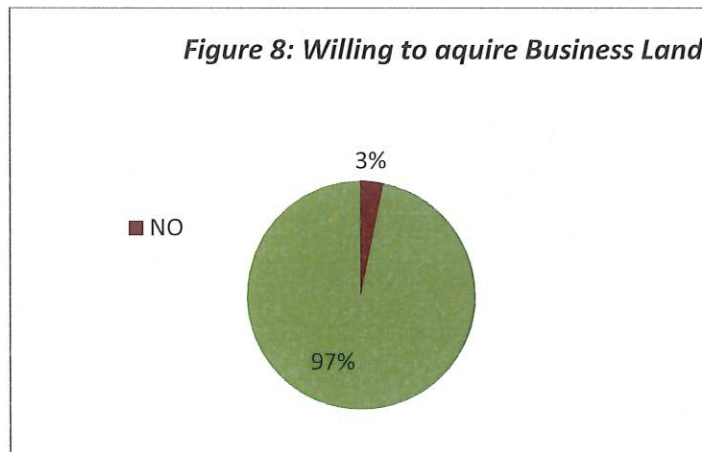
	Number of businesses	Estimated Revenue amount generated Monthly	Total revenue
	1	Denied	N\$ 0
	1	N\$ 300.00	N\$ 300
	1	N\$ 350.00	N\$ 350
	1	N\$ 500.00	N\$ 500
	1	N\$ 1000.00	N\$ 1000
	1	N\$ 1500.00	N\$ 1500
	1	N\$ 1600.00	N\$ 1600
	3	N\$ 3000.00	N\$ 9000
	2	N\$ 3500.00	N\$ 7000
	2	N\$ 4000.00	N\$ 8000
	1	N\$ 4500.00	N\$ 4500

	2	N\$ 6000.00	N\$ 12000
	2	N\$ 7000.00	N\$ 14000
	1	N\$ 8000.00	N\$ 8000
	2	N\$ 10000.00	N\$ 20000
	1	N\$ 13000.00	N\$ 13000
	3	N\$ 15000.00	N\$ 45000
	1	N\$ 17500.00	N\$ 17500
	2	N\$ 20000.00	N\$ 40000
	1	N\$ 27000.00	N\$ 27000
	1	N\$ 30000.00	N\$ 30000
TOTAL	31		N\$ 260250
MAX		N\$ 30000.00	
AVERAGE			N\$8395.16

Table 1 shows that **31** businesses in DRC informal settlement generate **N\$8395.16** average revenue on monthly basic, with the minimum **N\$300.00** and maximum of **N\$30 000.00** estimated revenue amount generated monthly. However one business denied mentioning its estimated revenue amount generated monthly.

Ability to acquire Business land

(i) Are you willing to acquire business Land?



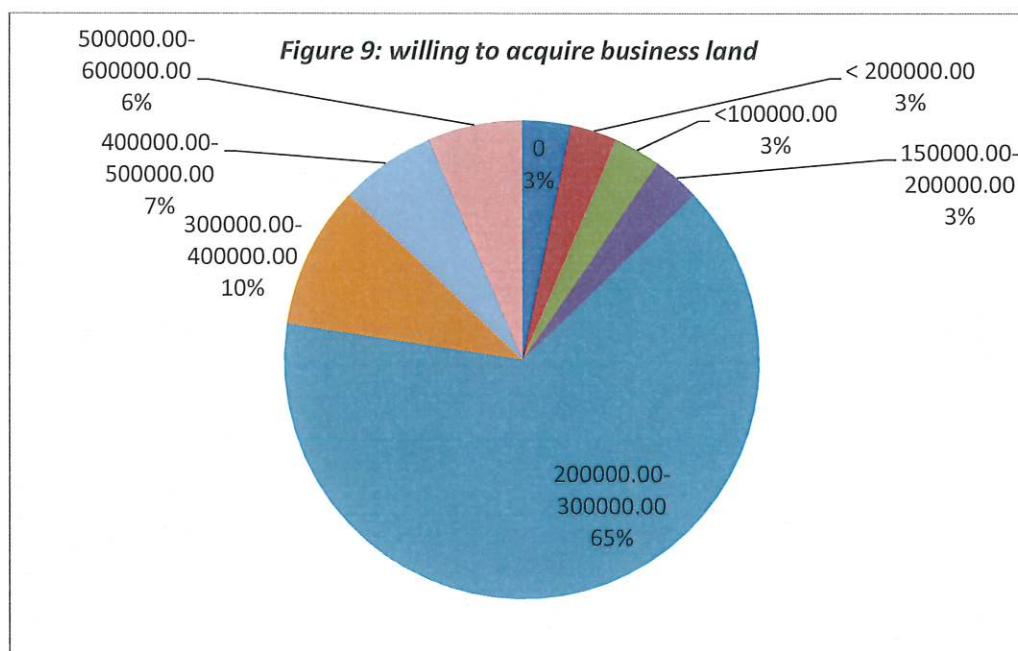
From figure 8 above it shows that 97% of business owners are willing to acquire business land and 3% of business owners are not willing to acquire business land.

(ii) Which amount can you afford to buy land (N\$ 422.00 / m²)?

Table 2: Amount of money that business owners are willing to acquire business land

Row Labels	Owners	Sum of Number of Business
0		1
< 200000.00		1
<100000.00		1
150000.00-200000.00		1
200000.00-300000.00		20
300000.00-400000.00		3
400000.00-500000.00		2
500000.00-600000.00		2
Grand Total		31

Table 2 shows that 1 business owner cannot afford a business land, 1 business owner is willing to afford an amount < N\$200000.00, 1 business owner is willing to afford an amount less than N\$100000.00, 1 business owner is willing to afford an amount of N\$150000.00-N\$200000.00, 20 business owners are willing to afford an amount N\$200000.00-N\$300000.00, 3 business owner are willing to afford N\$300000.00-N\$400000.00, 2 business owners are willing to afford an amount N\$400000.00-N\$500000.00 and 2 business owners are willing to afford an amount of N\$500000.00-N\$600000.00 to acquire business land. And figure 9 below shows that most business owners with 65% are willing to acquire a business land of N\$200000.00-N\$300000.00.



Challenges Prohibiting the Business Growth

(i) **What are the major challenges that are prohibiting the business growth?**

From the list of 7 challenges that was given to business owners as prohibiting business growth of businesses in DRC informal settlement, the outcomes were: Financial- 32% businesses, No water -77% businesses , No electricity- 100% businesses, Lack of demand -10% businesses, Lack of equipment -26% businesses, Lack of business skills -10% businesses, High competition of other business- 3% businesses. Some also added challenges such as Land -19% businesses, Toilet -13% businesses, Operation hours 6%- businesses.

Table 3: Challenges that are prohibiting the business growth?

Major Challenges that are prohibiting the business growth?	Number of Businesses	Responses in (%)
Financial	10	32%
No water	24	77%
No electricity	31	100%
Lack of demand	3	10%

Lack of equipment	8	26%
Lack of business skills	3	10%
High competition of other business	1	3%
other		
land	6	19%
toilet	4	13%
Operation hours	2	6%

Solutions to challenges prohibiting businesses growth.

(i) Provide solution(s) to your challenges

Business owners provided the list of solutions to their challenges as follow:
 Provision of electricity 97%, Provision of water 77%, Provision of land 55%
 Provision of equipment 3%, Increase time operation 3%, Provision of Toilets,
 13%, Business Skills Training 10% as shown in table 4.

Table 4: Solution to challenges that are prohibiting the business growth

solution to challenges that are prohibiting the business growth	Number of Businesses	Responses in (%)
Provision of electricity	30	97%
Provision of water	24	77%
Provision of land	17	55%
Provision of equipment	1	3%
Increase time operation	1	3%
Provision of Toilets	4	13%
Business Skills Training	3	10%

Conclusion

On the basis of findings, several conclusions concerning identifying the number and types of businesses in DRC informal settlement, their problems, how to find solutions and by providing them with ownership can be drawn. It is concluded that, among the 31 businesses that were assessed they employed 118 employees and the following are the dominant businesses found in DRC:

- services business (Hair salon, Betting)
- trading & manufacturing businesses (Bar and carpenter- making tables and beds)
- trading & services businesses (Bar & tuck shop, laundry, Transport and Construction)
- trading businesses (Bar)

It is further identified that the following factors are inhibiting businesses growth in DRC:

- financial
- no water
- no electricity
- lack of equipment and
- land

Most business owners had indicated that, they prefer to expand their businesses on the land where they are currently located because it is convenient for their customers.

Of all their challenges, they have indicated that the provision of services (water and electricity) and land is a top priority to help their business to grow. Some businesses are informal and not registered with the municipality because they do not have proper structures such as land and services, thus they were not allowed to register their businesses. All owners who did not register their businesses are however willing to register their businesses if they get the relevant services from the municipality.

Recommendations

Based on findings and conclusions in this study, the following recommendations are made:

1. Council should offer serviced business land to businesses owners in DRC settlement (Ext 27, 29 & 30) of Swakopmund to help them build proper structures and to formalize their business.
2. Council should allow business owners of DRC settlement (Ext 27, 29 & 30) of Swakopmund to register their businesses with the Municipality even if they do not have services while the process of selling serviced land is in progress. This will help business owners to get benefits such as loans, similar procedures done in rural areas where business owners are allowed to register their business without water, electricity and toilets.

APPENDIX A

QUESTIONNAIRE NO

**Market Survey: Identifying Businesses in DRC Informal Settlement****Introduction**

The Swakopmund Municipality, Economic Development Service Department in particular; would like to conduct a market survey to establish the number and types of Businesses in DRC Informal Settlement. It is well known that the DRC informal settlement is the hotspot, where most of people are doing different types of businesses. We are also aware that there are many challenges in their businesses and without businesses our town will not grow. Thus we are conducting a Survey to identify the businesses and their problems in order to help us find the solutions and by providing them with ownership.

Your response to this short questionnaire will assist the department to develop the DRC Informal settlement Businesses.

1. Name of business:
2. Business Owner:
3. Business owner Gender : (*please tick*)

<input type="checkbox"/>
<input type="checkbox"/>

Female

Male

4. Business owner's age:.....

5. Contact Detail(s)

(a) Cell no:(b) Email:

6. Business Location:

7. Business Status: (*please tick*)

<input type="checkbox"/>
<input type="checkbox"/>

Informal

Formal

8. If Informal, Are you willing to formalize the business? (*please tick*)

<input type="checkbox"/>
<input type="checkbox"/>

Yes

No

9. Size of Business:

Micro

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

(Total number of employees between 0-10)

Small (Total number of employees between 10-50)

Medium (Total number of employees between 50-250)

Large (Total number of employees more than 250)

10. What is the total number of staff/ employees?.....

Female.....

Male.....

Unskilled.....Semi-

skilled.....Skilled.....

11. Source of capital Fund:

<input type="checkbox"/>	Own Funds
<input type="checkbox"/>	Loan
<input type="checkbox"/>	Friend / relative (Sponsor)
<input type="checkbox"/>	Grant

12. How long the business has been operating?

.....

13. What Type of the Business? (*please tick & specify*)

<input type="checkbox"/>	Trading Business.....
<input type="checkbox"/>	Manufacturing Business.....
<input type="checkbox"/>	Services Business.....
<input type="checkbox"/>	Other.....

14. Estimated Revenue amount generated Monthly:

.....

15. Are you willing to acquire business Land?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No

16. Which amount can you afford to buy land (N\$ 422.00 / m²)?

<input type="checkbox"/>	200 000.00 – 300 000.00
<input type="checkbox"/>	300 000.00 – 400 000.00
<input type="checkbox"/>	400 000.00 – 500 000.00
<input type="checkbox"/>	500 000.00 – 600 000.00
Other.....	

17. What are the major challenges that are prohibiting the business growth?

Please tick(✓) max4

Financial	
No water	
No electricity	
Lack of demand	
Lack of equipment	
Lack of business Skills	
High competition of other business	

Other.....

18. Provide solution(s) to your challenges:

.....

.....

.....

.....

.....

.....

19. What are the Business vision/ long term goal?

.....

.....

.....

.....

.....What is required to upgrade your business?

.....

20. Comment(s):

.....

.....

.....

.....

.....

.....

.....

.....

THANK YOU FOR TAKING TIME TO COMPLETE THIS QUESTIONNAIRE!!!!!!!!!!

ANNEXURE "B"

16/11/21/14

19-03-02-4

M/4354

19 April 2021

Mr. A. Benjamin
 Chief Executive Officer (CEO)
 Swakopmund Municipality
 PO Box 53
 Swakopmund
 Namibia



Subject Matter: Business Development in DRC, EXT 28 – 31 (C/M 2021/03/25 – M 4354).

Dear Sir

In the meeting hold by the Municipal Council of Swakopmund on Thursday, 25th March 2021, I am having a concern about the recommendations made regarding the Business Development in DRC, Ext 28 – 31.

Point of concern is: 11.1.16 B, page 172 of the agenda. The recommendation sound as if only people owning businesses in DRC suburb will be considered. My argument is that, it is unfair to discriminate against other fellow residents of other suburbs within the jurisdiction of the Municipality of Swakopmund. Reasons being: It is a known fact that most of the informal businesses are owned by people residing in the formal sections of Swakopmund. The council should therefore treat all residents equal and provide them with a fair chance in acquiring land for whatever development based on merits.

From the political point of view it will have an adverse effect on the population and development of Swakopmund. I recommend; rather keep the development of the said erven open in the interest of fairness, so that, existing, or expanding and new business owners are all granted the fair chance and equal treatment from the council with regard to the land.

In conclusion I recommend that the resolution or rather the recommendations be revisited, and revoked and to rewrite the resolution to be beneficial to all potential residents.

Please note due to public interest I do not want to petition the council about this matter but rather put it as a concern. Don't hesitate to contact me for any clarification and keep me posted.

We hope to hear from you soon on the matter.

Yours sincerely

.....
 Mr. E. //Khoaseb, Project Director (Cell: 081 876 1440)

cc. Hon L. N Kativa, Her Worship the Mayor
 cc. Hon D. Am - IGabeb His Worship the Deputy Mayor
 cc. Hon W.O. Groenewaldt Chairperson of the Management committee (MC)
 cc. All Councillors

11.1.3 **REQUEST FOR ADDITIONAL FUNDS FOR THE WARD CLEANING PROJECT**

(C/M 2021/08/30 - 17/6/2)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 7.3 page 35 refers.

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

Swakopmund is significantly growing in terms of population, with a major increase in the servicing and occupation of residential premises. The Health Services and Solid Waste Management Department (HS&SWMD) is entrusted with the responsibility to keep the town clean and attractive to live in, invest and a preferred destination for visitors. The main functions of the Solid Waste Management Section are: Beach and Street cleaning, cleaning of open spaces, refuse removal (domestic and bulk refuse), Recycling (Rent-A-Drum), Waste disposal by Landfilling (Frontier Multi Industries), Community education and liaison, Fleet and equipment management, Control of open illegal dumps. The main challenge is the illegal dumping of waste on open spaces and illegally dumped household refuse. Additionally, building rubble and other yard refuse such as stones, bricks and scrap materials are also dumped illegally on open spaces.

Illegal dumping often leads to unsightly conditions and as a result must be removed by Council at a great cost. Previous experiences provided evidence that the repeated clean up campaigns in the most polluted areas of town does not provide the required solution to the problem of illegal dumping and it is evident that some residents have no regard for a place that was cleaned for they elect to dump on an open space again as soon as it is cleaned.

The Ward Cleaning Project was first introduced in 2015 with an aim of providing additional cleansing services to residential areas and open spaces at a reduced cost. The project started in 2015; with ten (10) groups consisting of four (4) members of which one of them is a group leader or supervisor. As from February 2018 to July 2020, Council appointed 20 groups on the same principle. The project was initiated to avoid employing more staff members as the town grows and the need arises.

Below is a comparison of expenditures full time versus ward cleaners

<i>Position</i>	<i>Number Of Positions</i>	<i>Grade</i>	<i>Minimum Salary Scale</i>	<i>Total</i>
<i>Street cleaners</i>	<i>37</i>	<i>A1</i>	<i>N\$81 872.00</i>	<i>N\$2 456 160.00</i>
<i>Ward cleaners</i>	<i>120</i>	<i>-</i>	<i>-</i>	<i>N\$4 320 000.00</i>

The Ward Cleaning Project has proved to be a success in keeping areas prone to pollution in a clean and neat condition. For that reason, Council

implemented a tariff (income) on a basis of the recovery of costs for services rendered in the demarcated wards and an annual budget allocation was made annually.

During 2020 the HS&SWMD went out on procurement for Ward Cleaning Services. Over 200 bids were received; and evaluation of the bids was conducted. The result of the evaluation indicated that most of the successful bids were either having a project running with council, or the manager was a full-time employee somewhere. The HS&SWMD decided on requesting for exemption from procurement procedures in order to accommodate unemployed residents of Swakopmund (as per the primary purpose of the project). The exemption was received in **April 2021**.

During 20/21 financial year a budget of N\$4,780,000.00 was allocated for the Ward Cleaning Project, the department could only utilize N\$1,233,019.00 of the allocated amount, the reason being fewer (15 groups) were appointed on a temporal basis pending the grant for exemption from the Ministry of Finance, Procurement Section. As a result, funds were not utilized on the vote which prompted a cut reduction on the budget allocation for 21/22 budget from N\$4,780,000.00 to N\$2,000,000.00. Now that we have managed to obtain the exemption we need to fully implement the project as per our initial plan. Taking note that we did not fully utilize our funds during the previous financial year.

The **attached** map indicates places where the ward cleaning will take place around Swakopmund. With the current budget allocation of N\$2,000,000.00 in 21/22 financial year we can only accommodate 15 groups in the project not 20 as compared to the previous financial years 2018-2020, taking into consideration the growth of the town.

At a Council Meeting held on **01 July 2021** under item 11.1.1 it was inter alia resolved:

- (a) *That Council takes note of the exemption from the application of Section 50 (2) of the Procurement Act: No 15, 2015 for project of alternative waste management system for effective management of windblown and illegally dumped solid waste granted by the Minister of Finance.*
- (b) *That Council appoints 30 (thirty) groups/private contractors for a period of 12 months, starting from 01 July 2021 to perform cleaning duties in the demarcated wards and according to the scope of work defined by Council at a rate of N\$12 000.00 per group per month, subject to their availability to provide the service in Swakopmund.*
- (c) *That the same criteria for selection for the previous groups be used for the appointment of qualifying groups, subject to final approval by Council.*
- (d) *That the Acting General Manager Health Services and Solid Waste Management makes sufficient budgetary provision in the financial year 2021/2022 to accommodate the Ward Cleaning Services.*
- (e) *That the groups be assisted with the provision of the initial equipment and protective clothing to the value of approximately N\$3 800.00 per group.*

The purpose of this submission is to request for additional funds to the amount of N\$2 400 000.00 taking into consideration that 20/21 funds were not fully utilized. Alternatively sacrifice a capital project in order to maintain our standards of a clean town.

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

RECOMMENDED:

- (a) That Council takes note of the request for additional funds for Ward Cleaning Project.
 - (b) That the General Manager: Finance be granted permission to allocate additional funds amounting to N\$2,400,000.00 to fully implement the Council resolution taken on 1 July 2021 under item 11.1.1.
-



AREA ALLOCATION STREET CLEANING - SOLID WASTE SECTION

31 May 2021

Activity/Time	Area/Location	Personnel Responsible
Street Cleaners PSN Amunvela & Shilipipo Refuse Bag Removal & Bin Delivery Truck	Town CBD	1. L Ndellanga (Shoprite)
		2. M Mungolo (Hospital)
		3. TPV Kuzatjike (Nampost)
		4. TN Stephanus (WB area)
		5. JN Johannes (Namib High)
		6. M Tjirange (Pick n Pay)
		7. H Amadhilah (Hidipo Hamutenya)
	Vineta CBD	8. A Joel
	Tamariskia (Cash build, strong bar, Vrede Rede, Ocklaan, OB David)	9. C Mauha
	Tamariskia Clinic, Fransica Van neel Street, Atlantic School, Tamariskia Soccer field	10. L Shiwalo
	Cash Build, Cottage Hospital Hentis Bay Road, Erongo Red, Tamariskia Primary, Around Sewerage Plant	11. J Drotsky
	Berg Street, Swakopmund Secondary School, Welwitschia Street, The Dome Surrounding Area, Stadium, Swakopmund Primary School.	12. V Viakondo
	Mile 4, Vogel Strand, Hage Heights, Vineta, Kramersdorf, Tamariskia Ext 3, Nampower Hentis Bay Road, Tsavorite/ Dumpsite Road	13. (Afternoon shift)
	Mondesa Shell	14. M Haikwema
	(Mandume Ndemufayo Street to Premier Construction, Khomas Medical, Multi-Purpose Hall, Taxi Rank)	15. JN Nambinga
	Independence Avenue / Mondelani Street Hakahana Street (Makiti Bar No.1)	16. Sambi HK
	U-Save Mondesa, Rakatoka Street (Tamariskia Primary & Municipality Sewerage four-way)	17. A Namises
	FNB Mondesa, Woermann Brock Mondesa sounding area to Hero Bar, Cemetery	18. M Garoes
	Mahetago Area (Behind Hero Bar, Mandume Ya Ndemufayo Street, Carribean Bar, Commando, Yellow House Bar, Lagosta Bar)	19. S Tjikaravize
	Kambeshe Street, Lutheran Church, Immanuel Kamho Street, Mondesa Youth Opportunity (MYO) Masilo (Firebar) Street	20. (Afternoon shift)
	Boller City, Masilo Street till Single Quarter, Single Quarter	21. A Amporo
	Ocean View (Hentis Bay Road, Tsavorite Street, Dr Swietering Street, Dr Eugene Street)	22. J Khebeeb
	Rakatoka Street, Nelson Mandela Street - Truck port	23. H Nambinga
	Mondesa Clinic Waterberg Street, Ondjamba Street, Hanganeni School, Grootfontein Street, Hanganeni Playground	24. C Kuama
	Tiras Street, Omenye Street (Amagus Bar), John Arnold Street, Around Cemetery, Airport	25. L Ndemuweda & M Nuyoma
	Matutura	26. M Witten
	Tulinawa, Regenstein Street, Grootfontein Street, Mondesa Clinic, Waterberg Street	27. J Wahango
	Vrede Rede (Robots), Shop n Shop, Rakatoka Street, Oasis Bar, Comrade	28. A Katjivikua,
	Platzmeer to Yellow Bus	29. FN Lot,
	Main Beach Mole	30. M Amalenge
	Beach Cleaners	

11.1.4 **REQUEST TO REPLACE COUNCILLOR P N SHIMHANDA AS THE CHAIRPERSON OF THE SPONSORSHIP COMMITTEE**
(C/M 2021/08/30 - 3/15/1/6/1, 3/P)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 7.4 page 39 refers.

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

Management Committee on **11 May 2021** under item 10.2 resolved as follows:

(a) *That Management Committee approves the various portfolios of the Sponsorships Committee members listed below:*

- Councillor P N Shimhanda (Chairperson)
- Councillor M Henrichsen (Vice Chairperson)
- General Manager: Finance
- Manager: Finance (Secundi)
- General Manager: Corporate Services & Human Capital
- Manager: Corporate Services (Secundi)
- Corporate Officer: Marketing and Communications (Secretary)
- Sports and Recreation Officer (Vice Secretary)
- Youth Development Officer

(b) *That all recommendations of the Sponsorship Committee be submitted to the Management Committee for approval.*

At the Sponsorship Committee meeting held on **13 July 2021**, the Vice Chairperson, Councillor M Henrichsen informed the members that the Chairperson, Councillor P N Shimhanda is unable to attend and chair most the Sponsorship Committee meetings due to his work commitment at Rio Tinto Mine.

The Chairperson accordingly requested via the chairperson that the positions be switched amongst the appointed Councillors i.e.:

- Councillor M Henrichsen (Chairperson)
- Councillor P N Shimhanda (Vice Chairperson)

The portfolios of the other Sponsorship Committee members will remain unchanged.

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

RECOMMENDED:

That the positions of the Chairperson and Vice Chairperson for the Sponsorship Committee be amended as follows:

- Councillor M Henrichsen (Chairperson)
- Councillor P N Shimhanda (Vice Chairperson)

11.1.5 **APPLICATION - SKATING RINK IN PARKING LOT BELOW CAFÉ ANTON AND NEXT TO TENNIS COURTS**
(C/M 2021/08/30 - 16/2/9/1/2)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 8.1 page 03 refers.

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

1. Introduction

This item is submitted to Council to seek approval for setting up a skating rink with plastic floor, boards and glass for the month of December at parking area south of the Tennis Court.

2. Background

Connect People to People is a local brand that has been established by three (3) local entrepreneurs (Buttons Heyns, CB Van Zyl and Dave Hammond). The company's main objective is to organise events, team building and conferencing. The company identified an opportunity to create a perfect atmosphere for Christmas, hence planned to host various activities on the rink during December 2021. As an expert in organising sport events, the following activities/ events are envisaged to take place in December which deemed to add value to the town:

- PGKA Africa Invitational Inline Hockey Tournament
- Roller Disco / Public skating
- Inline Hockey Fun Tournaments
- Futsal/Indoor Soccer
- Indoor hockey
- Learn to skate programme

Swakopmund is faced with a challenge of seasonal tourist, short duration of stay of the overseas tourists and low occupancy rates of accommodation facilities. One of the attributing factors to these challenges is lack of activities that can motivate tourists to stay longer in our town. The economic Development Offices fully supports this initiative and believe it will have a positive impact in the local economy. It will further create a nice vibe for the community as they prepare for the festive season.

