

## MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 28 April 2022 at 19:00.**

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### **PRESENT:**

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

### **OFFICIALS:**

Mr A Benjamin	:	Chief Executive Officer
Mr H !Naruseb	:	GM: Finance
Ms L N Mutenda	:	GM: Health Services & SWM
Mr A Plaatjie	:	GM: Corporate Services & HC (Acting)
Ms M Uwites	:	GM: Economic Development Services (Acting)
Mr J T Heita	:	GM: Engineering & Planning Services (Acting)
Mr U Tjiurutue	:	Corporate Officer: Administration
Ms D Hannes	:	PA: Office of the Mayor
Ms A Kahuika	:	Admin Officer: Admin

### **ALSO PRESENT:**

Fifteen (15) Members of the public and the media.

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#### **1. OPENING BY PRAYER (IF REQUIRED)**

Pastor van Niekerk opened with prayer.

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

(C/M 2022/04/28 - 5/2/1/1/2)

On proposal of Councillor C W Goldbeck seconded by Councillor H Nghidipaya, it was:

#### **RESOLVED:**

**That the agenda be adopted.**


**CO: A**  
**Acting GM:**

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

##### **3.1 Application for leave of absence:**

- Councillor L Kativa : Approved

##### **3.2 Declaration of interest:**

Councillor H H Nghidipaya declared interest for item 11.1.11.  L.K.

4. **CONFIRMATION OF MINUTES**

(C/M 2022/04/28 - 5/2/1/1/2)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 31 MARCH 2022**

On proposal of Councillor C W Goldbeck seconded by Councillor H H Nghidipaya, it was:

**RESOLVED:**

**CO: A**  
**Acting GM: CS&HC**

**That the minutes of the Ordinary Council Meeting held on 31 March 2022, be confirmed as correct.**

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

(C/M 2022/04/28 - 5/5/2)

HONOURABLE COUNCILORS, THE CHIEF EXECUTIVE OFFICER, MR. ALFEUS BENJAMIN, GENERAL MANAGERS, MANAGERS, OFFICIALS, REVEREND CALLIE OPPERMAN, MEMBERS OF THE COMMUNITY, MEMBERS OF THE MEDIA, LADIES AND GENTLEMEN

GOOD EVENING AND WELCOME TO THE COUNCIL MEETING AND ANNOUNCEMENTS FOR THE MONTH OF APRIL.

**LADIES AND GENTLEMEN**

PLEASE ALLOW ME TO BRIEFLY HIGHLIGHT THE EVENTS AND ACTIVITIES THAT THE MAYORAL OFFICE PARTICIPATED IN DURING THIS MONTH.

- THE MAYOR ATTENDED THE REGIONAL STAKEHOLDER WORKSHOP ON THE ECONOMIC STATISTICS ORGANISED BY THE NSA.
- WE HOSTED THE VICE PRESIDENT WHO CAME FOR A SITE VISIT TO THE URBAN GARDENING AGRICULTURAL PROJECT
- THE MAYOR ATTENDED THE OVAHERERO AND NAMA REPARATION WALK
- THE DEPUTY MINISTER, HONOURABLE NATHALIA /GOAGOSSES PAID A COURTESY VISIT TO COUNCIL AND WE BRIEFED HER ON THE PROGRESS OF OUR DEVELOPMENTAL RELATED ISSUES
- THE MAYOR ALONGSIDE THE CHIEF EXECUTIVE OFFICER AND THE NOMINATED COUNCILLORS ATTENDED THE ALAN CONGRESS IN OSHAKATI.
- SWAKOPMUND HOSTED THE ERONGO GOVERNOR'S CUP OVER THE EASTER LONG WEEKEND.
- WE HELD AN ONLINE EXPERT EXCHANGE PROJECT BETWEEN THE SWAKOPMUND AND GIESSEN MUNICIPALITIES
- THE BRITISH HIGH COMMISSIONER PAID A COURTESY VISIT TO SWAKOPMUND MAYOR TO DISCUSS THE NEEDS OF COUNCIL AS WELL AS POSSIBLE FUTURE COOPERATIONS.

**HONOURABLE COUNCILORS, LADIES AND GENTLEMEN,**

FOR THE FOLLOWING MONTH, COUNCIL HAS OUTLINED A NUMBER OF ACTIVITIES SUCH AS THE HANDOVER CEREMONY FOR PHASE 1 AND 2 OF THE BUILD TOGETHER HOUSES. WE ARE INDEED EXCITED ABOUT THIS PROJECT AS A TOTAL NUMBER OF 70 HOUSES WILL BE HANDED OVER TO THE BENEFICIARIES.

**LADIES AND GENTLEMEN**

*B.L.K.*

IN ADDITION TO THE HANDOVER OF THE BUILD TOGETHER HOUSES, COUNCIL WILL ALSO HOST A GROUNDBREAKING CEREMONY FOR THE INTERNATIONAL UNIVERSITY OF MANAGEMENT HERE IN SWAKOPMUND.

**LADIES AND GENTLEMEN**

AS COUNCIL, WE ARE INDEED COMMITTED TO QUALITY SERVICE DELIVERY AND WE STRIVE TO ENHANCE THE TOWN OF SWAKOPMUND.

**HONOURABLE COUNCILLORS, LADIES AND GENTLEMEN**

THAT IS ALL WE HAD TO ANNOUNCE FOR THIS MONTH, THANK YOU VERY MUCH FOR YOUR ATTENTION. WE WILL NOW CONTINUE WITH THE AGENDA FOR OUR COUNCIL MEETING.

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

6.1 Long Service Awards.

None.

