

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Monday, 30 August 2021** at **09:00**.

PRESENT:

Councillor L N Kativa	:	Mayor
Councillor D Am-!Gabeb	:	Deputy Mayor
Councillor W O Groenewald	:	Chairperson of MC
Councillor C-W Goldbeck	:	Alternate Chairperson of MC
Councillor P N Shimhanda	:	Member of Management Committee
Councillor B R Goraseb	:	Member of 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
Ms G Mukena	:	Acting GM: Finance
Mr R T Ujaha	:	Acting GM: Health Services & SWM

ALSO PRESENT:

None.

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

The meeting was opened with the singing of the National Anthem.

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

On proposal of Councillor P N Shimhanda seconded by Councillor M Henrichsen, it was:

RESOLVED:

That the agenda be adopted.

CO: A Acting GM: CS&HC



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 2021/08/30 - A 2/3/5)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 JULY 2021**

On proposal of Councillor M Henrichsen seconded by Councillor C-W Goldbeck, 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 2021/08/30 - 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.

Honourable Councillors,

During This Month, The Mayoral Office Participated in the following activities:

- *Community Meetings with various public members who required assistance from Council*
- *Ongoing liaison with the fire victims*
- *Finalisation of the temporary structures for the fire victims*
- *Handover of the 40/40 social houses*
- *Junior Town Council inauguration*
- *MTC signing ceremony*
- *ALAN Erongo Regional Representatives' Election*

Honourable Councillors, Ladies and Gentlemen

I am pleased to inform you that all the 16 victims have been assisted and their structures rebuilt. I would like to thank all the relevant departments who were involved in this process.

Ladies and Gentlemen

Please allow me to present to you the brief highlights on the events that took place during August, specifically, the JTC inauguration ceremony and the MTC signing ceremony:

On the 19th of August 2021, the Municipality of Swakopmund's Junior Town Council held an inauguration ceremony in honour of its incoming and outgoing Junior Town Councillors.



The event was attended by Cllr David Am-!Gabeb, the Deputy Mayor of Swakopmund, Cllr Claus Goldbeck, the Alternate Chairperson of the Management Committee, Junior Councillors, Staff of the Swakopmund Municipality and Members of the Community.

The Executive Portfolios were filed by the new Councillors as follow:

- Junior Mayor: Liam Labuschagne
- Deputy Junior Mayor: Mbemumuna Murangi
- Public Relations Officer: Venessa Kativa
- Treasurer: Phillisha Nel
- Secretary: Emily Karunda

As council, we wish to congratulate our new Councillors on their positions and wish the best of luck to the outgoing Councillors. We are indeed proud of our young people for the exceptional job they do in raising the name of Council high.

Ladies and Gentlemen

On the 20th of August, the Municipality of Swakopmund and the Mobile Telecommunications company signed a Memorandum of Understanding.

This MOU aims to provide a framework of cooperation and facilitate collaboration between the parties, on a non-exclusive basis in areas of common interest.

MTC, being the digital enabler has committed itself to help Council towards realizing this goal. As a result, the two parties have joined hands in delivering service solutions to the people of Swakopmund. As Council, we wish to thank our smart partners MTC, for joining hands with us in our efforts to enhance the technological advancement of Swakopmund.

Honourable Councillors, Ladies and Gentlemen

In conclusion, I would like to urge our community members to get vaccinated to protect themselves and their loved ones against the Covid-19 infections. We have witnessed so many loss of lives and we believe that through this vaccine, we could strengthen our survival rate. let us fight this pandemic together.

That is all we had for today. Please continue to wear your face masks, sanitise regularly and avoid large gatherings at all times. We can do this together.

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.



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 12 AND 19 AUGUST 2021

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

RESOLVED:

CO: A
Acting GM: CS&HC

That the Management Committee resolutions of 12 August 2021 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)

RESOLVED:

GM: EDS

- (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)

RESOLVED:

GM: EDS

- (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 E 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.
- (e) That the residential erven currently used for business be rezoned as "Mix Use" to allow owners to continue to trade.

11.1.3 REQUEST FOR ADDITIONAL FUNDS FOR THE WARD CLEANING PROJECT

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

RESOLVED:

GM: HSSWM

- (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.