3. Discussion

An application (**Annexure "A"**) was received from Connect People to People (CPTP) dated 09 July 2021, in which they applied for permission to set up a skating rink at the parking area south of the Tennis Court, the area where various activities such the Food Festival as well as Swakopmund Summer Fair takes place. The proposed area size for the rink including pavilion is a size of the court (i.e. 57m x 25m).

4. Other events in December 2021

So far, the following annual events that are on the Council calendars has been taken into consideration:

- Annual Swakopmund Summer Fair scheduled for **17th-18th December** (2 days)
- Miss Palm Beach scheduled for 23-26 December 2021 (4 days)

These events will also take place at the same parking area. Site visit that was done on **28th July 2021** with the Office of Chief Executive Officer revealed that both of these events can be accommodated with the skating rink and can actually add value to each other in terms of attracting crowd.

5. Assistance needed

The applicant has requested the following from the Council:

- *Permission to setup the rink*
- *Pavilions/ Bleachers set up around the rink for seating*
- *Assistance with marketing the events*
- *Permission to hang advertising Banners in Town*
- *Assistance with having power on site*
- *Assistance with additional toilets*
- *Assistance with setting up a big Christmas Tree*
- *Assistance with decorations/ lights in the area creating a winter wonderland vibe*

6. Proposal

It is believed that Connect People to People will charge participation fees in all the activities as outlined, meaning they will be collecting revenue from the event. It is therefore proposed that Connect People to People be charged a minimum fee for the utilization of the parking area just like the other event organiser such as Swakopmund Food Festival. The rental fee is **N\$0.26 per day per m²** (i.e. daily rental fees for sidewalks). The total area size to be utilized for skating is rink is 57m x 25 m of the parking area, which is approximately **1425m²**. The rental fee per day will thus be **N\$370.50** (i.e. 1425m² x N\$ 0.26), a total monthly cost of **N\$11 115.00** (VAT Excl).

It is proposed that the Swakopmund Summer Fair as well as Miss Palm Beach events can all be hosted at the same site with the skating rink being on site. As standard procedures, the applicant will be responsible for the following on their own costs:

- *Marketing of the event*
- *Provision of electricity for the event,*
- *acquiring additional toilets*
- *decoration of the area and provision of Christmas Tree*
- *ensuring of the security*

The Council can assist in the following at no cost:

- *Provision of wheelie bins and removal of waste*
- *Perhaps avail personnel to assist with setting up during official hours without incurring overtime costs.*
- *Provision of Pavilions if available*
- *Avail advertising to Council to be marketed on Council Marketing media (Website, Twitter, Facebook)*

Considering the following factors:

- *Setting up of the skating rink (time effect) and its significance to creation of events in town*
- *Value addition to youth empowerment as most proposed activities are targeted toward youths*

- *The costs to be incurred by Connect People to People (CPTP) in marketing, electricity, ablution facilities, security etc.*

It is therefore proposed that Council rent the parking area to CPTP at 50% discounted fees, also taking into account the current economic condition.

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

RECOMMENDED:

- (a) That permission be granted to Connect People to People (CPTP) to set up a skating rink at the parking area (area size of 1425 m²) south of the Tennis Court subject to the following conditions:

- (i) *That the following rental be charged:*

- *Refundable Deposit = N\$ 724.00*
- *Rental Fees x 30 days = N\$ 12 782.25 (i.e. N\$ 370.50 X 30 plus 15% VAT)*

- (iii) *That noise be restricted to the immediate surrounding area (i.e. 85 Decibels) and upon any complaints of noise pollution or misbehaviour, the approval be terminated.*

- (iv) *That the applicant indemnifies Council against all and any claims in respect of damage to property and / or bodily injury to / loss of life of people that may arise from the utilization of the property*

- (v) *That the applicant ensures that there is security during the event*

- (vi) *That the applicant restores the area to its normal state after the event.*

- (vii) *That the applicant ensures that all health protocols related to COVID-19 pandemic, are adhered to.*

- (b) That Council approve a 50% discounted rental fee to CPTP.

- (c) That Connect People to People (CPTP) be responsible for the following on their own costs:

- *Ensures that there is sufficient power supply for the event*
- *Marketing the event*
- *Acquiring of additional ablution facilities.*
- *decoration of the area and provision of Christmas tree*

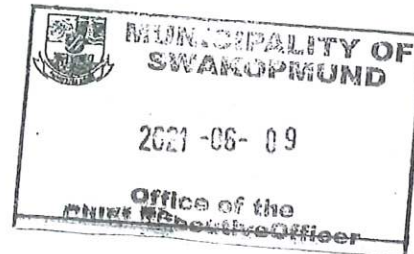
- (d) That Council assist with the following at Council's cost:

- *Provision of wheelie bins and removal of waste*
 - *Avail personnel to assist with setting up, marking the area*
 - *Provision of Pavilions*
 - *Grant permission to hang advertising banner in town.*
 - *Assist with marketing the event on Council's Social Media sites where applicable*
-

ANNEXURE "A"



Hockey rink December 2021
The CEO
Municipality of Swakopmund
Swakopmund
9 July 2021



Mr. Benjamin

Subject: Skating Rink in parking lot below Cafe Anton and next to Tennis Courts: December 2021

We, Connect People to People hereby request permission to set up a skating rink with a plastic floor, boards and glass for the month of December. The location we have identified is the big parking lot below Cafe Anton and next to the Tennis courts. The same spot that the food festival is hosted.

We believe the skating rink will create the perfect atmosphere as we near Christmas. We plan to host a few events/activities on the rink during the month of December.

- PGKA Africa Invitational Inline Hockey Tournament
 - An international Inline hockey tournament which is being planned for early December could play host to 6 Professional teams from the likes of USA, Czech Republic, Germany, Switzerland, Spain, Africa.
 - This would be comparable to the Africa Cup Inline Hockey Championships of which we have successfully hosted 3 times before.
- Roller Disco/ Public Skating
 - A family fun activity where people can rent skates and dance to music. We will theme some of these events and give away prizes.
 - We have 200 pairs of skates to rent out to the general public.
- Inline Hockey Fun tournaments
 - With just over 400 active players in Namibia and our season ending in early November, we believe we have the right product to attract players to participate and spend their holidays in Swakopmund.
- Futsal/ Indoor Soccer
 - The skating rink will be the perfect venue to offer this sport and being in the open air will add to the excitement. We are hopeful for a 2-day tournament.
- Indoor Hockey
 - The skating rink will be the perfect venue to offer this sport and being in the open air will add to the excitement. We are hopeful for a 2 day tournament.
- Learn to skate programs
 - Teach people how to skate



Hockey rink December 2021

- Open Rink
 - People can rent the rink for a specific period of time and do what they want regarding activities we allow on the rink.
- Ball Hockey Tournament
 - A mix between inline hockey and indoor hockey.

The skating rink will become the centerpiece allowing for many activities to happen not only on the rink itself, but also around it, including markets, food festival and family-oriented activities.

We have already spoken to the organizers of the Nedbank Food Festival and they love the idea. They have indicated to us they will incorporate their stalls around the skating rink in order for us not to break it down during the Food Festival dates.

In order for us to recover our transport, build up and breakdown cost, we are requesting that we can make use of said area for the whole of December. Open air Public skating will be a huge attraction and give people an extra activity during the festive season.

What we need:

- Permission to setup the rink (FOC)
- Pavilions/ Bleachers set up around the rink for seating (FOC)
- Assistance with marketing the events
- Permission to hang Advertising Banners in Town (FOC)
- Assistance with having power on site
- Assistance with additional toilets
- Assistance with setting up a Big Christmas Tree
- Assistance with decorations/ lights in the area creating a winter wonderland vibe.

Can you picture it?



P.O. Box 2886, Swakopmund

Email address: teambuilding@connectpeople.com.na; Telephone: +264 81 424 3299

Members: Buttons Heyns, CB van Zyl, Dave Hammond



Hockey rink December 2021



As time is of the essence in organizing this event, we request a decision at your earliest convenience.

Kind Regards,

Buttons Heyns and Dave Hammond
Connect People to People

11.1.6 **APPLICATION FOR A HANGAR SITE: HANGAR 75**
(C/M 2021/08/30 - 18/1/1/2, Hangar 75)

Ordinary Management Committee Meeting of 12 August 2021,
Addendum 8.2 page 10 refers.

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

1. Introduction

An application dated **21 June 2021** was received from Messrs Signa Aviation Services Swakopmund applying for a new hangar space for flying school purposes (**Annexure "A"**).

The applicant indicated that they prefer to be allocated hangar 75. A map is attached as **Annexure "B"**.

2. Current Situation

Having various newly created hangar sites available at the airport, Council passed the following decision on **28 November 2019** under item 11.1.28:

- (a) *That the vacant sites be allocated chronologically to the applicants according to date such applications were received.*
- (b) *That the lease be subject to Council's standard lease conditions.*
- (c) *That the rental tariffs be for the 2019 / 2020 Financial Year: commercial use (N\$4.44/m²) and private use (N\$5.68/m²).*
- (d) *That the remaining hangar sites be allocated as applications are received.*
- (e) *That the General Manager: Corporate Services & HR submit a Hangars Allocation Policy and that the Directorate of Civil Aviation be approached for assistance.*

Although the different tariffs for commercial and private use are being levied correctly, it is incorrectly reflected in the above decision under point (c). The commercial use tariff is the higher tariff.

3. Discussion

As per point (d) of the above decision it is proposed to allocate Hangar 75 to Messrs Signa Aviation Services Swakopmund in terms of Council's standard lease conditions at the airport contained in the lease agreement.

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

RECOMMENDED:

- (a) **That point (c) of item 11.1.28 of Council's resolution passed on 28 November 2019 be amended as follows:**

- (c) *That the rental tariffs be for the 2019 / 2020 Financial Year: commercial use (N\$5.68/m²) and private use (N\$4.44/m²).*

- (b) **That Hangar 75 at the airport be leased to Messrs Signa Aviation Services Swakopmund subject to Council's standard lease conditions contained in the lease agreement.**

**signa**AVIATION SERVICES
SWAKOPMUND

Reg No 2001/069
NCAA ATO 00077
P.O. Box 407 | Windhoek | Namibia
39 Sam Nujoma Avenue | Swakopmund
+264 83 339 0094 | info@signaaviation.com

ANNEXURE "A"

TO: The Chief Executive Officer
Municipality of Swakopmund
PO Box 53
Swakopmund

June 21, 2021

RE: LEASE OF LAND AT SWAKOPMUND AIRPORT

Dear Sir,

Signa Aviation Services is a full service aviation training organization based in Windhoek at Eros Airport.

We have recently opened a satellite training facility in Swakopmund.

As part of the required infrastructure we are in need of hangar space at Swakopmund airfield.

Therefore, we would like to apply for the Lease of the land demarcated as Erf/Plot/Hangar number 75.

We would be highly appreciative if you would consider our request, and we are available at all times to provide any further information you may need.

Yours sincerely,

Francois Hugo
Cell: 081 1555671
Email: francois@signaaviation.com



11.1.7 **APPLICATION BY MARTIN COMPION FOR A HANGAR SITE: HANGAR 76**

(C/M 2021/08/30 - 18/1/1/2, Hangar 76)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 8.3 page 12 refers.

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

1. Introduction

An application dated **19 June 2021** was received from Mr Martin Compion applying for a hangar space to construct an aircraft hangar (**Annexure "A"**). The applicant indicated that he prefers to be allocated Hangar 76. A map is attached as **Annexure "B"**.

2. Current Situation

Having various newly created hangar sites available at the airport, Council passed the following decision on **28 November 2019** under item 11.1.28:

- (a) *That the vacant sites be allocated chronologically to the applicants according to date such applications were received.*
- (b) *That the lease be subject to Council's standard lease conditions.*
- (c) *That the rental tariffs be for the 2019 / 2020 Financial Year: commercial use (N\$4.44/m²) and private use (N\$5.68/m²).*
- (d) *That the remaining hangar sites be allocated as applications are received.*
- (e) *That the General Manager: Corporate Services & HR submit a Hangars Allocation Policy and that the Directorate of Civil Aviation be approached for assistance.*

Although the different tariffs for commercial and private use are being levied correctly, it is incorrectly reflected in the above decision under point (c). The commercial use tariff is the higher tariff.

3. Discussion

As per point (d) of the above decision it is proposed to allocate Hangar 76 to Mr Martin Compion, in terms of Council's standard lease conditions at the airport contained in the lease agreement.

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

RECOMMENDED:

- (a) That point (c) of item 11.1.28 of Council's resolution passed on **28 November 2019** be amended as follows:

- (c) *That the rental tariffs be for the 2019 / 2020 Financial Year: commercial use (N\$5.68/m²) and private use (N\$4.44/m²).*

- (b) That Hangar 76 at the airport be leased to Mr Martin Compion subject to Council's standard lease conditions contained in the lease agreement.

TO: The Chief Executive Officer
Municipality of Swakopmund
PO Box 53
Swakopmund

June 19, 2021

RE: LEASE OF LAND FOR HANGAR CONSTRUCTION AT SWAKOPMUND AIRPORT

Dear Sir,

I have recently been informed of the availability of land at Swakopmund airport for the purpose of constructing aircraft hangars.

I have been assisted by Mrs Ndili Gustaf and advised to apply via this channel.

I therefor formally apply to obtain Erf/plot number 76 for the intended construction.

I would be highly appreciative if you would consider my request, and am available at all times to provide any further information you may need.

Yours sincerely,



Martin Compion
Cell: 081 122 7275
Email: martin@signaaviation.com



11.1.8 **FINANCIAL ASSISTANCE FOR THE NATIONAL SEA RESCUE INSTITUTE OF NAMIBIA**

(C/M 2021/08/30 - 16/2/10/7/1)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 8.4 page 15 refers.

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

1. Introduction

This submission is tabled to the Management Committee to consider the request of **Messrs Sea Rescue Institute of Namibia** for financial contribution, amendment to their lease agreement, with relation to the operations of their institution.

2. Background

Messrs Sea Rescue Institute of Namibia is a non-profitable organization; establish to provide sea rescue services at various points on Namibian waters. In this respect, the organization has several crews that utilize lifesaving craft and boats in case of rescue or disaster. However, due to Swakopmund being the most vibrant tourist destination, Messers Sea Rescue Institute of Namibia made several changes to their service to include beach life saving in particular to area where many swimmers congregate. Thus, the original aim was a bit modified to cater for safety at Swakopmund beaches

3. Discussion

In their letter dated, 8 March 2021 Messrs. Sea Rescue Institute of Namibia informed Council that their operation cost to provide sea rescue services has increased sharply primary due to the high cost of maintenance of their old equipment. In this respect, they are asking, Council to increase its financial contribution in order to provide efficient and effective service to the residents of Swakopmund. Messrs SRIN is therefore requesting Council to:-

- (i) Increase financially contribution from **N\$30 000.00** to **N\$55 000.00**
- (ii) *Wave monthly building rent on erf 18 Arnold Schad.*
- (iii) *Increase current lease agreement from **5 to 15 years**.*
- (iv) *Wave current water account of **N\$962.50 (Attached)**.*
- (v) *Renovate of the building asbestos roof.*
- (vi) *Remunerate life saver volunteers (**1 184 hours**).*

4. Proposal

Considering the fact that Messer's Sea Rescue Institute of Namibia is a non-profit organization with significant rescue equipment; skilled

labour force and capacity to conduct Sea Rescue as well as beach saving operations, it's important that Council continue to support the institute financially to ensure that these emergency services are provided at Swakopmund beaches throughout the year. In addition, the services should include:

- *Explaining and enforcing rules, regulations, and policies to ensure the safety of residents at the beach.*
- *Monitoring designated areas to recognize signs of danger.*
- *Warning swimmers regarding unsafe situations.*
- *Maintaining order in swimming areas.*
- *Responding to emergencies and rescuing swimmers in danger of drowning.*
- *Maintaining records and reports.*

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

RECOMMENDED:

- (a) That Council increases the lease period for Sea Rescue Institute of Namibia from 3 to 15 years.
 - (b) That Council waives the arrear water account of N\$962.50 for the Sea Rescue Institute of Namibia.
 - (c) That the Engineering and Planning Services Department arranges for the replacement of the roof at the Sea Rescue Institute of Namibia on Erf 18, Arnold Schad.
 - (d) That Council increases the financial contribution to N\$55 000.00 annually, to cater for general expenses. and the funds be defrayed from Vote: 350010110000, where an amount of N\$100 000.00 is available
 - (e) That Sea Rescue Institute of Namibia provides life guard services duties at the beach areas throughout the year.
 - (f) That Council provides 5-10m³ of water per month for free to the site.
-

11.1.9 **ROAD FUND ADMINISTRATION PROCEDURES AGREEMENT WITH SWAKOPMUND MUNICIPALITY**
(C/M 2021/08/30 - 5/6/8)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 8.5 page 17 refers.

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

1. Introduction:

A letter dated **18 June 2021** was received from Messrs Road Fund Administration requesting to enter into a procedure agreement relating to traffic law enforcement as referred to in section 17(1)(d) of the Road Fund Administration Act 1999 (Act no 18 of 1999). **Annexure "A"**.

2. Background

The Road Fund Administration (RFA) is mandated by its Act, the Road Fund Administration Act (Act 18 of 1999) to allocate funds to Approved Authorities (AAs) from the Road User Charging System, subject to funding limitations.

- (a) *For the Road Fund Administration (RFA) to comply with this mandate and functions there must be a **Procedures Agreement for Traffic Law Enforcement** in place. The Agreement sets out conditions and procedures to be followed by the RFA and AAs, in line with Section 17(1) of the RFA Act. This Procedures Agreement for Traffic Law Enforcement Agencies is attached as **Annexure "B"**.*

On **Friday 25 June 2021** a virtual meeting took place where all the stakeholders provided their input and contributions on the Procedure Agreement, where after consensus was reached. In accordance with Section 20 (4) of the RFA Act, the Swakopmund Municipality has been allocated **N\$3 404 600.00** for the financial year for **1st of April 2021 to 31st March 2022** for traffic Law Enforcement Programme, **Annexure "C"**. The funds will be utilized on the procurement of the below listed items:

- (i) One double cab 4X4 bakkie
- (ii) Four petrol cars
- (iii) One roadblock trailer with equipment CCTV speed cameras

3. Conclusion

In view of the above, it is therefore required that Council grant permission to the Chief Executive Officer to sign the Procedures Agreement on behalf of Council on a date still to be determine by Messrs. Road Fund Administration.

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

RECOMMENDED:

- (a) That Council in principle approves the Procedures Agreement for Traffic Law Enforcement with Messrs Road Fund Administration, (on file).
- (b) That the Chief Executive Officer be authorized to sign the Procedures Agreement for Traffic Law Enforcement on behalf of Council.

- 11.1.10 **PERMANENT CLOSURE OF ERVEN 380, 411 AND 448, SWAKOPMUND AS PUBLIC OPEN SPACE, REZONING OF ERVEN 380, 411 AND 448, SWAKOPMUND FROM "PUBLIC OPEN SPACE" TO "PRIVATE OPEN SPACE" CONSOLIDATION OF ERVEN 380, 411 AND 448, SWAKOPMUND INTO CONSOLIDATED ERF X.**
(C/M 2021/08/30 - 16/1/4/1/6, 19.03.08.380.411.448)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 8.6 page 18 refers.

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

1. Purpose

The purpose of this submission is for Council to consider the permanent closure, rezoning and consolidation of Erven 380, 411 and 448, Swakopmund.

2. Introduction and Background

Council on **30 January 2020** under item 11.1.10 resolved as follows:

- (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.*

In a meeting that was held between the owners of Erven 380, 411 and 448, Swakopmund and the Engineering and Planning Department thereafter, it was concluded that Council conducts the permanent closure, rezoning, consolidation as well as the environmental impact assessment on behalf of the owners.

This was brought about by the fact that Council sold public open space to an individual and the owner of the erven is not in the capacity to take over the statutory processes.

3. Zoning, Locality and Size

Erven 380, 411 and 448, Swakopmund are zoned "*Public Open Space*", located in Swakopmund proper along the Swakopmund River and are 1995m², 98.81m² and 429.45m² in extent, respectively.

4. Access and Services

Erven 380, 411 and 448, Swakopmund obtain access from Windhuker Street and are still to be serviced once consolidation and subdivision are finalised.

5. Ownership

The ownership of 380, 411 and 448, Swakopmund vest with The Trustees for the Time Being of the Haller Property Trust as per the Deed of Transfer T1976/2001. A Power of Attorney has been obtained from the owner.

6. Closure Certificate and Environmental Impact Assessment

The Permanent Closure Certificates as per Section 50 of the Local Authorities Act, No. 23 of 1992 under the heading "*Closing of Streets or Public Places*" for the erven needs to be completed. The Environmental Clearance Certificated has been obtained and is herewith attached.

7. Proposal

Erven 380, 411 and 448, Swakopmund are being closed as public open spaces, rezoned to private open spaces and then consolidated into Erf X. The proposed development is to be done as per the table below:

<i>Erf Number</i>	<i>Proposed Approximate Area (M²)</i>	<i>Proposed Zoning</i>
380	1 995	Private Open Space
411	98.81	Private Open Space
448	429.45	Private Open Space
CONSOLIDATED ERF X	2 523.26	Private Open Space

The intention for the proposed development is to rectify the current town planning errors and to ensure that the legal process has been undertaken.

8. Advertisement

The immediate neighbours were notified about the proposed permanent closure, rezoning, and consolidation. The proposed development was also advertised on the 16th and 23rd of **October 2020** in both the Namib Times and the Namibian newspapers. The closing date for objections to the proposal was 6th November 2020. The rezoning was further advertised in the government gazette on the **15th October 2020**. One objection was received in this respect.

Due to the objection, the Municipal Council of Swakopmund invited the objector for a meeting in order to address the objectors concerns which were merely more clarity on the development. As a result, **the objector withdrew their objection.**

9. Conclusion

The proposed development is in line with the Swakopmund Zoning Scheme and can be supported.

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

RECOMMENDED:

That points (i), (j) and (k) of the Council Resolution of 30 January 2020, under item number 11.1.10 be repealed and replaced with the following:

- (i) *That the permanent closure of Erven 380, 411 and 448, Swakopmund as "Public Open Space" be approved.*
 - (j) *That the rezoning of Erven 380, 411 and 448, Swakopmund from "Public Open Space" to "Private Open Space" be approved.*
 - (k) *That consolidation of Erven 380, 411 and 448 Swakopmund into Consolidated Erf Y be approved.*
-

ANNEXURES**POWER OF ATTORNEY**

I, the undersigned, **Ludwig Haller**, in my capacity as co-owner of the **Haller Property Trust** do hereby nominate, constitute, and appoint,

**SWAKOPMUND MUNICIPALITY
PO BOX 53
SWAKOPMUND
NAMIBIA**

With power of Substitution to be my lawful Attorney and Agent in my name, place, and stead, to submit the necessary application to MINISTRY OF ENVIRONMENT FORESTRY AND TOURISM for the:

- **Consolidation, closure and rezoning of Erven 380, 411 and 448 Swakopmund**


And generally, for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectively, all intends and purpose, as I might or could do if personally present and acting herein-hereby ratifying, allowing, and confirming and promising and agreeing to ratifying, allow and confirm and whatsoever my said agent shall lawfully do, or cause to be done, virtue of these presents.

Signed at **Swakopmund** on this 12th day of **March 2021** in the presence of the undersigned witnesses.


Ludwig Haller
Haller Property Trust

AS WITNESSES:

1. 

2. 

ECC - 01239

Serial: DXYAlv1239

Copy



REPUBLIC OF NAMIBIA
MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM
OFFICE OF THE ENVIRONMENTAL COMMISSIONER

ENVIRONMENTAL CLEARANCE CERTIFICATE

ISSUED

In accordance with Section 37(2) of the Environmental
Management Act (Act No. 7 of 2007)

TO

Swakopmund Municipality
P. O. Box 53, Swakopmund

TO UNDERTAKE THE FOLLOWING LISTED ACTIVITY

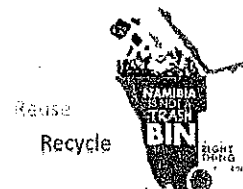
Closure & Rezoning of Erven 379, 402, 403, 404 and 410 from Public Open
Spaces to Private Open Spaces (as amended), Swakopmund Proper,
Erongo Region

Issued on the date: 2021-02-22
Expires on this date: 2024-02-22

(See conditions printed over leaf)



This certificate is printed without erasures or alterations



ECC --

CONDITIONS OF APPROVAL

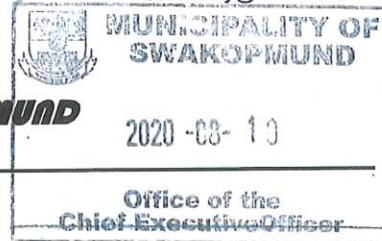
1. This environmental clearance is valid for a period of 3 (three) years, from the date of issue unless withdrawn by this office
2. This certificate does not in any way hold the Ministry of Environment and Tourism accountable for misleading information, nor any adverse effects that may arise from these activities. Instead, full accountability rests with the proponent and its consultants
3. This Ministry reserves the right to attach further legislative and regulatory conditions during the operational phase of the project
4. All applicable and required permits are obtained and mitigation measures stipulated in the EMP are applied particularly with respect to management of ecological impacts.
5. Strict compliance with national heritage guidelines and regulations is expected throughout the life-span of the proposed activity, therefore any new archaeological finds must be reported to the National Heritage Council for appropriate handling of such.
6. This clearance certificate is amended in terms of Section 39 (1) (a) of the Environmental Management Act, Act No. 7 of 2007, to include the following: Erven 380, 411 and 448

P.O. Box 560
Swakopmund
Namibia

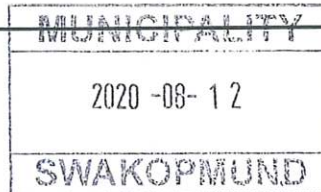


REITERVEREIN SWAKOPMUND

secretary@rvsnam.com



The CEO
Swakopmund Municipality



07 August 2020

Notice 32/2020: Permanent Closure of Erf 379, 402, 403, 404 and 410 and rezoning from public to private

Dear Mr. Benjamin

The Reiterverein Swakopmund, by proxy of its members, hereby would like to register its objection to the intended rezoning of the respective erven, for the following reasons:

- The proposed erven currently form part of an area that is intensively used for recreation by the Swakopmund community, as well as the horse riding community for access to the river bed and the beach.
- The rezoning of the erven from public to private will result in permanent removal of access to the riverbed area via public space. Alternative access routes that might exist, come with certain restriction and do not offer the same access ability, because they fall under areas that can be closed at times.
- We feel that public areas that are used for recreation, such as the area covered by these erven, form an important part of the value that Swakopmund holds for its inhabitants. To remove these areas from the public domain, further devalues the recreational offering of the town and goes against the stated goals of the town's governance.
- The area is also used for fishermen as a route between the beach and town. Removing this route of access will force people to use areas that add considerable distance and that could lie on riding tracks, which adds risk to bodily harm, especially during horse shows when these tracks cannot be crossed.

