

MINUTES

of an **Ordinary Council Meeting** held in the Council Chambers, Municipal Head Office, Swakopmund on **Thursday, 26 January 2023** at **19:00**.

PRESENT:

Councillor D Am-!Gabeb	:	Deputy Mayor (<i>Vice-Chairperson of Council</i>)
Councillor W O Groenewald	:	Chairperson of MC
Councillor B R Goraseb	:	Alternate Chairperson of Member of MC
Councillor P Shimhanda	:	Member of Management Committee
Councillor M Henrichsen	:	Member of Council
Councillor S M Kautondokua	:	Member of Council
Councillor E Shitana	:	Member of Council

OFFICIALS:

Mr C McClune	:	Chief Executive Officer (Acting)
Mr V S Kaulinge	:	GM: Economic Development Services
Mr H Naruseb	:	GM: Finance
Mr A Plaatjie	:	GM: Corporate Services & HC (Acting)
Mr A Kationdorozi	:	GM: Health Services & SWM (Acting)
Mr U Tjiurutue	:	Corporate Officer: Administration
Ms L Mupupa	:	Public Relations Officer

ALSO PRESENT:

Members of the public and the media.

1. **OPENING BY PRAYER**

Reverend Venter opened the meeting with scripture reading and prayer.

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

(C/M 2023/01/26 - 5/2/1/1/2)

On proposal of Councillor P Shimhanda seconded by Councillor E Shitana, it was:

RESOLVED:

That the agenda be adopted.

CO: A <i>Acting GM: CS&HC</i>

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

3.1 Application for leave of absence:

Councillor D Namubes : Mayor
Councillor C-W Goldbeck : Member of Management Committee
Councillor H H Nghidipaya : Member of Council

3.2 Declaration of interest:

None.

4. **CONFIRMATION OF MINUTES**

(C/M 2023/01/26 - 5/2/1/1/2)

4.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 24 NOVEMBER 2022**

On proposal of Councillor W O Groenewald seconded by Councillor B R Goraseb, it was:

RESOLVED:

CO: A
Acting GM: CS&HC

That the minutes of the Ordinary Council Meeting held on 24 November 2022, be confirmed as correct.

4.2 **MINUTES OF AN SPECIAL COUNCIL MEETING HELD ON 30 NOVEMBER 2022**

On proposal of Councillor W O Groenewald seconded by Councillor B R Goraseb, it was:

RESOLVED:

CO: A
Acting GM: CS&HC

That the minutes of the Special Council Meeting held on 30 November 2022, be confirmed as correct.

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

(C/M 2023/01/26 - 5/5/2)

HONOURABLE COUNCILLORS, THE ACTING CHIEF EXECUTIVE OFFICER, MR. CLARENCE MCCLUNE, GENERAL MANAGERS, MANAGERS, OFFICIALS, REVEREND VENTER, MEMBERS OF THE COMMUNITY, MEMBERS OF THE MEDIA LADIES AND GENTLEMEN

GOOD EVENING AND WELCOME TO THE FIRST COUNCIL MEETING AND ANNOUNCEMENTS FOR THE YEAR 2023.

LADIES AND GENTLEMEN

I WISH TO EXTEND A WELCOME BACK TO EACH AND EVERY ONE OF YOU. I PRAY AND BELIEVE THAT WE WILL CONTINUE TO SERVE THE RESIDENTS OF SWAKOPMUND TO THE BEST OF OUR ABILITY.

PLEASE ALLOW ME TO USE THIS OPPORTUNITY TO EXPRESS MY GRATITUDE TO ALL OUR HONOURABLE COUNCILLORS, THE CHIEF EXECUTIVE OFFICER, MR ALFEUS BENJAMIN, THE GENERAL MANAGERS, MANAGERS AND ALL THE STAFF MEMBERS OF THE MUNICIPALITY FOR THEIR CONTRIBUTION TOWARDS THE

REALIZATION OF QUALITY SERVICE DELIVERY TO THE PEOPLE OF SWAKOPMUND AND I WISH THEM A PRODUCTIVE YEAR AHEAD. LET US CONTINUE TO MAKE SWAKOPMUND THE BEST TOWN THAT IT IS.

THANK YOU.
DAVID AM-IGABEB
DEPUTY MAYOR

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

10.1 **REPORT TO COUNCIL ON RESOLUTIONS TAKEN BY MANAGEMENT COMMITTEE DURING JANUARY 2023**

RESOLVED:

CO: A
Acting GM: CS&HC

That the report to Council on the resolutions taken by Management Committee meeting held on 12 January 2023, be noted.

11. **RECOMMENDATIONS OF THE MANAGEMENT COMMITTEE MEETING HELD DURING JANUARY 2023**

11.1 **MANAGEMENT COMMITTEE MEETING HELD ON 12 JANUARY 2023**

11.1.1 **AMENDMENT OF CONDITIONS OF SALE: ERF 947, MONDESA TO JESUS SAVE MINISTRIES**

(C/M 2023/01/26 - M 947)

RESOLVED:

CO: P
Acting GM: CS&HC

(a) That Council approves the transfer of Erf 947, Mondesa to Jesus Save Ministries as the purchase price has been paid in full.

- (b) That it be noted that clause 6 will be registered against the title deed of Erf 947, Mondesa and that transfer of ownership will enable Jesus Save Ministries to submit building plans and apply for a loan at a bank by securing such loan by ceding the erf.
- (c) That clause 6 (iii)(aa)(i) be amended to read from “date of transfer of ownership” instead of “date of sale”, thereby granting the church 5 years to complete construction of the church from date of transfer of ownership.