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)

RESOLVED:

CO: MC
Acting GM: CS&HC

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)

RESOLVED:

GM: EDS

- (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

11.1.6 **APPLICATION FOR A HANGAR SITE: HANGAR 75**

(C/M 2021/08/30 - 18/1/1/2, Hangar 75)

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 75 at the airport be leased to Messrs Signa Aviation Services Swakopmund subject to Council's standard lease conditions contained in the lease agreement.

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

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

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 76 at the airport be leased to Mr Martin Compion subject to Council's standard lease conditions contained in the lease agreement.

11.1.8 FINANCIAL ASSISTANCE FOR THE NATIONAL SEA RESCUE INSTITUTE OF NAMIBIA

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

RESOLVED:

GM: EDS

- (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)

RESOLVED:

GM: EDS

- (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)

RESOLVED:

GM: EPS

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.*

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)

RESOLVED:

GM: EPS

- (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.

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)

RESOLVED:

GM: EPS
Acting GM: HSSWM

- (a) That consent to operate a Pension on Erf 1283, Swakopmund Extension 3 be approved.
- (b) That Messrs Giardino Boutique Hotel registers with the Health Services and SWM 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.

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)

RESOLVED:

GM: EPS

- (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.

11.1.14 **TRANSFER OF FUNDS TO CAPITAL BUDGET 2021 / 2022**

(C/M 2021/08/30 - 14/2/8/2, 16/2/6/3)

RESOLVED:

GM: HSSWM

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>

11.1.15 **DEVELOPMENT CONCEPT: NORTHERN BLOCKS**

(C/M 2021/08/30 - 16/1/4/2/1/14)

CO: P
GM: EPS
Acting GM: CSHC

RESOLVED:

- (a) That an advert be placed in the newspapers informing the public not to submit unsolicited applications for land since all land will be advertised.
- (b) That Council approves the following transparent and easily implementable process for the allocation of land for private developers in terms of section 7 of the Property Policy as follows:
- (i) Council directs what type of development it plans in the different unplanned areas for a given period.
 - (ii) Council identifies land which it intends to reserve for itself to ensure that Council can make good on its mandate to control the development and sale of affordable land and housing.
 - (iii) Council identifies land in specific areas to make available for private developers.
 - (iv) The size of the portions to be awarded to developers be confirmed in each area.
 - (v) Council sets out the qualifying criteria (e.g. the relevant experience of the entity in similar developments, the skill and ability of the professional teams, the content of their proposal, the cost of the housing and the ability of the developer to raise the required finances) that developers need to meet in order to participate in any call for proposals.
 - (vi) Council confirms what form the application or proposal should take and the manner and method to be used to objectively assess and select successful candidates.
- (d) That Council approves that portions of land as per the table below be allocated for the stipulated purposes.
- (e) That Council calls for development proposals based on the land identified and the criteria stipulated be issued before the end of October 2021:

Portion	Main Usage	Development
175	Business & General Residential (mirror the business layout of the townships to the south of the dividing road).	Council
176	Business & General Residential (mirror the business layout of the townships to the south of the dividing road).	Council
170	High / Middle Income Erven (previously cemetery)	Council
171	Cemetery and Park	Council
172	Middle / Low Income Residential (including large institutional erf)	10 ha to Namibia Oysters (Pty) Ltd in exchange for Prt 96
168	Middle Income Residential	Private developers
167	Middle Income Residential	Private developers



165	Low Income Residential / Industrial	Not in line with Structure Plan but is the furthest away so less nuisance
166 ü	Low Income Residential	Private developers
166 ü	Low Income Residential	Private developers
172	Low Income Residential	Private developers
174	Middle Income Residential	Private developers

(f) That the General Manager: Engineering and Planning Services prioritises the layout design for the first portion No 174 of the Northern Wedge.

(g) That funds be made available for the layout as required.