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7. **PETITIONS**

None.

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8. **MOTIONS OF MEMBERS**

None.

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

None.

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

10.1 **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING APRIL 2022**

**RESOLVED:**

**CO: A**  
*Acting GM: CS&HC*

That the report to Council on the resolutions taken by Management Committee meeting held on 19 April 2022, be noted.


10.2 **FEEDBACK REPORT TO COUNCIL MINUTES: 24 FEBRUARY 2022**

**RESOLVED:**

**CO: A**  
*Acting GM: CS&HC*

That the feedback report on the execution of the Council Minutes of 24 February 2022, be noted.

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L.K.

11. RECOMMENDATIONS BY THE MANAGEMENT COMMITTEE11.1.1 APPLICATION FOR LAND FOR ESTABLISHMENT OF A QUARRY

(C/M 2022/04/28 - 13/3/1/5, 16/1/4/2/1/13)

RESOLVED:CO: P  
Acting GM: CS&HC

That Mr Hambelela Anyolo be informed that the Swakopmund Structure Plan 2020 - 2040 does not make provision for aggregate quarries and that Council accordingly does not approve his application.

11.1.2 TRANSFER OF ERF 3821, MONDESA, (BUILD TOGETHER) TO ESTATE LATE MR NEHEMIA KAMBONDE

(C/M 2022/04/28 - M 3821)

RESOLVED:CO: H  
Acting GM: CS&HC

- (a) That Council takes note that Mr Nehemia Kambonde (unmarried) of Erf 3821, Mondesa passed away on 21 April 2018.
- (b) That it be noted that the loan premiums commenced October 2019, 1 year and 6 months after the passing of Mr Nehemia Kambonde.
- (c) That it be noted that the Finance Department requested Messrs Sanlam to refund the sum of N\$2 597.76 for insurance premiums paid.
- (d) That it be noted that the outstanding balance on the loan account plus interest until end February 2022 amounts to N\$11 672.13 (Annexure "F", on file).
- (e) That should Messrs Sanlam refuse to refund Council consideration be given to approve writing off the amount of N\$11 672.13 + N\$2 597.76 = N\$14 269.89 towards to outstanding loan balance and insurance against the Build Together Housing Fund.
- (f) That Erf 3821, Mondesa be transferred to the estate of late Mr Nehemia Kambonde upon receipt of the necessary letter of executorship, and confirmation that the arrear rates and taxes have been paid.
- (g) That the family members provide an executor's letter to the attorneys for transfer purposes.



L.K.

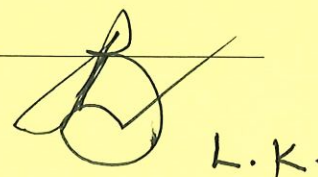
11.1.3 **REQUEST FOR PERMISSION TO ACCOMMODATE CHRIST'S HOPE INTERNATIONAL- NAMIBIA AT ERF 10907, DRC, SWAKOPMUND ADJACENT TO FEEDING NAMIBIA PROJECT**

(C/M 2022/04/28 - 16/1/4/2/1/14, E 10907)

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

**RESOLVED:**

- (a) That Council approves the application of Messrs Christ's Hope to use the space adjacent to Feeding Namibia on Erf 10907, Extension 42 marked institutional land to set up containers for feeding, tutoring, mentoring and homework programs from 1 May 2022 - 31 May 2023, subject to the following conditions:
- (i) *That Messrs Christ's Hope comply with the procedures laid out in the Town Planning Scheme for the use of the Public Open Space.*
  - (ii) *That the applicant ensures that all health protocols related to COVID-19 pandemic, are adhered to.*
  - (iii) *That the applicant must indicate whether refuse bins will be required and has to pay for the lease thereof as well as the removal afterwards (N\$32.00) per bin and N\$786.00 per truck load for the removal {15% VAT excluded}) as per approved budget.*
  - (iv) *That the applicant submits a fire layout plan for the approval by General Manager: Economic Development Services before the program commence.*
  - (v) *That the applicant provides own freshwater tank for the program.*
  - (vi) *That Council's consent is further subject thereto that upon acceptance of the site proposed / approved by Council: Messrs Christ's Hope undertake towards the Municipality of Swakopmund, its Council and / or its officials ("Council"):*
    - 1) *to indemnify and to keep indemnified and hold Council harmless against any losses or damages of whatsoever nature which Council may suffer or any claims or actions which may be instituted against Council by virtue of this resolution taken and consent given to Messrs Christ's Hope and/or the utilization of the site by Messrs Christ's Hope.*
    - 2) *to indemnify and keep indemnified and hold Council harmless against any losses or damages of whatsoever nature which Council may suffer or any claims or actions which may be instituted against Council by virtue of any preceding decision, resolution and/or consent given by Council to Messrs Christ's Hope to conduct a feeding, tutoring and homework programs and in particular in respect of the decision, resolution and / or consent given in respect of Erf 10907, Ext 42, Swakopmund.*
- (b) That Messrs Christ's Hope bears all costs for services i.e. water, electricity etc. connections as well as security services.
- (c) That the applicant be informed to always maintain the facility and restore it to its original state after the given period.
- (d) That Messrs Christ's Hope programs be approved for one (1) year and may reapply again based on the performance and success of the project.