For the RVS, it is crucial to maintain open access to areas where horses can exercise and train over distances. We object strongly to further enclosing the RVS property and the resulting restriction of movement. The RVS property has been located at the edge of town with the purpose and intention to retain access to the riverbed and dune areas. The proposed rezoning further endangers the future of the only horse riding stable in the town area.

We kindly request the municipality to reconsider the proposed rezoning and to maintain the current public zoning status, in the interest of not only the RVS, but the entire Swakopmund community.

Yours sincerely

RE: Withdrawal of Objection

Johannes Heita

To: Holger Kleyenstueber

CC: RVS; Jennipher Batley; Johanna Angolo; Hilaria Kevanhu

Sent: 05/10/2020 03:21 PM

Regards

John

Johannes Heita | Manager: Town Planning | Engineering & Planning Services | 4403

From: Holger Kleyenstueber [mailto:holger.kleyenstueber@gmail.com]**Sent:** Monday, 05 October 2020 03:10 PM**To:** Johannes Heita**Cc:** RVS**Subject:** Withdrawal of Objection

Dear Mr Heita,

as discussed at the meeting in your office, the RVS will withdraw themselves from the objection rezoning of Erven 379, 402, 403, 404 & 410.

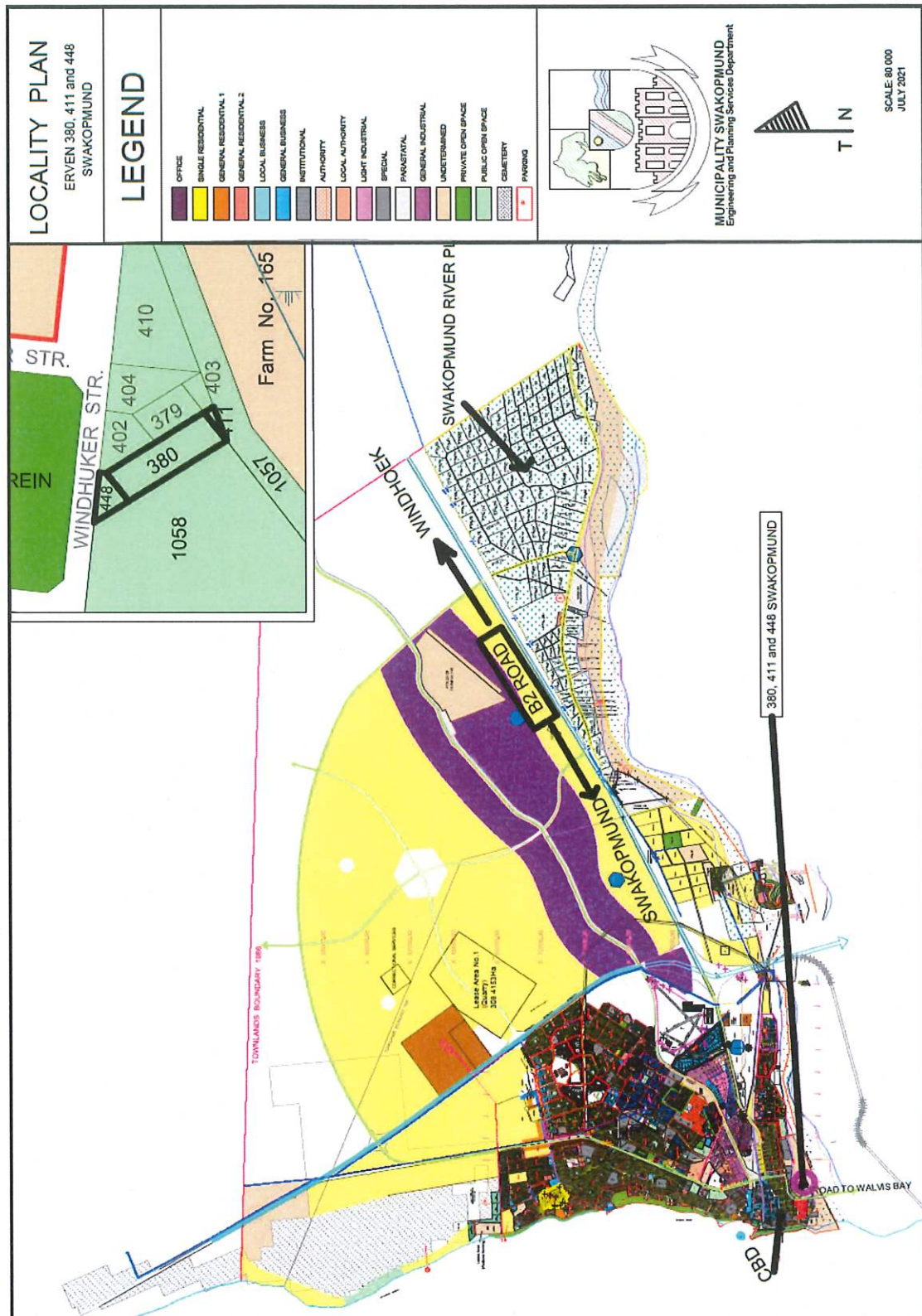
As discussed, we would be interested in purchasing erf 402 as well as the erfen we currently lease. Our intention is to keep it an open space.

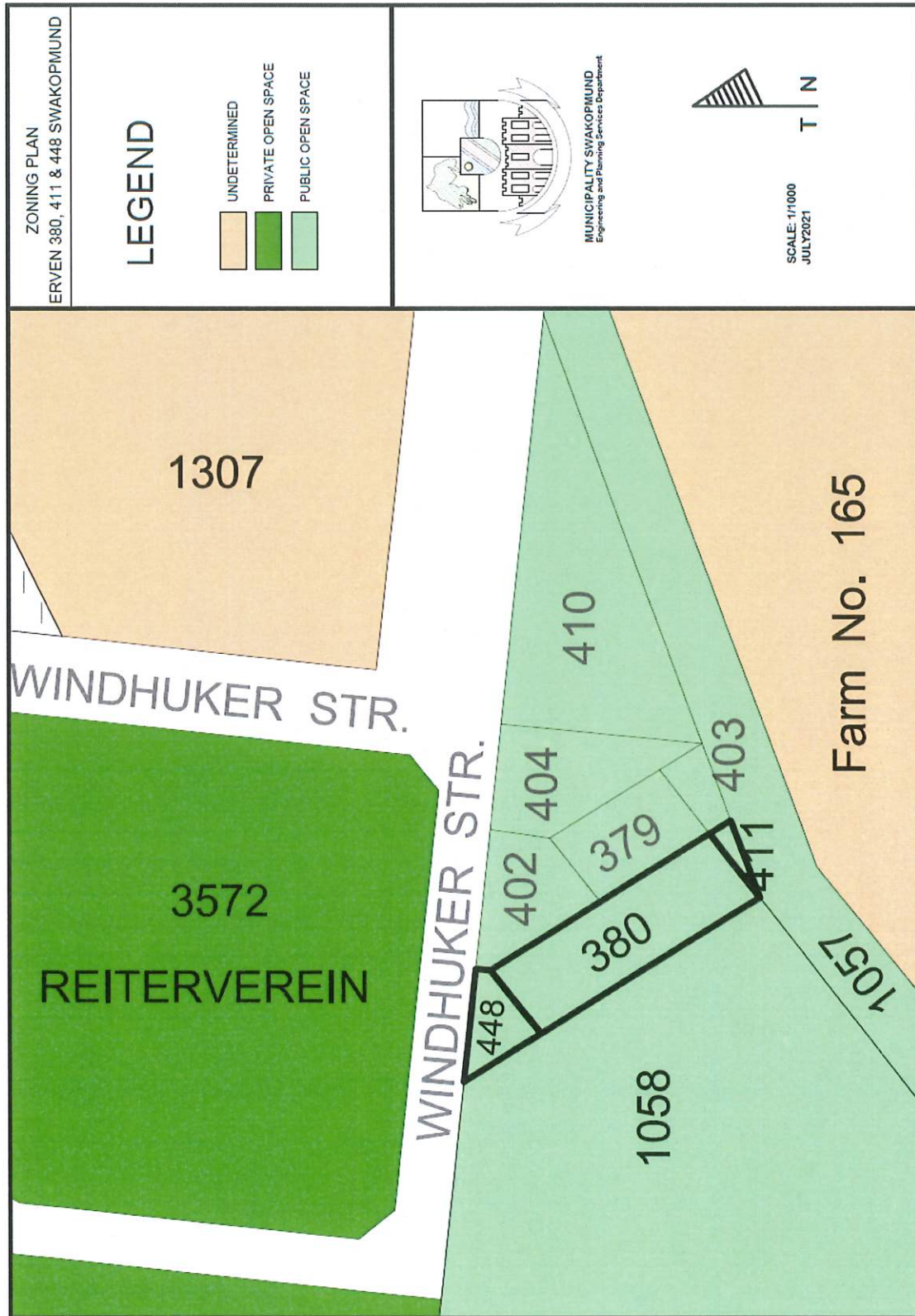
Thank you in advance.

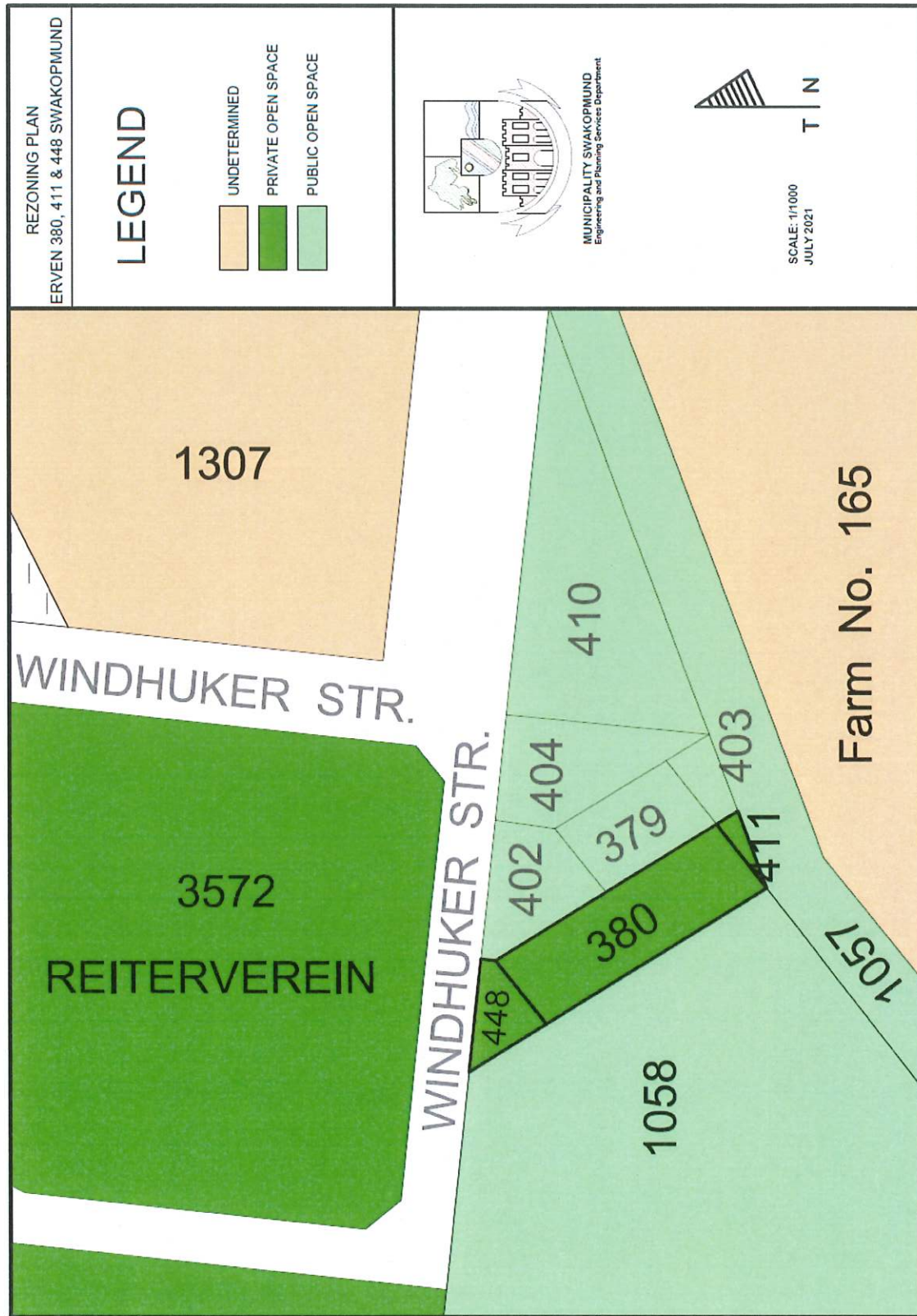
kind rgds,

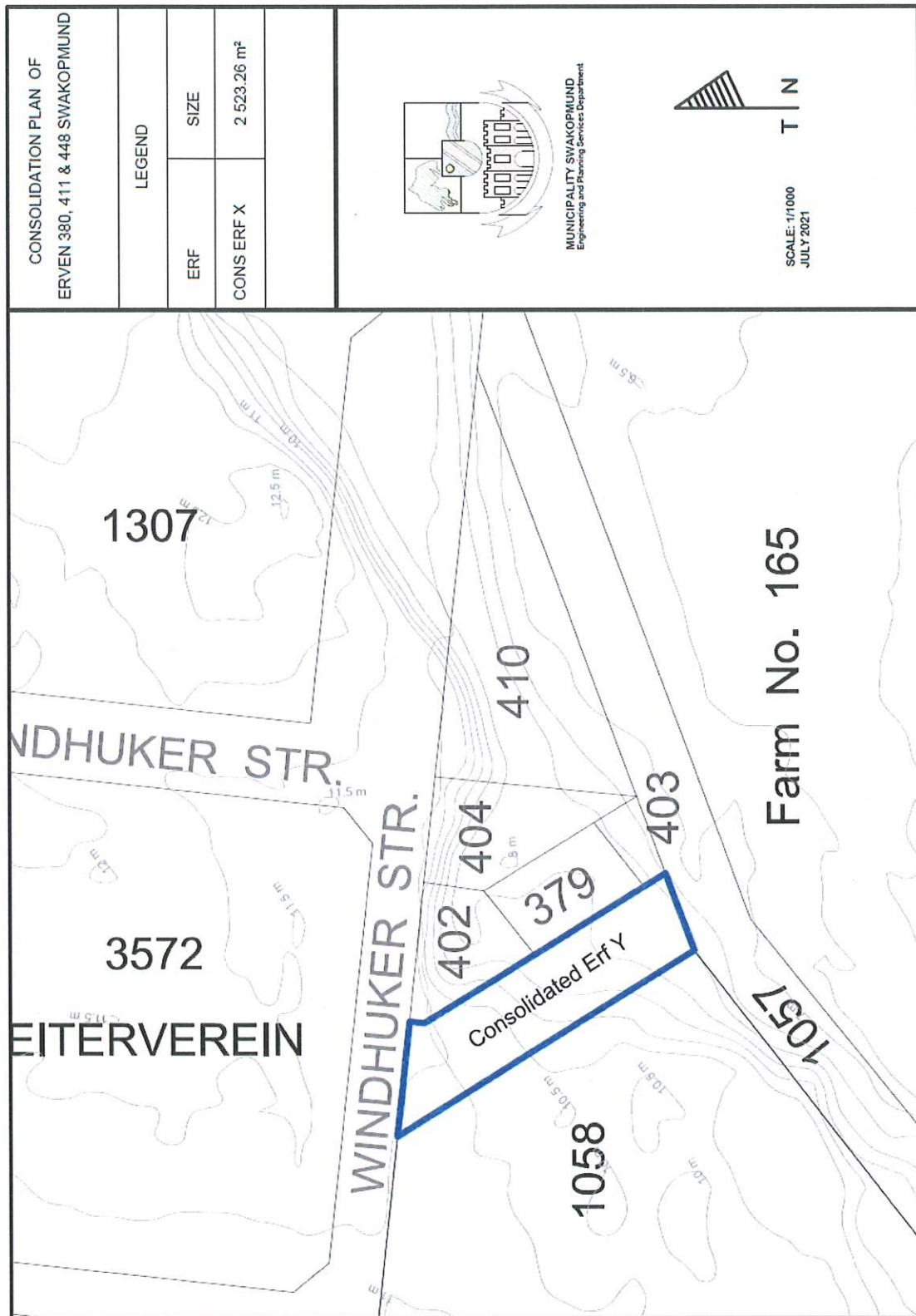
Holger Kleyenstüber

RVS Chairman









11.1.11 **APPLICATION FOR RELAXATION OF LATERAL BUILDING LINES
ON ERF 2345, SWAKOPMUND**

(C/M 2021/08/30 - 19.03.09.2345, E 2345)

Ordinary Management Committee Meeting of 12 August 2021,
Addendum 8.7 page 33 refers.

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

1. Purpose

The purpose of this submission is to seek Council's consideration for the relaxation of the lateral building line from three (3) metres to zero (0) metres on Erf 2345, Swakopmund.

2. Introduction and Background

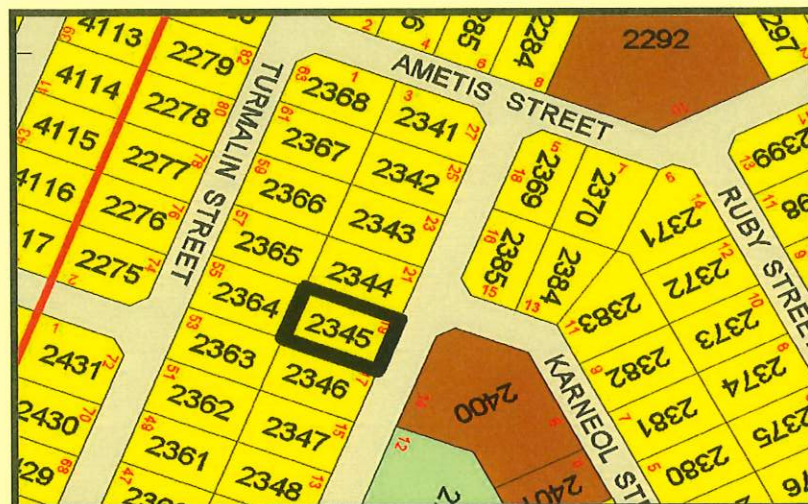
An application was received from Conrad Scheffer Architects on behalf of the owners of Erf 2345, Swakopmund for the relaxation of the lateral building line from three (3) metres to zero (0) metres. The Erf on the lateral side of Erf 2345 Swakopmund is Erf 2364, Swakopmund. The owner intends to construct a garage and a kitchen up to the boundary however an objection was received from the owner of Erf 2364, Swakopmund. The application is attached as **Annexure A**.

3. Ownership

The ownership of Erf 2345, Swakopmund vests with the Government of the Republic of Namibia as per the Deed of Transfer No. 1747/1980. The application is submitted on behalf of the Erongo Regional Council. Attached as **Annexure C**.

4. Locality, Zoning and Size

Erf 2345, Swakopmund is located in Swakopmund Extension 8 along Aragonit Street. The Erf is zoned "*Single Residential*" with a density of 1: 900 m² and is approximately 1000 m² in extent. (See locality map below).



Erf 2345, Swakopmund

5. Discussion

It is the intension of the owners of Erf 2345, Swakopmund to construct a main dwelling as well as a subsidiary dwelling on the Erf with the kitchen and a garage of the subsidiary dwelling up to the boundary where Erf 2345, Swakopmund borders with Erf 2364, Swakopmund. See plan below. An objection was received from the owner of Erf 2364, Swakopmund, hence the submission.

5.1 Objector's argument

The objectors stated that their Erf, Erf 2364 Swakopmund is not yet developed and their intention is to keep it in the market for sale and an encroachment onto the building line as indicated on the proposed building plan will have adverse effects on the value of their property. It is on this basis that their object to the proposed development on Erf 2364, Swakopmund. The objection has been attached as part of **Annexure A**.

5.2 Applicant's response

According to the applicant, the proposed buildings were designed in this way in order to utilise the site to its full potential as well as to allow for northern sun to protrude into the living spaces. The applicant stated that the buildings were pulled apart in order for them to not overlap and to provide adequate privacy for both portions.

They argued that ***“moving away from the western boundary would have resulted in cold, windy, fall out space without a purpose”*** and further stated that firewalls have been put in place with no windows facing the rear boundary. According to the applicant, the proposed design will not have any physical impact on the privacy or views of the rear neighbours' property no would it have

any impact on the amount of warmth and northern sun available to the neighbour.

In their concluding argument, the applicant stated that they are adding value by providing a boundary wall complete with durable finishes of a rockface plinth in contrast to the two existing boundary walls that are in bad condition. The applicant additionally motivated that they requested advice from a local valuator in this regard who agreed with their sentiments that the value of the neighbour's property will not be negatively affected and that an extra boundary wall would add value thereto. The motivation has been attached as **Annexure B**.

6. Evaluation

The Swakopmund Zoning Scheme in Clause 5, A, 2.4 (a) and (e) states that

- (a) *No building, permanent structure or portion thereof, except for boundary walls and fences, may be erected on the site within:*
 - (i) *5 meters from any street boundary*
 - (ii) *3 meters from any rear boundary*
 - (iii) *3 meters from any side boundary*
 - (iv) *5 meters in the case of a garage from any street boundary or half of the height of the building, whichever is greater.*

However,

- (e) *The Council may relax these requirements if it is satisfied that no interference with the amenities of the neighbourhood, existing or as contemplated by the scheme, will result.*

Whilst it is within Council's mission to react to the needs of the residents, Council also strives to create a harmonious environment for all its residents. The zoning scheme takes into consideration the amenities of the neighbourhood as a whole as stated above and not the personal interests of individuals alone and once satisfied, pronounces itself on the matter.

Once constructed, the wall on the lateral side of Erf 2364, the erf of the objector will be plastered and painted as indicated below. The devaluing of Erf 2364 Swakopmund as stated by the objector has not been quantified and can therefore not be proven at this stage. It is against this background that Council exercises its discretion in this matter, having taken the amenities of the whole neighbourhood into consideration.

7. Conclusion

Council has the discretion in terms of the Swakopmund Zoning Scheme to decide on a matter that involves the amenities of a neighbourhood.

The relaxation of building lines on Erf 2345, Swakopmund therefore, has no significant negative impact to the neighbourhood, therefore the application is supported.

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

RECOMMENDED:

- (a) That the application for consent to relax the building line on Erf 2345, Swakopmund from three (3) metres to zero (0) metres on the lateral boundary line be approved.
 - (b) That the objector 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.
-



MUNICIPALITY SWAKOPMUND

RELAXATION FORM

ANNEXURE A

 (064) 4104400
 FAX: (064) 4104125

 ☐ 53 SWAKOPMUND
 Namibia

APPLICATION FORM FOR THE RELAXATION OF DEVELOPMENT STANDARDS

APPLICANTS ERF NO: 2345	CONSENSERS ERF NO: 2364
Suburb: <u>Vingeta</u>	Street Address: <u>Aroganiet Street</u>
Particulars of Owner	
Name of Owner: <u>Erongo Regional Council</u>	
Name of Authorized Person: <u>Conrad Scheffer Architects</u>	
Postal Address (Owner): <u>2413, Walvis Bay</u>	
Tel. No (Owner): <u>+264 64 203 125</u>	
E-mail Address (Owner): <u>admin@csarch.co</u>	

Application for relaxation of: (Please tick appropriate)

(The written consent of the adjacent neighbors and a signed site plan must be attached) A.

A. Building Lines:

- For the relaxation of Rear Building Line ☒ From: 3 meter to: 0 meter
- For the relaxation of Lateral Building Line ☐ From: _____ meter to: _____ meter
- For the relaxation of Street Building Line ☒ From: 5 meter to: 4 meter

B. Boundary Wall Height:

- For the relaxation of Rear Boundary wall ☐ From: _____ meter to: _____ meter
- For the relaxation of Lateral Boundary wall ☐ From: _____ meter to: _____ meter
- For the relaxation of Street Boundary wall ☐ From: _____ meter to: _____ meter

C. Relaxation of setback - 1st ☐ or 2nd ☐ Floor

- For the relaxation of Rear Building Line ☐ From: _____ meter to: _____ meter
- For the relaxation of Lateral Building Line ☐ From: _____ meter to: _____ meter
- For the relaxation of Street Building Line ☐ From: _____ meter to: _____ meter

D. Relaxation of Building Height: (Indicate)

 A site/building plans, signed by the relevant/affected neighbors must be attached, indicating the Plan number: 1492cs 98
 dated October 2020

(Plan must show, at least, existing site building lines and existing buildings, the location, height, use, design and extent of encroachment of proposed buildings.)