11.1.16 PROPOSAL BY SALT COMPANY (PTY) LTD:

- Purchase Of Mining Areas K And L
- Fence-Off Of The Mining Property
- Reduction Of Lease Area

(C/M 2021/08/30 - 16/1/3/4)

CO: P
GM: EPS
Acting GM: CSHC

RESOLVED:

(a) That the application of Messrs Salt Company Pty (Ltd) to purchase portions "K" and "L" be approved in principle, subject to the following conditions:

- (i) That ownership of the affected sites be verified first before effecting the sale and following planning and cadastral procedures.
- (ii) That the relevant diagrams indicating the intended changes be submitted to confirm the size of the portions by which the lease area will be reduced.
- (iii) That Portions labelled K and L be rezoned from "undetermined" to "special" and subsequently be consolidated with the Salt Company's Property and all costs be for the applicant's account.
- (iv) That a survey diagram depicting the resource area, i.e. the limestone mining area be submitted to Council for consideration and approval.
- (v) That the current mining lease area be reduced and confined to the resource area as per the Swakopmund Structure Plan 2020 - 2040.
- (vi) That the lease agreement be amended simultaneously.
- (vii) That Council's valuator and 2 additional valuers be requested to evaluate portions "K" and "L" to determine the purchase price.
- (viii) That Salt Company (Pty) appoints a Town Planner at their cost to attend to the statutory processes.
- (ix) That Salt Company (Pty) appoints a Consultant to attend to the Environmental Impact Assessment in terms of the Environmental Management Act, Act 7 of 2007 as amended.
- (x) That all costs relating to the transaction and statutory processes be for the account of the purchaser, 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.

- (b) That the requirements regarding the alienation of immovable property as prescribed in the Local Authorities Act, Act 23 of 1992, (as amended), and the Townships and Division of Land Ordinance 11 of 1963 respectively, be dealt with successfully.
- (c) That permission be granted to fence-off the entire site belonging to Salt Company (Pty) Ltd, provided that it is in line with the Mining Act, does not exceed the high water mark and complies with the relevant Marine related legislation.
- (d) That the fencing should be in a manner that does not interfere or block-off the access to the beach for the general public.
- (e) That the Salt Company be instructed to remove the fence erected on Council's land from the corner of Portion 96 (Namibia Oysters (Pty) Ltd) to the boundary of the Salt Works.
- (f) That Messrs Salt Company Pty (Ltd) 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.
- (g) That the terms and conditions of the lease in respect of the area east of the Henties Bay Road be revised at a later stage in terms clause 4 of the existing lease agreement.
- (h) That Messrs Salt Company Pty (Ltd) be given a due date to remove the illegal fence.

11.1.17 FEEDBACK: ACTION PLAN APPROVED FOR THE ALLOCATION OF LAND TO DEVELOPERS

(C/M 2021/08/30 - 14/2/1/2, 16/1/4/2/1/14)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council takes note of the report on the progress of the developers.
- (b) That the following two developers be granted an extension of time of another 180 days (18 December 2021) to comply with clause 3, based on the substantial progress and commitment evident from their progress reports:
 - (i) Tapeya Investment Holding (Pty) Ltd
 - (ii) Quintessential Trading and Consultancy (Pty) Ltd
- (c) That the joint venture agreements of the following two developers be cancelled as no "best commercial endeavours" are evident from their progress reports:
 - Ghetto Assistance Centre (Pty) Ltd (Annexure "B", on file) submitted a short progress report dated 18 May 2021, followed by an email dated 22 June 2021.



- *Gheron Building Construction (Pty) Ltd (Annexure "C", on file) requests an extension of time (not state for how long), per letter dated 29 June 2021.*

- (d) That the re-allocation of the cancelled transactions for Extension 4 (Ghetto Assistance Centre (Pty) Ltd) and Extension 38 (Gheron Building Construction (Pty) Ltd) be submitted under cover of a separate submission.

11.1.18 APPLICATION BY DEVELOPMENT WORKSHOP NAMIBIA (DWN) FOR:

- Servicing Of Land
- Construction Of Low And Ultra-Low Cost Housing With A Memorandum Of Understanding (Partnership Agreement)

(C/M 2021/08/30 - 14/2/1/2)

RESOLVED:

CO: P
Acting GM: CSHC

- (a) That Council approves the concept of Development Workshop Namibia for servicing of a portion of land and the construction of low and ultra-low cost housing.
- (b) That Council approves the proposal of Development Workshop Namibia to be implemented on portions 42,43 and 82-84.
- (c) That based on point (a) above a Memorandum of Understanding be compiled by Council's attorneys.