#### 11.1.4 REQUEST FOR PERMISSION TO HOST MONTHLY MARKETS ALONG DANIEL KAMHO AVENUE

(C/M 2022/04/28 - 14/1/3/1, M 1898)

GM: EDS  
GM: HSSWM

##### RESOLVED:

- (a) That Council approves the leasing of Daniel Kamho Hawkers site to the Mondesa Youth Enterprises for the purpose of hosting monthly markets on a trial basis to sell handmade, home-made goods, antique, electronics, plants, manure, prefabricated, upholstery, organic products etc. and to give the Mondesa Youth Enterprises a platform to sell and market their products and services.
- (b) That Council approves an annual Kapana Festival at the vacant Erf 1898, Mondesa.
- (c) That the Engineering and Planning Services Department be responsible for demarcation of the area.
- (d) That the rental fees for the site be based on the Lease for Municipal Land (Public Open Space as gazetted):

*For area of 16m<sup>2</sup> or less (VAT Excluded)*

(i) Daily	-	N\$ 201
(ii) Weekends	-	N\$ 268
(iii) Weekly	-	N\$ 337
(iv) Monthly	-	N\$ 1009

*For area between 16m<sup>2</sup> and 20m<sup>2</sup> (VAT Excluded)*

(i) Daily	-	N\$ 268
(ii) Weekends	-	N\$ 337
(iii) Weekly	-	N\$ 404
(iv) Monthly	-	N\$ 1614

- (e) That the lease for the area be on a first come first serve basis, based on the rotation of themed markets.
- (f) That the Youth Development Officer facilitates the events and ensures that Mondesa Youth Enterprises participate in these markets.
- (g) That Council avails ablution facilities during the events.
- (h) That the events be scheduled for Fridays or Saturdays from 08h00 - 19h00 on a trial basis for 3 months.

#### 11.1.5 MATSI INVESTMENT (PTY) LTD:

1. EXTENSION OF DUE DATE TO COMPLY WITH CLAUSE 3 OF THE JOINT VENTURE AGREEMENT FOR THE DEVELOPMENT OF EXTENSION 13, MATUTURA

2. REDIVISION OF ERVEN ALLOCATION

(C/M 2022/04/28 - 16/1/4/2/1/4)

##### RESOLVED:

CO: P  
Acting GM: CS&HC

- (a) That Council takes note that Matsi Investment (Pty) Ltd signed the development agreement for Extension 13, Matutura on 07 October 2021 and subsequent have to comply with clause 3 of

the agreement by 05 April 2022; compliance is not possible due to the reconsideration of the erven division between Council and Matsi Investment (Pty) Ltd.

- (b) That Council grants Matsi Investment (Pty) an additional 120 days from the date of the Council resolution approving the redistribution of erven to comply with clause 3 of the development agreement.
- (c) That Council approves the allocation of erven as follows:

<i>Total Erven</i>	<i>Zoning</i>	<i>Developer</i>	<i>Council</i>
97	Single Residential	60	37
5	General Res 1	5	0
1	General Res 2	1	0
2	General Business	0	2
2	Municipal	0	2
1	Private Open Space	0	1
1	Undetermined	0	1
2	Institutional	0	2

- (d) That Council's resolution passed on 22 November 2018 under item 11.1.35 be amended accordingly.
- (e) That an addendum to the development agreement be compiled and entered into amending the initial and subsequent due dates and the redistribution of erven allocation.

#### 11.1.6 APPLICATION BY MR A J L VAN BILJON TO PURCHASE OR EXCHANGE A PORTION OF ERF 384 WITH A PORTION OF ERF 2747, SWAKOPMUND

(C/M 2022/04/28 - E 384, E 2747; E 3650)

#### RESOLVED:

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

- (a) That Council approves Proposal A, of Mr A J L Van Biljon to exchange a portion of Erf 384, Swakopmund onto which the access road of the lease portion encroaches for a portion of Erf 2747, Swakopmund for the same size.
- (b) That Engineering and Planning Services determines the size of the portion of Erf 2747, Swakopmund to be exchanged with Mr A J L Van Biljon under Proposal A.
- (c) That upon approval, the requirements regarding the alienation of immovable property as prescribed in the Local Authorities Act, Act 23 of 1992, (as amended), and the Urban and Planning Act of 2018 respectively, be dealt with successfully.
- (d) That Mr A J L Van Biljon appoints a Town Planner at his cost to attend to the statutory processes.
- (e) That Mr A J L Van Biljon appoints a Consultant to attend to the Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007 as amended.

- (f) That all costs relating to the transaction and statutory processes be for the applicant, such as (but not limited to) the advertising of the sale, consolidation, EIA, the appointment of the land surveyor and the payment of the transfer costs.
- (g) That the following standard conditions be applicable:
  - (i) *The purchaser accepts that no rights will accrue to him from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
- (h) That should none of the above proposals be approved, a right of way over Erf 384, Swakopmund, measuring 4.16m<sup>2</sup> be registered to provide access to the open space of a portion of Erf 2747, Swakopmund in favour Council at its cost.
- (i) That once the application of Mr A J L van Biljon is finalized, the exact remainder of land be determined providing for proper access to the lease site, and proposals be invited as resolved by Council on 29 April 2021 under item 11.1.1.