E. Relaxation of Garages (Maximum 100m²)

- For the relaxation of Garages ☐ From: _____ m² to: _____ m²

Reasons for the relaxation

To optimise the full potential of the Erf

 SIGNATURE OF APPLICANT or
 DULY AUTHORIZED PERSON
 WITH POWER OF ATTORNEY

DATE

 SEE OVERLEAF FOR CONSENT INFORMATION
 PAGE 1 OF 2

RELAXATION FORM

CONSENT FROM ADJOINING OWNER / NEIGHBOUR FOR THE RELAXATION OF DEVELOPMENT STANDARDS

Soheil Afshani (Trustee) the owner of erf no.: 2364 Extension/Suburb Hage Heights
Afshani Trust
 Have scrutinized and signed the building plan no.: 1692-198 prepared by Messrs Pierre van Zyl
 and Object ~~do not object~~ (mark with an "X" which is applicable) against the proposed encroachment /
 relaxation of development standards on erf no 2345 being the following: 0814 0083 00

☒ Building Lines

OBJECTION
 Signature of Owner

☐ Double Storey within relaxed Building Lines

Signature of Owner

☐ Relaxation of Boundary Wall Height

Signature of Owner

☐ Relaxation of Building Height

Signature of Owner

☐ Relaxation of Garages
 (Please tick appropriate)

Signature of Owner

REMARKS/REASONS:

Our Erf is not yet developed and our intention is to keep it in the market for
sale. The encroachment by development on Erf 2345 on our boundary line as
shown on the attached site plan will have an adverse effect on the value
of our Erf 2364. We don't accept any encroachment towards our Erf beyond the 3 meter.
Soheil Afshani (Trustee) Afshani Trust
 SIGNATURE FULL NAME DATE 02-03-2021

Contact Details: Tel. No / Cell Phone:

NB: Please attach certified copy of Identity document (signature) of the neighbour (owner of erf).

OFFICE USE ONLY	
TOWN PLANNING SCHEME REGULATIONS - REPORT	
Zoning of Erf:
Notice Number:
Comments:
Recommended:	YES / NO
PLANNER: TOWN & SPECIAL PROJECTS	
Approved:	YES / NO
GENERAL MANAGER: ENGINEERING SERVICES	
Approved:	YES / NO
CHIEF EXECUTIVE OFFICER	

Date: 02 March 2021

Conrad Scheffer Architects
P O Box 2413, Walvis Bay
Attention: Mr Hein Profijt


Dear Mr Profijt

Re: Application for Building Line Relaxation

We herewith express our objection towards your application to encroach on our Boundary Line on our Erf 2364, Hage Heights, Toermolin, Vineta by the development on Erf 2345 Vineta.

The reason for objection is, that our Erf is not yet developed and our intention is to keep it in the market for sale. The encroachment by development on Erf 2345 Vineta on our Boundary Line as shown on the attached Site Plan will have an adverse effect on the value of our Erf 2364 Vineta. Therefore, we do not accept any encroachment towards our Boundary Line beyond the statutory 3-meter Building Line.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Afshani', written over a horizontal line.

Soheil Afshani (Trustee) Afshani Trust

**ANNEXURE B**

CORNER OF 7TH ROAD & 57 SAM NUIJOMA AVENUE, P.O. BOX 2413, WALVIS BAY, NAMIBIA TEL: +264 64 2031257 +264 64 203589 EMAIL: admin@csarch.co

CS/pe/1492

29 June 2021

The Municipality of Swakopmund
Attention: Mr Clarence McClune
PO Box 53
SWAKOPMUND
Namibia

Dear Mr McClune

MOTIVATION LETTER: FOR COUNCIL APPROVAL
BUILDING LINE RELAXATION - ERF 2345, SWAKOPMUND

Background:

In 2020, we were appointed by the Erongo Regional Council to design a main dwelling with a subsidiary dwelling on Erf 2345, a state owned property. The design was approved by the Erongo Regional Council and submitted to the Department of Works in Windhoek earlier this year.

At that time, we enquired assistance from several municipal employees in the planning department, including the Manager of design and building department, regarding the Municipal procedures on state-owned property. They confirmed in writing that no submission or building line relaxation is required as it is a state-owned property, and that the state is exempt from any Municipal and town planning regulations/laws. (**see Annexure A**) We then submitted a full set of drawings to the Municipality of Swakopmund for information and comments.

Out of courtesy, we sent the relaxation application and drawings to the affected neighbour for their consent. They objected to the relaxation and their reason was that the encroachment would "adversely affect the value of their property", which they bought for investment purposes. We called the neighbour to ask if they would reconsider signing for the relaxation, but with no success. A town planning officer from the Municipality then called to inform us of the objection letter received and that because of the single residential zoning of the erf, we still needed to follow the normal procedures for relaxation and submission to the Municipality of Swakopmund, even though it is state-owned property.

Our Motivation:

As part of the brief, our client requested for the design of a single storey main dwelling with a single storey subsidiary dwelling at the rear end, and utilising the site to its full potential. We aimed to design the layout of both entities to allow for maximum northern sun to protrude into the living spaces. The buildings were pulled apart in order not to overlap and to provide adequate privacy for both portions. In order to comply to the brief and provide an effective design, we had to make use of the full 40m length of the site, encroaching over the western 3m building line. Moving the flat away from the Western boundary would have resulted in a cold, windy, fall-out space without any purpose.

Looking at the area around the proposed development, the majority of the developments have a subsidiary dwelling at the back of the main dwelling, either encroaching to the 0m on the rear or on the side. This seems to be the norm for development of single residential erven in that area. All firewalls are in place with no windows facing the rear boundary. The proposed design will therefore not have any physical impact on the privacy or views of the rear neighbour's property. The neighbour's property is situated to the North-West of our client's property, and therefore it would almost no impact on the amount of warm, Northern sunlight available to our neighbour.

We are also aware that the current owner, Afshani & Afshani Trust has the property on the market and that they believe that the encroachment of our design would have an adverse effect on their property's value. In essence, we are essentially adding value by providing the boundary wall, complete with durable finishes of a rockface plinth, plaster and paint. In contrast, the existing two boundary walls are currently not plastered and in a bad condition with salt penetrating the building blocks just above the plinth. We also requested advice from a local valuator, and they agreed that the value of the neighbour's property would not be affected negatively at all and that in fact, an extra boundary wall would undeniably add to the value thereof.

Conclusion:

Finally, we feel that the neighbour's reason for objection ("that the relaxation up to the boundary wall will have an adverse effect on the value of the property") is not significant enough to invalidate the application. Hereby, we formally apply to Council and trust that they would evaluate this submission positively.

Yours sincerely,



PHIL-MARI ENGELBRECHT

JO

ANNEXURE C

Paras 7 + 21

Munisipaliteit van Swakopmund

GETRANSPORTEER AAN Swakopmund

TRANSFLEURS TO

No. T 2026/80

28-07-1986

M. MARAIS

GRANT GEONDERPREF No. T 684

Verkenningsskiedse Omskeid van die

In reposit of Para 3 + 11

1988-03-08

J. D. VAN ZYL

REGISTRAR VAN WINDHOEK

SWAKOPMUND

28-07-1986

M. MARAIS

REGISTRAR VAN WINDHOEK

GRANT GEONDERPREF No. T 684

Verkenningsskiedse Omskeid van die

In reposit of Para 3 + 11

1988-03-08

J. D. VAN ZYL

REGISTRAR VAN WINDHOEK

Uitklaring: Swakopmund

FISHER, QUARMBY & PFEIFER,
Prokureurs,
Postbus 87, Windhoek.

Opgestel deur my.

Transporteeringer.

Akte van Transport Nr.

HIERMEER WORD BEKENDGEMAAK

T 1747 1980

Dat JOHN GAY QUARMBY

voor my, Registrateur van Aktes te Windhoek, verskyn het, waartoe hy, die Komparant, behoorlik gemagtig is kragtens 'n volmag

gedateer die 16de Mei, 1980

geteken te SWAKOPMUND

en aan hom verteen deur

GRAHAM PETER LOUW en WESSEL MATHYS VAN NIEKERK in hul onderakele hoedanighede as Burgemeester en Stadsklerk van die Munisipaliteit van Swakopmund, en as sulks handelende vir en namens die gesegde -

MUNISIPALITEIT VAN SWAKOPMUND

kragtens Artikel 267 van die Munisipale Ordonnansie 1963; welke volmag hede aan my vertoon is.

En die genoemde Komparant het verklaar dat die gesegde Munisipaliteit, waarlik en wettiglik verkoop het op 1 Augustus, 1979,

en/.....

- 17 -

Weshaiwe die Komparant, terwyl hy afstand doen van al die regte en titel wat genoemde

MUNISIPALITEIT VAN SWAKOPMUND

voorheen op die genoemde eiendom gehad het, gevolglik ook erken dat genoemde

MUNISIPALITEIT VAN SWAKOPMUND

geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie, en dat kragtens hierdie Akte die bogenoemde Transportnemer, Hui Opvolgers in titel ~~Eigename, Beskermers, Administrateurs~~, of Regsverkrygendes tans en voortaan daartoe geregtig is en voortaan geregtig sal wees, ooreenkomstig plaaslike gebruik ~~(behoudens die regte van die Regering)~~ en ten slotte erken hy dat die koopprijs van die bogenoemde eiendomme die bedrag van R2496,00 (TWEEDUISEND VIERHONDERD SES-EN-NEGENTIG RAND) is.

Ten bewyse waarvan ek, die genoemde Registrateur van Aktes, tesame met die Komparant, hierdie Akte onderteken het en dit met die ampseël bekragtig het.

Aldus gedoen en geteken op die Kantoor van die Registrateur van Aktes te Windhoek, op hede die 26 dag van SEPTEMBER in die jaar van onse Here Eenduisend Negenhonderd en Tagtig (1980)

In my teenwoordigheid:

Registrateur van Aktes.

Geregistreer in die Register van Boek _____, Folie _____, op bestaande datum:

- 10 -

14. SEKERE: Erf Nr. 2613 , SWAKOPMUND Dorp;
(Uitbreiding Nr. 8);
- GELEË: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
- GEHOU: Deur die gesegde Munisipaliteit van
Swakopmund, kragtens Sertifikaat van
Geregistreeerde Titel Nr. T863/1975,
gedateer 6 Mei, 1975;
- GROOT: 1000 (EEN NUL NUL NUL) Vierkantmeters;
- SOOS: meer ten volle sal blyk uit Algemene Plan
S.G. Nr. A 74/75 goedgekeur deur die
Landmeter-Generaal op 15 April, 1975;
- ONDERHEWIG: aan die voorwaardes opgelê kragtens
Proklamasie Nr. 26 van 1975, meer ten volle
uiteengesit onder paragraaf 1 hierbo.
15. SEKERE: Erf Nr. 2345 , SWAKOPMUND Dorp;
(Uitbreiding Nr. 8);
- GELEË: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
- GEHOU: Deur die gesegde Munisipaliteit van
Swakopmund kragtens Sertifikaat van
Geregistreeerde Titel Nr. T863/1975,
gedateer 6 Mei, 1975;
- GROOT: 1000 (EEN NUL NUL NUL) Vierkantmeters;
- SOOS: meer ten volle sal blyk uit Algemene Plan
S.G. Nr. A 74/75 goedgekeur deur die
Landmeter-Generaal op 15 April, 1975;
- ONDERHEWIG: aan die voorwaardes opgelê kragtens
Proklamasie Nr. 26 van 1975, meer ten volle
uiteengesit onder paragraaf 1 hierbo

16. SEKERE/.....

22

FISHER, QUARMBY & PFEIFER
 Prokureurs,
 Posbus 37,
 WINDHOEK.
 8100

Opgestel deur my.

Aktevervaardiger

Prokurasie om Transport te Gee

Ons, die ondergetekende GRAHAM PETER LOUW en WESSEL MATHYS VAN NIEKERK in ons onderskeie hoedanighede as Burgemeester en Stadsklerk van die Munisipaliteit van Swakopmund, en as sulks handelende vir en namens die gesegde -

MUNISIPALITEIT VAN SWAKOPMUND

kragtens Artikel 267 van die Munisipale Ordonnansie 1963.

benoem, magtig en stel hiermee aan

JOHN GAY QUARMBY

met mag van substitusie as ons ware en wettige Gemagtigde en Agent om in ons naam, en namens ons te verskyn voor die Registrateur van Aktes te Windhoek, en dar en aldaar namens ons te verklaar dat die gesegde Munisipaliteit waarlik en wettiglik verkoop het op die 1ste Augustus, 1979 vir die bedrag van R2496,00 (TWEË- DUISEND VIERHONDERD SES-EN-NEGENTIG RAND) aan

DIE GOEWERMMENT VAN DIE GEBIED VAN SUIDWES-AFRIKA

die ondergemelde eiendomme:-

1.

SEKERE: Erf Nr. 2250, SWAKOPMUND Dorp;
 (Uitbreiding Nr. 8)

GELEË: In die Munisipaliteit van Swakopmund,
 Registrasie Afdeling "G";

GROOT: 1060 (EEN NUL SES NUL) Vierkantmeters;

2.

SEKERE: Erf Nr. 2459, SWAKOPMUND Dorp;
 (Uitbreiding Nr. 8)

GELEË: In die Munisipaliteit van Swakopmund,
 Registrasie Afdeling "G";

GROOT: 1407 (EEN VIER NUL SEWE) Vierkantmeters;

3. SEKERE/.....

MOENIE OOR HIERDIE LYN TEKEN OF PARAFEEER NIE

- 4 -

15. SEKERE: Erf Nr. 2345, SWAKOPMUND Dorp;
(Uitbreiding Nr. 8)
GELEë: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
GROOT: 1000 (EEN NUL NUL NUL) Vierkantmeters;
16. SEKERE: Erf Nr. 2507, SWAKOPMUND Dorp;
(Uitbreiding Nr. 8)
GELEë: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
GROOT: 1114 (EEN EEN EEN VIER) Vierkantmeters;
17. SEKERE: Erf Nr. 2623, SWAKOPMUND Dorp;
(Uitbreiding Nr. 8)
GELEë: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
GROOT: 1333 (EEN DRIE DRIE DRIE) Vierkantmeters;
18. SEKERE: Erf Nr. 2383, SWAKOPMUND Dorp;
(Uitbreiding Nr. 8)
GELEë: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
GROOT: 1207 (EEN TWEE NUL SEWE) Vierkantmeters;
19. SEKERE: Erf Nr. 2524, SWAKOPMUND Dorp;
(Uitbreiding Nr. 8)
GELEë: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
GROOT: 1202 (EEN TWEE NUL TWEE) Vierkantmeters;
20. SEKERE: Erf Nr. 2635, SWAKOPMUND Dorp;
(Uitbreiding Nr. 8)
GELEë: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
GROOT: 1000 (EEN NUL NUL NUL) Vierkantmeters;
21. SEKERE: Erf Nr. 2410, SWAKOPMUND Dorp;
(Uitbreiding Nr. 8)
GELEë: In die Munisipaliteit van Swakopmund,
Registrasie Afdeling "G";
GROOT: 982 (NEGE AGT TWEE) Vierkantmeters;

22. SEKERE/....

- 6 -

en verder die genoemde grond in volle en vrye eiendom te sedgeer en te transporteer aan die gemeinde

DIE GOEWERMMENT VAN DIE GEBIED VAN SUIDWES-AFRIKA

afstand te doen van al die regte, titel en aanspraak wat die gesegde Munisipaliteit

vroeër in, tot en op genoemde eiendom gehad het; te belowe om die genoemde eiendom aldus verkoop te onthef en te vrywaar en ook om dit te bevry van alle laste en hypotheke volgens wet; die nodige aktes, stukke en ander dokumente op te trek en te onderteken; en ten einde bogemelde doeleindes uit te voer en alles wat in die algemeen vereis mag word te doen of te laat doen ewe tenvolle en kragtiglik in alle opsigte, as ons self kon doen indien persoonlik teenwoordig en hierin handelende; en beloof hiermee om te bekragtig en goed te keur alles wat ons gemelde Gemagtigde en Agent hieromtrent wettiglik doen of laat doen uit krag van hierdie akte.

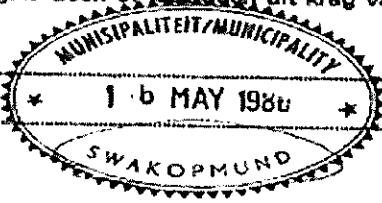
Geteken te

hierdie dag van

AS GETUIES:

1

2



BURGEMEESTER

STADSKLEER

PERW. NR. P59/38/3
 REF. NO.
 VRAE: Mev. Stenger
 INQUIRIES:
 TELEFOON NR. 29251 - 677
 TELEPHONE NO.
 TELEGRAMADRES:
 TELEGRAM ADDRESS: "SWASEC"

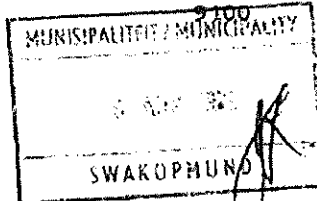


ADMINISTRASIE VAN SUIDWES-AFRIKA
 SOUTH WEST AFRICA ADMINISTRATION

Kantoor van die
 Office of the

DIREKTEUR: PLAASLIKE BESTUUR
 PRIVAATSAK 13186
 WINDHOEK

Die Stadsclerk
 Posbus 53
 SWAKOPMUND
 9180



1979 AUG 1 -

*R2496.00
 Rente vir
 1.10.1979*

Meneer

AFHANDELING VAN DIE 1959 OOREENKOMS: OORDRAG VAN
 26 ERWE AAN DIE SUIDWES-AFRIKA ADMINISTRASIE

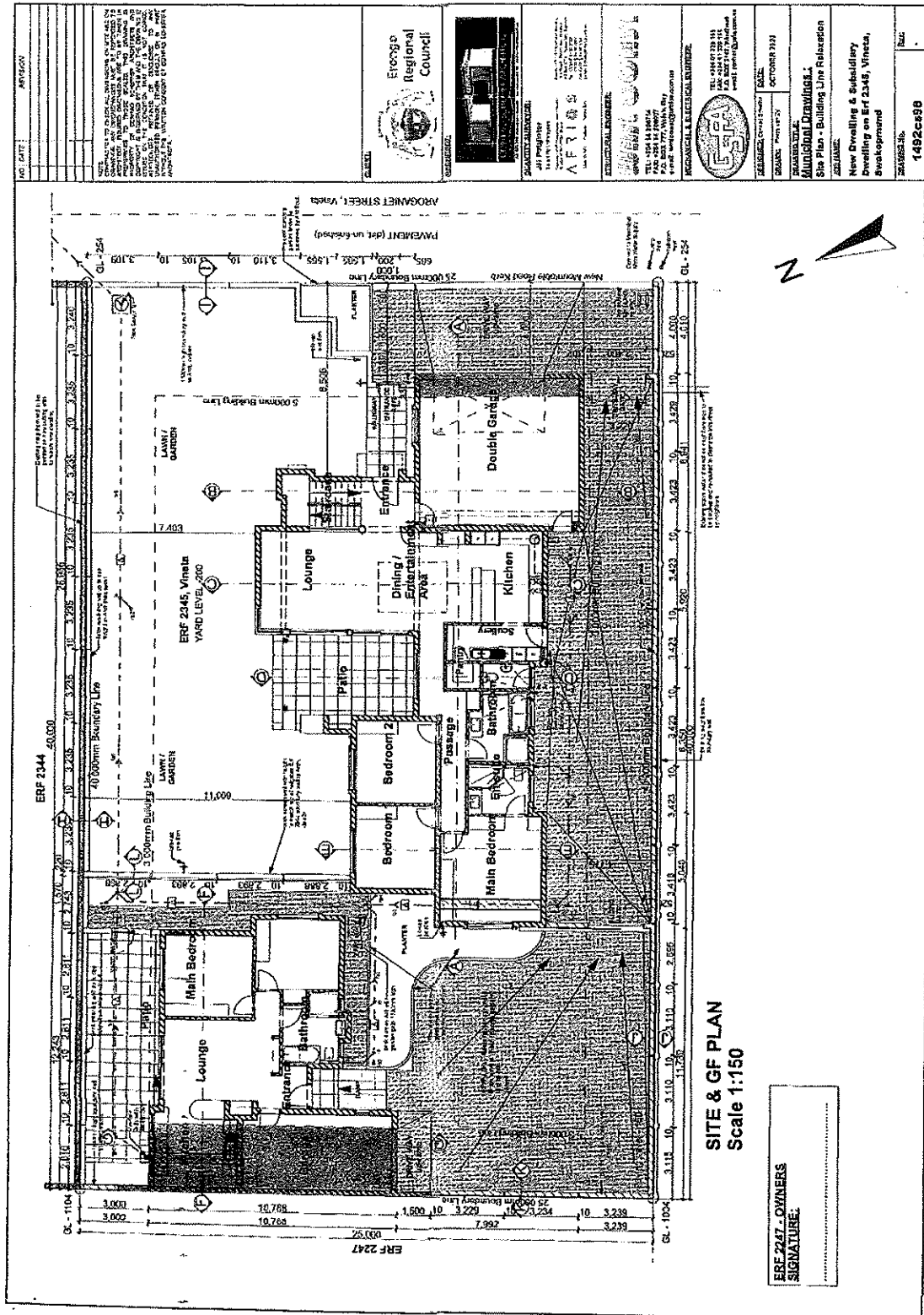
1. Ek skryf na aanleiding van u brief G1 van 30 April 1979.
2. Die Voorsitter van die Uitvoerende Komitee het op 18 Junie 1979 goedkeuring verleen dat die volgende 26 erwe geleë in Swakopmund (Uitbreiding 8) aan die Goewerment van die Gebied van Suidwes-Afrika vervreem word.

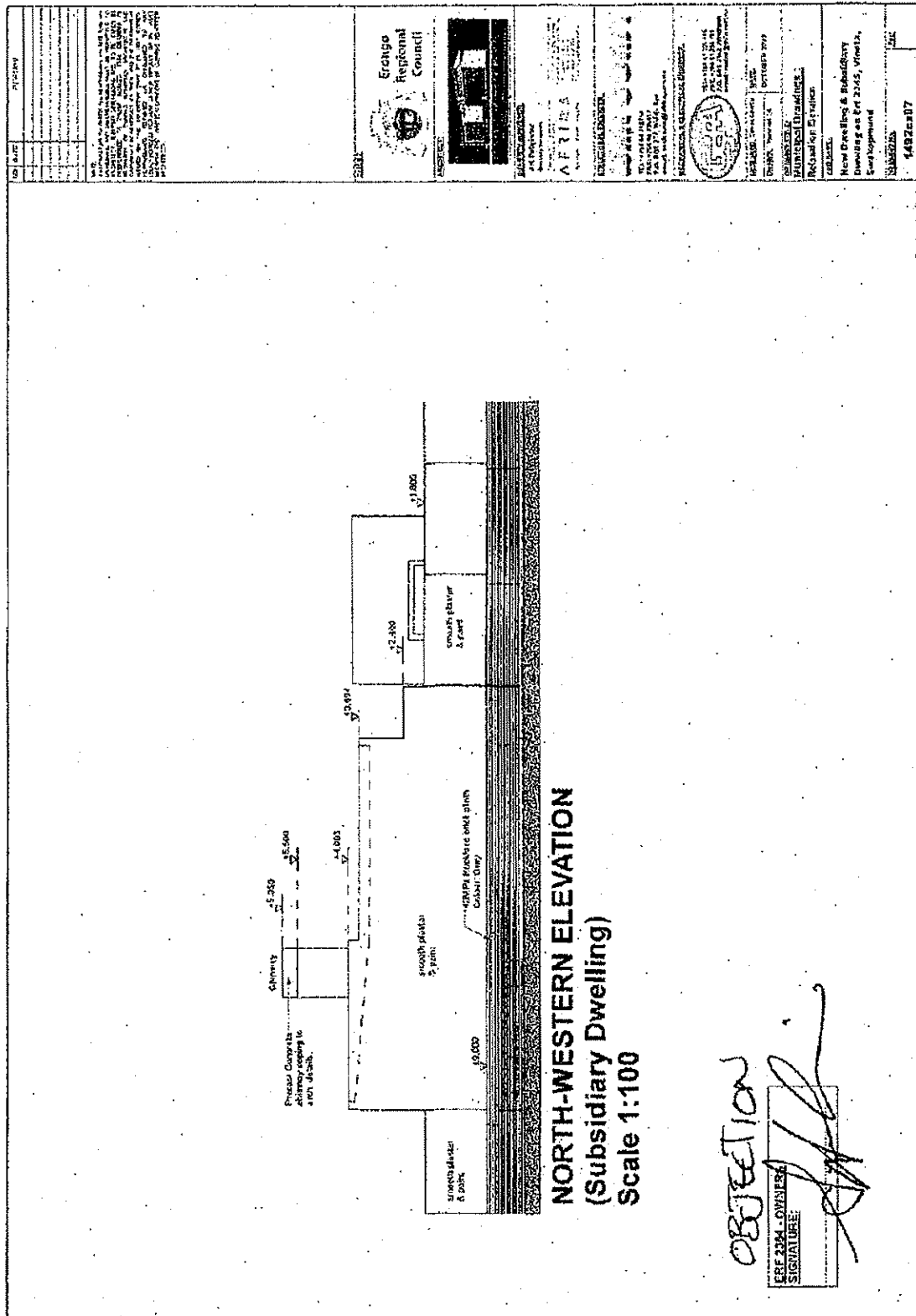
✓2250	✓2272	✓2317	✓2329	✓2345	✓2383	✓2410	✓2422
✓2459	✓2468	✓2468	✓2488	✓2507	✓2524	✓2531	✓2564
✓2572	✓2581	✓2599	✓2613	✓2623	✓2635	✓2669	✓2676
✓2685	✓2699						
3. By ontvangs van die Akte van Transport sal betaling van u rekening vir die opmeetkoste van R96,00 per erf aandag geniet.
4. Dit sal waardeer word indien u aan u Raad se prokureurs opdrag sal gee om hulle rekening vir die oordragskoste direk aan hierdie kantoor te besorg.
5. Hierdie brief word in tweevoud aan u gestuur. Die oorspronklike moet gelyktydig met registrasie van die oordrag by die Registrateur van Aktes ingehandig word. Die afskrif is vir u eie rekords bedoel.