11.1.2 **CANCELLATION: NATIONAL UNITY DEMOCRATIC ORGANISATION (NUDO) - ERF 6945, EXTENSION 25**

(C/M 2023/01/26 - E 6945)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That the cancellation of the allocation of Erf 6945, Swakopmund to National Unity Democratic Organisation due to non-payment of the required purchase price and 15% VAT by the final due date of 31 October 2022 be confirmed.
- (b) That Erf 6945, Extension 25 be sold by private treaty to any interested political party that is registered with the Electoral Commission of Namibia and if no offer is received the Erf be resubmitted to the Management Committee.

11.1.3 **THE FRITZE DEVELOPMENT TRUST: APPLICATION TO PURCHASE ERF 4901, SWAKOPMUND**

(C/M 2023/01/26 - 16/1/4/2/1/13, E 4901)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Erf 4901, Extension 10, Swakopmund be allocated to The Fritze Development Trust by private treaty sale at the upset price of N\$3 138 328.00 excluding 15% VAT.
- (b) That the purchaser pays a deposit of N\$10 000.00 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.
 - (i) *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.*
 - (ii) *That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the transfer of the erf.*
 - (iii) *That all costs related to the transaction be for the account of the purchaser.*
- (c) That Council complies with the requirements of the Local Authorities Act 23 of 1992 for the sale by private treaty.

- (d) That the transaction be concluded within 120 days from date of approval being granted by the Ministry of Urban & Rural Development as per point (d) above.
- (e) That the purchase price and 15% VAT be paid within 120 days from date of last party signing the deed of sale:

 - (i) *That the purchase price be settled in cash within 120 days from date of last party signing the deed of sale; alternatively*
 - (ii) *by securing the purchase price by bank guarantee within 120 days from date of last party signing the deed of sale, if transfer is not registered within the 120 day period the purchase price will attract interest from the 120 day until date of transfer.*
- (f) 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.
- (g) 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.
- (i) That the purchasers must construct structural improvements worth at least 1 time the Municipal valuation of the property (*as provided for in the Conditions of Establishment for Extension 10*). 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.
- (j) That an incentive of 15% discount on the purchase price (excluding 15% VAT) be offered on condition that Fritze Development Trust completes construction of the structural improvements and submit a completion certificate within two years from date of transfer.
- (k) That since the purchaser is a Close Corporation, a company or a trust, then, the members interest in the Close Corporation or shareholding in the company or interest in the trust, as the case may be, may not be changed without the prior written approval of Council.
- (l) That the income be shared with Erongo RED *pro rata* according to their contribution (if applicable).

11.1.4 **COETZEE PROPERTIES CC: APPLICATION TO PURCHASE ERF 4874, SWAKOPMUND**

(C/M 2023/01/26 - 16/1/4/2/1/13, E 4874)

RESOLVED:

<p>CO: P Acting GM: CS&HC</p>
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- (a) That Erf 4874, Extension 10, Swakopmund be allocated to Coetzee Properties Close Corporation by private treaty sale at the upset price of N\$3 573 040.00 excluding 15% VAT.
- (b) That the purchaser pays a deposit of N\$10 000.00 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:
 - (i) *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.*
 - (ii) *That any remainder of the deposit in (i) above be refunded to the purchaser on completion of the transfer of the erf.*
 - (iii) *That all costs related to the transaction be for the account of the purchaser.*
- (c) That Council complies with the requirements of the Local Authorities Act 23 of 1992 for the sale by private treaty.
- (d) That the transaction be concluded within 120 days from date of approval being granted by the Ministry of Urban & Rural Development as per point (d) above.
- (e) That the purchase price and 15% VAT be paid within 120 days from date of last party signing the deed of sale:
 - (i) *That the purchase price be settled in cash within 120 days from date of last party signing the deed of sale; alternatively*
 - (ii) *by securing the purchase price by bank guarantee within 120 days from date of last party signing the deed of sale, if transfer is not registered within the 120-day period the purchase price will attract interest from the 120 day until date of transfer.*
- (f) 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.
- (g) 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.

- (i) That the purchasers must construct structural improvements worth at least 1 time the Municipal valuation of the property *(as provided for in the Conditions of Establishment for Extension 10)*. 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.
- (j) That an incentive of 15% discount on the purchase price (excluding 15% VAT) be offered on condition that Coetzee Properties CC completes construction of the structural improvements and submit a completion certificate within two years from date of transfer.
- (k) That, since the purchaser of a property is a Close Corporation, a company or a trust, then, the members interest in the Close Corporation or shareholding in the company or interest in the trust, as the case may be, may not be changed without the prior written approval of Council.
- (l) That the income be shared with Erongo RED *pro rata* according to their contribution (if applicable).

11.1.5 **APPLICATION TO PURCHASE A PORTION OF ERF 4995, SWAKOPMUND**
(C/M 2023/01/26 - Erf VS 33, E 4995)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Mr N du Plessis applying on behalf of Mr J Amadhila be informed that Council considered their application to purchase a portion of Erf 4995, Swakopmund for consolidation with Erf 33, Vogelstrand, but remains with its decisions passed to sell the erven zoned “single residential” located in Extension 14 by closed bid sale:
 - 30 August 2021, item 11.1.23
 - 25 July 2019, Item 11.1.27.
 - 28 March 2018, Item 11.1.11.
- (b) That a closed bid sale be considered during 2023 of the last remaining 19 erven, as resolved on 28 March 2018 under item 11.1.11:
 - (a) *That closed bid sales be scheduled in terms of the Local Authorities Act 23 of 1992 for the 118 “Single Residential” erven located in Extension 14, as necessitated by the flexible / fluctuating market demand; subject to Council’s standard conditions of sale for closed bid sales be approved.*

11.1.6 **PROPOSED SELLING PRICE FOR ERF 1742, MONDESA (ROCKY AREA)**

(C/M 2023/01/26 - M 1742)

RESOLVED:

CO: P
Acting GM: CS&HC

That Erf 1742, Mondesa be sold at the reduced price of N\$9 200.00 to Ms Diina Namupala.