11.1.7 HDF ENERGY (RENEWSTABLE ENERGY): APPLICATION FOR LAND

(C/M 2022/04/28 - 16/2/12/1/1)

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

RESOLVED:

- (a) That the sale and or lease of the portion of land to HDF Energy Namibia be for the development and establishment of a hydrogen-to-power plant for solar energy generation, hydrogen production, storage and refueling at the location indicated by the diagram marked Annexure "D" (on file).
- (b) That Council offers the lease of the entire site (±400ha) pending the subdivision and finalization of the sale to HDF Energy Namibia as follows:
  - (i) *Portion of land on which permanent structures will be constructed at N\$250.00/ha; and*
  - (ii) *Portion of land on which the solar panels will be installed at N\$60.00/ha.*
- (c) That the conditions of lease for the interim period be the same as those in point (k) below.
- (d) That Council approves the application by HDF Energy Namibia to purchase a portion of land measuring approximately 4 000 000m<sup>2</sup> (400ha) for the establishment of a hydrogen-to-power plant for solar energy generation, hydrogen production, storage and refueling; subject to points (f) until (j) below.
- (e) That the land be rezoned from "*Undetermined*" to "*Special*" for use of a hydrogen-to-power plant for solar energy generation, hydrogen production, storage and refueling.



- (f) That no betterment fee be charged as the purchase price was determined assuming the use of the land for electricity generating purposes.
- (g) That the following conditions be registered against the title deed of the to-be created erf:

- (i) *That the portion of land be used for the establishment and management of a hydrogen-to-power plant for solar energy generation, hydrogen production, storage and refueling.*
- (ii) *That no residential accommodation be allowed; except overnight accommodation and ablution facilities for shift workers / security guards of the venture.*
- (iii) *That the property may not be alienated (including a change in shareholding / members) unless a completion certificate is issued in respect of the structural improvements, referred to in (i) (xii) below.*
- (iv) *That the property or any portion thereof may not be subdivided and or alienated without being offered to Council at the purchase price such was obtained from Council.*

- (h) That, depending on whether HDF Energy Namibia elects to:

- (i) purchase the entire portion of land at a purchase price of N\$40 000.00/ha amounting to N\$16 000 000.00 (15% VAT excluded);

OR

- (ii) purchases only the portion of land on which permanent structures will be constructed and leases the portion of land on which non-permanent structures will be installed at a tariff of N\$250.00/ha per month for a 30 year period (15% VAT excluded);

the respective conditions below apply.

- (i) That the sale transaction be subject to Council's standard conditions of sale by private treaty:

- (i) *That the purchaser pays a deposit of N\$100 000.00 towards the statutory costs relating to the transaction including, but not limited to advertising cost, compilation of the agreement of sale, as well as any legal costs that may arise from this transaction.*
- (ii) *That the above deposit be paid within 90 days from the Council resolution approving the sale and purchase price, failing which Council's resolution will be revoked at the next Council meeting following the expiry of the 90 days.*
- (iii) *That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the transfer of the erf.*
- (iv) *That all costs related to the transaction be for the account of the purchaser.*
- (v) *That Council applies for approval from the Ministry of Urban and Rural Development in terms of section 30 (1) (t) to proceed with the transaction as the portion of land is undivided townlands.*
- (vi) *That the transaction be concluded within 120 days from a diagram being approved by the Surveyor General indicating the property description.*

- (vii) *That payment of the purchase price be secured either in cash or formal bank guarantee in favour of the Swakopmund Municipality within 120 days from the date of last party signing the agreement.*
  - (aa) *Failure to secure the purchase price within the required period will result in cancellation without the need to place the purchaser on terms.*
  - (bb) *Should the purchase price be secured by a bank guarantee the transfer must be effected on / before the 120<sup>th</sup> day, otherwise interest will be levied as from the date of last party signing the agreement until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale, i.e. date of last party signing the agreement.*
- (viii) *That the purchaser accepts that no rights will accrue to them from Council's resolution unless all the relevant conditions of the Property Policy are complied with in full and all the relevant authorities have given the necessary permission, if applicable.*
- (ix) *The portion of land is sold "voetstoots" or "as is" with the Council giving no warranty or guarantee, whether express or implied, oral or tacit, as to the suitability of the lay-out or situation or subterranean composition of the property or any improvements thereon. The Council also does not warrant that the services installed at the property are suitable for the use intended by the Purchaser. It is therefore the obligation of the purchaser to verify that the installed electricity, sewage and water connections are suitable for the intended use of the property.*
- (x) *That no development or construction be permitted to commence unless approved by the GM: Engineering and Planning Services, subject to approved plans.*
- (xi) *That the portion of land be properly fenced in, to the satisfaction of the GM: Engineering & Planning Services.*
- (xii) *That the purchaser constructs structural improvements worth at least equal to the municipal valuation of the property. Structural improvements, for purposes of this condition, shall not include the construction of boundary walls or any changes to the subterranean composition of the property.*
- (xiii) *That the said improvements be completed within 24 months (2 years) from date of transfer.*
- (xvi) *The agreement of sale be signed and returned to the Swakopmund Municipality, by the purchaser within 21 days of receipt thereof by the purchaser.*
- (xiv) *That the purchaser indemnifies Council against any claims for damages in respect of the use of the site and or resulting from blasting, should blasting need to be done.*
- (xv) *That the purchaser provides the registration documentation of the entity (Council resolution of 27 April 2017 under item 11.1.10) and that the shareholders / members must be cautioned that the shareholders / members remain the same until the transfer is completed and they have complied with all conditions of sale.*
- (xvi) *That HDF Energy Namibia provides / installs all required services at their cost to the satisfaction of the General Manager: Engineering & Planning Services and Council be indemnified of any possible claims.*
- (xvii) *That HDF Energy Namibia be required to commence substantive commercial activities within 24 months from date of registration of*

*transfer, failing which the agreement be cancelled and the property returned to Council.*