11.1.19 ALLOCATION OF LAND TO MS HELVI MUPUPA

(C/M 2021/08/30 - 14/2/1/2, 16/1/4/2/1/14)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council approves the sale of 50 Erven in Extension 25 to Ms Helvi Mupupa in terms of the directive received from the Ministry of Urban and Rural Development dated 07 and 14 November 2019 and Council's decision passed on 27 June 2019 under item 11.1.19 and 28 November 2019 under item 5.1.
- (b) That the remainder of the erven be offered to Husab Mine for the construction of houses for their employees.
- (c) That the price for erf be determined as follows:
- $N\$110\text{pm}^2$ (2016 price) + escalation @5%+25%=N\$180.00pm²
- (d) That Ms H Mupupa submit proof of ability to finance the project within three (3) months of this Council resolution.
- (e) That the developer propose 3 types of houses / prices to Council for approval.

11.1.20 MESSRS MATSI INVESTMENT (PTY) LTD: INCOME GROUP

(C/M 2021/08/30 - 14/2/1/2, 16/1/4/2/1/14)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That the Council takes note that its resolution of 22 November 2018, under item 11.1.35 does not state the income group for which Matsi Investment (Pty) Ltd must cater for the development of Extension 13, Matutura.
- (b) That the action whereby the classification of "*Medium Income*" (not less than N\$500 000.00, but not more than N\$800 000.00), was allocated based on the allocations approved on 31 May 2018 under item 11.1.25, be confirmed and ratified.
- (c) That it be noted that the above action was taken in order not to delay the signing of the joint venture agreement.
- (d) That conditions of the joint venture agreement is the same as those approved by Council for the other developments approved on 31 May 2018 under item 11.1.35.

11.1.21 MESSRS WELWITCHIA HEALTH TRAINING CENTRE (PTY) LTD

(C/M 2021/08/30 - E 3342)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council takes note of the progress with regard to the sale and development of Erf 3342, Swakopmund to Welwitchia Health Training Centre (Pty) Ltd.
- (b) That point (f) of Council's resolution passed on 27 May 2021 under item 11.1.8 be amended as follows:

Current wording:

- (f) *That Welwitchia Health Training Centre (Pty) Ltd submits layout / building plans of the entire project to Engineering and Planning Services Department for approval as required within 90 days of the approval of the sale by the Ministry of Urban & Rural Development.*

Amended wording:

- (f) *That Welwitchia Health Training Centre (Pty) Ltd submits layout / building plans of the entire project to Engineering and Planning Services Department for approval as required within 90 days of the date of signing the agreement by the last party signing.*

11.1.22 FUTURE SALE OF ERF 10033, SWAKOPMUND

(C/M 2021/08/30 - E 10033, E 342 M4, E 343 M4, E 366 M4,
E 367 M4, E 368 M4; E 4908, E 4909, E 4910,
4908)

CO: P
Acting GM: CS&HC

RESOLVED:

- (a) That point (e) of Council's resolution passed on 31 October 2019 under item 11.1.8 be repealed and Erf 10033, Swakopmund be sold out of hand together with the 5 erven approved on 29 April 2021 under item 11.1.15 at a purchase price of N\$3 871 936.23.
- (b) That the conditions of sale be the same as approved by Council on 28 January 2021 under item 11.1.19 for the sale of the 5 erven above, i.e.:
- (i) *That applications for these erven only be accepted after publication of the public notice to this effect in terms of section 63 of the Local Authorities Act (of which submission of objections forms part).*
 - (ii) *That allocation be done to the first applicant who secures the purchase price by bank guarantee or electronic fund transfer to reflect as available funds on Council's bank account.*
 - (iii) *That the erven be allocated on the basis of 1 erf per person / entity (a person may not purchase an erf in his / her personal name as well as in an entity in which he / she holds an interest). Married couples be regarded as one entity irrespective of the marital regime.*
 - (iv) *That prior to signing deeds of sale, approval be obtained from the Ministry of Urban and Rural Development in terms of section 63 of the Local Authorities Act irrespective whether objections are received.*
 - (v) *That the purchasers be cautioned that due to point (iv) above the transactions might not be approved and / or may be subject to lengthy delays.*
- (c) That access to Erf 10033, Swakopmund only be from Omeg Street, through the construction of a wall.

11.1.23 RESUBMITTED: PRIVATE TREATY APPLICATION (HAKUNA MUTATA REAL ESTATE CC: ERVEN LOCATED IN EXTENSION 14

(C/M 2021/08/30 - E 4935; E 4995, E 4996, E 4997, E 4998,
E 4999, E 5000, E 5001, E 5003, E 5004,
E 5005, E 5006, E 5007, E 5008, E 5009,
E 5010, E 5011, E 5012, E 5013)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That it be noted that the applicant did not provide satisfactory proof of its ability to finance the project.
- (b) That Council remains with its decisions passed to sell the erven zoned "Single Residential" located in Extension 14,

Swakopmund by closed bid sale as per the Council resolution passed on:

- 28 March 2018, Item 11.1.11.
- 25 July 2019, Item 11.127.