11.1.7 **CONFIRMATION OF COUNCIL'S DECISION: APPROVAL TO PURCHASE VACANT UNUSED LAND ADJOINING FARM 180**

(C/M 2023/01/26 - G 2(15))

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council confirms its decision passed on 23 May 2019 under item 11.1.14 in order to proceed with the transaction for a portion of land (measuring approximately 4.1ha) located adjacent to Portion 180 to Rosendal Farming CC, as the 90-day period to pay the deposit lapsed on 31 August 2019.
- (b) That the purchase price in point (b) of item 11.1.14 be increased as per the Property Policy to the amount of N\$428 321.25 (calculated at 5% annual escalations since Council's resolution passed on 23 May 2019).

11.1.8 **LOCATION OF THE "WELCOME TO SWAKOPMUND" SIGNS**

(C/M 2023/01/26 - 5/4/8, 9/3/1/3)

RESOLVED:

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

- (a) That the location sites (on file) identified at the entrances of Swakopmund on the B1 and C34, where the three (3) "Welcome Signs" will be constructed be approved.
- (b) That on approval by Council, permission be requested from the Namibian Roads Authority to construct the "Welcome Signs" on the B1 and C34 roads at the sites identified.
- (c) That the General Manager: Engineering and Planning Services provides the cost of the construction of the three (3) "Welcome Signs" and that sufficient funds be budgeted for this project in the Financial Year 2023 / 2024.

- 11.1.9 **REZONING OF ERF 5025, SWAKOPMUND, EXTENSION 14 FROM SINGLE RESIDENTIAL WITH A DENSITY OF 1:600M² TO GENERAL RESIDENTIAL 2 WITH A DENSITY OF 1:100M² AND CONSENT TO COMMENCE WITH THE CONSTRUCTION OF SELF-CATERING APARTMENTS WHILE THE REZONING IS BEING FORMALLY PROCESSED**
(C/M 2023/01/26 - E 5025)

RESOLVED:

GM: EPS

- (a) That the rezoning and densification of Erf 5025, Swakopmund, Extension 14 be turned down.
- (b) That it be noted that Municipal services in this area were designed and installed to the specifications of the current zonings, changes to accommodate the increase of activity in terms of sewerage and roads may render the services non-functional at the end.
- (c) That future similar request in Swakopmund, Extension 14 and surrounding extensions be only considered if changes to accommodate the increase of activity in terms of sewerage and roads are first put to effect by the Council.
- (d) That the applicant be informed of Council's decision and that they may appeal to the Minister against Council's Resolution in terms of Section 110 of the Urban and Regional Planning Act, 2018 (Act No 5 of 2018), within 21 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.
- (e) That the objectors be informed of Council's decision.

- 11.1.10 **OUTCOME OF THE CLOSED BID SALE OF 02 DECEMBER 2022**
(C/M 2023/01/26 - Mat 1090, Mat 1266, Mat 1438, Mat 1439, Mat 1440, Mon 4094, Mon 4097, E Swk, E 9124 Swk, E 8930 Swk, E 8939 Swk)

RESOLVED:

CO: P
Acting GM: CS&HC

That Council takes note of the outcome of the sale held on 02 December 2022 for erven zoned "General Residential" located in Extensions 6 and 7, Matutura, Extension 10, Mondesa and Extensions 34 and 35, Swakopmund.

- 11.1.11 **TRANSFER OF ERF 115, MONDESA**
(C/M 2023/01/26 - Erf 115, Mondesa)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council takes note that its decision passed on 31 October 2019 under item 11.1.23 is invalid and of no force and effect as Council had no discretion to decide to whom ownership should be transferred, and that the decision of 31 October 2019 is *void ab initio*.

- (b) That it be noted the reason for (a) above is that in the first phase of the housing provision project with National Housing Enterprise Council merely acted as an agent of NHE in the implementation and execution of the project (see paragraph 2 of Annexure “B”, on file).
- (c) That Council proceeds with the instruction from NHE dated 11 May 2017 to finalize the transfer of Erf 115, Mondesa to the Estate of the Late Ms A Maletzky.