**(j) That the following additional conditions be applicable:**

- (i) That a right of way servitude be registered over Council's property to allow access to the portion of land.*
- (ii) That the following statutory processes be finalized by the developer within 24 months after approval being obtained by Council in terms of (vii) below:*
  - (1) Subdivision of the portion of land.*
  - (2) Rezoning of the newly created erf to special use for use of a hydrogen-to-power plant for solar energy generation, hydrogen production, storage and refueling (point (f) above).*
  - (3) That an environmental clearance certificate be obtained in terms of the Environmental Management Act of 2007.*

**(k) That should HDF Energy Namibia opt to lease the portion of land on which the non-permanent structures will be installed (point (h) (ii) above), the following conditions be applicable:**

- (i) That the lease period be 30 years with an option to renew on such conditions as Council and HDF Energy Namibia agree to by negotiation.*
- (ii) That the lease be notarially executed.*
- (iii) That approval be applied for from the Ministry of Urban and Rural Development as required in terms of the Local Authorities Act to proceed with the intended lease of a portion of the portion of land measuring 400ha.*
- (iv) That the lease period commences 1 month after notice was given to HDF Energy that the Ministry of Urban and Rural Development approved the sale and lease and the necessary EIA is approved.*
- (v) That all required services be installed to the satisfaction of the General Manager: Engineering & Planning Services and at the cost of HDF Energy Namibia.*
- (vi) That the following conditions be applicable:*
  - (aa) That a refundable deposit, equal to one month's rent be paid and be adjusted annually.*
  - (bb) That a rehabilitation deposit of N\$100 000.00 be paid for the rehabilitation of the area, if required.*
  - (cc) That, if applicable, HDF Energy Namibia be required to pay a refundable electricity deposit equal to the monthly rental which shall be applied and used only if an outstanding account remains with Erongo RED upon termination of the lease.*
  - (dd) That, upon termination of the lease, the remainder of (cc) be refunded to the lessee on presentation of proof to the General Manager: Finance that the electricity account from Erongo RED in the name of the lessee has been paid in full.*
  - (ee) That, if required, Council gives consent to HDF Energy Namibia in terms of the Town Planning Amendment Scheme to engage in the business of a hydrogen-to-power plant for solar energy generation, hydrogen production, storage and refueling.*

- (ff) *That either party can give 12 calendar months' written notice of the cancellation of the agreement.*
- (gg) *That Council's standard conditions of lease be made applicable to the agreement.*
- (hh) *That no permanent structures be constructed on the lease portion of land (excluding the area for the hydrogen production and storage module during the interim lease period).*
- (ii) *That the following special conditions be applicable:*
  - 1. *That the lessee shall be responsible for the cleanliness and tidiness of the property.*
  - 2. *That there is no guarantee that the property is suitable for the lessee's purposes.*
  - 3. *That written permission be obtained, should the lessee wish to erect any sign or advertising material outside the property.*
  - 4. *That no subletting be allowed.*
  - 5. *The Council be indemnified against any claims for damages(s) in respect of the use of the site.*
  - 6. *That the area be properly fenced in, to the satisfaction of the GM: Engineering & Planning Services.*
  - 7. *That no person is allowed to overnight or to reside on the premises, except for bona fide security services.*
- (vii) *That an environmental clearance certificate be obtained in terms of the Environmental Management Act of 2007.*
- (viii) *That HDF Energy Namibia must take possession and commence with the approved activity within 1 year of the approval of the lease by the Ministry of Urban and Rural Development; or the completion of the installation of services, whichever is the earliest.*
- (ix) *That HDF Energy Namibia be required to commence substantive commercial activities within 24 months, failing which the agreement be cancelled.*
- (l) **That the Structure Plan be updated to reflect the area of land allocated for the use as a hydrogen plant.**
- (m) **That Council approves the water pipeline route as per Annexure "F", on file.**

**11.1.8 URBAN AGRICULTURE PROJECT - BENEFICIARIES LEASE AGREEMENT EXTENSION**

(C/M 2022/04/28 - 17/5/3)

**RESOLVED:**

GM: HSSWM  
GM: EDS

- (a) **That Council takes note of the request to extend the lease agreement for the 25 beneficiaries at the Urban Agriculture Project.**
- (b) **That the Lease Agreement for the beneficiaries be extended from 1 (one) to 4 (four) years.**

- (c) That the beneficiaries be permitted to register the project as a business entity.
- (d) That the General Manager: Economic Development Services be requested to assist the project beneficiaries with the registration of the Project Co-operative and to determine the minimum rental fees and payment method for the Project.

#### 11.1.9 FEEDBACK ON THE MEETING WITH BUILD TOGETHER COMMITTEE MEMBERS

(C/M 2022/04/28 - 14/2/1/1)

CO: H  
Acting GM: CS&HC

#### RESOLVED:

- (a) That Council takes note of the minutes (Annexure "A", on file) of the Build Together Committee Meeting that was held on 01 February 2022.
- (b) That it is noted that all 79 beneficiaries were informed of the Council resolution passed on 28 October 2021.
- (c) That the Build Together Committee submit the names of the beneficiaries who intend to build the houses themselves and the plans/designs.