Die uwe

W. J. J. J.
 DIREKTEUR: PLAASLIKE BESTUUR

VERMY VERTRAGING: MELD ASSEBLIEF BOSTAANDE VERWYSINGSNOMMER
 AVOID DELAY: PLEASE QUOTE ABOVEMENTIONED REFERENCE NUMBER





11.1.12 **APPLICATION FOR CONSENT USE TO OPERATE A PENSION ON ERF 1283, SWAKOPMUND EXTENSION 3**
(C/M 2021/08/30 - 19.03.08.1283, E 1283)

Ordinary Management Committee Meeting of 12 August 2021, Addendum 8.8 page 50 refers.

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

1. Purpose

The purpose of this submission is for Council to consider the application for consent use to operate of a pension on Erf 1283, Swakopmund, Extension 3.

2. Introduction and Background

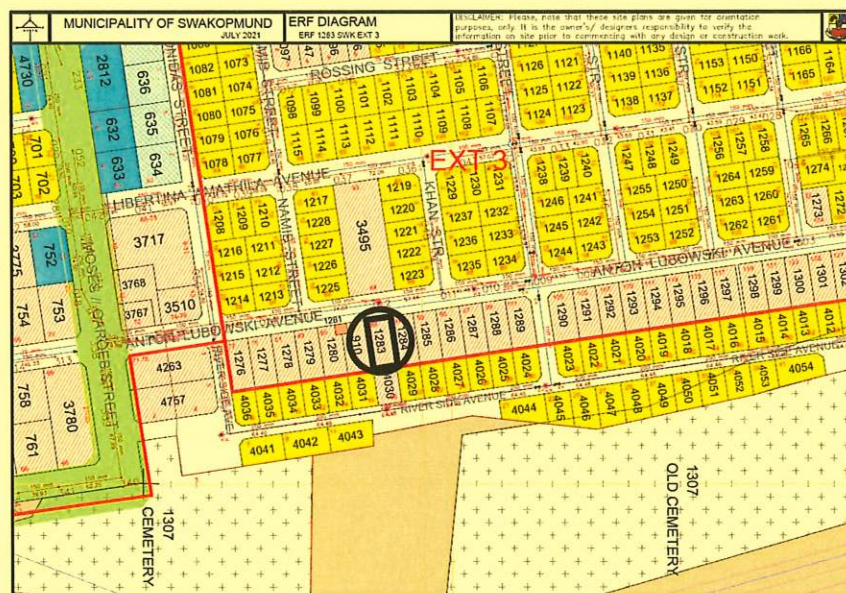
An application for consent use to operate a pension on Erf 1283, Swakopmund Extension 3 was received by the Engineering and Planning Services Department from the owner of Giardino Boutique Hotel, Mrs Bianca Meger. The application is attached as **Annexure A**.

3. Ownership

Ownership of Erf 1283, Swakopmund Extension 3 vests with Sam's Properties cc as per the Deed of Transfer Number T 1394/1998.

4. Zoning, Locality and Size

Erf 1283, Swakopmund is located along Anton Lubowski Avenue, in Swakopmund Extension 3. The Erf is zoned "General Residential 2" and measures 1150m² in extent. A locality map indicating Erf 1283, Swakopmund has been provided below. The property has been utilized as an accommodation facility by the previous owner.



Erf 1283, Swakopmund

5. Access and parking

Access to Erf 1283, Swakopmund Extension 3 is obtained from Anton Lubowski Avenue. Parking for the proposed Bed and Breakfast will be provided on-site in accordance with the provision of the Swakopmund

Zoning Scheme. According to the Zoning Scheme, parking requirements for a pension is a minimum of 2 parking bays plus 1.5 per room. In this case, eight (9) rooms have been allocated for the use of a bed and breakfast. Which means 1.5 parking bays times 9 is equal to 13.5 parking bays plus the minimum 2 parking bays. The total parking bays to be provided on-site are fourteen (15.5).

6. **Proposal**

The current owner of the business would like to continue with the operation of the pension. The facility comprises of nine (9) rooms with ten (10) beds (one room has twin beds) and will provide meals and liquor to overnight guests.

7. **Advertisement**

The consent was advertised in New Era on the 19th and 26th May 2021. A notice was also placed on site for public comments and the neighbouring property owners were informed in writing. The closing date for objections was the 9th June 2021 and one objection was received from the owner of Erf 4031, Swakopmund.

8. **Discussion**

8.1 **Objection**

The objector stated that the applicants should have followed the specifications laid down by the Municipality Town Planning concerning zoning and purpose of land use. He further stated that the previous request in March 2021 by the applicants failed. A simple name change is not the answer and that Council must please see the internet marketing strategy of the establishment.

8.2.1 **Evaluation**

The accommodation establishment on Erf 1283 Swakopmund Extension 3 has been in operation as a pension, with Council's consent since **September 1997**. This is merely a continuation of the business as normal, it does not affect the neighbourhood neither change it is current characters.

The only reason why the current owner seeks for Council's consent is due to the fact that consent is not transferable as per point.3 of the approval letter dated **29th September 1997**. The letter is attached as **Annexure B**. The previous owner had sold the property together with the business (close corporation) rights, hence change of ownership with regards to the property and to the business itself. Therefore, the current owner has the right to change the business name as argued against by the objector.

According to the Swakopmund Zoning Scheme, a pension is permissible on general residential 2 zoned properties as a secondary use. That means the purpose for which land and buildings may be used and erected with consent of Council only. The Swakopmund Zoning Scheme makes provision for a pension on "general residential 2" zoned erven with the special consent of Council. An extract of the Swakopmund Zoning Scheme has been provided below indicating the said provision:

TABLE B

	Zone	Map Reference	Purpose For Which Land May Be Used	Purposes For Which Land May Be Used And Building May Be Erected And Used With The Special Consent Of The Council Only
C	General Residential 2	Red hatch	Dwelling House/s, Blocks of Flats, Townhouses	Residential Buildings, Place of Public Worship, Bed and Breakfast, Pension , Resident Occupation, Residential Guest House

According to the Swakopmund Zoning Scheme, a pension is defined as follows:

"Pension: means any premises comprising no more 20 bedrooms or 40 beds, whichever is the most restrictive, in or on which the business of providing accommodation with or without meals is conducted against payment to tourists and in which liquor may be served on payment to overnight guests only, but excludes a residential guest house."

On advertising strategy, there is no limit as to how business owners should advertise their business. They are welcome to use any means that are at their disposal.

9 Conclusion

The proposed consent to operate a Pension on Erf 1283, Swakopmund Extension 3 is not foreseen to have a significant negative impact on the area.

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

RECOMMENDED:

- (a) That consent to operate a Pension on Erf 1283, Swakopmund Extension 3 be approved.
 - (b) That Giardino Boutique Hotel registers with the Health Services Department and that the standard Health Regulations will apply.
 - (c) That Council reserves the right, to cancel a consent use should there be valid complaints.
 - (d) That the applicant must operate within the Town Planning Scheme regulations.
 - (e) That consent is not transferable to the successor, should Mrs Meger sell the property.
 - (f) That on-site parking be provided in line with the Swakopmund Town Planning Scheme.
 - (g) That no on-street parking will be tolerated.
 - (h) That the objector be informed of Council's decision and his 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.
-

APPLICATION ANNEXURE A



MUNICIPALITY OF SWAKOPMUND

☎ (064) 4104517
 📠 088 651 9142
 ✉ 53 Swakopmund
 NAMIBIA
 📧 andlweteko@swkmun.com.na

APPLICATION FOR BUSINESS REGISTRATION

New Application (Consult Town Planner)	Change of Trade Name	
Renewal (On or before 31 March)	Change of Ownership (Consult Town Planner)	X
Removal (Move to new Premises) (Consult Town Planner)	Business Closure	
Transfer (New Owner)	Postal Address Change	
	Lost or Stolen & Duplicate of Certificate	

NAME OF BUSINESS : Giardino Boutique Hotel
 NAME OF OWNER : Bianca Meger
 NAME OF MANAGER : Roswitha Zaht
 BUSINESS ADDRESS : PO BOX: 1401 TELEPHONE: 064 403 210
 TOWN : Swakopmund MOBILE: 081 3118540
 E.MAIL ADDRESS : reservation@giardinoboutiquehotel.com
 ADDRESS OF BUSINESS : NO 89 Anton Lubowski Avenue Swakopmund STREET
 ERF NO : 1283


A. TYPE OF REGISTRATION REQUIRED:


Restaurant & Take Away	Manufacturing / Production	Educational Institution	Entertainment
General Dealer	Child Care	Accommodation	X Financial Institution
Administrative Office	Hospitality	X Health & Beauty	Home Occupation
Medical Practice	Service Industry	Warehouse	Workshop
Home Shop	Other		
Detailed Scope of Business i.e Construction, Shebeen, Hair salon	Pension		

B. CERTIFICATE OF OWNER/AGENT IN RESPECT OF PREMISES (FOR ALL NEW BUSINESSES AS WELL AS BUSINESS MOVING TO NEW PREMISES)

I hereby declare that I have granted permission to the above applicant to conduct the business for which they have applied on the said Erf.

Bianca Meger
 NAME (owner of property) (Please print)


 SIGNATURE (owner of property)


 SIGNATURE OF APPLICANT

17/05/2021
 DATE



(064) 4104421
0886519137

MUNICIPALITY SWAKOPMUND

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration and/or Consent Use

I, STEPHAN KARL GSTEU the owner of Erf 4030

Street Address:	16 Dr Kuaima Riruako Ave, Kramersdorf
Postal Address:	P O Box 2884, Swakopmund
Tel. No.:	+49 1607 41 9901 (from Owner)
E-mail Address:	stephan@gsteu.com (from Owner)

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & RIANCA NEGER
has been applied for, at the Municipality of Swakopmund and have the
following to respond:

☐ No objection

☒ Objection

Signature of Owner

Signature of Owner

(Please mark which ever is applicable in the block)
against the proposed consent use:
(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS
The mentioned applicants should have followed the specifications laid down by the Municipality Town Planning, concerning Zoning and Purpose of land use.
The previous request in March 2021 by the applicants failed. A simple name change is not the answer. Please see Internet Marketing strategy of the Establishment.

SIGNATURE

Stephan Karl GSTEU
FULL NAME

18/06/2021
DATE

Contact Details: Tel. No / Cell Phone: +49 160 741 9901

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration and/or Consent Use

I CONSTANCE UUSHONA (MBAPAHA) the owner of Erf 910

Street Address:	No 20 Albert Einstein Street, Walvis Bay
Postal Address:	P O Box 2637, Walvis Bay
Tel. No.:	
E-mail Address:	cuushona@namport.com.na

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & RIANCA MEGAR
has been applied for, at the Municipality of Swakopmund and have the following to respond:

☒ No objection

[Signature]
Signature of Owner

☐ Objection

Signature of Owner

(Please mark which ever is applicable in the block)

against the proposed consent use:

(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

SIGNATURE

FULL NAME

DATE

Contact Details: Tel. No / Cell Phone:

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration and/or Consent Use

Ho-Lo Park Body Corporate the owner of Erf 3495

Street Address:	83 Libertina Amadhila Ave, Swakopmund
Postal Address:	P O Box 104, Swakopmund
Tel. No.:	064 405 300
E-mail Address:	capricorn@realestatenamibia.com

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & RIANCA NEGOR
has been applied for, at the Municipality of Swakopmund and have the following to respond:

☒ No objection

☐ Objection

M. DU PLESSIS
Signature of Owner

Signature of Owner Capricorn Estate Agency
P.O. Box 104
Arcade, Hendrik Witbooi Street
Swakopmund
Tel: 405300 Fax: 405318

(Please mark which ever is applicable in the block)
against the proposed consent use:
(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

SIGNATURE

FULL NAME

DATE

Contact Details: Tel. No / Cell Phone:

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration
and/or Consent Use

I, H TONNEMACHER the owner of Erf 1285

Street Address:	93 ANTON LUBOWSKI STR, KRAMERSDORF
Postal Address:	P O Box 1490, Swakopmund
Tel. No.:	064 404030
E-mail Address:	htonnemacher@abenteuerafrica.com

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & BIANCA MEGOR
has been applied for, at the Municipality of Swakopmund and have the
following to respond:

☒ No objection

☐ Objection

Signature of Owner

Signature of Owner

(Please mark which ever is applicable in the block)
against the proposed consent use:
(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

TONNEMACHER
SIGNATURE FULL NAME

24/5/21
DATE

Contact Details: Tel. No / Cell Phone:

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration
and/or Consent Use

Brigitte Kretzschmar

I, the owner of Erf Erf 3495 Unit 15

Street Address:	83 Libertina Amadhila Ave, Swakopmund
Postal Address:	P O Box 561, Otjiwarongo
Tel. No.:	067 303678
E-mail Address:	kreeng@iafrica.com

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & RIANCA MEGOR
has been applied for, at the Municipality of Swakopmund and have the
following to respond:

☒ No objection

Brigitte Kretzschmar
Signature of Owner

☐ Objection

.....
Signature of Owner

(Please mark which ever is applicable in the block)

against the proposed consent use:

(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

SIGNATURE

FULL NAME

DATE

Contact Details: Tel. No / Cell Phone:

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration
and/or Consent Use

I, MARIE FRIEDE the owner of Erf 4029

Street Address:	20 Dr Kuaima Riruako Ave, Kramersdorf
Postal Address:	P O Box 24119, Windhoek
Tel. No.:	0811282707
E-mail Address:	marie@profilenamibia.com

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & BIANCA MEGOR
has been applied for, at the Municipality of Swakopmund and have the
following to respond:

☒ No objection

☐ Objection

Signature of Owner

Signature of Owner

(Please mark which ever is applicable in the block)
against the proposed consent use:
(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

SIGNATURE

FULL NAME

DATE

Contact Details: Tel. No / Cell Phone: 081 128 2707

Please attach certified copy of identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration
and/or Consent Use

I, M D Meintjies the owner of Erf 3495 Unit 12

Street Address:	83 Libertina Amadhila Ave, Swakopmund
Postal Address:	P O Box 3551, Swakopmund
Tel. No.:	0811247519
E-mail Address:	markmein@iafrica.com.na

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & BIANCA MEGOR
has been applied for, at the Municipality of Swakopmund and have the
following to respond:

☒ No objection

☐ Objection

[Signature]
Signature of Owner

Signature of Owner

(Please mark which ever is applicable in the block)
against the proposed consent use:
(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

[Signature]
SIGNATURE

M D MEINTJIES
FULL NAME

08/6/21
DATE

Contact Details: Tel. No / Cell Phone:

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration
and/or Consent Use

I, Siegma Court Body Corporate (W Kühhirt) the owner of Erf 1284

Street Address:	91 ANTON LUBOWSKI STR, KRAMERSDORF
Postal Address:	P O Box 1417, Swakopmund
Tel. No.:	081 128 2407
E-mail Address:	wkuhhirt@gmail.com

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & RIANCA MEGOR
has been applied for, at the Municipality of Swakopmund and have the
following to respond:

☒ No objection

☐ Objection

Signature of Chairman

Signature of Owner

(Please mark which ever is applicable in the block)
against the proposed consent use:
(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

SIGNATURE

FULL NAME

DATE

Contact Details: Tel. No / Cell Phone:

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



MUNICIPALITY SWAKOPMUND

(064) 4104421
0886519137

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration and/or Consent Use

I Sagiv and Bianca Meger the owner of Erf 4030

Street Address:	Haargaman Street 45, Tel Mond Israel
Postal Address:	P.O.Box 7321 Tel Mond, 406500, Israel
Tel. No.:	+972 542201294
E-mail Address:	biancameger@gmail.com

Am aware that an application for a PENSION

on Erf 1283 By Messrs SAGIV & BIANCA MEGER
has been applied for, at the Municipality of Swakopmund and have the following to respond:

☒ No objection

☐ Objection

Signature of Owner

Signature of Owner

(Please mark which ever is applicable in the block)

against the proposed consent use:

(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

Sagiv and Bianca Meger

17.05.2021

SIGNATURE

FULL NAME

DATE

Contact Details: Tel. No / Cell Phone: +972 542201294

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).



(064) 4104421
0886519137

MUNICIPALITY SWAKOPMUND

53 SWAKOPMUND
Namibia

Consent from adjoining owner/neighbours for Business Registration and/or Consent Use

I, SONJA MULLER the owner of Erf 1280

Street Address:	85 ANTON LUBOWSKI STR, KRAMERSDORF
Postal Address:	P O BOX 337, SWAKOPMUND
Tel. No.:	081 260 4507
E-mail Address:	mullers2003@gmail.com

Am aware that an application for a PENSION

on Erf 1283 By Messrs SACHV & RIANCA MEGOR
has been applied for, at the Municipality of Swakopmund and have the following to respond:

☒ No objection

[Signature]
Signature of Owner

☐ Objection

Signature of Owner

(Please mark which ever is applicable in the block)
against the proposed consent use:
(If you have an objection please stipulate your reasons/remarks below)

REMARKS/REASONS

[Signature]
SIGNATURE

Sonja Müller
FULL NAME

18/05/21
DATE

Contact Details: Tel. No / Cell Phone:

Please attach certified copy of Identity (signature) of the neighbour (owner of the erf).

Tel: (061) 2080844 Fax: (061) 220584 Email: Classifieds@nepc.com.na

at least 10 years of experience as a barista and at least 3 years experience training staff baristas.

2) Qualified or skilled barista trained in areas of menu grooming.

Cv's to be physically dropped off at Shop 3, Mukul Tower 223 Independence Ave

Only shortlisted candidates will be contacted

National Lodge and Guesthouse
100 N. Kallang Rd.
We're looking for a Manager

Requirements:
Must have Knowledge and Experience in managing Lodge/Guesthouse

Submit CV to:
hr@national.lodge.sg

Closing Date:
31 May 2021

PREVIOUS APPROVAL LETTERS ANNEXURE B

Erf 1283

F du Toit

29 September 1997

Messrs Sam's Art Swakopmund
P O Box 1388
Swakopmund

*This letter has been
followed up with certain
amendments dd. 1/10/97
J. 10/10/97*



Dear Sirs

ERF 1283 SWAKOPMUND: APPLICATION TO OPERATE A BED- AND BREAKFAST ESTABLISHMENT

1. Your application dated 11 August 1997 refers.
2. The Municipal Council of Swakopmund passed the following resolution:
 - “(a) that approval be granted to Mr S Egger to operate a Bed- and Breakfast establishment only (pension excluded) on Erf 1283;
 - (b) That the applicant be advised to ensure that the establishment conforms to the existing Act regarding the accommodation establishment.
 - (c) That any upgrading of municipal services due to the proposed usage be for the applicant's account.”
3. Please take note that this “consent use” is granted to Mr S Egger - successors-in-title have to re-apply should Mr Egger sell the property.
4. For any further information regarding paragraphs 2(b) and/or (c), please get

direct in contact with Council's Town Planning Division, Mr M Ipinge at telephone number 402444 x 2247.

Yours faithfully


E U W Demasius
Town Clerk
FduT/mb 

cc: Acting Town Engineer

**Ms V Gregory
P O Box 916
Swakopmund**

Fax: 405660

Erf 1283

F du Toit

1 October 1997

Messrs SAM'S Art Swakopmund
P O Box 1388
Swakopmund

Dear Sirs

ERF 1283 SWAKOPMUND: APPLICATION TO OPERATE A BED- AND BREAKFAST ESTABLISHMENT

My evenly numbered letter dated 29 September 1997 with regard to the abovementioned refers.

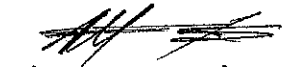

Due to a difference in interpretation you were unfortunately informed that the operation of a pension is not included in Council's resolution passed on 25 September 1997. Please ignore the quoted resolution 2 (a) which is hereby substituted with the following:

"That approval be granted to Mr S Egger to operate a Bed- and Breakfast establishment on Erf 1283."

A copy of this letter has been provided to Council's Town Planning Division (Mr Ipinge) who will assist you with your application for a bed- and breakfast (Pension) establishment, should you need further information.

Please accept my apologies for any inconvenience caused in this regard.

Yours faithfully


E U W Demasius
Town Clerk
FduT/mb 

cc: Acting Town Clerk 

Ms V Gregory
P O Box 916
Swakopmund

Fax No: 405660

11.1.13 **SUBDIVISION OF ERF 48, ROSSMUND INTO PORTION A AND REMAINDER**

(C/M 2021/08/30 - 16/1/4/1/6, 19.03.11.48)

Ordinary Management Committee Meeting of 12 August 2021,
Addendum 8.9 page 69 refers.

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

1. Purpose

The purpose of this submission is for Council to consider the application for the subdivision of Erf 48, Rossmund into a Portion and Remainder.

2. Introduction and Background

The Engineering and Planning Services Department has received an application from Steward Planning Town and Regional Planners on behalf of Johan Kok for the subdivision of Erf 48 into a Portion and Remainder Erf 48, Rossmund.

3. Zoning, Locality and Size

Erf 48 Rossmund is zoned "*Single Residential*" with a density of 1/600m². It is located in Rossmund Estate and measures 1 682m² in extent. There are two dwelling units currently accommodated on the property.

4. Access and Services

Erf 48 Rossmund obtains its access via Chameleon Crescent Street and is already connected to the bulk services.

5. Ownership

The ownership of Erf 48 Rossmund vest with Johan H. C. Kok as per the Deed of Transfer T2524/2014.

6. Proposal

Erf 48 Rossmund is being subdivided into a Portion and Remainder. A (6 meter) right of Way servitude is to be surveyed and registered over the Remainder of Erf 48 Rossmund in favour of the Portion A.

The proposed subdivision is to be done as per the table below:

<i>Portion Number</i>	<i>Proposed Approximate Area (M²)</i>	<i>Proposed Zoning</i>
<i>Portion A</i>	<i>808</i>	<i>Single Residential</i>
<i>Remainder Erf 48</i>	<i>874</i>	<i>Single Residential</i>
TOTAL	1 682	

The intention for the subdivision is to alienate the subdivided portion and the owner is to pay endowment fees for the proposed subdivision.

The proposed development is to maintain the Title Deed (T2524/2014) and Notarial Deed (K319/2005S) conditions in favour of the Local Authority and the Rossmund Gold Estate Home Owners Association respectively.

7. **Advertisement**

Written notification of the proposed subdivision were given to neighbouring Erven 2, 45, 46, 47, 48, 50 and 53, Rossmund as per Regulation 10(4) of the Urban and Regional Planning Act on the **26th March 2021** via registered mail and WhatsApp. Three (3) supporting letters were received from owners of erven 45, 47 and 49 Rossmund.

Notice was also given to the Rossmund Golf Estate Home owners Association (RGEHOA) and they have objected to the subdivision

8. **Objection by the RGEHOA**

On the 19th April 2021 the RGEHOA resolved that the subdivision of Erf 48 Rossmund be rejected because the subdivision was previously rejected by the Board in 2009. They also stated that the theme of Rossmund and their selling point was that properties are to be open; hence the green belt and the subdivision will have a negative impact on the ideal.

Additionally, the infrastructural services as confirmed by the Windhoek consulting Engineers will not be able to handle additional loads if densification or subdivision of plots occurs because not additional allowances were made for such. The RGEHOA does not want to create a precedence of such nature.

9. **Applicants response**

The applicant states that circumstances have changes since 2009 and thus should be considered as a new application. Additionally, there is no statutory condition that states that no subdivisions may be done in Rossmund. The applicant further state that the density of Rossmund is 1/600m² and the proposed development will have erven bigger than that.

Because the erven are big enough, the dwellings will still maintain an "Open" aesthetic in accordance with the ambience of Rossmund. The subdivision will not remove or reduce the green belt either.

There is already an existing unit on the property, the only thing the subdivision will do is providing ownership to two individuals; however, the infrastructure already caters for the exiting unit.

Additionally, the successors in the titles will be responsible for the provision, relocation and or installation of service connections to each erf at their own cost, to the satisfaction of the RGEHOA, Local Authority, Erongo Red and Telecom Namibia. The owner will be responsible for the payment of a once off endowment fee for Portion A. In conclusion, any marginal negative impact on services will be at the cost of owner.

10. Discussion

Due to the objection, the Municipal Council of Swakopmund decided to hold a hearing on the **16th June 2021** as provided for in terms of Section 108 of the Urban and Regional Planning Act (Act No 5 of 2018).

After deliberations and clarity, the objector requested Council to provide a letter to the RGEHOA to serve at their AGM meeting on the **26th June 2021** on dealing with future subdivisions including those in phase 2. As a result, **the objector withdrew their objection**. The objection and the withdrawal are herewith attached.