11.1.12 **SUBDIVISION OF ERF 10027, SWAKOPMUND, EXTENSION 10 INTO PORTIONS A, B, C, D, E AND REMAINDER AND CONSENT TO REDIRECT A 3 M WIDE PIPELINE RUNNING THROUGH ERF 10027, TO RUN ALONG THE WESTERN BOUNDARY OF THE PROPOSED PORTION A, AND SUBSEQUENTLY REGISTER A SERVITUDE OVER PORTION A**
(C/M 2023/01/26 - E 10027)

RESOLVED:

GM: EPS

- (a) That the subdivision of Erf 10027, Swakopmund, Extension 10 into Portions A, B, C, D, E and Remainder be turned down.
- (b) That the pipeline be rerouted as per request of the applicant subsequent with the registration of a five (5) meters wide servitude at the cost of the applicant.
- (c) The current conditions created in favour of the Municipal Council of Swakopmund by virtue of Notarial Deed of Imposition of Conditions No. K571/2015S be retained.
- (d) That the applicant be informed that they may appeal the Council decision to the Minister against Council's Resolution in terms of Section 110 of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), within 21 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 ERVEN 231 AND 233 MATUTURA PROPER INTO PORTIONS A AND B AND REMAINDERS AND CLOSURE OF PORTIONS A AND B AS PUBLIC OPEN SPACES AND SUBSEQUENT REZONING OF PORTIONS A AND B FROM PUBLIC OPEN SPACE TO PARASTATAL AND CONSENT TO COMMENCE WITH CONSTRUCTION WHILE STATUTORY PROCEDURES ARE BEING FINALIZED**
(C/M 2023/01/26 - E 231 M, E 233 M)

RESOLVED:

GM: EPS

- (a) That the subdivision of Erven 231 and 233, Matutura Proper into Portions A, B and Remainders be approved.

- (b) That Portions A and B be closed as “Public Open Space”.
- (c) That the rezoning of Portions A and B from public open space to parastatal be approved.
- (d) That consent to commence with the construction of the substations while the statutory procedures are finalized be approved.
- (e) That the title deed conditions registered against Erven 231 and 233, Matutura Proper be retained for the Reminders Erven 231 and 233, Matutura Proper, as follows:
 - (i) *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 5 of 2018).*

11.1.14 **REZONING OF ERF 9800, SWAKOPMUND, EXTENSION 39 FROM “GENERAL RESIDENTIAL 2” WITH A DENSITY OF 1:250 TO “GENERAL RESIDENTIAL 2” WITH A DENSITY OF 1:100**
(C/M 2023/01/26 - E 9800)

RESOLVED:

GM: EPS

- (a) That the rezoning of Erf 9800, Swakopmund, Extension 39 be turned down.
- (b) That the applicant be informed of Council’s decision and that they may appeal to the Minister against Council’s Resolution in terms of Section 110 of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018), within 21 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.

11.1.15 **ANNUAL PLAN: OFFICE OF THE MAYOR 2023**
(C/M 2023/01/26 - 5/5/1)

RESOLVED:

CEO
CO: MC
Acting GM: CS&HC

That the Annual Plan: Office of the Mayor for 2023 be approved.

11.1.16 **SALE OF LAND TO RAINA ROMAN**
(C/M 2023/01/26 - M 1741)

RESOLVED:

CO: H
Acting GM: CS&HC

- (a) That Council takes note of the decision by the Ministry of Justice and the Ministry Health and Social Services to compensate Ms Riana Roman with adequate housing.
- (b) That Council sells Erf 1741, Mondesa to Ms Riana Roman for the account of Ministry of Health and Social Services.

- (c) That the purchase price of N\$26 000.00 be approved.
- (d) That all related costs (transfer cost, bond cost, etc) be for the account of Ministry of Health and Social Services.
- (e) That it be noted that Erf 1741, Mondesa is a vacant erf and that all other arrangements for the construction of the house be between Ms Roman and the Ministry of Health and Social Services, without Council's involvement.

11.1.17 **REQUEST TO EXEMPT SIGIIL ECCLESIAE CATHOLIC CHURCH FROM PAYMENT OF ASSESSMENT RATES**

(C/M 2023/01/26 - E 949, T 24, E 284, 3/4/1/2)

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

RESOLVED:

That Council approves the exemption of Sigiil Ecclesiae Catholic Church from the payment of assessment rates for the year 2022 / 2023 as their application for the following three erven was submitted prior to 31 May 2022:

- Erf 949, Swakopmund
- Erf 24, Tamariskia
- Erf 284, Mondesa

11.1.18 **REQUEST FOR ACTIVATION SPACE - INSTALLATION OF TAFEL RADLER EXTRA ART**

(C/M 2023/01/26 - 14/2/4/1)

GM: EDS
GM: EPS

RESOLVED:

- (a) That Council approves the installation of temporary beach themed items by Messrs Blueberry Marketing Africa at the following identified sites:
 - Mole beach area (toward north) - newly flatten area
 - Northern beach area opposite the braai facility
 - Area between the Jetty and Aquarium.
 - On condition that no containers are on site and removed daily.
- (b) That Council approves the lease of sites by Messrs Blueberry Marketing Africa for the following periods:
 - Valentines' week: 09 - 15 February 2023
 - Easter week: 05 - 11 April 2023
 - Christmas/New year: 15 December 2023
- (c) That Messrs Blueberry Marketing Africa be permitted to lease a portion of land (16m² or more but not more than 20m²) on identified sites, on standard terms and conditions.
- (d) That the rental fees for each site be based on the Lease for Municipal Land tariff for 2022/23 (*Public Open Space* as gazetted): For area of 16m² or less (VAT Excluded)
 - (i) Daily - N\$ 207.34
 - (ii) Weekends - N\$ 276.45

(iii)	Weekly	-	N\$ 347.11
(iv)	Monthly	-	N\$ 1039.27
<i>For area between 16m² and 20m² (VAT Excluded)</i>			
(i)	Daily	-	N\$ 276.45
(ii)	Weekends	-	N\$ 347.11
(iii)	Weekly	-	N\$ 416.12
(iv)	Monthly	-	N\$ 1662.42

- (e) 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.
- (f) That it be noted that no alcoholic beverages may be promoted on Council property.