#### 11.1.10 APPLICATIONS FOR EVENTS IN SWAKOPMUND

(C/M 2022/04/28 - 14/1/3/1)

GM: EDS  
CO: MC  
CEO  
Acting GM: CS&HC

#### RESOLVED:

- (a) That Council approves the establishment of an Event Coordination Committee which will meet monthly or as required to consider event applications that are submitted to be staged in the municipal area.
- (b) That the following personnel serve on the committee:
  - Manager: Economic Development Services - Chairperson
  - General Manager: Economic Development Services
  - Manager: Emergency and Law Enforcement
  - Executive Assistant
  - Local Economic Development Officer
  - Sport and Recreation Officer
  - Corporate Officer: Marketing and Communication
- (c) That Council delegates authority to the Chief Executive Officer to approve application of events as per the recommendation of the event committee.
- (d) That Council approves the event application form (as per Annexure "A", on file) for all events taking place on *Public Open Spaces* and or *Local Authority* property.
- (e) That Council condones the following events that already took place:



- (i) *Open Air Market organised by Strand Hotel which took place on 19<sup>th</sup> March & 16 April 2022 on the walkway of the mole in front of the hotel complex*
  - (ii) *Drive in Cinema evening organised by Strand Hotel at the parking site (1200 m<sup>2</sup>) on 15 April 2022*
  - (iii) *Small Gathering of Bikers by Olga Nesteren at Thomas Hamunyela Amphitheatre on 25<sup>th</sup> March 2022.*
  - (iv) *Africa Triathlon Cup to be held on 23 April 2022 at Mole beach area.*
- (f) That Council approves the following event applications received provided that they comply to all requirements as per application form in (d) above:
- (i) *Monthly Open-Air Markets organised by Strand Hotel as scheduled for 23 April, 27 May, 17 August & 01 October 2022 at the walkway in front of the Hotel complex.*
  - (ii) *Cooking Competition (Poitjie) organised by Ompambushi Investment cc to be held on 29 - 30<sup>th</sup> April 2022 at the Vineta Central Recreation area.*
  - (iii) *Nedbank Food Festival organised by Dalene Stephanus to be held on 15 - 17 December 2022 at Amphitheatre area.*
- (g) That the following applications be approved in principle subject to the applicants providing required information as outlined in the application form:
- (i) *Mondesa Mini Expo organised by Johanna Mumbala scheduled to be held on 30 June - 03 July 2022 at the Mondesa Multipurpose Open Space*
  - (ii) *Kuska hosted by Swakopmunder Karnevalsverein to be held on 17<sup>th</sup> - 25 June 2022*
  - (iii) *FNB Sandman Triathlon organised by OTB to be held on 04 December at mole beach area*
  - (iv) *Skating Rink organised by Connect People to People (CPTP) to be held on 10 December 2022 - 10 January 2023 at the Tennis Court Parking site*
  - (v) *Carnival of Flames organised by Zelda Lourens to be held on 30 December 2022 at Vineta North Stadium.*
  - (vi) *SME Expo organised by BJ Investment cc at Mondesa Sport Stadium on 28<sup>th</sup> April - 01 May 2022*
- (h) That the following applications not be approved:
- (i) *Daddy's day organised by Olivia Anthea, no date specified for the event neither the venue.*
  - (ii) *Drag Racing Event organised by Streethouse entertainment proposed to be held as part of Swakopmund birthday celebration*
- (i) That Council approves Tennis Court Parking site, Arnold Shad Promenade and Thomas Hamunyela Amphitheatre to be utilized for events such as skating rink, markets, festivals, beauty pageant/ promotions etc.
- (j) That the event committee submit an event calendar to Council on a monthly basis.



L.K.

**11.1.11 REQUEST TO FORM PARTNERSHIP WITH AFRICA ECONOMIC LEADERSHIP COUNCIL AND EXHIBIT AT DISCOVER NAMIBIA INTRA AFRICA EXPO / SUMMIT IN 23 TO 25 MAY 2022 HOSTED BY AELC**

(C/M 2022/04/28 - 3/15/1/6/1,5/1/1,99/4/3)

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

**RESOLVED:**

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

- (a) That Council takes note of the request by Messrs African Economic Leadership Council.
- (b) That Council purchases a stall of N\$10 000.00.

**11.1.12 REZONING OF ERF 4890 SWAKOPMUND EXTENSION 10 FROM "GENERAL INDUSTRIAL" TO "GENERAL BUSINESS"**

(C/M 2022/04/28 - E 4890)

**RESOLVED:**

GM: EPS

- (a) That the rezoning of Erf 4890, Swakopmund from "*General Industrial*" to "*General Business*" with a bulk of 1.0 be approved.
- (b) That all the parking be provided on-site in line with the Swakopmund Zoning Scheme and no parking on street reserve, shall be tolerated.

**11.1.13 REZONING OF ERF 9149 SWAKOPMUND EXTENSION 34 FROM "SINGLE RESIDENTIAL" WITH A DENSITY OF 1: 300M<sup>2</sup> TO "GENERAL RESIDENTIAL" 1 WITH A DENSITY OF 1:250M<sup>2</sup>**

(C/M 2022/04/28 - M 9149)

**RESOLVED:**

GM: EPS

- (a) That Erf rezoning of Erf 9149, Swakopmund, Extension 34 from "*Single Residential*" with a density of 1:300m<sup>2</sup> to "*General Residential 1*" with a density of 1:250m<sup>2</sup> be approved.
- (b) That the rezoning of Erf 9149, Swakopmund, Extension 34 from "*Single Residential*" with a density of 1:300m<sup>2</sup> to "*General Residential*" with a density of 1:250m<sup>2</sup> be subject to a betterment fee calculated according to the Betterment Fee Policy of 2009 and be paid by the applicant before any approval of building plans by the Engineering and Planning Services Department can be considered.
- (c) That all the parking be provided on-site in line with the Swakopmund Town Planning Scheme.

L.K.

**11.1.14 USER RIGHTS MANAGEMENT POLICY**

(C/M 2022/04/28 - 1/1/2/9)

**RESOLVED:****GM: F**

That this item be referred back and that any reference to Business Connexion and software names be removed and be replaced with generic "service provider" and where possible software / program.