11.1.24 APPLICATION BY ANDRICO INVESTMENTS NO.12 (OCEAN VIEW SPAR) TO PURCHASE / LEASE ERVEN 3346 AND ERF 3352, SWAKOPMUND

(C/M 2021/08/30 - E 3346, E 3352)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That the application by Messrs Andrico Investments N0.12 (Pty) Ltd to lease Erven 3346 and 3352, Swakopmund for 99 years not be approved.
- (b) That Council approves the application by Messrs Andrico Investments N0.12 (Pty) Ltd to purchase Erven 3346 and 3352, Swakopmund for the extension of the existing business trading as Ocean View SPAR located on Erf 3345, Swakopmund.
- (c) That the purchase price for Erven 3346 and 3352, Swakopmund be N\$ 800.00 / m², 15% VAT excluded.
- (d) That Erven 3346 and 3352, Swakopmund be rezoned to "General Business" and be consolidated with Erf 3345, Swakopmund at the cost of Council.
- (e) That depending on approval of point (b) above, the sale be subject to Council's Standard Conditions of sale by private treaty:
 - (i) That the purchaser pays a deposit of N\$50 000.00 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 proceeds with the publication of the purchase in terms of the Local Authorities Act 23 of 1992; whereafter approval from the Ministry of Urban and Rural Development be applied for.
 - (vi) That the transaction be concluded within 120 days from the date of the last party signing the deed of sale to secure the purchase price for the two erven.



- (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 the date the last party signing the deed of sale:
 - (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 120th day, else interest will be levied as from the date the last party signing the deed of sale (date of sale) until the date of registration of transfer at a rate as confirmed with Council's bank on the date of sale (date of last party signing).
- (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.
- (xi) That the purchaser constructs structural improvements as per (Annexure" B") 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 resulting from blasting, should blasting need to be done.
- (xv) That the purchaser provides the registration documentation of the entity 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.

11.1.25 **SALE AND DEVELOPMENT OF EXTENSION 2 MILE 4 - MESSRS SWAKOPMUND OMBUNDU INVESTMENTS (PROPRIETARY) LIMITED**

(C/M 2021/08/30 - 16/1/4/2/1/8)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council approves the agreement in respect of the sale to Messrs Swakopmund Ombundu Investments (Proprietary) Limited.



- (b) That the purchase price of N\$120.00 per m² be escalated since 2017, as per the property policy, with 5% annually, until date of signature of the agreement.
- (c) That the purchaser be required to pay a deposit in the amount of N\$100 000.00 within 90 days of this Council resolution failing which the offer will be revoked at the next meeting following the expiry of the 90 days.
- (d) That should Messrs Ombundu Investments (Proprietary) Limited not accept the agreement within 21 days from date of this resolution, Council's offer be withdrawn and the transaction be terminated.

11.1.26 RECONSIDERATION OF CANCELLATION OF ERF 365, MILE 4 - NAMIBIA DESERT GIANT GROUP PTY LTD
(C/M 2021/08/30 - M4 E 365)

RESOLVED:

CO: P
Acting GM: CS&HC

That Council remains with its decision passed on 29 April 2021 under item 11.1.16.

11.1.27 NON-COMPLIANCE ACTIVITIES ON FARM DOUGLAS FARM 184 SWAKOPMUND: COURT INTERDICT
(C/M 2021/08/30 - Farm 184)

RESOLVED:

GM: EPS

That the Council Resolution 28 April 2016, under Item 6.1.5 be supplemented by this resolution:

- (a) That Council authorizes Koep & Partners to represent Council as its Legal Practitioners.
- (b) That General Manager of Engineering and Planning Services be appointed to adduce to the affidavit on behalf of the Council to institute and prosecute the application.
- (c) That Messrs Koep & Partners obtain a Court Order addressed at terminating the actions by Gecko Namibia (Pty) Ltd and/ or its affiliates on property *Remainder of Farm Douglas 184* with immediate effect, and to restore the property and the uses on the property to compliance with the Town Planning Scheme, the Building Regulations and the Health Regulations.
- (d) That similarly, the Court Order empowers the Municipality to enter the property and restore the use of the property to compliance with the Town Planning Scheme, the Building Regulations and the Health Regulations at the cost of the owner of the property, Gecko Namibia (Pty) Ltd.