11.1.19 **RENEWAL OF A LEASE AGREEMENT FOR AN UNDEVELOPED OPEN AREA**

(C/M 2023/01/26 - 13/3/1/5)

RESOLVED:

GM: EDS
CEO

- (a) That Messrs Golden Footsteps be informed that the renewal of lease for an open area north of the intersection of Henties Bay Bypass road cannot be approved as the area is earmarked for development in the near future.
- (b) That Council approves the lease of portion measuring 1 200m² on Erf 4865 for brick making and noxious activities, Extension 10 Industrial area to Messrs Golden Footsteps for a period of 12 months commencing December 2022.
- (c) That Messrs Golden Footsteps be charged a rental fee of N\$468.00 per month (VAT exclusive) (i.e., N\$0.39/m² x 1200 m²) for the storage of skip containers subject to the existing standard lease conditions.
- (d) That Council delegates the power to Chief Executive Officer for future extension / renewal of this short-term lease.

11.1.20 **REQUEST TO EXEMPT SWAKOPMUND CHRISTIAN ACADEMY FROM PAYMENT OF ASSESSMENT RATES**

(C/M 2023/01/26 - E 1514, 3/4/1/2)

RESOLVED:

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

That Council approves the exemption application of Swakopmund Christian Academy for Erf 1514 from the payment of assessment rates for the year 2022 / 2023.

11.1.21 **OMARURU FUNDRAISING MAYORAL GALA DINNER**

(C/M 2023/01/26 - 5/5/1)

CEO
GM: F**RESOLVED:**

- (a) That Council condones the Omaruru Mayoral Fundraising Gala Dinner to be hosted on 19 November 2022.
- (b) That approval be granted for payment of all the support of six seats for Council to attend the gala dinner.
- (c) That provision be made for the pledge of the Municipality of Swakopmund at the gala dinner.
- (d) That Council pledge N\$5 000.00 towards the Mayoral Fundraising Gala Dinner.
- (e) That the Omaruru provides Council with an invoice to effect payment.
- (f) That the payment of N\$1 800.00 be defrayed from the Conference Vote: 101015505500 where N\$352 904.80 is available.

11.1.22 **WRITING OFF REDUNDANT HANDHELD 12 (TWELVE) MOTOROLA DP RADIOS AT THE ECONOMIC DEVELOPMENT SERVICES DEPARTMENT-TRAFFIC SECTION**

(C/M 2023/01/26 - 3/18/1)

GM: EDS
GM: F
CO: A
Acting GM: CS&HC**RESOLVED:**

- (a) That Council approves the writing-off of the following handheld radios from the Economic Development Services Department as listed below:

No	Description	Serial Numbers
1	Motorola DP4800	SN 871TNK6980
2	Motorola DP4800	SN 871TNR1440
3	Motorola DP4800	SN 871TNR1409
4	Motorola DP4800	SN871TNK6979
5	Motorola DP4800	SN871TNR1428
6	Motorola DP4800	SN871TNK6982
7	Motorola DP4800	SN807TRK9736
8	Motorola DP4800	SN807TPF0195
9	Motorola DP4800	SN807TRK9740
10	Motorola DP4800	SN807TRKA073
11	Motorola DP4800	SN807TRK9746
12	Motorola DP4800	SN807TPD613

- (b) That the written-off items indicated in (a) above be donated to the Namibian Police to be used by the Namibian Police in Swakopmund, once the Municipal frequencies are deleted.

11.1.23 **SALE OF ERF 9060, SWAKOPMUND - APPLICATION FOR EXTENSION OF TIME TO PAY THE PURCHASE PRICE**
(C/M 2023/01/26 - E 9060)

CO: P
Acting GM: CS&HC

RESOLVED:

- (a) That Council takes note of the application by African Development Foundation Trust for an extension of time to perform until 30 June 2023 or late 2023.
- (b) That Council takes note that since the date of sale, i.e., 24 January 2022 African Development Foundation has not submitted proof of their effort to secure the purchase price for Erf 9060, Swakopmund.
- (c) That Council takes note that the option to pay on date of sale has lapsed and that the alternative option will lapse on 24 January 2023 and that the purchase price will be N\$686 904.92 on the said date (in terms of clause 3.3 of Annexure "B" (on file) of the deed of sale).
- (d) That Council takes note that after the due date of 24 January 2023 the deed of sale prescribes Council's options as follows under clause 14:
- (i) *a notice period of 30 days should the purchaser not comply with any conditions of the deed of sale, to rectify such breach.*
- (ii) *on lapsing of the 30 days' notice period should the purchase price not be settled, Council may either cancel the transaction or claim immediate payment of the purchase price.*
- (e) That, taking the above into consideration, Council grants African Development Foundation Trust an extension until end of February 2023 to settle the purchase price, subject to the continuation of 7% compound interest on the purchase price in the amount of N\$686 904.92 from 24 January 2023 onwards.

11.1.24 **MATSI INVESTMENTS (PTY) LTD: DEVELOPMENT OF EXTENSION 13, MATUTURA**
(C/M 2023/01/26 - 16/1/4/2/1/14, 14/2/1/2)

CO: P
Acting GM: CS&HC

RESOLVED:

- (a) That taking into account the substantial progress made by Matsi Investment (Pty) Ltd (Annexure "G" - *on file*) and the confirmation of such by the Engineering & Planning Services Department, it is proposed that Matsi Investment (Pty) Ltd be granted extension from 25 October 2022 to submit compliance with clauses 3.1.4 and 3.1.5 of the development agreement (until end of March 2023, since the initial compliance date of 05 April 2022).
- (b) That Council takes note that this is in line with the 332 days which was allowed for Ghetto Assistance Centre (Pty) Ltd

until finally cancelling the transaction on 28 July 2022 under item 11.1.33.