**11.1.15 WRITING OFF OF REDUNDANT ITEMS AT CORPORATE SERVICES**

(C/M 2022/04/28 - 16/2/6/1)

**RESOLVED:****CO: A****CO: MC****CEO***Acting GM: CS&HC*

- (a) That Council approves the writing off of the below items for auction:

Qty	Description	Serial Number	Comment
1	Sony Handy Cam (Video Camera) (Model # DCR -PJ5E) With Sony Handy Cam Charger and Adapter and Camera bag	1742034	The camera is working but the picture quality is very bad. The video recording does not work without it being on charger
1	Nikon Battery Charger	1709065594P	Battery charger is faulty.

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

**11.1.16 OBJECTION RECEIVED: EXCHANGE OF ERF 9806, EXTENSION 39, SWAKOPMUND WITH ERF 9793, EXTENSION 39, SWAKOPMUND**

(C/M 2022/04/28 - E 9806, E 9793, E 9794)

**RESOLVED:****CO: P***Acting GM: CS&HC*

- (a) That Council takes note of the request by Jan Olivier & Co Legal Practitioners (on behalf of their client Andrico Investments Number Thirteen CC) dated 14 March 2022 which was received as an objection against the exchange of erven published under Notice 13/2022.
- (b) That Council puts the exchange transaction on hold until the Minister of Urban & Rural Development has made a decision regarding the objection against the consent use as service station on Erf 9794 for which the exchange transaction is required for additional parking.



L.K.

**11.1.17 LAYOUT DESIGN COLLABORATION WITH NAMIBIA UNIVERSITY OF SCIENCE AND TECHNOLOGY (NUST): FOUR (4) ULTRA-LOW AND LOW-INCOME TOWNSHIP ESTABLISHMENTS**

(C/M 2022/04/28 - 16/1/4/1/7)

**RESOLVED:**

GM: EPS

- (a) That Council offers accommodation to the NUST group members (12-15) involved in the planning and establishment of ultra-low and low-income townships, for the duration of the project, i.e. three days at a total cost of N\$7 650.00.
- (b) That the cost of accommodation be defrayed from the ADHOC Planning and Cadastral Vote: 500031014300, where an amount of N\$1 370 284.11 is available.

**11.1.18 RENOVATIONS TO BUILDING LEASED BY THE NATIONAL SEA RESCUE INSTITUTE**

(C/M 2022/04/28 - 16/2/10/7/1)

**RESOLVED:**

GM: EPS

GM: F

- (a) That Council takes note of the current condition of the building that houses the National Sea Rescue Institute.
- (b) The Council approves the Renovation Option 2, i.e.:
  - (i) *Appoint a specialist waste removal company that will have to isolate the building from the environment and decontaminate the facility prior to any work continuing.*
  - (ii) *Complete demolition of the facility with some timber roof trusses that could be re-used / repurposed.*
  - (iii) *Two 12m containers are purchased by the Municipality of Swakopmund and placed on site to temporarily house the NSRI. Once the project is complete the containers are returned to the Council for alternative use or sale.*
  - (iv) *A lease agreement is already in place.*
  - (v) *On the lease area, the NSRI be allowed to construct their own customized facility with potential fund requests from the Council to assist and/or donations from private entities.*
- (c) That Council avails N\$320 000.00 and that a new Vote be created by the Finance Department for the asbestos decontamination process, demolitions of the building and placement of temporary containers to house the National Sea Rescue Institute.
- (d) That the containers be returned to Council upon completion of the new facilities and alternative use found or auctioned.
- (e) That a site be identified for the new structure; the National Sea Rescue Institute should attend to all approvals required for the construction of a structure situated on Council land zoned "Beach Area" and approval be obtained from National Heritage Council.
- (f) That the implementation plan be submitted to the Management Committee.

h.k.

# 11.1.19 SWAKOPMUND MUNICIPAL AERODROME - FEEDBACK ON PROGRESS AND PROPOSED DEVELOPMENT PLAN

(C/M 2022/04/28 - 18/1/1/1)

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

## RESOLVED:

- (a) That Council takes note of the progress made towards the licensing and development of the Aerodrome.
- (b) That Council approves that the Aerodrome be licenced under Category C of the Namibia Civil Aviation Act and amended Regulations.
- (c) That Council approves the development plan for the Aerodrome, such as the appointment of a specialist or a group of professionals under the provisions of the Public Procurement Act and that the following parameters for the development of the Aerodrome are adopted:
  - Continue and complete the Aerodrome licensing application for Category C.
  - Upgrade the Aerodrome to Category C and market the Aerodrome for higher revenue.
  - To have a new terminal building, Runway and Control Tower constructed at the southern side of the Aerodrome erf.
  - The relocation of the Jet A fuel facilities to the southern side of the erf to provide fuelling for jets / turbo-props and to remove the hazard created by the current Jet A fuel tank close to the current terminal.
  - Apply for a new access from the B2 road from Roads Authority to serve the vehicle movement directly to the new terminal.
  - Repurpose the existing terminal into a business opportunity e.g., offices or cafeteria/restaurant
  - Keep the Hangers and create sectional title units
  - Allow the northern part of the Aerodrome erf to be used for recreational activities such as skydivers, training, light sport aircraft etc.
  - Compilation of Aerodrome Operations Manual
  - Appoint a specialist in Land Surveying for Part 2 and 3 of the Manual.
  - Restructure and create positions and sections for the general flow of licensed Aerodrome for international use according to NCAA operating procedures as in PART 1, 4 and 5.
  - Present a cost breakdown with an implementation plan on the planned changes and appropriate equipment that needs to be used once the Aerodrome becomes licensed.
- (d) That once the procurement and planning process has been completed, the cost breakdown and implementation plan which will be developed by the appointed party, be submitted to the Management Committee for further discussion and guidance.