11. Conclusion

The proposed subdivision is in line with the Swakopmund Zoning Scheme and can be supported.

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

RECOMMENDED:

- (a) That the subdivision of Erf 48, Rossmund into Portion A and Remainder be approved.
 - (b) That an endowment fee of 7.5% be paid by the applicant for the subdivision.
 - (c) That a 6 meter right of way servitude be surveyed and registered over the Remainder Erf 48, Rossmund in favour of Portion A.
 - (d) That the Title Deed (T2524/2014) and Notarial Deed (K319/2005S) conditions registered against Erf 48, Rossmund be retained for Portion A and the Remainder of Erf 48, Rossmund.
-

APPLICATION**STEWART PLANNING**
TOWN & REGIONAL PLANNERS

First Floor CLA Building
84 Theo Ben Gurion Street
Walvis Bay

P.O. Box 2095
Tel: (064) 280 770
Email: otto@sp.com.na

Reference: 48R**3 March 2021****APPLICATION TO SUBDIVIDE**

Subdivision of Erf 48 Rossmund into Portion A and
the Remainder of Erf 48 Rossmund

Submission to:

Chief Executive Officer
Swakopmund Municipality
C/o Rakotoka Street &
Daniel Kamho Avenue
Swakopmund

Attention:
Manager: Town Planning
Mr J.T. Heita

Prepared for:

Mr J.H.C. Kok
P.O. Box 274
Swakopmund

Prepared by:


Stewart Planning
First Floor CLA Building
84 Theo-Ben Gurion Avenue
P.O. Box 2095
Walvis Bay
13013
Namibia

STEWART PLANNING

P.O.Box 2095 Walvis Bay
Tel: (064) 280-770
Email: bruce@sp.com.na

1. Introduction

This subdivision application is submitted on behalf of Johan Kok as the registered owner of Erf 48 Rossmund (the site). The purpose of this application is to obtain consent from the Municipal Council of Swakopmund (the Local Authority) for the following:

- 
- ¹
[3] Subdivision of Erf 48 Rossmund into Portion A and the Remainder of Erf 48 Rossmund in terms of Section 105(e) of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018) and its Regulations.
 - ²
[4] Registration of a right-of-way servitude against the Remainder of Erf 48 Rossmund in favour of Portion A for access purposes as indicated on subdivision plan 48R/SP dated 4 February 2021.

The proposed subdivision was first submitted to the Rossmund Golf Estate Home Owners Association (RGEHOA) on 4 February 2021 for their consent in accordance with condition 1.6 of Notarial Deed No. K319/2005. The deadline for the RGEHOA to respond was 1 March 2021 (**Annexure H**). No written consent and/or response was received from the RGEHOA before or on 1 March 2021, therefore, application is now made to the Local Authority to approve the proposed subdivision following the Urban and Regional Planning Act (No.5 of 2018).

The following report will describe the site, the proposed subdivision, the need and desirability of the application and statutory/policy support for the application for further consideration.

2. Site description

2.1. Locality

Erf 48 Rossmund (the site) is situated on the outer edge of the Rossmund Golf Course Estate, a predominantly residential satellite development less than 10 kilometres outside the Swakopmund urban area. The Rossmund Golf Estate was started over 10-years ago and is still under regular development.

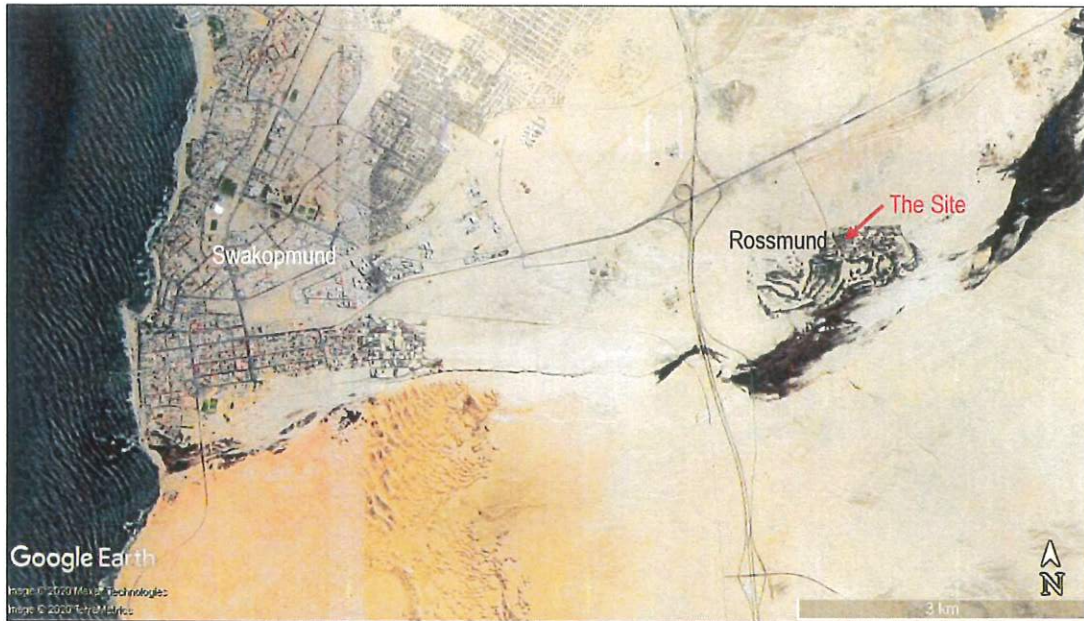


Figure 1: Locality of the Rossmund Golf Estate outside Swakopmund, Erongo Region, Namibia



Figure 2: Aerial photo of the site (in red) in relation to adjacent properties and streets.

2.2. Size, Zoning, Land Use

Erf 48 Rossmund measures 1652m² in extent and is zoned "Single Residential" with a density of 1 dwelling unit per 600m² in terms of the Swakopmund Zoning Scheme. It is developed with a main (±260m²) and supplementary dwelling unit (±90m²) which are detached from one another. The

main dwelling unit is situated on the southern end of the site whereas the supplementary dwelling is situated on the northern side. The residential address is known as No.4 Chameleon Crescent.

Figures 3 to 7 are photos taken of the site and existing buildings.



Figure 3: Photo of the panhandle entrance leading to the main dwelling unit on Erf 48 Rossmund.

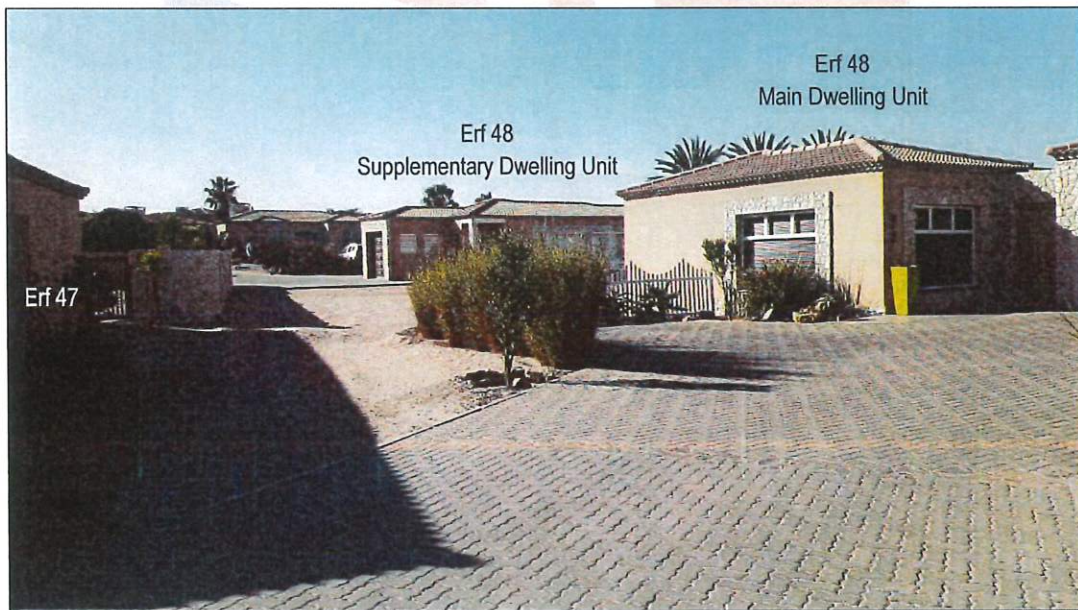


Figure 4: Photo of the main and supplementary dwelling unit on Erf 48 Rossmund viewed from the southern panhandle.

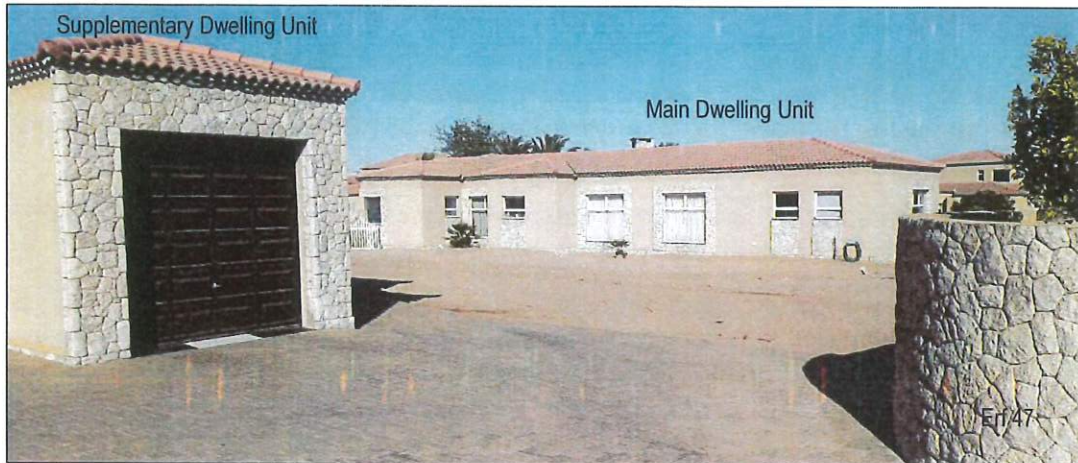


Figure 5: Photo of the supplementary and main dwelling unit viewed from the northwest.



Figure 6: Photo of the supplementary dwelling unit obtaining informal access from Commiphora Avenue across Erf 41 Rossmund.



Figure 7: Photo of the open space between the main and supplementary dwelling unit as viewed from the east.

2.3. Ownership

In 2010, Erf 48 Rossmund was co-owned by Johan H.C. Kok and Fritz Coetzee in terms of Deed of Transfer No. 6197/2010. In 2014, Fritz Coetzee transferred his ½ share to Johan Kok in terms of Deed of Transfer No. 2524/2014, therefore, Johan Kok retains 100% ownership of Erf 48 Rossmund (**Annexure B**).

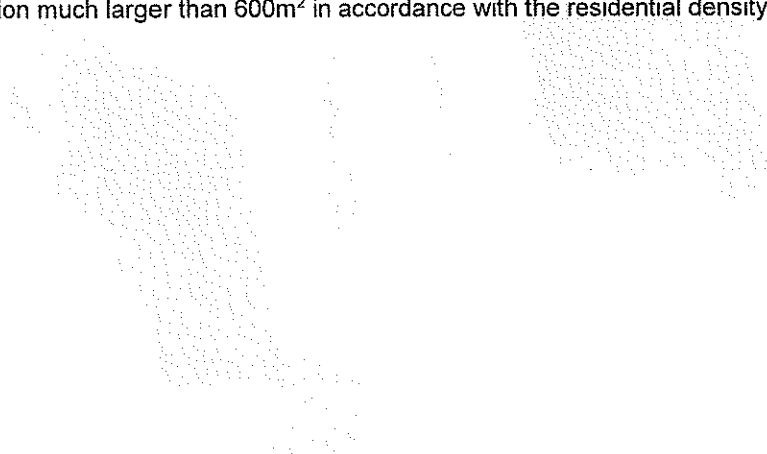
There are conditions imposed against Erf 48 Rossmund in terms of Notarial Deed No. K319/2005S (**Annexure A**) in favour of Rossmund Golf Estate Home Owners Association or RGEHOA.

These conditions impose restrictions on the selling and leasing of the property in addition to subdivision, consolidations and rezoning applications. These activities are limited unless consent has been granted by the RGEHOA. These restrictive conditions are further discussed in Section 5.2 on page 15.

Stewart Planning has the authority to act on behalf of the registered owner for the proposed subdivision via a signed Power of Attorney (**Annexure E**).

3. Proposed Subdivision

It is proposed to subdivide Erf 48 Rossmund into Portion A and the Remainder as shown in Figure 8 (**Annexure C**) and Table 1. The site is large enough (1682m²) to be subdivided into two portions with each portion much larger than 600m² in accordance with the residential density of 1:600m².



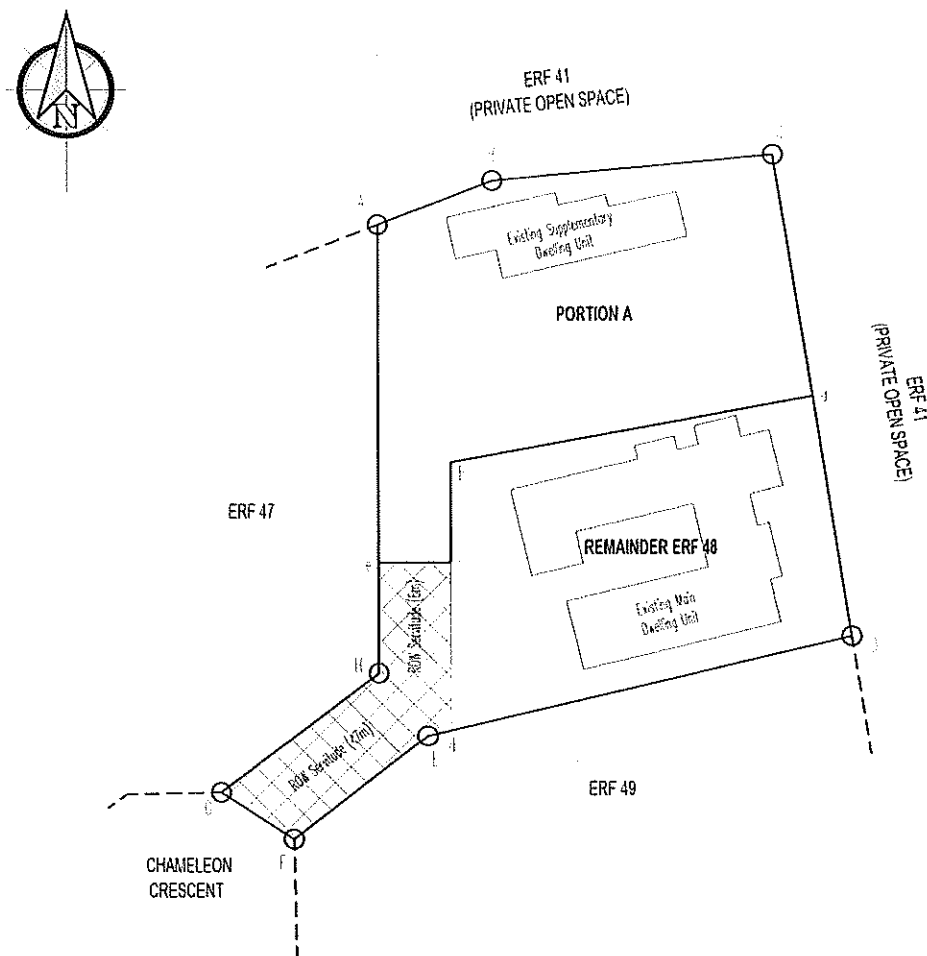


Figure 8: Proposed subdivision of Erf 48 Rossmund

Table 1: Proposed subdivision schedule.

ERF NO	CURRENT ZONING	AREA
Portion A	Single Residential (1:600m ²)	808m ²
Remainder Erf 48 Rossmund	Single Residential (1:600m ²)	874 m ²

3.1. Impact on Neighbourhood

The Rossmund Golf Estate retains a specific neighbourhood character and aesthetic as it was originally designed for all buildings to fit in with the surrounding desert environment. This character and look is guided and protected in terms of the RGEHOA Aesthetics Policy dated 23 April 2015 (**Annexure F**) which largely focusses on the materials and colour scheme that must be used when building new dwelling houses.

There are also other aspects, such as residential density, actual erf sizes, green open spaces, and height which influence neighbourhood character and amenity. The Rossmund Golf Estate is well

known for its low residential density, large erf sizes, green open spaces and single to double-storey buildings. These factors all contribute to a peaceful neighbourhood that is aesthetically pleasing to live in. The proposed subdivision will be evaluated in terms of the above aspects that influence neighbourhood character.

Residential Density

Subdivisions can result in an increase in residential density and a reduction in erf sizes which can potentially change the neighbourhood character. Therefore, when considering subdivision applications, it is particularly important to evaluate if the proposed subdivision results in a significant change in residential density.

To begin with, all the "Single Residential" erven in Rossmund are legally zoned with a density of 1 dwelling unit per 600m² (1:600m²) in terms of the Swakopmund Zoning Scheme. In other words, one dwelling house may be permitted for every 600m² of erf space which determines the base residential density of Rossmund.

Any higher density, such as 1 dwelling unit per 300m², will not be permitted in terms of the Swakopmund Zoning Scheme as it will be contrary to the neighbourhood character of Rossmund. A density of 1:600m² was introduced during the initial township establishment application of Rossmund and it was considered a suitable low residential density for the intended overall design and character of Rossmund.

The proposed subdivision of Erf 48 Rossmund does not result in a change of this residential density. Portion A and the Remainder of Erf 48 Rossmund will retain the 1:600m² density as it will measure 808m² and 874m², respectively.

In conclusion, the subdivision will not result in a significant increase or change in residential density to negatively affect neighbourhood amenity.

Actual Erf Sizes

It is also important to consider the actual erf size rather than the residential density. For this exercise, only "Single Residential" erven in phase 1, situated east of the golf club was considered. These are erven numbered 3 to 114 but excluding the "General Residential 2", "Public Open Space" and "Local Authority" zoned erven as indicated in Figure 9.

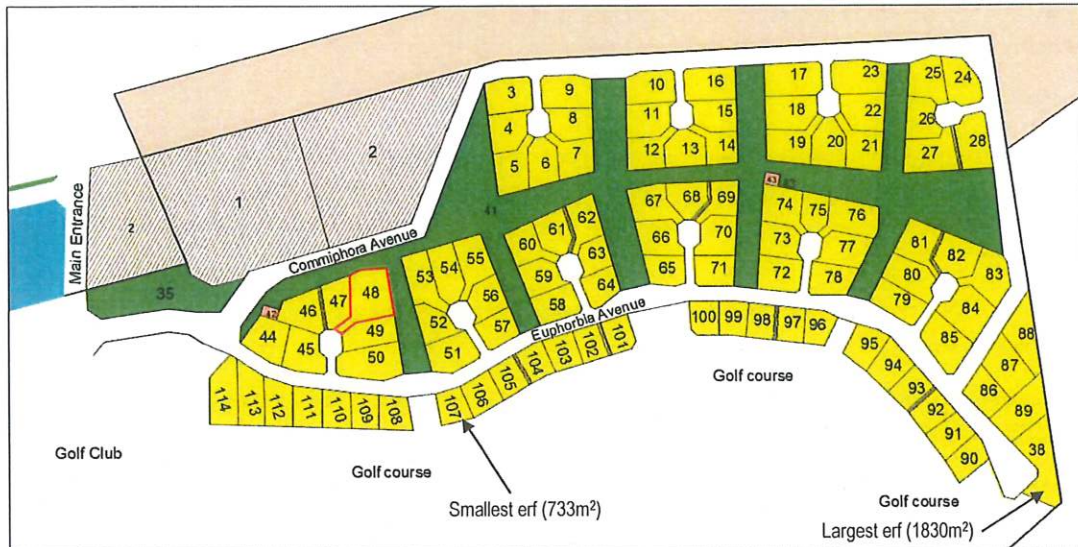


Figure 9: Rossmund township layout for phase 1.

The actual erf sizes of Erven 3 to 114 Rossmund (which are all zoned "Single Residential" i.e. the yellow properties in Figure 9) are summarised below:

- Smallest erf size: 733m²
- Largest erf size: 1830m²
- Average erf size: ±1075m²

To summarise, erf sizes in Rossmund range from 733m² to 1830m² with an average erf size of ±1075m².

The proposed subdivision will result in an erf size of 808m² and 874m² which is larger than the smallest erf size in Rossmund (733m²) and not far below the average of ±1075m². Based on this comparison, the proposed erf sizes fall within the range of the existing erf sizes of Rossmund and is unlikely to create a noticeable change to the neighbourhood character.

In conclusion, the proposed erf sizes will not result in a significant reduction of erf sizes to negatively affect the neighbourhood amenity. There are existing houses in Rossmund situated on smaller erven.

Green Open Spaces

The residential erven are surrounded by green open spaces and the golf course itself. The proposed subdivision will not result in a change to these green open spaces or the gold course.

Currently, the existing supplementary dwelling unit on proposed Portion A takes informal access from Commiphora Avenue which encroaches over Erf 41 Rossmund which is zoned "Private Open Space". It is not recommended to formalise this access point but rather to register a right-of-way servitude against the proposed Remainder of Erf 48 Rossmund so that both existing dwelling units share the same driveway from Chameleon Crescent.

In this way, the proposed subdivision does not "legalise" or entrench the existing encroachment. In conclusion, the proposed subdivision will have no impact on neighbourhood character as green

open spaces will be retained. The subdivision will not permit the encroachment of "Private Open Space".

Height

Height is regulated in terms of the Swakopmund Zoning Scheme. The "Single Residential" zone permits a maximum height of 8 metres or two storeys. This height may be relaxed up to 10 metres if the Swakopmund Council is satisfied that it does not negatively affect the amenities of the neighbourhood.

However, this does not apply to the proposed subdivision, as it does not change or affect permissible height.

In conclusion, the proposed subdivision has no impact on permissible height and no impact on neighbourhood amenity.

Based on the arguments presented above, it is considered that the proposed subdivision will have no impact on height and green open spaces. Furthermore, it will not result in a significant increase in residential density or sharp reduction in erf sizes to warrant a noticeable change in the neighbourhood character and amenity.

3.2. Impact on Traffic and Access

Erf 48 Rossmund already contains two dwelling units that generate traffic to and from Rossmund without negatively affecting the quiet and peaceful amenity of the golf estate. Existing streets are quiet and cope well with existing motorised and non-motorised traffic. The proposed subdivision is not expected to increase trip generation to such a large extent to have a noticeable negative impact on the amenity of the neighbourhood.

Formal access to Erf 48 Rossmund is taken via a <7-meter wide panhandle which connects to Chameleon Crescent – a cul-de-sac street. Currently, informal access is also taken from Commiphora Avenue across Erf 41 Rossmund which is zoned "Private Open Space".

For the subdivision, it is recommended that Portion A and the Remainder of Erf 48 Rossmund should take access from Chameleon Crescent only. It is not proposed to formalise the access point to Commiphora Avenue.

Therefore, it will be necessary to survey and register a right of way servitude (ROW) against the panhandle of the Remainder of Erf 48 Rossmund in favour of Portion A. Both portions will thus have formalised access from Chameleon Crescent via a registered ROW servitude.

The panhandle entrance has a good sight distance for oncoming traffic which will help facilitate safe traffic movement between the two dwelling units.

In conclusion, safe and suitable access to each portion and the remainder can be achieved and the existing road network can accommodate additional traffic.

3.3. Parking Requirements

The owner, or successors in title, will make suitable arrangements with the Council for the provision of on-site parking in terms of the Swakopmund Zoning Scheme. Based on the physical site size, suitable parking space can be provided on-site for both dwelling units.

3.4. Impact on Services

Both dwelling units already exist on the site. The supplementary dwelling unit on Portion A will likely be expanded which will marginally increase water and power consumption, and sewerage generated. This marginal increase in pressure on services will have no noticeable impact on the existing utilities.

The owner, or successors in title, will be responsible for the provision, relocation, and/or installation of service connections to each erf, at their own cost, to the satisfaction of the RGEHOA, Local Authority, Erongo RED, and Telecom Namibia. It is possible to make a new service connection to the existing bulk network in adjacent streets.

The owner or its successors in title shall pay levies to the RGEHOA and/or Swakopmund Municipality (whichever the case might be) for the construction and maintenance of all municipal related services such as water, electricity and sewer. The slight increase in pressure on services is compensated by the fact that the rates and service charges can be levied on two properties instead of one.

In addition, the owner will be responsible for the payment of a once-off endowment fee for Portion A to compensate the RGEHOA and/or Swakopmund Municipality (whichever the case might be) for the slight increase in pressure on services.

In conclusion, any marginal negative impact on services will be compensated for through the monthly payment of levies and the payment of the once-off endowment fee. The proposed subdivision does not create a financial risk to the RGEHOA and/or Local Authority as all costs will be borne by the owner.

4. Need and Desirability

Erf 48 Rossmund is a large property that has been developed with two detached dwelling units which cover about 20% of the site. The main dwelling unit ($\pm 260\text{m}^2$) is much larger than the supplementary dwelling unit (90m^2) and would appear to be situated on a "separate" erf which is not the case. Therefore, the main and supplementary dwelling is currently indivisible units that can only be sold as a single package unless subdivided.

The owner intends to alienate the dwelling units separately hence a subdivision is needed to create a separate erf for the supplementary dwelling unit. Once subdivided, the supplementary dwelling will become the main dwelling unit on its own erf. This has the added benefit for the owner, or successors in title, who would then be able to expand the floor area of the house. There is open space available to allow for the expansion of the dwelling unit.