- (c) That if Matsi Investment (Pty) Ltd does not provide proof required under point (a), the transaction is cancelled without the need for any further notice and the future development of the township be dealt with as approved by Council on 27 January 2022, under item 11.1.43, point (i).

11.1.25 **IPPR ANNUAL LOCAL AND REGIONAL GOVERNANCE ASSESSMENT REPORT (SWAKOPMUND MUNICIPALITY)**

(C/M 2023/01/26 - 3/3/2/2, 3/3/2/3)

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

RESOLVED:

- (a) That Council takes note of the Annual Local and Regional Governance Assessment report from the Institute for Public Policy Research.
- (b) That the review of the report and the steps taken to rectify the flaws mentioned in the assessment by the Institute for Public Policy Research be noted and approved.
- (c) That the recommendations by the Institute for Public Policy Research improves Council's levels of transparency and accountability be noted and implemented.

11.1.26 **EXTENSION 25: FUTURE SALE OF 4 ERVEN ZONED "GENERAL BUSINESS"**

(C/M 2023/01/26 - E 6945, E 6946, E 6947, E 6948, E 6949 And E 6950)

CO: P
Acting GM: CS&HC

RESOLVED:

- (a) That Council takes note of the 4 erven zoned "General Business" located on the western boundary of Extension 25, Swakopmund which are available for sale by closed bid.
- (b) That Council approves an upset price of N\$240.00/m² plus 15% VAT:

<i>Erf</i>	<i>Size</i>	<i>Upset Price @N\$240.00/m²</i>
6946	2 320	N\$ 556 800.00
6947	2 318	N\$ 556 320.00
6948	2 316	N\$ 555 840.00
6949	2 225	N\$ 534 000.00

- (c) That the 4 erven be sold closed bid subject to the following conditions:
- (i) That the erven are allocated to the highest bidders on the basis of one erf per person / entity (married couples irrespective of the marital regime are regarded as one entity).
- (ii) That the connected parties defined as per the Income and VAT Act may only be allocated one erf.

- (iii) That the bidders provide proof of sufficient financing on the date of sale.**
 - (iv) The purchase price shall become due and payable to the Council within 120 calendar days from date of sale.**
 - (v) The erven may not be alienated unless a completion certificate is issued in respect of the structural improvements.**
 - (vi) The purchasers must erect structural improvements worth at least 4 times the Municipal valuation of the erf. 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.**
 - (vii) Purchasers are given 24 months to construct and complete improvements on the erf, failing which; Council reserves the right to repossess the erf.**
 - (viii) In the event that the purchaser of an erf is a close corporation, a company or a trust, then, the member's interest in the close corporation or shareholding in the company or interest in the trust, as the case may be, may not be changed without the prior written approval of Council.**
 - (ix) That Council shall not accept under any circumstances any process whereby the purchaser of an erf will be allowed to nominate a third party as the eventual purchaser of the erf. To be more specific, the Council shall not entertain any agent bidding on behalf of a principal or any nominee acting on behalf of a legal entity still to be incorporated.**
 - (x) That caveats be registered against the title deeds of the erven to prevent any contravention of the above conditions.**
 - (xi) That the erven are 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 erven or any improvements thereon. The Council also does not warrant that the services installed at the erven are suitable for the use intended by the purchasers. It is therefore the obligation of the purchasers to verify that the installed electricity, sewage and water connections are suitable for the intended use of the properties.**
- (d) That in order to attract and support local businesses, the following conditions be applicable:**
- (i) The bidders must be Namibian citizens.**
 - (ii) The bidders must provide a service account in the name of the bidder showing residence in Swakopmund for the past 5 years in any of the following extensions:**

 - 1. Extension 34, Swk**
 - 2. Extension 35, Swk**
 - 3. Extension 25, Swk**
 - 4. Extension 26, Swk**
 - 5. Extension 7, Mondesa**
 - 6. Extension 10, Mondesa**
 - (iii) Bank statements in the name of the bidder for the last six months must be provided when registering for the closed bid sale.**

- (iv) *That an incentive of 15% on purchase price discount be offered to developers who comply with (c) (vii) above within a period of 2 years from date of transfer.*

11.1.27 **ERVEN 4909 AND 4910, SWAKOPMUND: REQUEST FOR EXTENSION OF TIME TO PAY PURCHASE PRICE**

(C/M 2023/01/26 - E 4909; E 4910)

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

RESOLVED:

- (a) That Council takes note of the letters received from Mr Sebulon I Kankondi and Mr Silvanus T Kathindi requesting for extensions of time to secure the purchase prices for Erf 4909 and Erf 4910, Swakopmund, respectively.
- (b) That extensions of time be granted until 28 February 2023 subject to interest being charged at a rate of 8.5% from 24 October 2022 until date of transfer (in the case where a bank guarantee is provided); or until date of payment (in the case of a cash payment).
- (c) That addendums to the deeds of sale for Erf 4909 and 4910, Swakopmund be compiled regarding point (b) above.
- (d) That should Mr Sebulon I Kankondi and Mr Silvanus T Kathindi fail to sign the addendum or secure the purchase price by the due date, the sales transactions be cancelled, and the erven be sold to the next successful bidder in line.