# 11.1.20 CHANGE OF VOTE: 750031007800: CONSTRUCTION OF LIFTING STATION FOR INDUSTRIAL AREA TO UPGRADING OF THE SEWER NETWORK

(C/M 2022/04/28 - 16/2/4/3)

GM: EPS  
GM: F

## RESOLVED:

That the General Manager: Finance be granted permission to change Vote: 750031007800: Construction of Lifting Station for Industrial Area to *Upgrading of the Sewer Network*.

L.K.

**11.1.21 REQUEST FOR MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN THE SWAKOPMUND MUNICIPALITY AND THE RUNDU  
TOWN COUNCIL**

(C/M 2022/04/28 - 5/2/4/5)

CO: MC  
CEO  
GM: EPS  
GM: EDS  
GM: HSSWM  
Acting GM: CS&HC

**RESOLVED:**

- (a) That the proposed twinning with the Rundu Town Council in the following focal key areas be approved:
- *Water and Sanitation*
  - *HR Management, Staff Development & Administration*
  - *Local Economic Development and Tourism Promotion*
  - *Infrastructure Development and Land Delivery*
  - *Public Transport, Law Enforcement and Fleet Management*
  - *Town Planning and Urban Development*
  - *Environmental Health and Waste Management*
  - *Council Support Initiative (Leadership)*
- (b) That the Rundu Town Council provides Council with a draft Memorandum of Understanding and schedule for the twinning programme for Council's consideration and review.

**11.1.22 UPDATED LISTS OF THE 3X HOUSING GROUPS**

(C/M 2022/04/28 - 14/2/1/1)

**RESOLVED:**

CO: H  
Acting GM: CS&HC

- (a) That it be noted that the 3 groups have not complied with the conditions provided for in terms of the resolution of 29 July 2021.
- (b) That the new names added to the list be rejected.
- (c) That Council allocates the 575 erven in Portion 182 and 183 to the members of the three Housing Groups.
- (d) That only the members of the housing group who are registered on the Master Waiting List be approved.
- (e) That Council endorses the latest updated and verified lists of the three housing groups.
- (f) That the groups be given three months from date of the Council resolution to submit copies of the constitution and proof that they joined the Namibia Housing Action Group (NHAG), failing which the group will no longer be considered.
- (g) That Messrs Build Together Housing Group is requested to change the name of the group in order to be distinguished from the Decentralized Build Together Programme.
- (h) That the group members who have been identified as owning property or form part of the next 48 social houses to be built or have been allocated houses in *Wagdaar* or part of the 150 Build

Together beneficiaries be removed from the lists of the three housing groups.

- (i) That the Build Together and Harambe Housing group be informed that a savings group may not exceed 120 members.

**11.1.23 REQUEST FOR TRANSFER OF FUNDS FOR THE PROCUREMENT OF A VEHICLES**

(C/M 2022/04/28 - 16/2/6/2/2, 3/1/1/1/1)

**RESOLVED:**

GM: EPS  
HM: F

That the General Manager: Finance be granted permission to transfer the amount of N\$950 000.00 from Vote: 750031007400 [Small Multi-Task Loader / Back Actor] to a new vote to procure LDV vehicles for the Engineering and Planning Services Department and that the vote be included on the Capital Budget 2022 / 2023 as a continuation project.

**11.1.24 REQUEST FOR ADDITIONAL FUNDS FOR THE INTEGRATED INFRASTRUCTURE MASTER PLAN**

(C/M 2022/04/28 - 2/1/2/1)

**RESOLVED:**

GM: EPS  
GM: F

That the General Manager: Finance be granted permission to transfer an amount of N\$794 025.00 from the savings on the Capital Budget for the 2021/2022 financial year to Vote: 500031012800 [Consultancy Services for Integrated Infrastructure Master Plan] and that the vote be included in the Capital Budget 2022/2023 as a continuation project.

**11.1.25 EXPRESSION OF INTEREST WITH SPECIFIC REFERENCE TO HANGAR 70 & 71 AT SWAKOPMUND AIRPORT**

(C/M 2022/04/28 - Hangar 70 & 71)

**RESOLVED:**

CO: P  
Acting GM: CS&HC

- (a) That Hangar 70 and 71 at the airport be leased to Mr Jacobus Martinson subject to Council's standard lease conditions contained in the lease agreement.
- (b) That the rental tariffs be for the 2021 / 2022 Financial Year: commercial use (N\$6.08/m<sup>2</sup>) and private use (N\$4.75/m<sup>2</sup>).

L.K.

11.1.26 LEASE OF HANGAR NO 29 AT SWAKOPMUND AIRFIELD

(C/M 2022/04/28 - Hangar 29)

RESOLVED:

CO: P  
Acting GM: CS&HC

- (a) That Hangar 29 at the airport be leased to Mr Andre Voster subject to Council's standard lease conditions contained in the lease agreement.
- (b) That the rental tariffs be for the 2021 / 2022 Financial Year: commercial use (N\$6.08/m<sup>2</sup>) and private use (N\$4.75/m<sup>2</sup>).

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13. DRAFT REGULATIONS AND TARIFFS, IF ANY

None.

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The meeting adjourned: 19:50

Minutes to be confirmed on: 30 May 2022.



Councillor L N Kativa  
MAYOR



A Benjamin  
CHIEF EXECUTIVE OFFICER