11.1.28 VIRTUAL MEETING WITH TRANSNAMIB AND MINISTRY OF WORKS AND TRANSPORT

(C/M 2021/08/30 - E 466; E 444; E 779; 16/1/4/1/1; 5/6/12)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That all stakeholders arrange an urgent meeting with their technical teams once discussed with their principals on the practical approaches to be followed in the two key subject matters.
- (b) That discussions take place between the Municipality and Trans Namib for the exchange / transfer of Erven 3777, 3656, 444, a portion of 466, 773 and the railway reserve portion in order for Council to establish a much needed tertiary institution.
- (c) That a checklist be compiled that will outline the timelines required for the progress on both subject matters.
- (d) That the stakeholders make provision to meet again around 2022 / 2023 July 2021.

11.1.29 APPLICATION FOR EXEMPTIONS OF LANDING FEES FOR LIGHT SPORT FLYING AIRCRAFTS AT THE SWAKOPMUND MUNICIPALITY AERODROME

(C/M 2021/08/30 - 18/1/1/1)

RESOLVED:

GM: EPS

- (a) That Council does not allow landing, parking or passenger fee to be exempted.
- (b) That all operators be informed that any outstanding balances or accounts in arrears to be paid up in full by end of September 2021.
- (c) That the General Manager: Engineering and Planning Services, inform any and all operators who does not or refuses to comply with the rules and regulations of the Swakopmund Municipality Aerodrome to stop their operations until such time that they comply.
- (d) That all aircraft with the mass below 500 kg be registered with the Light Sport Aircraft Association of Namibia.

11.1.30 AGRI INDUSTRIAL PARK - SWAKOPMUND

(C/M 2021/08/30 - 16/1/4/2/1/13)

RESOLVED:

GM: EPS

- (a) That Council takes note of the presentation by Messrs We-Agri Ltd on the establishment of an Agricultural Industrial Park and associated Desalination Plant.

- (b) That Council, *in principle*, supports the establishment of an Agricultural Industrial Park north of the New Wastewater Treatment Plant.
- (c) That Council, in principle, supports the establishment of a Desalination Plant on the coastline, south of the Salt Works mining area, as this plant will be a supporting facility to the operations of the Agricultural Industrial Plant.
- (d) That Council, in principle, supports the proposal by Messrs We-Agri Ltd for the supply of potable water from the Desalination Plant to be integrated within the water supply of Council's water to the residents of town.
- (e) That the exact size and location of the Agricultural Industrial Park and Desalination plant, with associated pipelines and facilities, be determined by the General Manager: Engineering and Planning Services.
- (f) That once the size and location of the Agricultural Industrial Park and Desalination plant, with associated pipelines and facilities are determined by the General Manager: Engineering and Planning Services, that the Acting General Manager: Corporate Services and Human Capital submits to Council for consideration.
- (g) That Council, will assist and provide full support to Messrs We-Agri Ltd, if and when required, for a delegation to present this proposal to the Honourable Governor of the Erongo Region, The Honourable Minister of Urban and Rural Development and any other Ministerial branch, depending on the extend of the interest, in order to obtain the necessary support and approvals for the establishment of the Agricultural Industrial Park, Desalination Plant and associated pipelines and facilities.
- (h) That any costs associated with this proposal, such as travel and lodge expenses, disbursements, feasibility studies, designs and any other expenses not listed but incurred by Messrs We-Agri Ltd, should be for the account of Messrs We-Agri Ltd and not Council.

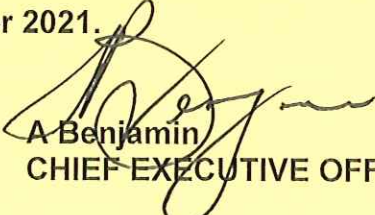
13. DRAFT REGULATIONS AND TARIFFS, IF ANY

None.

The meeting adjourned: 09:57.

Minutes to be confirmed on: 30 September 2021.


Councillor L N Kativa
MAYOR


A Benjamin
CHIEF EXECUTIVE OFFICER

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