11.1.28 **OBJECTION AGAINST THE EXCHANGE OF A PORTION OF ERF 384, SWAKOPMUND FOR A PORTION OF THE REMAINDER ERF 2747, SWAKOPMUND**

(C/M 2023/01/26 - E 384, E2747)

CO: P
Acting GM: CS&HC

RESOLVED:

- (a) That Council takes note of the objection received from Kazak African Experience Cultural Tourism CC against the exchange of a portion of Erf 384, Swakopmund measuring 200m² with a portion of Erf 2747, Swakopmund of the same size to the Estate of the Late Mr Albertus Johannes Ludevicus Van Biljon.
- (b) That Council does not support the objection received as they do not reveal reasons based on merit why the portion of land should not be exchanged and are based on political and personal perceptions of the objector.
- (c) That Kazak African Experience Cultural Tourism CC be informed to submit their lease proposal once the exchange transaction is finalized, the lease site amended and proposals are invited from the public in terms of Council's decision passed on 28 April 2022 under item 11.1.6, point (i).

- (d) 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 for consideration.

11.1.29 **DETERMINATION OF PURCHASE PRICES: SALE OF ERVEN TO MR N RAMAKHUTLA - TWO PORTIONS OF THE SUBDIVISION OF THE REMAINDER OF ERF 138, MONDESA**
(C/M 2023/01/26 - M 4338, 4339)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Council approves the purchase prices for Erven 4338 and 4339, Mondesa as follows in terms of Item 11.1.4 of Council's decision passed on 02 October 2014:

<i>Erf 4338 (575m²)</i>	=	<i>N\$ 439 875.00</i>
<i>Erf 4339 (600m²)</i>	=	<i>N\$ 459 000.00</i>
<i>Total</i>	=	<i>N\$ 898 875.00</i>
<i>+ 15% VAT</i>	=	<i>N\$ 134 831.25</i>
<i>Total</i>	=	<i><u>N\$1 033 706.25</u></i>

- (b) That Council remains with its decision passed on 29 September 2011 under Item 11.1.5 for the sale of erven to Mr Norman Ramakhutla, but that the following point be amended to read that the purchase price be secured within 120 days from the last party signing the deeds of sale:

(b) *That the sale be subject to the following conditions:*

4. *PAYMENT OF PURCHASE PRICE AND VAT*

- (i) *The purchase price and 15% VAT to be secured by means of a bank guarantee payable on date of transfer.*

11.1.30 **INTERIM VALUATION COURT 2023**
(C/M 2023/01/26 - 3/6/3)

RESOLVED:

CO: P
Acting GM: CS&HC

- (a) That Ms Diana McClune and Ms Katrina Emvula be appointed as Council's representative and *secundi* respectively for the Interim Valuation Court for 2023.
- (b) That should any of the above nominated persons be unavailable to attend the Interim Valuation Court for 2023, Mr Abel Schoeman and or Mr Frank Lohnert be contacted to assist.
- (c) That the Ministry of Urban and Rural Development be requested to nominate a representative for the Interim Valuation Court 2023.
- (d) That the compensation for Council's representative at the Valuation Court be N\$500.00 per sitting, per day.

- (e) That the cost be defrayed from Vote: 101010215900 (Assessment Rates: Valuation Court).
- (f) That in terms of Section 69 of the Local Authorities Act 23 of 1992, as amended, a notice be published in at least two newspapers on a date not later than 30 days before the date of the Valuation Court.
- (h) That requirements regarding the interim valuation as prescribed in the Local Authorities Act 23 of 1992, (as amended) be dealt with successfully.

11.1.31 **REDUCED CONVEYANCING FEES (TRANSFER AND BOND COST) FOR LOW AND ULTRA-LOW-COST HOUSING TRANSACTIONS**

(C/M 2023/01/26 - 16/1/4/2/1/14, 14/2/1/14)

CO: P
CEO
Acting GM: CS&HC

RESOLVED:

- (a) That Council delegates the authority to the General Manager: Corporate Services and Human Capital to sign Low-Cost Housing Certificates on behalf of the Chief Executive Officer to accelerate the transfer process.
- (b) That Council takes note of the amended Deeds Registry Regulations: Deeds Registries Act, 1937, for conveyancers to charge low-income housing a reduced fee as stipulated under Part II, Conveyancing and Notarial fees.
- (c) That Council takes note that the 6 law firms following are willing to reduce the transfer cost and bond cost even further, to a subminimum on condition that a bulk of 50 transfer transactions be given at a time:

ANNEXURE "B"	ANNEXURE "C"	ANNEXURE "D"	ANNEXURE "E"	ANNEXURE "F"	ANNEXURE "G"
PF Koep & Co	ENS Africa	Masiza Law Chambers	Conradie & Damaseb	Kinghorn Associates	Dr Weder, Kauta & Hoveka Inc Attorney
<p>*Transfer N\$3000 + other cost = N\$4 255.00</p> <p>*Bond N\$3 000.00 + other cost = N\$3 795.00 Total = N\$8 050.00</p> <p>Request large volumes of transfers</p>	<p>*Transfer</p> <p>*Bond Did not give figures. Wants to know the volumes of work</p>	<p>*Transfer N\$3 345.00</p> <p>*Bond N\$4 890.00 + other cost Total = N\$8 235.00</p> <p>Wants to know how many transactions</p>	<p>*Transfer N\$1 200</p> <p>*Bond inclusive of Stamp Duty charges</p>	<p>*Transfer and Mun Bonds N\$4 312.50 + N\$345.00 registration cost</p> <p>Can renegotiate if Substantial number of transfers and mun bonds are given</p>	<p>*Transfer N\$5 000 – N\$6 800.00</p> <p>*Bond N\$5 000.00 to N\$6 800.00</p> <p>Total = N\$13 600.00</p> <p>If receive 50 transactions agrees to charge N\$1 200 + Vat + other cost, await our back to confirm definite</p>