Other than the likely expansion of the supplementary dwelling unit, the proposed subdivision will not significantly change the character or appearance of the existing neighbourhood. Therefore, the subdivision can be considered desirable as it will not negatively affect the peaceful amenity that is experienced in Rossmund.

The site is a large property situated in an up-market neighbourhood that is still developing. Almost all the available "Single Residential" erven in Rossmund have been developed and/or sold. There are very few available and/or undeveloped erven on the market.

The site is within a good and growing residential neighbourhood for which there is a great demand for smaller individual freehold erven. Consequently, the subdivision will be complementary to the character of the wider area, will work well with and will not negatively affect the wider area.

This potential investment and development will create work in the local construction industry and stimulate the sale of building materials from retail outlets during the construction phase. This will have a direct and indirect positive impact on economic growth and employment creation which are much needed in light of the economic recession and pandemic.

Further development of the site is also desirable in order to utilise land already within the urban edge of Rossmund rather than extending the boundaries of the golf estate. The site is located in a well-established and developing golf estate which makes it desirable for further residential development.

Therefore, the proposed subdivision can be considered favourably from a need and desirability point of view.

5. Compliance with policy and legislation

Several statutory documents and policies are applicable when it comes to the proposed subdivision of Erf 48 Rossmund. This section provides an overview of these statutory/policy provisions.

Statutory or legally binding provisions include the Swakopmund Zoning Scheme, Title Deed and Notarial Deed conditions and Endowment Fees. Policies that are guiding documents include the Rossmund Home Owners Association Aesthetics Policy, Rossmund Estate Rules, ALAN Panhandle Guidelines, MURD Town Planning Standards and Urban Design Guidelines.

5.1. Swakopmund Zoning Scheme

The title deed of Erf 48 Rossmund (Deed of Transfer No. T2524/2014) contain the following title deed conditions:

A. SUBJECT to the following conditions imposed in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), and created in Deed of Transfer No.T6197/2010, namely:

IN FAVOUR OF THE LOCAL AUTHORITY

1. The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.

The Swakopmund Town Planning Scheme or Zoning Scheme sets out the zoning and permitted density for residential erven in Swakopmund, including Rossmund. In terms of the Swakopmund Zoning Scheme, Erf 48 Rossmund is zoned "Single Residential" with a density of 1 dwelling unit per 600m² (1:600m²). In other words, a minimum erf size requirement of 600m² per dwelling unit.

Therefore, the proposed development and subdivision is fully in accordance with the zoning and density as each portion will be larger than 600m². The intended use will remain residential in

accordance with the current zoning. It is not recommended or necessary to apply for a change of zoning or density (i.e. rezoning).

Lastly, both portions will be registered with the same title deed conditions as contained in Deed of Transfer No. T2524/2014. See recommended conditions to be registered (**Annexure D**).

In conclusion, the proposed subdivision is fully in accordance with the minimum erf size.

5.2. Title Deed and Notarial Deed Conditions

The title deed of Erf 48 Rossmund (Deed of Transfer No. T2524/2014) also contains the following condition:

B. SUBJECT FURTHER to the conditions imposed in Notarial Deed No. K319/2005S in favour of Rossmund Golf Estate Home Owners Association (Association Incorporated under Section 21) Company Number: 21/2006/0127.

For reference, Notarial Deed No. K319/2005S is attached hereto as **Annexure A**. The Notarial Deed imposes several conditions against Erf 48 Rossmund.

Erf 48 Rossmund, and any subdivided portion thereof, will be registered with the same Notarial Deed conditions. This has been included in the conditions to be registered (**Annexure D**) to be registered against Portion A and the Remainder of Erf 48 Rossmund.

In particular, Notarial Deed condition 1.6 is relevant to the proposed subdivision which reads as follow:

1.6 The OWNER and/or its successors in title of the property shall not make any application for the rezoning, consolidation or subdivision of his property without the prior written consent of the ASSOCIATION.

"ASSOCIATION" refers to the RGEHOA. The above condition requires that consent be obtained from the RGEHOA before an application for a subdivision is made. Depending on the decision of the RGEHOA, the procedure will follow two ways:

- 1) Should the RGEHOA grant its consent, then further application will be made to the Local Authority and the Urban and Regional Planning Board in terms of the Urban and Regional Planning Act of 2018; or
- 2) Should the RGEHOA not grant its consent, then further application will be made to the Local Authority and Urban and Regional Planning Board. The RGEHOA will then be provided with the opportunity to lodge their written objections against the proposed subdivision before a decision is made by the Local Authority. Should the proposed subdivision be approved by the Local Authority then the RGEHOA reserves the right to lodge an appeal against the decision of the Local Authority to the Minister of Urban and Rural Development.

The proposed subdivision and application were submitted to the RGEHOA by email on 4 February 2021 in accordance with condition 1.6 of the Notarial Deed No. K319/2005S. In addition, four hard copies of the application were sent by registered mail to the RGEHOA's post box: PO Box 2033

Swakopmund (**Annexure H**) on 5 February 2021. The deadline for the RGEHOA to respond was on or before 1 March 2021 which gave the RGEHOA 26 calendar or 17 business days to respond.

No written consent and/or response was received by the RGEHOA (either by email or mail) before or on 1 March 2021, therefore, application is now made to the Local Authority following the Urban and Regional Planning Act of 2018.

In any case, the RGEHOA will be provided with the opportunity to lodge their written comments and/or objections as part of the public consultation exercise for the proposed subdivision.

5.3. Rossmund Home Owners Association Aesthetics Policy

The existing two dwelling units are designed in such a manner to comply with Rossmund's Aesthetics Policy (**Annexure F**). Any extension to the existing dwelling units will be made in such a manner to comply with the same aesthetic guidelines. The proposed subdivision is not expected to have a negative impact on the character or aesthetics of the neighbourhood.

Therefore, the proposed subdivision is in accordance with the RGEHOA Aesthetics Policy.

5.4. Rossmund Estate Rules

The purpose of the Estate Rules (**Annexure F**) is to protect and enhance the lifestyle of residents and that of the unique natural environment. The proposed subdivision is not expected to detract from the estate's lifestyle and the natural environment.

The owner, or successors in title, will need to comply with the Estate Rules in terms of the following provisions: use motor vehicles and driveways, laundry, refuse disposal, noise, gardening, pets, servants, alteration, the exterior of buildings, the interior of dwellings and/or sections, signs and notices, littering, storage of inflammatory material and other dangerous acts, letting of dwellings or unit, eradication of pests, sundry provisions, occupation of residential dwelling or sections, divisibility, and payment of levies.

Therefore, the subdivision is in accordance with the general purpose of the Estate Rules.

5.5. ALAN Panhandle Guidelines

The proposed panhandle provides a right-of-way servitude that will serve a maximum of 2 dwelling units and is approximately 20 meters in length and varies between 6 to 7 meters in width. In terms of the ALAN Panhandle Guidelines, a minimum width of 4 metres is required, therefore, the proposed panhandle/ROW servitude is fully in accordance with the ALAN Panhandle Guidelines.

5.6. MURD Town Planning Standards and Urban Design Guidelines

The proposed subdivision is in accordance with the Ministerial Town Planning Standards and Urban Design Guidelines.

The subdivision complies with the minimum residential erf requirement of $\geq 300\text{m}^2$ and although it does not create any streets, the existing adjacent street widths are sufficient in size to accommodate space for pedestrians, landscaping and street furniture, vehicle parking and municipal services such as water, sewerage, electricity and communication.

No access is taken from a main or bypass road but rather from an urban street and so no building restrictions apply. The subdivision is not situated inside a natural water course and the site is level

with adjacent streets. All storm water drainage, if it rains at the coast, will form part of the street network.

The subdivision is not situated within the conservation area in terms of the Swakopmund Zoning Scheme and complies with environmental management. No Environmental Clearance Certificate is required for the subdivision in terms of the Environmental Management Act (No. 7 of 2007) as amended.

Lastly, the subdivision will promote order, amenity, convenience, efficiency, and economy in the process of land development.

Therefore, the proposed subdivision is in accordance with the Ministerial Town Planning Standards and Urban Design Guidelines.

5.7. Endowment Fees

Whenever an owner of an erf or land disposes of any portion of such erf or land whether, by sale, exchange, gift or in any other manner, the said owner shall pay a percentage endowment fee to the local authority.

Endowments shall be calculated as a percentage, as determined by the Minister and/or local authority, of the value of such portion at the time of disposal and shall be used by the local authority to finance and carry out betterment works or for erecting, constructing or acquiring amenities or public places in the public interest.

In terms of Paragraph 11 of the Council's Property Policy of 2013, where a subdivision involves no rezoning and no streets or other public places are created by reason thereof an endowment of 7.5% of the land value (market value as determined by the Municipal Valuer) of the first 10 erven and 1% of the value of additional erven created by the subdivision (but excluding the remainder) shall be payable.

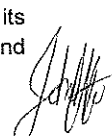
In this case, an endowment fee of 7.5% of the land value of Portion A shall be payable by the registered owner but no endowment shall be payable for the Remainder of Erf 48 Rossmund.

Portion A's endowment will become payable before the registration and/or disposal of Portion A at the Deeds Office as required by the Urban and Regional Planning Board.

In conclusion, it is recommended that a 7.5% endowment fee be levied against Portion A but not the Remainder of Erf 48 Rossmund.

6. Public Consultation

Public consultation will allow interested and affected parties to submit written comments or objections on the proposed subdivision and ~~rezoning~~ to assist the relevant authorities with its decision making in terms of the Urban and Regional Planning Act of 2018 (Act No.5 of 2018) and its Regulations (URPA).



All written comments, input or objections should be submitted in writing to the Chief Executive Officer of the Municipality of Swakopmund and a copy should be forwarded to Stewart Planning. Contact details are provided on page 3 of this report.

The submission of comments, notification procedure, and response to potential concerns are provided in the subsections below.

6.1. Submission of comments

In terms of Section 105 of URPA, a complete application for the subdivision of land must first be lodged with the Chief Executive Officer of a Local Authority before the applicant should give notice to the public for potential written comments and/or objections.

All written comments, input or objections should be submitted in writing to the Chief Executive Officer of the Local Authority and a copy should be forwarded to Stewart Planning. Contact details are provided on page 3 of this report.

6.2. Notification procedure

The notification procedure will be followed as provided under Part 2 of Chapter 9 of URPA and its Regulations. This is due to Swakopmund Municipality being a Local Authority and not an Authorised Planning Authority.

In terms of the above, Stewart Planning intends to give notice of this application in the following manner:

- Regulation 10(4): Written notification of neighbouring landowners namely: Erven 2, 45, 46, 47, 49, 50 and 53 Rossmund.

Stewart Planning will also notify the Rossmund Golf Estate Home Owners Association of their second opportunity to submit comments and/or objections to the proposed subdivision.

Straightforward subdivisions, which does not involve a rezoning, does not require notice to be published in the Gazette (Reg. 10(1)) or in two newspapers (Reg. 10(2)) or placement of a notice at the Local Authority (Reg. 12(b)) or on-site (Reg. 12(a)).

6.3. Response to potential concerns

The reader of this report, or any interested or affected party, might have potential concerns regarding the proposed subdivision.

Below is a list of potential concerns followed by a response to each:

1. The RGEHOA has not responded or provided their consent for the subdivision. How can the Local Authority make a decision without RGEHOA's consent?

To legally comply with condition 1.6 of Notarial Deed No. K319/2005, the proposed subdivision was first submitted to the RGEHOA on 4 February 2021 for their consent (or not). This was a *bona fide* request for an answer/comment/consent/response. The RGEHOA has failed to submit a written response (either with their consent or not) before or on 1 March 2021.

The applicant/owner/consultant has made every effort to consult the RGEHOA as required by law. However, the RGEHOA has not responded, therefore the rights of the RGEHOA to provide their consent (or not) have lapsed.

However, the RGEHOA will be provided with a second opportunity to submit their written consent and/or response as part of the public consultation exercise, before a decision will be made by the Local Authority.

Furthermore, Rossmund is another suburb of Swakopmund and is *ipso facto* under the jurisdiction of the Local Authority. Therefore, the provisions of the Swakopmund Zoning Scheme and Urban and Regional Planning Act (No.5 of 2018) and its Regulations take a higher legal stance over the provisions of Notarial Deed No.K319/2005.

Therefore, the Local Authority holds more power in making decisions that affect its urban environment than the RGEHOA.

2. A subdivision will negatively affect the character of Rossmund.

There are existing houses in Rossmund situated on smaller erf sizes (i.e. Erf 107 Rossmund = 733m²) than proposed Portion A (808m²) and Remainder Erf 48 Rossmund (874m²). Therefore, the proposed subdivision is unlikely to have a noticeable change to negatively the neighbourhood character. Also read the full discussion in Section 3.1. on page 9 of this report.

3. The cumulative impact of other owners subdividing their properties will have a noticeable change in Rossmund.

Every application must be evaluated on an *ad-hoc* basis and will have its own merit and site characteristics which warrant the potential for a subdivision or not.

In any case, Rossmund was initially established with a residential density of 1 dwelling unit per 600m² in terms of the Swakopmund Town Planning Scheme. Therefore, any property larger than 1200m² has the legal density rights to be subdivided. There are a few vacant properties larger than 1200m² in Rossmund that has the potential to be subdivided. Most of the properties are either fully developed or smaller than 1200m².

Therefore, the cumulative impact of further subdivisions in Rossmund is unlikely to negatively affect the neighbourhood character. If it did, then the original township design should have provided for a density of 1 dwelling unit per 900m² to "protect" properties against subdivisions.

7. Summary

- This application is submitted on behalf of Johan Kok, the registered owner of Erf 48 Rossmund to subdivide into Portion A (808m²) and the Remainder of Erf 48 Rossmund (874m²). The property is located at No.4 Chameleon Crescent, Rossmund.
- Erf 48 Rossmund measures 1682m² in extent and is currently zoned "Single Residential" with a residential density of 1 dwelling unit per 600m² in terms of the Swakopmund Zoning Scheme. It contains two existing dwelling units, detached from one another. The proposed subdivision will help facilitate the separate alienation of the two dwelling units.
- In comparison, other "Single Residential" erf sizes in Rossmund phase 1 (situated east of the golf club) range from 733m² to 1830m² with an average erf size of ±1075m².
- It is considered that the proposed subdivision will have no impact on height and green open spaces. Furthermore, it will not result in a significant increase in residential density or sharp

reduction in erf sizes to warrant a noticeable change in the neighbourhood character and amenity.

- Portion A and the Remainder will take access from Chameleon Crescent via a 6 to 7-meter wide panhandle which will be registered as a right-of-way servitude and is in accordance with the ALAN Panhandle Guidelines.
- The proposed subdivision was submitted to the Rossmund Golf Estate Home Owners Association (RGEHOA) on 4 February 2021 for their consent but no written consent and/or response has been received before or on 1 March 2021.
- Application is thus made to the Local Authority following the procedures of the Urban and Regional Planning Act of 2018. The RGEHOA will be provided with another opportunity to lodge comments/objections as part of the public consultation exercise.
- The proposed subdivision is also in accordance with the Swakopmund Zoning Scheme, Ministerial Town Planning Standards, the Rossmund Golf Estate Rules and Aesthetics Policy.

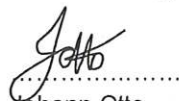
8. Recommendation

Based on the above, and arguments outlined in Section 3 (page 9), application is hereby made to the Municipal Council of Swakopmund for its consent for the following:

- [1] Subdivision of Erf 48 Rossmund into Portion A and the Remainder of Erf 48 Rossmund in terms of Section 105(e) of the Urban and Regional Planning Act, 2018 (Act No.5 of 2018) and its Regulations.
- [2] Registration of a right-of-way servitude against the Remainder of Erf 48 Rossmund in favour of Portion A for access purposes as indicated on subdivision plan 48R/SP dated 4 February 2021.

We trust the above recommendation and proposed subdivision meets your favourable approval and we look forward to receiving the Local Authority's consent for the subdivision. Should you require any additional information, then please do not hesitate to contact me.

Yours faithfully,



Johann Otto

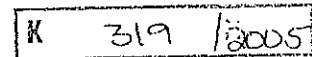
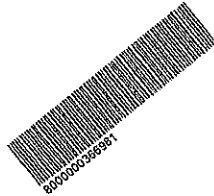
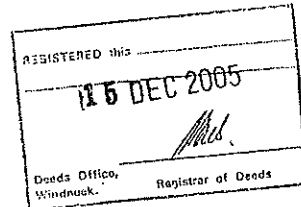
Registered Town & Regional Planner in Training (NCTRP)



STEWART PLANNING
TOWN & REGIONAL PLANNERS

Tel: +264 64 280 773 | Email: otto@sp.com.na

Annexure A



PROTOCOL NO.

NOTARIAL DEED OF IMPOSITION OF CONDITIONS**Be it hereby made known**

That on this 18th day of November 2005 before me DANIEL FRANCOIS MALHERBE
Notary Public of lawful authority duly sworn and admitted, residing and practising in
WALVIS BAY, personally came and appeared JOHANNES GERHARDUS VAN DER
MERWE in his capacity as duly authorised agent of:

1. PHILIP LOOCK

(Born on 21 August 1952)

Married to DIANNE LOUISE LOOCK which marriage is Governed by the Laws of
the Republic of South Africa

(hereinafter referred to as "the OWNER")

FOR INFORMATION ONLY

Annexure A

by virtue of a Power of Attorney granted to him at SWAKOPMUND on the 6th day of September 2005, and

2. **WILLEM ARRIE VAN DER PLAS**, in his capacity as trustee and duly authorized thereto by **ROSSMUND GOLF ESTATE HOME OWNERS ASSOCIATION**
(Association incorporated under Section 21)
Company Number 21/2005/

(hereinafter referred to as the ASSOCIATION)

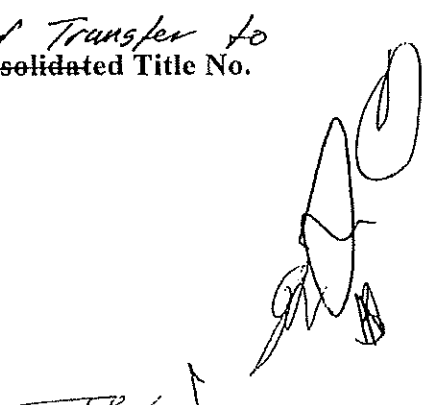
by virtue of a Power of Attorney granted to him at SWAKOPMUND on the 6th day of September 2005, and

AND THE APPEARER DECLARED THAT:

WHEREAS the OWNER is the registered owner of certain land described as

CERTAIN:	PORTION 5 OF THE FARM NO. 161
SITUATE:	In the Municipality of SWAKOPMUND Registration Division "G" Erongo Region
MEASURING	1682 (ONE SIX EIGHT TWO) Square metres
HELD	under Certificate of Consolidated Title No. T.6051/2004

(Hereinafter referred to as the property)

*Deed of Transfer to
be registered*


Annexure A

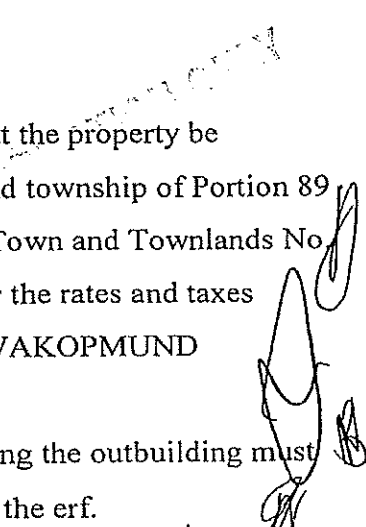
AND WHEREAS the OWNER and the ASSOCIATION have agreed to impose the following conditions against the property

NOW THEREFORE THE APPEARER DECLARED THAT

1. The property shall be subject to the following conditions in favour of the ASSOCIATION, namely:
 - 1.1 The OWNER and/or his successors in title shall by virtue of his ownership of the property automatically become and remain a member of the ASSOCIATION and being bound by its Memorandum and Articles of Association and any Estate Rules adopted by the ASSOCIATION from time to time until such owner ceases to be an owner.
 - 1.2 The OWNER and/or its successors in title shall by virtue of its automatic membership of the ASSOCIATION, and payment of levies as such be liable for the construction and future maintenance of all Municipal related services upon the property which services include water, electricity and sewer and it shall not be the responsibility of the MUNICIPAL COUNCIL OF SWAKOPMUND.
 - 1.3 The property or any portion thereof shall not be sold, alienate, transferred or leased without the prior written consent of the ASSOCIATION which consent shall only be issued once the ASSOCIATION has confirmed in writing that it has satisfied itself that all conditions imposed by the ASSOCIATION have been met and that all amounts due to it by the owner have been paid.
 - 1.4 Neither the property nor any subdivision or consolidation thereof, nor any section erected thereon, nor any interest therein or thereto, shall be sold or transferred to any person or entity who has not agreed to become a member of the ASSOCIATION and to be bound by its Memorandum and Articles of Association and any Estate Rules adopted by it and who has

Annexure A

not secured payment by way or a debit order or such other method of payment acceptable to the ASSOCIATION of the monthly levy due to it.

- 1.5. No further improvements of any nature may be effected on the property without the prior written approval of the ASSOCIATION or its nominee and any building plans in respect of any such improvements to be erected on the property shall be subject to prior written approval of the said ASSOCIATION. Such approval will be required without limitation to all external finishes including materials and colours for all walls, roofs and windows and such improvements shall at all times comply with the Architectural Design and guidelines as accepted by the ASSOCIATION.
 - 1.6 The OWNER and/or its successors in title of the property shall not make any application for the rezoning, consolidation or subdivision of his property without the prior written consent of the ASSOCIATION.
 - 1.7 The property shall be subject to a right of access by employees and/or agents of the ASSOCIATION for the purpose of the construction and day to day maintenance of Municipal related services in respect of water, sewerage, drainage, electricity and gas including any telecommunication services, roads and pathways which right includes the right to place on such property any material that may be excavated on the property or any adjacent property.
 - 1.8 The property shall be subject to the condition that the property be incorporated into the (to be established Rossmund township of Portion 89 of portion B of the Remainder of Swakopmund Town and Townlands No 41 and the Remainder of Farm 161) as an erf, for the rates and taxes purposes to the MUNICIPAL COUNCIL OF SWAKOPMUND
 - 1.9 The building value of the main building, excluding the outbuilding must be at least **four** times the municipal valuation of the erf.
- 

Annexure A

2. The owner or his successors in title shall further be entitled to make use of all roads and pathways constructed within the GOLF ESTATE DEVELOPMENT, the ownership of which will vest in the ASSOCIATION, for purposes of obtaining access to the property and such use shall be so vested in perpetuity.

3. **SUCCESSORS IN TITLE**

The term "OWNER" and "ASSOCIATION" includes their respective successors in title or assigns and all the rights and obligations herein created are so vested and imposed in perpetuity.

4. **ACCEPTANCE**

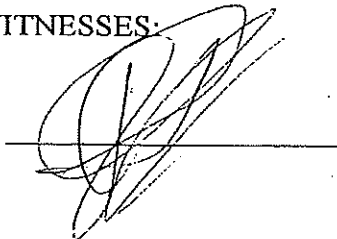
And the appearer on behalf of the OWNER and the ASSOCIATION hereby accept, in so far as is necessary, the benefits of the agreement subject to the terms and conditions aforesaid.

5. **ATTESTATION**

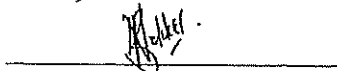
THIS DONE AND EXECUTED by the Appearer before me, Notary Public on the day month, and year first aforewritten, in the presence of the subscribing witnesses.

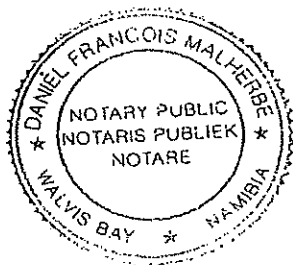
AS WITNESSES:

1.



2.





q.q.

QUOD ATTESTOR

NOTARY

FOR INFORMATION

Annexure B

Prepared by me:

CONVEYANCER
KOTZE W C

2014-05-19
MORTGAGED
to R250 000.00
11.0.12
182793, 182793, 182793
DEEDS OFFICE,
WINDHOEK
Deputy REGISTRAR OF DEEDS.

T 2524 /2014

DEED OF TRANSFER

Be it hereby made known:

THAT ~~BEATE KAREN LOCH~~ WILLEM CAREL KOTZE

①

appeared before me, ^{Deputy} Registrar of Deeds at WINDHOEK he/she, the said Appearer, being duly authorised thereto by a Power of Attorney granted to him/her by

FRITZ COETZEE

(Identity Number: 710401 0032 5)

MARRIED OUT OF COMMUNITY OF PROPERTY

dated the 25th day of SEPTEMBER 2013, and signed at SWAKOPMUND

Annexure B

- 2 -

And the said Appearer declared that his/her Principal had truly and legally sold on the 24th day of SEPTEMBER 2013

and that he/she in his/her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

JOHAN HENDRIK CHRISTOFFEL KOK

(Identity Number: 810129 1036 9)

MARRIED OUT OF COMMUNITY OF PROPERTY

\
/

His Heirs, Executors, Administrators or Assigns,

CERTAIN: ONE HALF SHARE IN ERF NO. 48 ROSSMUND

SITUATE: IN THE MUNICIPALITY OF SWAKOPMUND
REGISTRATION DIVISION "G"
ERONGO REGION

MEASURING: 1 682 (ONE THOUSAND SIX HUNDRED AND EIGHTY TWO) SQUARE METRES

FIRST REGISTERED by Certificate of Registered Title No. T6742/2005 with General Plan No. A707/2004 relating thereto and held by Deed of Transfer No. T6197/2010

A. SUBJECT to the following conditions imposed in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954), and created in Deed of Transfer No. T6197/2010, namely:

IN FAVOUR OF THE LOCAL AUTHORITY:

1. The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Swakopmund Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended.