11.1.32 **TRANSFER OF ELECTRICAL SUBSTATIONS: ERONGO RED**

(C/M 2023/01/26 - 5/6/3, Tam 630, E 5359, E 4135, Mo Ordinary Council Meet

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

RESOLVED:

- (a) That Council takes note of the transfer of the existing assets as per Schedule B of the Transfer Agreement.
- (b) That the following erven be transferred to Erongo Regional Electricity Distributor Company (Proprietary) Limited in terms of Schedule B of the Transfer Agreement:

	<i>Erf Number</i>	<i>Asset Number</i>	<i>Substation</i>
1	<i>Erf 630, Ext 1, Tamariskia</i>	<i>(SWNL0097)</i>	<i>SOS Kinderdorf Sub</i>
2	<i>Erf 5359, Ext 15, Swakopmund</i>	<i>(SWNL0017)</i>	<i>Hage Heights Extension 11 Sub</i>
3	<i>Erf 4135, Ext 12, Swakopmund</i>	<i>(SWNL0087)</i>	<i>Vogelstrand Sub</i>
4	<i>Erf 775, Ext 2, Mondesa</i>	<i>(SWNL0033)</i>	<i>Jabulani Sub 4</i>
5	<i>Erf 721, Ext 2, Mondesa</i>	<i>(SWNL0032)</i>	<i>Jabulani Sub 3</i>
6	<i>Erf 913, Ext 2, Mondesa</i>	<i>(SWNL0030)</i>	<i>Jabulani Sub 1</i>

- (c) That point (d) 10. of Council's decision passed on 31 October 2019 under item 11.1.18 be amended to read that Erf 5359, Swakopmund is removed from (d) as follows:
- (d) That the following erven not forming part of the Asset Transfer Agreement be sold to Erongo RED as indicated below:

#	<i>Erf #</i>	<i>Description</i>	<i>Purchase Price / m²</i>	<i>Size</i>	<i>Purchase Price</i>
10	<i>E 5359</i>	<i>Tsavorite Sub-Station - Mile 4: Ext 15</i>	<i>N\$ 500.00</i>	<i>730</i>	<i>365 000.00</i>

And be added to point (c), as follows:

- (c) *That the following erven be transferred to Erongo Regional Electricity Distributor Company (Proprietary) Limited in terms of Schedule B of the Transfer Agreement:*

#	<i>Erf #</i>	<i>Description</i>	<i>Asset Number</i>
10	<i>Erf 5359</i>	<i>Hage Heights Extension 11 Sub</i>	<i>SWNL 0017</i>

- (d) That Ministerial approval be requested in terms of Section 30 (1) (t) of the Local Authorities Act 23 of 1992, as amended to proceed with the alienation process.
- (e) That Erongo RED be requested to fence and maintain the substations.

11.1.33

BIG HEARTS GALA DINNER

(C/M 2023/01/26 - 3/15/1/6/1, 5/5/1)

RESOLVED:

CEO
GM: F

- (a) That Council supports the Namibia Heart Foundation fund raising gala dinner.

- (b) That approval be granted for payment of 10 seats for the Councillors to attend the gala dinner.
- (c) That provision be made for the pledge at the gala dinner.
- (d) That Council determines the pledge amount to be made.
- (e) That the Namibian Heart Foundation provides Council with an invoice to effect payment.
- (f) That the payment of N10 000.00 be defrayed from the Council's Conference Expenses Vote: 101015505500 where N\$337 608.97 is available.

11.1.34 **74TH REPUBLIC DAY OF INDIA**
(C/M 2023/01/26 - 5/5/1)

RESOLVED:

CEO
GM: F

- (a) That Council approves the invitation extended to the Mayor.
- (b) That approval be granted for the Mayor and the Traffic Officer to attend the 74th Republic Day of India, scheduled to take place on 26 January 2023 as per the table below:

SUMMARY OF EXPENDITURE					
<i>Item</i>	<i>Lunch Tarif (1x350,00)</i>	<i>Overnight Allowance (1x750,00)</i>	<i>Accommodation (1x750,00)</i>	<i>Transport cost (N\$3.80/km)</i>	<i>Total</i>
<i>Cllr. Dina Namubes</i>	<i>N\$400.00</i>	<i>N\$1000.00</i>	<i>N\$1 000.00</i>	<i>-</i>	<i>N\$2 400.00</i>
<i>Ms Sofia Hansen</i>	<i>N\$400.00</i>	<i>N\$1000.00</i>	<i>N\$1 000.00</i>	<i>-</i>	<i>N\$2 400.00</i>
TOTAL EXPENDITURE ON SUBSISTENCE AND EVENT COSTS				-	N\$4 800.00

- (c) That subsistence and traveling allowance at a total of N\$4800.00 be defrayed from the Council's Conference Expenses Vote 101015505500 where N\$397,215.00 is available.

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

None.

The meeting adjourned: **20:00.**

Minutes to be confirmed on: **23 February 2023.**

D Am-!Gabeb
DEPUTY MAYOR

Mr C McClune
CHIEF EXECUTIVE OFFICER (ACTING)