2. 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.

B. SUBJECT FURTHER to the conditions imposed in Notarial Deed No. K319/2005S in favour of Rossmund Golf Estate Home Owners Association (Association Incorporated under Section 21) Company Number: 21/2006/0127.

Annexure B

- 3 -

WHEREFORE the Appearer, renouncing all the right and title which the said TRANSFEROR heretofore had to the premises, did, in consequence also acknowledge the said TRANSFEROR to be entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents, the said TRANSFEREE, His Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price to be the sum of N\$400 000.00.


Signed at WINDHOEK on

2014-05-13

together with the appearer, and confirmed with my seal of office.

In my presence,



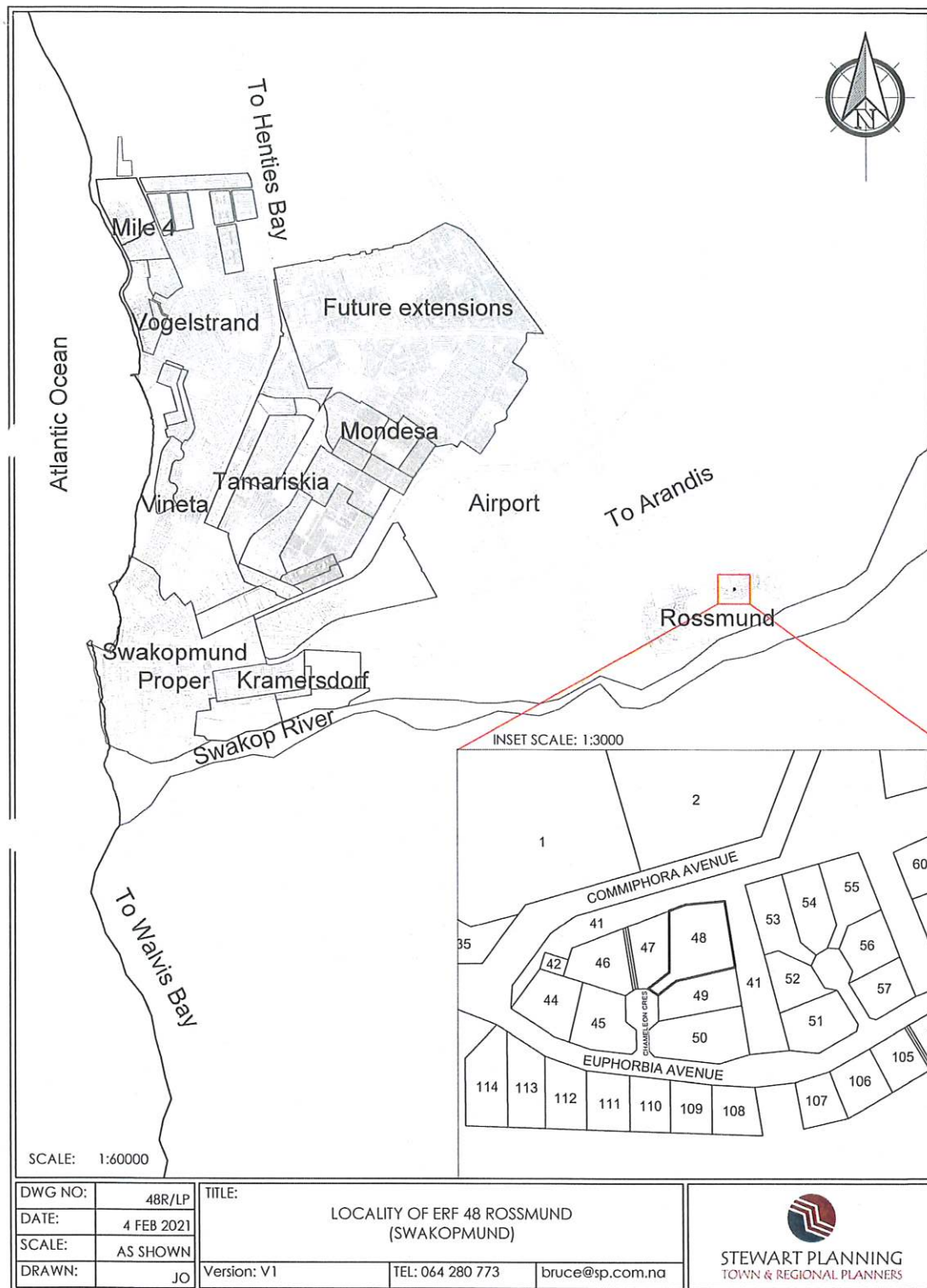

Signature of Appearer

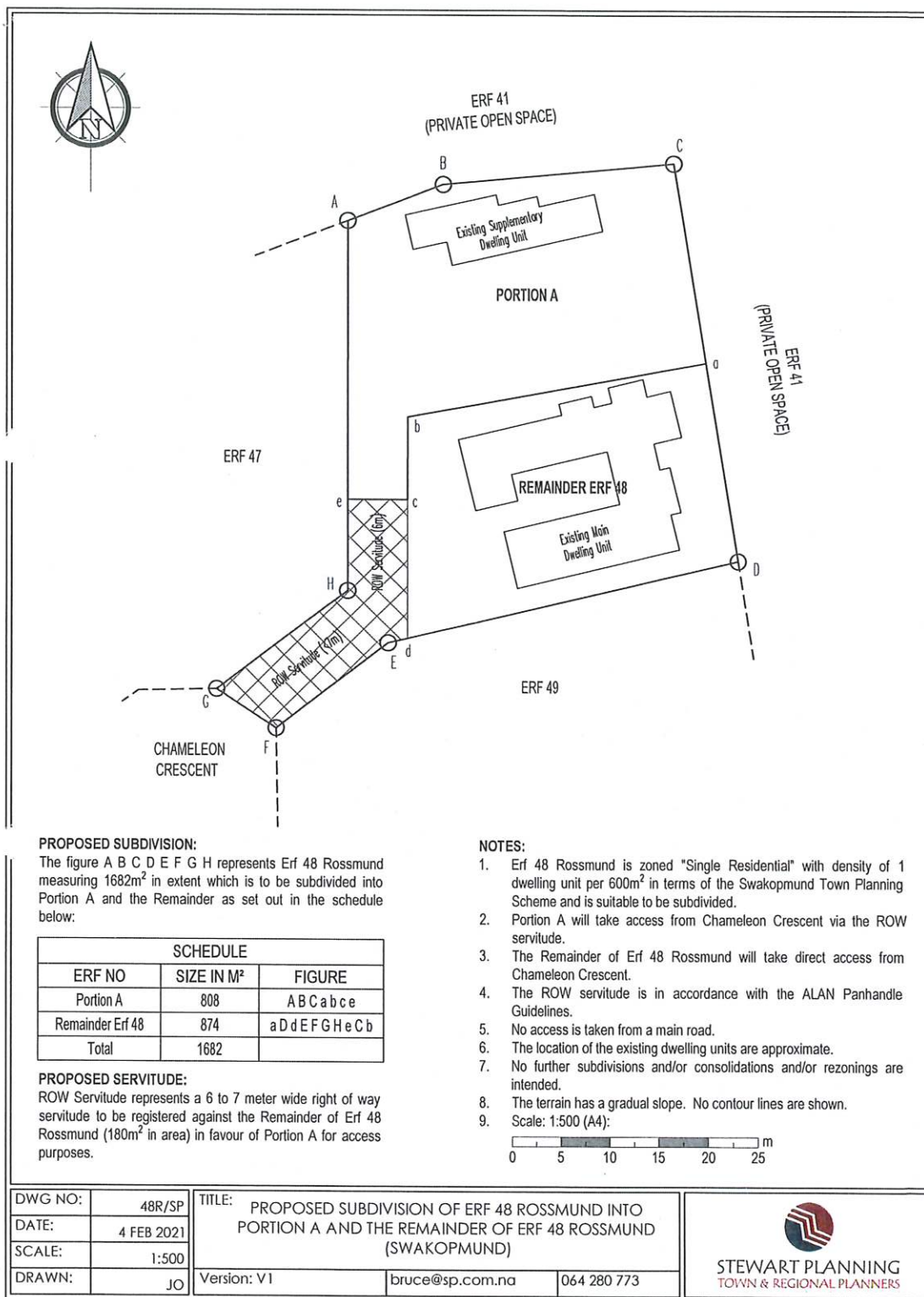
1. Transfer Duty Receipt No. 305048787
OR Exemption Certificate:
Issued at Walvis Bay
On 3 OCTOBER 2013
for N\$0.00

Checked: 1. _____
2. _____

2. I, the undersigned, WILLEM CAREL KOTZE hereby certify in terms of Section 78(a) of Act 23/1992 ("the Act") that all rates leviable in respect of the immovable property contained in this Deed, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of the Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) of the Act, have been paid up to and including the date of registration thereof.

CONVEYANCER





Annexure D

CONDITIONS TO BE REGISTERED

Note that the Town Planning Ordinance, 1954 (Ordinance 18 of 1954) as amended, has been repealed by the Urban and Regional Planning Act, 2018 (Act No.5 of 2018) on 3 September 2020 (Notice 222 of Government Gazette No. 7327).

Therefore, it is recommended that the conditions registered against Erf 48 Rossmund be cancelled and the following conditions be registered against Portion A and the Remainder of Erf 48 Rossmund:

- A. SUBJECT** to the following conditions imposed in terms of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), and created in Deed of Transfer No. T2524/2014, namely:

IN FAVOUR OF THE LOCAL AUTHORITY

1. The erf shall only be used or occupied for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to, the provisions of the Swakopmund Zoning Scheme prepared and approved in terms of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018).
 2. 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.
- B. SUBJECT FURTHER** to the conditions imposed in Notarial Deed No. K319/2005S in favour of the Rossmund Golf Estate Home Owners Association (Association Incorporated under Section 21) Company Number: 21/2006/0127.

SPECIAL POWER OF ATTORNEY

I, the undersigned,

JOHAN HENDRIK CHRISTOFFEL KOK
ID NUMBER: 81012910369
MARRIED OUT OF COMMUNITY OF PROPERTY



in my capacity as the registered owner of ERF NO. 48 ROSSMUND do hereby
 nominate, constitute and appoint

STEWART TOWN PLANNING CC
REGISTRATION NO: CC/2020/00365
P.O. BOX 2095
WALVIS BAY

with full power of substitution, to be my true and lawful Attorney and Agent for me
 and in my name, place and stead, to make the necessary application to the
 Swakopmund Municipal Council, and/or NAMPAB, and/or Townships Board for the


**SUBDIVISION OF ERF NO. 48 ROSSMUND INTO PORTION A AND THE
 REMAINDER OF ERF NO. 48 ROSSMUND**

at the cost of the applicant and generally for effecting the purposes aforesaid, to do
 or cause to be done whatsoever shall be requisite, as fully and effectually, for all
 intents and purposes I might or could do if personally present and acting herein –
 hereby ratifying, allowing and confirming all and whatsoever my said Agent and
 Attorney shall lawfully do, or cause to be done, by virtue of these presents.

Thus done and signed at Swakopmund, this
14th day of August 2020 in the presence of the
 undersigned witnesses:

Signature:


JOHAN HENDRIK CHRISTOFFEL KOK

WITNESS 1Name: S. DE JAGERSignature: **WITNESS 2**Name: Viza HukoSignature: 

OBJECTION**STEWART PLANNING**
TOWN & REGIONAL PLANNERS

First Floor CLA Building
84 Theo Ben Gurion Street
Walvis Bay

www.sp.com.na
Tel: (064) 280 770
Email: otto@sp.com.na

Reference: 48R

2 June 2021

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

Per delivery: C/o Rakotoka & Daniel Kamho Avenue
Per email: Mr J. Heita jheita@swkmun.com.na

ERF 48 ROSSMUND: PROOF OF CONSULTATION, RESPONSE TO OBJECTION AND WAY FORWARD

Dear Mr Benjamin,

We refer to our submitted subdivision application for Erf 48 Rossmund dated 3 March 2021.

We can confirm that the deadline for objections ended on 20 April 2021 and our office has received one written objection from the Rossmund Golf Estate Home Owners Association (RGEHOA) and three (3) letters of support from neighbouring landowners. We ask you to check if your office has received any other written objections or not.

In this letter, we provide proof of consultation, our response to the RGEHOA objection and the way forward with the application for your record-keeping and further action.

We look forward to receiving the Municipal Council's support and positive recommendation on the application in terms of the Urban and Regional Planning Act (No.5 of 2018).

1. Proof of Consultation

Notice of the application was given in accordance with your letter dated 4 March 2021 (Annexure A) in terms of Section 10(4) of the Regulations of the Urban and Regional Planning Act of 2018 (No.5 of 2018). Stewart Planning has given notice of the subdivision in the following manner:

Regulation 10(4): The written notification of neighbouring landowners

The contact details of neighbours (i.e. the owners of Erven 2, 45, 46, 47, 49, 50 and 53 Rossmund) were obtained from Customer Care on 24 March 2021. Neighbouring landowners were notified on 26 March 2021 via registered mail (Annexure B) and Whatsapp.

Regulation 12(c): Additional method of giving notice of the application

Notice was given to the RGEHOA via registered mail and Whatsapp on 26 March 2021. In addition, the complete application was made available to download from www.sp.com.na/projects or could be inspected at the Local Authority from 26 March to 20 April 2021.

The deadline for objections was 20 April 2021 which afforded interested and affected parties 15 business days since 26 March 2021. The minimum requirement is 14 business days.

During this notification period, our office has received three (3) support letters from the owners of Erven 45, 47, and 49 Rossmund (Annexure C) and one (1) objection from the RGEHOA (Annexure D).

We ask you to check if your office has received any other written comments or not. If your office has received written objection(s), please send us a copy of the objection(s) for our record keeping, thank you.

2. Response to RGEHOA objection

The Rossmund Golf Estate Home Owners Association (RGEHOA) has rejected the proposed subdivision (Annexure D) for reasons numbered 1 to 3 in Figure 1:

RESOLVED**THAT:**

The sub division of erf 48 be rejected for the following reasons :

1. The sub division was previously rejected by the board in 2009.
2. The theme or ambiance for Rossmund from the outset was that the properties and houses were to be open, that is why the green belts were implemented. The increase in building space/area will negatively impact on this ideal, which was a selling point for Rossmund village from the onset.
3. The infrastructure, water, sewerage and electric reticulation will not cope with the increased residents if subdivision is approved. This is confirmed in a letter from WCE who designed the infrastructure. Once a single subdivision is approved numerous property owners will do the same.

Figure 1: Extract of RGEHOA Resolution dated 19 April 2021 (see Annexure D).

Below is a counter-response to each reason corresponding to paragraphs 1 to 3 below:

Paragraph 1 – Statutory Response

- [1] Previous decisions made by the RGEHOA board is not taken into account as circumstances may have changed, especially given that the previous decision was made 12 years ago. This subdivision must be regarded as a "new" application warranting careful review and consideration without prejudice based on prior decisions.
- [2] The RGEHOA's resolution dated 19 April 2021 is regarded as an objection in terms of the Urban and Regional Planning Act of 2018 and not a "rejection" in terms of condition 1.6 of the Notarial Deed.

- [3] Application was made to the RGEHOA via email and registered post on 4 and 5 February 2021 respectively as required by the Notarial Deed No.K319/2005 that is registered against Erf 48 Rossmund. The RGEHOA was given a reasonable deadline of 1 March 2021 to provide their statutory response and obligation.
- [4] The RGEHOA did not provide any written response before or on 1 March 2021.
- [5] Due to point [4], the RGEHOA's resolution of 19 April 2021 was made *ultra vires* as it is now within the power of the Local Authority and Urban and Regional Planning Board to make a decision on the proposed subdivision. The RGEHOA has forfeited its power/authority to provide its statutory consent or not.
- [6] There no explicit rule, provision or statutory condition which clearly state that no subdivisions may be permitted in Rossmund as explained in points [7], [8], [9] and [10] below.
- [7] Notarial Deed No.K319/2005 does not prevent subdivisions, but rather requires the owner of Erf 48 Rossmund to obtain consent from the RGEHOA before an application is made to the Local Authority and this was implemented – see point [3] above.
- [8] The Rossmund Estate Rules and Aesthetics Policy of 2015 do not impose any restriction, whatsoever, on subdivisions.
- [9] In terms of Townships Board Resolution Item No. 1/2005 (Annexure E), the township establishment of Rossmund was approved, on condition that no residential erf be smaller than 300m². Other than this minimum erf requirement, the Townships Board did not impose any restrictive subdivision conditions.
- [10] The zoning density of all "Single Residential" properties in Rossmund is 1 dwelling unit per 600m² (1:600) as indicated by Density Map 30 A (Annexure F) of Swakopmund Town Planning Amendment Scheme No.12. This density gives owners the right to develop and subdivide properties provided that the erf size is large enough and the applicable Notarial Deed No.K319/2005 conditions are implemented.
- [11] The "rejection" from the RGEHOA is based on aesthetic and service-related reasons which are further addressed under Paragraphs 2 and 3 respectively.
- [12] In conclusion, this subdivision cannot be prejudiced based on a previous rejection that was made 12 years ago as circumstances change. There is no legal restriction that prevents subdivisions in Rossmund. The RGEHOA has also forfeited their power/authority over subdivisions as they have failed to provide their statutory response within a reasonable deadline.

Paragraph 2 – Aesthetics Response

- [13] The proposed subdivision and extension of the existing supplementary dwelling unit will still maintain an "open" aesthetic in accordance with the theme or ambience for Rossmund.

- [14] The proposed subdivision will not remove or reduce any green belt or land zoned "Private Open Space" as these will be retained to the benefit of the urban character of Rossmund.
- [15] Building space or area is not regulated or dictated by the RGEHOA Aesthetics Policy of 2015, the Estate Rules, or Notarial Deed No.K319/2005 but the Swakopmund Zoning Scheme.
- [16] In terms of the Swakopmund Zoning Scheme, a maximum coverage of 60% is permitted on "Single Residential" zoned erven such as Erf 48 Rossmund.
- [17] The existing main dwelling unit (measuring $\pm 259\text{m}^2$ in total floor area) will cover about 30% of the Remainder of Erf 48 Rossmund (874m^2), thus 70% of the erf will remain "open" and in accordance with the Rossmund theme or ambience.
- [18] The existing supplementary dwelling unit (measuring $\pm 91\text{m}^2$ in total floor area) will cover about 11% of Portion A (a 808m^2 portion of Erf 48 Rossmund) thus 89% will remain "open" in accordance with the Rossmund theme or ambience.
- [19] Future extensions/additions to the supplementary dwelling unit (which will become the main dwelling unit if the erf is subdivided) will not negatively affect the ambience or theme of Rossmund.
- [20] There is sufficient space for extensions/additions to either dwelling unit provided that it does not cover more than 60% of the erf area.
- [21] Taking the above into account, the owner has the right to make further building extensions/additions to either dwelling unit and the proposed subdivision will not negatively affect the aesthetic ambience or theme of Rossmund.

Paragraph 3 – Service-Related Response

- [22] The impact on services has been addressed on page 13 of the subdivision application dated 3 March 2021 and is addressed again as follows.
- [23] Rossmund properties have a zoning density of 1:600 and services should have been installed based on this zoning density to accommodate further densification/subdivisions.
- [24] It was already established under point [6] that there is no legal restriction on subdivisions in Rossmund.
- [25] The RGEHOA must clarify why a lower service capacity was installed for Rossmund despite having a zoning density of 1:600 and not a density of 1:ERF. A zoning density of 1:ERF would have legally prevented densification and/or subdivisions which is not the case.
- [26] The RGEHOA does not support any densification/subdivision based on the principle that it will create precedence which can create a negative cumulative impact on services.

- [27] The creation of new erven (and therefore, new paying owners) will result in the additional payment of levies such as rates and taxes, and the once-off endowment fee. These additional sources of revenue can help partially cover the cost to upgrade and/or maintain bulk services at a future date.
- [28] The construction of the supplementary dwelling unit on Erf 48 Rossmund directly contributes to densification and the increase in load on services.
- [29] In a letter dated 03 April 2013, the RGEHOA has issued their consent for the building plans for Erf 48 Rossmund which includes the main dwelling and supplementary dwelling unit with a tennis court (unbuilt) between the two houses.
- [30] The RGEHOA is opposed to subdivisions but supports supplementary dwelling units which are contrary to their principle objection under point [26] above.
- [31] No endowment fee or additional erf levies can be charged to compensate for the increased load on services created by the supplementary dwelling unit.
- [32] The proposed subdivision will help address this issue through the additional payment of levies (since a new owner and erf will be created which can be charged) and the payment of the once-off endowment fee.
- [33] The owner of Erf 48 Rossmund has occupied the main dwelling unit for many years and has never experienced a shortage in water, power or sewer blockages. Any additions/extensions to the supplementary dwelling unit will marginally increase the load on services, but this can be accommodated by the current service capacity.
- [34] The landowners of Erven 45, 47 and 49 Rossmund (neighbours to Erf 48 Rossmund) did not object to the proposed subdivision. If services were already an issue, then neighbouring landowners would probably have objected to the proposed subdivision.
- [35] No written objection has been received from any person other than the RGEHOA.
- [36] The subdivision of Erf 48 Rossmund is not expected to create a noticeable negative impact on services.
- [37] Phase 2 of the Rossmund Golf Estate is still developing with many undeveloped properties that can be subdivided. Additional capacity was installed to support phase 2 with should have been installed to support a zoning density of 1:600.
- [38] Phase 1 of the Rossmund Golf Estate is almost fully developed and has lower potential for further subdivisions.

- [39] In phase 1, there are 98x "Single Residential" erven and 68 of these erven are less or equal to 1170 square meters¹ in size and cannot be subdivided with a zoning density of 1:600.
- [40] There are 30 erven which are larger than 1170m² which can be theoretically subdivided.
- [41] Twenty-six (26) of the 30 erven are already developed with a building that almost fully covers the erf which makes it less practical to subdivide.
- [42] Only 4 erven has the potential to be subdivided as they are (1) larger than 1170m² and (2) undeveloped. These include Erven 3, 38, 53 and 114 Rossmund. If these erven are subdivided, then they will add net addition of 4 dwelling units.
- [43] The cumulative impact of further subdivisions is lower than expected. It is unlikely that further subdivisions will create a noticeable cumulative impact on services. If a noticeable negative impact is realised, then further subdivisions can be put on hold until service capacity has been upgraded.

In conclusion, there is no legal provision to restrict or prevent the proposed subdivision given the zoning density of 1:600 and the Townships Board approval which do not impose any restriction on subdivisions. The RGEHOA has forfeited their power/authority over this subdivision they have failed to provide their statutory response in terms of the Notarial Deed.

The proposed subdivision will not create a negative impact on the aesthetic ambience or theme of Rossmund as it will make no noticeable difference. Reasonable cause has been shown that the proposed subdivision can be accommodated as it contains an existing supplementary dwelling unit without existing service issues.

Phase 1 is almost fully developed and only 4 erven can be subdivided, therefore, the cumulative services impact of subdivisions will be lower than expected. If services become an issue, then further densification/subdivisions can be put on hold until services have been upgraded. In the meantime, there is sufficient capacity to accommodate the subdivision of Erf 48 Rossmund.

Lastly, the query raised by Mr Fick (the owner of Erf 47 Rossmund) was addressed and resolved on 13/14 May 2021 (Annexure C).

OBJECTION WITHDRAWAL

From: Pine van Wyk [mailto:pine@stewardship.com.na]
 Sent: Thursday, 15 July 2021 02:24 PM
 To: Johann Otto; Hilaria Kevanhu
 Cc: Johanna Angolo; Johannes Heita; Bruce Stewart; nickputter43231@gmail.com
 Subject: Re: Erf48 Rossmund

[Next](#) [Previous](#)

Dear all,

I can confirm that the subdivision was approved at the AGM of RGHOA. We had some delays to get the minutes and formal communication out. We will issue you a formal letter once I am back from SA later next week.

Regards,

Pine van Wyk
 Managing Director
 Stewardship Group
 +264 811225225



STEWARDSHIP
 GROUP

11.1.14 **TRANSFER OF FUNDS TO CAPITAL BUDGET 2021 / 2022**
(C/M 2021/08/30 - 14/2/8/2, 16/2/6/3)

Ordinary Management Committee Meeting of 12 August 2021,
Addendum 10.2 page 09 refers.

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

The Capital Budget for the financial year 2020 / 2021 comes to an end on **30 June 2021**.

During the 2020 / 2021 financial year, a number of projects were completed while others are near completion. The projects were executed and are in the final stages of completion. The votes listed below indicates projects that were awarded now awaiting delivery and which funds needs to be transferred to the 2021 / 2022 Financial Year.

<i>Project Description</i>	<i>Amount Approved</i>
<i>Skip Trucks x 1 New</i>	<i>2 500 000.00</i>
<i>Beach Refuse Bins</i>	<i>1 500 000.00</i>

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

RECOMMENDED:

That the funds budgeted for the following capital projects be transferred to the 2021/2022 financial year for the successful completion of these projects:

<i>Project Description</i>	<i>Estimated Amount To Be Carried Over To 2021 / 2022</i>
<i>Skip Trucks x 1 New</i>	<i>2 500 000.00</i>
<i>Beach Refuse Bins</i>	<i>1 500 000.00</i>